



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

4:00 PM - Closed Session (Parkview Conference Room)

5:00 PM - Regular Session

Escondido City Council Chambers, 201 North Broadway, Escondido, CA 92025

WELCOME TO YOUR CITY COUNCIL MEETING

We welcome your interest and involvement in the legislative process of Escondido. This agenda includes information about topics coming before the City Council and the action recommended by City staff.

MAYOR

Dane White

DEPUTY MAYOR

Joe Garcia (District 2)

COUNCILMEMBERS

Consuelo Martinez (District 1)

Christian Garcia (District 3)

Michael Morasco (District 4)

CITY MANAGER

Sean McGlynn

CITY ATTORNEY

Michael McGuinness

CITY CLERK

Zack Beck

HOW TO WATCH

The City of Escondido provides three ways to watch a City Council meeting:

In Person



201 N. Broadway

On TV



Cox Cable Channel 19 and U-verse Channel 99

Online



www.escondido.org



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WEDNESDAY, OCTOBER 25, 2023

HOW TO PARTICIPATE

The City of Escondido provides two ways to communicate with the City Council during a meeting:

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



<https://escondido-ca.municodemeetings.com>

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. 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

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

CLOSED SESSION

4:00 PM

CALL TO ORDER

1. Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. 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.

CLOSED SESSION

I. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8)

- a. Property: 272 Via Rancho Pkwy., Escondido (North County Mall)
- b. Agency Negotiator: Sean McGlynn, City Manager or designee
- c. Negotiating Parties: Steerpoint Capital and affiliates
- d. Under Negotiation: Price and Terms of Ground Lease

II. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION (Government Code § 54956.9(d)(1))

- a. *Touchstone MF Fund I, LLC. v. City of Escondido*
San Diego Superior Court Case No. 37-2020-00020856-CU-BC-NC
- b. *Noah Werner, et al. v City of Escondido*
San Diego Superior Court Case No. 37-2021-00011594-CU-OR-NC

ADJOURNMENT



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

REGULAR SESSION

5:00 PM Regular Session

MOMENT OF REFLECTION

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the meeting to be led by the City Clerk. The City does not endorse, sponsor or sanction any particular religion and any remarks made are to allow all individuals to personally reflect, contemplate, pray, or meditate as they deem appropriate.

FLAG SALUTE

The City Council conducts the Pledge of Allegiance at the beginning of every City Council meeting.

CALL TO ORDER

Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

PRESENTATIONS

California Center for the Arts Escondido

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

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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/RRB)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 377630 – 377788 dated October 4, 2023
- 377789 – 377994 dated October 11, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. APPROVAL OF MINUTES: Regular Meeting of October 11, 2023

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS

5. FISCAL YEAR 2022-23 REGIONAL REALIGNMENT RESPONSE GRANT AND BUDGET ADJUSTMENT

Request the City Council adopt Resolution No. 2023-118 authorizing the Chief of Police to accept a Fiscal Year 2022-23 Regional Realignment Response Grant in the amount of \$80,000 from the State of California Board of Community Corrections; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2023-118

6. FISCAL YEAR 2023-24 ALCOHOLIC BEVERAGE CONTROLS' ABC-OTS GRANT PROGRAM AWARD AND BUDGET ADJUSTMENT

Request the City Council adopt Resolution No. 2023-137 and authorize the Escondido Police Department to accept a Fiscal Year 2023-2024 Department of Alcoholic Beverage Control's ABC-OTS Grant Program award in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2023-137



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

7. AUTHORIZATION TO PROCESS AN AMENDMENT TO THE GENERAL PLAN LAND USE AND COMMUNITY FORM CHAPTER TO MODIFY THE RESIDENTIAL AREA OVERLAY OF THE IMPERIAL OAKES CORPORATE CENTER - SPECIFIC PLANNING AREA 13

Request the City Council authorize the processing of an amendment to the General Plan Land Use and Community Form Chapter to allow for an expansion of the residential area overlay, increase in density to 48 dwelling units per acre ("du/ac"), and specify the use of the planned development process for certain projects, within the Imperial Oakes Corporate Center Specific Planning Area 13 ("SPA 13").

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Deputy City Manager/Interim Director of Development Services)

Presenter: Ivan Flores, Senior Planner

8. ACCEPTANCE OF TRUST DISTRIBUTION FROM THE PATRICIA D. SEELIG SEPARATE PROPERTY TRUST

Request the City Council adopt Resolution No. 2023-140 authorizing the City Manager to execute all documents required to accept, on behalf of the City, a trust distribution from The Patricia D. Seelig Separate Property Trust, dated December 11, 2002, as amended.

Staff Recommendation: Approval (City Attorney's Office: Michael R. McGuinness, City Attorney)

Presenter: Michael R. McGuinness, City Attorney

a) Resolution No. 2023-140

9. REPEAL CHAPTER 2, ARTICLE 7, SECTION 2-103 OF THE ESCONDIDO MUNICIPAL CODE REGARDING CONTROLS ON CAMPAIGN CONTRIBUTIONS

Request the City Council introduce Ordinance No. 2023-14 repealing Section 2-103 from Escondido Municipal Code Chapter 2, Article 7, regarding Campaign Contribution Limitations.

Staff Recommendation: None (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

a) Ordinance No. 2023-14 (First Reading and Introduction)



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

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

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE 2023 OMNIBUS THAT AMENDS VARIOUS ARTICLES OF THE ESCONDIDO ZONING CODE AND ONE AMENDMENT TO THE ESCONDIDO SUBDIVISION ORDINANCE

Approved on October 11, 2023 with a vote of 5/0.

a) Ordinance No. 2023-15 (Second Reading and Adoption)

CURRENT BUSINESS

11. NORTH COUNTY DISPATCH JPA APPOINTMENT

Request that the Mayor nominate and the City Council appoint a primary and alternate member to the North County Dispatch JPA Board of Directors.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

FUTURE AGENDA

12. FUTURE AGENDA

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development. This report is also available on the City's website, www.escondido.org.



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

WEDNESDAY, OCTOBER 25, 2023

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Wednesday, November 01, 2023 4:00 & 5:00 PM Regular Meeting, *Council Chambers*
Wednesday, November 15, 2023 4:00 & 5:00 PM Regular Meeting, *Council Chambers*

SUCCESSOR AGENCY

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



A F F I D A V I T S
O F
I T E M
P O S T I N G – N O N E



STAFF REPORT

October 25, 2023
File Number 0400-40

SUBJECT

APPROVAL OF WARRANT REGISTER (COUNCIL)

DEPARTMENT

Finance

RECOMMENDATION

Request approval for City Council and Housing Successor Agency warrant numbers:

377630 – 377788 dated October 4, 2023

377789 – 377994 dated October 11, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

FISCAL ANALYSIS

The total amount of the warrants for the following periods are as follows:

September 28 – October 4, 2023 is \$1,723,389.68

October 5 – October 11, 2023 is \$3,289,595.07

BACKGROUND

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

CLOSED SESSION

4:00 PM

CALL TO ORDER

1. Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

ORAL COMMUNICATIONS

None.

CLOSED SESSION

- I. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6)**
 - a. Agency Representative: Sean McGlynn, City Manager, or designee
Employee Organization: Police Officers' Association Sworn Personnel Bargaining Unit
 - b. Agency Representative: Sean McGlynn, City Manager, or designee
Employee Organization: Police Officers' Association Non-Sworn Personnel Bargaining Unit
 - c. Agency Representative: Sean McGlynn, City Manager, or designee
Employee Organization: Firefighters' Association Safety and Non-safety Bargaining Unit
 - d. Agency Representative: Sean McGlynn, City Manager, or designee
Employee Organization: ECEA Unit (SUP)
 - e. Agency Representative: Sean McGlynn, City Manager, or designee
Employee Organization: Maintenance and Operations Bargaining Unit (Teamsters Local 911 and ACE)

ADJOURNMENT

MAYOR

CITY CLERK



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

REGULAR SESSION

5:00 PM Regular Session

MOMENT OF REFLECTION

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FLAG SALUTE

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CALL TO ORDER

Roll Call: C. Garcia, J. Garcia, Martinez, Morasco, White

PROCLAMATIONS

National Fire Prevention Week, October 8-14, 2023

National Disability Employee Awareness Month, October 2023

National Hispanic Heritage Month September 15 to October 15, 2023

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

Delores McQuiston – Requested the City do more to enforce rent control in Escondido Mobile Home Parks.

Sarah Shappard - Requested the City increase pay for essential workers.

Sean Hottell - Requested the City increase pay for essential workers.

Neil Sholander - Requested the City increase pay for essential workers.

CONSENT CALENDAR



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

Motion to approve all items except item 7: Morasco; Second: Martinez; Approved: 5-0.

