

Council Meeting Agenda

WEDNESDAY, SEPTEMBER 18, 2024

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

Christian Garcia (District 3)

COUNCILMEMBERS Consuelo Martinez (District 1) Joe Garcia (District 2) Michael Morasco (District 4)

CITY MANAGER

Sean McGlynn

CITY ATTORNEY

Michael McGuinness

Сіту Сlerк Zack Beck

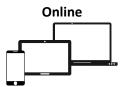
HOW TO WATCH

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

In Person







201 N. Broadway

Cox Cable Channel 19 and U-verse Channel 99

www.escondido.gov



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

HOW TO PARTICIPATE

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



Fill out Speaker Slip and Submit to City Clerk

In	Writing	3

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 to city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

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. <u>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code § 54956.9(d)(4))</u>

a. 2 matters

ADJOURNMENT



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

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 evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

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

PROCLAMATIONS

Pollution Prevention Week

PRESENTATIONS

Friends of Daley Ranch

San Diego Regional Fire Foundation - Rick Vogt Legacy Scholarship

CLOSED SESSION REPORT

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.



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

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)

2. APPROVAL OF WARRANT REGISTER (COUNCIL)

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

• 387059 – 387260 dated September 4, 2024

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

ESSENTIAL SERVICE – Yes, Internal requirement per Municipal Code Section 10-49

3. APPROVAL OF MINUTES: None

4. WAIVER OF READING OF ORDINANCES AND RESOLUTIONS

5. <u>CITY CONFLICT OF INTEREST CODE UPDATE</u>

Request the City Council adopt Resolution No. 2024-124, amending the City of Escondido's Conflict of Interest Code pursuant to the Political Reform Act, to update the list of designated public employees and public officials who are required to file a statement of economic interest and the disclosure categories.

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

Presenter: Michael McGuinness, City Attorney

ESSENTIAL SERVICE – Yes, Internal Requirement

a) Resolution No. 2024-124

6. <u>BUREAU OF JUSTICE ASSISTANCE ("BJA") FY24 BRYNE DISCRETIONARY COMMUNITY PROJECT</u> <u>GRANTS/BRYNE DISCRETIONARY GRANTS PROGRAM AND BUDGET ADJUSTMENT</u>

Request the City Council adopt Resolution No. 2024-136 authorizing the Escondido Police Department to accept a Bureau of Justice Assistance ("BJA") FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant in the amount of \$220,000; 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



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

ESSENTIAL SERVICE – Yes, internal requirement in support of police services

COUNCIL PRIORITY – Improve Public Safety

- a) Resolution No. 2024-136
- 7. FY 2024-25 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM ("STEP") GRANT AND BUDGET ADJUSTMENT

Request the City Council adopt Resolution No. 2024-137 authorizing the Escondido Police Department to accept a FY 2024-25 California Office of Traffic Safety ("OTS") Selective Traffic Enforcement Program ("STEP") Grant in the amount of \$470,000; 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

ESSENTIAL SERVICE – Yes, internal requirement in support of Police Services.

COUNCIL PRIORITY – Public Safety

a) Resolution No. 2024-137

8. FY 2024-25 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT_

Request the City Council adopt Resolution No. 2024-138 authorizing the Escondido Police Department to accept a FY 2024-25 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.

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

Presenter: Edward Varso, Chief of Police

ESSENTIAL SERVICE - Yes, internal requirement in support of Police Services

COUNCIL PRIORITY – Public Safety

a) Resolution No. 2024-138



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

9. AWARD OF CONTRACT FOR CONSTRUCTION OF THE KIT CARSON PARK YOUTH SOFTBALL FIELDS FENCING PROJECT

Request the City Council adopt Resolution No. 2024-139 awarding a construction contract to Crafters Fence, Inc. and authorizing the Mayor, on behalf of the City, to execute a Public Improvement Agreement in the amount of \$639,000 for the Kit Carson Park Youth Softball Fields Fencing Project ("Project").

Staff Recommendation: Approval (Chris McKinney, Director of Development Services, and Jonathan Schauble, City Engineer)

Presenter: Jonathan Schauble, City Engineer, Michael Tully, Project Manager

ESSENTIAL SERVICE – Yes, Parks Facilities/Open Spaces

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

Resolution No. 2024-139

CURRENT BUSINESS

10. PUBLIC ART STRATEGIC PLAN AND ANNUAL WORKPLAN

Request the City Council adopt Resolution No. 2024-118 approving and adopting the Public Art Strategic Plan and 2024/2025 Annual Workplan.

Staff Recommendation: Approval (Community Services: Jennifer Schoeneck, Director of Economic Development)

Presenter: Robert Rhoades, Assistant Director of Community Services

ESSENTIAL SERVICE – No

COUNCIL PRIORITY - Increase Retention and Attraction of People and Businesses to Escondido

a) Resolution No. 2024-118

11. RESOLUTION IN SUPPORT OF PROPOSITION 36

Request the City Council adopt Resolution No. 2024-142 expressing support for Proposition 36, which will appear on the November 5, 2024 General Election Ballot.

Staff Recommendation: Approval (City Council: Mayor Dane White, Deputy Mayor Christian Garcia)

Presenter: Mayor Dane White

ESSENTIAL SERVICE – Yes, Police Services



COUNCIL MEETING AGENDA

Wednesday, September 18, 2024

COUNCIL PRIORITY – Improve Public Safety

a) Resolution No. 2024-142

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.gov*.

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Wednesday, October 2, 2024	4:00 & 5:00 PM	Closed Session, Regular Meeting, Council Chambers
Wednesday, October 9, 2024	4:00 & 5:00 PM	Closed Session, 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.



Consent Item No. 1

September 18, 2024

<u>AFFIDAVITS</u>

<u>OF</u>

<u>I T E M</u>

POSTING-None

STAFF REPORT

September 18, 2024 File Number 0400-40

SUBJECT

APPROVAL OF WARRANT REGISTER (COUNCIL)

DEPARTMENT

Finance

RECOMMENDATION

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

387059 - 387260 dated September 4, 2024

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

ESSENTIAL SERVICE – Yes, Internal requirement per Municipal Code Section 10-49

COUNCIL PRIORITY -

FISCAL ANALYSIS

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

August 29, 2024 – September 4, 2024 is \$3,476,040.95

PREVIOUS ACTION

None

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.

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Consent Item No. 3

September 18, 2024

<u>APPROVAL</u>

<u>O F</u>

MINUTES



STAFF REPORT

ITEM NO. 4

SUBJECT

WAIVER OF READING OF ORDINANCES AND RESOLUTIONS -

ANALYSIS

The City Counci/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

September 18, 2024 File Number 0640-30

SUBJECT

CITY CONFLICT OF INTEREST CODE UPDATE

DEPARTMENT

City Attorney

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-124, amending the City of Escondido's Conflict of Interest Code pursuant to the Political Reform Act, to update the list of designated public employees and public officials who are required to file a statement of economic interest and the disclosure categories.

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

Presenter: Michael McGuinness, City Attorney

ESSENTIAL SERVICE – Yes, Internal Requirement

COUNCIL PRIORITY -

FISCAL ANALYSIS

None

PREVIOUS ACTION

The City adopted the Conflict of Interest Code pursuant to the requirements of the Political Reform Act in 1980. The City Council last amended the Conflict of Interest Code for the City of Escondido with Resolution No. 2022-137.

BACKGROUND

The City of Escondido and its agencies are subject to the requirements of the Political Reform Act (California Government Code Section 81000, et seq.) and regulations governing conflicts of interest. Government Code Section 87200 specifically lists officials who are required to file a statement of economic interest including Council Members, the City Manager, the City Attorney, the City Treasurer, Planning Commissioners, and City officials and employees who manage public investments (i.e., the City of Escondido Director of Finance).



STAFF REPORT

In addition to these statutory filing requirements, the Political Reform Act requires the City of Escondido and its agencies to adopt and promulgate a Conflict of Interest Code that includes a list of designated positions and disclosure categories. The City designates positions based on the individuals in those positions making or participating in governmental decisions. "Making a decision" means voting on a matter, approving the budget, adopting policy, making purchasing decisions, and entering into contracts. "Participating" means negotiating the terms of a contract, writing the specifications of a bid, or advising or making recommendations to the decision maker or governing body without significant intervening substantive review. "Participating" does not mean clerical, secretarial, or ministerial tasks.

The Political Reform Act requires each local government agency to review its Conflict of Interest Code biennially. As part of a biennial review, the proposed Resolution adopts the latest version of the California Fair Political Practices Commission ("FPPC") standard conflict of interest code and updates the City's list of designated positions. The employees, consultants, and contractors who fill designated positions will be required to complete FPPC Form 700 (Statement of Economic Interests) each year.

PROPOSED CHANGES

The proposed changes primarily reflect reorganization efforts and should have little substantive impact on the reporting requirements of individual employees and officials. The following table shows the key changes in designated positions:

DESIGNATED POSITIONS	DISCLOSURE CATEGORY	<u>CHANGE</u>
CITY MANAGER'S OFFICE		
Deputy Director of Economic Development	2, 4, 6	Delete
Director of Economic Development	2, 4, 6	Add
Real Property/Management Analyst	2, 3, 4, 6	Add
COMMUNITY DEVELOPMENT		
Deputy Building Official	3, 4, 6	Delete
Assistant Building Official	3, 4, 6	Add
COMMUNITY SERVICES		



STAFF REPORT

DESIGNATED POSITIONS	DISCLOSURE CATEGORY	<u>CHANGE</u>
Deputy City Manager/Director of Communications & Community Services	2, 4, 6	Delete
Deputy Director of Communications	6	Delete
Assistant Director of Communications	6	Add
Deputy Director of Community Services	7	Delete
Community Services Manager	7	Add
Communications Officer	6	Delete
Communications Manager	6	Add
City Librarian	6	Delete
ENGINEERING SERVICES		
Engineering Manager	2, 3, 4, 6	Add
Project Manager	2, 3, 4, 6	Add
Real Property Manager	2, 3, 4, 6	Delete
PUBLIC WORKS		
Public Works Superintendent	2, 3, 4, 6	Delete
Public Works Manager	2, 3, 4, 6	Add
Deputy Director of Public Works/Maintenance	2, 3, 4, 6	Delete
Assistant Director of Public Works	2, 3, 4, 6	Add
Building Maintenance Superintendent	3, 6	Delete
Building Maintenance Manager	3, 6	Add



STAFF REPORT

DESIGNATED POSITIONS	DISCLOSURE CATEGORY	<u>CHANGE</u>
Fleet Maintenance Superintendent	3, 6	Delete
Fleet Maintenance Manager	3, 6	Add
FINANCE		
Collections Officer	6	Delete
Collections Specialist	6	Add
Budget Manager	6	Delete
HOUSING		
Housing & Neighborhood Services Manager	2, 3, 4, 6	Add
INFORMATION SYSTEMS		
Deputy Director of Information Systems	6	Delete
Assistant Director of Information Systems	6	Add
POLICE DEPARTMENT		
Deputy Director of Police Support Services	2, 3, 6	Delete
Assistant Director of Police Support Services	2, 3, 6	Add
Police Business Manager	2, 3, 6	Add
Police Support Services Manager	2, 3, 6	Add
UTILITIES		
Deputy Director of Utilities/Construction & Engineering	2, 3, 4, 6	Delete
Assistant Director of Utilities/Construction & Engineering	2, 3, 4, 6,	Add



STAFF REPORT

DESIGNATED POSITIONS	DISCLOSURE CATEGORY	<u>CHANGE</u>
Deputy Director of Utilities/Wastewater	2, 3, 4, 6	Delete
Assistant Director of Utilities/Wastewater	2, 3, 4, 6	Add
Deputy Director of Utilities/Water	2, 3, 4, 6	Delete
Assistant Director of Utilities/Water	2, 3, 4, 6	Add
Canal Superintendent	3, 6	Delete
Canal Maintenance Manager	3, 6	Add
Wastewater Treatment Plant Superintendent	3, 6	Delete
Wastewater Operations Manager	3, 6	Add
Water Distribution Superintendent	3, 6	Delete
Water Distribution Manager	3, 6	Add
Water Treatment Plant Superintendent	3, 6	Delete
Water Treatment Plant Manager	3, 6	Add
Utilities Maintenance Superintendent	3, 6	Delete
Wastewater Maintenance Manager	3, 6	Add
Lakes and Open Space Superintendent	3, 6	Delete
Lakes and Open Space Manager	3, 6	Add

Staff recommends updating the City's Conflict of Interest Code, based upon the State's Model Code, attached as Exhibit "A" to Resolution No. 2024-124. The state's model of the Conflict of Interest Code changed in two places. Both changes reflect raising the reportable gift limit from \$520 to \$590 in a calendar year.



STAFF REPORT

RESOLUTIONS

- a. Resolution No. 2024-124
- b. Resolution No. 2024-124 Exhibit "A" City of Escondido Conflict of Interest Code

RESOLUTION NO. 2024-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT

WHEREAS, the Political Reform Act (California Government Code section 81000, et seq.) requires the City of Escondido ("City") and all local government agencies adopt and promulgate a conflict of interest code, adopt disclosure categories, and designate those public officials and employees who must comply with the requirements of the Code; and

WHEREAS, the California Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code; and

WHEREAS, after public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, on July 9, 1980, the City originally adopted the Fair Political Practices Commission's standard model Conflict of Interest Code by Resolution No. 80-141, and has continued to maintain such a code in effect, together with disclosure categories and a list of those positions subject to the requirements of the Conflict of Interest Code; and

WHEREAS, the Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine whether the Code must be amended; and

WHEREAS, the City Council last revised the City's Conflict of Interest Code with Resolution No. 2022-137, and the City now desires to amend and update its Conflict of Interest Code including the list of designated positions.

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 Exhibit "A" is adopted and incorporated by this reference and shall be known as the City of Escondido Conflict of Interest Code.

Item5.

City of Escondido Conflict of Interest Code

The Political Reform Act (Gov. Code Sec. 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Sec. 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix, designating positions and establishing disclosure requirements, shall constitute the conflict of interest code of the City of Escondido.

Designated employees shall file their statements of economic interests with the City Clerk, who will make the statements available for public inspection and reproduction. (Gov. Code Sec. 81008) Upon receipt of the statement for those positions listed in Government Code Section 87200, the City Clerk shall make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by the City Clerk.

California Fair Political Practices Commission Standard Code

2 CCR § 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

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Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter,

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each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

Sections 5.1, 5.2, 5.3 and 5.4. Omitted.

Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

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2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

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(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

Section 8.1. Prohibition on Receipt of Gifts in Excess of \$590.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$590 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall,

while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$590 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Sections 9.1 and 9.2. Omitted.

Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employee's participation legally required for purposes of this section.

Section 9.4. Omitted.

Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

Item5.

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

Endnotes

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the

Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

NOTE: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

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APPENDIX

City of Escondido Designated Positions/Form 700 Filing Required

DESIGNATED POSITIONS ⁱ	DISCLOSURE CATEGORY
CITY ATTORNEY'S OFFICE	
Assistant City Attorney	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
CITY CLERK	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
Deputy City Clerk	2, 4, 6
CITY MANAGER'S OFFICE	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Director of Economic Development	2, 4, 6
Real Property/Management Analyst	2, 3, 4, 6
COMMUNITY DEVELOPMENT	
Director of Development Services	3, 4, 6
City Planner	3, 4, 6
Senior Planner	3, 4, 6
Associate Planner	3, 4, 6
Principal Planner	3, 4, 6
Building Official	3, 4, 6
Assistant Building Official	3, 4, 6
Code Compliance Manager	3, 4, 6

COMMUNITY SERVICES	
Assistant Director of Community Services	2, 4, 6
Assistant Director of Communications	6
Community Services Manager	7
Communications Manager	6
ENGINEERING SERVICES	
City Engineer	2, 4, 6
Assistant City Engineer	2, 3, 4, 6
City Traffic Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Engineering Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Project Manager	2, 3, 4, 6
PUBLIC WORKS	
Director of Public Works	2, 3, 4, 6
Public Works Manager	2, 3, 4, 6
Assistant Director of Public Works	2, 3, 4, 6
Building Maintenance Manager	3, 6
Fleet Maintenance Manager	3, 6
FINANCE	
Director of Finance	2, 4, 6
Finance Manager	6
Collections Specialist	6
Purchasing Supervisor	6
Revenue Manager	6
HOUSING	
Housing & Neighborhood Services Manager	2, 3, 4, 6
HUMAN RESOURCES	
Director of Human Resources	6

Human Resources Manager	6
Risk & Safety Manager	6
Senior Human Resources Analyst	6
FIRE DEPARTMENT	
Fire Chief	2, 3, 4, 6
Deputy Fire Chief	7
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Fire Marshal	3, 7
Deputy Fire Marshal	3, 7
Fire Administrative Services Manager	6
Emergency/Disaster Preparedness Manager	6
Emergency Medical Services Program Coordinator	6
INFORMATION SYSTEMS	
Chief Information Officer	6
Assistant Director of Information Systems	6
Network Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
POLICE DEPARTMENT	
Chief of Police	2, 3, 6
Police Captain	2, 3, 6
Assistant Director of Police Support Services	2, 3, 6
Police Lieutenant	2, 3, 6
Daliaa Rugingga Managar	2, 3, 6
Police Business Manager	2, 3, 0

UTILITIES

Public Safety Communications Manager

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Director of Utilities	2, 3, 4, 6
Assistant Director of Utilities/Construction & Engineering	2, 3, 4, 6
Assistant Director of Utilities/Wastewater	2, 3, 4, 6
Assistant Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Maintenance Manager	3, 6
Wastewater Operations Manager	3, 6
Water Distribution Manager	3, 6
Water Treatment Plant Manager	3, 6
Wastewater Maintenance Manager	3, 6
Lakes and Open Space Manager	3, 6
BOARDS AND COMMISSIONS	
Building Advisory and Appeals Board	3, 7
Historic Preservation Commission	3, 7
Library Board of Trustees	3, 7
Public Art Commission	3, 7
Transportation and Community Safety Commission	3, 7
Independent Districting Commission	1
CONSULTANTS ^{II} /NEW POSITIONS ^{III}	
Consultants	1
New Positions	1

Disclosure Categories

Category 1: All investments, business positions, and sources of income (including loans, gifts, and travel payments) from sources located or doing business in the City of Escondido; All interests in real property located in the City of Escondido or within two miles of any land owned or used by the City of Escondido;

Category 2: All interests in real property located in the City of Escondido;

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- Category 3: All investments, interests in real property and sources of income (including loans, gifts, and travel payments) subject to the regulatory, permit or licensing authority of the City of Escondido;
- Category 4: Investments in business entities and sources of income (including loans, gifts, and travel payments) which engage in land development, construction or the acquisition or sale of real property;
- Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido;
- Category 6: Investments in business entities and sources of income (including loans, gifts, and travel payments) of the type which, within the past two years, have contracted with the City of Escondido to provide services, supplies, materials, machinery, or equipment;
- Category 7: Investments in business entities and sources of income (including loans, gifts, and travel payments) of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

The following positions are not covered by the code because they must file under Government Code Section 87200 and, therefore, are listed for informational purposes only:

Mayor and City Council Members City Manager City Attorney Planning Commissioners City Treasurer

Individuals holding the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices makes the final determination whether a position is covered by Government Code Section 87200.

" Consultant means an individual who, pursuant to a contract with a state or local government agency:

ⁱ Designated Employees are those positions within the City who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Item5.

(A) makes a governmental decision whether to

- (1) approve a rate, rule or regulation;
- (2) adopt or enforce a law;
- (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
- authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (5) grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (6) grant agency approval to a plan, design, report, study, or similar item;
- (7) adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or
- (B) serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

ⁱⁱⁱ Consultants/New Positions are included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code, subject to the following limitation:

The City Manager or designee may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. Alternatively, the City Manager or designee may complete Form 805, which satisfies the requirements of 2 California Code of Regulations Section 18734. The City Manager or designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code Sec. 81008.)



STAFF REPORT

September 18, 2024 File Number 0480-70

SUBJECT

BUREAU OF JUSTICE ASSISTANCE ("BJA") FY24 BRYNE DISCRETIONARY COMMUNITY PROJECT GRANTS/BRYNE DISCRETIONARY GRANTS PROGRAM AND BUDGET ADJUSTMENT

DEPARTMENT

Police Department

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-136 authorizing the Escondido Police Department to accept a Bureau of Justice Assistance ("BJA") FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant in the amount of \$220,000; 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 implement the Rapid DNA Technology Project. This Project will allow the Escondido Police Department to process DNA evidence by procuring Rapid DNA equipment, and becoming proficient in its use. The Project will provide evidence in a timely and efficient manner; provide tools to the Police Department's investigative team; and support the District Attorney with viable evidence for a successful prosecution.

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

Presenter: Edward Varso, Chief of Police

ESSENTIAL SERVICE - Yes, internal requirement in support of police services

COUNCIL PRIORITY – Improve Public Safety

FISCAL ANALYSIS

This action will have no impact on the FY 2024-25 General Fund Budget. Grant funds will be used to the purchase of the equipment and supplies needed to implement the Rapid DNA program.

PREVIOUS ACTION

None



STAFF REPORT

BACKGROUND

The Escondido Police Department has received a BJA FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant in the amount of \$220,000. The Escondido Police Department proposes to execute the Implementing Rapid DNA Technology Project. The Police Department will use grant funds to implement the Rapid DNA Technology project. This Project will allow the Escondido Police Department to process DNA evidence by procuring Rapid DNA equipment, and becoming proficient in its use. The Project will provide evidence in a timely and efficient manner; provide tools to the Police Department's Investigative team; support the District Attorney with viable evidence for a successful prosecution; provide timely and efficient resolutions to outstanding cases; provide viable DNA samples to the County's crime lab for analysis; and create a local robust DNA profile data base.

Project activities include:

- Procure a Rapid DNA Analysis machine
- Receive rigorous training
- Process evidence and DNA samples in a more timely manner.

Expected outcomes include:

- Provide expedited support for District Attorney
- Increase the number of solved cases
- Create a robust data base with DNA profiles
- Use the Rapid DNA Analysis machine to solve existing cases.

The community, along with regional law enforcement partners, are the intended beneficiaries of the Project.

RESOLUTIONS

a. Resolution No. 2024-136

ATTACHMENTS

a. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2024-136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT A BUREAU OF JUSTICE ASSISTANCE (BJA) FY24 BYRNE DISCRETIONARY COMMUNITY PROJECT GRANT/BYRNE DISCRETIONARY GRANT IN THE AMOUNT OF \$220,000; AND EXECUTE ALL NECESSARY BUDGET ADJUSTMENTS AND GRANT DOCUMENTS.

WHEREAS, the City of Escondido desires to provide evidence in a timely and efficient manner; and

WHEREAS, the City of Escondido desires to provide tools to the Police Department's investigative

team; and

WHEREAS, the City of Escondido desires to support the District Attorney with viable evidence for

successful prosecution; and

WHEREAS, the Escondido Police Department has designated the Bureau of Justice Assistance

("BJA") FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant to procure Rapid

DNA technology and training to address these goals; and

WHEREAS, the BJA FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant funds are made available through the Department of Justice, Bureau of Justice Assistance in the amount of \$220,000 for the implementation of Rapid DNA Project.

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 BJA FY24 Byrne Discretionary Community Project Grant/Byrne Discretionary Grant in the amount of \$220,000, and execute all documents necessary for the management and completion of the grant scope including and extensions and amendments therof. Attachment "1"



BUDGET ADJUSTMENT REQUEST

Department:	Police Department	For Finance Use Only
Department Contact:	Barbara MarLett	
City Council Meeting Date: (attach staff report)	September 18, 2024	BA # Fiscal Year

EXPLANATION OF REQUEST

A budget adjustment is needed to receive grant funds and establish a spending account for purchase of equipment and supply expenses related to the Bureau of Justice Assistance FY24 Byrne Discretionary Community Project Grants/Byrne Discretionary Grants Program.

BUDGET ADJUSTMENT INFORMATION

	Amount of	Amount of
Account Number	Increase	Decrease
4128-451-new project		
number	\$220,000	
451-new project		
number	\$220,000	
	4128-451-new project number 451-new project	Account NumberIncrease4128-451-new project\$220,000451-new project\$220,000

APPROVALS

Signed by: Edward Varso 9/11/2	2024	DocuSigned by: Lorena Rocha	9/11/2024
DC4B0C7FA65B4BD	ATE	99A33925FA6B449 FINANCE	DATE



STAFF REPORT

September 18, 2024 File Number 0480-70

SUBJECT

FY 2024-25 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM ("STEP") GRANT AND BUDGET ADJUSTMENT

DEPARTMENT

Police Department

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-137 authorizing the Escondido Police Department to accept a FY 2024-25 California Office of Traffic Safety ("OTS") Selective Traffic Enforcement Program ("STEP") Grant in the amount of \$470,000; 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.

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

Presenter: Edward Varso, Chief of Police

ESSENTIAL SERVICE – Yes, internal requirement in support of Police Services.

COUNCIL PRIORITY – Public Safety

FISCAL ANALYSIS

This action will have no impact on the FY 2024-25 General Fund Budget. Grant funds will be used for salary and benefits for one full-time DUI traffic enforcement officer. The grant will also fund expenses related to traffic safety enforcement activities and traffic safety supplies. Funding will cover expenses from October 1, 2024 through September 30, 2025.

