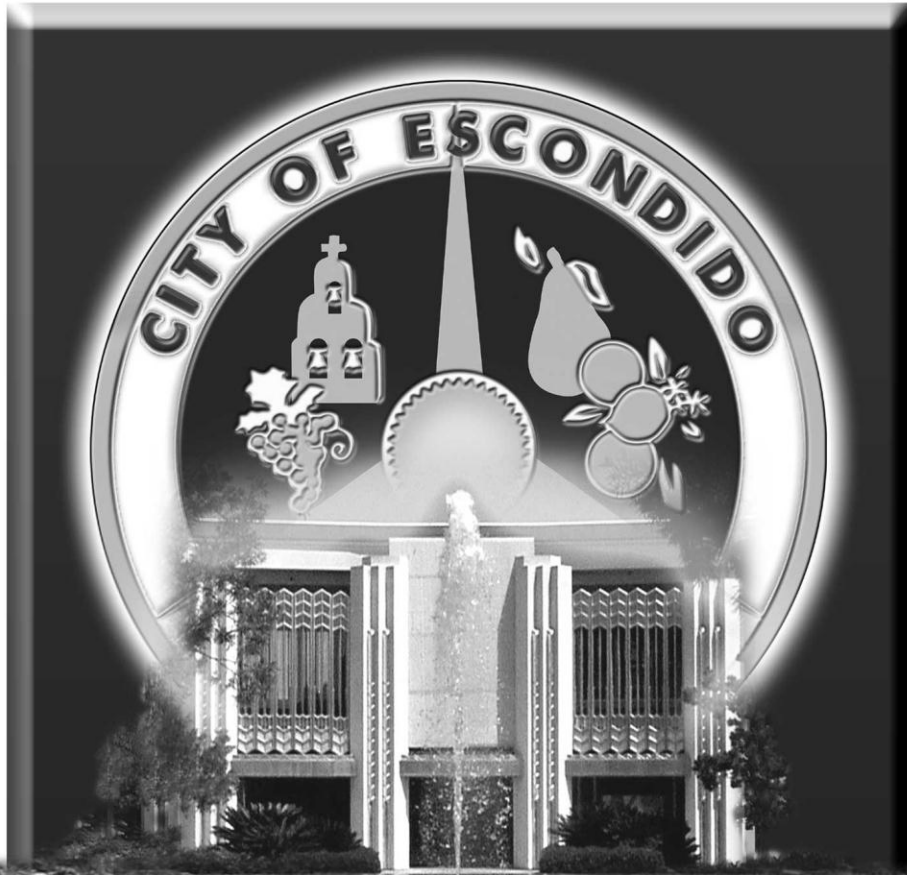




Council Meeting Agenda

October 3, 2012

CITY COUNCIL CHAMBERS

3:30 p.m. Closed Session; 4:30 p.m. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR

Sam Abed

DEPUTY MAYOR

Marie Waldron

COUNCIL MEMBERS

Olga Diaz

Ed Gallo

Michael Morasco

CITY MANAGER

Clay Phillips

CITY CLERK

Diane Halverson

CITY ATTORNEY

Jeffrey Epp

DIRECTOR OF COMMUNITY DEVELOPMENT

Barbara Redlitz

DIRECTOR OF ENGINEERING SERVICES

Ed Domingue

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Council during the meeting are part of the public record and may be retained by the Clerk.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.



Council Meeting Agenda

**October 3, 2012
3:30 p.m. Meeting**

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Morasco, Waldron, Abed

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a.** Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical/
Engineering (ACE) Bargaining Unit
- b.** Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP)
Bargaining Unit

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

- a.** Property: E. Felicita Road (APN 238-102-41 and 45)
Agency Negotiators: Debra Lundy, Real Property Manager
Negotiating parties: Thomas F. Seymour, et al.
Under negotiation: Price and Terms of Acquisition

ADJOURNMENT



Council Meeting Agenda

**October 3, 2012
4:30 p.m. Meeting**

**Escondido City Council
Mobilehome Rent Review Board**

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Gallo, Morasco, Waldron, Abed

PRESENTATIONS: San Onofre Nuclear Generating Station Emergency Planning
Del Lago Academy

PROCLAMATIONS: Employee Recognition: Gene Meese and Kevin Constable

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications. (Please refer to the back page of the agenda for instructions.) *NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.*

COUNCIL MEMBERS' REPORTS/BRIEFING

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES: Regular Meeting of September 12, 2012**
4. **COUNTY OF SAN DIEGO VECTOR HABITAT REMEDIATION PROGRAM FUNDING GRANT – MISSION POOLS & SAND LAKE PROJECTS AND BUDGET ADJUSTMENT –**
Request Council authorize the acceptance of Vector Remediation Program Grant funds (\$226,000 for Mission Pools and \$224,500 for Sand Lake in Kit Carson Park) from the County of San Diego Department of Environmental Health; and approve budget adjustments needed for these projects.

Staff Recommendation: Approval **(Utilities Department: Christopher McKinney)**

5. **SECOND AMENDMENT TO LEASE AGREEMENT WITH INTERFAITH COMMUNITY SERVICES AT 401 N. SPRUCE STREET** – Request Council authorize the Real Property Manager and City Clerk to execute a Second Amendment to Lease Agreement with Interfaith Community Services at 401 N. Spruce Street.

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

RESOLUTION NO. 2012-159

6. **FIRST AMENDMENT TO LEASE AGREEMENT WITH KATHLEEN CARR: 1045 W. MISSION AVENUE (CITY RECORDS CENTER)** – Request Council authorize the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Kathleen Carr at 1045 W. Mission Avenue.

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

RESOLUTION NO. 2012-160

7. **THIRD AMENDMENT TO CONSULTING AGREEMENT WITH SCS ENGINEERS – ORANGE GLEN MARKET REMEDIATION PROJECT** – Request Council authorize the Mayor and City Clerk to execute a third amendment to the consulting agreement with SCS Engineers in the amount of \$15,655.

Staff Recommendation: Approval **(Engineering Services: Ed Domingue)**

RESOLUTION NO. 2012-156

CONSENT CALENDAR CONTINUED

8. **CALIFORNIA LIBRARY LITERACY SERVICES (CLLS) LITERACY AWARD** – Request Council approve a \$34,901 literacy grant award from the California State Library.

Staff Recommendation: Approval (**Community Services/Library: Jerry Van Leeuwen**)

9. **BUDGET ADJUSTMENT REQUEST AND CONTRACT CHANGE ORDER FOR RGP 87 – SEWER OUTFALL MITIGATION WORK** – Request Council authorize the Deputy Director of Utilities to execute a change order with Southland Paving for additional work related to RGP87 – Sewer Outfall Mitigation Project on a time and materials basis in an amount not to exceed \$500,000; and approve a budget adjustment in the amount \$500,000.

Staff Recommendation: Approval (**Utilities Department: Christopher McKinney**)

RESOLUTION NO. 2012-170

10. **FISCAL YEAR 2012-13 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LIFE SAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept a FY 2012-13 San Diego County Law Enforcement Foundation Grant in the amount of \$2,144; authorize the Chief of Police to submit grant documents on behalf of the City; and authorize staff to establish a budget adjustment to spend grant funds.

Staff Recommendation: Approval (**Police Department: Cory Moles**)

11. **ESCONDIDO CITY EMPLOYEES' ASSOCIATION – ADMINISTRATIVE, CLERICAL AND ENGINEERING UNIT MEMORANDUM OF UNDERSTANDING** – Request Council amend the Escondido Employee's Association – Administrative, Clerical and Engineering Bargaining Unit Memorandum of Understanding.

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-168

12. **ESCONDIDO CITY EMPLOYEES' ASSOCIATION – SUPERVISORY UNIT MEMORANDUM OF UNDERSTANDING** – Request Council amend the Escondido Employee's Association – Supervisory Bargaining Unit Memorandum of Understanding.

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-169

CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

13. PARKING CODE AMENDMENT, CASE NO. AZ 12-0004 – APPROVED WITH A VOTE OF 5/0 ON SEPTEMBER 12, 2012.

ORDINANCE NO. 2012-17 (Second Reading and Adoption)

PUBLIC HEARINGS

14. SHORT-FORM RENT INCREASE APPLICATION FOR LAKE BERNARDO MOBILE ESTATES - Request Council consider the short-form rent increase application submitted by Lake Bernardo Estates, and if approved, grant an increase of seventy-five percent (75%) of the change in the Consumer Price Index or 2.802%, (an average of \$14.92), for the period of June 30, 2009 to December 31, 2011.

Staff Recommendation: Approval (**Community Services/Housing: Jerry Van Leeuwen**)

RESOLUTION RRB NO. 2012-10

15. ORDINANCE AMENDING CHAPTER 12 OF THE ESCONDIDO MUNICIPAL CODE REGARDING MOBILE FOOD FACILITIES (CASE NO. AZ 12-0005) - Request Council introduce and subsequently approve amending Chapter 12 of the Escondido Municipal Code to allow grading of Mobile Food Facilities that prepare food.

Staff Recommendation: Approval (**Community Development/Planning: Barbara Redlitz**)

ORDINANCE NO. 2012-18 (Introduction and First Reading)

CURRENT BUSINESS

16. PARK IMPROVEMENT PROJECTS - Request Council consider and select park improvement projects funded by Park Development Funds and a grant from the State of California Department of Housing in the amount of \$251,275.

Staff Recommendation: Provide direction to staff (**Community Services: Jerry Van Leeuwen**)

17. FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2012 - Request Council receive and file the financial status report for Fiscal Year 2011-12.

Staff Recommendation: Receive and File (**Finance Department: Gilbert Rojas**)

FUTURE AGENDA

- 18. FUTURE AGENDA ITEMS** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None (**City Clerk's Office: Diane Halverson**)

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
October 10	No Meeting	-	-	-
October 17	Wednesday	3:30pm & 4:30pm	Council Meeting	Council Chambers
October 24	No Meeting	-	-	-
October 31	No Meeting	-	-	-
November 7	No Meeting	-	-	-

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item *not* on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at www.escondido.org/meeting-agendas.aspx
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org and clicking the "Live Streaming – City Council Meeting now in progress" button on the home page

Please turn off all cellular phones and pagers while the meeting is in session.

The City Council is scheduled to meet the first four Wednesdays of the month at 3:30 in Closed Session and 4:30 in Open Session.

(Verify schedule with City Clerk's Office)

Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers Financing Authority and the Mobilehome Rent Review Board.

CITY HALL HOURS OF OPERATION

Monday-Thursday 7:30 a.m. to 5:30 p.m.



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.

CITY OF ESCONDIDO
September 12, 2012
3:30 p.m. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, September 12, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to recess to Closed Session. Motion carried unanimously.

I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Administrative/Clerical/
Engineering (ACE) Bargaining Unit
- b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido City Employee Association: Supervisory (SUP)
Bargaining Unit

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:00 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
September 12, 2012
4:30 p.m. Meeting Minutes

Escondido City Council
and as Successor Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Successor Agency to the CDC was called to order at 4:30 p.m. on Wednesday, September 12, 2012 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember Michael Morasco, Deputy Mayor Marie Waldron, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Engineering Services Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PROCLAMATIONS

Mayor Abed introduced Dr. Brenda Morales who accepted a proclamation for Community Wellness Day on September 22, 2012.

Mayor Abed introduced Elisa Marrone, Utilities, who accepted a proclamation for 2012 Pollution Prevention Week, September 17-23, 2012.

Mayor Abed introduced Monty Miani who accepted a proclamation for National Neighborhood Day.

Mayor Abed introduced Don Rawson, Michael Lowry, Randy Licata, Carol Valpreda, Beth Hall, Fred McDavitt, Steve Boyle, and Bob Leon who accepted proclamations for National Preparedness Month, September 2012.

ORAL COMMUNICATIONS

Patricia Mues, Escondido, Escondido 2012 Moderator, reported that a non-partisan, on-line forum sponsored by Escondido's future, was available for City Council candidates and residents to respond to questions regarding quality of life issues. This forum can be accessed at: www.escondido2012.wordpress.com

Mel Takahara, Escondido, indicated that a study showed that students who attended libraries excelled academically.

Delores McQuiston, Escondido, asked what the best way was to navigate the pedestrian plaza.

Scott Davis, Escondido, voiced concern about the traffic on Citrus Avenue and other areas in the city.

Patricia Borchmann, Escondido, expressed appreciation that a presentation was scheduled at a future meeting on the safety of the San Onofre power plant.

Daniel Moriarty, Escondido, voiced concern with the Moment of Reflection at the beginning of each Council meeting.

CONSENT CALENDAR

Mayor Abed removed items 9 and 13, Councilmember Morasco removed items 6, 7 and 10, Councilmember Diaz removed items 14 and 15 and Councilmember Waldron removed item 5 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 5, 6, 7, 9, 10, 13, 14, and 15. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/CDC/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/CDC)**
3. **APPROVAL OF MINUTES:**
 - Regular Meeting of July 25, 2012
 - Regular Meeting of August 1, 2012
 - Regular Meeting of August 8, 2012
 - Regular Meeting of August 15, 2012
 - Regular Meeting of August 22, 2012
4. **LIFT STATION CONSOLIDATION DESIGN CONSULTING AGREEMENT** – Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with Brown and Caldwell Corporation for the Lift Station Consolidation Design in the amount of \$862,759. (File No. 0600-10 [A-3064])

Staff Recommendation: Approval (**Utilities Department: Christopher McKinney**)

RESOLUTION NO. 2012-151

5. **EASTERLY RECYCLED WATER MAIN EXTENSION DESIGN CONSULTING AGREEMENT –** Request Council authorize the Mayor and City Clerk to execute a Consulting Agreement with RMC Corporation for the Easterly Recycled Water Main Extension Design in the amount of \$1,114,843. (File No. 0600-10 [A-3065])

Staff Recommendation: Approval (**Utilities Department: Christopher McKinney**)

RESOLUTION NO. 2012-150

Councilmember Waldron asked when the water lines would be aligned.

Paul Keck, Utilities, answered they were still looking at which alignment would be best for the city.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize the Mayor and City Clerk to execute a Consulting Agreement with RMC Corporation for the Easterly Recycled Water Main Extension Design in the amount of \$1,114,843 and adopt Resolution No. 2012-150. Motion carried unanimously.

6. **AUTHORIZATION TO APPROVE AND EXECUTE FIRST AMENDMENT FOR CHEMICAL BID AWARD –** Request Council authorize a First Amendment for the Chemical Bid Award to Kemira Water Solutions Inc. for the purchase of ferric sulfate. The amendment increases the contractual authorization for chemical purchases through the end of Fiscal Year 2013 by \$74,250. (File No. 0470-35)

Staff Recommendation: Approval (**Utilities Department: Christopher McKinney**)

RESOLUTION NO. 2012-154

Councilmember Morasco asked for clarification of the request.

Christopher McKinney, Utilities Director, indicated this had been inadvertently omitted from the supporting documentation.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Waldron to authorize a First Amendment for the Chemical Bid Award to Kemira Water Solutions Inc. for the purchase of ferric sulfate and adopt Resolution No. 2012-154. The amendment increases the contractual authorization for chemical purchases through the end of Fiscal Year 2013 by \$74,250. Motion carried unanimously.

7. **SUMMARY STREET VACATION - PORTION OF NORTH ELM STREET –** Request Council authorize the summary street vacation of a 1,633 square foot portion of North Elm Street, located between E. Valley Parkway and E. Pennsylvania Avenue. (File No. 0690-40)

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

RESOLUTION NO. 2012-152

Morasco asked for clarification of a summary street vacation.

Debra Lundy, Real Property Manager, stated this was a way to reduce staff time and streamline the process.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to authorize the summary street vacation of a 1,633 square foot portion of North Elm Street, located between E. Valley Parkway and E. Pennsylvania Avenue and adopt Resolution No. 2012-152. Motion carried unanimously.

8. **LEASE AGREEMENT WITH WICKLINE BEDDING AT 455 N. QUINCE** – Request Council authorize the Real Property Manager and City Clerk to execute a Lease Agreement with Wickline Bedding at 455 N. Quince. (File No. 0600-10 [A-3026])

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

RESOLUTION NO. 2012-153

9. **REIMBURSEMENT AGREEMENT FOR INSTALLATION OF PUBLIC IMPROVEMENTS IN THE CITY OF ESCONDIDO: WAL- MART PROJECT** – Request Council authorize the Director of Utilities to execute a reimbursement agreement with Wal-Mart Stores, Inc., for public improvements. (File No. 0600-75 & 0800-40 Walmart)

Staff Recommendation: Approval (**Engineering Services: Ed Domingue**)

RESOLUTION NO. 2012-157

Patricia Borchmann, Escondido, voiced concern that fee waivers would be approved for the project.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to authorize the Director of Utilities to execute a reimbursement agreement with Wal-Mart Stores, Inc., for public improvements and adopt Resolution No. 2012-157. Motion carried unanimously.

10. **WRITE-OFF OF HOUSING LOANS** – Request Council approve the write-off of various housing loans. The total amount of the write off is \$360,793. (File No. 0875-16)

Staff Recommendation: Approval (**Finance Department: Gil Rojas**)

Councilmember Morasco asked how many of these loans were from the first time home buyer program.

Jerry VanLeeuwen, Community Services Director, answered the amount represented approximately 1500 loans.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve the write-off of various housing loans. The total amount of the write off is \$360,793. Motion carried unanimously.

11. **YEAR 2013 HOLIDAYS** – Request Council designate the days that City offices will be closed in the year 2013 for holiday observances. (File No. 0740-30)

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-147

12. **MAINTENANCE AND OPERATIONS BARGAINING UNIT MEMORANDUM OF UNDERSTANDING** – Request Council amend the Maintenance and Operations Bargaining Unit Memorandum of Understanding. (File No. 0740-30)

Staff Recommendation: Approval (**Human Resources: Sheryl Bennett**)

RESOLUTION NO. 2012-149

- 13. PROPOSAL TO OPERATE AN ESCONDIDO CONVENTION AND VISITORS BUREAU –** Request Council approve a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau. (File No. 0135-10)

Staff Recommendation: Approval (**City Manager's Office: Joyce Masterson**)

Joyce Masterson, Assistant to the City Manager, and Catherine Zimmer, Chamber of Commerce President, gave the staff report.

Nicole Downey, Escondido, stated she was opposed to the Chamber of Commerce running a convention and visitors bureau.

MOTION: Moved by Councilmember Waldron and seconded by Councilmember Morasco to approve a proposal by the Escondido Chamber of Commerce to operate an Escondido Convention and Visitors Bureau without the additional funding of \$21,121. Ayes: Abed, Morasco and Waldron. Noes: Diaz and Gallo. Absent: None. Motion carried.

- 14. FY 2013 CALIFORNIA OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT GRANT AND BUDGET ADJUSTMENT –** Request Council authorize the Escondido Police Department to accept a Fiscal Year 2013 Sobriety Checkpoint grant from the Office of Traffic Safety in the amount of \$188,100; authorize the Chief of Police to execute contract documents on behalf of the City; and approve a budget adjustment needed to spend grant funds for overtime expenses. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

Councilmember Diaz asked if the checkpoints were night check points and voiced concern that the checkpoints were held on the east part of the town

Police Lieutenant Tom Albergo indicated that most of the checkpoints were located on the western part of town.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Waldron to authorize the Escondido Police Department to accept a Fiscal Year 2013 Sobriety Checkpoint grant from the Office of Traffic Safety in the amount of \$188,100; authorize the Chief of Police to execute contract documents on behalf of the City; and approve a budget adjustment needed to spend grant funds for overtime expenses. Motion carried unanimously.

- 15. FY 2013 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT AND BUDGET ADJUSTMENT –** Request Council authorize the Escondido Police Department to accept a Fiscal Year 2013 State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program Grant in the amount of \$70,000; authorize the Chief of Police to submit grant documents on behalf of the City; and approve a budget adjustment to spend grant funds. (File No. 0480-70)

Staff Recommendation: Approval (**Police Department: Jim Maher**)

Councilmember Diaz asked for clarification of the programs.

Police Lieutenant Tom Albergo described each of the programs in depth.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Waldron to authorize the Escondido Police Department to accept a Fiscal Year 2013 State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program Grant in the amount of \$70,000; authorize the Chief of Police to submit grant documents on behalf of the City; and approve a budget adjustment to spend grant funds. Motion carried unanimously.

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/ Successor Agency to the CDC /Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

PUBLIC HEARING

- 16. APPROVE AN AMENDMENT TO FY 2012-2013 ONE YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) TO ALLOCATE \$40,000 IN UNALLOCATED CDBG FUNDS FOR A GRAFFITI REMOVAL PROJECT** – Request Council approve an amendment to the FY 2012-2013 One Year Action Plan to allocate \$40,000 in unallocated CDBG funds to a Graffiti Removal Project. (File No. 0870-11)

Staff Recommendation: Approval (**Neighborhood Services: Rich Buquet**)

Rich Buquet, Neighborhood Services Manager, gave the staff report.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to approve an amendment to the FY 2012-2013 One Year Action Plan to allocate \$40,000 in unallocated CDBG funds to a Graffiti Removal Project. Motion carried unanimously.

- 17. PARKING CODE AMENDMENT, CASE NO. AZ 12-0004** – Request Council approve amendments to the Escondido Zoning Code Article 39 - Off-Street Parking to add provisions allowing administrative adjustments for minor reductions in required parking and other revisions. (File No. 0810-20)

Staff Recommendation: Approval (**Community Development/Planning: Barbara Redlitz**)

ORDINANCE NO. 2012-17 (Introduction and First Reading)

Rozanne Cherry, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morrasco to approve amendments to the Escondido Zoning Code Article 39 - Off-Street Parking to add provisions allowing administrative adjustments for minor reductions in required parking and other revisions and introduce Ordinance No. 2012-17. Motion carried unanimously.

CURRENT BUSINESS

18. **SAN DIEGO COUNTY PACE FINANCING** – Request Council authorize the Mayor to send a letter to the County Board of Supervisors expressing support for San Diego County's development of additional Property Assessed Clean Energy (PACE) financing programs. (File No. 0135-10)

Staff Recommendation: None (**Mayor Sam Abed and Councilmember Ed Gallo**)

Mayor Abed led the discussion.

Crystal Crawford, Ygrene Energy Fund, gave the report.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Waldron to send a letter to the County Board of Supervisors expressing support for San Diego County's development of additional Property Assessed Clean Energy (PACE) financing programs. Motion carried unanimously.

19. **APPOINTMENT TO PUBLIC ART COMMISSION AND COMMUNITY SERVICES COMMISSION** – Request Council ratify the Mayor's recommendation to (1) appoint Steffi Harrison to fill an unscheduled vacancy on the Public Art Commission, term to expire March 31, 2014; and (2) appoint Joseph Garcia as a youth representative to fill an unscheduled vacancy on the Community Services Commission, term to expire March 31, 2014. (File No. 0120-10)

Staff Recommendation: Approval (**City Clerk's Office: Diane Halverson**)

MOTION: Moved by Mayor Abed and seconded by Councilmember Gallo to appoint Steffi Harrison to the Public Art Commission and Joseph Garcia to the Community Services Commission. Motion carried unanimously.