1. AFFIDAVITS OF PUBLICATION, MAILING, AND POSTING (COUNCIL/RRB) -

2. APPROVAL OF WARRANT REGISTER (COUNCIL) -

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 376443 – 376635 dated August 23, 2023
- 376636 – 376861 dated August 30, 2023
- 376862 – 377001 dated September 06, 2023

Staff Recommendation: Approval (Finance Department: Christina Holmes)

3. APPROVAL OF MINUTES: Regular Meeting of September 13, 2023, Special Meeting of September 25, 2023, and Council Vision Workshop Meeting of September 27, 2023

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

5. APPROVE CONTRACT AMENDMENTS FOR THE CITRACADO PARKWAY EXTENSION PROJECT

Request the City Council adopt Resolution No. 2023-120, authorizing a change order to the construction contract with Flatiron West, Inc. in the amount of \$1,493,621.38 and adopt Resolutions 2023-121, 2023-122 and 2023-123 authorizing consultant contract amendments with AECOM Technical Services, Inc., Brian F. Smith and Associates, and TY Lin International in the amount of \$158,919, \$515,530.71 and \$845,013, respectively, for the Citracado Parkway Extension Project (“Project”). (File Number 0600-10; A-3058-8; A-3325-3; A-3059-12)

Staff Recommendation: Approval (Development Services Department: Chris McKinney, Interim Development Services Director/ Deputy City Manager and Julie Procopio, City Engineer)

Presenter: Julie Procopio, City Engineer

- a) Resolution No. 2023-120
- b) Resolution No. 2023-121
- c) Resolution No. 2023-122
- d) Resolution No. 2023-123



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

6. APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR FIRE CAPTAIN JOHN FRYDAY

Request the City Council adopt Resolution No. 2023-129, approving the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Fire Captain John Fryday. (File Number 0170-57)

Staff Recommendation: Approval (Human Resources Department: Jessica Perpetua, Director of Human Resources)

Presenter: Jessica Perpetua, Director of Human Resources

a) Resolution No. 2023-129

7. ANIMAL CONTROL SERVICES AGREEMENT WITH THE SAN DIEGO HUMANE SOCIETY

Request the City Council adopt Resolution No. 2023-135 authorizing the Mayor to execute, on behalf of the City, an Animal Services Agreement with the San Diego Humane Society ("Agreement") for a term of 15 months, at a rate of \$115422 per month, with an optional Administrative Extension of six months. (File Number 0600-10; A-3478)

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2023-135

Pulled for discussion by Councilmember Morasco.

Motion: Martinez; Second: J. Garcia; Approved: 4-1 (Morasco – No)

8. FISCAL YEAR 2023-24 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AND BUDGET ADJUSTMENT

Request the City Council adopt Resolution No. 2023-133 authorizing the Escondido Police Department to accept a Fiscal Year 2023-24 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program ("STEP") Grant in the amount of \$495,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay salary and benefits for one full-time DUI traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details. (File Number 0480-70)

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2023-133

9. FISCAL YEAR 2023-24 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT

Request the City Council adopt Resolution No. 2023-134 authorizing the Escondido Police Department to accept a Fiscal Year 2023-24 California Office of Traffic Safety (“OTS”) Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for police officer overtime for educational programs related to bicycle and pedestrian safety, and to provide bicycle helmets, educational materials and safety supplies to community members. (File Number 0480-70)

Staff Recommendation: Approval (Police Department: Edward Varso)

Presenter: Edward Varso, Chief of Police

a) Resolution No. 2023-134

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

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

10. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE TERM OF A PREVIOUSLY EXECUTED DEVELOPMENT AGREEMENT FOR THE 661 BEAR VALLEY PARKWAY DEVELOPMENT

Approved on September 13, 2023 with a vote of 5/0.

a) Ordinance No. 2023-12 (Second Reading and Adoption)

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO EXECUTE, ON BEHALF OF THE CITY, SCHOOL RESOURCE OFFICER AGREEMENT

Approved on September 13, 2023 with a vote of 5/0.

a) Ordinance No. 2023-13 (Second Reading and Adoption)



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

PUBLIC HEARING

12. 2023 OMNIBUS ZONING CODE UPDATE – PL23-0329

Request the City Council conduct a public hearing on the 2023 Omnibus Zoning Code Update and act on the recommendation of the Planning Commission to introduce Ordinance No. 2023-15, amending the Escondido Zoning Ordinance in various Articles and the Escondido Subdivision Ordinance in one Article to address changes in State law, correct errors, and clarify or improve existing regulations in Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone) of Chapter 33; and Article 2 (Tentative Maps) of Chapter 32. (File Number 0810-20)

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Director of Development Services)

Presenter: Veronica Morones, City Planner

a) Ordinance No. 2023-15 (First Reading and Introduction)

Motion: J. Garcia; Second: Morasco; Approved: 5-0

CURRENT BUSINESS

13. SAN DIEGO COUNTY WATER AUTHORITY

Request the City Council receive a presentation regarding the recent rate adoption by the San Diego County Water Authority. (File Number 0145-80)

Staff Recommendation: None (City Council: Consuelo Martinez, Councilmember)

No Council action required.

14. APPROVAL OF THE CITY’S MEMBERSHIP TO THE NORTH COUNTY DISPATCH JOINT POWERS AUTHORITY AND EXECUTION OF THE JOINT EXERCISE OF POWERS AGREEMENT FOR THE PROVISION OF FIRE DEPARTMENT DISPATCHING SERVICES

Request the City Council adopt Resolution No. 2023-95 approving the City of Escondido (“City”) becoming a Member Agency of the North County Dispatch Joint Powers Authority (“NCDJPA”) and authorizing the Mayor, on behalf of the City, to execute the attached Joint Exercise of Powers Agreement with NCDJPA for the provision of Fire Department dispatching services. (File Number 0600-10; A-3479)

Staff Recommendation: Approval (Fire Department: John Tenger, Fire Chief)



CITY of ESCONDIDO

COUNCIL MEETING MINUTES

Presenter: John Tenger, Fire Chief; Jeff Sargis, Deputy Fire Chief; Ed Varso, Police Chief

a) Resolution No. 2023-95

Motion: C. Garcia; Second: Morasco; Approved: 5-0

15. FINANCIAL REPORT FOR FISCAL YEAR 2022/23

Request the City Council receive and file the annual financial report for Fiscal Year 2022/23. (File Number 0410-20)

Staff Recommendation: Approval (Finance Department: Christina Holmes, Director of Finance)

Presenter: Christina Holmes, Director of Finance

No Council action required.

FUTURE AGENDA

16. FUTURE AGENDA

The purpose of this item is to identify issues presently known to staff or which members of the City 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: Zack Beck)

Mayor White: Resolution opposing lanes removed for priority lanes and Resolution opposing SANDAG taxes.

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety, and Community Development. This report is also available on the City's website, www.escondido.org.

ORAL COMMUNICATIONS

None.



CITY *of* ESCONDIDO

COUNCIL MEETING MINUTES

ADJOURNMENT

Mayor White adjourned the meeting 7:15 p.m.

MAYOR

CITY CLERK



STAFF REPORT

ITEM NO. 4

SUBJECT

WAIVER OF READING OF ORDINANCES AND RESOLUTIONS –

ANALYSIS

The City Council/RRB has adopted a policy that is sufficient to read the title of ordinances at the time of introduction and adoption, and that reading of the full text of ordinances and the full text and title of resolutions may be waived.

Approval of this consent calendar item allows the City Council/RRB to waive the reading of the full text and title of all resolutions agendized in the Consent Calendar, as well as the full text of all ordinances agendized in either the Introduction and Adoption of Ordinances or General Items sections. **This particular consent calendar item requires unanimous approval of the City Council/RRB.**

Upon approval of this item as part of the Consent Calendar, all resolutions included in the motion and second to approve the Consent Calendar shall be approved. Those resolutions removed from the Consent Calendar and considered under separate action may also be approved without the reading of the full text and title of the resolutions.

Also, upon the approval of this item, the Mayor will read the titles of all ordinances included in the Introduction and Adoption of Ordinances section. After reading of the ordinance titles, the City Council/RRB may introduce and/or adopt all the ordinances in one motion and second.

RECOMMENDATION

Staff recommends that the City Council/RRB approve the waiving of reading of the text of all ordinances and the text and title of all resolutions included in this agenda. Unanimous approval of the City Council/RRB is required.

Respectfully Submitted,

Zack Beck
City Clerk



STAFF REPORT

October 25, 2023
File Number 0480-70

SUBJECT

FY 2022-23 REGIONAL REALIGNMENT RESPONSE GRANT AND BUDGET ADJUSTMENT

DEPARTMENT

Police Department

RECOMMENDATION

Request the City Council Adopt Resolution No. 2023-118 authorizing the Chief of Police to accept a FY 2022-23 Regional Realignment Response Grant in the amount of \$80,000 from the State of California Board of Community Corrections; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

FISCAL ANALYSIS

This will have no impact on the General Fund Budget. The FY 2022-23 Regional Realignment Response Grant is state funded. Funding was provided by Assembly Bill 118 and Senate Bill 89, initiatives to reduce state prison overcrowding and support local law enforcement efforts to efficiently manage offenders and parole-violators. Escondido's allocation is used to support regional and local enforcement operations. Funds must be used for police officer overtime and associated overhead.

Funding will cover expenses through June 30, 2024.

