



CITY of ESCONDIDO

SPECIAL COUNCIL MEETING AGENDA

TUESDAY, APRIL 30, 2024

4:00 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

CITY CLERK

Zack Beck

HOW TO WATCH

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

In Person



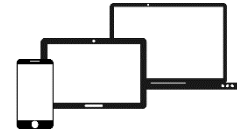
201 N. Broadway

On TV



Cox Cable Channel 19 and U-verse Channel 99

Online



www.escondido.org



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

TUESDAY, APRIL 30, 2024

HOW TO PARTICIPATE

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

In Person



Fill out Speaker Slip and Submit to City Clerk

In Writing



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

ASSISTANCE PROVIDED

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 760-839-4869. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility. Listening devices are available for the hearing impaired – please see the City Clerk.





CITY of ESCONDIDO

COUNCIL MEETING AGENDA

TUESDAY, APRIL 30, 2024

REGULAR SESSION

4:00 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

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.

CURRENT BUSINESS

1. RATIFICATION OF LOCAL EMERGENCY PROCLAMATION AND APPROVE EMERGENCY REPAIR OF THE ESCONDIDO LAND OUTFALL

Request the City Council take the following actions: Adopt Resolution No. 2024-52, ratifying Proclamation No. 2024-01 by the Director of Emergency Services and declaring that pursuant to the California Public Contract Code and Escondido Municipal Code, the City Council affirms that it was appropriate for City staff to forego competitive bidding procedures and to award a contract for emergency repairs of the Escondido Land Outfall. Approve a Budget Adjustment in the amount of \$1,700,000.

Staff Recommendation: Approval (Utilities Department: Angela Morrow, Interim Director of Utilities)

Presenter: Angela Morrow, Interim Director of Utilities

a) Resolution No. 2024-52



CITY of ESCONDIDO

COUNCIL MEETING AGENDA

TUESDAY, APRIL 30, 2024

FUTURE AGENDA

2. FUTURE AGENDA

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

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

COUNCILMEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

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.

ADJOURNMENT

UPCOMING MEETING SCHEDULE

Wednesday, May 08, 2024	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>
Wednesday, May 15, 2024	4:00 & 5:00 PM	Closed Session, Regular Meeting, <i>Council Chambers</i>

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.



STAFF REPORT

April 30, 2024

File Number 0600-10; A-3503

SUBJECT

RATIFICATION OF LOCAL EMERGENCY PROCLAMATION AND APPROVE EMERGENCY REPAIR OF THE ESCONDIDO LAND OUTFALL

DEPARTMENT

Utilities Department

RECOMMENDATION

Request the City Council take the following actions:

1. Adopt Resolution No. 2024-52, ratifying Proclamation No. 2024-01 by the Director of Emergency Services and declaring that pursuant to the California Public Contract Code AND Escondido Municipal Code, the City Council affirms that it was appropriate for City staff to forego competitive bidding procedures and to award a contract for emergency repairs of the Escondido Land Outfall.
2. Approve a Budget Adjustment in the amount of \$1,700,000.

Staff Recommendation: Approval (Utilities: Angela Morrow)

Presenter: Angela Morrow, Interim Director of Utilities

ESSENTIAL SERVICE – Yes; Keep City Clean for Public Health and Safety; Sewer

COUNCIL PRIORITY – Improve Public Safety

FISCAL ANALYSIS

Funding for the emergency Land Outfall repairs will be from the Outfall Maintenance Capital Improvement Project (“CIP”) No. 800078, which currently has an available balance of approximately \$312,000. A budget adjustment in the amount of \$1,700,000 from the Unallocated Wastewater Reserves is requested to fully fund the Project.