PREVIOUS ACTION

On October 11, 2023, the City Council authorized the Escondido Police Department to accept a FY 2023-24 California OTS Selective Traffic Enforcement Grant in the amount of \$495,000. Grant funds covered salary and benefits for one full-time DUI traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details.





STAFF REPORT

BACKGROUND

The Escondido Police Department received a FY 2024-25 California OTS STEP Grant in the amount of \$470,000. Grant funds will enhance traffic safety programs during the operational period of October 1, 2024 through September 30, 2025.

The Police Department will use grant funds to improve community safety by focusing on the following traffic issues: drunk driving, distracted driving, excessive speed, pedestrian safety, bicycle safety motorcycle safety, and general traffic safety.

Escondido's Need for Traffic Safety Funding

Compared to similar sized cities, Escondido ranks amongst the worst in the state for victims killed and injured in crashes. Alcohol related collisions were a specific problem for Escondido. The OTS Rankings were developed so similar sized cities can compare traffic safety statistics. OTS ranks cities from highest or worst to best, with "1" being the worst. For example, a ranking of 1/60 is the highest and worst, 30/60 is average, and 60/60 is the lowest and best. Escondido ranks in the top ten worst in several categories, including fatalities, injuries, and alcohol related crashes.

The most current OTS rankings are based on data from 2021. According to the 2021 composite traffic safety statistics, Escondido ranked 8th worst out of 60 California cities of similar size, which is down from 15th worst in 2020. This grant funding will allow focused efforts to continue addressing Escondido's traffic safety issues.

Ranking Description	2018	2019	2020	2021
Worst for fatal and injury traffic collisions	9 th	11 th	8 th	8 th
Worst for alcohol related fatal and injury collisions	8 th	13 th	7 th	12 th
Worst for under 21-year-old driver had been drinking collisions	3 rd	40 th	35 th	4 th
Worst for 21–34-year-old driver had been drinking collisions	8 th	19 th	7 th	13 th
Worst for collisions involving a motorcycle	6 th	15 th	8 th	8 th



STAFF REPORT

TYPE OF CRASH	2019 VICTIMS KILLED & INJURED	2019 OTS RANKINGS	2020 VICTIMS KILLED & INJURED	2020 OTS RANKINGS	2021 VICTIMS KILLED & INJURED	2021 OTS RANKINGS
Total Fatal and Injury	936	11/59	779	8/61	857	8/60
Alcohol Involved	103	13/59	91	7/61	105	12/60
Had Been Drinking Driver < 21	1	40/59	2	35/61	12	4/60
Had Been Drinking Driver 21-34	16	19/59	32	7/61	50	13/60
Motorcycles	31	15/59	41	8/61	43	8/60
Pedestrians	40	33/59	45	15/61	53	13/60
Pedestrians < 15	5	25/59	6	6/61	4	22/60
Pedestrians 65+	8	18/59	3	44/61	4	32/60
Bicyclists	45	14/59	36	15/61	33	18/60
Bicyclists < 15	3	30/59	3	22/61	1	54/60
Composite*	428	14/59	321	15/61	416	8/60

*Composite figures which show rankings only are an aggregate of several of the other rankings (Had been drinking under 21, alcohol involved, hit & run, nighttime and speed crashes). These figures are a means to give an indication of overall traffic safety.

Historical data shows Escondido's traffic safety rankings over the past several years.

- In 2012, Escondido ranked the worst overall, receiving the number one spot (1/56)
- In 2015, Escondido ranked second worst overall (2/57)
- In 2017, Escondido ranked fifth worst (5/58)
- In 2018, Escondido ranked tenth worst (10/59)
- In 2019, Escondido ranked fourteenth worst (14/59)
- In 2020, Escondido ranked fifteenth worst (15/61)
- In 2021, Escondido ranked eighth worst (8/60)

Since 2005, Escondido's traffic safety has gradually improved. The OTS STEP Grant will allow for education and proactive enforcement to continue to improve on this trend.

Escondido consistently maintains high DUI arrest rates. DUI arrests are a major factor in reducing alcohol related collisions. High DUI arrests are often a result of OTS grant funded operations.



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Below are the historical OTS Rankings of the City of Escondido:

Historical OTS Rankings and Data																
Description	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Total Fatal/Injuries	1,268	1,238	1,095	988	844	888	890	959	832	1,215	1,131	1,088	1,010	972	936	779
OTS Ranking	6/50	5/50	6/52	6/55	13/56	8/53	7/55	6/56	10/56	4/57	4/57	11/58	8/58	9/59	11/59	8/61
Alcohol Related Fatal/Injured	182	143	128	138	99	106	92	102	78	113	169	126	121	112	103	91
OTS Ranking	1/50	3/50	3/52	3/55	7/56	3/53	7/55	3/56	17/56	10/57	2/57	10/58	3/58	8/59	13/59	7/61
Pedestrian Injured/Killed	45	59	76	57	53	57	55	70	54	68	76	77	62	70	40	45
OTS Ranking	26/50	12/50	5/52	13/55	18/56	8/53	14/55	7/56	12/56	10/57	11/57	16/58	18/58	12/59	33/59	15/61
Fatal/Injury Hit & Runs	103	104	100	80	68	72	75	74	62	97	97	69	63	60	73	54
OTS Ranking	3/50	2/50	2/52	3/55	4/56	2/53	3/55	2/56	8/56	3/57	7/57	19/58	23/58	25/59	14/59	17/61
DUI Arrests	1,030	1,066	911	828	861	841	607	545	377	399	412	415	498	N/A	493	517
OTS Ranking	49/49	48/50	47/52	49/55	50/56	49/53	47/55	45/56	36/56	42/57	42/57	N/A	54/58	N/A	50/59	60/61
Composite OTS Ranking	3/50	4/50	4/52	6/55	6/56	4/53	9/55	1/56	8/56	3/57	2/57	10/58	5/58	10/59	14/59	15/61

Traffic Collisions in Escondido

In 2023, there were approximately 2,865 calls for service of reported traffic collisions in Escondido.

The statistical breakdown of the 2023 collisions:

- 879 of the 2,865 reported collisions involved injuries fatalities or hit & run accidents.
 - $\circ~~$ 50 of the 879 collisions in Escondido involved alcohol.

Grant Funding Making a Difference

OTS STEP Grant funding keeps drunk drivers off our community's streets. From October 1, 2023 – September 30, 2024, OTS STEP grant funding resulted in the following accomplishments:

- 194 DUI arrests, which is nearly half of the Department's total DUI arrests
- 1,671 citations of traffic offenses issued

The current OTS STEP Grant proposal funds similar activities and operations.

Grant Provider and Funding Intention

OTS takes a leadership role in efforts to make California roadways safe for all users. OTS provides an effective means of eliminating fatalities, injuries, and economic losses resulting from crashes. Through grant funding made available to California by the National Highway Traffic Safety Administration ("NHTSA"), OTS annually funds over \$80 million dollars in innovative, evidence-based education and enforcement programs and technologies designed to make California's roadways safer. OTS is determined





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to identify and overcome new traffic safety issues as travel habits change and transportation technologies emerge.

Escondido's Grant Description

The purpose of the STEP Grant is to reduce the number of persons killed and injured in crashes involving alcohol and other primary collision factors in Escondido. Evidence-based strategies, including education and traffic safety enforcement, will be the primary focus of this project. The funded strategies will include impaired driving enforcement, enforcement operations focusing on primary collision factors, distracted driving, special enforcement operations encouraging motorcycle safety, enforcement and public awareness in areas with a high number of bicycle and pedestrian crashes, and educational programs. These strategies are designed to earn media attention, which will help the community focus on traffic safety.

Project Details and Investment

DUI Officer

- Personnel Costs: DUI Officer: \$101,338 salary and \$54,753 benefits
 - One officer assigned full-time to the Traffic Division will focus on DUI prevention; community engagement, education and awareness; and DUI enforcement
 - Salary and the following benefits are covered by the grant: Medicare, Dental, Life Insurance, State Unemployment Insurance, Benefits Admin Costs, PERS, Medical, and Workers Comp

Deliverables and Operations

In accordance with non-supplanting rules, the following grant funded operations must be worked as overtime events. Non-supplanting rules require grant funds to augment, not replace, general fund monies.

- DUI Saturation Patrols: \$117,000
 - Operation Intent: Prevent alcohol related collisions and DUIs
 - Operations include officers patrolling the city with the sole purpose of spotting and stopping drunk drivers; officers working these operations do not respond to routine calls and augment standard patrol efforts
 - Operations usually include five to six officers focusing on locating DUI suspects
 - Operational period lasts up to 10 hours, mostly during weekends, holidays and major events



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- Operations are data driven, focusing on areas and times that frequently experience alcohol related traffic problems
- DUI Checkpoints: \$66,600
 - Operation Intent: Public awareness and DUI deterrence
 - OTS requires six operations during the grant period
 - Operations are carefully planned to ensure community and officer safety
 - Drivers are randomly selected to enter the checkpoint area
 - Selection process involves using a neutral formula, for example 10 officers are working at the checkpoint entrance, so 10 vehicles are selected to proceed to the screening area, while remaining vehicles pass through without officer interaction
 - Officers engage in polite conversation including educational explanation of checkpoint and questions about alcohol consumption
 - Drivers that do not show signs of impairment nor pose a risk to traffic safety receive educational material and are then directed out of the checkpoint area
 - Officers must adhere to a set of procedures
 - Standard operating procedures and reports are required for each checkpoint
 - Checkpoints are publicized 48 hours in advance through media outlets, Nixle, Twitter, Facebook, and the Police Department's website
 - Checkpoints are data driven based on times, locations, and dates that are high risk for alcohol related problems, such as holidays, Super Bowl Sunday, and major local events
 - Educational pamphlets, in English and Spanish, are provided to drivers that pass through the checkpoint
- Traffic Enforcement Operations: \$39,000
 - Operation Intent: Community safety through reduction of traffic collisions related to excessive speed and violations identified as primary collision factors
 - Operations include officers patrolling the city with the sole purpose of stopping drivers committing traffic safety violations; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include five to six officers
 - Operational period lasts up to 10 hours
 - Operations are data driven, focusing on areas and times that have experienced an increase in traffic collisions





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- Distracted Driving Operations: \$26,000
 - Operation Intent: Improve community safety by decreasing phone use while driving
 - Operations include officers patrolling the city with the sole purpose of stopping drivers distracted by their phones; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include several officers
 - Operational period lasts several hours
 - Operations are conducted throughout the City
- Pedestrian and Bicycle Enforcement: \$26,000
 - o Operation Intent: Improve pedestrian and bicycle safety
 - Operations include officers patrolling the city focusing on crosswalks, jaywalkers, bicycle lanes, and vehicles endangering pedestrians or bicycle riders; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include several officers
 - Operational period lasts several hours
 - Operations are conducted throughout the City
- Motorcycle Safety Enforcement: \$10,400
 - Operation Intent: Improve motorcycle safety
 - Operations include officers patrolling the city focusing on motorcycle traffic violations and vehicles endangering motorcycle riders; officers working these operations do not respond to calls and augment standard patrol efforts
 - Operations usually include three to four officers
 - Operational period lasts up to 10 hours
 - Operations are conducted throughout the City
- Collaborative DUI Enforcement: \$4,400
 - o Operation Intent: Improve regional collaboration and reduce DUI collisions
 - Operations include regional collaborative efforts to stop DUI drivers
 - Operations usually include several officers and regional assistance
 - Operational period lasts up to 10 hours
 - Operations occur throughout the County as collaborative efforts to experience regional traffic safety practices





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- Know Your Limit Operations: \$5,500
 - Operation Intent: Community engagement and education
 - Officers attend community events such as "Cruisin' Grand" and local St. Patrick's Day events
 - Officers talk with community members and discuss drinking and driving
 - Citizens have the opportunity to voluntarily use a breathalyzer to learn how alcohol consumption relates to their blood alcohol level and impairment
 - These encounters do not result in citations or any repercussions and have been well received by community members
- Collaborative Traffic Enforcement: \$6,480
 - o Operation Intent: Improve regional collaboration and traffic safety
 - Operations include regional collaborative efforts to improve traffic safety
 - Operations usually include several officers and regional assistance
 - Operational period lasts up to 10 hours
 - Operations occur throughout the County as collaborative efforts to experience regional traffic safety practices

Education, Equipment, and Supplies

- DUI Supplies: \$5,409
 - Supplies include items like 28" traffic cones, Manual on Uniform Traffic Controlled Devices (MUTCD) compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device/Calibration supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies.
- Collaborative Meetings: \$2,000
 - Collaborative quarterly meetings with OTS partners around the county to discuss strategies, challenges, successes and to plan collaborative operations to further enhance the benefits of the OTS grant funding.
- Training: \$5,120
 - In State Travel Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and traffic safety.



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STEP Grant Goals

The OTS STEP grant funding allows the Escondido Police Department to focus on education and traffic safety in the community. Based on current data the following grant goals were established based on current traffic safety issues in Escondido:

- 1. Reduce the number of persons killed in traffic crashes.
- 2. Reduce the number of persons injured in traffic crashes.
- 3. Reduce the number of pedestrians killed in traffic crashes.
- 4. Reduce the number of pedestrians injured in traffic crashes.
- 5. Reduce the number of bicyclists killed in traffic crashes.
- 6. Reduce the number of bicyclists injured in traffic crashes.
- 7. Reduce the number of persons killed in alcohol-involved crashes.
- 8. Reduce the number of persons injured in alcohol-involved crashes.
- 9. Reduce the number of persons killed in drug-involved crashes.
- 10. Reduce the number of persons injured in drug-involved crashes.
- 11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
- 12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
- 13. Reduce the number of motorcyclists killed in traffic crashes.
- 14. Reduce the number of motorcyclists injured in traffic crashes.
- 15. Reduce hit & run fatal crashes.
- 16. Reduce hit & run injury crashes.
- 17. Reduce nighttime (2100-0259 hours) fatal crashes.
- 18. Reduce nighttime (2100-0259 hours) injury crashes.

The Police Department is committed to improving traffic safety in Escondido. Funding provided by the OTS STEP Grant will support proactive enforcement operations that can help reduce the number of persons killed and injured in crashes in Escondido.

RESOLUTIONS

a. Resolution No. 2024-137

ATTACHMENTS

a. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2024-137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE FY 2024-25 OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$470,000; AND EXECUTE ALL NECESSARY BUDGET ADJUSTMENTS.

WHEREAS, the City of Escondido desires to improve traffic safety in the community; and

WHEREAS, the Escondido Police Department has designated the FY 2024-25 Office of Traffic Safety

Selective Traffic Enforcement Program ("STEP") Grant to conduct specific programs to address this goal; and

WHEREAS, the FY 2024-25 Office of Traffic Safety STEP Grant funds are made available through

the State of California Office of Traffic Safety in the amount of \$470,000.

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 2024-25 Office of Traffic Safety STEP Grant in the amount of \$470,000, and execute all documents necessary for the management and completion of the grant scope including any extensions and amendments thereof.

Attachment "1"



BUDGET ADJUSTMENT REQUEST

Department:	Police Department	For Finance Use Only
Department Contact:	Barbara MarLett	BA#
City Council Meeting Date: (attach staff report)	September 18, 2024	BA # Fiscal Year

EXPLANATION OF REQUEST

A budget adjustment is needed to receive grant funds and establish a spending account for salary, overtime and supply expenses related to the FY 2023-25 Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP).

BUDGET ADJUSTMENT INFORMATION

	Amount of	Amount of
Account Number	Increase	Decrease
4128-451-new project		
number	\$470,000	
451-new project		
number	\$470,000	
	4128-451-new project number 451-new project	Account NumberIncrease4128-451-new project number\$470,000451-new project\$470,000

APPROVALS

Signed by: Edward Varso	9/11/2024	DocuSigned by: Lorena Rocha	9/11/2024
DC4B0C7FA85B4BD DEPARTMENT HEAD	DATE	99A33925FA6B449 FINANCE	DATE



STAFF REPORT

September 18, 2024 File Number 0480-70

SUBJECT

FY 2024-25 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT

DEPARTMENT

Police Department

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-138 authorizing the Escondido Police Department to accept a FY 2024-25 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.

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

Presenter: Edward Varso, Chief of Police

ESSENTIAL SERVICE - Yes, internal requirement in support of Police Services

COUNCIL PRIORITY – Public Safety

FISCAL ANALYSIS

This action will have no impact on the FY 2024-25 General Fund Budget. Grant funds will be used for expenses related to traffic safety educational activities and traffic safety supplies. Funding will cover expenses from October 1, 2023 through September 30, 2024.

PREVIOUS ACTION

On October 11, 2023, the City Council authorized the Escondido Police Department to accept a FY 2023-24 California OTS Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000.





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BACKGROUND

The Escondido Police Department will work to enhance bicycle and pedestrian safety by providing safety equipment coupled with educational programs and safety materials. The goal is to reduce the number of collisions with injuries and fatalities involving bicycles and pedestrians.

The Escondido Police Department has established partnerships with community-based organizations to reach our target audience – school age children and senior citizens in the community. The Police Department partners with community-based organization Escondido Education COMPACT to provide bicycle safety rodeos, and safe walk home programs. Safety equipment such as bicycle helmets, reflective bands, bicycle lights, and zipper pulls will be distributed thanks to this grant funding.

The Police Department also partners with the Park Avenue Senior Center and the Redwood Terrace Senior Community to increase awareness of traffic safety for seniors. Many seniors walk from their homes to exercise, socialize, or to go shopping. Busy streets and uncontrolled intersections can be problematic. The educational program for our senior community members has been successful in the past, and the OTS grant funds will assist in keeping our seniors safe.

RESOLUTIONS

a. Resolution No. 2024-138

ATTACHMENTS

a. Attachment "1" – Budget Adjustment

RESOLUTION NO. 2024-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE CHIEF OF POLICE TO ACCEPT THE FY 2024-25 OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY GRANT IN THE AMOUNT OF \$25,000; AND EXECUTE ALL NECESSARY BUDGET ADJUSTMENTS.

WHEREAS, the City of Escondido desires to improve pedestrian and bicyclist safety in the community; and

WHEREAS, the Escondido Police Department has designated the FY 2024-25 Office of Traffic Safety

Pedestrian and Bicycle Safety Program Grant to conduct specific programs to address this goal; and

WHEREAS, the FY 2024-25 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant

funds are made available through the State of California Office of Traffic Safety in the amount of \$25,000.

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

2024-25 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000, and execute all documents necessary for the management and completion of the grant scope including any extensions and amendments thereof.



BUDGET ADJUSTMENT REQUEST

Department:	Police Department	For Finance Use Only
Department Contact:	Barbara MarLett	
City Council Meeting Date: (attach staff report)	September 18, 2024	BA # Fiscal Year

EXPLANATION OF REQUEST

A budget adjustment is needed to receive grant funds and establish a spending account for educational activities and traffic safety supplies related to the FY 2023-24 Office of Traffic Safety (OTS) Pedestrian and Bicycle Safety Program Grant.

BUDGET ADJUSTMENT INFORMATION

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

APPROVALS

Signed by: Edward Varso	9/11/2024	DocuSigned by: Lorena Rocha	9/11/2024
DE4B0C7FA65B4BD DEPARTMENT HEAD	DATE	99A33925FA6B449 FINANCE	DATE



STAFF REPORT

September 18, 2024 File Number 0600-10; A-3530

SUBJECT

AWARD OF CONTRACT FOR CONSTRUCTION OF THE KIT CARSON PARK YOUTH SOFTBALL FIELDS FENCING PROJECT

DEPARTMENT

Development Services, Engineering Services

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-139 awarding a construction contract to Crafters Fence, Inc. and authorizing the Mayor, on behalf of the City, to execute a Public Improvement Agreement in the amount of \$639,000 for the Kit Carson Park Youth Softball Fields Fencing Project ("Project").

Staff Recommendation: Approval (Chris McKinney, Director of Development Services, and Jonathan Schauble, City Engineer)

Presenter: Jonathan Schauble, City Engineer, Michael Tully, Project Manager

ESSENTIAL SERVICE - Yes, Parks Facilities/Open Spaces

COUNCIL PRIORITY – Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

San Diego County Park Improvement funds have been allocated for this Project. There were two bids received. Sufficient funds are available in the CIP account to fully fund this Project.

PREVIOUS ACTION

N/A

BACKGROUND

The Project will replace the existing chain-link fencing and backstops at the Youth Softball Fields #3, #4 and #5 as well as the Multipurpose Field that parallels Bear Valley Parkway. The Project will consist of the demolition of existing chain link fencing, and the installation of three new backstops, fence posts, chain link fence, netting, pedestrian gates, and service gates. The fencing at these fields has started to deteriorate and the overall appearance is showing its age and need for replacement. The new fencing will





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improve the appearance, maintainability, and overall aesthetic of the Youth Softball Fields at Kit Carson Park, a key recreational amenity for various softball leagues and tournaments throughout the year.

On August 22, 2024, two sealed bids were received in response to the advertised request for bids for the Project. The confirmed totals for the total base and additive alternate bid items are listed below:

Crafters Fence, Inc. Valley Cities/Gonzalez Fence Inc. \$639,000 \$1,345,920

Staff has evaluated the bids and determined that the construction bid submitted by Crafters Fence, Inc. is the lowest responsive and responsible bid. The bid submitted by Crafters Fence, Inc. was 20 percent lower than the anticipated cost. In addition, their references provided positive feedback on their past municipal projects. Staff recommends awarding a construction contract in the amount of \$639,000 to Crafters Fence, Inc. for this Project.

RESOLUTIONS

- a. Resolution No. 2024-139
- b. Resolution No. 2024-139 Exhibit "A" Public Improvement Agreement

RESOLUTION NO. 2024-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT FOR THE KIT CARSON PARK YOUTH SOFTBALL FIELDS FENCING PROJECT

WHEREAS, the City Council has allocated funding in the Reimbursable Grants Fund for San Diego

County Park Improvement for the Kit Carson Park Youth Softball Fields Fencing Project ("Project"); and

WHEREAS, a notice inviting bids for said improvements was duly published; and

WHEREAS, pursuant to said notice, two sealed bids for the Project were opened and evaluated on

August 22, 2024; and

WHEREAS, Crafters Fence, Inc. was determined to be the lowest responsive and responsible bidder; and

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

authorize a Public Improvement Agreement with Crafters Fence, Inc. in the amount of \$639,000.

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 Mayor to execute, on behalf of the City, a Public Improvement Agreement with Crafters Fence, Inc. in a substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "A," and subject to final approval as to form by the City Attorney.



CITY OF ESCONDIDO PUBLIC IMPROVEMENT AGREEMENT

This Public Improvement Agreement ("Agreement") is made and entered into as of the last signature date set forth below ("Effective Date"),

Between:	CITY OF ESCONDIDO a California municipal corporation 201 N. Broadway Escondido, CA 92025 Attn: Michael Tully (760)839-4011 ("CITY")
And	Crafters Fence Inc

And: Crafters Fence, Inc. a California corporation 9510 Pathway St., Suite B Santee, CA, 92071 Attn: Jarrett L. Young (619)561-0226 ("CONTRACTOR").

(The CITY and CONTRACTOR each may be referred to herein as a "Party" and collectively as the "Parties.")

WHEREAS, the Parties desire to enter into this Agreement for the performance of work relating to the Kit Carson Youth Softball Fields Fencing Project ("Project"), occurring on property located at 3333 Bear Valley Parkway Escondido, CA 92025 and having assessor's parcel number 271-030-12 ("Property"), as further described herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms, and conditions set forth herein, and the mutual benefits derived therefrom, the Parties hereby agree as follows:

Project Documents. The Notice Inviting Sealed Bids/Notice to Contractors, Instructions to Bidders, Bid Form, Designation of Subcontractors, Workers' Compensation Certificate, Change Orders, Shop Drawing Transmittals, Information Required of CONTRACTOR, Non-collusion Affidavit, Insurance Certificates, Guarantees, General Conditions, Supplementary General Conditions, Special Conditions, Plans, Drawings, Specifications, the Agreement, and all modifications, addenda, and amendments thereto ("Project Documents") are incorporated herein by this reference as if fully set forth herein. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.