PREVIOUS ACTION

On September 14, 2022, the City Council authorized the Chief of Police to accept an \$80,000 FY 2021-22 Regional Realignment Response Grant.

BACKGROUND

The Escondido Police Department has been allocated \$80,000 under the FY 2022-23 Regional Realignment Response Grant through the State of California Board of Community Corrections. This funding was provided by Assembly Bill 118 and Senate Bill 89, initiatives to reduce state prison overcrowding and support local law enforcement efforts to efficiently manage offenders and parole-violators. These bills allow for the release of subjects into the community from prison before their sentences were fully served,



CITY *of* ESCONDIDO

STAFF REPORT

putting the responsibility of monitoring them on local law enforcement. Grant funds are used for regional and local enforcement operations to monitor prisoners that were released as a result of Assembly Bill 118 and Senate Bill 89.

RESOLUTIONS

- A. Resolution No. 2023-118

ATTACHMENTS

- B. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2023-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A FY 2022-23 REGIONAL REALIGNMENT RESPONSE GRANT FROM THE STATE OF CALIFORNIA BOARD OF COMMUNITY CORRECTIONS IN THE AMOUNT OF \$80,000, EXECUTE ALL DOCUMENTS NECESSARY FOR THE MANAGEMENT AND COMPLETION OF THE GRANT SCOPE; AND AUTHORIZING THE NECESSARY BUDGET ADJUSTMENT

WHEREAS, the FY 2022-23 Regional Realignment Response Grant will be financed from funds made available by the State of California Board of Community Corrections, through Assembly Bill 118 and Senate Bill 89, initiatives to reduce state prison overcrowding and support local law enforcement efforts to efficiently manage offenders and parole-violators; and

WHEREAS, the City of Escondido desires to support local law enforcement efforts in regards to legislation reducing state prison overcrowding; and

WHEREAS, the Escondido Police Department has designated the FY 2022-23 Regional Realignment Response Grant to conduct specific programs to address these goals.

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 authorizes the Chief of Police of the City of Escondido to accept the FY 2022-23 Regional Realignment Response Grant in the amount of \$80,000 and execute all documents necessary for the management and completion of the grant scope.
3. That the City Council hereby also approves and authorizes the necessary budget

adjustment needed to establish a new project number for tracking and spending of grant funds.

4. That grant funds received hereunder shall not be used to supplant expenditures controlled by this body.



BUDGET ADJUSTMENT REQUEST

Department:	Police Department	<u>For Finance Use Only</u> BA # _____ Fiscal Year _____
Department Contact:	Lisa Rodelo x4905	
City Council Meeting Date: <i>(attach staff report)</i>	October 25, 2023	

EXPLANATION OF REQUEST

A budget adjustment is needed to receive grant funds and establish a spending account for police officer overtime and overhead expenses related to the FY 2022-23 Regional Realignment Response Grant funds.

(Project number request: RRRG23)

BUDGET ADJUSTMENT INFORMATION

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4127-451-NEW PROJECT	\$80,000	
Police Grants	451-NEW PROJECT	\$80,000	

APPROVALS

DocuSigned by: 10/17/2023 <small>DC4B0C7FA65B4BD...</small>	DocuSigned by: 10/17/2023 <small>99A33925FA6B449...</small>		
DEPARTMENT HEAD	DATE	FINANCE	DATE



STAFF REPORT

October 25, 2023
File Number 0480-70

SUBJECT

FY 2023-24 ALCOHOLIC BEVERAGE CONTROLS' ABC-OTS GRANT PROGRAM AWARD AND BUDGET ADJUSTMENT

DEPARTMENT

Police Department

RECOMMENDATION

Request the City Council adopt Resolution No. 2023-137 and authorize the Escondido Police Department to accept a FY 2023-2024 Department of Alcoholic Beverage Control's ABC-OTS Grant Program award in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: Approval (Police Department: Edward Varso, Chief of Police)

Presenter: Edward Varso, Chief of Police

FISCAL ANALYSIS

This funding will have no impact on the General Fund Operating Budget. The FY 2023-24 Department of Alcoholic Beverage Control's ABC-OTS Grant Program award is state funded, and the City will be reimbursed for all expenses. This grant will fund grant-required training, overtime, and overhead expenses for officers to conduct operations related to alcohol sales to minors, and to enhance efforts to reduce alcohol-related problems in the community. Grant funds must be spent on overtime expenses.

PREVIOUS ACTION

The City Council accepted a FY 2020-21 Department of Alcoholic Beverage Control ABC-OTS Grant Program award in the amount of \$20,000 on December 16, 2020.

BACKGROUND

The Escondido Police Department received a FY 2023-24 Department of Alcoholic Beverage Control Grant in the amount of \$25,000. Grant funds will be used to fund overtime expenses to educate and deter licensed businesses from selling alcohol to minors and to detect and deter adults from purchasing alcohol for minors.



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The Escondido Police Department will utilize funding to ensure that alcohol is not made available to minors. Undercover detectives, uniformed officers and minor decoys will focus attention on ABC licensed establishments who sell alcohol. Enforcement action will be taken on offenders who violate ABC licensing laws.

Undercover officers will utilize operations and details to:

- Educate and deter licensed locations from selling/furnishing alcohol to minors; and
- Detect and deter adult furnishers who are unaffiliated with licensed businesses who are purchasing alcohol for minors; and
- Educate ABC licensees on alcohol related laws to help reduce alcohol-related crime in and around licensed premises; and
- Establish high profile holiday enforcement targeting underage drinking, sales/furnishing alcohol to minors, and sales to obviously intoxicated patrons.

FY 2023-24 ABC-OTS Grant funds will help reduce alcohol-related problems by focusing on the dangers associated with over consumption, underage drinking, over-service and youth access to alcoholic beverages.

RESOLUTIONS

- a. Resolution No. 2023-137

ATTACHMENTS

- a. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2023-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO RECEIVE A FY 2023-24 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL'S (ABC) ABC-OTS GRANT PROGRAM AWARD IN THE AMOUNT OF \$25,000, EXECUTE ALL DOCUMENTS NECESSARY FOR THE MANAGEMENT AND COMPLETION OF THE GRANT SCOPE; AND AUTHORIZING THE NECESSARY BUDGET ADJUSTMENT

WHEREAS, the City of Escondido desires to reduce alcohol-related problems in the community; and

WHEREAS, the Escondido Police Department has designated the FY 2023-2024 Alcoholic Beverage Control's ABC-OTS Grant Program award to conduct specific programs to address this goal; and

WHEREAS, the Alcoholic Beverage Control's ABC-OTS Grant Program will be funded in part from funds made available through the Office of Traffic Safety (OTS) administered by the Department of Alcoholic Beverage Control.

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 authorizes the Chief of Police of the City of Escondido to accept grant funds from the Department of Alcoholic Beverage Control and enter into an agreement with ABC, including any extensions or amendments thereof and any subsequent agreement with the State in relation thereto.

3. That the City Council hereby also approves and authorizes the necessary budget adjustment needed to establish a new project number for tracking and spending of grant funds.

4. That grant funds received hereunder shall not be used to supplant expenditures controlled by this body.



BUDGET ADJUSTMENT REQUEST

Department:	Police Department	<u>For Finance Use Only</u> BA # _____ Fiscal Year _____
Department Contact:	Barbara MarLett	
City Council Meeting Date: <i>(attach staff report)</i>	October 25, 2023	

EXPLANATION OF REQUEST

Budget adjustments are needed to receive grant funds and establish a spending account for expenses related to the FY 2023-2024 Department of Alcoholic Beverage Control’s ABC-OTS Grant Program award.

BUDGET ADJUSTMENT INFORMATION

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Revenue	4128-451-New Project Number	\$25,000	
Police Grants	451-New Project Number	\$25,000	

APPROVALS

DocuSigned by: Edward Varso 10/17/2023 <small>DC4B0C7FA65B4BD...</small>	DocuSigned by: Lorena Rocha 10/17/2023 <small>99A33925FA6B449...</small>		
DEPARTMENT HEAD	DATE	FINANCE	DATE



STAFF REPORT

October 25, 2023
File Number 0830-20

SUBJECT

AUTHORIZATION TO PROCESS AN AMENDMENT TO THE GENERAL PLAN LAND USE AND COMMUNITY FORM CHAPTER TO MODIFY THE RESIDENTIAL AREA OVERLAY OF THE IMPERIAL OAKES CORPORATE CENTER - SPECIFIC PLANNING AREA 13

DEPARTMENT

Development Services, Planning Division

RECOMMENDATION

Request the City Council authorize the processing of an amendment to the General Plan Land Use and Community Form Chapter to allow for an expansion of the residential area overlay, increase in density to 48 dwelling units per acre (“du/ac”), and specify the use of the planned development process for certain projects, within the Imperial Oakes Corporate Center Specific Planning Area 13 (“SPA 13”).

Staff Recommendation: Approval (Development Services Department: Christopher McKinney, Interim Director of Development Services)

Presenter: Ivan Flores, Senior Planner

FISCAL ANALYSIS

For the purposes of this agenda item, the City Council will only be providing direction to staff on the processing of a General Plan Amendment (“GPA”). Authorization to process the amendment application would have no direct fiscal impacts. The privately-initiated amendment application would be processed using existing staff resources with costs to be paid by the project proponent, applicant(s), and/or the future developer of the project site.