FUTURE AGENDA

20. **FUTURE AGENDA ITEMS** - The purpose of this item is to identify issues presently known to staff or which members of the Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: None (**City Clerk's Office: Diane Halverson**)

ORAL COMMUNICATIONS

None

COUNCIL MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

Councilmember Diaz stated she attended an Escondido Creek Water Shed Alliance meeting and a series of gardening workshops were being offered throughout the county. The Escondido workshop was scheduled for October 27, 2012 at the East Valley Parkway Home Depot.

Councilmember Waldron attended a League of California Cities conference and noted that the League had approved stiffer penalties for internet crimes against children, an Emergency Management Mission for California cities to become more self-sufficient and clarified the fines that public safety was collecting.

Councilmember Morasco attended a City School Subcommittee meeting where the Del Lago High school project was discussed; and indicated the Maple Street Pedestrian Plaza was a beautiful project.

Mayor Abed requested the Council Members' Committee Reports/Comments/Briefing item be moved to the beginning of the meeting after the Oral Communications section. He also stated there would be a presentation on the Del Lago Academy at a future meeting. He displayed pictures of the Maple Street Grand Opening and the Grape Day Festival Wine and Beer Tasting Pavilion.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:00 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Christopher W. McKinney, Director of Utilities

SUBJECT: County of San Diego Vector Habitat Remediation Program Funding Grant – Mission Pools and Sand Lake Projects

RECOMMENDATION:

The Utilities Department requests authorization to accept Vector Habitat Remediation Program Grant funds (\$226,000 for Mission Pools and \$224,500 for Sand Lake in Kit Carson Park) from the County of San Diego Department of Environmental Health (DEH). Such authorization will allow the Director of Utilities to submit grant documents to the County DEH. It would also allow the Director of Finance and the Director of Utilities to approve the budget adjustments needed for these projects.

FISCAL ANALYSIS:

To support dredging and vegetation removal costs of approximately \$265,500 for Sand Lake in Kit Carson Park, the City applied for and has been awarded a \$224,500 grant from the County DEH's Vector Remediation Grant Program. Additionally, the City has been awarded a \$226,000 grant to design a full scope of work (construction plan development, CEQA review, and permit application development) to address drainage issues in a section of the Flood Control Channel between 3rd Avenue and West Valley Parkway (Mission Pools site). The City will provide \$63,000 in match funds from the Utilities Department's stormwater budget.

PREVIOUS ACTION:

On July 13, 2011, the City Council adopted Resolution No. 2011-97, which authorized the Director of Utilities to pursue a Regional General Permit (RGP) through the U.S. Army Corps of Engineers to regularly maintain Escondido's natural and modified drainages (i.e., remove sediment and vegetation that impedes flow and supports habitat for mosquitos and vectors). On May 23, 2012, the City Council adopted Resolution No. 2012-77, authorizing two applications to the County DEH for Vector Habitat Remediation Program grants.

BACKGROUND:

The County DEH funds projects that focus on comprehensive, long-term solutions for source reduction of mosquito-breeding habitat through a competitive grant process. This process is conducted by the County DEH's Vector Habitat Remediation Program. Addressing the sources that support mosquitos will include removing vegetation in natural and modified waterways and/or drainages. Overall, this mosquito/vector habitat removal program is intended to offer long-term solutions that will better protect the public's health and safety. Both construction and study projects are funded through this program.

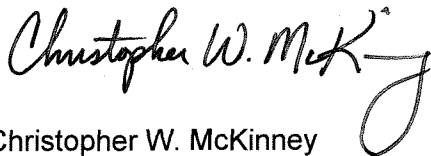
For the past year, the City has been developing comprehensive permit applications (Regional General Permit [RGP]) to obtain long-term approval from environmental regulators to remove vegetation from the City's natural and modified drainages, such as Escondido and Kit Carson Creeks. The intent of this effort is to enable the City to regularly maintain its drainages to sustain flow and to prevent the growth of mosquito- and vector-breeding habitats that pose public health and safety risks. Because of Escondido's extensive drainage system that includes over 60 maintenance sites, the initial vegetation removal effort will be expensive, especially for natural waterways that are impacted with more vegetation. To offset these anticipated costs, the City's Utilities Department/Environmental Division applied for grants to address two sites under the County DEH's Vector Habitat Remediation Program: (1) Sand Lake in Kit Carson Park, which will involve the removal of sediment and vegetation; and (2) the Mission Pools site adjacent to West Valley Parkway, which will involve developing plans for a complex, two-phased habitat remediation project.

Sand Lake, which is located in Kit Carson Park, features significant sediment and vegetation issues due to heavy sediment and nutrient pollution loads that are transported via surface water runoff through the city's stormwater conveyance system. The Sand Lake Habitat Remediation Project grant will provide \$224,500 to complete a CEQA review, acquire permits, and perform the dredging and removal of materials from Sand Lake in Kit Carson Park (total project costs are anticipated to be \$265,200). The second site, Mission Pools, is a large and complex area located near the heart of downtown Escondido. Because of its complexity and projected expense, this site will be broken into two phases and three physical segments that include natural and concrete structures that traverse West Valley Parkway. Due to its size and different types of drainages, planning for this project is needed to develop a successful permit application. The Mission Pools Habitat Remediation Project grant will provide \$226,000 (total project costs are anticipated to be \$248,000) to study the area, design a plan to remediate the site, as well as to complete the CEQA review and permit applications.

CONCLUSIONS:

To provide a cost-effective, long-term solution for mosquito/vector habitat removal that will better protect public health and safety, it is recommended that the City Council authorize the Utilities Department/Environmental Division to accept County DEH Vector Habitat Remediation Program Grant funds in the amount of \$226,000 for the Mission Pools project and \$224,500 for the Sand Lake/Kit Carson Park project.

Respectfully submitted,



Christopher W. McKinney
Director of Utilities



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 10/3/2012
Department: Utilities
Division: Stormwater
Project/Budget Manager: Cheryl Filar 6315
Name Extension
Council Date (if applicable): 10/3/2012
(attach copy of staff report)

For Finance Use Only	
Log #	
Fiscal Year	
	Budget Balances
	General Fund Accts
	Revenue
	Interfund Transfers
	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
em Vector Habitat Remediation (grant funds) - Mission Pools	227-4126-NEW	\$226,000	
Vector Habitat Remediation (match) - Mission Pools	227-3050-NEW	\$22,000	22,000
Vector Habitat Remediation Program - Mission Pools	227-0000-NEW	248,000	

Explanation of Request:

Budget adjustment to fund a study to design a plan to improve circulation of an unnamed tributary of Escondido Creek, perform CEQA review and acquire permits for final project. Grant funds awarded by County of San Diego Department of Environmental Health, Vector Habitat Remediation Program; matching funds from Stormwater budget.

APPROVALS

<u>Christopher W. McK...</u>	<u>09-24-2012</u>	City Manager	Date
Department Head	Date		
<u>Jodi Conland...</u>	<u>9/25/12</u>	City Clerk	Date
Finance	Date		



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 10/3/2012
Department: Utilities
Division: Stormwater
Project/Budget Manager: Cheryl Filar 6315
Name Extension
Council Date (if applicable): 10/3/2012
(attach copy of staff report)

<u>For Finance Use Only</u>	
Log #	_____
Fiscal Year	_____
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Vector Habitat Remediation (grant funds) - Sand Lake	227-4126-NEW	\$224,500	
Vector Habitat Remediation (match) - Sand Lake	227-3050-NEW	41,000	41,000
Vector Habitat Remediation - Sand Lake	227-0000-NEW	265,500	

Explanation of Request:

Budget adjustment to fund a construction project at Sand Lake removing sediment. Grant funds awarded by County of San Diego Department of Environmental Health, Vector Habitat Remediation Program; matching funds from Stormwater budget.

APPROVALS

Christopher W. McK... 09-24-2012
Department Head Date
Jodi Conderland 9/25/12
Finance Date

City Manager Date

City Clerk Date

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Debra Lundy, Real Property Manager

SUBJECT: Second Amendment to Lease Agreement with Interfaith Community Services at 401 N. Spruce Street

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-159 authorizing the Real Property Manager and City Clerk to execute a Second Amendment to Lease Agreement with Interfaith Community Services at 401 N. Spruce Street.

FISCAL ANALYSIS:

N/A

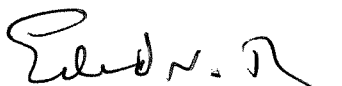
PREVIOUS ACTION:

In closed session discussions on August 8, 2012, Council approved of extending the lease with Interfaith Community Services to December 31, 2012.

BACKGROUND:

Interfaith Community Services has been operating its sobering services center under a five-year lease agreement with the City since 2007. On July 7, 2011, the City entered into a First Amendment to Lease Agreement with Interfaith Community Services to restate the lease termination date of May 31, 2012 and grant two 30-day options (which have been exercised) to extend the lease term to July 31, 2012. The tenant is now requesting to further extend the lease term in order to complete the process of securing its new site and relocating its operations. All other provisions of the Original Lease and First Amendment remain unchanged.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services



Debra Lundy
Real Property Manager

RESOLUTION NO. 2012-159

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER AND CITY CLERK TO EXECUTE,
ON BEHALF OF THE CITY, A SECOND
AMENDMENT TO LEASE AGREEMENT
WITH INTERFAITH COMMUNITY SERVICES

WHEREAS, the City of Escondido ("City") owns certain real property located at
401 N. Spruce Street; and

WHEREAS, the City entered into a five-year lease agreement with Interfaith
Community Services ("Interfaith") commencing June 1, 2007, and expiring on May 31,
2012; and

WHEREAS, the City and Interfaith entered into a First Amendment to Lease
Agreement on July 7, 2011, extending the term of the lease to May 31, 2012, with two
30-day options; and

WHEREAS, Interfaith exercised the two thirty-day options through August 31,
2012, and is now on holdover status; and

WHEREAS, the City and Interfaith desire to enter into a Second Amendment to
Lease Agreement ("Second Amendment") to allow Interfaith continued occupancy at
said real property for its sobering services facility through December 31, 2012; and

WHEREAS, this City Council desires at this time and deems it to be in the best
public interest to approve the Second Amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the Second Amendment with Interfaith, which is attached hereto as Exhibit "1" and incorporated by this reference.



SECOND AMENDMENT TO
LEASE AGREEMENT

This Agreement is made this _____ day of _____, 2012.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
("City")

And: Interfaith Community Services
550 West Washington Avenue, Suite B
Escondido, CA 92025
("Interfaith")

WHEREAS, the City of Escondido ("City") and Interfaith Community Services ("Interfaith") entered into that certain Lease Agreement ("Original Lease") which was dated May 1, 2007 and provided for the lease of property located at 401 North Spruce Street by the City to Interfaith; and

WHEREAS, the term of the Original Lease extended to a date certain of May 31, 2012 but the Original Lease could also be terminated at the City's discretion by providing Interfaith with 90 days advance written notice; and

WHEREAS, on July 7, 2011, the parties entered into a First Amendment to Lease Agreement which reaffirmed the termination date of May 31, 2012, but provided Interfaith with the right to extend the agreement for 60 days; and

WHEREAS, Interfaith has continued ongoing efforts to relocate the operations currently conducted at the property to another site that is more ideally suited to fulfill Interfaith's objective of providing programs and services on a more regional basis; and

WHEREAS, the City intends to use the property and other adjacent City property for economic development purposes; and

WHEREAS, Interfaith has requested and obtained the extension permitted by the First Amendment, but still desires additional time and certainty with respect to their use of the Property.

NOW, THEREFORE, the parties hereto agree as follows:

- 1.) The Term of the Lease is hereby extended to December 31, 2012.
- 2.) All other provisions of the Original Lease as modified by the First Amendment shall remain in full force and effect.
- 3.) The City and Interfaith agree and acknowledge that this Second Amendment, the First Amendment and the Original Agreement constitute the entire understanding and agreement of the parties and is the sole and entire agreement in this matter. The First and Second Amendments and the Original Agreement integrate all of the terms and conditions mentioned herein or incidental hereto, and no promises, inducements or agreements, other than those expressed herein, have been made in connection with this Agreement.
- 4.) Each of the parties has had an opportunity to read, review and consult with legal counsel of their own choosing and agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply to the interpretation of this Second Amendment.
- 5.) This Second Amendment may be executed in one or more separate counterparts, either as original or facsimile, each of which, when so executed, shall together constitute and be one and the same instrument. The Parties executing this Second Amendment represent that each has the authority to sign on behalf of the respective entity.

CITY OF ESCONDIDO

Dated: _____

By: _____
Real Property Manager

Dated: _____

By: _____
City Clerk

LESSEE

Interfaith Community Services

By: _____
Richard Butte, Executive Director

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____
Jeffrey R. Epp, City Attorney

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services
Debra Lundy, Real Property Manager

SUBJECT: First Amendment to Lease Agreement with Kathleen Carr at 1045 W. Mission Avenue
(City Records Center)

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-160 authorizing the Real Property Manager and City Clerk to execute a First Amendment to Lease Agreement with Kathleen Carr at 1045 W. Mission Avenue.

FISCAL ANALYSIS:

This lease is based on a monthly rent of \$3,674.00. This lease amendment does not provide for rent increases for the initial term or the two additional 3-year options if they are exercised.

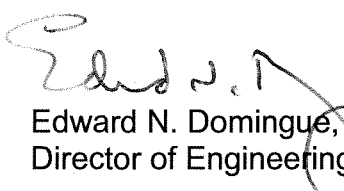
PREVIOUS ACTION:

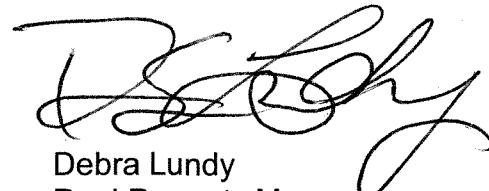
Resolution 2000-89 authorized the first lease agreement, which was subsequently renewed by Council action in 2009 via Resolution 2009-118.

BACKGROUND:

The City has been leasing the subject property for its Records Center since 2000 when it relocated from another leased facility to reduce the square footage to meet requirements of the City's Records Management Plan. The City Clerk's Office desires to continue use of the current property for its Records Center for another term. This First Amendment to the Lease Agreement will serve to extend the term of the lease for another three years with two additional 3-year options to extend the lease.

Respectfully submitted,


Edward N. Domingue, P.E.
Director of Engineering Services


Debra Lundy
Real Property Manager

RESOLUTION NO. 2012-160

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER AND CITY CLERK TO EXECUTE,
ON BEHALF OF THE CITY, A FIRST
AMENDMENT TO LEASE AGREEMENT WITH
KATHLEEN CARR

(City of Escondido Records Center)

WHEREAS, Kathleen Carr owns certain real property located at 1045 W.
Mission Avenue; and

WHEREAS, the City of Escondido ("City") has been leasing this property for its
Records Center since 2000; and

WHEREAS, said real property is functional and meets the City's needs for its
Records Center; and

WHEREAS, the current lease agreement expires on September 30, 2012; and

WHEREAS, the City and Kathleen Carr desire to enter into a First Amendment to
Lease Agreement to allow the City continued occupancy at said real property for the
operation of its Records Center; and

WHEREAS, this City Council desires at this time and deems it to be in the best
public interest to approve of the First Amendment to Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Escondido, California, as follows:

1. That the above recitations are true.

2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the First Amendment to Lease Agreement with Kathleen Carr, which is attached hereto as Exhibit "1" and incorporated by this reference.

FIRST AMENDMENT TO LEASE AGREEMENT

(1045 W. Mission Avenue)

This FIRST AMENDMENT TO LEASE AGREEMENT is made as of this _____ day
of _____, 2012.

Between: City of Escondido,
201 North Broadway
Escondido, California 92025
("City")

And: Kathleen Carr
1968 Willow Ridge Drive
Vista, CA 92085
("Lessor")

WITNESSES THAT WHEREAS:

- A. City and Lessor entered into a Lease Agreement dated October 1, 2009, ("ORIGINAL AGREEMENT") for the lease of real property for the City's Records Center, at 1045 W. Mission Avenue, Escondido, California ("Premises"); and
- B. The ORIGINAL AGREEMENT expired on September 30, 2012; and
- C. City and Lessor desire to extend the term of the lease for another three year term with two additional 3-year options to extend the lease.

NOW THEREFORE, it is mutually agreed by and between City and Lessor as follows:

- 1. The term of the lease as specified in Section 2 of the ORIGINAL AGREEMENT shall be extended to September 30, 2015.
- 2. All other terms and conditions of the ORIGINAL AGREEMENT shall remain in full force and effect.
- 3. This FIRST AMENDMENT and the ORIGINAL AGREEMENT, together with their respective attachments, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Debra Lundy
Real Property Manager

Date: _____

Diane Halverson
City Clerk

KATHLEEN CARR

Date: _____

Kathleen Carr

Approved as to Form:

Office of the City Attorney
JEFFREY R. EPP, City Attorney

By: _____
Deputy City Attorney

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 7

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Engineering Services

SUBJECT: Third Amendment to Consultant Agreement with SCS Engineers - Orange Glen Market Remediation Project

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2012-156 authorizing the Mayor and City Clerk to execute a Third Amendment to the Consulting Agreement with SCS Engineers in the amount of \$15,655.50.

FISCAL ANALYSIS:

Funds for this work will be reimbursed to the City from the State Cleanup Fund and escrow funds from the right-of-way acquisition settlement with the previous property owner (Nanci).

PREVIOUS ACTION:

City Council approved a previous contract with SCS Engineers (formerly Environmental Business Solutions, Inc.) per Resolution 2005-118 on June 1, 2005, and the First Amendment per Resolution 2008-88 on April 23, 2008. The current contract was approved by City Council per Resolution 2009-117 on August 19, 2009, First Amendment per Resolution 2010-162 on October 27, 2010, and Second Amendment per Resolution 2011-98 on September 14, 2011.

BACKGROUND:

Part of the right-of-way necessary for the Bear/East Valley Parkways Project included a previous gas station site addressed as 2741 East Valley Parkway (OG Market). The County Department of Environmental Health identified site contamination during removal of the underground storage tanks (USTs) from this site in 1999. The tenant of the OG Market (Tartir) began the clean up process, but was unable due to lack of funds to proceed with the work. The tenant, however, was able to qualify this site for State Cleanup funds.

During the environmental and preliminary engineering phase of the Bear/East Valley Parkway project, the City flagged the site as contaminated and obtained a preliminary range of cost to remediate the

site. The City received final federal environmental project approvals in 2004 and then proceeded into the project right-of-way phase.

During the right-of-way phase, and prior to final City acquisition of the OG Market, the City entered into an "on behalf of" agreement with the tenant of the OG Market to allow the City to take the lead in site remediation on behalf of the property owner/tenant. This agreement did not relieve the tenant or property owner from responsibility for site cleanup, but expedited cleanup of site contamination that might impact construction of the City's project. This agreement also provided the project a higher priority for reimbursement by the State Cleanup Fund. While the OG Market structures have been removed, settlement with the tenants/owners completed, site remediated sufficiently to allow construction, and the road project constructed; the "on behalf of" agreement has continued. A portion of the scope of this amendment is to pursue an assignment of the claimant designation from the former tenant to the City. This does not assign any additional liability to the City for the cleanup of this site, but does expedite the applications and subsequent reimbursement(s) to the City from the State Cleanup Fund.

The City reached final agreement with the owner of the OG Market outlining acquisition of the site and financial responsibilities for site cleanup in a settlement agreement dated April 4, 2008. The final agreement established an escrow account for \$500,000 of the purchase price of the property to cover any costs of the City not reimbursed by the State Cleanup Fund. The State Cleanup Fund will provide up to \$1.5 million for qualifying cleanup expenses which, when supplemented by the escrow account, are anticipated to adequately fund the process (proposed \$2.0 million budget).

In 2005 SCS Engineers began work under City contracts/amendments to develop and implement work plans to document and remove the point source of contamination from the site. This specialized field of work and the expertise with the State Cleanup Fund was not available from City staff and not necessary to the City on a full time basis. City staff elected, with City Council approval, to proceed with outside consultants to accomplish this work. Major tasks accomplished to date include:

- "On Behalf Agreement" approved by State Water Resources Control Board November 28, 2006.
- Interim Remedial Action Workplan (IRAW) approved August 1, 2007.
- Completion of Interim Remedial Action (IRA) documented in October 22, 2008 report.
- Removal and documented disposal of approximately 1,100 tons of petroleum hydrocarbon-bearing soil.
- Addition of 1,025 pounds of oxygen releasing compound to the saturated subsurface in the vicinity of the former underground storage tanks (UST's).

- Completed Quarterly groundwater monitoring consistent with IRAW (now changed to semi-annual).
- Response activities to the California Regional Water Quality Control Board Cleanup and Abatement Order R9-2009-0074 dated May 11, 2009.
- Processing of multiple State UST Cleanup Fund claims for reimbursement to the City.
- Addendum to the Subsurface Assessment Workplan dated March 8, 2010.
- Completion of Interim Remedial Action Field Study Workplan Addendum dated March 16, 2010.
- Completion of a Corrective Action Plan, dated April 30, 2010.
- Processing of monitoring well permits with City, property owners, and County of San Diego.
- Construction, maintenance, and regular testing of 22 monitoring wells.
- Vapor Intrusion Risk Assessment (VIRA) dated December 30, 2010.
- Completion of an additional Interim Remedial Action (IRA) Workplan dated June 30, 2011, and an addendum dated April 8, 2011.
- Subsurface Assessment Report and Semi Annual (2Q2011) Groundwater Monitoring Report dated July 27, 2011.
- Installation of four (4) dual-phase extraction (DPE) wells.
- Semi-annual monitoring of test wells.
- Two successful 15-day high-vacuum dual-phase extraction (HVDPE) events to reduce the mass of pollutants within the source zone.
- Preliminary design of final remediation system.

The proposed tasks for this third amendment to the latest contract with SCS Engineers addresses:

- Project management and continued coordination/processing with Regional Water Quality Control Board (RWQCB) staff.
- Continued processing of the Assignment of the Fund Claim from current claimant to the City of Escondido.
- Further assessment of site conditions and extent of contamination.
- Installation of one additional monitoring well.
- Processing of additional State UST Cleanup Fund claims for reimbursement to the City.

Once the above work and design of the final remediation system is completed and approved by RWQCB staff, the project should move into the corrective action phase of the work. City staff will then implement the final remediation process. Consultant estimates a conservative target date to final remediation will not exceed two years once the proposed treatment method has been validated and approved by the RWQCB.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services

RESOLUTION NO. 2012-156

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, TO EXECUTE, ON BEHALF OF THE
CITY, A THIRD AMENDMENT TO THE
CONSULTANT AGREEMENT WITH SCS
ENGINEERS, FOR CONTINUED
ENGINEERING AND CONSTRUCTION
SUPPORT IN THE REMEDIATION OF THE
ORANGE GLEN MARKET SITE

WHEREAS, the City Council adopted Resolution 2009-117, on August 19, 2009, approving a Consultant Agreement with SCS Engineers for environmental consultant/contractor services for the Bear/East Valley Parkway Project; and

WHEREAS, the City Council adopted Resolution 2010-162, on October 27, 2010, approving a First Amendment to the Consultant Agreement with SCS Engineers for environmental consultant/contractor services for the Bear/East Valley Parkway Project; and

WHEREAS, the City Council adopted Resolution 2011-98, on September 14, 2011, approving a Second Amendment to the Consultant Agreement with SCS Engineers for environmental consultant/contractor services for the Bear/East Valley Parkway Project; and

WHEREAS, the Director of Engineering Services recommends the execution of a Third Amendment to the Consultant Agreement ("Third Amendment") for continued engineering and construction support in the remediation of the Orange Glen Market site, a more specific location within the Bear/East Valley Parkways Project; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Third Amendment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Engineering Services.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a Third Amendment with SCS Engineers, for continued engineering and construction support in the remediation of the Orange Glen Market site. A copy of the Third Amendment is attached as Exhibit "1" and is incorporated by this reference.