- <u>Description and Performance of Work</u>. CONTRACTOR shall furnish all work described in the Project Documents to this Agreement, which is incorporated herein by this reference ("Work"). All Work to be performed and materials to be furnished shall be completed in a good workmanlike manner, free from defects, in strict accordance with the plans, drawings, specifications, and requirements set forth in the Project Documents and all provisions of this Agreement.
- <u>Compensation</u>. In exchange for CONTRACTOR's completion of the Work, the CITY shall pay, and CONTRACTOR shall accept in full, an amount not to exceed the sum of \$639,000 ("Contract Price"). CONTRACTOR shall be compensated only for performance of the Work described in this Agreement. No compensation shall be provided for any other work or services without the CITY's prior written consent.
- 4. <u>Term and Time of Performance</u>. CONTRACTOR shall commence work within one week from the CITY's notice to proceed. CONTRACTOR shall diligently perform and complete the Work with professional quality and technical accuracy within 30 working days of the City's Notice to Proceed ("Completion Date"). Extension of terms or time of performance shall be subject to the CITY's sole discretion.
- 5. <u>Time Is of the Essence</u>. If the Work is not completed by the Completion Date, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage, in accordance with Government Code section 53069.85, the Parties agree that CONTRACTOR shall pay to the CITY as fixed and liquidated damages, and not as a penalty, the sum of **\$500 per day** for each calendar day of delay until the Work is completed and accepted ("Liquidated Damages Amount"). The Liquidated Damages Amount shall be deducted from any payments due to, or that become due to, CONTRACTOR. CONTRACTOR and CONTRACTOR'S surety shall be liable for the Liquidated Damages Amount.
- 6. Insurance Requirements.
 - a. CONTRACTOR shall procure and maintain, at its own cost, during the entire term of this Agreement, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the Work, and the results of such Work, by CONTRACTOR, its agents, representatives, employees, or subcontractors. Insurance coverage shall be at least as broad as the following:
 - (1) Commercial General Liability. Insurance Services Office ("ISO") Form CG 0001 11188 covering Commercial General Liability on an "occurrence" basis, including products and completed operations, property damage, bodily injury (including emotional distress), sickness, disease, or death of any person other than the CONTRACTOR's employees, and personal and advertising injury, and damages because of injury or destruction of tangible property, including loss of use resulting there from, with limits no less than \$3,000,000 combined single limit coverage per occurrence for bodily injury and property damage; or, if a general aggregate limit is applicable, either: (i) the general aggregate limit shall specifically apply to the project identified in the bid specifications or to the location of such project which is the subject of these bid specifications with coverage to be no less than \$3,000,000, or (ii) the general aggregate shall be at least \$3,000,000 combined single limit coverage per occurrence for bodily injury and property than \$3,000,000, or (ii) the general aggregate shall be at least \$3,000,000 combined single limit coverage per occurrence for bodily injury and property damage.
 - (2) Automobile Liability. ISO Form CA 00 01 covering any auto (Code 1), or if CONTRACTOR has no owned autos, hired (Code 8) and non-owned autos (Code 9), including damages because of bodily injury, death of a person, or property damage arising out of the ownership, maintenance, or use of a motor vehicle, all mobile equipment, and vehicles

moving under CONTRACTOR's control and engaged in the Work, with limits no less than \$3,000,000 combined single limit per accident for bodily injury and property damage.

- (3) *Workers' Compensation*. Workers' Compensation as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limits of no less than \$1,000,000 per accident for bodily injury or disease.
- (4) Builder's Risk/"All Risk" Insurance. The CONTRACTOR, during the progress of the Work and until final acceptance of the Work by CITY, shall maintain Builder's Risk/"All Risk," course-of-construction insurance satisfactory to CITY issued on a completed value basis of all WORK pursuant to this Agreement. Coverage is to provide extended coverage and insurance against vandalism, theft, malicious mischief, perils of fire, sprinkler leakage, civil authority, sonic boom, earthquake, collapse, flood, wind, lightning, smoke, riot, debris removal (including demolition), and reasonable compensation for the Engineer's services and expenses required as a result of such insured loss upon the Work, including completed Work and Work in progress to the full insurable value thereof. Such insurance shall include the CITY and the City Engineer as an additional named insured and any other person with an insurable interest designated.
- (5) If CONTRACTOR maintains broader coverage and/or higher limits than the minimums otherwise required by this Agreement, the CITY requires and shall be entitled to the broader coverage and/or the higher limits maintained by CONTRACTOR.
- b. Each insurance policy required by this Agreement must be acceptable to the City Attorney and shall meet the following requirements:
 - (1) *Compliance with General Condition Requirements*. Insurance coverage shall comply with and meet all requirements set forth in Article 5.2 of General Conditions
 - (2) Acceptability of Insurers. Insurance coverage must be provided by an insurer authorized to conduct business in the state of California with a current A.M. Best's rating of no less than A-:VII, or as approved by the CITY.
 - (3) Additional Insured Status. Both the Commercial General Liability and the Automobile Liability policies must name the CITY (including its officials, officers, agents, employees, and volunteers) specifically as an additional insured under the policy on a separate endorsement page. The Commercial General Liability additional insured endorsement shall be at least as broad as ISO Form CG 20 10 11 85, or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38, and CG 20 37 if a later edition is used. The Automobile Liability additional insured endorsement shall be at least as broad as ISO Form CA 20 01.
 - (4) Primary Coverage. CONTRACTOR's insurance coverage shall be primary coverage at least as broad as ISO CG 20 01 04 13 with respect to the CITY, its officials, officers, agents, employees, and volunteers. Any insurance or self-insurance maintained by the CITY, its officials, officers, agents, employees, or volunteers shall be in excess of CONTRACTOR's insurance and shall not contribute with it.
 - (5) *Notice of Cancellation.* Each insurance policy shall provide that coverage shall not be canceled, except with prior written notice to the CITY.
 - (6) Subcontractors. If applicable, CONTRACTOR shall require and verify that all subcontractors maintain insurance meeting all the requirements stated within this

Agreement, and CONTRACTOR shall ensure that the CITY (including its officials, officers, agents, employees, and volunteers) is an additional insured on any insurance required from a subcontractor.

- (7) Waiver of Subrogation. CONTRACTOR hereby grants to the CITY a waiver of any right to subrogation that any insurer of CONTRACTOR may acquire against the CITY by virtue of the payment of any loss under such insurance. CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this subsection shall apply regardless of whether or not the CITY has received a waiver of subrogation endorsement from the insurer. Any Workers' Compensation policy required by this Agreement shall be endorsed with a waiver of subrogation in favor of the CITY for all work performed by the CONTRACTOR, its agents, representatives, employees and subcontractors.
- (8) Self-Insurance. CONTRACTOR may, with the CITY's prior written consent, fulfill some or all of the insurance requirements contained in this Agreement under a plan of selfinsurance. CONTRACTOR shall only be permitted to utilize such self-insurance if, in the opinion of the CITY, CONTRACTOR's (i) net worth and (ii) reserves for payment of claims of liability against CONTRACTOR are sufficient to adequately compensate for the lack of other insurance coverage required by this Agreement. CONTRACTOR's utilization of selfinsurance shall not in any way limit the liabilities assumed by CONTRACTOR pursuant to this Agreement.
- (9) *Self-Insured Retentions*. Self-insured retentions must be declared to and approved by the CITY.
- c. Verification of Coverage. At the time CONTRACTOR executes this Agreement, CONTRACTOR shall provide the CITY with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting the insurance coverage required by this Agreement), which shall meet all requirements under this Agreement. The CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by this Agreement, at any time.
- d. Special Risks or Circumstances. The CITY reserves the right, at any point during the term of this Agreement, to modify the insurance requirements in this Agreement, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.
- e. *No Limitation of Obligations*. The insurance requirements within this Agreement, including the types and limits of insurance coverage CONTRACTOR must maintain, and any approval of such insurance by the CITY, are not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by CONTRACTOR pursuant to this Agreement, including but not limited to any provisions within this Agreement concerning indemnification.
- f. Compliance. Failure to comply with any of the insurance requirements in this Agreement, including but not limited to a lapse in any required insurance coverage during the term of this Agreement, shall be a material breach of this Agreement. Compliance by CONTRACTOR with the requirement to carry insurance and furnish certificates, policies, Additional Insured Endorsement and Declarations Page evidencing the same shall not relieve the CONTRACTOR from liability assumed under any provision of this Agreement, including, without limitation, the obligation to defend and indemnify the CTY and the City Engineer. In the event that CONTRACTOR fails to comply with any insurance requirement set forth in this Agreement, in addition to any other remedies the CITY may have, the CITY may, at its sole option, (i) immediately terminate this Agreement; or (ii) order CONTRACTOR to stop Work under this

Agreement and/or withhold any payment that becomes due to CONTRACTOR until CONTRACTOR demonstrates compliance with the insurance requirements in this Agreement.

- 7. Indemnification, Duty to Defend, and Hold Harmless.
 - a. CONTRACTOR (including CONTRACTOR's agents, employees, and subcontractors, if any) shall indemnify, defend, and hold harmless the CITY, its officials, officers, agents, employees, and volunteers from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, in law or equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with CONTRACTOR's (including CONTRACTOR's agents, employees, and subcontractors, if any) Work pursuant to this Agreement or its failure to comply with any of its obligations contained herein, except where caused by the active negligence, sole negligence, or willful misconduct of the CITY.
 - b. CONTRACTOR (including CONTRACTOR's agents, employees, and subcontractors, if any) shall indemnify, defend, and hold harmless the CITY, its officials, officers, agents, employees, and volunteers from and against any and all Claims caused by, arising under, or resulting from any violation, or claim of violation, of the San Diego Municipal Storm Water Permit (Order No. R9-2013-0001, as amended) of the California Regional Water Quality Control Board, Region 9, San Diego, that the CITY might suffer, incur, or become subject to by reason of, or occurring as a result of, or allegedly caused by, any Work performed pursuant to this Agreement.
 - c. All terms and provisions within this Section 7 shall survive the termination of this Agreement.
- 8. Bonds.
 - a. CONTRACTOR shall furnish and deliver to the CITY, simultaneously with the execution of this Agreement, the following surety bonds:
 - (1) *Faithful Performance Bond*. CONTRACTOR shall furnish to the CITY a surety bond in an amount equal to the Contract Price as security for faithful performance of this Agreement.
 - (2) Labor and Materials Bond. CONTRACTOR shall furnish to the CITY a surety bond in an amount equal to the Contract Price as security for payment to persons performing labor and furnishing materials in connection with the Project.
 - b. All bonds furnished to the CITY pursuant to this Agreement shall be in the form set forth herein and approved by the City Attorney.
 - c. All bonds shall be executed by sureties that are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (amended) by the Audit Staff, Bureau of Government Financial Operations, U.S. Treasury Department. All bonds signed by an agent must be accompanied by a certified copy of such agent's authority to act.
 - d. If the surety on any bond furnished by the CONTRACTOR is declared bankrupt or becomes insolvent or its right to do business is terminated in any state where any part of the Work is located, the CONTRACTOR shall, within seven days thereafter, substitute another bond and surety, which must be acceptable to the CITY. No portion of the Work shall be performed without bonds, in a form and issued by a surety acceptable to the City. If one or more of such bonds

shall, at any time, not be in full force and effect, CONTRACTOR shall immediately cease performance of the Work until CONTRACTOR is in full compliance with the bonding requirements of this Agreement and California law. All delays and costs incurred or resulting from such occurrence shall be to the exclusive account of CONTRACTOR. Failure of the CONTRACTOR to promptly cure any failure to have the necessary bonds in full force and effect shall be grounds for immediate termination of this Agreement.

- e. All bonds shall be obtained from surety companies that are duly licensed or authorized in the State of California. Such surety companies shall also meet any additional requirements and qualifications as may be provided in the Supplementary General Conditions.
- 9. <u>Substitution of Securities</u>. This Agreement is subject to California Public Contract Code section 22300, which permits the substitution of securities for any monies withheld by the CITY to ensure performance of this Agreement. At the request and expense of the CONTRACTOR, securities equivalent to the amount withheld shall be deposited with the CITY, or with a state- or federally-chartered bank in this state as the escrow agent, who shall then pay those moneys to CONTRACTOR. Upon satisfactory completion and acceptance of the Work, such securities shall be returned to the CONTRACTOR.
- 10. Contractor Default. In the event CONTRACTOR, for a period of 10 calendar days after receipt of written demand from the CITY to do so ("Cure Period"), fails to furnish tools, equipment, or labor in the necessary quantity or quality required by this Agreement, or fails to prosecute the Work and all parts thereof in a diligent and workmanlike manner, or after commencing to do so within the Cure Period, fails to continue to do so, then the CITY in its sole discretion may exclude the CONTRACTOR from the Property, or any portion thereof, and take exclusive possession of the Property or any portion thereof, together with all material and equipment thereon, and may complete the Work or any portion of the Work, either by (i) furnishing the necessary tools, equipment, labor, or materials; or (ii) letting the unfinished portion of the work, or any portion thereof, to another contractor; or (iii) demanding the surety hire another contractor; or (iv) any combination of such methods. The CITY's procuring of the completion of the Work, or the portion of the Work taken over by the CITY, shall be a charge against the CONTRACTOR and may be deducted from any money due or to become due to CONTRACTOR from the CITY, or the CONTRACTOR shall pay the CITY the amount of such charge, or the portion thereof unsatisfied. The sureties provided for under this Agreement shall become liable for payment if CONTRACTOR fails to pay in full any such cost incurred by the CITY. The permissible charges for any such procurement of the completion of the Work include actual costs and fees incurred to third party individuals and entities (including but not limited to consultants, attorneys, inspectors, and designers) and actual costs incurred by the CITY for the increased dedication of time of the CITY's employees to the Project.
- 11. <u>Other Legal Requirements Incorporated</u>. Each and every provision of law and clause required by law to be inserted in this Agreement or its attachments shall be deemed to be inserted herein, and this Agreement shall be read and enforced as though such law or clause were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either Party, the Agreement shall forthwith be physically amended to make such insertion or correction, without further changes to the remainder of the Agreement.
- 12. <u>Merger Clause</u>. This Agreement, together with its attachments or other documents described or incorporated herein, if any, constitutes the entire agreement and understanding of the CITY and CONTRACTOR concerning the subject of this Agreement and supersedes and replaces all prior negotiations, understandings, or proposed agreements, written or oral, except as otherwise provided herein. In the event of any conflict between the provisions of this Agreement and any of its attachments or related documents, if any, the provisions of this Agreement shall prevail.

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- 13. <u>Attorney's Fees and Costs</u>. In any action to enforce the terms and conditions of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and costs.
- 14. <u>Independent Contractor</u>. CONTRACTOR is an independent contractor, and no agency or employment relationship is created by the execution of this Agreement.
- 15. <u>Amendment</u>. This Agreement shall not be amended except in a writing signed by the CITY and CONTRACTOR, and pursuant to action of the Escondido City Council.
- 16. <u>Anti-Waiver Clause</u>. None of the provisions of this Agreement shall be waived by the CITY because of previous failure to insist upon strict performance, nor shall any provision be waived because any other provision has been waived by the CITY, in whole or in part.
- 17. <u>Severability</u>. This Agreement shall be performed and shall be enforceable to the full extent allowed by applicable law, and the illegality, invalidity, waiver, or unenforceability of any provision of this Agreement shall not affect the legality, validity, applicability, or enforceability of the remaining provisions of this Agreement.
- 18. <u>Governing Law</u>. This Agreement and all rights and obligations arising out of it shall be construed in accordance with the laws of the State of California. Venue for any action arising from this Agreement shall be conducted only in the state or federal courts of San Diego County, California.
- 19. <u>Counterparts</u>. This Agreement may be executed on separate counterparts, each of which shall be an original and all of which taken together shall constitute one and the same instrument. Delivery of an executed signature page of this Agreement by electronic means, including an attachment to an email, shall be effective as delivery of an executed original. The Agreement on file with the City is the copy of the Agreement that shall take precedence if any differences exist between or among copies or counterparts of the Agreement.
- 20. <u>Provisions Cumulative</u>. The foregoing provisions are cumulative to, in addition to, and not in limitation of any other rights or remedies available to the CITY.
- 21. <u>Business License</u>. CONTRACTOR shall obtain a City of Escondido Business License prior to execution of this Agreement and shall maintain such Business License throughout the term of this Agreement.
- 22. <u>Compliance with Laws, Permits, and Licenses</u>. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, rules, and other legal requirements in effect during the term of this Agreement. This shall include, but shall not be limited to, all California Labor Code laws regarding payment of prevailing wages and all OSHA regulations. CONTRACTOR shall obtain any and all permits, licenses, and other authorizations necessary to perform the work under this Agreement. Neither the CITY, nor any elected or appointed boards, officers, officials, employees, or agents of the CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
- 23. <u>Prevailing Wages and Department of Industrial Relations Compliance</u>. Pursuant to California Labor Code section 1770 et seq., CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable laws, shall be paid in performing this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, rules, and other legal requirements pertaining to the payment of prevailing wages, including but not limited to the keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions. CONTRACTOR shall file the required workers' compensation certificate before commencing work

under this Agreement. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations. CONTRACTOR shall post all job site notices required by regulation. CONTRACTOR, as well as any subcontractors, shall be registered pursuant to California Labor Code section 1725.5 to be qualified to bid on, be listed in a bid proposal (subject to the requirements of Public Contract Code section 4104), or engage in the performance of any public works contract subject to the requirements of Division 2, Part 7, Chapter 1 of the California Labor Code. Neither the CITY, nor any elected or appointed boards, officers, officials, employees, or agents of the CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.

- 24. <u>Immigration Reform and Control Act of 1986</u>. CONTRACTOR shall keep itself informed of and shall comply with the Immigration Reform and Control Act of 1986 ("IRCA"). CONTRACTOR represents and warrants that all of its employees and the employees of any subcontractor retained by CONTRACTOR who perform any portion of the Work under this Agreement are and will be authorized to perform the Work in full compliance with the IRCA. CONTRACTOR affirms that as a licensed contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will perform the Work. CONTRACTOR agrees to comply with the IRCA before commencing any portion of the Work, and continuously throughout the performance of the Work and the term of this Agreement.
- 25. <u>Effective Date</u>. Unless a different date is provided in this Agreement, the effective date of this Agreement shall be the latest date of execution set forth by the names of the signatories below.

(SIGNATURE PAGE FOLLOWS)

IN WITNESS WHEREOF, this Agreement is executed by the Parties or their duly authorized representatives as of the Effective Date:

CITY O	F ESCONDIDO
--------	-------------

Date: _____

Dane White, Mayor

Crafters Fence, Inc.

Date: _____

Jarrett L. Young, President

Contractor's License No.

Tax ID/Social Security No.

APPROVED AS TO FORM: OFFICE OF THE CITY ATTORNEY MICHAEL R. MCGUINNESS, City Attorney

Вү:_____

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

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STAFF REPORT

September 18, 2024 File Number 1110-40

SUBJECT

PUBLIC ART STRATEGIC PLAN AND ANNUAL WORKPLAN

DEPARTMENT

Community Services Department

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-118 approving and adopting the Public Art Strategic Plan and 2024/2025 Annual Workplan.

Staff Recommendation: Approval (Community Services: Jennifer Schoeneck, Director of Economic Development)

Presenter: Robert Rhoades, Assistant Director of Community Services

ESSENTIAL SERVICE – No

COUNCIL PRIORITY -Increase Retention and Attraction of People and Businesses to Escondido

FISCAL ANALYSIS

There is no fiscal impact to the City's General Fund. Funding for Public Art will continue through Development Impact Fees.

PREVIOUS ACTION

None

BACKGROUND

The public art program for the City of Escondido ("City") was first created in 1988. Since then, the program has expanded significantly, enriching the community with meaningful art installations. The Public Art Strategic Plan aims to position the City of Escondido as a leader in public art for cultural and economic development. By celebrating the city's unique identity through public art, it will foster community pride, stimulate economic growth, and enhance the quality of life for all residents.

The proposed Public Art Strategic Plan ("Plan") has been developed with input from community members, local artists, and cultural organizations. This Plan aligns with the City Council's priorities and the Comprehensive Economic Development Strategy ("CEDS").



STAFF REPORT

Strategic Plan vs Master Plan

Initially the direction was to complete a public art master plan; though, through discussions with the consultant, it was clear that a strategic plan more aptly applied. A strategic plan focuses on long-term goals and approaches on how to achieve them; whereas, a masterplan is concentrated on the long-term physical development and infrastructure. Thus, the City of Escondido Public Art Strategic Plan outlines key goals and strategies for integrating public art into the City's development and community engagement efforts.

Strengths, Challenges, Solutions

In the creation of the Public Art Strategic Plan, an assessment of the public art program's strengths and challenges were completed. This allowed for the development of solutions as the foundation for this Plan.

It was identified that the Public Art Commissioners were extremely engaged conducting research, contacting artists, and developing new opportunities (i.e. Escondido Expressions). There is a high public art account balance and dedicated funding through Development Impact Fees. The Public Art Program also has two City staff that have been able to create operational efficiencies when managing projects allowing for a more effective implementation of public art.

Several challenges were noted as well. The process led to an unfair advantage of some artists over others; wherein, there was no clear process for conducting a call for artists. There is a lack of curation of the public art resources owned by the City leading to a disorganized and fragmented inventory list of public art. Over the years, funding has also accumulated as the commission has only spent \$100,000 annually on average. Public outreach was limited to only those attending Public Art Commission meetings, provided the public was aware of the project being reviewed. Due to regulatory requirements, public art funding cannot be used for maintenance and upkeep of installed/existing artwork. Finally, there is little to no interaction with the City Council regarding the work that is being conducted by the Public Art Commission.

In looking at these strengths and challenges while also considering input from the community, the Public Art Strategic Plan shall address these by creating a transparent art solicitation process, identify specific art solicitations, define an annual workplan, allocate annual funding for the workplan, address maintenance and deaccessioning of artwork, and provide regular updates to the City Council which include review and adoption of the annual workplan.

Creation Process

In September 2022, the City hired RRM Design Group to assist in completing a Public Art Masterplan following an extensive request for proposals process. This included facilitating a public outreach process, building on the existing public art program, and developing an implementation-focused strategy for public



STAFF REPORT

art. The process began with research on the history of public art in Escondido, see Appendix II in the Public Art Strategic Plan.

In January 2023, the project team and three select Public Art Commissioners toured several art installations throughout the City. This tour facilitated conversations about how art was procured and the process by which site selection occurred by the City. This included discussions around maintenance and long-term preservation of artwork as well.

Due to a transition of City staff and departmental reorganization, work on the project paused from September through December 2023. In January 2024, the Public Art Commission established a subcommittee and assigned Commissioners Carol Rogers and Patricia Spann to finalize the Plan and develop a recommendation to the full Commission.

At the May 20, 2024, Public Art Commission Special Meeting, the Public Art Strategic Plan and Annual Workplan was presented. Though the overarching strategic plan and workplan were met with strong support, there was significant conversation and discussion regarding the specific 2024/2025 Annual Workplan. After much discussion, the Public Art Strategic Plan and 2024/2025 Annual Workplan was approved 4-2 (Spann, Rogers – No; Paul – Abstain).

Community Outreach

Extensive community engagement was conducted to develop this Plan. Feedback from public workshops, surveys, and stakeholder meetings has been instrumental in shaping the goals and strategies outlined in the Plan. Public outreach activities are described in Appendix III of the Public Art Strategic Plan. Continued community involvement will be critical to the success of the Public Art Program and will be a step in the process for soliciting artists and education programs.

Public outreach began in spring 2023 and continued through late winter 2024. These included an artist focus group, business leader focus group, student artist focus group, online questionnaire, event public outreach (i.e. Escondido Street Fair), and public workshop. During this outreach, participants were asked to answer the following questions:

- What does art mean to you?
- What is your vision for public art in the City of Escondido?
- Are there certain core values that Escondido's public art should embody?
- What role do you think the City should have in art?

Defining Roles and Responsibilities

The strategic plan clearly defines the roles of the City Council, the Public Art Commission, City staff, the public (including residents, nonprofits, businesses, and visitors), and the artists. This ensures a collaborative and organized approach to public art initiatives.



STAFF REPORT

- *City Council*: shall appoint the Public Art Commission, provide policy direction, and adopt the annual workplan
- *Public Art Commission*: responsible for defining the annual workplan, oversight of the public art collection, and providing regular updates to the City Council
- *City Staff*: administer the Public Art Program, providing sound advice to the Public Art Commission, and ensure compliance of all regulatory requirements
- Public: provide input and feedback on potential public art installations

Vision

"We are a City where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment that celebrates all things Escondido, heralding our past and manifesting our future."

<u>Values</u>

- Art that Unifies: Brings together communities, creating a sense of belonging and shared identity.
- Art that Celebrates: Honors achievements, traditions, and milestones, highlighting Escondido's cultural heritage.
- Art that Educates: Enlightens and informs, promoting learning and exploration.
- Art that Remembers: Preserves stories and legacies, serving as a testament to Escondido's resilience and spirit.
- Art that Inspires: Sparks imagination and innovation, motivating positive change.

<u>Goals</u>

- 1. Keep the Momentum
 - a. Celebrate art year-round with rotating exhibitions and festivals.
 - b. Integrate art into city celebrations and activities.
 - c. Provide clear guidelines for artist participation and remove barriers.
 - d. Streamline the feedback process for private developers' art proposals.
- 2. Communicate Clearly
 - a. Publicly notice elements of the Annual Public Art Workplan and solicit public input.
 - b. Make up-to-date public art information available online and in other relevant forms.
- 3. Celebrate Public Art
 - a. Organize public events to celebrate the completion of public art projects.
- 4. Prioritize Community-Centric Art
 - a. Ensure public art reflects the people, history, and future of Escondido.
 - b. Encourage artists to incorporate local stories and traditions into their work.
- 5. Catalyze Economic Development
 - a. Use public art to attract visitors, stimulate local businesses, and enhance economic vitality.



STAFF REPORT

- 6. Ensure Evaluation, Monitoring, and Maintenance
 - a. Develop a comprehensive evaluation and monitoring framework.
 - b. Ensure long-term maintenance and conservation of public art.
- 7. Promote Education and Community Engagement
 - a. Increase public awareness and appreciation of public art through educational programs and outreach efforts.

Annual Workplan Overview

Each year the Public Art Commission will adopt an annual workplan. This process begins by establishing a subcommittee which will be specifically responsible for recommending the projects, programs, and budgets that will be implemented in the coming fiscal year to the full commission. The workplan will outline four key areas: new art solicitation, art education, maintenance, and deaccessioning.