PREVIOUS ACTION

Government Code Section 65358 limits the number of times a General Plan element can be amended to four times per calendar year. At the time of writing this staff report, City Council has approved one amendment to the Land Use Element (for the North Iris Project) in 2023. However, the following are anticipated amendments to the Land Use and Community Form based on prior General Plan Amendment authorizations by City Council:

- City project to align the Land Use and Community Form chapter with the adopted East Valley Specific Plan – underway and anticipated early 2024;



CITY of ESCONDIDO

STAFF REPORT

- Private development project located at 240 S. Hickory Street – authorized in April 2023, anticipated in late 2023/early 2024
- Private development project located at 855 Brotherton Road – authorized in May 2023, anticipated in early 2024

Based on the existing authorized General Plan Amendments above, staff anticipates batching such modifications to ensure compliance with State Law, which may result in longer processing times for private development applicants due to the limited number of amendments allowed annually.

BACKGROUND

In accordance with section 33-1261 of the Escondido Zoning Code, a property owner may petition for an amendment to the General Plan by filing a formal request/letter with the Planning Division, and the planning staff schedules a review of the request at a City Council meeting. The City Council considers the request and determines whether to allow formal application for processing. If the request is authorized for processing, the interested parties will be advised to submit the required application(s) with the City's Planning Division, which will include initial environmental documentation, submittal of all fees/deposits, and project plans, etc. The proposed amendment to the General Plan would require consideration by the Planning Commission and City Council at noticed public hearings.

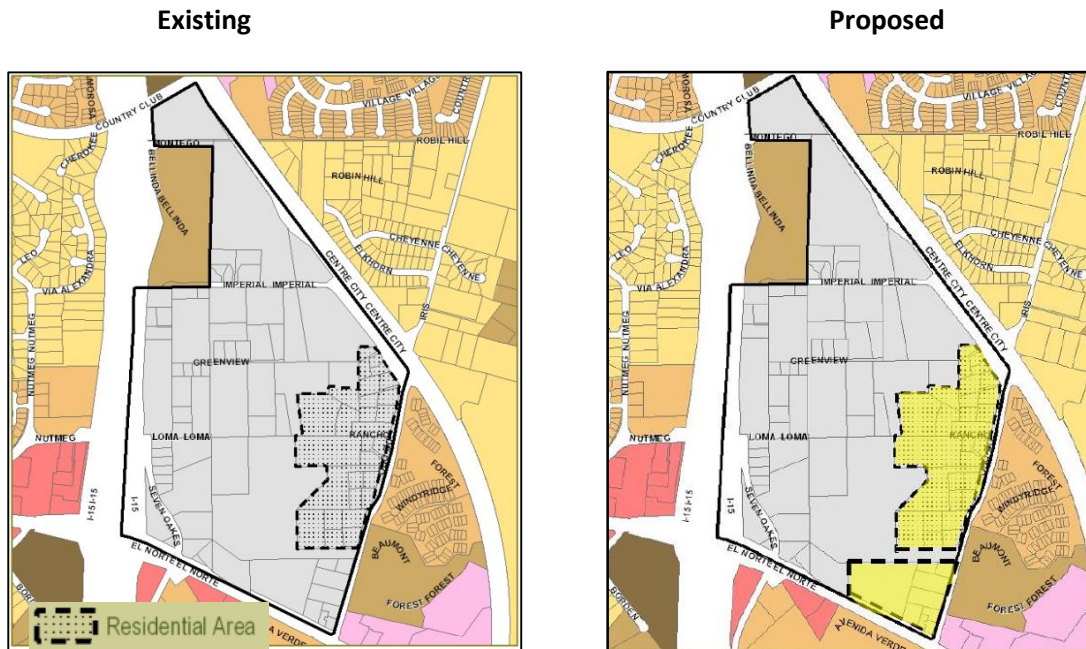
The applicant, Catherine Ferguson, submitted a request to amend the guiding principles of SPA 13 through text and associated figure modifications in the General Plan Land Use and Community Form Chapter. Specifically, the applicant requests to expand the residential area overlay of the Imperial Oakes Specific Planning Area (Figure 1) along with an increase to the density of the area of proposed expansion to 48 dwelling units per acre ("du/ac"). The applicant also requests to modify the text of SPA 13's guiding principles to allow for certain development through the planned development process. The intent of this modification is to provide for additional housing potential within the SPA 13 area.



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Figure 1



Currently, the City does not have an adopted specific plan document for the SPA 13 area. Historically, the planning division would pursue development of a specific plan through direction from the City Council. In the event no such direction occurs, a private entity may apply to develop such a document in conjunction with the City through the development review process. Neither of these actions have occurred resulting in an adopted specific plan; therefore, no adopted specific plan exists for SPA 13. Whether municipally or privately led, the development of a specific plan document is a resource intensive process, typically spanning multiple years. In 2020, a different applicant submitted for creation of a specific plan within a portion of the SPA 13 area; however, this request was subsequently withdrawn.

The applicant intends to submit for only a General Plan Amendment. The applicant does not propose any specific development as a part of their request for the General Plan Amendment.

The applicant requests to expand the residential area overlay and set the density for the proposed area of expansion at 48 du/ac while not modifying the existing residential area overlay density of 5.5 du/ac. Therefore, staff's initial assessment is that Proposition S would not apply. If the City Council authorizes processing of the requested General Plan Amendment, staff would evaluate further impacts associated with Proposition S—which requires voter approval of specified future changes to the Escondido General Plan, including increasing residential densities, changing or increasing the residential land use categories, or changing any residential designation to a commercial or industrial designation on any property designated as Rural, Estate, Suburban, or Urban.



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The authorization to proceed with the General Plan Amendment does not bestow approval upon any of the aforementioned applications and does not commit the City Council to any future action. The application as a whole will return to City Council with a recommendation from the City’s Planning Commission.

ENVIRONMENTAL REVIEW

The action before the City Council is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. This agenda item involves the consideration of processing a General Plan Amendment and land use development application. This general direction does not have a legally binding effect on any possible future discretionary action.

In accordance with CEQA, all Project requests are required to have an environmental assessment to determine potential environmental impact, if any. The proposed project, if submitted, will be subject to environmental assessment to determine potential environmental impacts in accordance with CEQA at that time.

ATTACHMENTS

- A. Attachment “1” – Applicant’s Initiation Request Letter

**LOUNSBERY FERGUSON
ALTONA & PEAK LLP**

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Escondido, California 92025-3870
Telephone (760) 743-1201
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JOHN W. WITT
1932-2018

CATHERINE A. FERGUSON

Direct: (760) 743-1226, ext. 111
Email: CAF@LFAP.com

October 6, 2023

Veronica Morones
City Hall, Planning Department
201 N Broadway
Escondido, CA 92025

RE: General Plan Amendment Revision – Specific Plan Area #13 - PL23-0267

Dear Ms. Morones:

Pursuant to our email correspondence, I am writing on behalf of the owners of nine parcels located within the Imperial Oakes Corporate Center SPA #13 regarding a revision to the requested amendment of the SPA to allow for additional residential development (PL23-0276). Per our email correspondence, we are requesting the removal of the portion of APN 226-380-39-00 from the application as it is a City owned property.

The parcels included in the application would therefore consist of APNs 226-380-08, -09, -10, -11, -46, -48, -50, -57, and -58. The Amendment would allow residential development on those parcels at a density no greater than 48 units/acre. A map showing the expanded residential overlay, and a redlined version of the existing SPA text specifying the requested density, are attached.

Thank you for your consideration.

Sincerely,

LOUNSBERY FERGUSON ALTONA & PEAK, LLP

Catherine Ferguson

Catherine A. Ferguson

13. Imperial Oakes Corporate Center SPA #13

Location: In the northern portion of the planning area, bounded by Interstate 15 on the west, Country Club Lane on the north, El Norte Parkway on the south, Iris Lane and Centre City Parkway on the east.