PREVIOUS ACTION

None



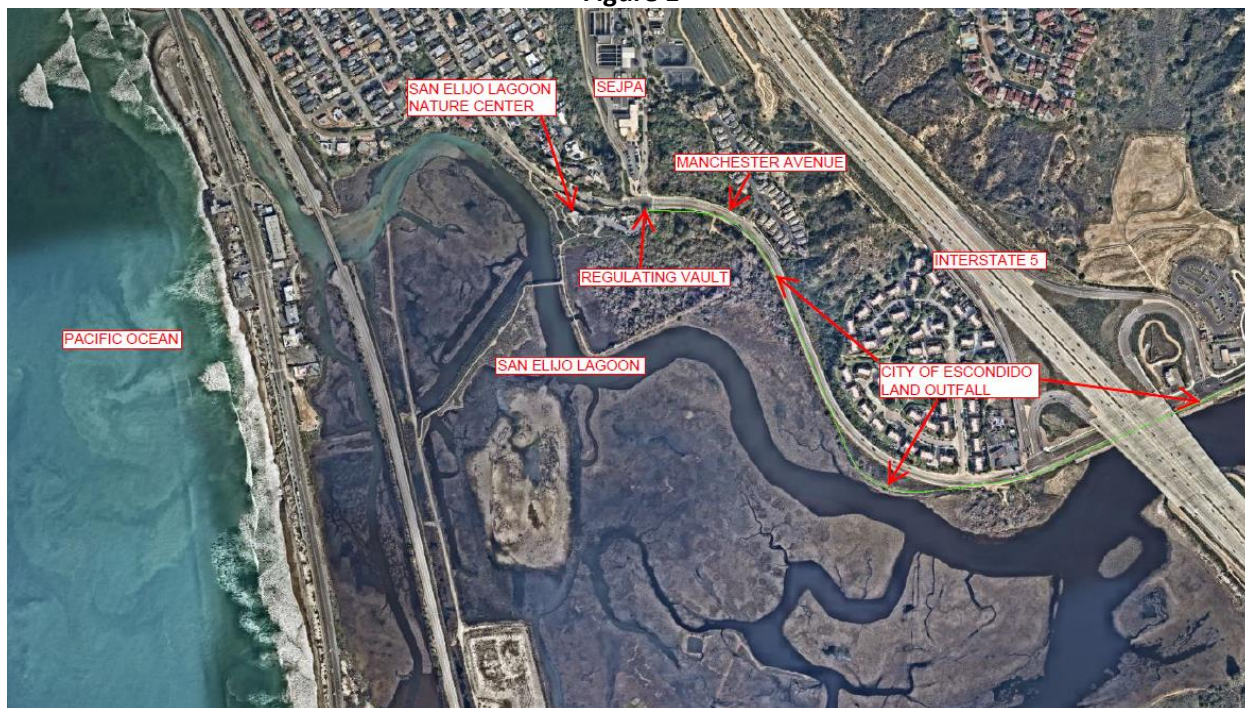
CITY of ESCONDIDO

STAFF REPORT

BACKGROUND

The City of Escondido (“City”) owns and operates a 14-mile Land Outfall that conveys secondary treated wastewater effluent westerly from Hale Avenue Resource Recovery Facility (“HARRF”) to San Elijo Joint Powers Authority (“SEJPA”) Ocean Outfall via a regulating vault that is owned, operated and maintained by SEJPA. The regulating vault is located west of Interstate 5 and Manchester Avenue, and north of the San Elijo Lagoon (See Figure 1). Seventy-nine percent of the Ocean Outfall’s capacity is leased to the City. The Land Outfall pipeline was constructed in in 1974. On April 16, 2024, City staff was notified by staff from the SEJPA and the County of San Diego Department of Parks and Recreation (“County DPR”)/San Elijo Lagoon Nature Center that water was surfacing on the ground near an area where the City’s Land Outfall is located.

Figure 1



The weeping of the Land Outfall is located near the San Elijo Lagoon Nature Center at the northern border of the San Elijo Lagoon, west of Interstate 5 and south of Manchester Road. On April 16, 2024, City staff responded immediately to assess the situation. Water samples were collected and taken to the laboratory to determine the likely source of the water. Laboratory test results were consistent with the quality of the secondary effluent from the HARRF, indicating that there is a leak on the Land Outfall.



CITY of ESCONDIDO

STAFF REPORT

Water from the weeping is currently confined in the area of the Nature Center near Manchester Avenue and has not gone, nor is it anticipated to go, into the San Elijo Lagoon. This portion of the Land Outfall is under pressure and City staff are concerned that the situation could escalate into a catastrophic failure if not addressed quickly.