- *New Art Solicitation*: to determine the art medium, location, theme/celebration, and funding amount
- Art Education: desired outcome of the program, people served, type of art education, and funding
- *Maintenance*: inventory of collection, identify necessary maintenance needs of art pieces, and funding source
- *Deaccessioning*: conduct a review of contracts, review maintenance records, conduct analysis of documents, and render final resolution

The Plan will be proposed and approved by the Public Art Commission with final adoption by the City Council.

Annual Workplan Timeline

The intended timeline for developing the annual workplan is as follows:

- January: The Public Art Commission will appoint 2-3 members to an annual workplan subcommittee.
- February April: The subcommittee with assistance from City staff will develop the annual workplan covering the four key areas: Art Solicitation, Art Education, Maintenance, and Deaccessioning.
- May: The Subcommittee via staff will bring forth the proposed Plan to the Public Art Commission for review and approval.
- July: The Public Art Annual Workplan will be presented to City Council for review and adoption
- August: The solicitation process begins for new artwork.
- October: Public input and final recommendations of artwork.
- November: The Public Art Commission will officially approve the final artwork and award funding.



STAFF REPORT

- December: The staff will work administratively to complete the appropriate documents and requirements with the artists.
- January: Work on the projects may begin pending finalization of agreements with an estimated timeframe of approximately one year to complete the installation.

2024/2025 Annual Workplan

On May 20, 2024, the Public Art Commission adopted the 2024/2025 Annual Workplan. As previously defined, this Plan establishes projects for art solicitation, art education, art maintenance, and deaccessioning.

Art Solicitation

- Grand Avenue Project roundabout at Grand Ave & Broadway
 - Theme: Authentically Escondido
- Escondido Creek Trail installation of art along the creek trail
 - Theme: Flora & Fauna
- Escondido Expressions 15 signal boxes at various locations throughout the City

 Theme: varies by box
- Murals continuation of mural program

Art Education

- Art, Culture, & Creativity Month planning events and activities specific to Art, Culture, & Creativity Month in April 2025
- Public Art Education Pamphlet a physical guide that would provide an overview of art in the Escondido community with links to online resources that would support more detailed information
- EUHSD Student Murals to support EUHSD art students to install murals on City recreation facilities

Art Maintenance

- Community Sculpture
- Queen Califia Magical Circle
- Develop revenue source for Maintenance

Deaccessioning (for consideration)

- Vinehenge
- Community Sculpture



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Budget Adjustment

The Public Art fund has approximately \$1.05M in various accounts covering a wide range of projects and programs. In the course of the previous fiscal year, only \$173,000 has been spent on public art projects, primarily murals. This accumulation of funding has afforded the City to "think big" with the annual workplan. This included the proposed transfer for funding to showcase projects like the roundabout at Grand Avenue and Broadway and along the Escondido Creek Trail. The increase of these projects also dictates an adjustment to other funded projects within the public art fund to accommodate these changes. The following adjustments are being recommended by the Public Art Commission.

Project Name	Balance	Public Art Commission Recommendation	New Balance
Public Art Administration	\$29,287.60	Remove account and reallocate funding	\$0
Niki de Saint Phalle Art	\$105,430.06	Remove account and reallocate funding	\$0
City Murals	\$220,565	Decrease funding to recommended amount	\$100,000
Utility Box Art	\$20,883	No change	\$22,383
Queen Califia Education	\$27,058.68	Remove account and reallocate funding	\$0
Pedestrian Pathfinders	\$31,180	Remove account and reallocate funding	\$0
Escondido Creek Trail Art	\$123,450	Increase balance, conduct art solicitation	\$250,000
Public Art Maintenance	\$41,878.64	Remove account and reallocate funding	\$0
Public Art Installations	\$200,000	Use as a public art fund holding account	\$121,393
Public Art Master Plan	\$9,260.15	Remove account and reallocate funding	\$0
Grant Avenue Art	\$249,182	Increase balance, conduct art solicitation	\$500,000
FY24/25 Student Murals	\$0	Establish new account for FY24/25 Student Murals	\$10,000
FY24/25 Art Education Pamphlet	\$0	Establish new account for FY24/25 Art Education Pamphlet	\$10,000
FY24/25 Art Education Month	\$0	Establish new account for FY24/25 Art Month	\$50,000



STAFF REPORT

2024/2025 Annual Workplan Budget

The following outlines the proposed budget for the 2024/2025 Annual Workplan.

Project	Project Description	FY 24/25 Budget
Ongoing Maintenance Fund	Funded through, donations and fundraising only	\$0
Escondido Expressions	15 traffic signal boxes throughout the City	\$8,000
FY24/25 Student Murals	Funding for EUHSD students to paint murals	\$10,000
FY24/25 Art Education Pamphlet	Physical handout with redirects to online	\$10,000
FY24/25 Art Education Month	Events and activities during April 2025	\$50,000
Murals	Available for murals throughout the City	\$100,000
Escondido Creek Trail Art	Art projects along the creek trail	\$250,000
Grand Avenue Roundabout Art	Sculpture at the Grand/Broadway roundabout	\$500,000
	\$928,000	

RESOLUTIONS

a. Resolution No. 2024-118

ATTACHMENTS

- a. Attachment "1"—Public Art Strategic Plan
- b. Attachment "2"—Budget Adjustment

RESOLUTION NO. 2024-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO ADOPT THE PUBLIC ART STRATEGIC PLAN AND 2024/2025 ANNUAL WORKPLAN

WHEREAS, art has the ability to transform public spaces creating a communitywide identity that enhances a sense of place, builds community pride, and welcomes visitors; and

WHEREAS, Escondido is a community inspired by art that celebrates, educates, unifies, and remembers; and

WHEREAS, Escondido's public art program has long been a source of pride and identity for the

community; and

WHEREAS, with input from the community, the Public Art Strategic Plan is a guiding document that defines the City's role in public art through meaningful connections that illustrate an overarching vision, values, and 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 adopts the Public Art Strategic Plan and 2024/2025 Annual Workplan.

3. That the City Council approves any necessary budget adjustments to expend funds related to the Public Art Strategic Plan and 2024/2025 Annual Workplan.

Attachment "1

Public Art Strategic Plan



PRESENTED BY THE CITY OF ESCONDIDO

Item10.

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We are a City where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment that celebrates all things Escondido, heralding our past and manifesting our future.

-CITY OF ESCONDIDO PUBLIC ART VISION STATEMENT

Attachment "1"

Item10.

Executive Summary

This plan outlines the inspirational and practical roles of the City in creating a community that celebrates and cherishes art as a catalyst for a vibrant community. Within this document are the goals, strategies, and specific objectives of the Escondido Public Art Strategy and Annual Work Plan.

Escondido's public art program has long been a source of pride and identity for the community. It is a reflection of the city's rich cultural heritage, its vibrant present, and its aspirations for the future. This strategic plan builds upon that foundation, aiming to further enhance the role of public art in the life of the city and its residents.

By defining the City's role in public art, this document sets the stage for a more cohesive and impactful approach to public art management and development. It provides a framework for collaboration between the City, artists, art organizations, businesses, and the community at large, ensuring that public art projects are not only aesthetically pleasing but also meaningful and relevant to the people they serve.

As the City of Escondido continues to grow and evolve, so too will its public art program. This document serves as a roadmap for that evolution, guiding decision-making, resource allocation, and community engagement efforts related to public art. It is a testament to the City's commitment to creativity, innovation, and cultural enrichment, and it lays the groundwork for a future where art is not just a decoration but a vital part of the city's identity and soul.

Letter from the Public Art Commission

Escondido is a community inspired by art that celebrates, educates, unifies, and remembers. The Public Art Commission strongly believes in the power of art to enliven public spaces as a representation of our diverse cultures and backgrounds by drawing us together through art as a shared experience. Art has the ability to transform public spaces, creating a communitywide identity that enhances our sense of place, builds community pride, and welcomes visitors.

The Public Art Strategic Plan represents a foundational shift and re-imagining of the role of the Public Art Commission as an architect and guardian of the City's cultural resources. Through the implementation of this plan, Escondido has the opportunity to be a cultural hub in San Diego County by highlighting, attracting, and showcasing organizations, artists, and artwork that have profound impact and meaning regionally, nationally, and internationally; thereby becoming an economic driver and sustaining the local economy, revitalizing downtown and other neighborhoods throughout the City.

The Public Art Commission is grateful to everyone who participated in this endeavor. Contributions from commissioners, city staff, consultants, community organizations, and the public allowed us to create a well-represented and comprehensive public art strategy and Annual Work Plan now and into the future.



Public Art Commissioners: Jacqueline Kelleher, Heidi Paul, Nathalie Martinez, Carol Rogers, Patricia Spann, Terri Ryan, and Juan Vargas

The 2024 Public Art Strategic Plan was unanimously adopted by the Escondido City Council during its MONTH DAY 2024 Council session.

ESCONDIDO CITY COUNCIL

Mayor Dane White Deputy Mayor Joe Garcia, District Two Councilmember Consuelo Martinez, District One Councilmember Christian Garcia, District Three Councilmember Michael Morasco, District Four

PUBLIC ART COMMISSION STRATEGIC PLAN SUBCOMMITTEE

Carol Rogers, Public Art Commissioner Patricia Spann, Public Art Commissioner

CITY OF ESCONDIDO STAFF

Sean McGlynn, City Manager Jennifer Schoeneck, Director of Economic Development Robert Rhoades, Assistant Director of Community Services Sandra Aguilar Aranda, Management Analyst I Graphics Department



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Attachment "1"

Purpose

The purpose of this document is to define the City's role in public art, including the role of the Public Art Commission and staff administration role. This document seeks to clarify the intention of public art in the City of Escondido as a means to provide a unified purpose for local art organizations and artists, to express and unite the City, nonprofits, and businesses to cultivate an environment where residents and visitors can be inspired through art.

This document outlines the vision, goals and roles of various stakeholders in the community, providing guidance to the City for the curation of public art in the City of Escondido. It is designed to guide the City's decision making in the management of the City's public art portfolio.

Acknowledgments

Gratitude to the City Council for leading the vision for public art as a catalyst for a brighter future for the City of Escondido, its residents, visitors and businesses. This document is the result of hours of public input and hard work by the City of Escondido Public Art Commission subcommittee members Commissioner Carol Rogers and Commissioner Patricia Spann. Thank you to RRM Design Group consulting for compiling public input to create this document. Thank you to City staff for guiding the process of creation of the City's first Public Art Strategic Plan.

Introduction



This document outlines the Escondido Public Art Plan, which encompasses strategy, an Annual Work Plan, and alignment with the City's general and specific plans. It represents the culmination of extensive community engagement, stakeholder input, and expert analysis, all aimed at charting a course for the future of public art in Escondido.

Escondido is a city with a rich artistic heritage and a vibrant cultural scene. From its historic downtown to its modern urban spaces, art is everywhere, reflecting the diversity and creativity of its residents. The Escondido Public Art Strategic Plan seeks to build upon this legacy, fostering a greater sense of community pride and identity through art.

At its core, the Escondido Public Art Strategic Plan is about more than just creating beautiful spaces—it's about creating meaningful connections between people and their environment. It's about celebrating the past, embracing the present, and envisioning the future through the transformative power of art. Through this plan, the City of Escondido aims to position itself as a leader in public art, setting new standards for creativity, innovation, and community engagement. It is a bold vision for the future, one that recognizes the importance of art in shaping our world and our lives.

As you can see, the expansion of these sections further emphasizes the importance of public art in shaping the identity and future of Escondido, highlighting the city's commitment to creativity, community engagement, and cultural enrichment.

? What is Public Art?

Public art is a dynamic form of artistic expression that enriches and enlivens public spaces, creating a sense of place and identity for a community. It encompasses a wide range of artistic disciplines, including but not limited to sculpture, murals, installations, performance art, and digital media. Public art has the power to transform ordinary spaces into vibrant cultural destinations, engaging the public in meaningful dialogue and fostering a sense of pride and ownership in their surroundings.

In the context of the City of Escondido, public art is defined as any artistic work located on public property or visible from public spaces, such as streets, parks, and plazas. This includes permanent installations as well as temporary exhibitions and events. Public art plays a crucial role in enhancing the visual landscape of the city, serving as a reflection of its cultural diversity, history, and values.

All public art projects in Escondido, whether on public or private land, are subject to review and approval by the Public Art Commission as outlined in the City's Municipal Code. This ensures that all artworks contribute to a cohesive placemaking narrative that resonates with the local community to create a curated public art collection for the City. The goals outlined in the city's public art strategy serve as the guiding principles for the commission and city staff in the creation of an Annual Work Plan and the ongoing review of public art projects.

By promoting the creation and appreciation of public art, the City of Escondido aims to enrich the lives of its residents, enhance its cultural offerings, and strengthen its identity as a vibrant and creative community. Public art is not just about aesthetics; it's about creating meaningful connections between people and their environment, fostering a sense of belonging and pride in the places we call home.







Creative Placemaking

Creative placemaking is a transformative approach to public art that celebrates the unique characteristics and identity of a neighborhood. It goes beyond traditional notions of beautification to encompass a wide range of artistic interventions that engage, inspire, and empower communities. Creative placemaking involves the strategic use of art, creative signage, and wayfinding to define and enhance the physical and cultural attributes of a place.

In the context of the City of Escondido, creative placemaking is about more than just installing artworks; it's about creating meaningful connections between people and their environment. It involves engaging with residents, business owners, and other stakeholders to understand and celebrate the unique identity of each neighborhood. This process typically includes public input from residents and business owners in close proximity to the public art location, ensuring that the artworks reflect the values and aspirations of the community.

The goal of creative placemaking is to establish a unified, creative, and inspirational palette for neighborhoods, as defined by the city's general plans and specific plans. This approach recognizes that art has the power to transform spaces, foster a sense of pride and ownership, and strengthen social bonds within a community. By integrating art into the fabric of neighborhoods, creative placemaking can enhance the quality of life for residents and contribute to the overall vibrancy and identity of the City.

The City's Public Art Commission plays a central role in creative placemaking efforts, working closely with local artists, community members, and other stakeholders to bring art into neighborhoods. The commission seeks to leverage partnerships with local companies and organizations to enhance the impact of creative placemaking initiatives, ensuring that public art projects are reflective of the diverse communities they serve.



Creative Placekeeping

Creative placekeeping is a proactive and intentional effort by the City of Escondido to preserve and celebrate the unique character, history, and culture of its neighborhoods through public art. It goes beyond traditional notions of preservation to actively engage with communities, ensuring that their stories, traditions, and identities are reflected and celebrated in the built environment.

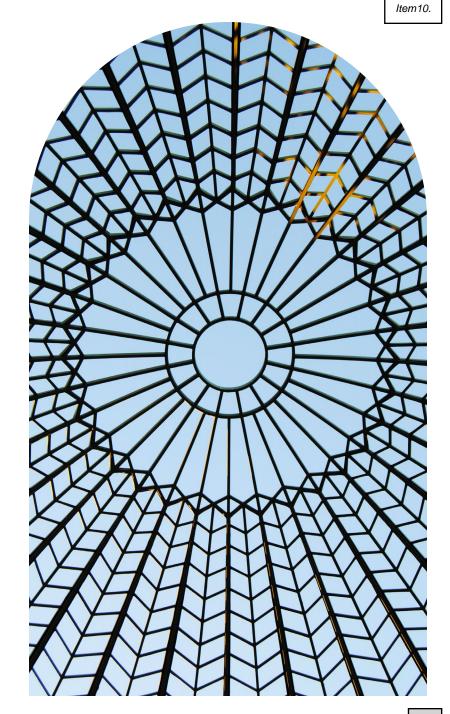
One example of creative placekeeping in Escondido is Grape Day Park, which serves as a reminder of the city's agricultural roots. Through a combination of public art, landscape design, and interpretive signage, the park tells the story of Escondido's history as a center of grape cultivation, honoring the contributions of early settlers and farmers to the City's development.

Another example is the use of art deco and post-modernist inspired architecture in City Hall and the California Center for the Arts, Escondido. These buildings not only serve as functional spaces but also as artistic expressions that reflect the city's evolving culture and identity.

Creative placekeeping recognizes that each neighborhood and area of the city has its own unique history and culture that should be celebrated and preserved. It involves working closely with residents, community organizations, and local artists to identify and highlight the distinctive features of each neighborhood, ensuring that public art projects are meaningful, relevant, and reflective of the community's values and aspirations.

Public input is a key component of creative placekeeping, with the Public Art Commission actively seeking input from residents and stakeholders in the Annual Work Plan. This ensures that public art projects are responsive to the needs and desires of the community, fostering a sense of ownership and pride among residents.

By embracing creative placekeeping, the City of Escondido aims to create a more vibrant and culturally rich cityscape that honors its past while embracing its future. It is a commitment to preserving the stories and traditions that make Escondido a unique and special place to live, work, and visit.



Vision, Values and Goals



Vision

We are a City where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment that celebrates all things Escondido, heralding our past and manifesting our future.

Values



Art that unifies

Art that brings together communities, fostering a sense of belonging and shared identity. It transcends barriers of culture, language, and background, creating a common ground for dialogue and understanding.



Art that celebrates

Art that commemorates and honors the achievements, traditions, and milestones of the past and present. It serves as a platform for joyous expression and reflection, highlighting the vibrancy and richness of Escondido's cultural heritage.



Art that educates

Art that enlightens and informs, providing valuable insights into the history, culture, and values of Escondido. It stimulates curiosity, promotes learning, and encourages exploration of new ideas and perspectives.



Art that remembers

Art that preserves and memorializes the stories. experiences, and legacies of individuals and communities. It ensures that important moments and contributions are not forgotten, serving as a testament to the resilience and spirit of Escondido's people.



Art that inspires

Art that sparks imagination, creativity, and innovation, inspiring individuals to envision a brighter future for Escondido. It instills a sense of possibility and optimism, motivating action and positive change within the community.

Item10.

Goals

Goal 1: Keep the Momentum

- Celebrate art all year: Ensure that art is celebrated and showcased throughout the year, not just during specific events or seasons. This can include rotating exhibitions, art festivals, and public art installations that change periodically to keep the city's artistic landscape fresh and engaging.
- Integrate art into celebrations and annual activities: Incorporate art into existing city events and celebrations, such as festivals, parades, and cultural gatherings. This can include performances, art installations, and interactive experiences that enhance the overall event experience.
- Make the process clear for artists to participate: Provide clear guidelines and procedures for artists to submit proposals and participate in public art projects. This can include information on how to apply for funding, obtain permits, and navigate the approval process.
- Remove barriers when possible to allow artists to create: Identify and address any barriers that may prevent artists from participating in public art projects. This can include providing financial support, access to resources and materials, and addressing logistical challenges.
- Quickly convene meetings to provide feedback to private developers for proposed art in lieu of fees for new projects: Establish a streamlined process for reviewing and providing feedback on proposed art projects by private developers. This can help ensure that new developments incorporate public art in a meaningful and impactful way.





Goal 2: Communicate Clearly

- Publicly notice elements of the Annual Public Art Work Plan and solicit public input: Ensure that the public is informed about the city's public art plans and projects through various channels, such as public notices, social media, and community meetings. Solicit feedback and input from residents to ensure that public art projects align with community values and priorities.
- Make up-to-date public art information available to the public online and in other relevant forms, such as brochures, digital kiosks: Provide easy access to information about public art projects, including descriptions, locations, and artist information. This can help residents and visitors learn more about the city's artistic offerings and encourage engagement with public art.



Every time a piece of public art is completed, the City and the community should aim to create a public event to recognize the artist and the contribution of the art to the community: Organize public events and ceremonies to celebrate the completion of public art projects. This can include artist talks, guided tours, and community gatherings to showcase and appreciate the new artwork.



Goal 4: Prioritize Community-Centric Art

- Public art in the City of Escondido should prioritize the people, history and future of the City of Escondido: Ensure that public art projects reflect the values, history, and aspirations of the community. This can include themes that are relevant and meaningful to local residents, as well as artwork that honors the city's cultural heritage and diverse population.
- When possible, the narrative of the art should reflect these priorities: Encourage artists to collaborate with the community and incorporate local stories, symbols, and traditions into their artwork. This can help create a sense of ownership and pride among residents and strengthen the connection between public art and the community.



Goal 5: Catalyze Economic Development

• Utilize public art as a catalyst for economic development: Leverage public art to attract visitors, stimulate local businesses, and enhance the overall economic vitality of Escondido. This can include incorporating public art into placemaking efforts, supporting art-related businesses, and promoting Escondido as a cultural destination.







Goal 6: Ensure Evaluation, Monitoring, and Maintenance

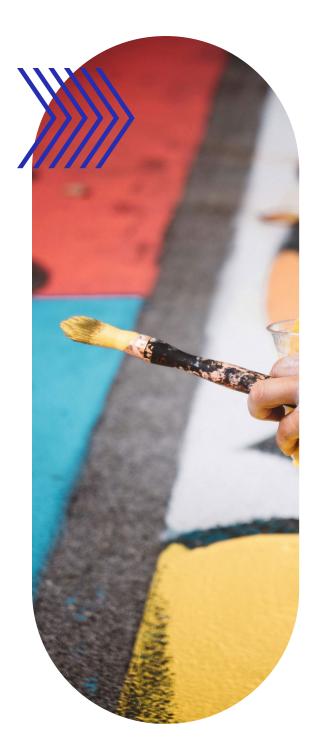
- Establish a comprehensive evaluation and monitoring framework: Develop a framework for evaluating the impact of public art projects on the community, including their economic, social, and cultural benefits. This can include conducting regular surveys, focus groups, and data analysis to assess the effectiveness of public art initiatives.
- Ensure the long-term maintenance and conservation of public art: Develop a sustainable maintenance plan for public art installations, including funding mechanisms, maintenance schedules, and conservation strategies. This can help ensure that public art remains vibrant and accessible for future generations, contributing to the overall quality of life in Escondido.



Goal 7: Promote Education and Community Engagement

Promote public art education and community engagement: Increase public awareness and appreciation of public art through educational programs, workshops, and outreach efforts. This goal aims to empower residents to engage with public art, fostering a deeper understanding and connection to the cultural and artistic heritage of Escondido.

Roles and Responsibilities



Attachment "1" The Community

Members of the community, which includes residents, businesses and visitors shall have the opportunity to provide public input in the form of public comment at any art commission meeting, and through a survey process as determined by the specific program. For example, the two or three top art commission choices for an art piece in a public place shall be available for public comment and feedback about the potential art pieces.

Artists

Artists and art groups are the heart of creating a cohesive community arts program. The Public Art Commission shall solicit artists through a call to artists once a year which will provide an opportunity for artists to provide proposals to the administrators for consideration to the Public Art Commission for funding. Artists conducting art on private property visible from the public right of way should present the art directly or through a representative in order to receive feedback from the Public Art Commission. Artists creating art not in the public view, but available for public viewing in some way, are encouraged to notify City Staff and present an overview of the piece to the Public Art Commission for community awareness.

Real Estate Developer

Residential and Commercial real estate developers are required to pay a developer impact fee for art, or provide art as part of their project. Each project created in lieu of fee must be submitted in the development packet and presented to the Public Art Commission for approval before receiving final approval from planning as outlined in the municipal code and relevant legally binding documents related to development. Real estate developers are expected to follow regular procedure with City staff for development submissions.

City Council

The City Council shall appoint Public Art Commissioners to administer the public art program, and receive an annual status report of projects and funds. City Council shall provide policy direction and shall be responsible for adopting public art strategic plans and programs as proposed by the Public Art Commission to implement with City Staff.



Public Art Commission

The Public Art Commission shall be composed of residents or business owners within the City of Escondido boundaries and appointed by City Council for a term of 2 years. Public Art Commission shall be responsible for defining an Annual Work Plan for the commissioning of new art, educational programs, maintenance and decommissioning of art. Each year, the Public Art Commission must define each of these work plan items. If maintenance funds for public art are not available or inadequate, the Public Art Commission is tasked with deaccessioning a minimum of one public art piece that has been in the City's collection for at least 5 years as described in the municipal code or relevant governing documents. If the Public Art Commission will not select an art piece for decommissioning, the City Council may determine the deaccessioning of art pieces. Public Art Commissioners will take assignments to oversee art in a specific district of the City to report to the Commission status of existing art pieces and recommendations for future art pieces.

City Staff

City Staff shall serve as the administrator for the solicitation of art, education programs, maintenance, and decommissioning of art according to the Annual Work Plan defined by the Public Art Commission and adopted by City Council. City staff will be responsible for initial vetting of artists and education programs and contracts to ensure qualifications including financial feasibility and robustness of contracted organizations and artists. City staff will also review potential projects through the Risk, Safety, and Compliance Staff Working Group to ensure adherence to local regulations. City staff may also designate a qualified organization to conduct administrative duties.



Art in Action

Attachment "1"



Defining Processes for Various Art Types

These definitions help differentiate the various states in which public and private funding intersect with public and private property to support art installations and projects.

Art on *public property*, **publicly funded**

Definition

Art installations or projects located on public property (e.g., parks, streets, government buildings) that are funded through public funds, such as government grants, allocations, or taxpayer dollars.

Examples

A mural on the side of a city-owned building, a sculpture in a public park funded by a government grant, or a community art project funded through a city's public art program.





Art on *public property*, **privately funded**

Definition

Art installations or projects located on public property that are funded by private sources, such as donations, sponsorships, or grants from private organizations or individuals.