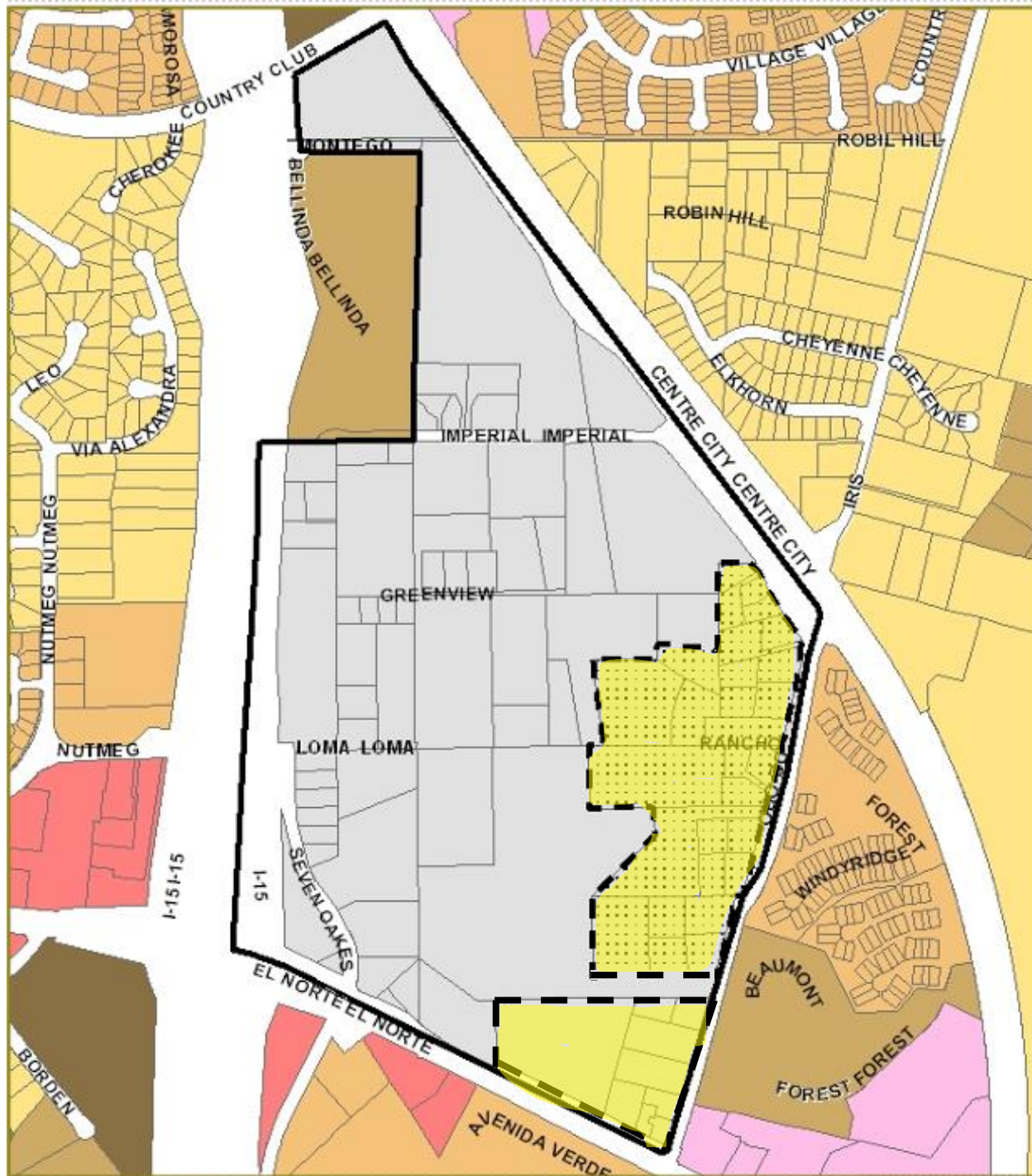
Size: Approximately 163 gross acres (Figure II-18).

Current Status: The Specific Plan Area is developed with visitor service and general retail uses, church, office, Rod McLeod Community Park, single family residential and vacant land. The site is bisected by SDGE overhead utility lines and there is limited access to the interior.

Adopted Plan Details: None

SPA 13 Guiding Principles:

- 1) The Specific Plan shall establish provisions for a comprehensively planned development focused on high paying, high employee density employment opportunities. -Residential projects that are adjacent to existing streets and have independent access to utilities may be developed through the Planned Development process if the project will not be detrimental to the comprehensive planning of the balance of the Specific Plan Area.
- 2) The Specific Plan and any Planned Developments shall include Smart Growth principles, and provide details regarding the appropriate access points, unifying design themes, attractive development standards and guidelines, land uses, and the prioritization of infrastructure improvements to accommodate growth. In addition, opportunities for a public trail system or other public recreational amenity that will link to Rod McLeod Community Park shall be integrated into the plan.
- 3) Increased building heights and intensities shall be focused along Interstate 15 and ~~in areas more distanced from the residential uses area~~El Norte Parkway to ensure compatibility. Employment uses shall integrate specific features to ensure compatibility with ~~semi-rural~~ the residential areas accessed from South Iris Lane by incorporating appropriate lower intensity land uses, building materials, heights, separation, orientation, colors, heights, screening, lighting and signage. Maximum densities in the residential area of the Specific Plan, north of the access to Rod McLeod Community Park (identified in the map) shall be consistent with the Urban I single family land use designation. Maximum densities in the residential area south of the access to Rod McLeod Community Park (identified in the map) shall be no greater than 48 units/acre.
- 4) The Specific Plan(s) and any Non-Residential Planned Developments shall include programs addressing legal non-conforming residential uses that ensure their eventual integration into future planned business park operations while allowing their continued operation prior to transitioning to non-residential uses. Criteria and standards for proposed grading, circulation, and utility extensions shall be included to avoid adverse impacts and allow integration of adjacent SPA properties.





STAFF REPORT

October 25, 2023
File Number 0430-10

SUBJECT

ACCEPTANCE OF TRUST DISTRIBUTION FROM THE PATRICIA D. SEELIG SEPARATE PROPERTY TRUST

DEPARTMENT

City Attorney

RECOMMENDATION

Request the City Council adopt Resolution No. 2023-140 authorizing the City Manager to execute all documents required to accept, on behalf of the City, a trust distribution from The Patricia D. Seelig Separate Property Trust, dated December 11, 2002, as amended.

Staff Recommendation: Approval (City Attorney's Office: Michael R. McGuinness, City Attorney)

Presenter: Michael R. McGuinness, City Attorney

FISCAL ANALYSIS

According to the October 13, 2023 Trustee's Accounting Report filed under Probate Code § 16062, the Patricia D. Seelig Separate Property Trust, dated December 11, 2002, as amended ("Trust"), has total assets with a distributable value of \$2,568,535.35. The City of Escondido Library, as a 10% beneficiary under the Trust, anticipates a Trust distribution of approximately \$256,853.53. These funds are not restricted in terms of use.

BACKGROUND

From April 1988 to April 1999, Patricia D. Seelig worked as a City employee at the City's library. First hired as a part-time temporary Department Specialist in the Library, in June 1997, Ms. Seelig's title changed to Department Specialist/Library Assistant in a part-time, temporary status. City records do not reflect much else about Ms. Seelig's work and history with the library and, unfortunately, current employees are not familiar with her.

In early 2023, the City was notified that it was a beneficiary under the Patricia D. Seelig Separate Property Trust, as amended. It appears Ms. Seelig formed a separate property trust ("Seelig Trust" or "Trust") naming several individual and charitable beneficiaries, including the City of Escondido's Library ("City"), to her estate. After the Seelig Trust was established, it was amended and restated on August 23, 2010, then again on November 10, 2016, and further amended on April 8, 2021 and August 25, 2021.



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Sadly, on September 3, 2021, Ms. Seelig passed away at the age of 93, in Ocala, Florida. Thereafter, Ronald Seelig, her stepson, and first successor Trustee of the Seelig Trust, assumed the responsibility of serving as Trustee and initiated probate proceedings to distribute the trust assets. Pursuant to the Seelig Trust, the Escondido Library was to receive 10% of the Trust estate which had assets on hand as of September 3, 2021 in the amount of \$2,985,198.11. At this time, the distribution calculation indicates that the City will receive \$256,853.53. The Trust documents do not include any specific expenditure limitations or requirements.

The City has received a copy of the Patricia D. Seelig Separate Property Trust Dated December 11, 2002 First and Final Account, September 3, 2021 - August 31, 2023, Trustee's Accounting Report, Dated October 13, 2023, which includes an accounting of the Trust assets and expenses from September 3, 2021 through August 31, 2023 ("Trustee's Accounting Report"). The City has no objections to the accounting or expenses identified therein.

The Trustee requires that the City, as with all beneficiaries, execute the Receipt and Approval of Accounting, Waiver of Right to Object, and General Release of Liability ("Approval and Release") document by October 31, 2023 to receive the Trust distribution. See Attachment "1". In general, the Approval and Release acknowledges receipt of the Trust accounting and approves of the Trustee's administration of the Trust to date. Upon execution of the document, the City releases and discharges the Trustee from any further liability related to the Trust and releases any current or future claims. Other documents may be required by the Trustee or courts to effect receipt by the City of such allowable trust assets. The City Council's adoption of Resolution No. 2023-140 will give the City Manager authority to execute all such documents.

The City and its library are very fortunate to be considered by Ms. Seelig as a worthwhile beneficiary of such a large inheritance. Staff will return to the City Council with a recommendation on the best use of this generous gift.