CITY OF ESCONDIDO
THIRD AMENDMENT TO CONSULTING AGREEMENT

This "Amendment" is made this _____ day of _____, 2012.

Between: CITY OF ESCONDIDO
 a municipal corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Ed Domingue
 ("CITY")

And: SCS Engineers
 8799 Balboa Avenue, Suite 290
 San Diego, California 92123-4340
 Attn: Dan Johnson
 ("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on August 19, 2009 ("Agreement"), a First Amendment on October 27, 2010, and a Second Amendment on September 14, 2011, wherein CITY retained CONSULTANT to provide services for environmental/contractor services for the Bear/East Valley Parkway Project for an amount not to exceed \$602,286.00; and
- B. CITY and CONSULTANT desire to amend the Agreement to include additional work, which is defined in "Attachment A" to this Amendment, which is incorporated by reference;

NOW THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment.
2. CITY will compensate the CONSULTANT in an additional amount not to exceed \$15,655.50, pursuant to the conditions and compensation terms contained in "Attachment A" to this Agreement. Total amount of agreement and all amendments shall not exceed \$617,941.50.

3. All additional terms under the Agreement between CITY and CONSULTANT still apply to the additional work to be performed by CONSULTANT under this Amendment. If any of the terms of this Amendment conflict with the Agreement, this Amendment must prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

Date: _____

SCS Engineers

Daniel E. Johnson
Vice President

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, CITY ATTORNEY

BY: _____

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.

SCS ENGINEERS

CONFIDENTIAL AND PRIVILEGED
NOT TO BE DISCLOSED TO NON-CLIENT PARTIES
Copyright 2012 SCS Engineers

August 22, 2012

SCOPE OF SERVICES CHANGE, NUMBER 11

To: City of Escondido Attn: Mr. Edward N. Domingue, P.E. Director of Engineering Services 201 North Broadway Escondido, California 92025	Project Number: 01205515.00 Project Name: Former Orange Glen Market Project Location: 2741 East Valley Parkway, Escondido, California (Site)
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OBJECTIVES

The objectives of this Scope of Services Change Number 11 (SSC11) are to:

- Provide additional operating budget for facilitation of underground storage tank (UST) Cleanup FUND (FUND) requirements.
- Implementation of the Subsurface Assessment Workplan Addendum which includes the installation of one additional monitoring well (MW23).
- Purchase and install a dedicated bladder pump in the additional groundwater monitoring well.

BACKGROUND

Additional operating budgets are required for costs associated with the ongoing management of FUND reimbursement requests.

Based on the reported concentrations of methyl tert-butyl ether (MTBE) in groundwater samples collected from monitoring well MW22, the dissolved-phase plume has not been delineated.

In an attempt to complete the delineation of CoCs in the Site vicinity, it is proposed that additional assessment of the plume be conducted by installing one additional downgradient groundwater monitoring well within the mobile home park (MW23).

The petroleum hydrocarbon- and volatile organic compound (VOC)-bearing groundwater beneath the Site and Site vicinity is currently being monitored and sampled on a semi-annual basis. This scope change provides the additional costs associated with including the one additional well in the existing semiannual groundwater sampling program for the two remaining events in the corresponding Tasks 42 through 44.

SCOPE OF SERVICES

TASK XVIII USTCF MANAGEMENT

The estimated budget includes limited time to further facilitate the recovery of project costs from the USTCF. An additional budget of \$5,000 for staff time has been allotted to the existing corresponding task to manage future reimbursement requests and correspondence with the USTCF.

The estimated time and materials cost to complete the scope of services in Task XVIII is \$5,000.00

TASK XXXXII GROUNDWATER MONITORING AND SAMPLING

As discussed earlier, the installation of one additional monitoring well (MW23) to the well network requires additional operating budget to monitor and sample during future sampling events. The remaining two sampling events associated with this task are tentatively scheduled to be completed in November 2012 and May 2013 on all twenty-three wells. Please note that when the Site is moved into Interim Remedial and/or Corrective Action phases the frequency of groundwater monitoring may be changed by the RWQCB.

There are no proposed changes to the methods currently employed to purge and sample the well network.

The estimated time and materials cost to complete the additional scope of services in Task XXXXII is \$355.00 per event with two remaining events tentatively scheduled to be completed in November 2012 and May 2013 totaling \$710.00.

TASK XXXXX SUBSURFACE ASSESSMENT WORKPLAN IMPLEMENTATION

Preparation for Field Work

Preparation and Submittal of Soil Boring and Groundwater Monitoring Well Permit Applications

Prior to conducting fieldwork, a soil boring and monitoring well permit application will be completed and submitted to the DEH for approval along with the required fee. The permit application will reflect soil boring advancement methodology and monitoring well construction details. The permit application will be signed by a state-certified professional geologist and submitted to the DEH for approval.

Site Health and Safety Plan

A Site health and safety plan (Plan) is required for the work conducted at the Site by workers within the exclusion zone pursuant to the regulations in 29 Code of Federal Regulations (CFR)

Part 1910.120 and Title 8 California Code of Regulations (CCR) Section 5192. A previously prepared Plan which outlined the potential chemical and physical hazards that may be encountered during the drilling and sampling activities will be updated as needed. The appropriate personal protective equipment and emergency response procedures for the Site-specific chemical and physical hazards will be detailed in this Plan. All field personnel involved with the field work will be required to read and sign the document in order to encourage proper health and safety practices.

Utility Search and Markout

Prior to drilling, Underground Service Alert (USA) will be contacted to minimize the likelihood of drilling into an underground utility. SCS will also contract with a private underground utility location company to attempt to locate subsurface utilities and improvements at the Site to minimize the likelihood of drilling into an underground utility.

Project Management, Subcontractor Management, and Scheduling

Prior to mobilizing for field work, SCS will notify and schedule the subcontractors including, but not limited to, the laboratory, the drilling company, and the utility location contractor. In addition, SCS will coordinate with the Client and affected property owners to ensure appropriate scheduling of field work.

Field Activities - Drilling of Soil Boring, Well Installation, Sample Collection and Analysis

Monitoring Well Installation and Soil Sample Collection and Analysis

In an attempt to complete the delineation of dissolved-phase constituents of concern (CoCs) in the Site vicinity, it is proposed that additional assessment of the plume be conducted by installing and sampling one additional groundwater monitoring well (MW23) within the adjacent mobile home park (APN 231-040-33).

Drilling will be performed using a CME 75 or similar drill rig equipped with 8-inch hollow stem augers. SCS staff, under the supervision of a state-certified professional geologist, will be on the Site to observe the drilling activity and describe collected soil samples.

The soil boring completed to accept the construction of MW23 will be advanced to approximately 20 feet below grade with the well constructed with 15-feet of screened interval such that the screen will span the top of shallow groundwater (estimated to range from approximately 11 to 12 feet below grade).

As required by San Diego County guidelines, the augers will be either precleaned or pressure cleaned on-Site to minimize the likelihood of cross-contamination and to minimize the potential for a false positive in the soil and groundwater samples analyzed.

Soil cuttings, purged groundwater, and decontamination rinsate will be placed in 55-gallon drums, labeled, and stored on Site until proper disposal has been scheduled. It is assumed that it will take 1 day to complete the well installation.

The 15-foot long screened interval of the well casing will consist of 0.010-inch slotted casing with an appropriately graded filter pack placed in the well annulus to approximately 1 foot above the top of screened interval. The well will be surged during construction to settle the sand pack prior to installing a 3-foot thick annulus seal. The newly installed well will be developed to remove fines from the sand pack and well casings and provide better hydraulic communication between the monitoring well construction and the surrounding saturated subsurface. The well will be constructed and developed in accordance with DEH guidelines and State of California requirements.

Soil Sample Analysis

During the drilling of the soil boring, soil samples will be collected based on the following protocol:

- At a minimum of 5-foot intervals
- At interpreted capillary fringe or significant changes in unconsolidated sediments
- In areas of discoloration or staining
- When odors or elevated readings from field screening instruments are noted
- At other depths as deemed appropriate by the on-Site SCS staff

Soil samples will be collected with a split-spoon type or similar sampler and driven into stainless steel sample tubes. The two ends of the soil sample tubes will be covered with Teflon® sheeting, tightly closed with plastic end caps, labeled, and submitted to an off-Site, state-accredited laboratory for analysis. Chain-of-custody procedures will be implemented for sample tracking. Lithological descriptions will be performed by a California-registered professional geologist, or a qualified professional under the direct supervision of a professional geologist in accordance with the Unified Soil Classification System (USCS).

Up to three soil samples collected from the interpreted capillary fringe (approximately 10 to 15 feet below grade) of each soil boring will be submitted to a state-accredited laboratory for analysis. The samples will be analyzed for TPHg and TPHd in accordance with the CADHSLUFT Method and for VOCs including fuel oxygenates MTBE, DIPE, TAME, ETBE, and TBA in accordance with EPA Method 8260B.

Bladder Pump Installation

A dedicated PVC-body, bladder pump equipped with a Teflon® bladder and all necessary polyethylene tubing, connections, and shallow casing hardware will be installed in MW23 subsequent to development. Installation will follow manufacturers recommended installation protocols and will reflect associated sampling guidelines provided by local regulatory agencies such as the County of San Diego Department of Environmental Health.

Waste Disposal, Civil Survey, and Report Preparation

Disposal of Drummed Soil Cuttings, Purge Water, and Decon Water

As stated earlier, soil cuttings, decontamination rinsate, and purge water will be placed in appropriate 55-gallon drums, which will be labeled and left on APN 231-120-10 in the immediate vicinity of the former Orange Glen Market pending receipt of analytical results and evaluation of disposal options. SCS shall perform all necessary testing and submit all necessary documentation to licensed disposal facilities for the disposal of drummed soil cuttings, decontamination rinsate, and purge water.

Civil Survey

SCS will coordinate with City survey crew staff to complete the necessary survey of the well location for purposes of tracking, map generation, and geospatial calculations.

Preparation of Report of Findings

At the completion of Assessment a letter report (Report) will be prepared. The Report will include the following:

- Laboratory reports and chain-of-custody documents
- Permits
- Figures depicting the soil boring and monitoring well location as well as soil and groundwater sample analytical data
- Computer-prepared lithologic log of the soil boring
- Figures depicting the extent of petroleum hydrocarbon-bearing soil and groundwater at the Site
- Tabulated analytical results and appropriate support documentation

The Report will include a detailed description of the work performed, discussion of the results, and SCS's conclusions and recommendations, as deemed appropriate. The Report will be peer-reviewed and signed by a state-certified Professional Geologist. Please note that the Report may be integrated into another Site document that is being prepared contemporaneously in an attempt to streamline document preparation.

In addition to the above-described Report, in order to comply with the requirements of the soil boring permit, a 60-day report will be prepared and submitted to the DEH.

Electronic Delivery Format (EDF) Reporting

All required data collected during the Assessment will be uploaded to the RWQCB GeoTracker database in electronic delivery format (EDF) prior to or no later than the written report delivery date.

The estimated cost to conduct the scope of services in Task XXXXX is \$9,200.00

ESTIMATED BUDGET AND SCHEDULE

Task	Cost
TASK XVIII USTCF Management	\$5,000.00
Task XXXXII Groundwater Monitoring and Sampling for MW23 (2 Events)	\$710.00
Task XXXXX MW23 Installation, Bladder Pump Installation, and Associated Reporting	\$9,200.00
Total	\$14,910.00*
Total with 5 percent contingency	\$15,655.50

THE TOTAL TIME AND MATERIALS COST FOR THE SCOPE OF SERVICES DESCRIBED HEREIN ARE ESTIMATED TO BE \$15,655.50 INCLUDING THE 5% CONTINGENCY.

* Please allow for a minimum 5 percent variance in the total estimated cost due to changed Site conditions or unanticipated circumstances.

NOTE: This Scope of Services Change is part of and is in general conformance with the previously executed Contract and Agreement for Services No. 01205515.00 between SCS and the Client. Please sign this page of SSC11 and email a scanned image to ketchells@scsengineers.com for countersignature. One fully executed copy of this signature page will be returned electronically for your records.

CLIENT AUTHORIZATION:

Signature Printed Name Date

SCS ENGINEERS AUTHORIZATION:

Signature Printed Name Date

SCS ENGINEERS

SCS ENGINEERS UST PROJECT FEE SCHEDULE APRIL 1, 2012 TO March 31, 2013

Project Director	\$208.00
Senior Project Advisor	\$189.00
Project Manager	\$165.00
Senior Project Professional	\$139.00
Construction Superintendent	\$126.00
Project Professional	\$117.00
Staff Professional	\$ 98.00
Associate Professional	\$ 88.00
Senior Engineering Technician	\$ 84.00
Technician	\$ 78.00
Project Administrator	\$ 86.00
Technical Editor	\$ 86.00
Designer/Drafter	\$ 84.00
Administrative/Secretarial	\$ 72.00

Additional Terms and Conditions

Scheduled labor rates include overhead, administration, and profit.

Rates for principals of the firm may be negotiated on a project-specific basis with a base rate of \$225 per hour

Scheduled rates are effective through March 31, 2013. Work performed thereafter is subject to a new Fee Schedule.

Expert witness testimony (depositions and trial) will be charged at \$350.00 per hour. Preparation for testimony and general litigation support will be charged at normal hourly rates.

Direct project expenses (such as field equipment, subcontracted services including drilling, laboratory analyses, etc., permits, supplies, etc.) will be charged at cost plus 15 percent. Company trucks are charged at \$50 for up to a half day (4 hours) of use, and \$100 for up to a full day (company cars at \$40/\$80). These charges incorporate an allowance of 100 miles per job per day; a \$0.51 per mile surcharge is applied for additional miles. Vehicle charges for long-term and/or high-mileage projects may be negotiated on a case-by-case basis. Personal vehicles will be charged at the Federal rate then in effect. All other field equipment will be charged in accordance with the Fee Schedule in effect at the time the work is performed.

Per diem will be charged on all projects requiring overnight stays from our office. The per diem rate is \$175.00 per day per person or the federal per diem rate for the area, whichever is greater.

Overtime will be charged at 125 percent of standard rates for weekday work in excess of 8 hours. Work performed on holidays and weekends will be charged at 150 percent of standard rates.

Invoices will be prepared monthly or more frequently for work in progress, unless otherwise agreed. Invoices are due and payable upon receipt. Invoices not paid within 30 days are subject to a service charge of 1.5 percent per month on the unpaid balance.

Payment of SCS invoices for services performed will not be contingent upon the client's receipt of payment from other parties, unless otherwise agreed in writing. Client agrees to pay legal costs, including attorney's fees, incurred by SCS in collecting any amounts past due and owing on client's accounts.

The rationale and methodology for determining our Schedule of Rates is based on Manual 45c of the American Society of Civil Engineers.

Registration No. 2012-156
EXHIBIT 1
Page 9 of 10

FEE SCHEDULE
APRIL 1, 2012 TO MARCH 31, 2013

SCS ENGINEERS FIELD EQUIPMENT RENTAL AND REIMBURSABLE FEE SCHEDULE

Note: Unit rates for equipment identified in the Proposal/Scope of Services Change supersede the rates presented herein.

EQUIPMENT	RATE (\$)
55-Gallon Drum	65
Full Day Geoprobe 540 MT (8 hours onsite, 2 technicians, expendables)	2,300
Full Day Geoprobe 540 MT (8 hours onsite, 1 technician, expendables)	1,700
Half Day Geoprobe 540 MT (4 hours onsite, 1 technician, expendables)	900
Overtime Geoprobe 540 MT (>8 hours/day)	200/Hour
1 Liter or less Summa Canister	35/Use
5 Gram Encore soil sampling device	10/device
6 Liter Summa Canister + Flow w/Controller	75/Use
Bentonite Chips	11/Bag
Cement/Asphalt	8/Sack
Chlorine Test Kist	25/Kit
Drager CMS Analyzer	25/Day
Drager CMS Analyzer Chips	150/Chip
Personal / Ambient Air Sampling Pumps	25/Day
Dust Meter (personal data Ram or equivalent)	25/Day
Generator	60/Day
Hand Auger	60/Day
Tube, Caps and Teflon Sheets	5/Tube
Tedlar Bags (1 Liter)	14/Bag
Organic Vapor Meter	85/Day
Flame Ionization Detector (FID)	75/Day
Chlorine Meter	25/Day
Bailers - Reusable	25/Day
Bailers - Disposable (small)	15/Each
Bailers - Disposable (large)	20/Each
10 ml Visqueen 20' x 100'	100/Roll
Expendable Field Supplies (caution tape, decontamination equipment, ice, sampling jars, etc.)	35/Day
Hazardous Waste Field Kit	60/Day
(for any field sampling; personal protective equip including Level C; protective clothing, respirators, gloves, etc.)	
Hazardous Waste Field Kit (for Level A or B)	Quoted/Job Specific
Digital Camera (includes contact sheet & color printing)	15/Day
Electronic Distance Meter	25/Day
Oil/Water Interface Probe	75/Day
Multiple Parameter Water Quality Meter	225/Day
Moisture Meter	75/Day
Bladder Pump	150/Day
Peristaltic Pump	125/Day
Pump Bladders, Tubing & Hardware	Quoted/Job Specific
Water Depth Meter	50/Day
Water Sampling Pump (Grundfos with controller or peristaltic)	125/Day
Water Sampling Pump (DC)	60/Day
Locking Well Cap	20/Each
Padlocks	15/Each
Copies	.14/Page
Color Copies/Prints (8 1/2 x 11)	1.25/Page
Color Copies/Prints (11 x 17)	2.50/Page
CDs	25/Each
Weather Station	5/Day
Weather Station	50/Month
XRF Meter	500/day
4-Gas Meter	100/day

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 8

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: California Library Literacy Services (CLLS) Literacy Award

RECOMMENDATION:

It is requested that Council approve a \$34,901 literacy grant award from the California State Library.

FISCAL ANALYSIS:

There will be no impact to the General Fund. Funding will come from the California State Library for \$34,901.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Community Outreach

PREVIOUS ACTION:

N/A

BACKGROUND:

The Library will be receiving a California Library Literacy Services Award Grant for 2012/13 in the amount of \$34,901. The goals are: (1) Adult Literacy programs and services, and; (2) to mesh Family Literacy into the adult program structure. Literacy Services will be hiring a part-time employee with the grant funding. Other money will be allocated for upgrading and increasing literacy resources. This will also allow literacy services to restore bookmobile outreach efforts on a limited basis. Specific books and other materials related to the literacy program will be purchased for bookmobile outreach services.

Lack of reading skills prevent adults from getting a job, providing for their families, helping their children with homework, or even reading to their child. Literacy Services strives to empower adults with literacy skills that will help them improve their lives and the lives of their children.

Page 2

Learners with children 0-5 years old may also participate in workshops and activities that encourage a love of reading and make the home a literacy-rich environment through hands-on, literacy based activities.

Respectfully submitted,



Jerry Van Leeuwen
Director Community Services



Jo Ann Greenberg
City Librarian



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 9/24/12
Department: Community Services
Division: Library
Project/Budget Manager: Jo Ann Greenberg 4834
Name Extension
Council Date (if applicable): October 3, 2012
(attach copy of staff report)

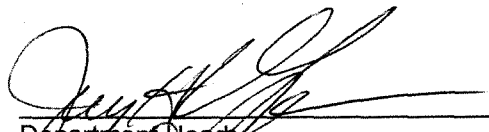
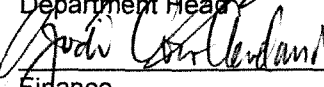
For Finance Use Only	
Log #	_____
Fiscal Year	_____
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Trust Fund/Grant	401-4127-NEW	\$34,901	
CLLS grant.	401-0000-NEW	34,901	

Explanation of Request:

The California Library Literacy Services (CLLS) literacy award for 2012/13 will be used to fund family literacy services and programs and augment funding for adult literacy services and programs at the Escondido Public Library.

APPROVALS

 9/24/12
Department Head Date
 9/25/12
Finance Date

City Manager Date

City Clerk Date

Distribution (after approval):

Original: Finance

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Christopher W. McKinney, Director of Utilities

SUBJECT: Budget Adjustment Request and Contract Change Order for RGP 87 - Sewer Outfall Mitigation Project

RECOMMENDATION:

The Utilities Department requests that the City Council:

1. Adopt Resolution No. 2012-170 authorizing the Deputy Director of Utilities to execute a Change Order with Southland Paving for additional work related to RGP87 – Sewer Outfall Mitigation Project on a time and materials basis in an amount not to exceed \$500,000.
2. Approve a budget adjustment in the amount of \$500,000 to CIP 807201 RGP87 – Sewer Outfall Mitigation Project with \$500,000 from CIP 801706 HARRF Upgrades.

FISCAL ANALYSIS:

Additional funding is available in the amount of \$500,000 from CIP 801706 HARRF Upgrades.

PREVIOUS ACTION:

On August 15, 2012, City Council approved a contract with Southland Paving for RGP87 – Sewer Outfall Mitigation Project in the amount \$882,000.

BACKGROUND:

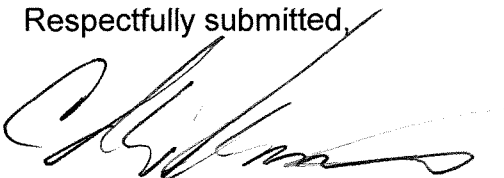
The RGP87 – Sewer Outfall Mitigation Project is a required mitigation project to enable necessary maintenance activities to commence on the sewer land outfall. The basics of the project are to plant native vegetation on approximately 2.8 acres in Kit Carson Park after grading the site and removing excess material. The site was known to have been used to dry and stockpile dredged materials from the lakes at the park. The estimated volume of the materials to be removed was approximately 37,000 cubic yards.

Southland Paving began working on September 15, 2012, and by the end of the first week they had encountered a significant volume of unexpected debris beneath the surface soils. The contractor was directed to perform exploratory excavations to identify the limits of the buried debris which was done

on September 24, 2012. It was determined that the debris was buried across most of the site consisting of concrete, asphalt, pipe, tires and assorted other items and in some areas was as much as 6-feet thick. This Change Order is necessary to perform the site clean-up of the dumped materials. Since the dump site has been discovered the city has no option but to take appropriate action to clean the site then complete the restoration project. The contractor will need to mobilize screening equipment in order to sort the debris from suitable soil needed to complete the original project. The debris will need to be sorted for what can be recycled, organics, and landfill disposal. Since the discovered materials are mixed with each other as well as with soil the sorting process is the most economical option available. The only other option to dispose of the mixed materials is at a landfill and the tipping fees would be cost prohibitive with the tens of thousands of tons to move plus we would then need to import fill soil.