Examples

A sculpture in a public plaza funded by a local business, a mural sponsored by a community organization, or a community garden funded by a private foundation.

Definition

Art installations or projects located on private property (e.g., commercial buildings, residential developments) that are funded through public funds, such as government grants, allocations, or taxpayer dollars.

Examples

A mural on the side of a privately owned building funded by a government grant for public art, a sculpture in a privately owned courtyard funded by a city's public art program, or a public art installation in a shopping center funded by a municipal arts fund.





Art on private property, privately funded

Definition

Art installations or projects located on private property that are funded by private sources, such as the property owner, private donations, or grants from private organizations or individuals.

Examples

A mural on the exterior wall of a private residence commissioned and funded by the homeowner, a sculpture in a corporate office funded by the company, or a community art project in a neighborhood funded by donations from residents.

Attachment "1"

Public Art Opportunity Areas

Attachment "1"



Several areas have been identified as priorities for consideration for public art within the next ten years. These pre locations have been identified through community engagement. These locations offer a strategy to identify and prioritize projects. The preferred locations approach may cluster or provide coherency to groupings of art pieces.

The purpose of identifying preferred locations is to provide focus as well as flexibility. The following list is specific in the types of locations, while being open-ended enough to allow for a variety of projects to emerge over time. This provides flexibility for creative invention and collaborations amongst organizations, allows for work in various media, and enables the creative community to be responsive to opportunities as they arise.



Parks

Parks are commonly activated by local artists. Parks have many characteristics that make them well suited to host artwork: they are usually publicly owned land, they are frequented by both locals and visitors, and are often used for community events and recreational activities that increase the number and variety of people who can come in contact with artwork at the park. The City of Escondido is familiar with this idea, and expanding the practice received support from 76% of online questionnaire respondents. Focus group and community workshop participants also support continued implementation of art in parks, both temporary and permanent pieces, to draw people to these public spaces. The focus groups pointed to the successes seen by Queen Califia and the need for a more methodical approach to placing art and advertising artwork at parks.

Trails, Corridors, and Alleys

The idea of activating the Escondido Creek Trail and the Rail Trail was widely discussed in focus groups and community workshops as an ideal opportunity to place both temporary and permanent art of all types. There appears to be public land along the Creek Trail providing the City of Escondido with a unique opportunity to curate location-specific public art pieces. Additionally, there are opportunities to partner with businesses and building owners to place murals on the building walls facing the creek. The City has plans to install art along the Escondido Creek Trail and to work with adjacent property owners to identify mural opportunities.

Generally, trails, corridors and alleys are linear and often pedestrianoriented urban forms provide a unique and engaging opportunity for all types of art and educational elements to be displayed. Placing art where people walk and actively commute was a popular discussion point in the focus groups and was largely supported in the community questionnaire with trails receiving 37% support and unexpected areas, which could include all three of these categories, receiving 51% support.





Gateways and City Monument Signs

Shopping Centers/Malls

Gateways, or major entryways into the community, were identified by focus group and community workshop participants as a must-have if Escondido's art identity aims to mature. Gateways welcome commuters and travelers into the community and offer the first impression of the community's identity. For this reason, gateways were discussed as a priority among the art community. In some instances, gateway art is already implemented; however, participants mentioned the need for refurbishment and installing gateways at access points to the City or downtown at locations that do not yet have a gateway.

Municipal Facilities

Public buildings as a location for public art are supported by approximately 60% of questionnaire respondents. Depending on the public building and property layout, a variety of art typologies may be suitable for display. Possible community buildings that could host public art include community centers, recreational buildings, local government buildings, and transit centers, among others. Beyond public buildings, art can be applied to a variety of public facilities, including utility boxes, crosswalks, bus stops, and other municipally maintained structures. The City of Escondido, in partnership with youth artists through schools, have permitted student murals on the buildings in Washington Park; it is preferred that these art pieces be painted on removable art panels. Additionally, in the summer of 2023, a pilot program for utility box murals was kicked off. Large retail lots are ripe for transformation into vibrant community spaces, particularly as they compete with online retailers. The addition of public art can ground the shopping experiences with community identity. Shopping centers and malls are often large lot developments with ample space to place artwork, including on store facades. Approximately 52% of questionnaire respondents supported the idea of greater integration of art into their shopping and mall experiences. One key factor in implementing this idea is the partnership with owners to host public art on their property.

Schools and Neighborhoods

Placing public art in schools and throughout neighborhoods directly engages the Escondido community and residents. Schools received approximately 52% support from the questionnaire respondents and neighborhoods received approximately 40% support. Both opportunity areas provide greater exposure to public art for residents and foster community interest in the arts, especially the youth.

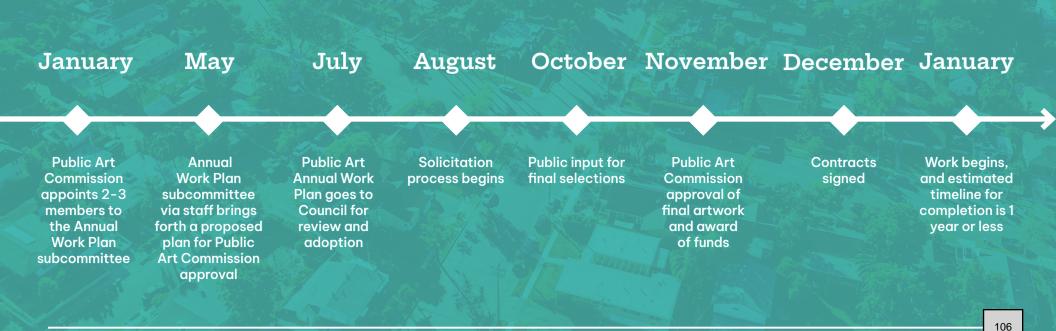
Public art is often a prominent visual feature; consequently, it is important that each piece of public art, and its proposed location, be considered carefully and that it is context sensitive. Public art may be either publicly funded, i.e., funded by the City, or privately funded. Both publicly funded and privately funded art that is installed or placed in public spaces throughout the City, shall be subject to these policies and procedures.



Public Art Annual Work Plan

Each year the Public Art Commission will establish a subcommittee to create an Annual Work Plan to fund new art, art education, maintenance and decommissioning. The plan will be proposed and then approved by the Public Art Commission and then brought to the City Council for approval.

Below is the Annual Work Plan timeline:



Attachment "1"

Annual Public Art Work Plan Checklist

New art solicitation

- □ Location of art piece(s)
- □ Desired theme/ celebration topic
- □ Available funding amount for each piece

Art related education program

- Desired outcome of the program (people served, type of education)
- □ Funding for the program

Art scheduled for maintenance

- □ Identify art pieces that require maintenance
- □ Funding for maintenance

Art selected for decommissioning

- Review art piece contracts and maintenance status
- □ Select art piece(s) for decommissioning
- Documentation for art decommissioning
- Decommissioned outcome: return to artist, sales, donation, salvage, removal etc.



Attachment "1"

Conclusion

The City of Escondido stands at the threshold of a vibrant and dynamic future, one where public art serves as a beacon of creativity, community, and cultural pride. This Public Art Strategic Plan is not just a document, but a guiding light of the community's collective vision—an invitation to every resident, artist, and visitor to engage in a dialogue that transcends words and transforms spaces.

Public art in Escondido will be a celebration of our rich heritage, a reflection of our diverse community, and a catalyst for innovation and growth. It will unify the community, breaking down barriers and fostering connections among people of all backgrounds. It will educate and inspire, telling the stories of our past while envisioning the possibilities of our future. Every mural, sculpture, and installation will echo with the voices of our community, honoring the resilience, creativity, and spirit of Escondido's people.

As we embark on this journey, we are guided by our values—unity, celebration, education, remembrance, and inspiration. These principles will shape our approach and ensure that public art remains a vital and cherished part of our city's identity. Our goals are ambitious but achievable, driven by a commitment to excellence and a dedication to making Escondido a place where art thrives and enriches all lives.

Together, we will create an environment where art is woven into the very fabric of our community, where every street corner, park, and public space becomes a canvas for expression and a testament to our shared humanity. The Public Art Strategic Plan is a roadmap to a more vibrant, inclusive, and prosperous Escondido—one where the arts not only reflect who we are but also inspire who we can become.

Let us move forward with passion and purpose, embracing the transformative power of public art to create a city that is truly alive with beauty, creativity, and possibility.

Appendix

Appendix I: Public Art Commission Annual Work Plan Checklist

Annual Public Art Work Plan Checklist

- New art solicitation
 - □ Location of art piece(s)
 - Desired theme/ celebration topic
 - Available funding amount for each piece
- Art related education program

14

- Desired outcome of the program (people served, type of education)
- □ Funding for the program
- Art scheduled for maintenance
 - Identify art pieces that require maintenance
 - Funding for maintenance
- Art selected for decommissioning
 - Review art piece contracts and maintenance status
 - Select art piece(s) for decommissioning
 - Documentation for art decommissioning
 - Decommissioned outcome: return to artist, sales, donation, salvage, removal etc.

Attachment "1" Appendix II: A Brief History - Art in the City Past and Present

Escondido's relationship to the arts and its endeavor for cultural development began almost at the City's incorporation. In 1888 the City incorporated and the first city band was formed by 12 local musicians. Within a year (1889) a bandstand was built on the southeast corner of Grand Avenue and Maple Street. According to historical records, music and theatrical productions were quite common at this time, including performances in schools, churches, and clubs.

In the 1920s and 30s, the Community Arts Association was organized to give attention to arts and drama. A leading community member, Benjamin Sherman, presented several plays at the Kinema Theatre, garnering audiences of up to 500 to 700 people. In more recent history, the Patio Playhouse Community + Youth Theater has been providing local, live theatre since its inception in 1967.

In 1946, the Philharmonic Arts Association was formed and launched its first concert series, held in the Escondido High School auditorium. Through the Association's efforts, Escondido was host to world-renowned artists such as Risë Stevens, Jose Greco, Artur Rubenstein and the Los Angeles Philharmonic.

In the 1970s, the Escondido Regional Arts Council was created to bring visual arts to North County. The first gallery was in the Vineyard Shopping Center, now the Vineyard Square, on East Valley Parkway. Today, the Municipal Gallery and the Escondido Arts Partnership both provide venues for local artists to exhibit their work.

Also in the 1970s, the cultural history of the community came into focus with the establishment of Heritage Walk in Grape Day Park. The City's first library was identified and moved to the Heritage Walk, opening in 1976 as the first local history museum. Since that time, other historic buildings have been added to Heritage Walk to help keep the history of Escondido alive.

In 1985 Escondido voters approved the building of a \$73 million arts center that would bring music, dance, theater, education, and the visual arts together on one dynamic campus as part of an overall redevelopment project. Evidence for the desire to have an arts center, can be found as early as 1962 in a planning document known as the "Alexander Report". This report documented an effort to create an arts center to house all the artistic undertakings in the City of Escondido. It outlines what voters approved funding for in 1985: a civic center that would include a city hall, community services center and an arts center. The first phase of the cultural center was the construction of City Hall, which was completed in March 1988. During the next years, the National Endowment for the Arts and the City of Escondido sponsored a design competition to which 108 high-caliber architects from around the world submitted entries. Their designs were placed on display in Grape Day Park for community viewing and unofficial voting. From this competition, the firm of Moore Ruble Yudell of Santa Monica was selected to design the Center.

Also in 1988, the City established a Public Art Program. Since that time just shy of 30 public art projects (not including murals) have been installed by the City of Escondido and private developers under the guidance of the Public Art Commission.

Ground-breaking ceremonies for the arts center were held on June 22, 1991 in Grape Day Park, 83 years following the first Grape Day Festival, 29 years after the first documented mention of the Civic Center idea, and 6 years after the vote to approve funding. Throughout construction, the community was invited to participate. The Center Founders program hosted approximately 1,650 visitors wearing hard hats. Area students from 17 schools were invited to showcase their own artistic talents by submitting 4×8-foot plywood "fence art" to decorate the site. In addition, more than 10,000 hours of volunteer time were logged in the year preceding the opening.

On October 1, 1994, almost a decade after that 1985 vote, the California Center for the Arts, Escondido (CCAE) opened on a green, 12-acre campus in downtown Escondido, adjacent to City Hall and Grape Day Park. Since its opening in 1994, the California Center for the Arts, Escondido has been dedicated to promoting the arts and enriching the lives of Escondido citizens. The CCAE attracts more than 300,000 people annually. The campus includes a 1,523-seat Concert Hall and a 404-seat Center Theater, 9,000-square-foot Museum, in addition to 17,000-square-foot Conference Center.

On October 26, 2003 Queen Califia's Magical Circle by Niki de Saint Phalle located in Kit Carson Park opened to the public. Queen Califia's Magical Circle was a joint effort between the artist Saint Phalle, who financed the sculpture project, and the City of Escondido, which acquired the land and is responsible for landscaping, maintenance and operation. Queen Califia's Magical Circle is made up of nine large-scale sculptures and opened to the public.

Historic Public Art Highlights

This Public Art Strategic Plan builds upon Escondido's rich history through the lens of public art in the City. Below are the highlights of public art from a historic perspective.

- 1888 The City of Escondido was incorporated on October 8
- 1889 A bandstand was built on the southeast corner of Grand Avenue and Maple Street
- 1908 The first official "Grape Day" was held on September 9
- 1920s The Community Arts Association was organized
- 1936 Works Progress Administration built an adobe bandstand in Grape Day Park
- 1956 The Escondido Art Association was formed by Felicita Foundation and Showcase of the Arts
- 1967 Patio Playhouse Community + Youth Theater opened
- 1969 Muffler Man by Joor Muffler was installed
- 1970 Installation of Cabrillo Landing, mosaic mural by Frank Matranga on Sears Department Store (E. Valley Pkwy.)
- 1988 City of Escondido begins the Public Art Program
- 1989 Installation of Hekklil by Peter Mitten at the Escondido Transit Station
- 1990 Installation of Reflections on Downtown sculpture by T.J. Dixon on Grand Avenue
- 1990 Installation of Community sculpture by Jeff Lindenau
- 1994 California Center for the Arts, Escondido opened
- 1995 Escondido Arts Partnership was established
- 1998 Installation of Monuments to Time in the Corridor of Life, Art & Culture by Mooslin, Rowe & Stucky

- 2003 Queen Califia's Magical Circle by Nikki de Saint Phalle opened in Kit Carson Park
- 2003 Mingei International Museum Satellite opened in downtown Escondido
- 2004 Installation of "Vinehenge," a new playground in Grape Day Park, by Nature Works, Inc. opened
- 2007 Installation of "Military Tribute" by Gale Pruitt in Grape Day Park
- 2008 Installation of the sculptures Lorelei & Elation both by Gale Pruitt
- 2011 Installation of Mercado Grande mosaic tiles by Tama Dumlao
- 2011 Installation of New Leaf bronze and stainless steel sculpture by Dan Dykes
- 2012 Installation of the Festival Art Plaza on Maple Street designed by Paul Hobson
- 2020 Installation of Escondido Arch donated by the Escondido Community Foundation
- 2020 Project Beautify Escondido is launched which brought the Community together to paint the K-Rails along Grand Avenue
- 2021 Esco Alley Art Program of curated with murals by the Downtown Business Association
- 2021 Installation of Escondido's Vision, a mural by Julia Anthony located at the Escondido Public Library
- 2022 Kenny Scharf mural on the California Center for the Arts
- 2023 Escondido Expressions Traffic Signal Box Program Begins

Attachment "1" Appendix III: Planning and Public Outreach Process

The process for developing this plan involved a review and assessment of the current state of public art in the City of Escondido, the community engagement described in the next section, of the drafting the plan, and the vetting of the plan to ensure that it reflects the community's desire.

Community Engagement

Community engagement was a vital component of this plan. The plan was kicked-off with a field tour and stakeholder meetings. Input was also received at a pop-up event, an online questionnaire, and at a public workshop. Additionally, presentations were given to the Public Arts Commission and to City Council, both meetings were open to the public.

Field Tour

The field tour took place on January 17, 2023. The project team was joined by three art commissioners. The tour visited several art installations in the City. The art tour provided participants with a chance to see the public art that exists in Escondido and allowed for discussion as to how art pieces have been given to the City, opportunity sites, and challenges around maintenance and sign placement. The outcome of the field tour was a deeper understanding of the current conditions in Escondido.

Councilmember Meetings

As part of the development of this plan, the project team had virtual meetings with each Councilmember serving on the City Council in the Spring of 2023. The desire was to get a better understanding of the Councilmember's vision for this plan and for public art in Escondido.

Though each conversation was unique, they were all guided by the following set of questions for consistency.

- What comes to mind when you think of public art in Escondido?
- Where would you like to see public art?
- What type of art would you like to see in Escondido?
- What do you hear from constituents about public art?
- What would a healthy funding stream for Public Art look like?
- Do you see this as an opportunity for public-private partnerships?
- What would you like to see as an outcome of this plan? What does a successful plan look like?

Most Councilmembers mentioned murals and Queen Califia among the first things which come to mind when thinking about public art in Escondido.

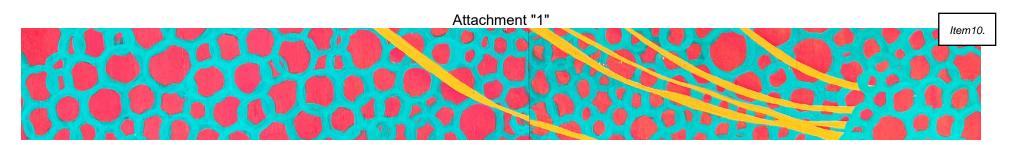
Locations for public art ranged from the generic such as parks, family spaces, and centrally located areas which are visible and accessible, to more specific locations such as the Escondido Creek Trail, the Rail Trail, the Transit Center, along East Valley Parkway, utility boxes, and crosswalks.

The ideas surrounding funding and public-private partnerships were also diverse. Many ideas centered on partnerships with existing associations, such as the San Diego Foundation and the Escondido Community Foundation (under the fiscal sponsorship of the San Diego Foundation), the Downtown Business Association, or private endowments.

Several Councilmembers expressed the desire to have Escondido be an art destination within the region. However, there was also acknowledgement that there has been minimal marketing, of Escondido's public art over the years. Conversations also included the desire for all art – such as performance art (theater, music) – in the community to be coupled with the public art process and eventually marketing.

Visions for a successful plan included the desire for the plan to be implemented, that it should include policy decisions such as sign placement with regard to public art pieces, and recommendations for phased implementation.





Art Commission Members

Focus groups were held with the Public Art Commission Members. These conversations included questions regarding the type of art the commission members would like to see in the City, locations for art, outcomes for the plan, as well as mission, vision, and goals for the plan.

The desired art covered several topics such as interactive art (especially for kids), art that reflects the diversity of the communities that live in Escondido, and the City's history. Utility boxes were raised, as well as incorporating performance art into the public art effort.

Locations mentioned for future art were along East Valley Parkway, along Bear Valley Parkway, District 3, and Kit Carson Park. Another idea that was discussed was adding more art to downtown with ties to Queen Califia and greater Escondido, such as mosaics in a similar style to the Queen, and art that reflects our culture and heritage including agriculture. The idea of making Centre City Parkway from I-15 to Via Rancho Parkway a sculpture corridor was floated as well; however, there are safety concerns over placement of additional art in this area and will not be considered for future art placement unless this plan is amended in the future.

A successful plan was defined as one that would engage all stakeholders who would want to participate.

Artist Focus Group

The artists touched on the art forms they desired to see more of in the future including murals created by high school students, thematic art – specifically art that pays tribute to Escondido's history, interactive art – especially for youth, and wayfinding art; in other words, artistic ways to guide people throughout the City.

During the Artist Focus Group, the locations discussed for future art included the west end of Valley Parkway, East Valley Parkway, the Mercado District, West 9th Avenue, the Escondido Creek Trail, and any underused area. The artists defined a successful plan as one that would result in economic benefit in the form of strengthening the City's tourism industry by attracting visitors to Escondido, one that contains a marketing component, one that it is community-based – representative of the community and a plan that speaks to the future. There was also a desire for a streamlining of the process to get public art into the community as well as an expressed desire for additional City staff that would facilitate this process.

There was also a desire for a directory of/for the Art in Escondido and discussion surrounding identifying and developing a central location for visitors to go to learn about art in Escondido.

Business Focus Group

The conversation regarding future art was slightly different in the Business Focus Group; the ideas contributed to the discussion included adding QR codes and a playlist for all murals, recycled art – in particular, art that uses/reuses metal from transit shelters and/or mail drop boxes both of which are scheduled to be removed locally and nationally. Wayfinding art and experiential art were also both mentioned.

During the Business Focus Group, the locations discussed for future art included Centre City Parkway, El Norte Parkway, East Valley Parkway, and utility/traffic control boxes.

An idea of creating zones for specific types of art was discussed; for example, Grand Avenue would be the mural zone, Grape Day Park could be the predominately kinetic art zone, and Kit Carson Park could be a sculpture zone.

The successful outcome of the Public Art Strategic Plan included an easing of the process for the placing of art in the city for all involved in the process – identified as artists and people who wanted to have art on their property – as well as a unified brand for Art in Escondido.

Student Artist Stakeholder Focus Group

The Student Artist Stakeholder Focus Group meeting took place with the students who were painting murals at Washington Park. While the same set of questions were asked and the answers aligned with previous answers, the student artists were also asked about any big ideas they had. The answers were a concert venue, a safe space to create, and representation on the Public Art Commission.

The youth also stated that the vision for art in Escondido is that it is inclusive, accessible, diverse, free, cultural, includes youth, and is exciting.

The words the student artists used to describe Escondido were beautiful, hidden gem, has personality, is not cookie cutter, and comfy.

Pop-up Event Public Outreach

Art Commissioners hosted a booth at the City of Escondido's annual Street Fair on May 21, 2023. The booth had a citywide map and a focused downtown map showing the current locations of public art and invited people to share locations where they desired art. The booth also had Escondido Public Art Strategic Plan "business cards", which had a QR Code and website URL to the online questionnaire. Additionally paper copies of the questionnaire, flyers with information regarding docent opportunities at Queen Califia and donation information for Queen Califia's maintenance fund were available at the booth.

It was a successful event – the art commissioners made contact with 394 people. Of those, 23 people asked a question or received additional information, 49 people completed the questionnaire on the printed hard copy, and 216 people either took a business card or scanned the questionnaire QR code.

Online Questionnaire

A questionnaire was made publicly available online from June 2, 2023, through July 4, 2023. The online questionnaire was advertised through the City's communication channels, as well as at the pop-up event and a public workshop. The questionnaire was available in both English and Spanish. A total of 105 responses were received, of which one was in Spanish and included in the tabulations below; however, not every respondent answered every question.

Respondents indicated that the most important role art should Escondido is to support local artists and to beautify the community. The two most desired themes to be expressed through art were history and culture. Taken together, this shows a strong desire to have art in Escondido truly be rooted in the community, be created by local artists, and reflect and celebrate Escondido's past and present. The charts below show the responses received in greater detail.

The majority of respondents feel that regionally Escondido is not acknowledged as the art-rich community it is, and while the advertising choices listed in the questionnaire – advertising on the radio, on billboards, and in the newspaper – were not selected as "the best way", most respondents who indicated that there was another way to advertise more successfully did not indicate which, in their opinion was the best method.

Other ideas include word of mouth, social media, advertising in magazines, working through the schools by involving youth and their families, and by commissioning art products around Escondido.



Public Workshops

The public workshop was held on Tuesday, June 13, 2023, from 6:30 – 7:30 p.m. in the Mitchell Room at City Hall. Approximately 20 members of the public attended. The evening started with a presentation giving context to the Public Art Strategic Plan and sharing what had been done to date. Attendees were then divided into two groups to foster greater participation. Each group was asked about vision, mission, and goals for the plan, about locations where art could be located, and the types of art people would like to see in Escondido.

A second workshop was held on April 4, 2024 in the Washington Park Recreation Building from 6-7 p.m. The community came in at their leisure to discuss what type of art they would like to see in their community. The feedback received highlighted the importance of embracing diversity in artistic expression, including various ethnicities and modalities. Participants emphasized the need for art that reflects culture and history, supports local artists, and art that is accessible and community-driven. Art was described as a powerful communication tool that fosters understanding and reflects the community's identity.



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MAGEC Group Stakeholder Meeting

On Wednesday, March 27, 2024 City staff attended a Museum and Arts Growing Escondido Culture (MAGEC) meeting to ask the participants four questions:

What does art mean to you?

- What is your vision for public art in the City of Escondido?
- Are there certain core Values that Escondido's public art should embody?
- What role do you think the city should have in art?

This lively discussion with a group of stakeholders directly connected to the arts community in Escondido was facilitated by Community Services staff. As a group, the attendees were given an opportunity to think about and then share their responses using sticky notes or in an open public forum on each of the questions in sequential order. The overarching sentiment was that art is an integral part of the Escondido Community. "To me, art is a window to the soul, for both the creator and the observer. Art can express emotions and ideas that are often not able to be expressed through words, using the international language of color, form and sound." – Steve Hart

> "Civic Pride, Historic education, Beautification (not mundane), Cultural Varietal Expression Unity and Diversity at the same time, Building bridges across communities." – Tokeli Baker

"Art brings people together and creates a space for discussion and appreciation with other like-minded people" – Anonymous

> "Art is the creation of media that relies on the psychology of the creative eye. It is the preserver of semiotics and culture." – Mia Savage



Appendix IV: Art Typologies

Public art is different from studio art or art exhibited in museums and galleries. Public art is accessible to the public, it typically reflects an awareness of its site, both physically and socially, and, most importantly, public art involves community process in its creation. A wide variety of approaches to public art are possible. Some approaches emphasize integrating artwork into the built environment, others emphasize placing artwork in a plaza or on a wall, and still others involve the creation of temporary works in community settings.