On April 25, 2024, the City Manager, acting in his capacity as the Director of Emergency Services under Chapter 7 of the Escondido Municipal Code, proclaimed a local emergency via Proclamation No. 2024-01 thereby triggering the allowance for dispensing with competitive bidding procedures under state and local law to secure an immediate contract to expedite the containment and repair of the subject pipeline. See Attachment 2.

CCL Contracting, Inc. has the staff expertise and equipment to immediately mobilize to repair the Land Outfall on a time and material basis. A Public Improvement Agreement is being executed with CCL Contracting, Inc., by the City Manager under the emergency proclamation pursuant to Chapter 7 of the Escondido Municipal Code.

Utilities staff continue to coordinate with staff from the SEJPA, the San Diego Regional Water Quality Control Board ("Regional Board"), San Diego Gas & Electric ("SDG&E"), Army Corps of Engineers, Department of Fish and Wildlife, County of San Diego, City of Encinitas, San Elijo Nature Center and the Nature Collective. As required over the past week by the Regional Board, Utilities staff: prepared and submitted a report of non-compliance for National Pollutant Discharge Elimination System ("NPDES") permit violation, is preparing to perform a pre-disturbance damage assessment of the anticipated affected area due to both the weeping of the Land Outfall within the San Elijo Nature Center and the proposed construction associated with repairing the Land Outfall, and are continuing to collect and test water samples prior to next steps. The proposed construction approach will allow the HARRF to remain fully operational throughout the duration of construction, while minimizing environmental impacts. In addition, the proposed construction method will minimize impacts to the residents of the city of Encinitas, the San Elijo Nature Center, and the public. It is City staff's goal to mobilize the contractor as expeditiously as possible, while ensuring that appropriate regulatory agency requirements are met.

Resolution No. 2024-52, which must be passed by four-fifths vote pursuant to state law, also ratifies the Director's Proclamation as required by the Municipal Code and supports the declaration that public interest and necessity demand the immediate expenditure of funds to safeguard life, health, or property.

RESOLUTIONS

- a. Resolution No. 2024-52

ATTACHMENTS

- a. Attachment "1" – Budget Adjustment
- b. Attachment "2" – Proclamation No. 2024-01

RESOLUTION NO. 2024-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, EMERGENCY REPAIR OF THE LAND OUTFALL

WHEREAS, the City Council recognizes that a section of the City’s Land Outfall pipeline is at risk of an imminent, catastrophic failure; and

WHEREAS, pursuant to Chapter 7 of the Escondido Municipal Code, the City Manager serves as the Director of Emergency Services (“Director”) and in that role is authorized to proclaim a local emergency and take such actions as are necessary to preserve life and property in the case of an emergency including but not limited to the execution of such contracts and the procurement of services necessary to respond to the emergency; and

WHEREAS, pursuant to Escondido Municipal code § 10-80, in the case of public exigency or an emergency as defined in Government Code § 8558, the City may dispense with competitive procurement for the purchase of goods and services for the duration of the exigency or emergency and such purchases may be made under the direction of the City Council or Director acting pursuant to a declared emergency or public exigency pursuant to chapter 7 of the Escondido Municipal Code; and

WHEREAS, the Interim Director of Utilities, in consultation with the Director, has determined that the failure of the Land Outfall pipeline constitutes an immediate risk to the health of the public and the continued services of the sewer system, requiring immediate action that will not permit delay that would result from a competitive bidding process; and

WHEREAS, pursuant to Chapter 7, the City Council must ratify the Director's emergency proclamation within 7 days when not in session at the time of the emergency; and

WHEREAS, the City Council finds that the Director on April 25, 2024 was authorized to and did in fact issue a Proclamation of local emergency, Proclamation No. 2024-01, of the existence or threatened existence of an emergency when the City Council was not in session; and

WHEREAS, pursuant to the Public Contract Code, the City Council must further review such emergency actions at its next regularly scheduled meeting and determine by a four-fifths vote whether there is a need to continue the action; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to ratify the Director's proclamation of local emergency and further accept the recommendations of the Director and Interim Director of Utilities to engage in immediate contracting to secure the repair of the Land Outfall pipeline by dispensing with state and local law procurement requirements.