As the level of effort required for the full clean-up cannot be determined at this time due to the unknown total volume and distribution of the buried debris a time and materials change order is in the best interest of both the city and the contractor. The requested \$500,000 is a best estimate derived in a combined effort by city staff and the contractor based on available information and may vary up or down as work progresses dependent upon unknown conditions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig Whittemore', with a long horizontal flourish extending to the right.

Craig Whittemore
Deputy Director of Utilities
Construction and Engineering



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 26, 2012
Department: Utilities
Division: Engineering/Construction
Project/Budget Manager: Craig Whittemore 4038
Name Extension
Council Date (if applicable): October 3, 2012
(attach copy of staff report)

For Finance Use Only	
Log #	
Fiscal Year	
	Budget Balances
	General Fund Accts
	Revenue
	Interfund Transfers
	Fund Balance

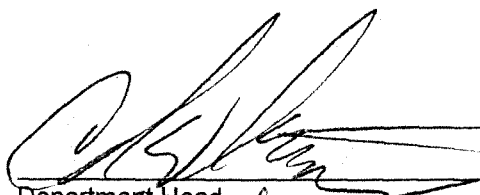
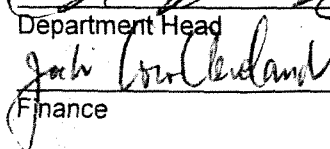
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Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Outfall Mitigation Project	557-807201	500,000	
HARRF Upgrades	557-801706		500,000

Explanation of Request:

To fund a construction change order to the RGP87-Sewer Outfall Mitigation Project currently under construction.

APPROVALS


Department Head 9/26/2012
Date

Finance 9/26/12
Date

City Manager _____ Date _____
City Clerk _____ Date _____

Distribution (after approval):

Original: Finance

RESOLUTION NO. 2012-170

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE DEPUTY DIRECTOR OF
UTILITIES TO EXECUTE, ON BEHALF OF
THE CITY, A CHANGE ORDER WITH
SOUTHLAND PAVING, INC. FOR RGP 87 –
SEWER OUTFALL MITIGATION PROJECT

WHEREAS, the City has begun construction on the RGP 87 – Sewer Outfall Mitigation Project; and

WHEREAS, Southland Paving, Inc. has encountered unknown volumes of unknown buried construction debris; and

WHEREAS, the sorting and disposal of the unknown debris is not included in the contract scope of work with Southland Paving, Inc.; and

WHEREAS, having discovered said buried debris within the project limits, the City is obligated to clean-up the debris in order to complete the project; and

WHEREAS, the Director of Utilities recommends that the most efficient means to perform the clean-up is through a Change Order with Southland Paving, Inc.; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Change Order with Southland Paving, Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. That the Deputy Director of Utilities is hereby authorized to execute, on behalf of the City, a Change Order with Southland Paving, Inc. A copy of the Change Order is attached as Exhibit "1" and is incorporated by this reference.

EXHIBIT "1"



City of Escondido
 Utilities Construction Management
 1521 South Hale Avenue
 Escondido, CA 92029

**Contract
 Change
 Order
 # 01**

Project: RGP 87 Mitigation Project **Public Improvement Agreement No. A- 3057**
Contractor: Southland Paving, Inc.
 361 North Hale Avenue **Account # 5203-557-420-807201**
 Escondido, CA 92029-1716 **PO #33684**

Description of change: This contract change order is a notice to proceed on extra work to excavate and screen out the foreign materials that were uncovered at the RGP 87 site. Use the previously approved equipment rental rates. For this work reference the Contract General Conditions 11.2 COST OF WORK – (FORCE ACCOUNT BASED ON TIME AND MATERIALS).

Dig out the material and screen and separate the asphalt and other foreign materials from the dirt. Use manual labor if necessary to remove trash from dirt. Haul trash to the dump.

If there is foreign material found at design finish grade, remove the materials and use fill material to re-establish design finish grade. Fill may contain some organics: it's not structural fill.

Clean concrete only may be buried at selected sites.

To the extent possible, haul recyclable materials to a recycle yard.

Keep track of equipment, labor and materials used. Keep a running total of costs.

Reason for change: During the execution of the work, a large amount of foreign material was found at the site. This CO is intended to fund the necessary additional work.

Notice to Proceed: 9/15/12		Agreed Upon Lump Sum	Unit Prices	Costs Plus	Calendar Days	Total Revised Contract Days	Completion Date
Original Contract	\$ 882,000.00					240	5/12/2013
CO 01				X			
Amended Contract Amount		\$	Amended Contract Completion Date*				5/12/2013

Approved By:

Contractor: _____ Construction Manager: _____

Name: _____ Date: _____

Title: _____ Deputy Utilities Director: _____

Date: _____ Date: _____

* Plus the time expended on Time & Materials, not known at this time. The "5yr Maintenance" is not included in this date. Currently the permits do not allow us to work past October 30th with heavy equipment. Helix Environmental is working on permit modifications for a time extension on our behalf.

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10
Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Cory Moles, Acting Chief of Police
SUBJECT: FY 2012-13 San Diego County Law Enforcement Foundation Life Saving Equipment Grant

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept a FY 2012-13 San Diego County Law Enforcement Foundation Grant in the amount of \$2,144.22, authorize the Chief of Police to submit grant documents on behalf of the City and authorize staff to establish budgets to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay for equipment expenses.

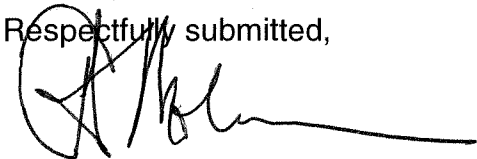
PREVIOUS ACTION:

Council authorized the acceptance of a FY 2010 San Diego County Law Enforcement Foundation Less Lethal Life Saving Equipment Grant on September 23, 2009.

BACKGROUND:

The San Diego Law Enforcement Foundation awards grants to police departments in San Diego County to support law enforcement activities. This year, the Foundation awarded the Escondido Police Department a \$2,144.22 grant to purchase two Ballistic Shields. These devices will be used to support front-line law enforcement efforts.

Respectfully submitted,



Cory Moles
Acting Chief of Police

CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: September 24, 2012

Department: Police

Division: Administration

Project/Budget Manager:	<u>Susan Cervenka/Barbara MarLett</u>	<u>4402</u>
	Name	Extension

Council Date (if applicable): October 3, 2012
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year 2000

Budget Balances

General Fund Accts

Revenue

Interfund Transfers

Fund Balance

[illegible]

Explanation of Request:

Budget adjustments are needed to receive and spend grant funds for the FY 2012-13 San Diego County Law Enforcement Foundation Grant.

APPROVALS

Department Head	Date
<i>Jodi Cleveland</i>	9/25/12
Finance	Date

City Manager _____ Date _____

City Clerk _____ Date _____

Distribution (after approval):

Original: Finance

CITY COUNCIL

For City Clerk's Use:

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APPROVED

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DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 11

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Sheryl Bennett, Director of Human Resources

SUBJECT: Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Administrative, Clerical and Engineering Bargaining Unit

RECOMMENDATION:

City Council adopt Resolution No. 2012-168, approving a successor Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Administrative, Clerical and Engineering Bargaining Unit for a two-year term commencing July 1, 2012 through June 30, 2014.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2012-13 and Fiscal Year 2013-14 is \$752,758. Funds for this expense have been set aside in the General Fund Operating Budget.

PREVIOUS ACTION:

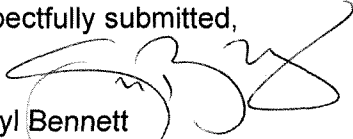
The City Council implemented Terms and Conditions of Employment with the ECEA/ACE Bargaining Unit on August 10, 2011.

BACKGROUND:

City staff has met with the Escondido City Employee's Association – Administrative, Clerical and Engineering Unit, regarding terms and conditions of employment that expired on June 30, 2012. The attached resolution outlines changes to working conditions and compensation that have been agreed to during the negotiation process.

Tentative agreement on issues before the negotiating group was reached on September 20, 2012. Members of the Bargaining Unit have voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Human Resources

RESOLUTION NO. 2012-168

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A SUCCESSOR MEMORANDUM
OF UNDERSTANDING WITH THE ESCONDIDO
CITY EMPLOYEES' ASSOCIATION,
ADMINISTRATIVE, CLERICAL AND
ENGINEERING BARGAINING UNIT

JULY 1, 2012 – JUNE 30, 2014

WHEREAS, negotiating teams from the City of Escondido and the Escondido City Employees' Association Administrative, Clerical and Engineering Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido City Employees' Association Administrative, Clerical and Engineering Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City,

A successor MOU with a term from July 1, 2012, through June 30, 2014, and also including terms as set forth in Exhibit "A," attached to this resolution and incorporated by this reference.

**City of Escondido
Escondido City Employees' Association
Administrative, Clerical and Engineering Bargaining Unit
Successor Memorandum of Understanding
July 1, 2012– June 30, 2014**

1. **Article III - Term:** July 1, 2012 - June 30, 2014. None of the terms are retroactive; all changes take effect on the agreed upon effective date after adoption by the City Council.

2. **Article IV – Salary, Wages:**

For any employee who missed one or more steps due to the suspension of step increases which went into effect on January 25, 2009, the City will restore step increases as follows:

Effective pay period ending October 13, 2012, one five percent (5%) salary step will be implemented for eligible employees who currently have frozen salary steps.

Effective pay period closest to July 1, 2013, two five percent (5%) salary steps will be implemented for eligible employees who currently have frozen salary steps.

Effective pay period closest to January 1, 2014, any remaining salary steps will be implemented for eligible employees who currently have frozen salary steps.

Effective January 1, 2014, Merit Step salary increases based on time in grade as detailed in Rule 5, Section 2, in the Personnel Rules and Regulations will be reinstated.

The unfreezing of frozen salary steps will not affect the employees' anniversary or service dates.

3. **Article IV – Salary, Salary Range Increase:**

Effective pay period closest to January 1, 2013, the salary range for all represented classifications shall be increased by one percent (1%).

4. **Article IV – Salary, Furlough Program:**

The Furlough Program for City Hall and the Self-Directed Furlough Program (SDFP) will be discontinued by January 31, 2013. All employees in City Hall will return to a 9/80 work schedule. City Hall will be open every Friday and staffing on Fridays will be split among employee groups to provide a sufficient level of service to the public. Departments will be evaluating the level of coverage based on their specific customer needs.

Concurrent with the opening of City Hall and elimination of the Furlough Program, the equivalent pay reduction will be restored for all City Hall employees (5.0% salary restoration) and SDFP employees (4.96% salary restoration).

5. **Article IV – Salary, Furlough Days in Lieu of Constituted Holidays:**

Effective pay period closest to January 1, 2013, restore two of the four holidays observed as "furlough days in lieu of holidays." New Year's Day and Martin Luther King Day will be reinstated

as constituted holidays. The equivalent pay reduction will be restored to employees (0.84% salary restoration).

Effective pay period closest to July 1, 2013, restore the remaining two holidays observed as "furlough days in lieu of holidays." President's Day and Memorial Day will be reinstated as constituted holidays. The equivalent pay reduction will be restored to employees (0.84% salary restoration).

6. Article IV – Salary, Wages, Classification Progressions:

Effective pay period closest to July 1, 2013, all frozen class progressions will be unsuspended/reinstated.

7. Article X – Certification and Education Incentive Pay:

Effective pay period closest to July 1, 2013, all frozen certification and education incentive pay will be unsuspended/reinstated.

8. Article XVIII – Health Insurance, Section B, Insurance Premium:

Beginning January 1, 2013 and thereafter, any medical and/or dental insurance premium increases will be shared equally by the City and the employee for the lowest cost HMO medical plan and for the dental plans. Employees choosing more expensive medical plans are required to pay the increased cost between that plan and the lowest cost plan. The employee's share of any medical and dental insurance premium increases will be added to the employee's 2012 insurance contribution.

9. Article XLV – MOU Reopener:

At such time as regulations are issued implementing the Affordable Care Act (ACA), the City and ECEA will meet and confer to review the impact of such regulations on the benefits plans then in force. If modifications to the benefits, eligibility for coverage, employer or employee contribution to the cost of insurance or any other provisions of the benefit plans covered by this MOU will be modified by the ACA during the term of this agreement, it is agreed that the City and ECEA will reopen the contract to meet and confer and determine how such mandated changes will be implemented.

10. MOU Language Clean-Up:

Remove out-of-date language in Article IV regarding a one-time "dump" of furlough hours into employee furlough leave banks, as furlough hours are now calculated on a per pay period basis.

Delete Property and Evidence Technician II from Exhibit "C" - Shoe Allowance (classification inactivated).

Add to Article X the five percent (5%) Certification Pay for QSP/QSD certification as required by the State Water Resources Control Board. This is a current practice from October 2011. There is a five percent (5%) certification pay maximum per employee (as Engineers are also eligible for CA Civil Engineer Registration Pay).

11. Remaining Provisions:

The City will use the "Terms and Conditions of Employment" dated August 10, 2011, as the foundation for language to create a successor MOU.

No change to remaining provisions, terms, dates, and formulas within the Terms and Conditions of Employment dated August 10, 2011. The following cost concessions will remain in place until terminated:

Frozen Tuition Reimbursement
Frozen 401(k) Contributions by the City.

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 12

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Sheryl Bennett, Director of Human Resources

SUBJECT: Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Supervisory Bargaining Unit

RECOMMENDATION:

City Council adopt Resolution No. 2012-169, approving a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Supervisory Bargaining Unit for a two-year term commencing July 1, 2012 through June 30, 2014.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2012-13 and Fiscal Year 2013-14 is \$478,226. Funds for this expense have been set aside in the General Fund Operating Budget.

PREVIOUS ACTION:

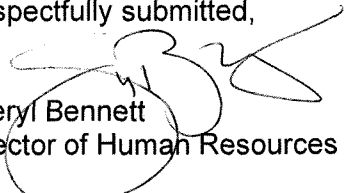
The City Council implemented Terms and Conditions of Employment with the ECEA/SUP Bargaining Unit on August 10, 2011.

BACKGROUND:

City staff has met with the Escondido City Employee's Association – Supervisory Unit, regarding terms and conditions of employment that expired on June 30, 2012. The attached resolution outlines changes to working conditions and compensation that have been agreed to during the negotiation process.

Tentative agreement on issues before the negotiating group was reached on September 20, 2012. Members of the Bargaining Unit have voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Human Resources

RESOLUTION NO. 2012-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF ESCONDIDO, CALIFORNIA, APPROVING A
SUCCESSOR MEMORANDUM OF UNDERSTANDING
WITH THE ESCONDIDO CITY EMPLOYEES'
ASSOCIATION, SUPERVISORY BARGAINING UNIT

JULY 1, 2012 – JUNE 30, 2014

WHEREAS, negotiating teams from the City of Escondido and the Escondido City Employees' Association Supervisory Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido City Employees' Supervisory Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City, A successor MOU with a term from July 1, 2012, through June 30, 2014, and also including terms as set forth in Exhibit "A," attached to this resolution and incorporated by this reference.

**City of Escondido
Escondido City Employees' Association
Supervisory Bargaining Unit
Successor Memorandum of Understanding
July 1, 2012– June 30, 2014**

1. **Article III - Term:** July 1, 2012 - June 30, 2014. None of the terms are retroactive; all changes take effect on the agreed upon effective date after adoption by the City Council.

2. **Article IV – Section 1A, Wages:**

For any employee who missed one or more steps due to the suspension of step increases which went into effect on January 25, 2009, the City will restore step increases as follows:

Effective pay period ending October 13, 2012, one five percent (5%) salary step will be implemented for eligible employees who currently have frozen salary steps.

Effective pay period closest to July 1, 2013, two five percent (5%) salary steps will be implemented for eligible employees who currently have frozen salary steps.

Effective pay period closest to January 1, 2014, any remaining salary steps will be implemented for eligible employees who currently have frozen salary steps.

Effective January 1, 2014, Merit Step salary increases based on time in grade as detailed in Rule 5, Section 2, in the Personnel Rules and Regulations will be reinstated.

The unfreezing of frozen salary steps will not affect the employees' anniversary or service dates.

3. **Article IV – Section 1A, Salary Range Increases:**

Effective pay period closest to January 1, 2013, the salary range for all represented classifications shall be increased by one percent (1%).

4. **Article IV – Section 1A, Furlough Program:**

The Furlough Program for City Hall and the Self-Directed Furlough Program (SDFP) will be discontinued by January 31, 2013. All employees in City Hall will return to a 9/80 work schedule. City Hall will be open every Friday and staffing on Fridays will be split among employee groups to provide a sufficient level of service to the public. Departments will be evaluating the level of coverage based on their specific customer needs.

Concurrent with the opening of City Hall and elimination of the Furlough Program, the equivalent pay reduction will be restored for all City Hall employees (5.0% salary restoration) and SDFP employees (3.73% salary restoration).

5. **Article IV – Section 1A, Furlough Days in Lieu of Constituted Holidays:**

Effective pay period closest to January 1, 2013, restore two of the four holidays observed as "furlough days in lieu of holidays." New Year's Day and Martin Luther King Day will be reinstated

as constituted holidays. The equivalent pay reduction will be restored to employees (0.84% salary restoration).

Effective pay period closest to July 1, 2013, restore the remaining two holidays observed as "furlough days in lieu of holidays." President's Day and Memorial Day will be reinstated as constituted holidays. The equivalent pay reduction will be restored to employees (0.84% salary restoration).

6. Article IV – Section 1A, Wages, Classification Progressions:

Effective pay period closest to July 1, 2013, all frozen class progressions will be unsuspended/reinstated.

7. Article IV – Section 9, Certification Pay:

Effective pay period closest to July 1, 2013, all frozen certification pay will be unsuspended/reinstated.

8. Article V – Section 1B, Current Insurance Premium:

Beginning January 1, 2013 and thereafter, any medical and/or dental insurance premium increases will be shared equally by the City and the employee for the lowest cost HMO medical plan and for the dental plans. Employees choosing more expensive medical plans are required to pay the increased cost between that plan and the lowest cost plan. The employee's share of any medical and dental insurance premium increases will be added to the employee's 2012 insurance contribution.

9. Article XXX – MOU Reopener:

At such time as regulations are issued implementing the Affordable Care Act (ACA), the City and ECEA will meet and confer to review the impact of such regulations on the benefits plans then in force. If modifications to the benefits, eligibility for coverage, employer or employee contribution to the cost of insurance or any other provisions of the benefit plans covered by this MOU will be modified by the ACA during the term of this agreement, it is agreed that the City and ECEA will reopen the contract to meet and confer and determine how such mandated changes will be implemented.

10. MOU Language Clean-Up:

Remove out-of-date language in Article IV regarding a one-time "dump" of furlough hours into employee furlough leave banks, as furlough hours are now calculated on a per pay period basis.

Add to Exhibit "B", Shoe Allowance, the classifications of Purchasing Supervisor and Property and Evidence Supervisor.

11. Remaining Provisions:

The City will use the "Terms and Conditions of Employment" dated August 10, 2011, as the foundation for language to create a successor MOU.

No change to remaining provisions, terms, dates, and formulas within the Terms and Conditions of Employment dated August 10, 2011. The following cost concessions will remain in place until terminated:

Frozen Tuition Reimbursement
Frozen 401(k) Contributions by the City.

ORDINANCE NO. 2012-17

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING AMENDMENTS TO ESCONDIDO
ZONING CODE ARTICLE 39 – OFF-STREET
PARKING TO ADD PROVISIONS ALLOWING
ADMINISTRATIVE ADJUSTMENTS FOR MINOR
REDUCTIONS IN REQUIRED PARKING AND
OTHER REVISIONS

Case No. AZ 12-0004

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notices of a public hearing have been given and
public hearings have been held before the Planning Commission and City Council on
this issue.

SECTION 2. That the City Council has reviewed and considered the Notice of
Exemption prepared on August 9, 2012, for this project in conformance with CEQA
Section 15061(b)(3), "General Rule" and has determined that all environmental issues
have been addressed and no significant environmental impacts will result from
approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission
recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance
and incorporated by this reference, and all public testimony presented at the hearings
held on this project, this City Council finds the Zoning Code Amendments to be
consistent with the General Plan and all applicable specific plans of the City of
Escondido.

For City Clerk's Use:

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APPROVED

☐

DENIED

Reso No. RRB _____

File No. _____

Ord No. RRB _____

RENT REVIEW BOARD

Agenda Item No.: 14

Date: October 3, 2012

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Jerry VanLeeuwen, Director of Community Services

SUBJECT: Short-form Rent Increase Application for Lake Bernardo Mobile Estates

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Lake Bernardo Mobile Estates.
- If approved, adopt Rent Review Board Resolution No. 2012-10 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.802% (an average of \$14.92) for the period of June 30, 2009, to December 30, 2011.

INTRODUCTION:

Lake Bernardo Mobile Estates Mobilehome Park ("Park") has filed a short-form rent increase application. The Board is asked to accept the staff report, hear public testimony, and make a determination concerning the request in accordance with the Escondido Rent Protection Ordinance and the short-form procedures as outlined in the Rent Review Board Guidelines. The application and the staff report have been made available to the Board for review and consideration prior to the hearing.

THE RENT INCREASE APPLICATION:

Lake Bernardo is an all-age Park located at 1202 Borden Road. The Park contains 167 spaces, and 70 of the spaces are currently subject to rent control. One space is set aside for the Park managers and the other spaces are either vacant or on long-term leases. Common facilities include a clubhouse, which has a social hall, kitchen, and a billiard room. The Park also offers a swimming pool, a covered shuffleboard court, R.V. storage and a landscaped fishing lake. Laundry facilities are available for a fee.

PARK OWNER'S REQUEST:

Under the short-form policy guidelines, the Park owner is requesting an increase of 75% of the change in the Consumer Price Index (CPI) covering the period of June 30, 2009, through December 31, 2011. The average increase requested is \$14.92 per space, per month, which is a 2.802% increase. The current average monthly base rent of the spaces subject to the application is \$532.39.

The application meets all the eligibility criteria for submittal of a short-form rent increase application. The last increase for the Park was granted in April 2011 for an average amount of \$14.92 per space, per month covering a 12-month period of consideration.

RESIDENT MEETING AND COMMENTS:

All residents affected by this request were invited to attend a meeting in their clubhouse on August 20, 2012 at 6:00pm. There were no residents in attendance; the meeting was attended by the Park owner's representative, the Park managers, and City staff. Staff discussed the short-form rent increase application process. No residents volunteered to act as a resident representative; there is no homeowner's group at Lake Bernardo Mobile Estates. Staff has received no communication from any resident.

CODE INSPECTION REPORT:

An inspection of the Park's common areas by the City's Code Enforcement Division noted violations of the Health and Safety Code. A copy of the Code Report is attached as "Exhibit A." The applicant representative has received a copy of the report, and is aware that no rent increase, if granted, may be implemented until the Health and Safety Code violations have been cleared.