RESOLUTIONS

- a. Resolution No. 2023-140

ATTACHMENTS

- a. Attachment "1" - Receipt and Approval of Account, Waiver of Right to Object, And General Release of Liability ("Approval and Release")

RESOLUTION NO. 2023-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS REQUIRED TO ACCEPT, ON BEHALF OF THE CITY, A TRUST DISTRIBUTION FROM THE PATRICIA D. SEELING SEPARATE PROPERTY TRUST, DATED DECEMBER 11, 2002, AS AMENDED

WHEREAS, effective on December 11, 2002, former City library employee Patricia D. Seelig formed a separate property trust (“Seelig Trust” or “Trust”) naming several individual and charitable beneficiaries, including the City of Escondido’s Library (“City”), to her estate; and

WHEREAS, after the Seelig Trust was established, it was amended and restated on August 23, 2010, then again on November 10, 2016, and further amended on April 8, 2021 and August 25, 2021; and

WHEREAS, on September 3, 2021, Ms. Seelig passed away and thereafter, Ronald Seelig, her stepson, and first successor Trustee of the Seelig Trust, assumed the responsibility of serving as Trustee and initiated probate proceedings to distribute the Trust assets; and

WHEREAS, pursuant to the Seelig Trust, the Escondido Library was to receive 10% of the Trust estate which had assets on hand as of September 3, 2021 in the amount of \$2,985,198.11, there being no expenditure or use limitations or requirements imposed upon the City by the Trust or law; and

WHEREAS, the City has received a copy of the Seelig Trust Dated December 11, 2002, First and Final Account, September 3, 2021 - August 31, 2023, Trustee’s Accounting Report, Dated October 13, 2023, which includes an accounting of the Trust assets and expenses from September 3, 2021 through August 31, 2023 (“Trustee’s Accounting Report”), and the City having no objection to the accounting or expenses; and

WHEREAS, the City desires to accept the generous trust distribution from the Seelig Trust and finds that it is in the best public interest to do so; and

WHEREAS, the City Council of the City of Escondido wishes to give the City Manager the authority to approve the Trustee's Accounting Report and execute documents required to receive the Trust distribution including the Receipt and Approval of Accounting, Waiver of Right to Object, and General Release of Liability document and any and all other documents required by the Trustee or courts of competent jurisdiction to effect receipt by the City of such allowable trust assets.

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 authorizes the City Manager to approve the Trustee's Accounting Report and execute the Receipt and Approval of Accounting, Waiver of Right to Object, and General Release of Liability document and any and all documents required by the Trustee or courts of competent jurisdiction to effect receipt of such trust assets.
3. The City Council will hereafter, in a public meeting, give staff direction on the use of said Trust proceeds for the City's public library.

**RECEIPT AND APPROVAL OF ACCOUNT, WAIVER OF RIGHT TO OBJECT, AND
GENERAL RELEASE OF LIABILITY
("Approval and Release")**

I, SEAN MCGLYNN, City Manager, an authorized representative of the ESCONDIDO PUBLIC LIBRARY, a beneficiary of the PATRICIA D. SEELIG SEPARATE PROPERTY TRUST dated December 11, 2002, as restated in its entirety on November 12, 2016, then amended on April 16, 2021, and August 25, 2021 (the "Trust"), declare:

1. ESCONDIDO PUBLIC LIBRARY, (hereafter referred to as the "Organization") acknowledges it has received from RONALD SEELIG (the "Trustee") the Trust accounting for the period beginning September 3, 2021, and ending August 31, 2023 (the "Trust Accounting"). The Organization further acknowledges that the Trustee and the Organization have the right to petition a court of competent jurisdiction to review the transactions and the Trustee's acts reported in the Trust Accounting.

2. The Organization has examined and approved all the transactions and acts of the Trustee reported in the Trust Accounting. This approval shall have the same effect as if the transactions and the Trustee's actions had been reviewed and confirmed absolutely by a court of competent jurisdiction. The Organization now waives its right to petition a court of competent jurisdiction to review the transactions and acts of the Trustee reported in the Trust Accounting.

3. Upon receipt of the distribution of Trust assets described in the Proposed Distribution, The Organization releases and discharges the Trustee from any and all liability in connection with the transactions and acts reported in the Trust Accounting, including the Trustee's administration of the Trust.

4. The Organization represents and warrants that it has not assigned or transferred or purported to assign or transfer to any person or entity all or any part of any claim or matter that is released or intended to be released by this Approval and Release. The Organization agrees to indemnify and hold the Trustee harmless from and against any claim asserted, including the payment of attorneys' fees and costs, whether or not actual litigation is commenced, which may be based upon or which may arise out of or in connection with any such assignment or transfer or purported assignment or transfer.

5. The Organization acknowledges that this Approval and Release shall be binding upon its agents, representatives, heirs, employees, successors, and assigns.

6. The Organization acknowledges it has the right to be advised by independent counsel concerning the Trust Accounting and this Approval and Release.

7. The Organization forever releases and discharges the Trustee and Trustee's agents, heirs, representatives, successors, and assigns ("Released Parties") from any known and unknown claims, including all claims, demands, causes of action, obligations, damages, losses, costs and expenses of every kind and nature whatsoever, including attorneys' fees, whether they be fixed or contingent, which the Organization now has or in the future may have against any of the Released Parties arising out of or relating acts of the Trustee reported in the Trust Accounting.

8. The Organization represents that it understands the meaning and purpose of California Civil Code Section 1542 or that its independent counsel has explained the meaning and purpose of California Civil Code Section 1542. The Organization recognizes and acknowledges that under Civil Code Section 1542,

a general release does not ordinarily extend to unknown claims. Civil Code Section 1542 provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

9. The Organization expressly waives any and all rights and benefits under Civil Code Section 1542. The organization intends to fully release the Trustee from any liability for breach of Trust in any action or proceeding brought against the Trustee challenging the prudence of the Trustee or the acts of the Trustee as reported in the Trust Accounting.

10. The Organization represents that it understands the meaning and purpose of California Probate Code 16464(b) or that the organization's independent counsel has explained the meaning and purpose of California Probate Code 16464(b), which provides:

(b) A release or contract is not effective to discharge the trustee's liability for a breach of Trust in any of the following circumstances:

- 1) Where the beneficiary was under an incapacity at the time of making the release or contract.
- 2) Where the beneficiary did not know of his or her rights and of the material facts (A) that the trustee knew or reasonably should have known and (B) that the trustee did not reasonably believe that the beneficiary knew.
- 3) Where the release or contract of the beneficiary was induced by improper conduct of the trustee.
- 4) Where the transaction involved a bargain with the trustee that was not fair and reasonable.

11. The Organization expressly waives the benefit of California Probate Code Section 16464(b) and further agrees the organization has been fully informed of the material facts and its rights and that the Trustee did not induce this Approval and Release by improper conduct.

12. The Charitable Organization does not intend the Approval and Release to be, nor shall it be deemed, in any respect, an admission of liability by any person or entity for any purpose.

13. The laws of the State of California shall govern the Approval and Release. If any portion of this instrument becomes illegal, null, or void for any reason, the remaining portions of this Approval and Release shall not be affected.

14. I am signing this Approval and Release in a representative capacity and represent that I have been duly authorized to execute this Approval and Release on behalf of the Organization.

Date: _____

Name: SEAN MCGLYNN
Title: City Manager and Authorized Representative of the
ESCONDIDO PUBLIC LIBRARY



STAFF REPORT

October 25, 2023
File Number 0680-10

SUBJECT

REPEAL CHAPTER 2, ARTICLE 7, SECTION 2-103 OF THE ESCONDIDO MUNICIPAL CODE REGARDING CONTROLS ON CAMPAIGN CONTRIBUTIONS

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request the City Council introduce Ordinance No. 2023-14 repealing Section 2-103 from Escondido Municipal Code Chapter 2, Article 7, regarding Campaign Contribution Limitations.

Staff Recommendation: None (City Clerk's Office: Zack Beck, City Clerk)

Presenter: Zack Beck, City Clerk

PREVIOUS ACTION

On September 13, 2023, the City Council voted 4-1 (Martinez - No) to repeal the campaign contribution limits set forth in Escondido Municipal Code Section 2-103 and default to the State of California's campaign contribution limits.

BACKGROUND

In 2020, the California Legislature passed Assembly Bill (AB) 571, which applies a default campaign contribution limit to city candidates when the city has not already enacted its own local contribution limit. The 2023-2024 contribution limits for city candidates in cities that have not enacted limits is \$5,500. The City Council adopted Ordinance No. 2020-27 on September 13, 2020, which set campaign contribution limits for any single election at \$1,000 per city council district office, and \$1,750 for the city-wide offices of Mayor and City Treasurer. The contribution amounts were to be adjusted and increased on a biennial basis by \$50 commencing January 1, 2023.

At the September 13, 2023 City Council Meeting, the City Council voted to repeal the City's local campaign contribution limits and default to the State of California's campaign contribution limits. Therefore, without locally enacted contribution limits, the City of Escondido effectively adopts the 2023-2024 California State contribution limit of \$5,500 for city candidates, per election.

ATTACHMENTS

- a. Attachment "1" – EMC Chap. 2, Article 7 with strikethrough



CITY *of* ESCONDIDO

STAFF REPORT

ORDINANCES

- a. Ordinance No. 2023-14

ORDINANCE NO. 2023-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO REPEAL ESCONDIDO MUNICIPAL CODE CHAPTER 2, ARTICLE 7, SECTION 2-103, LIMITATIONS ON CAMPAIGN CONTRIBUTIONS

WHEREAS, in 2020, the California Legislature passed Assembly Bill (AB) 571, which applies a default campaign contribution limit to city candidates when the city has not already enacted a local contribution limit; and

WHEREAS, the 2023-2024 contribution limits for city candidates in cities that have not enacted limits is \$5,500, per election; and

WHEREAS, mindful of first amendment constitutional principles, fundamental due process and fairness, and given recent state legislation impacting local campaign contributions including SB 1439 (Levine Act); and

WHEREAS, the City Council of the City of Escondido finds it fair and reasonable to remove local contribution limits and adopt the state limit.