Approaches to Public Art

Depending on the needs of the Escondido community, one, or a combination, of the following approaches may be taken:

Discrete object: The traditional approach of placing stand-alone sculptures, murals, or other artworks in public buildings, plazas, parks, etc., to beautify and humanize the environment.

Integration of public art and architecture: A multi-disciplinary design team approach wherein artists work on project teams with architects, engineers, landscape architects, and other design professionals to design and create public projects, such as transit systems or wastewater treatment facilities to achieve the highest aesthetic innovation. This approach may also result in artist-designed functional elements that are integrated into the project, such as flooring, furniture, light fixtures, fencing, tree grates, etc.

Urban design/place-making: Artwork projects that contribute to the enhancement of a cityscape, create a sense of place, or improve the design qualities of public infrastructure. Artist-designed freeway enhancements, bridges, or parks are examples of such projects.

Permanent Art Installations

Permanent artwork will be installed in prominent or meaningful locations throughout Escondido. Large pieces may well serve parks and public spaces, gateways, focal points along corridors, and gathering places. Smaller pieces can enliven schools, municipal buildings, neighborhoods, and pedestrian connections. Permanent installations include all public art pieces that are fixed indefinitely and can range from sculptures to decorative seating, and from murals to other functional amenities. Material selection is an important element of permanent art installations, as they should be highly durable and easily maintained.

Temporary Art Installations

Temporary art installations are an exciting category for public art in Escondido. Temporary art installations can be an effective tool for enlivening a neighborhood and creating a dynamic feel to an area. These art installations can vary greatly in nature from pop-up sculptures or structures to video films. Temporary installations provide great flexibility to artists to utilize materials that may not otherwise withstand the test of time or are only appropriate during certain seasons. Additionally, temporary art installations may be utilized when the subject matter is appropriate on a short-term basis, such as a reaction to a cultural event. Finally, temporary art offers a greater number of local artists the opportunity to display meaningful pieces that they may not otherwise be able to share with their community.

Interactive Artworks

Interactive art is art that involves an observer. This may be through allowing the observer to touch, enter, or sit in an artwork, such as in large sculptural pieces. Other types of interactive art include art that responds to an observer's participation, such as in a touch-responsive light wall or a piece of art that creates music. Other ideas include shade canopies that create interesting shadows and encourage people to find hidden pictures in the created shadows. Interactive artworks are powerful pieces for engaging the community, especially those who may not otherwise be interested in public art.

Light and Media-Based Art

Light and media-based art involves any type of technology-based art, including projected or static lights, digital or video art, and many more creative creations. This art typology can be an exciting contribution to public art in Escondido. It can be temporary or permanent and is suitable at a variety of locations depending on the type of technology used. Consideration should be given to the materials used and their durability in the given environment, as well as whether it could create a distraction for motorists.

Kinetic Art

Kinetic art relies on movement for its effects. Spinning, rotating, swirling, rolling, and other movements are incorporated by design or machinery. The movements can be powered as a machine or propelled by environmental forces such as wind, heat, or the observer themselves. This is a broad classification of public art that includes both permanent and temporary designs. The installation location of kinetic pieces should be thoughtful of safety considerations such as observer injury and distractions to drivers. Depending on the overall design, these pieces may require regular maintenance to ensure they continue to function properly.

Appendix V: Public Art Acquisition

Existing Collection

The City of Escondido's Public Art Program began in 1988. Since that time, the City of Escondido has been building its Public Art Collection and to-date, has a healthy collection that includes murals, sculptures, mosaics, statues, and interactive art. As part of its existing program, the City of Escondido has an established Mural Policy, guidelines for receiving gifts of art, policy for an art fee, and guidelines for the utility box mural pilot program. These documents are included by reference and carried forward as valid policies by this plan.

The City of Escondido's Public Art Collection can continue to grow by acquiring or commissioning public art. This can happen in a variety of ways:

- Site specific projects
- Completed artworks selected for an existing site
- Completed artworks received as a gift or as a donation
- Temporarily loaned or rented artworks

Selection of Artwork (Excludes Donations and Gifts)

Request for Qualifications and/or Request for

Proposals. A Request for Qualifications (RFQ) followed by a Request for Proposals (RFP), or just a Request for Proposals is a common method for selecting an artist and specific art piece for a specific location. This is also referred to as a call for artists, or call for art.

Sole Source. This approach reflects the fact that public art is fundamentally different from most other types of projects. With art, we are

looking for individual expression or unique ideas—not price comparisons for a plan or an idea. In some cases, a specific artist or type of art may be desired and the Commission or the City Council may choose to request a proposal from an individual artist without going through competitive selection. This approach requires City Council approval and needs to be clearly justified as to why competitive selection is not needed or desirable and how sole sourcing will better meet the City's objectives.

Acquisition. Acquisition of an art piece that has already been completed by an artist may be appropriate in some circumstances. City Council approval is required for direct acquisition of pieces of art.

All public art and public art projects shall be reviewed by the Public Art Commission, all of the advising departments noted in the roles and responsibility section, determine whether any issues may arise out of the placement of art or the choice of materials for the artwork for the particular site to help ensure it's contextually appropriate. In cities throughout the United States, there has been growing support for public art. However, some projects have been criticized as being "plop art",-meaning elements are simply "plopped" down in a location without sensitivity to the site or the people who use the space. Review by the Public Art Commission, the advising departments, and City Council will help mitigate against this potential issue.

Public Art in Private Developments

Public art can enhance a private development project by providing iconic features that foster identity and public interaction. Project specific works of art can better reflect the purpose, site, history, and identity of a development, adding value to the 'owner's investment.

City Council passed a resolution designed to further enhance the aesthetic environment of the City by requiring private property owners and developers to pay a public art fee or incorporate a piece(s) of art in new developments.

The resolution requires a public art fee for all development projects, both residential and non-residential, or in lieu of paying the fee, developers are required to place public art on their property following the Fee Guide for Development Projects. Additionally, in lieu of the fee, artwork can be donated to the City (Municipal Code Section 33-734). The art fee is in the City's Fee Guide for Development Projects, which is periodically updated and should be consulted for the most current fee.

Public Art in Private Developments

Placement of public art in a private development is a two-step process, including an application and approval.

Application: An application for placement of public art on private property is submitted to the Development Services Director and must include the following:

Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, including an accurate description of the colors and materials to be used.

An appraisal or other evidence of the value of the proposed public artwork, including acquisition and installation costs.

A site plan clearly showing the location of the public art and its relation to pedestrian paths of travel on the site and in the vicinity, including adjacent rights-of-way.

An elevation or perspective rendering showing the streetscape view of the public art, including the street elevations of adjacent properties.

If relevant, any structural or installation plans. (Not required for all types of art).

A narrative statement to demonstrate that the public art will be displayed in an area open and freely available to the general public, or that public accessibility will be provided in an equivalent manner based on the characteristics of the artwork or its placement on the site.

Attachment "1"

Draft covenants, conditions and restrictions (CC&Rs), to be recorded with the County Recorder, which require the property owner, successor in interest, and assigns to:

- Maintain the public art in good condition as required by the City's Guidelines for Public Art.
- Indemnify, defend, and hold the City and related parties harmless from any and all claims or liabilities from the public art, in a form acceptable to the City Attorney.
- Maintain liability insurance, including coverage and limits as may be specified by the City's Risk Manager.

Placement of Public Art on Private Property

City staff will review proposals submitted as part of the development permitting process, and city staff will bring the item on the agenda before the Public Art Commission to review the proposed art using this strategic plan.

Private Developer Public Art Donation

The donation of an artwork to the City by a Private Developer in lieu of either paying the art fee or placing a piece of public art in their development, follows the process for donated public art in the Donation Acceptance Guidelines. However, the Donation Acceptance Guidelines are a comprehensive, free-standing document, which can be updated independent of the Public Art Strategic Plan, so for the most current information that document should be consulted.

Donations of Public Art - Process

In order to facilitate a reasonable assessment of proposed gifts and loans of public art that are in the best interests of the City, the Public Art Administrator, in consultation with other City departments as appropriate, and with the Public Art Commission (PAC), will coordinate the review of all aspects related to the acceptance of donations and loans of public art. Proposed gifts and loans should be evaluated to determine whether they are in line with the City's overall goals and adopted plans and policies, whether they are placed in appropriate locations and integrated appropriately with their sites, and whether proper advance planning and preparation has taken place.

Proposals for gifts and loans of public art that are made to any City official or department should be referred to the Public Art Administrator. Technical review should be undertaken by appropriate City staff and aesthetic review should be undertaken by the PAC. Staff and the PAC should provide a recommendation to the Director/City Manager/City Council, who has final approval authority over gifts and loans of public art.

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APPENDIX

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Item10.

Receipt Gifts or Loans

Proposals

Proposals for gifts and loans of artworks shall be submitted via email to City staff. At a minimum, the proposals should include the following:

- Resume and biography of artist
- Title of the artwork
- Digital images of the artwork
- If the artwork is being loaned to the City for temporary display, any conditions related to the display and the duration of the loan
- Proposed site location(s) and necessary site improvements
- Technical drawing of the artwork including dimensions
- Expected date of installation
- Statement of appraised value of art. In the case of a work of art that is temporarily loaned to the City, whether the art is insured and evidence of insurance
- Maintenance and installation requirements, including a cost estimate for installation
- Certification of intellectual property rights to the work of art or requirements for waiver or transfer of such rights to the City
- Report of artwork's condition if not new; and
- A written agreement executed by or on behalf of the artist who created the public art that expressly waives their rights under the California Art Preservation Act or other applicable law.

Attachment "1"

Internal Review

Initial review of proposals shall be made by relevant City departments to ensure that the application is complete, to conduct an initial feasibility review of the proposal, and to determine what other requirements, i.e. permits, studies, etc., are required. Applicants will be notified in writing of any additional requirements.

Public Art Review Process

Once internal City staff review of the proposal requirements is completed, and City staff reviews the proposal against risk, safety and compliance policies

The Public Art Commission shall evaluate proposals based on the following criteria:

- Compatibility with existing public art and the proposed site;
- Compliance with requirement to notify surrounding businesses of the proposed art piece
- Alignment with the Public Art Strategic Plan and the other guiding policy documents
- Availability of the site;
- Maintenance and installation requirements and anticipated costs to the City
- Artwork condition, if not new
- Liability considerations;
- Donor conditions
- Such other considerations that the PAC and City staff find relevant for the particular artwork.

Conditions of the Gift or Loan

The artist will be required to enter into an agreement with the City to memorialize their understanding and arrangement with respect to the installation, maintenance, financial responsibility and any other conditions of the gift or return of the artwork on loan.

Permanent donations of artwork(s) will become the property of the City's public art collection.

Prior to the issuance of grading and building permits, the applicant presents the proposal for acceptance of public art donated to the City to the Development Services Director for review.

City Public Art Inventory

It is recommended that the City of Escondido keep a current inventory of its Public Art collection. The inventory should include:

- Name of artwork
- Name of the artist
- Location of the artwork
- Materials used in the artwork
- Year the artwork was donated or installed
- A brief description of the artwork, preferably written by the artist as to the intent or meaning
- A photograph of the artwork
- Funding source



Appendix VI: Deaccessioning

Deaccessioning is the process through which artworks are permanently removed from the City's collection.

The City of Escondido reserves the right to deaccession works of art in its public art collection in the best interest of the public and as a means of improving the overall quality of the City's public art collection. All meetings in which artwork is recommended for deaccession from the City's public art collection are open to public attendance.

Consideration

An artwork may be considered for deaccession if one or more of the following apply:

The site for the artwork has experienced significant changes in ways that have rendered it inaccessible to the public or the site has been/will be destroyed or altered in a significant way;

A suitable place for display of the artwork no longer exists or is not available;

The artwork is found to be fraudulent or not authentic;

It has deteriorated or has been damaged such that restoration is impractical, unfeasible, or would render the work false;

It no longer exists due to theft, accident, or natural disaster;

The artwork has visibly degraded;

The artwork causes excessive or unreasonable maintenance;

The artwork represents a physical threat to public safety;

A written request for deaccessioning had been received from the artist; and/or

The art is on a privately owned building designated for a new use and the art piece is no longer relevant to the redevelopment of the property.



Notification

Once an artwork has been identified for deaccession, the artist must be notified. The City shall make a good faith effort to contact the artist whose artwork is being considered for deaccession in a timely manner and make them aware of the situation or circumstances surrounding the deaccessioning consideration. Some artwork problems may be resolved after consultation with the artist(s), thereby eliminating the need for initiating the deaccession procedure. If the issue cannot be resolved, the artist shall be notified of the Public Art Commission meeting(s) at which the issue will be taken up and shall be invited to speak on behalf of themselves and the artwork.

Removal

Artwork may only be removed from the City's collection through deaccession after careful and impartial evaluation of the artwork within the context of the City's collection by the Public Art Commission. The deaccession evaluation must include:

A good faith effort to inform the artist or the artist's estate that the artwork is being considered for deaccession.

A review of all pertinent accession documentation, including a review of legal documents by the City Attorney.

A written recommendation on deaccession by the administrator of the Public Art Program; and a review of any pertinent written correspondence, media coverage, and other evidence of public opinion. If the Public Arts Commission deaccession to be appropriate, determined by a majority vote, it will submit a formal recommendation, including a written statement of findings, to City Council.

If the City Council decides that deaccession is appropriate, the artwork will be disposed as follows:

- The artist or estate of the artist will be given first option for acquiring the work through purchase, exchange, or other terms
- The artwork may be sold in accordance with all relevant laws governing surplus public property
- The artwork may be loaned to a gallery, museum, or similar institution
- The artwork may be donated or gifted to a gallery, museum, or similar institution
- The artwork may not be sold, loaned, or otherwise transferred to any City staff or member of the Public Art Commission.

The receiving person (e.g. artist) or entity (gallery, museum, etc.) is responsible for all costs associated with the removal or relocation of the artwork. Any proceeds from the sale of public art belong to the City of Escondido. It is encouraged that proceeds are deposited into a fund used for acquiring more public art or into a fund used for the maintenance of artwork acquired through the City's Public Art Program. A record of deaccessed artwork will be kept with the documentation of the City's collection.

Appendix VII: Maintenance

Maintenance

Public art will require maintenance and occasional repairs like most City facilities. Maintenance of existing and future collections and installations of public art requires a plan and funds to run a successful program. According to Artwork Archive, an art management and preservation company, robust City Public Art Programs dedicate as much as 10% of the public art fund to maintenance and upkeep.

Maintenance of Existing Public Art

The City of Escondido has been successful in growing its public art collection. To effectively establish a plan and funds for routine maintenance and conservation needs. a Conservation and Maintenance Plan should be developed with input from a professional conservator. The designated Public Art Administrator should work with a hired conservator to note all maintenance required to effectively estimate staff time needed to properly care for the pieces. Using the recommendation of the conservator, the Public Art Commission or volunteers can be enlisted to survey the permanent collection. The Public Art Administrator can assign up to 10 pieces per person. Their job will be to assess the artwork, take pictures, and write a summary that can be recorded using available online archiving platforms or via the City's in-house database. As the collection arows. an up-to-date inventory will be crucial to ensure accurate estimates for time and money required for maintenance. Additionally, the Conservation and Maintenance Plan should be periodically re-evaluated.

Maintenance of Future Public Art

Future public art will also require maintenance and occasional repairs. Although the City should encourage artworks requiring "little or no maintenance," future artworks will vary in the amount of maintenance required, resistance to vandalism, and ease of repair.

Maintenance Record Form

It is essential that the artist and the City understand maintenance expectations from the initial design stages. Prior to final acceptance of the artwork, the Public Art Administrator ensures that the artist has completed a Maintenance Record Form. The original copy of the form is retained by the Public Art Administrator and a copy is forwarded to the responsible department/parties for the maintenance and upkeep.

Maintenance Responsibility

The Public Works Department, in coordination with the Community Services Department, is responsible for maintaining City-owned or City-sponsored public art. In some cases, they will be responsible for contracting out maintenance work. Temporary artworks owned by others but exhibited in City buildings or on City-owned land is the responsibility of the owner, unless other arrangements are made by prior agreement with the City. A list that identifies the responsible party for the maintenance of a particular piece of public art will be retained by the Public Art Administrator.





Maintenance Cost

The City of Escondido has a public art maintenance fund. As the City's public art inventory grows, the City should ensure that the maintenance fund continues to grow as well.

Routine Maintenance

Routine maintenance includes trash and graffiti removal, cleaning, waxing, minor landscaping, replacing light bulbs, and mechanical activities like tightening, adjusting, and oiling. Frequency will vary by type of artwork, but bi-weekly, monthly, quarterly, or annual checks by maintenance staff during the normal course of their rounds would be typical.

Cyclical Maintenance

Cyclical maintenance is done at regular, but much less frequent intervals. It involves more extensive treatment such as disassembly, inspection, and surface applications of protective coatings (e.g. repainting). Because this work could significantly affect the appearance and longevity of the artwork, it may require special knowledge or skills. Before proceeding with the work, staff should either:

Consult the artwork's Maintenance Record Form for specific procedures, or

Consult the artist or other competent art professional on use of cleaning compounds, paints, solvents, and surface coatings.

Repair and Restoration

This involves the treatment of damaged or deteriorated artworks to return them to as close to their original appearance as possible. Extreme care must be used to maintain the artistic integrity of the artwork. The repairs must preserve the artist's intent in both design and materials. In many cases, such repairs require the involvement of the original artist, or if that is not possible, an art conservator trained in art restoration.

Again, the artwork's Maintenance Record Form, prepared by the artist prior to final City acceptance of the artwork, gives some guidance on this issue. The City has an ethical and legal responsibility to maintain the artistic integrity of an artwork (Calif. Art Preservation Act, Cal. Civ. Code 987 (West Supp. 1985). Improper maintenance and repair methods can damage valuable artworks and may trigger legal challenges by the artist.

Attachment "1" Appendix VIII: Resources and Funding Opportunities

Funding and Partnership Opportunities

This appendix outlines an overview of the suggested projects for implementation such as a general timeframe for prioritization and a preliminary cost range, as well as:

- Methods for selecting artists for public art projects
- Pursuing ongoing grants and partnership opportunities
- Public Art priorities
- Funding protocols and best practices

Public Private Partnerships

No matter what funding opportunities are pursued, "impact" and "leverage" are top priorities for foundations and funding agencies. Broad impact and getting resources where resources are needed most are key criteria for awards. Funders want to know that their support will leverage even more funds. Often grant applications require that awards be matched with support from other organizations or a government agency.

Funders understand that the best projects are sustainable when conducted by talented creatives who are partners with experienced managers who can maximize existing resources to get the best results. Funding requests need to demonstrate the following: an 'applicant's ability and experience working at an elevated level of collaboration, the existence of established partnerships, and integration with local artists and social/civil/cultural organizations. They expect that a particular grant will mushroom into other efforts.

Given those priorities, grants are more likely to be awarded to projects, nonprofits, and city agencies or cultural groups that have previously established working relationships within their region. Groups such as local chambers of commerce, tourism boards, downtown associations, and similar entities have a wealth of contacts, resources for marketing, and outreach networks that can be utilized for arts programs and organizations that do not have those capabilities in-house.

For instance, the California Arts Council is a state agency and is obligated to award grants only to nonprofits or nonprofit fiscal sponsors of arts organizations or to units of government. Matching funds may also be required for grant awards. These matching contributions can be in dollars or in-kind donations of facilities, pro bono consulting services, training, supplies, and other expendable property that are given free of charge to an organization or program. Those award conditions make public/private partnerships ideally structured for success in the grant application process.

The Project for Public Spaces (PPS) collaborated with Southwest Airlines on its Heart of the Community grant program. The program was developed to support and activate public spaces in the heart of cities served by Southwest Airlines. The PPS website describes that success as follows:

"Essential to each project's success was developing collaborative partnerships with arts institutions, civic groups, local businesses, and other organizations. This diversity of voices in each community led to the design of unique, attractive, and accessible programming within each public space. By strengthening these community connections, each project developed a reach far beyond the physical public spaces themselves. The Heart of the Community Grant funded nineteen projects, nurturing strong local partnerships, building local placemaking capacity, and transforming how cities think about their public spaces."

The City of Escondido has potential community partners, and the Public Art Commission should continue to cultivate these relationships and contacts.



Other Funding Strategies and Opportunities

Funding might be combined from several sources to host a special event or special art installation. Creative funding and collaboration can be powerful tools for temporary and permanent artworks. For example, a collaborative project that combines the talents of artists, connects the community, and fosters economic development could have great appeal to several granting agencies that are identified below:

Funding

NATIONAL ENDOWMENT FOR THE ARTS - Our Town Program

One of the ways this program supports creative placemaking is working with communities to "elevate key assets." Funding of this nature could be used in relation to Queen Califia's Magic Circle.

As described in the National Endowment for the Arts website: arts, culture, and design are essential to building strong communities where all people can thrive. Through Our Town, the NEA is proud to support creative placemaking projects that integrate arts, culture, and design into local efforts that strengthen communities over the long-term. The program demonstrates the ways in which artists, culture bearers, and designers can help to:

- Elevate or bring new attention to or key community assets and issues, voices of residents, local history, or civic infrastructure;
- Inject new or additional energy, resources, activity, people, or enthusiasm into a place, community issue, or local economy;
- Envision new possibilities for a community or place-a new future, a way of approaching a new opportunity, overcoming a challenge, or problem-solving;
- Connect communities, people, places, and economic opportunity through physical spaces or new partnerships and relationships; or Honor traditions shaped by the lived experience of a community's residents, such as music, dance, design, crafts, fashion, cuisine, and oral expression.

Our Town projects engage a wide range of local stakeholders in efforts to advance local economic, physical, or social outcomes in communities. Competitive projects are responsive to unique local conditions, authentically engage communities, advance artful lives, and lay the groundwork for long-term systems change. (Systems changes can include, for example: establishment of new and sustained cross-sector partnerships; shifts in institutional structure, practices or policies; replication or scaling of innovative project models; or establishm training programs).

The program requires applicants to demonstrate committed leadership from the local level and evidence of a diverse group of local stakeholders engaged in the proposed project. Applicants must demonstrate a required partnership in order to be eligible t o apply for funding.

The website has a dedicated page identifying eligible organizations, which includes units of local government. The grants require a cost share/ match amount equal to the grant amount, which can range from \$25,000 - \$150,000. For more information: <u>arts.gov/grants/our-town</u>

PROJECT FOR PUBLIC SPACES

The "Project for Public Spaces" is a consolidator of private donations from foundations, corporations, and individuals. According to their website: "In many American cities, not only are public places inequitably distributed and poorly maintained but the people in the communities with the least access also rarely have the opportunity to shape public spaces themselves.

Project for Public Spaces' Community Placemaking Grants enable USbased nonprofits and government agencies to address this inequality of access by working directly with local stakeholders to transform public spaces or co-create new ones. We do this by providing direct funding, technical assistance, and capacity building facilitated by Project for Public Spaces."

More information on the Project for Public Spaces can be found at: pps.org/community-placemaking-grants

This Buffalo Heritage Carousel project in New York is a prime example of how one community utilized a PPS grant to energize an existing public art facility: <u>pps.org/projects/buffalo-heritage-carousel</u>

OTHER OPPORTUNITIES

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URBAN LAND INSTITUTE

A world-wide organization with 45,000 members who are experts in real estate and development, Urban Land Institute ("ULI") is foremost a business sector advocate for creative placemaking. They appreciate the potential for shaping better communities when artists and other creatives join forces with the business sector. The Institute is a repository of research, data, and reports focused on the intersection of finance, business, real estate development, and community building. The arts are a major factor in that realm and ULI provides funding support and technical assistance focused on creative placemaking. As stated on ULI's website, their mission is to "Shape the future of the built environment for transformative impact in communities worldwide."

The US branch of ULI has members across California that may be worth meeting. ULI's publications are a great source of information and inspiration. Their Creative Placemaking Publication, "Sparking Development with Arts and Culture" (July 15, 2020), and Creative Placemaking Webinar could be useful.

STATE OF CALIFORNIA - California Arts Council

The California Arts Council ("CAC") is a state agency with a robust website and dedicated grants that include general resources such as webinars about applying for grants, as well as information about grant programs and applications. More information can be found at: <u>arts.ca.gov/grants</u>

Their webpage named "The Collective", is a central hub for connecting California's arts and culture communities with the general public, by sharing the vast and varied creative assets available within our state. Peruse, publish, and set notifications for new opportunities such as jobs, internships, artist calls, grants, conferences, workshops, and more. More information can be found at: <u>arts.ca.gov/opportunities</u>

The California Arts Council calendar year 2022 regular program funding cycle was more than \$72 million—the biggest annual investment in the California Arts Council's 46-year history, largely supported by the \$40 million one-time boost in support for the agency's creative youth and arts education development programs.