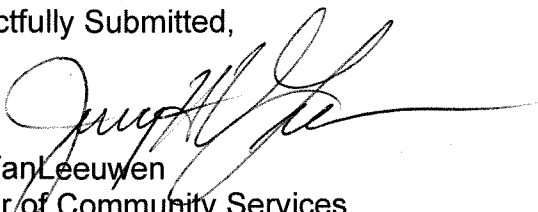
ADDITIONAL FACTORS AFFECTING THE APPLICATION:

In conformance with the Rent Review Board Guidelines, the decision of the Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon adoption of the Resolution. The 90-day notice of any rent increase granted may be sent to the residents upon the adoption of the Resolution.

STAFF RECOMMENDATION:

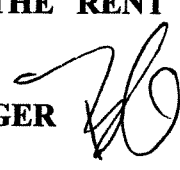
- Consider the short-form rent increase application submitted by Lake Bernardo Mobile Estates.
- If approved, adopt Rent Review Board Resolution No. 2012-10 granting an increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.802% (an average of \$14.92) for the period of June 30, 2009, to December 30, 2011.

Respectfully Submitted,


Jerry VanLeeuwen
Director of Community Services

DATE: September 12, 2012

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT
CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: LAKE BERNARDO MOBILE ESTATES

Lake Bernardo Mobile Estates was inspected on September 12, 2012, with the lighting inspection conducted the morning of August 30, 2012, as a result of an application for a rent increase having been filed. There were six violations found during the site inspection and no lighting violations; the inspection report is attached.

A resident meeting was held on August 20, 2012, with one owner's representative, two park managers and one City staff member in attendance. There is no resident representative for this park and there were no health and safety concerns reported.

There were no resident complaints and no open code enforcement cases in this park during the past year.

CC: Barbara Redlitz, Director of Community Development
Karen Youel, Rent Control Administration



September 12, 2012

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Lake Bernardo Mobile Estates

Park Owner: Phil Hohstein
RDPH Properties, Inc.
30423 Canwood St., #204
Agoura Hills, CA 91301
ATTN: Priscilla Cervantes

Park Manager: Bob and Renee Sullivan **Phone:** (760) 745-6206

Inspection Date: 09/12/2012 **Inspectors:** S. Moore/W. Kaw

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Health & Safety Code, Division 13, Part 2.1; the California Code of Regulations, Title 25, Chapter 2; the Escondido Zoning Code, Article 45; and the Escondido Municipal Code. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. Repair/replace the second access gate on the swimming pool fence, so that it self-closes and self-latches in accordance with the California Building Code. 25 CCR 1042, per CBC 3109
2. Repair the leak in the swimming pool filtration unit. 25 CCR 1608 (e)

3. Repair the first door of the triple-door storage compartment behind the clubhouse. 25 CCR 1605 (g) (2)
4. Repair/replace the first curb stop at the north side of the pond, next to the trash enclosure. 25 CCR 1102 (a)
5. Repair/replace the asphalt on the walking path on the east side of the pond. 25 CCR 1102 (a), 25 CCR 1116 (a)

**Areas of the park needing illumination per 25 CCR 1108
(Lighting Inspection; 08-30-12)**

1. Trim the tree branches away from the lighting fixture adjacent to space 143.

RESOLUTION NO. RRB 2012-10

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A RENT
INCREASE FOR LAKE BERNARDO MOBILE
ESTATES

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rent Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a Short-form Rent Increase Application ("Application") was filed pursuant to Section 12 of the Rent Review Board Guidelines on July 23, 2012, by the owner of Lake Bernardo Mobile Estates ("Park"), located at 1202 Borden Road in Escondido. The Application applies to 70 of the 167 spaces; and

WHEREAS, this is the seventeenth rent increase Application filed by the Park since the Ordinance became effective in 1988. The last short-form rent increase for 1.045%, or approximately \$5.41 per space, per month, was granted at a Rent Review Board Hearing held in April of 2011, and formally adopted by Rent Review Board Resolution 2011-02, and

WHEREAS, at the time of the current Application, the average monthly space rent was \$532.39 for the 70 spaces subject to rent control. The Park owner requested an increase in the amount of 75% of the change in the Consumer Price Index (CPI) for the period of June 30, 2010, through December 31, 2011, in accordance with the Rent

Review Board short-form policy guidelines. The Application estimated this amount to be an average of \$14.92 (2.802%) per space, per month; and

WHEREAS, a notice of the Park's Application was sent to all affected homeowners. All parties were given notice of the time, date, and place of the rent hearing before the Board; and

WHEREAS, on September 12, 2012, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed and it noted Health and Safety Code violations in the Park; and

WHEREAS, on October 3, 2012, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members and clarifying questions to the parties and Staff, the Board voted to grant an average increase of \$14.92 per space, per month, for the 70 spaces, which are subject to rent control.

NOW, THEREFORE, BE IT RESOLVED by the Rent Review Board of the City of Escondido, as follows:

1. That the above recitations are true.
2. That the Board has heard and considered all of the reports and testimony presented, and has considered the facts as outlined in the Short-Form Guidelines ("Guidelines").
3. That following the Guidelines, an increase based on 75% of the change in

the Consumer Price Index (CPI) for San Diego County from June 30, 2010, through December 31, 2011, amounts to 2.802%, which averages \$14.92 per space, per month, for the 70 spaces that are subject to rent control.

4. That the Board concluded that an increase of \$14.92 per space, per month, is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.

5. That the increase may not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection.

6. That the Increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Ordinance Amending Chapter 12 of the Escondido Municipal Code Regarding Mobile Food Facilities (Case No. AZ 12-0005)

RECOMMENDATION:

It is requested that Council introduce and subsequently adopt Ordinance No. 2012-18 amending Chapter 12 of the Escondido Municipal Code ("EMC") regarding Mobile Food Facilities.

FISCAL ANALYSIS:

No impact. The ordinance effectively grants the County of San Diego Department of Environmental Health ("DEH") authority to enforce the restaurant letter grading system on mobile food facilities within the City.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Economic Development.

PREVIOUS ACTION:

None

BACKGROUND:

The County of San Diego DEH implements the restaurant letter grading system throughout the County, including businesses within the City. The County recently adopted an ordinance extending this grading system to mobile food facilities such as food trucks and coffee carts operating in the unincorporated area, to provide consumers with more information about the overall operating condition of mobile vendors and to better distinguish them from unpermitted food vendors. The County has requested that each city adopt an ordinance to incorporate the County program by reference and enable the County to conduct enforcement in the City. The County's letter requesting the code amendment and the amended County Code of Regulatory Ordinances relating to mobile food facilities are attached.

Ordinance Amending Chapter 12 of the Escondido Municipal Code Regarding Mobile Food Facilities

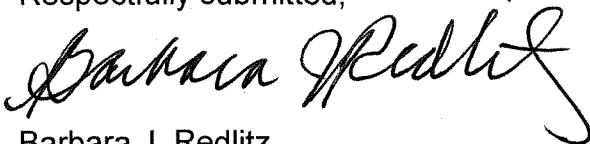
October 3, 2012

Page 2

A mobile food facility (currently referred to in the EMC as a "prepared food vending vehicle" or commonly known as a "food truck") is a vehicle from which food is sold, typically, from a take-out counter built into the vehicle. Currently, under EMC Sec. 2-1.(Adoption of County Food Regulations), the operation of a mobile food facility serving hot foods prepared in such vehicle is not permitted in the City, except as specifically authorized pursuant to the Zoning Code for specialized food sales from pushcart facilities on private property. The proposed code amendment would not change these current regulations, but would extend the restaurant letter grading system to pushcarts and any other mobile food facility that may be allowed in the future.

While food trucks are not a new concept, they are gaining popularity and changing the way they have traditionally operated from advertising through social media to selling unique gourmet dishes. The City has received inquiries from food truck owners and special event coordinators asking that the City consider amending the existing ordinance to allow them. Staff is evaluating options for consideration at a future meeting. However, at this time staff recommends approval of the code amendment pertaining to the letter grading system so that the County's enforcement authority for pushcarts can be in place upon the effective date of the County Ordinance in December 2012.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara J. Redlitz". The signature is fluid and cursive, with a large, stylized "B" and "R".

Barbara J. Redlitz

Director of Community Development

Proposed Amendment to EMC Chapter 12 Regarding Mobile Food Facilities

AZ 2012-0005

ESCONDIDO MUNICIPAL CODE

Chapter 12 FOOD AND FOOD HANDLERS

Note

*Cross reference—Licenses and business regulations generally, Ch. 16.

State law references—Authority to regulate food and beverage servicing enterprises, Health & S. Code, § 28693. Authority for city to adopt county ordinances or code by reference, procedure, Gov. Code, § 50022.9 et seq.

Sec. 12-1. Adoption of county food regulations.

(a) Except as provided in the Escondido Zoning Code, Chapters ~~1 and 2~~ and ~~3~~ of Division 1 and Chapters ~~1, 4 and 8~~ of Division 6 of Title 6 of the San Diego County Code of Regulatory Ordinances and such secondary codes as are incorporated in that primary code are hereby adopted by reference by the city, for the purpose of prescribing rules and regulations for the protection of the public health, safety and welfare regulations governing preparation and distribution of food, public health permits for food distribution establishments, permanent and mobile food facilities~~food vending vehicles~~, food handlers, destruction of spoiled food, refrigeration plants and reduction plants.

(b) Notwithstanding the provisions of this chapter or the provisions of the San Diego County Code adopted pursuant hereto, the operation of a ~~“prepared food vending vehicle”~~ mobile “food facility” (as described in Section 61.102 (e)~~70(a)~~ of the San Diego County Code) serving hot foods prepared in such vehicle shall not be permitted in the City of Escondido, except as specifically authorized pursuant to the Escondido Zoning Code for Specialized Food Sales from pushcart facilities on private property (SLUC 5815). This section 12-1(b) is declarative of existing law.

(c) All persons and businesses required to obtain a health-related permit or related service from the County of San Diego, Department of Environmental Health (DEH) pursuant to this code shall pay the County the fee established in the County Code for that permit or service, including delinquent payment fees. (Ord. No. 1129, § 1, 10-12-66; Ord. No. 77-53, § 1 9-21-77; Ord. No. 83-19, § 1, 4-13-83; Ord. No. 84-58, § 1, 9-5-84; Ord. No. 84-59, § 1, 9-5-84; Ord. No. 92-30, § 1, 7-15-92)

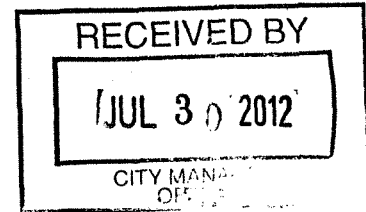


County of San Diego

JACK MILLER
Director

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ELIZABETH POZZEBON
Assistant Director



July 25, 2012

Mr. Clay Phillips, City Manager
CITY OF ESCONDIDO
City Hall, 2nd Floor
201 North Broadway
Escondido, CA 92025

Extending the Letter Grade to Mobile Food Facilities

Dear Mr. Phillips:

The County, through its Department of Environmental Health (DEH), currently implements the restaurant "ABC" letter grading system throughout the County, including in your City. On July 11, 2012, the San Diego County Board of Supervisors approved an ordinance that requires mobile food facilities that prepare food, such as food trucks and coffee carts, to conform to a letter grading system. The system is similar to the ABC grading program that has been used for restaurants throughout the County since the 1950's. However, this County ordinance only applies to mobile food facilities operating in the unincorporated areas of the County. In order for this food safety program enhancement to be successful, we need your help in adopting these changes into your municipal code so that we can implement this program improvement county-wide.

Extending the widely recognized letter grading system to mobile food facilities that prepare food will provide consumers with more information about the overall operating condition of the mobile food facility and help to better distinguish them from unpermitted food vendors. To assist with the region-wide adoption process, the County has prepared the attached model ordinance entitled "An Ordinance Allowing Grading of Mobile Food Facilities that Prepare Food" for your use. Adoption of a City ordinance based on this model will incorporate the changes to the County program by reference, and grants DEH the authority to enforce the posting of a letter grade on mobile food facilities operating within your City.

The County and the City already have an agreement under which the County provides services of this kind within the City, on a fee supported basis. To support that arrangement, your City has ordinance provisions in place that provide for the County to collect appropriate permit fees from businesses within the City that are subject to County administered regulatory programs. Section 3 of the attached model ordinance will update fee provisions for your City by reference to fees in the County Code. When an ordinance is presented to your City Council for adoption, notice and hearing requirements for an increased fee may be applicable. My staff and County Counsel are available to assist you in preparing final ordinance language that conforms to any advice your City Attorney may provide on required procedures.

July 25, 2012

In the near future, we will also contact you or staff you designate on additional municipal code updates for programs DEH administers in your City. Some programs need updates and some will be proposed for elimination. We will also ask for an ordinance to enable us to implement the new State Safe Body Art Act (which took effect as of July 1, 2012) on a consistent basis county-wide. But action on mobile food facility grading is more urgent because we hope to roll that program out on a consistent basis County-wide on December 1, 2012.

We are available to discuss the proposed ordinance changes, and we would be glad to present information about the ABC grading program to your City Council. A fact sheet on the new letter grading system for mobile food facilities is attached to this letter. My contact person is Gloria Estolano, Chief of the Food and Housing Division and she can be reached at (858) 505-6898.

Thanks in advance for your help in extending the ABC grading to mobile food operations throughout San Diego County.

Sincerely,



JACK MILLER, Director

- Attachments:
- 1) FACT SHEET - Letter Grading for Mobile Food Facilities that Prepare Food
 - 2) An Ordinance Allowing Grading of Mobile Food Facilities that Prepare Food
 - 3) An Ordinance Amending Portions of the County Code of Regulatory Ordinances Relating to Mobile Food Facilities



County of San Diego
DEPARTMENT OF ENVIRONMENTAL HEALTH
FOOD AND HOUSING DIVISION



FACT SHEET
LETTER GRADING FOR MOBILE FOOD FACILITIES THAT PREPARE FOOD
July 2012

The Department of Environmental Health (DEH) has implemented a successful ABC restaurant grading system since the late 1950's. On July 11, 2012, the Board of Supervisors voted to extend the letter grading system to nearly 300 carts that do limited food preparation, including coffee and hot dog carts and the over 250 food trucks that prepare and serve food to consumers. Adoption of the new county ordinance by all incorporated cities will allow implementation of this program countywide, promoting consistency and improving public notification of inspection results.

The new program is proposed to begin in December 2012, when the annual health permit is issued during the inspection certification process. The new program will consist of four key components:

- (1) **A scored inspection report and grading process similar to restaurants:**
A new scored food safety inspection report was designed to evaluate safe food handling practices as well as the unique operations, and equipment of mobile food facilities. The new report will facilitate the scoring and posting of a letter grade on each mobile food facility notifying the public of its relative degree of compliance during the last inspection.
- (2) **A mapping mechanism to help better locate mobile food facility route stops:**
Several tracking options were evaluated to find a practical way of finding these transient facilities in the field. The best option was a combination of route stop reporting and online route mapping using the ArcGIS Online Mapping System.
- (3) **Educational materials and outreach workshops:**
Materials are being developed to educate operators of mobile food facilities on the new grade card system. The information will also be made available on the DEH website at www.sdcdeh.org. Outreach workshops on how to earn an "A" will be conducted in English and Spanish for mobile food facility operators before the grading process is rolled out. In addition, a public outreach campaign will be developed to educate consumers on the new grading system to ensure they make good, safe dining choices.
- (4) **Reporting mobile food facility inspection results online:**
A summary of mobile food facility inspection results will be posted at www.EatSafeSanDiego.org where restaurant inspection results are currently posted. DEH will implement a new data management system, Accela, later this year. Accela will support the use of mobile inspection units in the field and will allow DEH to capture inspection results electronically and post them online.

For more information, please contact Gloria Estolano, Chief, Food and Housing Division at (858) 505-6898.

ORDINANCE NO. 10218 (N.S.)

AN ORDINANCE AMENDING PORTIONS OF THE COUNTY CODE OF REGULATORY
ORDINANCES RELATING TO
MOBILE FOOD FACILITIES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1: The Board of Supervisors finds and determines that provision should be made for improved public notification signage for mobile food facilities that prepare and serve ready-to-eat food by establishing a letter grading system similar to that used by the Department of Environmental Health (DEH) to rate restaurants. This ordinance amends appropriate sections of the San Diego County Code of Regulatory Ordinances to implement regulations which will extend the restaurant letter grading program to approximately 550 mobile food facilities that prepare and serve ready to eat food allowing consumers to make safe dining choices.

Section 2: Title 6, Division 1, Chapter 1 of the San Diego County Code of Regulatory Ordinances is hereby amended to read as follows:

SEC. 61.101. PURPOSE.

Health and Safety Code (H & S Code) sections 113700 et seq., also referred to as the California Retail Food Code (CRFC), provide Statewide health and sanitation standards for retail food facilities. These sections allow a county to establish some local requirements for retail food facilities and their employees. These sections also provide that a local enforcement agency shall have primary enforcement responsibility for the State regulations in its jurisdiction. The purpose of this chapter is to adopt additional regulations for retail food facilities and their employees to protect the public health and safety in San Diego County and to appoint the Department of Environmental Health to enforce State and County regulations for retail food facilities and their employees.

SEC. 61.102. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "DEH" means the Department of Environmental Health.
- (b) "Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.
- (c) "Equipment" has the same meaning as the term "equipment" in H & S code section 113777.
- (d) "Food" has the same meaning as the term "food" in H & S code section 113781.
- (e) "Food facility" has the same meaning as the term "food facility" in H & S code section 113789.
- (f) "Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.

(g) "Imminent health hazard" has the same meaning as the term "imminent health hazard" in H & S code section 113810.

(h) "Limited food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous, coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A limited food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

(i) "Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

(j) "Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in H & S code section 113881.

(k) "Tableware" has the same meaning as the term "tableware" in H & S code section 113926.

(l) "Utensil" has the same meaning as the term "utensil" in H & S code section 113934.

SEC. 61.103. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE RETAIL FOOD REGULATIONS.

DEH shall be the local enforcement agency for the CRFC and the regulations adopted in this chapter.

SEC. 61.104. PERMIT REQUIRED FROM DEPARTMENT OF ENVIRONMENTAL HEALTH.

A person who is required to obtain a food facility permit pursuant to the CRFC shall submit an application for the permit to DEH on a form provided by the department. The application shall be accompanied by the fee required in Title 6, Division 5, Chapter 1.

SEC. 61.105. PENALTY FOR ACTIVITIES WITHOUT A PERMIT.

When DEH initiates an enforcement action against a person operating a food facility without a permit required by the CRFC the department may recover its enforcement costs from the violator, up to a maximum of three times the cost of the permit. After the enforcement activity has been completed, DEH may send the violator a penalty assessment for its enforcement costs. The violator shall pay the assessment within 15 days from the date of the assessment or at the time the violator applies for the permit, whichever occurs first.

SEC. 61.106. PLAN REVIEW FEE.

A person required to submit written plans and specifications to DEH pursuant to H & S code section 114380 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications.

SEC. 61.107. GRADING SYSTEM FOR CERTAIN FOOD FACILITIES.

(a) The Director may adopt regulations to grade permanent or mobile food facilities that prepare ready-to-eat food, using a letter grade system. The grading system may be used during any inspection DEH conducts. An "A" grade shall represent a score of 90 percent or higher. A "B" grade shall represent a score of 80 to 89 percent. A "C" grade shall represent a score less than 80 percent. DEH shall issue an alphabetical grade card to each food facility graded during an inspection pursuant to this section and shall provide the permit holder with a list of deficiencies found during the grading inspection. If DEH determines from the inspection, however, that the facility presents an imminent health hazard that warrants immediate closure DEH shall not issue the facility a grade card.

(b) DEH may order a food facility permit holder receiving a grade of "B" or "C" to submit to subsequent re-grade inspections within 30 days, until the facility receives an "A" grade. DEH may also order a permit holder to correct a deficiency found during an inspection in less than 30 days. The permit holder shall pay DEH a re-grade fee at the time of each re-grade inspection, as specified in Title 6, Division 5, Section 65.107 (d).

(c) DEH may use information obtained during an inspection pursuant to this section to temporarily suspend a food facility permit and order a food facility to immediately close due to an imminent health hazard that cannot be immediately corrected. DEH may also use the information obtained during an inspection to modify, suspend or revoke the food facility's permit.

(d) If DEH determines that a food facility should be ordered to show cause at a hearing why its permit should not be suspended or revoked, DEH may require the facility to post a specified alternative notice instead of a grade card, until that hearing process is concluded and a decision concerning the permit is rendered.

(e) If DEH determines that the public should be informed of temporary conditions affecting a food facility, such as a boil water order or a closure order for only a portion of the facility, DEH may require the facility to post a specified notice, and may direct that such posting be maintained either instead of or in addition to posting a grade card.

(f) Violations of the requirements of this code related to food facility grading shall be subject to the penalties and procedures set out in Division 8 of Title 1 of this code.

SEC. 61.108. ALPHABETICAL GRADE CARD TO BE POSTED.

(a) The permit holder of a permanent or mobile food facility that prepares ready-to-eat food shall post the alphabetical grade card DEH issues, or any alternative notice specified by DEH pursuant to Section 61.107, whenever the facility is open for business. The grade card or alternative notice shall be posted so that it is clearly visible to patrons of the facility so that statements on the card may be read.

(b) If the food facility is enclosed, the permit holder shall post the grade card or alternative notice: (1) in the front window of the facility, (2) in an accessible display case mounted on the outside of the front door, (3) in an accessible display case mounted on the outside front wall of the facility within five feet of the front door or (4) in some other location DEH approves. If the food facility has a drive-through feature, the permit holder shall also post the grade card or alternative notice at the drive-in pickup window of the facility.

(c) If the food facility is not enclosed, the permit holder shall display the grade card or alternative notice in a location clearly visible to any patron of the facility. DEH may require the permit holder of an unenclosed facility to display the grade card or alternative notice in a specific location.

(d) The permit holder shall protect the alphabetical grade card or alternative notice from damage by weather conditions and shall not allow the card or alternative notice to be defaced, marred, camouflaged or hidden so as to prevent the general public from observing it. The permit holder shall request a new card or alternative notice from DEH within one business day of the grade card or alternative notice being damaged, marred, altered or lost.

SEC. 61.109. HEARING REQUESTED BY PERMIT HOLDER OR DEPARTMENT OF ENVIRONMENTAL HEALTH; APPEALS.

(a) If a permit holder requests a hearing within 15 days after receiving notice that DEH proposes to suspend or revoke a food facility permit pursuant to the CRFC, or if DEH temporarily closes a food facility for an imminent health hazard, the Director shall schedule a hearing. The Director shall also schedule a hearing when DEH proposes to modify, suspend or revoke a permit for serious or repeated violations of the CRFC. A hearing pursuant to this section shall be with a DEH employee, at the supervisor level or higher, who was not involved in the decision to propose to modify, suspend or revoke the permit or to temporarily close the facility.

(b) The permit holder may appeal the decision made at the hearing to the Appellate Hearing Board as provided in Chapter 1 of Division 6 of Title 1 of this Code. Filing an appeal shall stay the decision of the DEH hearing officer, unless the DEH hearing officer determined that an imminent health hazard required closure of the facility.

(c) The Clerk shall endeavor to schedule the appeal hearing on an expedited basis if the food facility must remain closed until that appeal is heard.

SEC. 61.110. ADMINISTRATIVE PROBATION.