NOW, THEREFORE, IT IS HEREBY RESOLVED and the City Council of the City of Escondido DOES HEREBY ORDAIN as follows:

SECTION 1. That the foregoing recitals are true.

SECTION 2. That EMC Chapter 2, Administration, Article 7, Controls on Campaign Contributions, Section 2-103 is hereby repealed.

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 County and circulated in the City of Escondido.

Escondido Municipal Code Chapter 2, Article 7

Sec. 2-100. Purpose and intent.

Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the city council of the City of Escondido in enacting this article to preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this article. This article is enacted in accordance with the terms of Section 7 of Article XI of the Constitution of the State of California. The contribution limitations of this article shall not apply to ballot measure elections or to that portion of a recall election in which the electorate determines whether or not to recall an officeholder, but shall apply to all candidate elections, including the candidate election portion of a consolidated recall election. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-101. Citation.

This article shall be cited as the Escondido Municipal Election Campaign Control Ordinance. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-102. Definitions.

As used in this article, the listed words or phrases shall be defined as follows:

(1) *Candidate* shall mean any individual who is listed on the ballot or who has begun to circulate nominating petitions or authorized others to circulate petitions in his or her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution with a view to bringing about his or her nomination or election to any city office, whether or not the specific elective office for which nomination or election may be sought is known at the time the contribution is received or the expenditure is made and whether or not candidacy has been announced or a declaration of candidacy filed at such time. "Candidate" also includes any holder of any city office who is the subject of a recall election.

(2) *City office* shall mean the offices of mayor, councilmember and treasurer of the City of Escondido.

(3) *Committee* shall be defined as the definition found in [Government Code](#) Section 82013, contained within the Political Reform Act, and any related provisions in the [California Code of Regulations](#).

(4) *Contribution* shall be defined as the definition found in [Government Code](#) Section 82015, contained within the Political Reform Act, and any related provisions in the [California Code of Regulations](#).

(5) *Controlled committee* shall mean a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

(6) *Election* shall mean any primary, general or special election held in the City of Escondido, including the candidate election portion of a consolidated recall election. The primary and general or special elections are separate elections for purposes of this article.

(7) *Enforcement authority* shall mean the officer, agent or organization designated by action of the city council to enforce the provisions of this article. Nothing in this article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(8) *Expenditure* shall mean a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

(9) *Independent committee* shall mean a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.

(10) *Independent expenditure*:

(a) *Independent expenditure* shall mean an expenditure by a person for a communication expressly advocating the support of or opposition to a clearly identified

candidate which is not made with the cooperation or prior consent of a candidate, his or her agent, or a controlled committee of a candidate.

(b) For the purpose of this definition:

1. "Expressly advocating" shall mean any communication containing a message advocating support or opposition. Content may include, but not be limited to, the name of a candidate, the title of a measure or any expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject" and an identifying phrase.

2. "Clearly identified candidate" shall mean that the name of a candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous references.

3. "Made with the cooperation or with the prior consent of, or in consultation with, or at the behest or suggestion of, a candidate or his or her agent or a controlled committee of a candidate" shall mean any arrangement, coordination, or direction by a candidate, agent or committee prior to the publication, display or broadcast of the communication.

4. "Agent" shall mean any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities, he or she may authorize expenditures.

(c) An expenditure not qualifying under this section as an independent expenditure shall be considered a contribution to the candidate.

(11) *Measure* shall mean any proposition which is submitted to a popular vote at an election by action of the city council or which is submitted or is intended to be submitted to a popular vote at a city election by initiative or referendum procedure whether or not it qualifies for the ballot.

(12) *Payment* shall mean payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

(13) *Person* shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, political action committee, independent committee and any other organization or group of persons acting in concert. "Person" does not include a political party committee.

(14) *Political action committee* shall mean an organization that generates, receives and/or pools campaign contributions from members or others and either makes direct

expenditures on behalf of, or donates those contributions to campaigns for or against, candidates or ballot measures. As used herein, a labor union or employee bargaining group shall constitute a political action committee.

(15) *Political party committee* shall mean the state central or county central committee of an organization that meets the requirements for recognition as a political party pursuant to California [Elections Code](#) sections 5100 or 5151. (Ord. No. 2021-04, § 2, 3-24-21)

Sec. 2-103. Campaign contributions; limitations. [Repealed]

~~—(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all controlled committees supporting such candidate, to exceed one thousand dollars (\$1,000.00) for any single election for a city council district office, or to exceed one thousand seven hundred fifty dollars (\$1,750.00) for any single election for the office of mayor or city treasurer.~~

~~—(b) A candidate shall not lend his or her own campaign more than one hundred thousand dollars (\$100,000.00) per election. A candidate may not charge interest on any loan he or she made to his or her campaign.~~

~~—(c) The terms of this section are applicable to any contributions made to a candidate or committee, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.~~

~~—(d) Contribution amount adjustment. The dollar amounts set forth in this section shall be adjusted and increased on a biennial basis by fifty dollars (\$50.00) commencing on January 1, 2023.~~

~~—(e) City clerk notice. The city clerk shall publish a public notice of the adjustment by March 1, or as soon as practicable thereafter.~~

~~—(f) If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city treasurer for deposit in the general fund of the city. (Ord. No. 2020-27, § 3, 11-18-20)~~

Secs. 2-104—2-106. Reserved.

Editor's note — Sections 2-104—2-106, pertaining to campaign contribution accounts and funds, derived from Ord. Nos. 88-60, 97-24 and 2007-26, were repealed by Ord. No. 2018-09, §§ 3—5, adopted April 25, 2018.

Sec. 2-107. Disbursement of surplus campaign funds.

If the final campaign statement for a candidate or any committee discloses an unexpended surplus, the candidate or committee shall comply with [Government Code](#) Section 89519, as amended and applicable, in the closure of the account and disbursement of any such funds. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2020-27, § 4, 11-18-20; Ord. No. 2021-04, § 3, 3-24-21)

Sec. 2-108. Accountability.

Every candidate or committee establishing a campaign contribution checking account pursuant to this article shall make available on demand to any public officer having legal authority to enforce this article, the details of any such checking account requested and the records supporting it. Every candidate or committee establishing a campaign contribution checking account shall maintain a record of every contribution received and disbursement made from the checking account, which record shall include, but not be limited to, copies of checks, canceled checks, bank records, bills and invoices. Such records shall be kept by the candidate or treasurer of the committee establishing the account for the periods specified in Section 18401 of Title 2, Division 6 of the [California Administrative Code](#). Each candidate and committee shall, on demand, make available to any public officer having authority to enforce this article, a written declaration of consent that such officer may have access to the campaign contribution checking account. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-109. Campaign statements.

Each candidate and committee shall file campaign statements in the time and manner required by the Political Reform Act of 1974 as amended ([Government Code](#) Section 84100 et seq.) and compliance with the requirements of that Act shall be deemed to be compliance with this section, provided that every campaign contribution, regardless of amount, is included in the statement. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 91-39, § 1, 10-2-91; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-109.1. Online or electronic filing of campaign disclosure statements of economic interest filings.

The purpose of this section is to require online or electronic filing of campaign statements and require online or electronic reporting of contributions and independent

expenditures regarding elections of candidates to city offices and the qualification or passage of local ballot measures within the City of Escondido as currently required under the Political Reform Act, commencing with California Code Section 84200 et seq., in order to facilitate review and maximize the availability of this information to the public.

Additionally, this section also requires online or electronic filing of statement of economic interest reports as required by the City's current conflict of interest resolutions and appendices and [Government Code](#) Section 87200.

(a) Definitions.

(1) "Statement of economic interest (SEI) filer" means any person holding a position that is listed in California [Government Code](#) Section 87200 or any person holding a position listed in the current City of Escondido conflict of interest resolutions and appendices and [Government Code](#) Section 87200.

(b) Electronic filings.

(1) Each elected official, candidate, candidate controlled committee and independent committee that is required to file a semi-annual campaign statement, a pre-election campaign statement or an amended campaign statement with the city clerk of the City of Escondido pursuant to Chapter 4 of the [Government Code](#) (commencing with Section 84100) and that receives a total of two thousand dollars (\$2,000.00) or more in contributions or makes a total of two thousand dollars (\$2,000.00) or more in independent expenditures, shall file the statement with the city clerk of the City of Escondido in an electronic format.

(2) Each person listed as a statement of economic interest filer that is required to file an assuming office, annual or leaving office statement with the city clerk of the City of Escondido pursuant to [Government Code](#) Section 87200 or the current City of Escondido conflict of interest resolutions and appendices shall file the statement with the city clerk of the City of Escondido in an electronic format.