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 Director of Emergency Services had authority to, and did in fact properly, issue Proclamation No. 2024-01 on April 25, 2024, declaring a local emergency in the City of Escondido relating to its Land Outfall pipeline pursuant to Chapter 7 of Escondido Municipal Code and state law.
3. That the Mayor and City Council further accept the determination by the Interim Director of Utilities that the failure of the Land Outfall pipeline is a public health and safety

emergency occurring while the City Council was not in session; that this emergency required immediate action in the procurement of a contractor to perform the necessary emergency work to abate the public health and safety condition; that a delay caused by procurement through a competitive bidding process would not be in the best interests of the public; and that the proposed action and expenditure is necessary to respond to the emergency requiring immediate repair of the Land Outfall pipeline.



BUDGET ADJUSTMENT REQUEST

Department:	Utilities	For Finance Use Only BA # _____ Fiscal Year _____
Department Contact:	Angela Morrow	
City Council Meeting Date: <i>(attach staff report)</i>	April 30, 2024	

EXPLANATION OF REQUEST

To fund the construction of the Land Outfall Emergency Repair.

BUDGET ADJUSTMENT INFORMATION

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Unallocated Reserves	3050-558		1,700,000
Outfall Maintenance	557-800079	1,700,000	
Transfer Out-to Capital Projects	5999-558	1,700,000	
Transfer In-from Operating Fund	4999-557	1,700,000	

APPROVALS

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DEPARTMENT HEAD	DATE	FINANCE	DATE

PROCLAMATION NO. 2024-01

A PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY PURSUANT TO CHAPTER 7 OF THE ESCONDIDO MUNICIPAL CODE

WHEREAS, pursuant to Chapter 7 of the Escondido Municipal Code, and specifically Section 7-6(a)(1), the City Manager, in his role as the Director of Emergency Services ("Director"), is authorized to issue a proclamation of the existence or threatened existence of an emergency when the City Council is not in session; and

WHEREAS, at the time of this Proclamation, the City Council has adjourned to their next regular scheduled session notice for May 8, 2024; and

WHEREAS, on April 16, City staff was notified by staff from the San Elijo Joint Powers Authority ("SEJPA") and the San Elijo Lagoon Nature Center that water was collecting on the ground in an area where the City's Land Outfall is located. The area is near the Nature Center at the northern border of the San Elijo Lagoon Ecological Reserve, west of Interstate 5 and south of Manchester Road. City staff responded immediately to assess the situation. Water samples were collected and taken to the laboratory to determine the likely source of the water. Laboratory tests results were consistent with the quality of the secondary effluent from the HARRF, indicating that there is a leak on the Land Outfall; and

WHEREAS, water from the leak is currently confined in the area of the Nature Center near Manchester Avenue and has not gone into the San Elijo Lagoon. This portion of the Land Outfall is under pressure and City staff are concerned that the situation could escalate into a catastrophic failure if not addressed quickly. In the area of the suspected leak, the pipe is approximate 16 feet deep and 25 feet off of the roadway in sensitive habitat, making access extremely difficult and beyond the means of City staff and equipment; and

WHEREAS, City Utilities staff have met with a contractor who is available for immediate mobilization to assess the conditions and provide a quote for the work. A contract for repairs will be presented to you for approval; and

WHEREAS, on April 19, 2024, given the urgency of the matter, the Director made certain findings of an emergency and approved under his authority the initiation of efforts to secure a contractor available and competent to perform needed repairs on the pipeline; and

WHEREAS, since April 19, 2024, Utilities staff have further evaluated the circumstances of the finalized the scope of work for the emergency repairs on the City's Land Outfall. The scope has been provided to the contractor, who is preparing a cost estimate and a repair contract is anticipated. Utilities staff continue to coordinate with staff from the SEJPA, the San Diego Regional Water Quality Control Board ("Regional Board"), San Diego Gas & Electric ("SDG&E"), Army Corps of Engineers, Department of Fish and Wildlife, County of San Diego, City of Encinitas, San Elijo Nature Center and the Nature Collective; and