There were two cycles for 2022, and the second round of grant funds for Cycle B totaled more than \$41 million for more than 900 grants supporting artists, culture bearers, and cultural workers throughout the state of California. It provided funding opportunities for arts education, creative youth development, and related arts workforce develop Additionally, the cycle offered funding opportunities for administering organizations to regrant funds for folk and traditional arts and individual artists fellowship programs. Operational support for statewide and regional arts service organizations and networks was also available during this round of grant funding.

The 2023 grant program offerings have been carefully designed to benefit the whole of California's arts and culture ecosystem, with focused considerations for first-time applicants, small and mid-size arts and organizations, folk and traditional art forms, county local arts agencies and arts service organizations, and balanced opportunities with deep investment for both general operating and project-based support.

CAC grants support many different programs, too numerous to list. Some programs are not available every year. Different programs have varying dollar amount limits, target audiences, and communities. A sampling of a few examples of grants that support individuals and organizations are listed below and can be found here: <u>arts.ca.gov/grants/grant-programs</u>





Creative California Communities Two-year grant \$150K per year

TheCreativeCaliforniaCommunities("CCC")programsupportsmeaningful, collaborative, creative placemaking projects that animate, activate, and celebrate communities by using local artists, cultural resources, and/or the creative sector as central components. Projects connect nonprofits, government, and business entities to create positive changes in support of the community's goals. Projects also encourage increased engagement in arts and cultural activities with community members in a place-based context. Place-based refers to a context grounded in a physical space or geographic area (e.g., a building, plaza, neighborhood, or natural geographic feature). The intersection of partnerships, place, and arts and cultural activities is essential for this program.

Artists in Communities

Artists in Communities centralizes artists and their artistic processes as vehicles for community vitality. Artists in Communities grants support sustained artistic residencies in community settings. Applicant organizations, partners, and community members must support the vision of the artist(s) to produce creative projects that are relevant and responsive to their community.

Creative Youth Development

The Creative Youth Development program (formerly Youth Arts Action) is rooted in the CAC's belief that arts learning is an essential tool for healthy human development and that it should be available to all young people throughout California. The CAC envisions that all of California's young people are provided with meaningful, culturally responsive arts-learning experiences so that they can reach their full potential. \$40,000 for the two-year grant period.

Innovations and Intersections – Arts +Technology and Health

Up to \$500,000 Grant Activity Period. The Innovations + Intersections program is rooted in the California Arts Council's understanding that the arts can provide creative strategies to respond to society's most pressing opportunities and concerns. The CAC has created this pilot grant category to support innovative projects that use arts and culture-based approaches to respond to systemic issues that affect Californians. The program provides funding for large-scale and/or long-term innovative projects working at the intersections of (1) arts and technology and (2) arts and wellness.

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Veterans in the Arts

The Veterans in the Arts program is rooted in the CAC's vision to create a state where the arts are a central component of daily life and accessible to all. Through this program, the CAC desires to specifically address the needs and improve the lives of California's veterans through arts, culture, and creative expression. The purpose of the Veterans in the Arts program is to increase equity, access, and opportunities for veterans to participate in quality arts programming that is sensitive and responsive to their unique experiences.

Reentry Through the Arts

Reentry Through the Arts supports arts and culture programs for adults who have been incarcerated within correctional institutions. It reinforces the direct impact that arts and culture have on the health, welfare, and economic well-being of all Californians and their communities. Through this program, CAC has been able to expand its funding opportunities to include projects specifically designed for returned residents, utilizing arts participation as an effective instrument for healing, community integration, and skill building. By focusing on the principles of restorative justice, transformative justice, and healing-centered approaches, Reentry Through the Arts elevates projects that utilize arts and culture as part of a holistic approach to support the most successful transition of returned residents back into their communities. This program typically provides 30 grants per year for up to \$50,000.

JUMP StArts

JUMP StArts planning grants are available to support arts organizations that have identified a juvenile justice or social services partner and are in the process of developing an arts project to serve these priority youth. Planning grants give organizations the opportunity to take the time to design the project thoughtfully and include meaningful contributions from both partners. The planning grants also can be used to pilot aspects of the program and conduct any necessary training and/or professional development for the project staff. Given the transient context for systemengaged, system-impacted, and/or at-promise youth, applicants are encouraged to consider partnering with multiple agencies that serve youth in various aspects of their incarceration, probation, and re-entry to ensure consistent engagement and to maximize program impact.



Artist Glossary

Page 2	<i>Queen Califia's Magical Circle</i> , sculpture garden by Niki de Saint Phalle, 2003. Located in Kit Carson Park.
Page 3	Snake at Kit Carson Park.
Page 4	<i>Untitled Mural</i> , by artist Rafael Lopez, 2024. Located at Palomar College in Escondido.
Page 7	<i>Circle of Music</i> , sculpture by Sandra Rowe (lead artist), Nancy Mooslin, and Steven Stucky, 1998, located at City Hall in Escondido.
Page 9	<i>Queen Califia's Magical Circle,</i> sculpture garden by Niki de Saint Phalle, 2003. Located in Kit Carson Park.
Page 10	<i>Uniting Two Worlds,</i> mural by Katie Gaines, 2022 located in alley south of Grand Avenue.
Page 11	<i>Locomotion</i> , sculpture by Sandra Rowe (lead artist), Nancy Mooslin, and Steven Stucky, 1998, located in Grand Avenue in Escondido.
Page 13	<i>The Hidden Valley</i> , mural by Daniel Hernandez, 2019 located at Grand Avenue and Juniper Street.
Page 14	<i>Philosophical Graffiti, What is Love?,</i> Sebastian Stehr, 2023 located on building on N. Kalmia Street.
Page 14	<i>Know your History</i> , mural by Mark "Zane" Kingcade, 2024 located on building on E. Grand Ave.
Page 14	<i>Escondido's Vision</i> , mural by Julia Anthony, 2021 located on the Escondido Public Library.
Page 15	<i>Circle of Music</i> , sculpture by Sandra Rowe (lead artist), Nancy Mooslin, and Steven Stucky, 1998, located at City Hall in Escondido.
Page 16	<i>Esco Strong</i> , mural by Mauro Alvarez, 2021 located on Center for the Art Escondido building.
Page 17	<i>Untitled,</i> mural by Aneth Hernandez, 2023 located on the Washington Park Building.
Page 18	<i>Community</i> , sculpture by Jeff Lindeneau, 1990 located on West Valley Parkway and Tulip.
Page 22	Untitled, mural by EUHSD students, 2023 located on the Washington Park Building.
Page 23	<i>New Leaf</i> , bronze and stainless-steel sculpture by Dan Dykes, 2011 located on Centre City Parkway.
Page 23	<i>Queen Califia's Magical Circle</i> , sculpture garden by Niki de Saint Phalle, 2003. Located in Kit Carson Park.
Page 24	<i>Global Roots</i> , mosaic mural by various artists, 2023, located on the John Paul Catholic University on Grand Avenue and Maple Street.
Paae 24	Image use courtesv of Delight of France.

Page 28	<i>Nature as Teotl and Teotl as Nature,</i> mural by Charlie Mejia, 2022 located on Tortilleria Santa Cruz building on N. Rose Street.
Page 29	<i>Gozar La Vida</i> , Traffic Signal Box painting by Shirish Villaseñor, 2024 located on Midway Drive and El Norte Parkway.
Page 30	<i>Circle of Music</i> , sculpture by Sandra Rowe (lead artist), Nancy Mooslin and Steven Stucky, 1998, located at City Hall in Escondido.
Page 32	<i>Untitled,</i> mural by EUHSD students, 2023 located on the Washington Park Building.
Page 36	<i>Pistil<3,</i> mural by Tristard Pittard, 2021. Located in alley south of Grand Avenue.
Page 37	<i>Welcome to Grand</i> , mural by Mark "Zane" Kingcade, 2023 located or building on N. Kalmia Street.
Page 43	<i>Xebeche: Sky Whale</i> , mural by Tristan Pittard, 2022 located on building on S. Juniper Street.
Page 45	<i>Zanniki's Escondido</i> , Traffic Signal Box painting by Suzanne Nicolaisen 2023 located at N. Broadway and East Valley Parkway
Page 46	<i>Harvest Joy</i> , Traffic Signal Box painting by Alexandra Molumby, 2024 located at Centre City and 9th Avenue
Page 47	<i>Reflections on Downtown</i> , bronze sculpture by T.J. Dixon, 1990 located or N. Broadway in Grape Day Park.
Page 48	<i>Queen Califia's Magical Circle</i> , sculpture garden by Niki de Saint Phalle 2003. Located in Kit Carson Park.
Page 50	<i>Fountain,</i> bronze sculpture by James Hubble, 1989 located at Trinity Episcopal Church
Page 51	Hal-ah-wee, sculpture by Leslie Mayer, 2021. Located in alley south of Grand Avenue.
Page 52	<i>Past, Present and Future,</i> bronze and stone sculpture by Gale Pruitt, 2007 located in Grape Day Park.

Community Organizational Letters of Support



Escondido Art Association 121 W. Grand Ave. Escondido, CA 92025

City of Escondido Public Art Commission 201 N Broadway Escondido, CA 92025

Dear Members of the City Council,

On behalf of the Escondido Art Association (EAA), I am writing to express our enthusiastic support for the City of Escondido's Public Art Strategic Plan. The EAA, founded in 1959, is dedicated to fostering the visual arts in Escondido and beyond. Our mission is to promote the appreciation and creation of art through exhibitions, education, and community outreach.

The EAA has a long history of contributing to the cultural fabric of Escondido. We host monthly themed art shows, provide educational programs and workshops for artists of all ages, have scholarship and internship opportunities, and manage a gallery that showcase local talent. Our organization is committed to enhancing the artistic landscape of our city and supporting initiatives that align with our values of community engagement and cultural enrichment.

We strongly support the Public Art Strategic Plan for several reasons. First, the plan's vision to make Escondido a cultural hub in San Diego County aligns with our goal of fostering a vibrant artistic community. By integrating art into public spaces, the plan will create a unique identity for our city, celebrating our diverse cultures and histories. Second, we believe that public art can be a significant driver of economic growth. The plan's emphasis on using public art to catalyze economic development will not only beautify our city but also attract visitors and stimulate local businesses. Third, the focus on promoting education and community engagement through public art is commendable. By providing accessible art education programs and encouraging community participation, the plan will nurture future generations of artists and art appreciators. Finally, the strategic plan's commitment to creative placemaking and placekeeping resonates with our efforts to celebrate and preserve Escondido's unique cultural heritage. Public art projects that reflect our community's values and stories will foster a sense of pride and belonging among residents.

The Escondido Art Association fully supports the City of Escondido's Public Art Strategic Plan. We are excited about the opportunities it presents for enhancing the cultural and economic vitality of our city. We look forward to collaborating with the Public Art Commission and other stakeholders to bring this vision to life. Thank you for your dedication to promoting the arts in Escondido.

Sincerely, Steve Hart President, Escondido Art Association

Or San Diego Children's Discovery Museum

August 9, 2024

City of Escondido Public Art Commission

201 N Broadway Escondido, CA 92025

Dear Members of the City Council,

On behalf of San Diego Children's Discovery Museum, I am writing to express our enthusiastic support for the City of Escondido's new Public Art Strategic Plan. We believe that this plan aligns beautifully with our shared vision of fostering a vibrant community through the power of art.

Our mission closely aligns with the strategic plan's vision to make Escondido a city where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment. We are particularly inspired by the commitment to celebrate all things Escondido, honoring our past while inspiring the future.

Art plays a multifaceted role in our community by bringing people together and fostering a sense of unity and belonging. It celebrates local culture, history, and diversity, enriching our community and enhancing civic pride. Through its educational potential, public art inspires curiosity and learning. By honoring our history and heritage, art helps us remember and cherish the past. Art also sparks creativity and innovation, encouraging a dynamic and forward-thinking community.

We are committed to supporting the implementation of this strategic plan and look forward to collaborating with both the City Council and the Public Art Commission to realize its vision. Public art plays a critical role in enhancing the cultural landscape of Escondido, and we are excited about the opportunities this plan will bring to our community.

Thank you for your leadership and dedication to promoting the arts in Escondido. We are confident that this strategic plan will significantly enrich the cultural fabric of our City, making it an even more vibrant and welcoming place for all.

Sincerely,

Kathleen Sandoval Director of Marketing & Events San Diego Children's Discovery Museum

320 North Broadway Escondido, CA 92025 www.sdcdm.com

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www.SDNCAN.org

Tuesday Oct 6, 2024

North County Arts Network 7040 Avenida Encinas, Suite 104-446 Carlsbad CA 92011

City of Escondido Public Art Commission 201 N Broadway Escondido, CA 92025

Dear Members of the City Council,

On behalf of the North County Arts Network, we am writing to express our enthusiastic support for the City of Escondido's new Public Art Strategic Plan. We believe that this plan aligns beautifully with our shared vision of fostering a vibrant community through the power of art.

Our vision that the arts are recognized as vital in the lives of people and the economic development of North County isclosely aligned with the strategic plan's vision to make Escondido a city where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment.

The North County Arts Network was established to serve, advance, and lead the diverse network of organizations and individuals who work in the arts in North County San Diego. We look to invigorate the arts community, enhance quality of life and encourage prosperity in our region to maximize support for the arts. We would support the implementation of this strategic plan and look forward to collaborating with both the City Council and the Public Art Commission to realize its vision.

Public art plays a critical role in enhancing the cultural landscape of Escondido, and we are excited about the opportunities this plan will bring to your community. Getting community input from the very beginning of the project will help you avoid problems that some other public art projects have encountered.

Thank you for your leadership and dedication to promoting the arts in Escondido. We are confident that this strategic plan will significantly enrich the cultural fabric of our City, making it an even more vibrant and welcoming place for all.

Sincerely,

Patricia Frischer interim Board Chairman, NCAN On behalf of the board of NCAN Alex Goodman: Oceanside Theater Andrew Ütt: Institute of Art San Diego



www.SDNCAN.org

Brenda Andrews Fallbrook Art Center Brigid Parsons: City of Oceanside Art Commission Carol Rogers: Escondido Art Commission Jim Gilliam: Chairman, SD County Arts and Culture Commission Naimeh Tanha Woodward: Encinitas Friends of the Arts Naomi Nussbaum: Synergy Arts Foundation Patricia Frischer: San Diego Visual Arts Network Sarah Spinks: Back Fence Sharlene O'Keefe: Poway Onstage Vicki Walsh: Sip Art Space

August 15, 2024

Escondido Arts Partnership 262 East Grand Ave Escondido, CA 92025

City of Escondido Public Art Commission 201 N Broadway Escondido, CA 92025

Dear Members of the City Council,

On behalf of the Escondido Arts Partnership], I am writing to express our enthusiastic support for the City of Escondido's new Public Art Strategic Plan. We believe that this plan aligns beautifully with our shared vision of fostering a vibrant community through the power of art.

Our mission closely aligns with the strategic plan's vision to make Escondido a city where art, inspired by community, welcomes visitors and residents, creating a fun and lively environment. We are particularly inspired by the commitment to celebrate all things Escondido, honoring our past while inspiring the future.

Art plays a multifaceted role in our community by bringing people together and fostering a sense of unity and belonging. It celebrates local culture, history, and diversity, enriching our community and enhancing civic pride. Through its educational potential, public art inspires curiosity and learning. By honoring our history and heritage, art helps us remember and cherish the past. Art also sparks creativity and innovation, encouraging a dynamic and forward-thinking community.

We are committed to supporting the implementation of this strategic plan and look forward to collaborating with both the City Council and the Public Art Commission to realize its vision. Public art plays a critical role in enhancing the cultural landscape of Escondido, and we are excited about the opportunities this plan will bring to our community.

Thank you for your leadership and dedication to promoting the arts in Escondido. We are confident that this strategic plan will significantly enrich the cultural fabric of our City, making it an even more vibrant and welcoming place for all.

Sincerely,

Katie Werner Gallery Operations Manager Escondido Arts Partnership





BUDGET ADJUSTMENT REQUEST

Department:	Community Services Department	For Finance Use Only
Department Contact:	Robert Rhoades, Assistant Director	BA#
City Council Meeting Date: (attach staff report)	8/14/2024	BA # Fiscal Year

EXPLANATION OF REQUEST

The Public Art Commission is aligning the Capital Projects fund balances with the Public Art Strategic Plan which includes the annual workplan for fiscal year 2024/2025.

BUDGET ADJUSTMENT INFORMATION

		Amount of	Amount of
Project/Account Description	Account Number	Increase	Decrease
Public Art Administration	000-130-420019		29,287.60
Niki de Saint Phalle Art	000-130-420119		105,430.06
City Murals	000-130-420149		124,565
Queen Callifia Education	000-130-420801		27,058.68
Pedestrian Pathfinders	000-130-421001		31,180
Escondido Creek Art	000-130-421301	126,450	
Maintenance Program Public Art	000-130-427201		41,878.64
Public Art Installations	000-130-428301		78,607
Public Art Master Plan	000-130-428302		9260.15
Grand Avenue Art Project	000-130-428901	250,818	
FY24/25 Art & Creativity Month	000-130-NEW	50,000	
FY24/25 Public Outreach	000-130-NEW	10,000	
FY24/25 EUHSD Student Murals	000-130-NEW	10,000	
Public Art Maintenance Fund (donations & fundraising only)	NEW		

Item10.

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APPROVALS

Jennifer L. Scholskotet 2024	DocuSigned by: Lorena Rocha 8/5/2024	
DEPARTMENT HEAD DATE	FINANCE DATE	:



STAFF REPORT

September 18, 2024 File Number 0875-55

SUBJECT

RESOLUTION IN SUPPORT OF PROPOSITION 36

DEPARTMENT

City Council

RECOMMENDATION

Request the City Council adopt Resolution No. 2024-142 expressing support for Proposition 36, which will appear on the November 5, 2024 General Election Ballot.

Staff Recommendation: Approval (City Council: Mayor Dane White, Deputy Mayor Christian Garcia)

Presenter: Mayor Dane White

ESSENTIAL SERVICE - Yes, Police Services

COUNCIL PRIORITY – Improve Public Safety

FISCAL ANALYSIS

N/A

PREVIOUS ACTION

None

BACKGROUND

On August 28, San Diego County District Attorney Summer Stephan presented an overview of Proposition 36, entitled the, "Homelessness, Drug Addiction, and Theft Reduction Act" (Attachment "1") to the Escondido City Council.

On September 11, 2024, Mayor White and Deputy Mayor Garcia requested an item be placed on the Future Agenda to approve a Resolution in support of Proposition 36.

RESOLUTION

a. Resolution No. 2024-142



CITY of ESCONDIDO

STAFF REPORT

ATTACHMENT

a. Attachment "1" – Proposition 36: Homelessness, Drug Addiction, and Theft Reduction Act

RESOLUTION NO. 2024-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, EXPRESSING ITS SUPPORT FOR THE PASSAGE OF PROPOSITION 36, THE HOMELESSNESS, DRUG ADDICTION AND THEFT REDUCTION ACT, IN THE NOVEMBER 2024 ELECTION

WHEREAS, the City Council of the City of Escondido ("City Council") is responsible for ensuring the health, safety and welfare of its citizens; and

WHEREAS, the City Council has received numerous messages from its constituents and businesses seeking assistance with combatting the issues of homelessness, retail theft, drug addiction and an apparent lack of consequences to criminal activity in the City of Escondido, County of San Diego and the entire State of California; and

WHEREAS, law enforcement and district attorneys in the State of California have been hamstrung in the use of appropriate and reasonable criminal enforcement means, such as arrests and jail bookings, to remove, eventually prosecute and jail individuals who violate state criminal statutes; and

WHEREAS, in 2014, Proposition 47 was passed in California which classified certain felony crimes as misdemeanors and allowed for the resentencing of certain individuals already properly convicted of those crimes for certain crimes valued at \$950 or less such as shoplifting, grand theft, receiving stolen property, forgery, fraud, and writing bad checks, as well as requiring misdemeanor sentencing for personal use of most illegal drugs; and

WHEREAS, Proposition 36, the Homelessness, Drug Addiction, and Theft Reduction Act (#23-0017) (the "Act") will be on the November 5, 2024 ballot; and

WHEREAS, the expressed purpose and intent of the Act is to provide drug and mental health treatment for people who are addicted to hard drugs; add fentanyl to existing laws that prohibit (1) the possession of hard drugs while armed with a loaded firearm and (2) the trafficking of large quantities of hard drugs; permit judges to use discretion to sentence drug dealers to state prison instead of county jail when an individual is convicted of trafficking large quantities of hard drugs or being armed with a firearm while engaged in drug trafficking; provide a warning to drug dealers and manufacturers that they will be charged with murder if they continue to traffic in hard drugs and someone dies as a result; reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user; increase penalties for people engaged in repeated theft; and add new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage, or are committed by multiple thieves working together; and

WHEREAS, passage of the Act is supported by the Crime Victims United of California, California District Attorneys Association, the California State Sheriffs' Association, large retailers suffering from organized theft at their stores, mayors from large cities such as Todd Gloria, Mayor of the City of San Diego and other law enforcement entities; and

WHEREAS, the City Council desires that California laws serve to better protect its citizens and business community, as well as provide meaningful mental health and drug treatment opportunities while also holding individuals responsible for their actions.

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

1. The above recitations are true and are incorporated herein as though fully set forth.

2. That the City Council incorporates herein as though fully stated the Findings and Declarations in Section 3 of the Act.

3. That the City Council supports common sense changes to California state law, such a passage of Proposition 36, which will help people seek drug treatment and accomplish a reduction in homelessness, drug addiction and all forms of theft, as well as hold individuals accountable for their conduct, including the use of appropriate criminal charges and imprisonment sentences.

THE HOMELESSNESS, DRUG ADDICTION, AND THEFT REDUCTION ACT

SECTION 1. Title

This Act shall be known as The Homelessness, Drug Addiction, and Theft Reduction Act.

SECTION 2. Purposes and Intent

This measure will reform laws that have dramatically increased homelessness, drug addiction, and theft throughout California.

This measure will:

- A. Provide drug and mental health treatment for people who are addicted to hard drugs such as fentanyl, cocaine, heroin, and methamphetamine.
- B. Add fentanyl to existing laws that prohibit the possession of hard drugs while armed with a loaded firearm.
- C. Add fentanyl to existing laws that prohibit the trafficking of large quantities of hard drugs.
- D. Permit judges to use their discretion to_sentence drug dealers to state prison instead of county jail when they are convicted of trafficking hard drugs in large quantities or are armed with a firearm while engaging in drug trafficking.
- E. Warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.
- F. Reinstate penalties for hard drug dealers whose trafficking kills or seriously injures a drug user.
- G. Increase penalties for people who repeatedly engage in theft.
- H. Add new laws to address the increasing problem of "smash and grab" thefts that result in significant losses and damage, or that are committed by multiple thieves working together.

SECTION 3. Findings and Declarations

The People of the State of California find and declare as follows:

A. Reducing Homelessness Through Drug and Mental Health Treatment

1. California has reached a tipping point in its homelessness, drug, mental health, and theft crises. Our state has the highest rate of_homelessness per capita of any state in the country. And drug overdoses now kill two to three times the number of people in California as car accidents.

2. Since the passage of Proposition 47 in 2014, homelessness in California has increased by 51%, while during the same time period in the rest of the country, it has declined by 11%. Proposition 47 reduced the legal consequences of both possession of hard drugs (fentanyl, cocaine, heroin, methamphetamine, and phencyclidine), and theft. The result has been massive increases in drug addiction, mental illness, and property crimes, including retail theft, committed by addicts to support their addiction. At the same time, California has seen a dramatic decrease in mental health and drug treatment for homeless people due to reduced incentives to participate in treatment. Our homelessness problem is directly connected to these unintended consequences of Proposition 47, which the voters now desire to correct.

3. Progressive states such as New Jersey, Maryland, Illinois, and Michigan have significantly stronger hard drug laws than California, and their homeless rate is 4 to 5 times lower than California's.

4. This proposal takes a modest step in the direction of these states by enacting a new class of crime called a "treatment-mandated felony." Under this new "treatment-mandated felony," prosecutors would have the discretion to charge a felony for hard drug possession after two previous drug convictions. If charged with this "treatment-mandated felony" for a third or subsequent drug offense, the offender would be given the option of participating in drug and mental health treatment. If the offender successfully completes drug and mental health treatment, the charge would be fully expunged, and the offender would serve jail time. If the offender refuses drug and mental health treatment, they would serve jail time for hard drug possession. For a second conviction of the treatment-mandated felony (the 4th total conviction for hard drug possession), a judge would have the option of imposing time in jail or state prison. Along with hard drug and mental health treatment, offenders charged with a treatment-mandated felony would be offered shelter, job training, and other services designed to break the cycle of addiction and homelessness.

B. Cracking Down on Hard Drug Dealers

1. Fentanyl is the most dangerous drug that our nation has ever seen. Because it is largely produced synthetically, fentanyl is typically cheaper than other hard drugs. As a result, drug dealers now regularly include fentanyl in other drugs such as diet, anxiety, and

sleeping pills, cocaine, and heroin. Further, fentanyl is up to 50 times stronger than heroin. Therefore, a very tiny amount of fentanyl can prove deadly. One kilogram (2.2 pounds) of fentanyl provides enough of the drug to manufacture four to ten million doses, or enough to kill 500,000 people. Finally, because such a small amount of fentanyl is necessary to create addiction, it is easier to smuggle across the border in smaller, yet much more deadly quantities.