(a) A permit holder and DEH may enter into a written administrative probation agreement to modify a decision by a departmental hearing officer to suspend a permit.

(b) If a permit holder fails to comply with the terms of an administrative probation agreement DEH may reinstate the original permit suspension and enforce any additional violation of the CRFC. The Director shall be the sole judge of whether the permit holder failed to comply with the agreement.

SEC. 61.111. NOTICE OF CLOSURE OF FOOD FACILITY.

(a) If the Director determines that a food facility is operating without a permit required by the CRFC the Director may order the person who owns or operates the facility to close immediately. In addition to taking any legal action authorized by law to compel a facility owner or operator to cease operating without a permit, the Director may post a notice of closure at or on a food facility operating without a permit, advising the public that the facility does not have a permit to sell food.

(b) The Director may also post a notice of closure on a food facility:

(1) When the Director orders the facility to close due to an imminent health hazard that the food facility does not immediately correct.

(2) When the Director suspends or revokes the facility's permit.

(c) No person other than the Director shall remove a notice posted by the Director pursuant to this section.

SEC. 61.112. INSPECTIONS AND TRACKING MOBILE FOOD FACILITIES.

(a) A mobile food facility permit holder shall pass an annual certification inspection at the same time the permit holder renews the annual permit or at a later date that DEH designates. A mobile food facility permit holder that passes inspection shall be issued a certification sticker, which the permit holder shall display on the mobile food facility at all times. If the mobile food facility permit holder fails to timely complete the annual inspection process the permit holder shall pay a late fee of 50% of the cost of the permit. No person shall operate or allow another person to operate a mobile food facility unless the facility passes the annual inspection. The mobile food facility may also be inspected in the field as authorized by the Director.

(b) The Director may establish a program to ensure that Mobile Food Facilities can be efficiently located in the field for inspections and grading, and may implement that program through permitting conditions.

A current list of locations at which a mobile food permit holder will operate shall be submitted to DEH along with a current cell phone number. DEH shall be notified in a timely manner whenever a change is made.

SEC. 61.113. RENTING OR LEASING EQUIPMENT AND UTENSILS.

(a) No person shall rent or lease equipment, tableware or utensils to a food facility without a permit issued by DEH.

(b) No person shall rent or lease equipment, tableware or utensils to a food facility unless it complies with the following requirements:

(1) The equipment is stored in a building that complies with the requirements the CRFC requires a food facility to comply with for storing equipment in a building.

(2) The tableware and utensils have been cleaned and sanitized by the same methods the CRFC requires a food facility to follow.

SEC. 61.114. FOOD HANDLER REQUIREMENTS.

(a) Except as provided in subsection (e) below no person shall employ a person as a food handler in a food facility unless the food handler: (1) has been issued a current food handler training certificate as provided in subsection (b), or (2) is supervised by a food safety certified owner or employee pursuant to the CRFC and has passed a food handler test, as described in subsection (d) below. A person may employ a food handler, however, who for the first ten days of employment has not passed the food handler test.

(b) The Director, or a person the Director authorizes, may issue a food handler training certificate to a person who successfully completes a three hour food sanitation training course and scores a grade of 80% or higher on a proficiency test, provided the Director approves the instructor, the course and the test. To be approved, the course of instruction shall include all of the following subjects:

(1) Major causes of foodborne illness.

- (2) Time and temperature control of potentially hazardous foods.
- (3) Proper employee health and hygiene practices.
- (4) Methods to protect food from contamination.
- (5) Required consumer advisories.
- (6) Approved food sources.
- (7) Washing and sanitizing of utensils and equipment.
- (8) Pest control.

(c) A food handler training certificate shall be valid for three years from the date it is issued. A person issued a food handler training certificate continuing employment at the facility shall obtain a new certificate every three years. The Director or a person the Director authorizes may renew a food handler training certificate for additional three year periods if the food handler is able to obtain a score of 80% or higher on the proficiency test at renewal time. If the food handler is unable to achieve a score of 80% on the test, the food handler shall repeat the food handler training certificate course and pass the proficiency test in order to obtain a renewal certificate. The Director may also require a person with a food handler training certificate to retake the training certificate course or retake and pass the proficiency test after less than three years from the date the certificate is issued.

(d) A food safety certified owner or employee may administer a food handler test that the Director prepares covering fundamental principles of food safety practices. A grade of 80% or higher is a passing grade. The food handler's passing test score shall be valid for three years from the test date or until the food handler ceases working as a food handler at the facility. A food handler continuing employment at the facility shall obtain a passing grade on the food handler test every three years. The Director may require a food handler to retake the test after less than three years.

(e) Notwithstanding the requirements of this section, the Director may allow the owner or operator of a temporary food facility to employ a food handler who does not have a current food handler certificate or who has not passed the food handler test within the last three years if: (1) the temporary food facility complies with H & S Code section 113947.1(c) and (2) the food handler is able to demonstrate adequate knowledge of food safety principles related to the operation of the temporary food facility. If a temporary food facility operator has passed the approved and accredited food safety certification examination specified in H & S code sections 113947.2 and 113947.3 the temporary food facility may apply for an annual temporary food facility permit rather than having to obtain a temporary event permit for each temporary event the facility participates in.

SEC. 61.115. FOOD HANDLER RECORDS.

The permit holder of a food facility shall maintain at the food facility a complete list of all food handlers and food safety certificate holders the facility employs. The permit holder shall also maintain a copy of any employed food handler's current: (a) food handler training certificates, (b) food handler test and (c) food safety certificate required by the CRFC. The Director may inspect any of these records the permit holder is required to maintain at the facility whenever the facility is open for business.

Section 3: This ordinance shall take effect and be in force thirty days after its passage and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 25th day of July, 2012.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY

Rodney F. Lorang, Senior Deputy

ORDINANCE NO. 2012-18

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 12 OF THE
ESCONDIDO MUNICIPAL CODE TO ALLOW
GRADING OF MOBILE FOOD FACILITIES
THAT PREPARE FOOD

WHEREAS, California Government Code Section 50022.9 authorizes a city to adopt a county ordinance or code by reference and the City of Escondido has adopted the San Diego County Code food regulations as codified in Escondido Municipal Code Chapter 12; and

WHEREAS, fixed location food facilities throughout San Diego County are currently scored against food safety criteria by County Inspectors and assigned an A, B, or C letter grade; and

WHEREAS, on July 11, 2012, the San Diego County Board of Supervisors approved an ordinance that will expand the letter grading system to mobile food facilities; and

WHEREAS, although most mobile food facilities are prohibited in the City of Escondido, the County Director of Environmental Health has asked the City to adopt this ordinance to standardize the procedures for all food facilities within the County of San Diego; and

WHEREAS, the changes contained in this ordinance will assist customers to easily identify vendors in compliance with health and safety regulations and to make safe dining choices.

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That the above findings and determinations are hereby adopted
as true and correct.

SECTION 2. Escondido Municipal Code section 12-1 is amended as follows:

Sec. 12-1. Adoption of county food regulations.

(a) San Diego County Code of Regulatory Ordinances, Title 6 (Health and Sanitation), Division 1 (Food), Chapter 1 (Regulation Of Retail Food Facilities And Food Handlers) and Division 5 (Permit Fees and Procedures for Businesses and Health Regulated Activities), attached as Exhibits "A" and "B," are hereby adopted by reference.

(b) All persons and businesses required to obtain a health-related permit or related service from the County of San Diego, Department of Environmental Health ("DEH") pursuant to this code shall pay the County the fee for that permit or service, including delinquent payment fees.

(c) Adoption of the San Diego County Codes in this Chapter shall not grant any right or privilege otherwise prohibited in the Escondido Municipal Code or the Escondido Zoning Code.

SECTION 3. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

San Diego County Code of Regulatory Ordinances

CHAPTER 1. REGULATION OF RETAIL FOOD FACILITIES AND FOOD HANDLERS*

***Note**—Repealed and new Chapter 1 added by Ord. No. 10036 (N.S.), effective 2-26-10.

SEC. 61.101. PURPOSE.

Health and Safety Code (H & S Code) sections 113700 et seq., also referred to as the California Retail Food Code (CRFC), provide Statewide health and sanitation standards for retail food facilities. These sections allow a county to establish some local requirements for retail food facilities and their employees. These sections also provide that a local enforcement agency shall have primary enforcement responsibility for the State regulations in its jurisdiction. The purpose of this chapter is to adopt additional regulations for retail food facilities and their employees to protect the public health and safety in San Diego County and to appoint the Department of Environmental Health to enforce State and County regulations for retail food facilities and their employees.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.102. DEFINITIONS.

The following definitions shall apply to this chapter:

- (a) "DEH" means the Department of Environmental Health.
- (b) "Director" means the Director of DEH and any person appointed or hired by the Director to enforce or administer this chapter.
- (c) "Equipment" has the same meaning as the term "equipment" in H & S code section 113777.
- (d) "Food" has the same meaning as the term "food" in H & S code section 113781.
- (e) "Food facility" has the same meaning as the term "food facility" in H & S code section 113789.
- (f) "Food handler" means a person who prepares, handles, packages, serves or stores food or handles utensils, or assists another person in any of those tasks at a food facility that requires a permit pursuant to this chapter.
- (g) "Imminent health hazard" has the same meaning as the term "imminent health hazard" in H & S code section 113810.
- (h) "Limited food preparation facility" means for purposes of section 65.107(a), a retail food facility that only serves frozen ice cream, hot dogs, beverages that are not potentially hazardous,

coffee or cocoa based beverages that may contain cream, milk or similar dairy products requiring no preparation other than heating, blending, assembly, scooping or dispensing. A limited food preparation facility also includes an Alcoholic Beverage Control license type 42 or 48 facility, as long as that facility does not engage in slicing, chopping or grinding of raw potentially hazardous foods, reheating for hot holding, washing of foods, or cooking, baking, barbecuing, broiling, frying or grilling any food.

(i) "Prepare" means to package, process, assemble, portion or engage in any operation that changes the form, flavor or consistency of food, but does not include trimming produce.

(j) "Ready-to-eat food" has the same meaning as the term "ready-to-eat food" in H & S code section 113881.

(k) "Tableware" has the same meaning as the term "tableware" in H & S code section 113926.

(l) "Utensil" has the same meaning as the term "utensil" in H & S code section 113934.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.103. DEPARTMENT OF ENVIRONMENTAL HEALTH TO ENFORCE RETAIL FOOD REGULATIONS.

DEH shall be the local enforcement agency for the CRFC and the regulations adopted in this chapter.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.104. PERMIT REQUIRED FROM DEPARTMENT OF ENVIRONMENTAL HEALTH.

A person who is required to obtain a food facility permit pursuant to the CRFC shall submit an application for the permit to DEH on a form provided by the department. The application shall be accompanied by the fee required in Title 6, Division 5, Chapter 1.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.105. PENALTY FOR ACTIVITIES WITHOUT A PERMIT.

When DEH initiates an enforcement action against a person operating a food facility without a permit required by the CRFC the department may recover its enforcement costs from the violator, up to a maximum of three times the cost of the permit. After the enforcement activity has been completed, DEH may send the violator a penalty assessment for its enforcement costs. The violator shall pay the assessment within 15 days from the date of the assessment or at the time the violator applies for the permit, whichever occurs first.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.106. PLAN REVIEW FEE.

A person required to submit written plans and specifications to DEH pursuant to H & S code section 114380 shall pay the plan review fee required in Title 6, Division 5 at the time the person submits plans and specifications.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.107. GRADING SYSTEM FOR CERTAIN FOOD FACILITIES.

(a) The Director may adopt regulations to grade permanent or mobile food facilities that prepare ready-to-eat food, using a letter grade system. The grading system may be used during any inspection DEH conducts. An "A" grade shall represent a score of 90 percent or higher. A "B" grade shall represent a score of 80 to 89 percent. A "C" grade shall represent a score less than 80 percent. DEH shall issue an alphabetical grade card to each food facility graded during an inspection pursuant to this section and shall provide the permit holder with a list of deficiencies found during the grading inspection. If DEH determines from the inspection, however, that the facility presents an imminent health hazard that warrants immediate closure DEH shall not issue the facility a grade card.

(b) DEH may order a food facility permit holder receiving a grade of "B" or "C" to submit to subsequent re-grade inspections within 30 days, until the facility receives an "A" grade. DEH may also order a permit holder to correct a deficiency found during an inspection in less than 30 days. The permit holder shall pay DEH a re-grade fee at the time of each re-grade inspection, as specified in Title 6, Division 5, Section 65.107 (d).

(c) DEH may use information obtained during an inspection pursuant to this section to temporarily suspend a food facility permit and order a food facility to immediately close due to an imminent health hazard that cannot be immediately corrected. DEH may also use the information obtained during an inspection to modify, suspend or revoke the food facility's permit.

(d) If DEH determines that a food facility should be ordered to show cause at a hearing why its permit should not be suspended or revoked, DEH may require the facility to post a specified alternative notice instead of a grade card, until that hearing process is concluded and a decision concerning the permit is rendered.

(e) If DEH determines that the public should be informed of temporary conditions affecting a food facility, such as a boil water order or a closure order for only a portion of the facility, DEH may require the facility to post a specified notice, and may direct that such posting be maintained either instead of or in addition to posting a grade card.

(f) Violations of the requirements of this code related to food facility grading shall be subject to the penalties and procedures set out in Division 8 of Title 1 of this code.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10101 (N.S.), effective 1-7-11; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.108. ALPHABETICAL GRADE CARD TO BE POSTED.

(a) The permit holder of a permanent or mobile food facility that prepares ready-to-eat food shall post the alphabetical grade card DEH issues, or any alternative notice specified by DEH pursuant to Section 61.107, whenever the facility is open for business. The grade card or alternative notice shall be posted so that it is clearly visible to patrons of the facility so that statements on the card may be read.

(b) If the food facility is enclosed, the permit holder shall post the grade card or alternative notice: (1) in the front window of the facility, (2) in an accessible display case mounted on the outside of the front door, (3) in an accessible display case mounted on the outside front wall of the facility within five feet of the front door or (4) in some other location DEH approves. If the food facility has a drive-through feature, the permit holder shall also post the grade card or alternative notice at the drive-in pickup window of the facility.

(c) If the food facility is not enclosed, the permit holder shall display the grade card or alternative notice in a location clearly visible to any patron of the facility. DEH may require the permit holder of an unenclosed facility to display the grade card or alternative notice in a specific location.

(d) The permit holder shall protect the alphabetical grade card or alternative notice from damage by weather conditions and shall not allow the card or alternative notice to be defaced, marred, camouflaged or hidden so as to prevent the general public from observing it. The permit holder shall request a new card or alternative notice from DEH within one business day of the grade card or alternative notice being damaged, marred, altered or lost.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10101 (N.S.), effective 1-7-11; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.109. HEARING REQUESTED BY PERMIT HOLDER OR DEPARTMENT OF ENVIRONMENTAL HEALTH; APPEALS.

(a) If a permit holder requests a hearing within 15 days after receiving notice that DEH proposes to suspend or revoke a food facility permit pursuant to the CRFC, or if DEH temporarily closes a food facility for an imminent health hazard, the Director shall schedule a hearing. The Director shall also schedule a hearing when DEH proposes to modify, suspend or revoke a permit for serious or repeated violations of the CRFC. A hearing pursuant to this section shall be with a DEH employee, at the supervisor level or higher, who was not involved in the decision to propose to modify, suspend or revoke the permit or to temporarily close the facility.

(b) The permit holder may appeal the decision made at the hearing to the Appellate Hearing Board as provided in Chapter 1 of Division 6 of Title 1 of this Code. Filing an appeal shall stay the decision of the DEH hearing officer, unless the DEH hearing officer determined that an imminent health hazard required closure of the facility.

(c) The Clerk shall endeavor to schedule the appeal hearing on an expedited basis if the food facility must remain closed until that appeal is heard.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10101 (N.S.), effective 1-7-11; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.110. ADMINISTRATIVE PROBATION.

(a) A permit holder and DEH may enter into a written administrative probation agreement to modify a decision by a departmental hearing officer to suspend a permit.

(b) If a permit holder fails to comply with the terms of an administrative probation agreement DEH may reinstate the original permit suspension and enforce any additional violation of the CRFC. The Director shall be the sole judge of whether the permit holder failed to comply with the agreement.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.111. NOTICE OF CLOSURE OF FOOD FACILITY.

(a) If the Director determines that a food facility is operating without a permit required by the CRFC the Director may order the person who owns or operates the facility to close immediately. In addition to taking any legal action authorized by law to compel a facility owner or operator to cease operating without a permit, the Director may post a notice of closure at or on a food facility operating without a permit, advising the public that the facility does not have a permit to sell food.

(b) The Director may also post a notice of closure on a food facility:

(1) When the Director orders the facility to close due to an imminent health hazard that the food facility does not immediately correct.

(2) When the Director suspends or revokes the facility's permit.

(c) No person other than the Director shall remove a notice posted by the Director pursuant to this section.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.112. INSPECTIONS AND TRACKING MOBILE FOOD FACILITIES.

(a) A mobile food facility permit holder shall pass an annual certification inspection at the same time the permit holder renews the annual permit or at a later date that DEH designates. A mobile food facility permit holder that passes inspection shall be issued a certification sticker, which the permit holder shall display on the mobile food facility at all times. If the mobile food facility permit holder fails to timely complete the annual inspection process the permit holder shall pay a late fee of 50% of the cost of the permit. No person shall operate or allow another person to operate a mobile food facility unless the facility passes the annual inspection. The mobile food facility may also be inspected

in the field as authorized by the Director.

(b) The Director may establish a program to ensure that Mobile Food Facilities can be efficiently located in the field for inspections and grading, and may implement that program through permitting conditions.

A current list of locations at which a mobile food permit holder will operate shall be submitted to DEH along with a current cell phone number. DEH shall be notified in a timely manner whenever a change is made.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.113. RENTING OR LEASING EQUIPMENT AND UTENSILS.

(a) No person shall rent or lease equipment, tableware or utensils to a food facility without a permit issued by DEH.

(b) No person shall rent or lease equipment, tableware or utensils to a food facility unless it complies with the following requirements:

(1) The equipment is stored in a building that complies with the requirements the CRFC requires a food facility to comply with for storing equipment in a building.

(2) The tableware and utensils have been cleaned and sanitized by the same methods the CRFC requires a food facility to follow.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.114. FOOD HANDLER REQUIREMENTS.

(a) Except as provided in subsection (e) below no person shall employ a person as a food handler in a food facility unless the food handler: (1) has been issued a current food handler training certificate as provided in subsection (b), or (2) is supervised by a food safety certified owner or employee pursuant to the CRFC and has passed a food handler test, as described in subsection (d) below. A person may employ a food handler, however, who for the first ten days of employment has not passed the food handler test.

(b) The Director, or a person the Director authorizes, may issue a food handler training certificate to a person who successfully completes a three hour food sanitation training course and scores a grade of 80% or higher on a proficiency test, provided the Director approves the instructor, the course and the test. To be approved, the course of instruction shall include all of the following subjects:

(1) Major causes of foodborne illness.

(2) Time and temperature control of potentially hazardous foods.

- (3) Proper employee health and hygiene practices.
- (4) Methods to protect food from contamination.
- (5) Required consumer advisories.
- (6) Approved food sources.
- (7) Washing and sanitizing of utensils and equipment.
- (8) Pest control.

(c) A food handler training certificate shall be valid for three years from the date it is issued. A person issued a food handler training certificate continuing employment at the facility shall obtain a new certificate every three years. The Director or a person the Director authorizes may renew a food handler training certificate for additional three year periods if the food handler is able to obtain a score of 80% or higher on the proficiency test at renewal time. If the food handler is unable to achieve a score of 80% on the test, the food handler shall repeat the food handler training certificate course and pass the proficiency test in order to obtain a renewal certificate. The Director may also require a person with a food handler training certificate to retake the training certificate course or retake and pass the proficiency test after less than three years from the date the certificate is issued.

(d) A food safety certified owner or employee may administer a food handler test that the Director prepares covering fundamental principles of food safety practices. A grade of 80% or higher is a passing grade. The food handler's passing test score shall be valid for three years from the test date or until the food handler ceases working as a food handler at the facility. A food handler continuing employment at the facility shall obtain a passing grade on the food handler test every three years. The Director may require a food handler to retake the test after less than three years.

(e) Notwithstanding the requirements of this section, the Director may allow the owner or operator of a temporary food facility to employ a food handler who does not have a current food handler certificate or who has not passed the food handler test within the last three years if: (1) the temporary food facility complies with H & S Code section 113947.1(c) and (2) the food handler is able to demonstrate adequate knowledge of food safety principles related to the operation of the temporary food facility. If a temporary food facility operator has passed the approved and accredited food safety certification examination specified in H & S code sections 113947.2 and 113947.3 the temporary food facility may apply for an annual temporary food facility permit rather than having to obtain a temporary event permit for each temporary event the facility participates in.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

SEC. 61.115. FOOD HANDLER RECORDS.

The permit holder of a food facility shall maintain at the food facility a complete list of all food handlers and food safety certificate holders the facility employs. The permit holder shall also maintain a copy of any employed food handler's current: (a) food handler training certificates, (b) food handler test and (c) food safety certificate required by the CRFC. The Director may inspect any of

these records the permit holder is required to maintain at the facility whenever the facility is open for business.

(Added by Ord. No. 10036 (N.S.), effective 2-26-10; amended by Ord. No. 10218 (N.S.), effective 8-24-12)

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Ordinance No. 2012-10
EXHIBIT A
Page 2 of 2

Ordinance No. 2012-18
EXHIBIT B
Page 1 of 2

San Diego County Code of Regulatory Ordinances

CHAPTER 1. APPLICATIONS, PERMITS AND FEES

SEC. 66.101. FEES.

Every applicant for a permit, license or registration required by this Division 6 shall at the time of making application pay the fee prescribed in Title 6, Division 5, Section 65.107, par. (j), of this Code.

(Amended by Ord. No. 5405 (N.S.), effective 3-22-79, operative 3-23-79; repealed and new Section 66.101 added by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.102. [RESERVED.]

(Repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.103. [RESERVED.]

(Amended by Ord. No. 5405 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.104. [RESERVED.]

(Amended by Ord. No. 3436 (N.S.), effective 1-1-70; repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.105. [RESERVED.]

(Amended by Ord. No. 4963 (N.S.), effective 9-15-77; amended by Ord. No. 5405 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.106. [RESERVED.]

(Repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.107. [RESERVED.]

(Amended by Ord. No. 4963 (N.S.), effective 9-15-77; repealed by Ord. No. 6378 (N.S.), effective 7-29-82)

SEC. 66.108. [RESERVED.]

(Added by Ord. No. 4963 (N.S.), effective 9-15-77; repealed by Ord. No. 5726 (N.S.), effective 5-8-80)

SEC. 66.109. VIOLATION -- INFRACTION -- MISDEMEANOR.

(a) Except as provided in subsection (b), any person violating any provision of this chapter shall be deemed guilty of an infraction.

(b) A person convicted of a third or subsequent violation of this chapter within two years from the date of the first conviction shall be deemed guilty of a misdemeanor.

(c) Each day on which a violation occurs or continues shall constitute a separate offense.