(c) Exemption from filing paper copy. A candidate or committee or statement of economic interest filer that has filed an electronic statement or report is not required to file a paper copy.

(d) Option to file electronically. Any candidate or committee not required to file an electronic statement of report under Section 2-109.1 may voluntarily opt to file an electronic statement or report by submitting written notice to the city clerk. A candidate or committee that opts to file an electronic statement of report is not required to file a paper copy. (Ord. No. 2019-07, § 4, 7-17-19)

Sec. 2-110. Cash and anonymous contributions.

(a) No contribution of one hundred dollars (\$100.00) or more shall be made or received in cash. Any cash contributions of one hundred dollars (\$100.00) or more shall be paid promptly from available campaign funds, if any, to the city treasurer for deposit in the general fund of the city.

(b) No anonymous contributions shall be accepted by any candidate or committee. Any anonymous contributions received shall be paid promptly from available campaign funds, if any, to the city treasurer for deposit in the general fund of the city. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07; Ord. No. 2013-04, § 1, 5-1-13; Ord. No. 2018-09, § 6, 4-25-18)

Sec. 2-110.1. Assumed name contributions.

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his,

her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. When it is discovered by the campaign treasurer that a contribution has been received in violation of this section, the campaign treasurer shall pay promptly, from available campaign funds, if any, the amount received in violation of this section to the city treasurer for deposit in the general fund of the city. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.2. Campaign expenditures; uncontrolled by candidate or committee.

Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee, when such expenditures in whole or part would have been covered by the provisions of this article if they were subject to the control of a candidate or committee. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.3. Suppliers of goods and services; disclosure of records required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign of the candidate shall refuse knowingly to divulge or disclose to the enforcement authority his or her record of any expenditures made by the candidate or committee in payment for such goods or

services or both. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.4. Duties of city clerk.

In addition to other duties required under the terms of this article, the city clerk shall:

- (a) Supply appropriate forms and manuals prescribed by the State Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to report.
- (b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law.
- (c) Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law.
- (d) Report apparent violations of this article and applicable state law to the enforcement authority.
- (e) Compile and maintain a current list of all statements or parts of statements filed pertaining to each candidate.
- (f) Cooperate with the enforcement authority in the performance of the duties of the enforcement authority as prescribed in this article and applicable state law. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.5. Enforcement authority; duties, complaints, legal action, investigatory powers.

- (a) The city attorney shall not investigate or prosecute any alleged violation of this article, but shall defend the constitutionality and legality of this article in any civil proceeding in which the city or the city council is a party.
- (b) The enforcement authority shall enforce the provisions of this article.
- (c) Special counsel shall be selected as the enforcement authority by the city attorney and appointed by the city council at least one hundred eighty (180) days prior to a city election. Should the appointment of additional special counsel become necessary or appropriate, the city attorney shall select, and the city council shall appoint, such additional special counsel as may be required. The review of complaints of violation of this article and any criminal prosecutions under this article shall be commenced by special counsel. Special counsel shall also commence and prosecute any necessary administrative proceeding or civil litigation to compel compliance with this article or to enjoin conduct in violation of this article. No enforcement or prosecution

or action of special counsel shall be subject to the review or control of the city council or the city attorney.

(d) Any person residing in the City of Escondido who believes that a violation of any portion of this article has occurred may file a written complaint requesting investigation of such violation by the enforcement authority. If the enforcement authority determines that there is reason to believe a violation of this article has occurred, it shall conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this article. Whenever the enforcement authority has reason to believe a willful violation of this article has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations. The enforcement authority may decline to investigate any alleged violation of this article which is also an alleged violation of state law and is the subject of a complaint filed with the Fair Political Practices Commission, until the investigation of that complaint is complete.

(e) The enforcement authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this article and may demand and be furnished records of campaign contributions and expenses at any time. In the event that production of such records is refused, the enforcement authority may commence civil litigation to complete such production.

(f) The enforcement authority shall determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirements of this article.

(g) The enforcement authority shall be immune to liability for the enforcement of this article.

(h) Any action alleging violation of this article must be commenced within two (2) years of the time the alleged violation occurred. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2002-21, § 1, 7-17-02; Ord. No. 2007-26, 9-19-07)

Sec. 2-110.6. Penalties.

Any person who knowingly or willfully violates any provision of this article is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, shall be punishable by a fine of not less than one thousand dollars (\$1,000.00). (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.7. Effect of violation on outcome of election.

If, after election, a candidate is convicted of a violation of any provision of this article, the election to office of such candidate shall be void and such office shall become

vacant immediately thereupon, or on the date upon which the candidate, if not an incumbent, would otherwise take office, whichever occurs later. In such event, the vacancy shall be filled in accordance with the procedures provided for the filing of vacant city offices. If a candidate is convicted of a violation of this article at any time prior to election, his or her candidacy shall be terminated immediately and such candidate shall be no longer eligible for election. Any person convicted of a violation of this article shall be ineligible to hold city elective office for a period of five (5) years from and after the date of his or her conviction. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.8. City measures; exemptions.

This article shall not apply to contributions or expenditures by a committee or a person on behalf of a committee supporting or opposing a city measure. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.9. Rules of construction.

This article shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this article which does not directly affect the jurisdiction of the council or the city to control campaign contributions and expenditures shall avoid the effect of this article. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.10. Severability.

If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the article and the applicability of such provision to other persons and circumstances shall not be affected. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE 2023 OMNIBUS THAT AMENDS VARIOUS ARTICLES OF THE ESCONDIDO ZONING CODE AND ONE AMENDMENT TO THE ESCONDIDO SUBDIVISION ORDINANCE

CASE NO.: PL23-0329

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

SECTION 1. The City Council makes the following findings:

a) The City of Escondido Planning Division conducts an annual review of the Escondido Zoning Code to determine if any revisions are necessary to reflect State mandated changes, to correct errors or inconsistencies, and to address land use considerations that have previously been overlooked.

b) Planning Division staff identified the need to amend Articles 1 (General Provisions and Definitions), 6 (Residential Zones), 36 (Cargo Container Restrictions), 39 (Off-Street Parking), 55 (Grading and Erosion Control), 61 (Administration and Enforcement), 63 (Transient Lodging Facilities), 70 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 79 (East Valley Parkway Overlay Zone) of the Escondido Zoning Code, and Article 2 (Tentative Maps) of the Escondido Subdivision Ordinance.

c) The Planning Commission of the City of Escondido, on September 26, 2023, held a duly noticed public hearing to consider the 2023 Omnibus amendments and recommended approval of the items as provided in Exhibit "B."

SECTION 2. The City Council of the City of Escondido did hold a duly noticed public hearing on October 11, 2023, as prescribed by law. At said hearing, this City Council received and considered the reports and recommendations of the Planning Commission and City staff, and gave all persons full

A COMPLETE COPY OF THIS
ORDINANCE IS ON FILE IN
THE OFFICE OF THE CITY
CLERK FOR YOUR REVIEW.



STAFF REPORT

October 25, 2023
File Number 0130-10

SUBJECT

NORTH COUNTY DISPATCH JPA APPOINTMENT

DEPARTMENT

City Clerk's Office

RECOMMENDATION

Request that the Mayor nominate and the City Council appoint a primary and alternate member to the North County Dispatch JPA Board of Directors.

Staff Recommendation: Approval

Presenter: Zack Beck, City Clerk

PREVIOUS ACTION

On October 11, 2023 the City Council voted to join the North County Dispatch JPA.

BACKGROUND

North County Dispatch JPA Meetings are held quarterly (February, May, August, November) at 10:00 a.m. on the last Wednesday of the month.



CITY of ESCONDIDO
FUTURE AGENDA

11/1/2023

PRESENTATION: FIRST AQUEDUCT STRUCTURES REHABILITATION PROJECT (SDCWA)

CONSENT CALENDAR - (E.VARSO) - OPIOID SETTLEMENT FUNDS – It is requested that the City Council Approve Resolutions No. 2023-142 to authorize the Escondido Police Department to accept annual Opioid Settlement Funds from the State of California for Opioid Abuse Prevention and Intervention programs; authorize the Chief of Police or his designee to execute documents on behalf of the City; and approve budget adjustments needed to spend settlement funds.

PUBLIC HEARING - (C. MCKINNEY) - EASTWOOD MEADOWS LONG FORM APPLICATION - Request the City Council (rent review board) to review and vote on the rent increase proposed.

PUBLIC HEARING - (E. VARSO) - TOW COMPANY APPEALS – It is requested that the City Council Approve Resolutions No. 2023-138 and 2023-139 denying the requests from Quality Towing & Recovery, and Tow and Transport Inc. to enter into Police Tow, Impound, and Referral Tow Services contracts with the City of Escondido.

CURRENT BUSINESS - (E.VARSO) - MASSAGE PARLOR ORDINANCE UPDATE

CURRENT BUSINESS - (D. WHITE) - COUNCIL RESOLUTION OPPOSING THE REMOVAL OF PRIORITY TRANSIT LANES

11/8/2023 - NO MEETING (VETERAN'S DAY)