2. This Act would authorize greater consequences for hard drug dealers whose trafficking kills or seriously injures a person who uses those drugs, and it would provide a mechanism to warn convicted hard drug dealers and manufacturers that they can be charged with murder if they continue to traffic in hard drugs and someone dies as a result.

3. This Act would add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine, for which it is illegal to possess the drug while armed with a loaded firearm.

4. This Act would also add non-prescription fentanyl to an existing list of hard drugs such as heroin, cocaine, and methamphetamine that authorizes greater consequences for drug dealers who sell large quantities of hard drugs.

5. This Act also permits judges to sentence drug dealers who traffic in large quantities of hard drugs or who are armed with a firearm while trafficking in hard drugs to state prison instead of local county jails. Only our state prisons are equipped to manage security for hardened drug dealers and to provide them the rehabilitation services they need to safely re-enter society.

C. Accountability for Repeat Theft and Smash and Grab Thefts

1. Prior to Proposition 47, individuals who repeatedly engaged in theft could be charged with a felony. Prop 47 eliminated this repeat offender felony and instead provided that any theft up to \$950 in value is now a misdemeanor – regardless of how many times the offender has committed theft. In practice, this means that an offender who repeatedly steals up to \$950 in value faces virtually no legal consequences.

2. The result has been an explosion in retail and cargo theft causing stores throughout California to close to protect employees and customers from criminal activity that disrupts the efficient delivery of products directly to consumers and creates billions of dollars in economic losses to our local communities and state. This rapid increase in retail and cargo theft has also contributed to rising inflation, as businesses have been forced to raise prices to account for their economic losses. This retail and cargo theft explosion has collided with the fentanyl epidemic, as hard drug users have engaged in brazen theft to support their drug habits, knowing that there will be no consequences for either their theft or their hard drug use.

3. Under this Act, an offender with two prior convictions for theft can be charged with a felony, regardless of the value of the stolen property. Diversion programs will continue to

exist, meaning that judges will retain discretion not to incarcerate an offender even for more than two theft convictions. But prosecutors will have the ability to bring felony charges against hardened, repeat offenders who continue to engage in theft. Judges will have the discretion to sentence a repeat offender to jail in appropriate cases, or to state prison if an offender is convicted four or more times of theft.

4. This Act also authorizes judges to exercise their discretion to impose an enhanced penalty when an offender steals, damages, or destroys property by acting together with two or more offenders or by causing losses of \$50,000 or more. By permitting discretion in these scenarios, judges will be able to fashion sentences that are appropriate for the crime committed, including so-called "smash and grabs" committed by mobs or large groups of people working together.

5. The value of property stolen in multiple thefts will be permitted to be added together so that in appropriate cases an offender may be charged with felony theft instead of petty theft. This provision addresses the problem of offenders who commit a series of thefts in which the property stolen during each theft has a value under the \$950 felony theft threshold, in order to insulate themselves from felony charges.

6. Along with the hard drug provisions in this Act, these theft law changes will stop the vicious cycle of hard drug users stealing to support their habits without legal consequences for their actions.

SECTION 4. Section 11369 is added to the Health & Safety Code to read:

11369. (a) This section shall be known, and may be cited, as Alexandra's Law.

(b) The court shall advise a person who is convicted of, or who pleads guilty or no contest to, a violation of Section 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, or 11379.6 involving a hard drug, of the following:

"You are hereby advised that it is extremely dangerous and deadly to human life to illicitly manufacture, distribute, sell, furnish, administer, or give away any drugs in any form, including real or counterfeit drugs or pills. You can kill someone by engaging in such conduct. All drugs and counterfeit pills are dangerous to human life. These substances alone, or mixed, kill human beings in very small doses. If you illicitly manufacture, distribute, sell, furnish administer, or give away any real or counterfeit drugs or pills, and that conduct results in the death of a human being, you could be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code."

(c) The advisory statement shall be provided to the defendant in writing, either on a plea form if used, as an addendum to a plea form, or at sentencing, and the fact that the advisory was given shall be specified on the record and recorded in the abstract of the conviction.

(d) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

SECTION 5. Section 11370.1 of the Health & Safety Code is amended to read:

11370.1. (a) Notwithstanding Section 11350 or 11377 or any other provision of law, every person who unlawfully possesses any amount of a substance containing cocaine base, a substance containing cocaine, a substance containing heroin, a substance containing methamphetamine, *a substance containing fentanyl*, *a* crystalline substance containing phencyclidine, a liquid substance containing phencyclidine, plant material containing phencyclidine, or a hand-rolled cigarette treated with phencyclidine while armed with a loaded, operable firearm is guilty of a felony punishable by imprisonment in the state prison for two, three, or four years.

(b) Subdivision (a) does not apply to any person lawfully possessing fentanyl, including with a valid prescription.

(c) As used in this-subdivision (a), "armed with" means having available for immediate offensive or defensive use.

-(b) (d) Any person who is convicted under this section shall be ineligible for diversion or deferred entry of judgment under Chapter 2.5 (commencing with Section 1000) of Title 6 of Part 2 of the Penal Code.

SECTION 6. Section 11370.4 of the Health & Safety Code is amended to read:

11370.4. (a) <u>Any (1) A</u> person convicted of a violation of, or of a conspiracy to violate, Section 11351, 11351.5, or 11352 with respect to a substance containing heroin, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, or cocaine as specified in paragraph (6) of subdivision (b) of Section 11055 shall receive an additional <u>state prison</u> term as follows:

(1)Where

(A) If the substance exceeds one kilogram by weight, the person shall receive an additional term of three years.

(2)Where

<u>(B) If</u> the substance exceeds four kilograms by weight, the person shall receive an additional term of five years.

(3)Where

<u>(C) If</u> the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 10 years.

(4)Where

(D) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 15 years.

(5)Where

<u>(E)</u> If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 20 years.

(6)Where

(F) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(b) Any (1) A person convicted of a violation of, or of conspiracy to violate, Section 11378, 11378.5, 11379, or 11379.5 with respect to a substance containing methamphetamine, amphetamine, phencyclidine (PCP) and its analogs shall receive an additional <u>state prison</u> term as follows:

(1)Where

<u>(A) If</u> the substance exceeds one kilogram by weight, or 30 liters by liquid volume, the person shall receive an additional term of three years.

(2)Where

<u>(B) If</u> the substance exceeds four kilograms by weight, or 100 liters by liquid volume, the person shall receive an additional term of five years.

(3)Where

<u>(C) If</u> the substance exceeds 10 kilograms by weight, or 200 liters by liquid volume, the person shall receive an additional term of 10 years.

(4)Where

<u>(D) If</u> the substance exceeds 20 kilograms by weight, or 400 liters by liquid volume, the person shall receive an additional term of 15 years.

(2) In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(3) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) (1) A person convicted of a violation of, or of a conspiracy to violate, Section 11351 or 11352 with respect to a substance containing fentanyl shall receive an additional state prison term as follows:

(A) If the substance exceeds 28.35 grams (one ounce) by weight, the person shall receive an additional term of three years.

(B) If the substance exceeds 100 grams by weight, the person shall receive an additional term of five years.

(C) If the substance exceeds 500 grams by weight, the person shall receive an additional term of seven years.

(D) If the substance exceeds one kilogram by weight, the person shall receive an additional term of 10 years.

(E) If the substance exceeds four kilograms by weight, the person shall receive an additional term of 13 years.

(F) If the substance exceeds 10 kilograms by weight, the person shall receive an additional term of 16 years.

(G) If the substance exceeds 20 kilograms by weight, the person shall receive an additional term of 19 years.

(H) If the substance exceeds 40 kilograms by weight, the person shall receive an additional term of 22 years.

(1) If the substance exceeds 80 kilograms by weight, the person shall receive an additional term of 25 years.

(2) The conspiracy enhancements provided for in this subdivision shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the planning, direction, execution, or financing of the underlying offense.

(c) (d) The additional terms provided in this section shall not be imposed unless the allegation that the weight of the substance containing heroin, *fentanyl*, cocaine base as specified in paragraph (1) of subdivision (f) of Section 11054, cocaine as specified in paragraph (6) of subdivision (b) of Section 11055, methamphetamine, amphetamine, or phencyclidine (PCP) and its analogs exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e)Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this section who admits an enhancement pursuant to this section or for whom an enhancement pursuant to this section is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

(d) (f) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(e) (g)Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

SECTION 7. Article 8 (commencing with Section 11395) is added to Chapter 6 of Division 10 of the Health & Safety Code, to read:

11395. (a) This section shall be known as the "Treatment-Mandated Felony."

(b) (1) Notwithstanding any other law, and except as provided in subdivision (d), a person described in subdivision (c) who possesses a hard drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code. A second or subsequent conviction of this section, is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) A person shall not be sentenced to jail or prison pursuant to this section unless a court determines that the person is not eligible or suitable for treatment or that any other circumstance described in paragraph (4) of subdivision (d) applies to that person.

(c) Subdivision (b) applies to a person who has two or more prior convictions for a felony or misdemeanor violation of Sections 11350, 11351, 11351.5, 11352, 11353, 11353.5, 11353.7, 11370.1, 11377, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, or 11395, including a conviction that occurred before the effective date of this section. Prior convictions shall be alleged in the accusatory pleading, and either admitted by the defendant in open court or found to be true by the trier of fact.

(d) (1)(i) In lieu of a jail or prison sentence, or a grant of probation with jail as a condition of probation, a defendant charged with a violation of this section may elect treatment by pleading guilty or no contest to a violation of this section and admitting the alleged prior convictions, waiving time for sentencing and the pronouncement of judgment, and agreeing to participate in, and complete, a detailed treatment program developed by a drug addiction expert and approved by the court. A defendant's plea of guilty or no contest shall not constitute a conviction for any purpose unless judgment is entered pursuant to paragraph (4) for a violation of this section.

(ii) Upon or subsequent to arraignment for a violation of this section, and at the request or with the consent of the defendant or their attorney, the court shall order a drug addiction expert to conduct a substance abuse and mental health evaluation of the defendant. The expert shall submit a report of the evaluation to the court and parties. The evaluation may be based on an interview of the defendant and/or other individuals with relevant knowledge and review of records the expert deems appropriate, such as medical records, criminal history, prior treatment history, and records pertaining to the current offense. If the defendant participates in the interview, neither the defendant's interview nor evidence derived from the interview may be used against the defendant at any subsequent trial for the instant offense except for the purposes of impeachment should the defendant testify inconsistently. The evaluation shall detail the defendant's drug abuse and/or mental health issues, if any, so the court and parties may better determine appropriate handling of the defendant's case.

(iii) Concurrent with the order for a substance abuse and mental health evaluation of the defendant, and with the defendant's consent, the court shall also order that a case worker or other qualified individual determine whether the defendant is eligible to receive Medi-Cal, Medicare, or any other relevant benefits for any programs or evaluations under this section. If the defendant did not previously consent to an eligibility determination at arraignment, the court shall order the eligibility determination upon and as a condition of the defendant's agreement to participate in and complete a treatment program as described in this subdivision.

(2) A treatment program may include, but is not limited to, drug treatment, mental health treatment, job training, and any other conditions related to treatment or a successful outcome for the defendant that the court finds appropriate. The court must hold regular hearings to review the progress of the defendant. The court shall make referrals to programs that provide services at no cost to the participant and have been deemed by the court, the drug addiction expert, and

the parties to be credible and effective. A defendant may also choose to pay for a program that is approved by the court.

(3) Upon the defendant's successful completion of the treatment program as specified in paragraph (2), the positive recommendation of the treatment program, and the motion of the defendant, prosecuting attorney, the court, or the probation department, the court shall dismiss this charge against the defendant and the provisions of Section 1000.4 of the Penal Code, as it read on the effective date of this section, shall apply, including the provision that the arrest upon which the defendant was deferred shall be deemed to have never occurred. A dismissal based on the successful completion of treatment shall not count as a conviction for any purpose, including for determining punishment pursuant to subdivision (b).

(4) If at any time it appears that the defendant is performing unsatisfactorily in the program, is not benefiting from treatment, is not amenable to treatment, has refused treatment, or has been convicted of a crime that was committed since starting treatment, the prosecuting attorney, the court on its own, or the probation department may make a motion for entry of judgment and sentencing. After notice to the defendant, the court shall hold a hearing to determine whether judgment should be entered and the defendant sentenced. Judgment shall be imposed and the defendant sentenced if the court finds true one or more of the foregoing circumstances. However, except when the defendant has been found to have been convicted of a crime that was committed since starting treatment, the court may re-refer the defendant to treatment if the court finds that it is in the interest of justice to do so, that the defendant is currently amenable to treatment, and if the defendant agrees to participate in, and complete, a treatment program as described in this section.

(5) For time spent in residential treatment, a defendant may earn only actual credits pursuant to Section 2900.5 of the Penal Code and shall not earn conduct credits pursuant to Section 4019 of the Penal Code or any other provision. Time spent in any other type of program or counseling is not eligible for any credits.

(e) (1) Except as provided in paragraph (2), as used in this section, "hard drug" means a substance listed in Sections 11054 or 11055, including a substance containing fentanyl, heroin, cocaine, cocaine base, methamphetamine, or phencyclidine, and the analogs of any of these substances as defined in Sections 11400 and 11401.

(2) As used in this section "hard drug" does not include cannabis, cannabis products, peyote, lysergic acid diethylamide (LSD) or other psychedelic drugs such as mescaline and psilocybin (mushrooms), or any other substance listed in subdivisions (d) and (e) of Section 11054, or, with the exception of methamphetamine, any other substance listed in subdivision (d) of Section 11055.

(f) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(g) This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 8. Section 490.3 is added to the Penal Code to read:

490.3. Notwithstanding any other law, in any case involving one or more acts of theft or shoplifting, including but not limited to, violations of Sections 459.5, 484, 488, and 490.2, the value of property or merchandise stolen may be aggregated into a single count or charge, with the sum of the value of all property or merchandise being the values considered in determining the degree of theft.

SECTION 9. Section 666.1 is added to the Penal Code to read:

666.1. (a) (1) Notwithstanding any other law, a person who has two or more prior convictions for any of the offenses listed in paragraph (2), and who is convicted of petty theft or shoplifting, is punishable by imprisonment in the county jail not exceeding one year or pursuant to subdivision (h) of Section 1170. A second or subsequent conviction of this section is punishable by imprisonment in the county jail not exceeding one year or by imprisonment in the state prison.

(2) This section applies to the following offenses, including a conviction that occurred before the effective date of this section:

- (A) Petty theft, as described in Section 488 or 490.2.
- (B) Grand theft, as described in Section 487, 487h, and in Chapter 5 of Title 13 of Part 1 of the Penal Code (commencing with Section 484).
- (C) Theft from an elder or dependent adult, as described in Section 368.
- (D) The theft or unauthorized use of a vehicle, as described in Section 10851 of the Vehicle Code.
- (E) Burglary, as described in Section 459.
- (F) Carjacking, as described in Section 215.
- (G) Robbery, as described in Section 211.
- (H) Receiving stolen property, as described in Section 496.
- (I) Shoplifting, as described in Section 459.5.

(J) Identity theft and mail theft, as described in Section 530.5.

(b) A person subject to charging under this section or actually charged with this section may be referred by a prosecuting attorney's office or by a county probation department to a theft diversion or deferred entry of judgment program pursuant to Section 1001.81. If appropriate, a person admitted to such a program may also be referred to a substance abuse treatment program.

(c) Upon an arrest for a violation of this section, the court shall require judicial review prior to release to make an individualized determination of risk to public safety and likelihood to return to court.

(d)This section shall not be construed to preclude prosecution or punishment pursuant to any other law.

SECTION 10. Section 12022 of the Penal Code is amended to read:

12022. (a) (1) Except as provided in subdivisions (c) and (d), a person who is armed with a firearm in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one year, unless the arming is an element of that offense. This additional term shall apply to a person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with a firearm, whether or not the person is personally armed with a firearm.

(2) Except as provided in subdivision (c), and notwithstanding subdivision (d), if the firearm is an assault weapon, as defined in Section 30510 or 30515, or a machinegun, as defined in Section 16880, or a .50 BMG rifle, as defined in Section 30530, the additional and consecutive term described in this subdivision shall be three years imprisonment pursuant to subdivision (h) of Section 1170 whether or not the arming is an element of the offense of which the person was convicted. The additional term provided in this paragraph shall apply to any person who is a principal in the commission of a felony or attempted felony if one or more of the principals is armed with an assault weapon, machinegun, or a .50 BMG rifle, whether or not the person is personally armed with an assault weapon, machinegun, or a .50 BMG rifle.

(b) (1) A person who personally uses a deadly or dangerous weapon in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for one year, unless use of a deadly or dangerous weapon is an element of that offense.

(2) If the person described in paragraph (1) has been convicted of carjacking or attempted carjacking, the additional term shall be in the state prison for one, two, or three years.

(3) When a person is found to have personally used a deadly or dangerous weapon in the commission of a felony or attempted felony as provided in this subdivision and the weapon is

owned by that person, the court shall order that the weapon be deemed a nuisance and disposed of in the manner provided in Sections 18000 and 18005.

(c) <u>(1)</u> Notwithstanding the enhancement set forth in subdivision (a), a person who is personally armed with a firearm in the commission of a violation or attempted violation of Section 11351, 11351.5, 11352, 11366.5, 11366.6, 11378, 11378.5, 11379, 11379.5, or 11379.6 of the Health and Safety Code shall be punished by an additional and consecutive term of imprisonment <u>in the state prison</u> pursuant to subdivision (h) of Section 1170 for three, four, or five years.

(2) Notwithstanding paragraph (9) of subdivision (h) of Section 1170 of the Penal Code, a defendant convicted of an underlying violation specified in this subdivision who admits an enhancement pursuant to this subdivision or for whom an enhancement pursuant to this subdivision is found true, is punishable by imprisonment in the state prison and not pursuant to subdivision (h) of Section 1170 of the Penal Code.

(d) Notwithstanding the enhancement set forth in subdivision (a), a person who is not personally armed with a firearm who, knowing that another principal is personally armed with a firearm, is a principal in the commission of an offense or attempted offense specified in subdivision (c), shall be punished by an additional and consecutive term of imprisonment pursuant to subdivision (h) of Section 1170 for one, two, or three years.

(e) For purposes of imposing an enhancement under Section 1170.1, the enhancements under this section shall count as a single enhancement.

(f) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in subdivision (c) or (d) in an unusual case where the interests of justice would best be served, if the court specifies on the record and enters into the minutes the circumstances indicating that the interests of justice would best be served by that disposition.

SECTION 11. Section 12022.6 is added to the Penal Code to read:

12022.6. (a) When any person takes, damages, or destroys any property in the commission or attempted commission of a felony, or commits a felony violation of Section 496, the court shall impose a term in addition and consecutive to the punishment prescribed for the felony or attempted felony of which the defendant has been convicted, as follows:

(1) If the loss or property value exceeds fifty thousand dollars (\$50,000), the court shall impose an additional term of one year.

(2) If the loss or property value exceeds two hundred thousand dollars (\$200,000), the court shall impose an additional term of two years.

(3) If the loss or property value exceeds one million dollars (\$1,000,000), the court shall impose an additional term of three years.

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(4) If the loss or property value exceeds three million dollars (\$3,000,000), the court shall impose an additional term of four years.

(5) For every additional loss or property value of three million dollars (\$3,000,000), the court shall impose a term of one year in addition to the term specified in paragraph (4).

(b) In any accusatory pleading involving multiple charges of taking, damage, or destruction, or multiple violations of Section 496, the additional terms provided in this section may be imposed if the aggregate losses to the victims or aggregate property values from all felonies exceed the amounts specified in this section and arise from a common scheme or plan. All pleadings under this section shall remain subject to the rules of joinder and severance stated in Section 954.

(c) The additional terms provided in this section shall not be imposed unless the facts relating to the amounts provided in this section are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(d) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.65.

SECTION 12. Section 12022.65 is added to the Penal Code to read:

12022.65. (a) Any person who acts in concert with two or more persons to take, attempt to take, damage, or destroy any property, in the commission or attempted commission of a felony shall be punished by an additional and consecutive term of imprisonment of one, two, or three years.

(b) The additional term provided in this section shall not be imposed unless the existence of the facts required in subdivision (a) are charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) Notwithstanding any other law, the court may impose an enhancement pursuant to this section and another section on a single count, including an enhancement pursuant to Section 12022.6.

SECTION 13. Section 12022.7 of the Penal Code is amended to read:

12022.7. (a) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three years.

(b) Any person who personally inflicts great bodily injury on any person other than an accomplice in the commission of a felony or attempted felony which causes the victim to

become comatose due to brain injury or to suffer paralysis of a permanent nature shall be punished by an additional and consecutive term of imprisonment in the state prison for five years. As used in this subdivision, "paralysis" means a major or complete loss of motor function resulting from injury to the nervous system or to a muscular mechanism.

(c) Any person who personally inflicts great bodily injury on a person who is 70 years of age or older, other than an accomplice, in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for five years.

(d) Any person who personally inflicts great bodily injury on a child under the age of five years in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for four, five, or six years.

(e) Any person who personally inflicts great bodily injury under circumstances involving domestic violence in the commission of a felony or attempted felony shall be punished by an additional and consecutive term of imprisonment in the state prison for three, four, or five years. As used in this subdivision, "domestic violence" has the meaning provided in subdivision (b) of Section 13700.

(f) (1) As used in this section, "great bodily injury" means a significant or substantial physical injury.

(2) As used in this section, a person who sells, furnishes, administers, or gives away a controlled substance is deemed to have personally inflicted great bodily injury when the person to whom the substance was sold, furnished, administered, or given suffers a significant or substantial physical injury from using the substance.

(g) This section shall not apply to murder or manslaughter or a violation of Section 451 or 452. Subdivisions (a), (b), (c), and (d) shall not apply if infliction of great bodily injury is an element of the offense.

(h) The court shall impose the additional terms of imprisonment under either subdivision (a), (b), (c), or (d), but may not impose more than one of those terms for the same offense.

SECTION 14. Chapter 36 (commencing with Section 7599.200) is added to Division 7 of Title 1 of the Government Code, to read:

7599.200. (a) This section shall be known as "Funding for the Homelessness, Drug Addiction, and Theft Reduction Act."

(b) From monies disbursed to the Board of State and Community Corrections pursuant to paragraph (3) of subdivision (a) of Section 7599.2 of the Government Code and Section 6046.2 of the Penal Code, the Board of State and Community Corrections may allocate appropriate funds to counties and local governments for programs specified in Section 11395 of the Health and Safety Code. This provision shall not preclude funding for this Act from any other source, including but not limited to the Local Revenue Fund 2011 established under Government Code Section 30025 and other such funds designated for substance abuse and mental health treatment.

(c) A defendant charged with a treatment-mandated felony is eligible for any appropriate Medi-Cal or Medicare programs or services, including but not limited to those described in Government Code Section 30025(f)(16)(B)(iii)-(v), for the defendant's programs specified in Section 11395 of the Health and Safety Code. A county or local government may contract directly with the State Department of Healthcare Services or any other applicable State agency to provide for the provision or administration of any applicable Medi–Cal or Medicare treatment programs.

SECTION 15. Amendments

(a) Except as provided in subdivision (b), this Act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the Act and is passed in each house by roll call vote entered in the journal, two-thirds of the membership of each house concurring, or by a statute that becomes effective only when approved by the voters.

(b) The Legislature may, by majority vote, amend Section 11369 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of convictions to which it applies, and may, by majority vote, amend Section 11395 of the Health & Safety Code only to expand the list of drugs that qualify as a "hard drug" and to expand the list of applicable prior convictions , and may, by majority vote, amend Section 666.1 of the Penal Code only to expand the list of applicable prior convictions.

SECTION 16. Severability

If any provision of this Act, or any part of any provision, or the application of any provision or part to any person or circumstance is for any reason held to be invalid or unconstitutional, the remaining provisions and applications of provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.

SECTION 17. Conflicting Initiatives

(a) This Act creates a new drug treatment statute and changes the penalties for career and serial thieves. In the event that this Act and another initiative measure or measures relating to the same subject appear on the same statewide ballot, the provisions of the other measure or measures

shall be deemed to be in conflict with this measure. In the event this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by voters but superseded by law by any other conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.



CITY of ESCONDIDO

FUTURE AGENDA

10/2/2024

PROCLAMATION - FIRE PREVENTION AWARENESS WEEK

CONSENT CALENDAR - (J PERPETUA) - 2025 HOLIDAY SCHEDULE - It is requested that the City Council adopt Resolution No. 24-123 to designate the dates City offices will be closed for 2025 holiday observances

- CONSENT CALENDAR (A. MORROW) CONTINUING REPAIR OF THE EMERGENCY REPAIR OF THE ESCONDIDO TRUNK SEWER MAIN
- CURRENT BUSINESS (J. MURDOCK) ADOPTION OF CONTINUITY OF OPERATIONS PLAN AND EMERGENCY OPERATION PLAN

CURRENT BUSINESS - (C. GARCIA / D. WHITE) - REVIEW OF CITY ABATEMENT POLICIES

- CURRENT BUSINESS (C. MCKINNEY) CLIMATE ACTION PLAN ANNUAL PROGRESS REPORT
- CURRENT BUSINESS (S. McGlynn) MORATORIUM ON BATTERY ENERGY STORAGE SYSTEMS