(Added by Ord. No. 5233 (N.S.), effective 8-22-78; Ord. No. 5233 superseded by Ord. No. 5246 (N.S.), adopted 8-29-78, effective 9-28-78; amended by Ord. No. 6466 (N.S.), effective 12-2-82)

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CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council
FROM: Jerry H. Van Leeuwen, Director of Community Services
SUBJECT: Park Improvement Projects

RECOMMENDATION:

It is requested Council consider and select park improvement projects.

FISCAL ANALYSIS:

\$251,275 is available through a grant from the State of California Department of Housing and Community Development ("HCD") and approximately \$500,000 is available in the Park Development Fund.

PREVIOUS ACTION:

The City Council rejected a proposed Community Room at the Escondido Sports Center during the consideration and approval of the 2012-13 Capital Improvement Budget and directed staff to bring back ideas for other projects.

BACKGROUND:

Council is being asked to program two different sources of funding. Each source has some restrictions.

The City of Escondido received a grant of \$251,275 from the State of California HCD. The grant is provided to California cities that have completed low-income housing projects during a certain time period. The funds to provide the grants were approved through an initiative process, Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, Health and Safety Code Section 53545, subdivision (d). The grant must be used in low-income areas that are park deficient based on density of population. The funds may be used for new facilities or to renovate existing facilities.

The Park Development Fund receives funds from fees paid by new development. These funds may be used anywhere within the City, but must be used to expand or enhance park land or facilities. The funds cannot be used for maintenance of facilities.

The Community Services Commission received input from the public at a meeting held on August 23, 2012. Many community residents came forward with suggestions for projects. This included requests for:

1. A master plan for City owned land near the Humane Society and Dog Park (El Caballo Trailhead). A request was made for expansion of playground areas in Grape Day Park.
2. Expanded playground areas in Grape Day Park.
3. Splash pad water features at either Washington Park or Grape Day Park.
4. Community Gardens on City owned land at Ash and Washington adjacent to the Escondido Creek Trail.

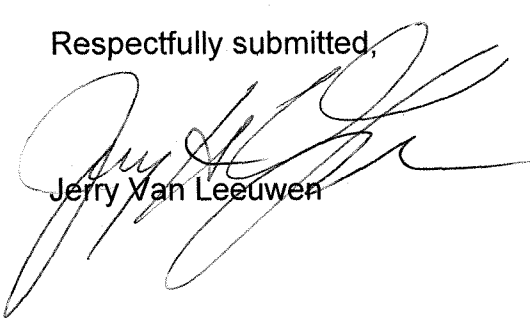
In addition, other ideas were brought forward, including:

1. Additional ball field lighting at Jesmond Dene Little League fields.
2. BMX track at Kit Carson Park or Jesmond Dene Park
3. Batting Cages at Kit Carson Park
4. Play equipment for children at Escondido Sports Center
5. Shade structures at Escondido Sports Center
6. Improvements and refurbishments at Jim Stone Pool.

The attached chart provides cost estimates for the suggested improvements and possible funding sources.

The Escondido Municipal Code directs the Director of Community Services receive advisement on park facilities from the Community Services Commission and that he or she then make recommendations to the City Council. The chart indicates my recommendations.

Respectfully submitted,



Jerry Van Leeuwen

Park Improvement Projects

October 3, 2012

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PROJECT	ESTIMATED COST	HCD GRANT ELIGIBLE	PARK DEV. FUND ELIGIBLE	RECOMMENDATION
El Caballo Master Plan	\$50,000	No	Yes	Supported by the Community Services Commission.
Expanded Playground in Grape Day Park	\$75,000 plus \$8,000 from History Center	Yes	Yes	Approve from Park Development Funds and/or HCD Funds
Washington Park Improvements	\$120,000	Yes	Yes	Approve with HCD and PDF at Washington Park. Specific improvements to be determined.
Community Gardens	Unknown	Yes	Yes	Not recommended due to potential economic uses of the land. Could be considered as a temporary use through Adopt A Lot program
Ballfield Lights	\$113,500	No	Yes	Not recommended. Commissioners felt benefits were to fewer residents than other options.
BMX at KCP or Jesmond Dene	\$100,000	No	Yes	Commissioners were open to a lease of City land for this activity but not with financial participation. Not recommended at this time.
Batting Cages	Unknown	No	Yes	Commissioners were open to lease of park land to private operator but not at City expense.
Play Equipment at Sports Center	\$80,000	No	Yes	Commissioners were supportive, but less so than other options. Staff recommends if funding is available but not as first priority
Shade Structures at Sports Center	\$100,000	No	Yes	This may have revenue potential and is therefore recommended for further analysis.
Jim Stone Pool	\$131,275	Yes	No	Approve from HCD Grant. Strongly supported by Commission.

CITY COUNCIL

For City Clerk's Use:

☐ **APPROVED** ☐ **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 17

Date: October 3, 2012

TO: Honorable Mayor and Members of the City Council

FROM: Gilbert Rojas, Director of Finance

SUBJECT: Financial Report for the Fiscal Year Ended June 30, 2012

RECOMMENDATION:

It is requested that Council receive and file the financial status report for Fiscal Year 2011-12 and approve a transfer to cover the Reidy Creek Golf Course loss for Fiscal Year 2011-12 and reimburse the Successor Redevelopment Agency for Economic Development expenses. The remaining funds will be added to reserves.

FISCAL ANALYSIS:

This report provides Council a written end of fiscal year financial status of selected funds of the City for Fiscal Year 2011-12. The report provides actual revenues and expenditures for Fiscal Year 2011-12 compared to Fiscal Year 2010-11 for the General Fund, the Recreation Fund, the Water and Wastewater Enterprises, and the Reidy Creek Municipal Golf Course Fund. The financial highlights for each of these funds are summarized below:

- The General Fund adopted a Fiscal Year 2011-12 balanced budget. General Fund net assets grew by \$4,109,260 because of an increase in sales tax revenue due to a recovering economy, additional franchise fee tax revenue previously allocated to the Recreation Fund, a savings in expenses of \$913,224, and one-time revenue of \$1,590,350 from the County's Residual Property Tax Trust Fund. This leaves a Reserve Balance at June 30, 2012, of \$22,636,005.
- The available Recreation Fund balance at the beginning of this fiscal year was \$573,000. The Fiscal Year 2011-12 budget had anticipated using \$252,545. Even though revenues were up in comparison to last year they were still short of the amount budgeted by \$186,886. Also while expenditures were down in comparison to last year they were just a little bit over the budgeted amount, resulting in a total use of \$454,359 in fund balance. All of which leaves \$118,641 remaining in Recreation's available fund balance.

Financial Report for the Fiscal Year Ended June 30, 2012

October 3, 2012

Page 2

- The Water Fund and the Wastewater Fund ended the year with an increase to fund balance of \$1.1 million dollars and \$9.1 million respectively. Income generated by these Funds will be used primarily to increase the capital and operating reserves to levels established by City Council policy following reserve levels recommended by the most recent rate study.
- The Reidy Creek Municipal Golf Course ended the year with a net operating deficit of \$53,863. Overall revenues were down 2.4% and expenditures increased by \$40,558 compared to the prior year due to an increase in maintenance expenses. City staff is recommending the transfer of funds from the General Fund positive net income of Fiscal Year 2011-12 in order to subsidize the fund deficit.

PREVIOUS ACTION:

On June 13, 2012, the City Council received the Fiscal Year 2011/12 third quarter financial report. On July 25, 2012, Resolution No. 2012-132 returned the \$20,000,000 loan repayment to the Redevelopment Successor Agency.

BACKGROUND:

Quarterly financial reports present written financial updates to Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information for certain funds, along with the actual resources received to date, in addition to the use of these resources in fulfilling each fund's financial plan. The reports provide year to date information for the General Fund, Recreation Fund, Water and Wastewater Funds and the Reidy Creek Fund. The quarterly financial report is for internal use only and should not be considered a substitute for the City's Comprehensive Annual Financial Report (CAFR). The CAFR, which includes audited financial information for all funds of the City, is generally released before the end of the calendar year.

Respectfully submitted,



Gilbert Rojas
Director of Finance

Quarterly Financial Status Report



Prepared by the Finance Department

Fourth Quarter Ending June 30, 2012

This report summarizes the City's overall financial position for the period of July 1, 2011 through June 30, 2012. While the focus of this report is the General Fund, the financial status of the Water and Wastewater Enterprises, the Recreation Fund, and the Reidy Creek Municipal Golf Course are included. This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting Principles (GAAP).

Adjusted Budget and Revenue Estimates

The revenue projections and budget include adjustments for encumbrances, carryovers, and any other supplemental appropriations approved by the City Council as of June 30, 2012.

General Fund

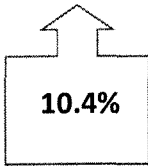
Actual General Fund revenues for the year were \$72.8 million excluding one-time revenue of \$1.59 million received from the Redevelopment Property Tax Trust Fund. This is an improvement in revenues of \$3.2 million or 5% higher than revenue received in the previous year. Actual General Fund expenditures were \$72.0 million which was \$913 thousand less than budgeted and \$236 thousand less than the prior year. Other sources and uses are comprised of operating transfers in and operating transfers out. This balance also includes transfers in from the Recycling Fund and the Daley Ranch fund which caused the variance between the actual amount and revised budget amount.

The next few pages of this report provide detail of General Fund revenue and expenditures.

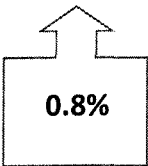
General Fund Balance	Original Budget	Revised Budget	Actual	Actual/ Revised
Revenues	\$72,081,425	\$73,108,530	\$74,507,109	102%
Expenditures	72,543,740	72,897,335	71,984,111	99%
Other Sources (Uses)	462,315	(762,440)	1,586,262	-208%
Fund Balance, Beg of Year	34,641,542	34,641,542	34,641,542	
Fund Balance, End of Year (1)	\$34,641,542	\$34,090,297	\$38,750,802	

- (1) The amount in revised end of year fund balance represents unspendable fund balance of \$5.2 million and committed or assigned fund balance of \$33.5 million. The \$5.2 million in unspendable fund balance is for advances to other funds and non-current loans receivable. Amounts included in committed or assigned fund balance are for Daley ranch improvements, emergency reserve and underground waivers. The General Fund has no unassigned fund balance.

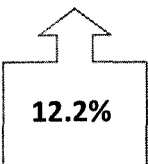
General Fund Revenues



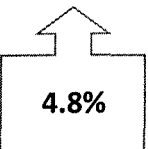
Sales Taxes (\$27.8 million) – Sales tax revenue received through June 30, 2012 increased from the previous fiscal year during the same time frame by about \$2.6 million or 10.4%. For sales occurring in the third quarter of fiscal year 2011/12 (the most recent data available), the City saw sales tax receipts increase with gains in every economic category. The City's largest economic category, transportation, experienced an increase in sales tax of 23.9% over calendar year third quarter 2011. This category includes new and used auto sales that saw growth in quarterly sales tax revenue of 26.1% and 170.2%, respectively. This is in line with the state economy in which the California New Car Dealers Association reported that California's new light vehicle registrations are up 17.7% versus a year earlier, higher than the 13.3% increase nationally.



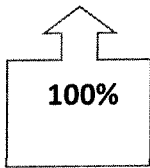
Property Taxes (\$20.5 million) – Property tax revenues collected through June were up about \$164,000 compared to amounts collected last year at this time. This increase is the result of an increase in assessed values of about .78% for property located in the City. This was the result of a lower number of residential property tax appeals, positive new assessments resulting from change in ownership and new construction activity and the positive indexing factor on Prop 13 values. This City also received an additional statutory payment of about \$116,000 from the Escondido Redevelopment Agency as part of the final closeout process.



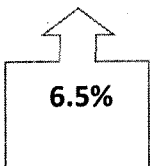
Franchise Fees (\$5.5 million) – Franchise fees are generated from privately owned utility companies and other businesses for the privilege of using City rights-of-way while conducting business within City limits. Businesses that are required to pay franchise fees to the City include: San Diego Gas and Electric (SDG&E) on gas and electric services, Cox Cable and AT&T for cable and video services, and Escondido Disposal for refuse collection services. Franchise fees received by the General Fund are up about \$597,000 compared to last fiscal year. This is because the franchise fee collected from Cox Cable is now all going to the General Fund while in previous years a portion of this fee was used to support Recreation programs.



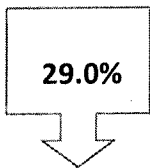
All Other Taxes (\$3.6 million) – All other taxes include transient occupancy tax (TOT), property transfer tax, transfer station fees and business licenses. In total, these revenues are up over last year by about \$167,000. Business license revenues increased by approximately \$37,000 compared to the last fiscal year or about 2.6%. TOT receipts reflected an increase of approximately \$178,000 or 17.4% greater than last fiscal year. Part of this increase of \$178,000 came from prior year unpaid taxes that will be collected over the next 2 years as part of a court ordered settlement. The transfer station fee is about equal to the amount collected last year. The property transfer tax is down about \$47,000 compared to last fiscal year due to the slowdown in real estate sales.



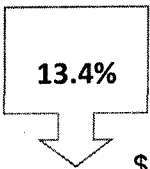
RPTTF Residual Payment (\$1.6 million) – In July 2012 the County collected residual tax payments from local entities based on tax increment activity from November 2011 to January 2012. The residual payments collected were then redistributed to taxing entities and as a result the General Fund received a one-time only payment from the Redevelopment Property Tax Trust Fund in the amount of \$1,590,350.



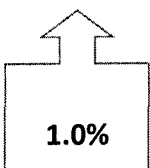
Intergovernmental (\$3.0 million) – Intergovernmental revenues include vehicle license fees, the Rincon fire services agreement, state library grants, senior nutrition grants, P.O.S.T. reimbursement, and state mandated cost reimbursements. Revenues in this category have increased over the prior year by about \$184,000. This increase is primarily from the amount collected for fire services in the Rincon Fire District which is up about \$335,000 compared to receipts received in the prior fiscal year. This increase is offset by a decrease of about \$100,000 in vehicle license fees.



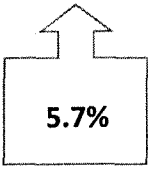
Permits & Licenses (\$821,000) – The City collects permit fees for building, plumbing, electrical, mechanical, fire code, and mobile-home permits. The tow license fee is also included in this revenue grouping. Permits and license fee revenue is down about \$334,000 compared to last year at this time mainly due to a decrease in building permit fees.



Fines and Forfeitures (\$1.6 million) – Fines and forfeitures are collected by the City for red light photo citations, vehicle code fines, parking ticket fines, other court fines, library fines, code enforcement citations and impound fees. The City recognizes revenues when the citizen pays the fine or forfeiture as opposed to when the fine is imposed. These revenues are down about \$254,000. This decrease in revenue is the result of decreases in red light camera fines, impound fees, and parking ticket fines.

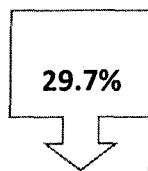


Charges for Services (\$5.5 million) – Charges for services include paramedic fees, false alarm fees, fingerprinting revenue, abandoned vehicle fees, alarm registration, library fees, senior center fees, planning fees, building plan check fees, engineering fees, fire prevention inspection fees, fire mutual aid and passport processing fees. Revenues collected this year have increased compared to prior year at this time by about \$56,000. This increase is due to an additional \$130,000 in conservation credit revenue received compared to the prior fiscal year. This increase is offset by declines in paramedic fees and community development fees. Community Development Fees which include planning fees, building plan check fees and engineering fees are down due to the continued slowdown in construction.



5.7%

Income from Interest and Property (\$4.1 million) – Income from interest and property includes rent received from leased City property and interest income on City investments. This revenue is up \$223,166 compared to last year at this time due to rental payments collected from new lease agreements with tenants at the Harmony Grove and Spruce Street properties.



29.7%

Other Revenue (\$328,000) – Other revenue includes contributions to the City, NSF check charges, damages to City property, sale of City property, mobile home fees, and reimbursement from outside agencies and other miscellaneous revenue. Other Revenue collected during the year is down by about \$138,000 compared to last year. This decrease is mainly due to the elimination of the City sponsoring the OASIS program and the corresponding revenue.

General Fund Expenditures

Total General Fund expenditures for fiscal year 2011-2012 equaled \$71.9 million. This was \$913,000 less than what was budgeted and \$236,000 less than prior year expenditures.

GENERAL FUND				
REVENUE COMPARISON - BUDGET TO ACTUAL				
	FY 2011-2012 Revised Budget	FY 2011-2012 Year to Date Actual	Variance Over (Under)	%
TAXES				
SALES TAX AND IN LIEU SALES TAX	\$27,499,000	\$27,753,928	\$254,928	0.9
PROPERTY TAX AND IN LIEU VLF	20,775,000	20,532,482	(\$242,518)	-1.2
FRANCHISE TAX	5,620,000	5,496,289	(\$123,711)	-2.2
BUSINESS LICENSE TAX	1,482,000	1,475,163	(\$6,837)	-0.5
TRANSIENT OCCUPANCY TAX	1,169,000	1,203,157	\$34,157	2.9
TRANSFER STATION FEE	671,000	662,076	(\$8,924)	-1.3
PROPERTY TRANSFER TAX	370,000	318,924	(\$51,076)	-13.8
RPTTF RESIDUAL PAYMENT	-	1,590,350	\$1,590,350	-
TOTAL TAXES	57,586,000	59,032,369	\$1,446,369	2.5
INTERGOVERNMENTAL				
VEHICLE LICENSE FEES	469,000	377,421	(\$91,579)	-19.5
RINCON FIRE AGREEMENT	1,900,000	1,899,336	(\$664)	0.0
GRANTS	635,550	728,278	\$92,728	14.6
TOTAL INTERGOVERNMENTAL	3,004,550	3,005,035	\$485	0.0
PERMITS AND LICENSES	981,000	821,380	(\$159,620)	-16.3
FINES AND FORFEITURES	1,493,000	1,640,529	\$147,529	9.9
CHARGES FOR SERVICES				
PARAMEDIC FEES	3,692,430	3,492,343	(\$200,087)	-5.4
POLICE SERVICES	596,000	549,713	(\$46,287)	-7.8
COMMUNITY SERVICES	85,000	99,314	\$14,314	16.8
COMMUNITY DEVELOPMENT FEES	691,000	672,835	(\$18,165)	-2.6
OTHER SERVICES	539,000	729,786	\$190,786	35.4
TOTAL CHARGES FOR SERVICES	5,603,430	5,543,991	(\$59,439)	-1.1
INCOME FROM INT & PROPERTY	3,982,000	4,135,892	\$153,892	3.9
OTHER REVENUE	458,550	327,913	(\$130,637)	-28.5
TOTAL GENERAL FUND	\$73,108,530	\$74,507,109	\$1,398,579	1.9

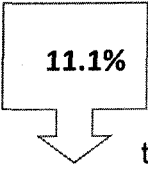
GENERAL FUND				
REVENUE COMPARISON - PRIOR YEAR TO CURRENT YEAR				
	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
TAXES				
SALES TAX AND IN LIEU SALES TAX	\$25,147,481	\$27,753,928	\$2,606,447	10.4
PROPERTY TAX AND IN LIEU VLF	20,368,514	20,532,482	163,968	0.8
FRANCHISE TAX	4,899,258	5,496,289	597,031	12.2
BUSINESS LICENSE TAX	1,438,041	1,475,163	37,122	2.6
TRANSIENT TAX	1,025,120	1,203,157	178,037	17.4
TRANSFER STATION FEE	663,096	662,076	(1,020)	-0.2
PROPERTY TRANSFER TAX	365,589	318,924	(46,665)	-12.8
RPTTF RESIDUAL PAYMENT	-	1,590,350	1,590,350	-
TOTAL TAXES	53,907,099	59,032,369	5,125,270	9.5
INTERGOVERNMENTAL				
VEHICLE LICENSE FEES	477,958	377,421	(100,537)	-21.0
RINCON FIRE AGREEMENT	1,564,296	1,899,336	335,040	21.4
GRANTS	778,630	728,278	(50,352)	-6.5
TOTAL INTERGOVERNMENTAL	2,820,884	3,005,035	184,151	6.5
PERMITS AND LICENSES	1,156,228	821,380	(334,848)	-29.0
FINES AND FORFEITURES	1,895,447	1,640,529	(254,918)	-13.4
CHARGES FOR SERVICES				
PARAMEDIC FEES	3,587,744	3,492,343	(95,401)	-2.7
POLICE SERVICES	534,186	549,713	15,527	2.9
COMMUNITY SERVICES	100,337	99,314	(1,023)	-1.0
COMMUNITY DEVELOPMENT FEES	735,377	672,835	(62,542)	-8.5
OTHER SERVICES	529,708	729,786	200,078	37.8
TOTAL CHARGES FOR SERVICES	5,487,352	5,543,991	56,639	1.0
INCOME FROM INT & PROPERTY	3,912,726	4,135,892	223,166	5.7
OTHER REVENUE	466,569	327,913	(138,656)	-29.7
TOTAL GENERAL FUND REVENUE	\$69,646,305	\$74,507,109	\$4,860,804	7.0

GENERAL FUND			
EXPENDITURE STATUS BY DEPARTMENT - BUDGET TO ACTUAL			
	FY 2011/12 Revised Budget	FY 2011/12 Year to Date Actual	% Exp
GENERAL GOVERNMENT			
CITY COUNCIL	\$289,200	\$274,930	95.1
CITY MANAGER/VIDEO SERVICES	1,110,860	1,090,700	98.2
CITY ATTORNEY	245,985	255,156	103.7
CITY CLERK	529,075	521,973	98.7
CITY TREASURER	289,905	277,574	95.7
SUBTOTAL GENERAL GOVERNMENT	2,465,025	2,420,333	98.2
ADMINISTRATIVE SERVICES			
FINANCE	1,228,430	1,120,561	91.2
HUMAN RESOURCES/RISK MGMT	445,140	438,342	98.5
INFORMATION SYSTEMS	941,280	918,836	97.6
SUBTOTAL ADMINISTRATIVE SERVICES	2,614,850	2,477,739	94.8
COMMUNITY SERVICES			
LIBRARY	3,227,310	3,170,981	98.3
OLDER ADULT SERVICES	609,395	596,723	97.9
NUTRITION CENT.	284,180	267,736	94.2
SUBTOTAL COMMUNITY SERVICES	4,120,885	4,035,440	97.9
COMMUNITY DEVELOPMENT			
PLANNING	1,259,490	1,207,513	95.9
CODE ENFORCEMENT	909,670	858,286	94.4
BUILDING	700,870	654,362	93.4
SUBTOTAL COMMUNITY DEVELOPMENT	2,870,030	2,720,161	94.8
PUBLIC WORKS			
ENGINEERING	1,719,465	1,719,666	100.0
STREETS	5,259,505	5,230,063	99.4
PARKS	2,153,020	2,143,815	99.6
SUBTOTAL PUBLIC WORKS	9,131,990	9,093,544	99.6
PUBLIC SAFETY			
POLICE	33,198,115	33,157,079	99.9
FIRE/EMERGENCY MGT.	17,452,605	17,332,333	99.3
SUBTOTAL PUBLIC SAFETY	50,650,720	50,489,412	99.7
OTHER			
NON-DEPARTMENTAL	899,785	663,482	73.7
COMMUNITY RELATIONS	144,050	84,000	58.3
SUBTOTAL OTHER	1,043,835	747,482	71.6
TOTAL GENERAL FUND	\$72,897,335	\$71,984,111	98.7

GENERAL FUND				
EXPENDITURE STATUS BY DEPARTMENT - PRIOR YEAR TO CURRENT YEAR				
	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
GENERAL GOVERNMENT				
CITY COUNCIL	\$289,134	\$274,930	(\$14,204)	-5.2
CITY MANAGER / VIDEO SERVICES	1,118,964	1,090,700	(28,264)	-2.6
CITY ATTORNEY	225,198	255,156	29,958	11.7
CITY CLERK	440,826	521,973	81,147	15.5
CITY TREASURER	279,549	277,574	(1,975)	-0.7
SUBTOTAL GENERAL GOVERNMENT	2,353,671	2,420,333	66,662	2.8
ADMINISTRATIVE SERVICES				
FINANCE	998,537	1,120,561	122,024	10.9
HUMAN RESOURCES / RISK MGMT	411,881	438,342	26,461	6.0
INFORMATION SYSTEMS	2,082,823	918,836	(1,163,987)	-126.7
SUBTOTAL ADMINISTRATIVE SERVICES	3,493,241	2,477,739	(1,015,502)	-41.0
COMMUNITY SERVICES				
LIBRARY	3,106,275	3,170,981	64,706	2.0
OLDER ADULT SERVICES	595,459	596,723	1,264	0.2
NUTRITION CENTER	229,990	267,736	37,746	14.1
OASIS	224,750	0	(224,750)	0.0
SUBTOTAL COMMUNITY SERVICES	4,156,474	4,035,440	(121,034)	-3.0
COMMUNITY DEVELOPMENT				
PLANNING	1,201,396	1,207,513	6,117	0.5
CODE ENFORCEMENT	810,382	858,286	47,904	5.6
BUILDING	639,721	654,362	14,641	2.2
SUBTOTAL COMMUNITY DEVELOPMENT	2,651,499	2,720,161	68,662	2.5
PUBLIC WORKS				
ENGINEERING	1,510,178	1,719,666	209,488	12.2
STREETS	4,951,975	5,230,063	278,088	5.3
PARKS	2,299,436	2,143,815	(155,621)	-7.3
SUBTOTAL PUBLIC WORKS	8,761,589	9,093,544	331,955	3.7
PUBLIC SAFETY				
POLICE	32,776,737	33,157,079	380,342	1.1
FIRE	16,679,587	17,332,333	652,746	3.8
SUBTOTAL PUBLIC SAFETY	49,456,324	50,489,412	1,033,088	2.0
OTHER				
NON-DEPARTMENTAL	647,027	663,482	16,455	2.5
COMMUNITY RELATIONS	228,000	84,000	(144,000)	-171.4
SUBTOTAL OTHER	875,027	747,482	(127,545)	-17.1
TOTAL GENERAL FUND	\$71,747,825	\$71,984,111	\$236,286	0.3

Recreation Fund

11.1%



OPERATING REVENUES

Overall Recreation operating revenues are down about \$521,000 compared to last year. This is largely due to the removal of almost \$900,000 in cable franchise fees that were used to subsidize the Recreation Fund in the prior year. If you exclude the cable franchise fees from the prior year, the revenues collected actually increased 10% in comparison to the prior year. Some of those key changes in revenue are discussed below:

Fees for Services (\$2,004,522) – Fees for services include monies collected for various Recreation programs such as Hockey, Soccer, Softball, Learn to Swim, Tiny Tots, Enrichment Classes, Summer Day Camp and the Skate Park. Revenues for the year were up 28% or about \$436,000. These increases are due to increased fees in Recreation programs and increased attendance.

Golf Course Rent (\$205,611) – Golf Course Rent collected from the Vineyard Golf Course has increased slightly compared to last fiscal year. The Vineyard Golf Course is owned by the City of Escondido and the City of San Diego and managed by a private golf company that is responsible for the operating expenses. The City receives operating revenue from the management company as part of the lease agreement.

Other Rent (\$375,450) – Other Rent collected during the year is about 4% higher than the prior year. The Recreation Fund receives rental income from East Valley Community Center rental spaces and cellular antenna site rentals. Some of these lease agreements provide for annual rent increases which account for the slight increase this year.

On Track State Grant (\$854,461) – On Track State Grant revenue collected during the year is about the same in comparison to last year. The City receives these grant monies to offer free after-school day care to all students currently enrolled in certain schools in the City.

Interest and Principal on Loans (\$741,040) – Interest and Principal on Loans collected during the year have decreased compared to last year by about \$92,000. The interest and principal loan payments paid to the City from the golf course management company are used to make the debt service payments on the bonds that built the golf course.

5.4%

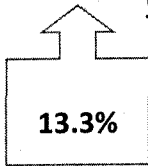
OPERATING EXPENDITURES (\$3,753,373) – Operating expenditures are down 5.4% or about \$214,000 in comparison to the prior year. This reduction is due to a reduction in staff.

RECREATION FUND BALANCE – The available Recreation Fund balance at the beginning of this fiscal year was \$573,000. The Fiscal Year 2011-12 budget had anticipated using \$252,545 of that balance this year with \$205,000 of that going to fund capital projects. Even though revenues were up in comparison to last year they were still short of the amount budgeted by \$186,886. Also while expenditures were down in comparison to last year they were just a little bit over the budgeted amount, resulting in a total use of \$454,359 in fund balance. All of which leaves \$118,641 remaining in Recreation's available fund balance.

RECREATION FUND					
	FY 2011/12 Adopted Budget	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
REVENUES					
FEES FOR SERVICES	\$ 2,163,125	\$ 1,568,792	\$ 2,004,522	\$ 435,730	27.8
CABLE FRANCHISE FEES		897,073		(897,073)	-100.0
GOLF COURSE RENT	150,000	202,871	205,611	2,740	1.4
OTHER RENT	345,605	361,530	375,450	13,920	3.9
ON TRACK-STATE GRANT	904,490	857,805	854,461	(3,344)	-0.4
PRINCIPAL ON LOANS	531,220	522,533	541,250	18,717	3.6
INTEREST ON LOANS	169,050	291,561	199,790	(91,771)	-31.5
OTHER REVENUE	104,480	51	-	(51)	-100.0
TOTAL OPERATING REVENUE	4,367,970	4,702,216	4,181,084	(521,132)	-11.1
EXPENDITURES					
EMPLOYEE SERVICES	2,723,190	2,974,192	2,737,147	(237,045)	-8.0
MAINTENANCE AND OPERATIONS	659,775	630,288	640,746	10,458	1.7
INTERNAL SERVICE CHARGES	493,875	509,072	493,884	(15,188)	-3.0
ALLOCATIONS	(138,395)	(145,764)	(118,404)	27,360	-18.8
TOTAL OPERATING EXPENDITURES	3,738,445	3,967,788	3,753,373	(214,415)	-5.4
TRANSFER OUT	882,070	678,810	882,070	203,260	29.9
TOTAL REVENUES OVER EXPENDITURES	\$ (252,545)	\$ 55,618	\$ (454,359)	\$ (509,977)	-916.9

Water Enterprise Fund

OPERATING REVENUES



Overall water operating revenues through June 30, 2012 are up about \$4.9 million over the previous year at this time. Key elements of this increase are the following:

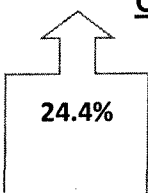
Water Consumption Charges (\$27.7 million) – The 14% increase in water consumption revenues was mainly due to a water rate increase of about 7% that went into effect on March 1, 2011. Another 12% increase occurred in February 2012. Additionally, in the prior fiscal year (6/30/11), unusually high rainfall resulted in a substantial decrease in customer water consumption, particularly for irrigation water use.

Water Service Charges (\$10.7 million) – Water service charges are paid by customers for the cost to deliver water to their home or place of business based on the size and type of water meter. Water service charges increased by 10.1% primarily due to the rate increase in March 2011. As noted above, rates increased an additional 12% in February 2012.

Vista Irrigation District Filtration Fees (\$2.7 million) – The City and Vista Irrigation District (VID) own and operate the Water Treatment Plant. The City owns and operates the plant and has rights to 80% of the capacity. VID has rights to the remaining 20% of capacity. VID is billed for its share of costs for operating and maintaining the plant based on usage. VID Filtration Fees increased by 27.3% compared to prior year fees at this time. This increase was due to increased filtered water usage by VID compared to last year.

Other Charges for Services (\$1.8 million) – Other Charges for Services include meter installation fees, late penalties on utility bills, and electric power sales. This revenue is down slightly compared to last year at this time.

OPERATING EXPENSES



Operating expenses are up about \$8 million compared to last year at this time. Purchased water, which is the Utility's largest expense, increased 44% or \$5.3 million compared to last year at this time. This is partially because the cost to purchase water from San Diego County Water Authority went up about 7.5%. Also, due to the heavy rainfall in the prior year, purchased water decreased \$2.3 million in 2011 as local reservoirs filled to capacity and, as a result, less irrigation was required due to the rainfall. Professional Fees increased 148.7% or \$2.6 million from the prior year. This increase is primarily due to a catastrophic chemical tank failure at the Water Treatment Plant in late March 2012. As of June 30, 2012, costs of tank repair and environmental remediation totaled approximately \$2.1 million.

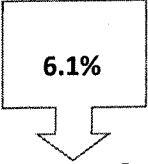
WATER FUND NET INCOME

Income generated by the Water Fund will be used primarily to increase the capital and operating reserves to levels established by City Council policy following reserve levels recommended by the most recent rate study. Reserve levels will be important as large projects such as the Lake Wohlford Dam and the replacement of several water reservoirs are tackled.

WATER ENTERPRISE FUND					
	FY 2011-12 Adopted Budget	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
OPERATING REVENUES					
Water Consumption Charges	\$35,468,420	\$24,274,178	\$27,668,733	3,394,555	14.0
Water Service Charges	9,549,975	9,749,242	10,731,485	982,243	10.1
Vista Irrigation Filtration & Other Fees	1,650,000	2,182,239	2,778,631	596,392	27.3
Other Charges for Services	150,000	1,145,052	1,124,363	(20,689)	-1.8
TOTAL OPERATING REVENUE	46,818,395	37,350,711	42,303,212	4,952,501	13.3
OPERATING EXPENSES					
Staffing	7,860,575	7,376,768	7,416,827	40,059	0.5
Purchased Water	21,805,200	12,086,286	17,405,036	5,318,750	44.0
Chemicals & Operating Supplies	3,012,845	3,387,867	3,179,620	(208,247)	-6.1
Repairs and Maintenance	901,135	984,983	893,764	(91,219)	-9.3
City Water	1,734,580	1,044,345	1,163,884	119,539	11.4
Professional Services	1,320,595	1,733,912	4,312,070	2,578,158	148.7
Utilities	886,660	692,694	636,674	(56,020)	-8.1
Other Operating Expenses	1,168,035	1,056,693	1,258,014	201,321	19.1
Allocations	4,262,095	4,253,686	4,314,051	60,365	1.4
TOTAL OPERATING EXPENSES	42,951,720	32,617,234	40,579,940	7,962,706	24.4
NONOPERATING REVENUES (EXPENSES)					
Lake Fees and Concessions	800,000	827,029	873,531	46,502	5.6
Investment Income	200,000	182,129	172,149	(9,980)	-5.5
Other Revenues	434,000	128,509	204,572	76,063	59.2
Interest and Fiscal Charges	(2,425,225)	(2,463,651)	(2,004,646)	459,005	-18.6
TOTAL NONOP REVENUES (EXPENSES)	(991,225)	(1,325,984)	(754,394)	571,590	-43.1
CAPITAL CONTRIBUTIONS					
Connection Fees	375,000	117,490	156,810	39,320	33.5
Developer Contributions		2,968,635	14,623	(2,954,012)	
TOTAL CAPITAL CONTRIBUTIONS	375,000	3,086,125	156,810	(2,914,692)	-94.4
TRANSFERS IN (OUT)					
Transfers Out	(2,450,000)	(14,400)	(8,004)	6,396	
TOTAL TRANSFERS	(2,450,000)	(14,400)	(8,004)	6,396	
INCOME (LOSS)	800,450	6,479,218	1,117,684	(5,361,534)	-82.7

Wastewater Enterprise Fund

OPERATING REVENUE



6.1%

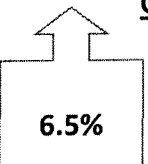
Overall wastewater operating revenues through June 30, 2012 are down about \$1.7 million from the previous year at this time. Key elements of this decrease are the following:

Sewer Service Charges (\$21.6 million) – Sewer service charges decreased by about \$1.4 million or 6.1% compared to last year at this time. This is because the wastewater rates for residential customers changed from a flat fee to a flow-based calculation. This change was made so that rates better reflect the cost of services to customers. Overall this change has resulted in a decrease in revenue.

Treatment Charges – San Diego (\$4 million) – The City operates the wastewater treatment facility for the benefit of the City and the Rancho Bernardo area of the City of San Diego. The City of San Diego is billed quarterly for these treatment charges. Treatment charges decreased \$.38 million from the previous year.

Recyclable Water Sales (\$2.86 million) – The City's largest user of recycled water is Palomar Energy Center. These revenues from all users are up slightly by about 3.7%.

OPERATING EXPENSES



6.5%

Wastewater operating expenses are up about \$1 million over the previous year at this time. This increase came mainly from increased utility, supply and repair costs plus added professional services fees paid for the sewer master plan upgrade.

WASTEWATER FUND NET INCOME

Similar to the Water Fund, income generated by the Wastewater Fund will be used to increase the capital and operating reserves to levels established by City Council policy following reserve levels recommended by the most recent rate study. Reserve levels will be important as wastewater capacity issues are addressed that will require bond financing.

WASTEWATER ENTERPRISE FUND					
	FY 2011-12 ADOPTED BUDGET	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
OPERATING REVENUES					
Sewer Service Charges	\$23,830,700	\$23,041,702	\$21,633,301	(\$1,408,401)	-6.1
Treatment Charges - San Diego	1,850,000	2,216,682	1,840,230	(376,452)	-17.0
Recyclable Water Sales	3,150,000	2,756,716	2,860,021	103,305	3.7
Other Charges for Service	85,000	143,482	97,310	(46,172)	-32.2
TOTAL OPERATING REVENUES	28,915,700	28,158,582	26,430,862	(1,727,720)	-6.1
OPERATING EXPENSES					
Staffing	7,417,495	6,662,058	6,713,912	51,854	0.8
Chemicals & Operating Supplies	1,788,905	1,073,791	1,532,799	459,008	42.7
Repairs and maintenance	1,087,750	1,226,943	1,206,429	(20,514)	-1.7
Professional Services	2,899,745	2,318,818	2,746,032	427,214	18.4
Utilities	2,308,450	1,907,466	1,971,296	63,830	3.3
Allocations	2,330,680	2,345,218	2,289,262	(55,956)	-2.4
Other Operating Expenses	1,080,385	866,938	1,006,646	139,708	16.1
TOTAL OPERATING EXPENSES	18,913,410	16,401,232	17,466,376	1,065,144	6.5
NONOPERATING REVENUES (EXPENSES)					
Investment Income	500,000	607,718	704,022	96,304	15.8
Other Revenues	292,500	211,855	178,040	(33,815)	-16.0
Interest and Fiscal Charges	(1,976,920)	(2,046,200)	(1,355,207)	690,993	-33.8
TOTAL NONOP REVENUES (EXPENSES)	(1,184,420)	(1,226,627)	(473,145)	753,482	-61.4
CAPITAL CONTRIBUTIONS					
Connection fees	375,000	303,458	653,874	350,416	115.5
Developer Contributions		4,285,655	-	(4,285,655)	-100.0
TOTAL CAPITAL CONTRIBUTIONS	375,000	4,589,113	653,874	(3,935,239)	-85.8
TRANSFERS OUT	(25,000)	(184,445)	(25,000)	159,445	-86.4
INCOME (LOSS)	9,167,870	14,935,391	9,120,215	(5,815,176)	-38.9

Reidy Creek Golf Course Fund

2.4%

OPERATING REVENUES (\$596,339) – Overall revenues were down 2.4% in comparison to last year. With a particularly warm winter, we saw an increase in rounds played in December by 30% and in February by 22%. However, in the spring months from April to June the rounds played were less than the prior year. There has also been an increase in play at the twilight hours, which explains why green fees were less, but cart rentals were higher.

6.7%

OPERATING EXPENDITURES (\$650,202) – With a warmer winter, maintenance supplies were not conserved as they were with the larger amount of rainfall we had in the prior year which had reduced the amount of water, fertilizers and chemicals needed. Also during the first quarter of the year in 2010 there was not a lease agreement in place for the golf carts, which is why there is such a large increase this year in the golf cart lease expenditures in comparison to last year.

REIDY CREEK GOLF COURSE FUND					
	FY 2011-12 Adopted Budget	July - June 2011	July - June 2012	Prior Year to Current Year Change	%
REVENUES					
Green Fees	\$435,315	\$379,841	\$359,318	(\$20,523)	-5.4
Cart Rentals	176,205	172,049	180,469	8,420	4.9
Golf Merchandise Sales	41,720	39,751	43,385	3,634	9.1
Food and Beverage Rent	9,665	7,937	8,347	410	5.2
Other Golf Revenue	2,115	11,299	4,820	(6,479)	-57.3
TOTAL REVENUES	665,020	610,877	596,339	(14,538)	-2.4
EXPENDITURES					
Management Fee	70,905	68,577	70,032	1,455	2.1
Golf Course Operations	188,405	176,520	187,093	10,573	6.0
Golf Course Maintenance	292,410	270,089	290,086	19,997	7.4
Administrative & General	61,780	62,048	62,787	739	1.2
Golf Course Merchandise	25,450	24,273	29,332	5,059	20.8
Golf Cart Lease	4,800	3,577	5,229	1,652	46.2
Insurance	5,160	4,560	5,643	1,083	23.8
TOTAL EXPENDITURES	648,910	609,644	650,202	40,558	6.7
TOTAL REVENUES OVER EXPENDITURES	\$16,110	1,233	(53,863)	(\$55,096)	-4468.5

FUTURE CITY COUNCIL AGENDA ITEMS
September 27, 2012

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO
CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

OCTOBER 10, 2012
No Meeting (ICMA)

OCTOBER 17, 2012
4:30 p.m.

CONSENT CALENDAR

**Adoption of Fair Political Practices FPPC Form 806/Agency Report of
Public Official Appointments**

(J. McCain)

FPPC Form 806 must be adopted and posted on the City's Website so that all councilmembers can participate in making appointments to SANDAG, NCTD, etc.

**Adoption of Mitigated Negative Declaration for the Cemetery Area
Water Pipeline Replacement Project (ENV 10-0004)**

(B. Redlitz)

The project has been in design and is nearly ready to go out to bid. Adoption of the MND will complete the environmental review process for the project, but does obligate the city to perform various mitigation measures including the drawdown of habitat credits in Daley Ranch and on-site monitors during project construction.

Lease Agreement with Network Cabling: 2120 Harmony Grove Road

(E. Domingue)

Network Cabling has its office located nearby but does not have secured parking for its company vehicles and equipment. The company would like to utilize up to 18 spaces in the City's secured parking lot at 2120 Harmony Grove Road for parking of its company vehicles, trailers and limited storage of equipment. The use under this proposed Lease Agreement will not impact the existing tenants and will provide the City with some additional rental revenue while the City's plans to improve the building for the Publics Work Yard relocation is delayed.

Bid Award: Influent Pump Station Rehabilitation Project

(C. McKinney)

This project rehabilitates the Influent Pump Station and the mechanical bar screens at the Hale Avenue Wastewater flow from Escondido to the grit separation equipment at the head of the plant.

OCTOBER 17, 2012

Continued

CONSENT CALENDAR Continued

First Amendment to Lease Agreement with Koochen Vagner's Brewing Company DBA Stone Brewing Company: 2120 Harmony Grove Road

(E. Domingue)

The City and Stone Brewery entered into a lease agreement on May 1, 2011 for its food processing operation and offices. The lease agreement expires on April 30, 2014. Stone is expanding its operations and is requesting the use of three (3) additional offices within the building in order to accomplish its expansion. The purpose of this First Amendment to the Lease Agreement is to amend the leased premises to include three (3) additional office spaces, totaling approximately 636 square feet, and to update the rent accordingly. Additionally, the Original Lease Agreement anticipated that the City would begin utilizing the building in the summer of 2011 and provided that, after July 2011, Stone would provide the City with an accounting of its utilities billings for the period of March 1, 2011 to July 31, 2011 and that the City and Stone would negotiate a monthly cap for the City's portion of utilities. Since the City's project has been delayed, this First Amendment will amend Section 11 "utilities" to eliminate these dates and provide that utilities costs will be addressed upon City's occupancy based on the year immediately preceding City's occupancy.

Lake Wohlford Dam Replacement Construction Management Consulting Agreement

(C. McKinney)

Lake Wohlford Dam built in 1985 is currently under certain restrictions by state and federal regulators due to a portion of the dam being considered seismically unstable during a significant seismic event. The City Council approved a design contract on August 1, 2012, the construction manager will provide constructability input and document reviews as the design progresses, as well as full inspection during construction.

Consulting Agreement with Bureau Veritas North America Inc. and Budget Adjustment for Final Design of the East Valley Parkway/Valley Center Road Widening Project

(R. Zaino)

Improvements to widen East Valley Parkway/Valley Center Road have already been completed at the City's boundary with San Diego County to the north and within the City south of Beven Drive. This project would complete the remaining segment, providing three lanes of traffic in each direction between Beven Drive and Lake Wohlford Road, transitioning to meet county improvements, providing improved conditions for both pedestrian and vehicular traffic.

PUBLIC HEARINGS:

Short-Form Rent Review Board Hearing for Greencrest Mobilehome Park

(J. Van Leeuwen)

The application meets all eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 12 month period of consideration from June 30, 2011 to June 30, 2012. 75% of the change in the Consumer Price Index for the 12 month period is 1.244%. The owner is requesting an increase for 67 of the 129 spaces in the Park. Spaces not listed on the application request are on long-term leases or are vacant. The average space rent for the 67 spaces subject to rent control is \$414.62. The average increase per space is approximately \$5.16.

OCTOBER 17, 2012

Continued

PUBLIC HEARINGS Continued

Interim Downtown Specific Plan Amendment Case: PHG 12-0016

(B. Redlitz)

The proposed amendments reflect changes to the document addressing requests to provide flexibility, increase land use opportunities and establish consistency with the zoning ordinance.

Bicycle Master Plan (PHG 12-0018)

(B. Redlitz)

The Escondido Bicycle Master Plan update presents a renewed vision for bicycle transportation, recreation and quality of life in Escondido. The vision is closely aligned with the new General Plan's mobility, sustainability, health, economic and social goals. The City's growth and new General Plan necessitated an update to better address not only local bicycle travel needs and better serve regional long-distance travel, but also to compliment the goals and policies of the General Plan. The new Bicycle Facilities Mast Plan will provide a framework for the future development of the City's bicycle network and also makes the City eligible for state and Federal funding for bicycle projects. The Master Plan update was primarily funded by a grant from SANDAG.

CURRENT BUSINESS

Future Agenda Items (D. Halverson)