WHEREAS, as required over the past week by the Regional Board, Utilities staff: prepared and submitted a report of non-compliance for National Pollutant Discharge Elimination System ("NPDES") permit violation; is preparing to perform a pre-disturbance damage assessment of the anticipated affected area due to both the seepage of the Land Outfall within the San Elijo Nature Center and the proposed construction associated with repairing the Land Outfall; and, are continuing to collect and test water samples prior to next steps; and

WHEREAS, the proposed construction approach will allow the City's Hale Avenue Resource Recovery Facility ("HARRF") to remain fully operational throughout the duration of construction, while minimizing environmental impacts. In addition, the proposed construction method will minimize impacts

to the residents of the City of Encinitas, the San Elijo Nature Center, and the public. It is City staff's goal to mobilize the contractor as expeditiously as possible, while ensuring that appropriate regulatory agency requirements are met; and

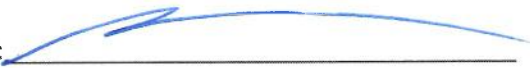
WHEREAS, in light of the initial information regarding water collection potentially related to the outfall pipeline and thereafter, additional information learned since April 19, 2024, the Director believes that this emergency repair is necessary to avoid danger to life or damage to property and permit the continued safe operation of the Escondido Land Outfall and further, any delay to procurement, including those competitive construction contract procurement provisions in state law and the Escondido Municipal Code, will substantially delay the containment of the seepage and completion of such repair and the protection of persons and property. Given the significant and immediate risk, the Director believes the emergency will not permit a delay resulting from a competitive solicitation for bids.

NOW, THEREFORE, BE IT PROCLAIMED by the Director of Emergency Services of the City of Escondido, California, as follows:

1. That the above recitations are true and correct.
2. That a local emergency currently exists, and has existed since on or about April 16, 2024, in the City of Escondido and its related extra-jurisdictional property and infrastructure, due to an apparent leak or failure of the City outfall pipeline.
3. The instant emergency requires immediate repair of the outfall pipeline and compliance with competitive procurement laws to secure a competent and available contractor will delay the necessary repairs placing life and property at imminent risk.

4. That said emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Escondido.

Dated: 4/25/24

By: 

Sean McGlynn
City Manager and
Director of Emergency Services



CITY of ESCONDIDO

FUTURE AGENDA

5/1/2024 - NO MEETING (SPRING BREAK)

5/8/2024

PROCLAMATION/PRESENTATION - National Water Safety Month, May-2024
PROCLAMATION - Economic Development Week, May 6-10, 2024

CONSENT CALENDAR - (J. PERPETUA) - ADOPTION OF MASTER SERVICE AGREEMENT WITH ORIGAMI RISK FOR RISK MANAGEMENT INFORMATION
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY:

CONSENT CALENDAR - (D. SHULTZ) - THE CITY OF ESCONDIDO'S INVESTMENT POLICY
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT

CONSENT CALENDAR - (D. SHULTZ) - TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2024
ESSENTIAL SERVICES: YES - INTERNAL REQUIREMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT

CONSENT CALENDAR - (C. MCKINNEY) - AUTHORIZE CONSTRUCTION CHANGE ORDER FOR ADDITIONAL SIDEWALK REPLACEMENT - It is requested that the City Council adopt Resolution No. 24-XXX authorizing a construction change order in the amount of \$40,000 for additional sidewalk replacement to be completed as a part of the Annual Sidewalk Maintenance Project.
ESSENTIAL SERVICE: Yes, Public Works/Infrastructure
COUNCIL PRIORITY:

PUBLIC HEARING - (C MCKINNEY) - REVIEW AND REAFFIRM COMMUNITY DEVELOPMENT BLOCK GRANT("CDBG"), HOME INVESTMENT PARTNERSHIP PROGRAM ("HOME") PRIORITIES IN THE 2020-2024 CONSOLIDATED PLAN.-It is requested that the City Council conduct a public hearing, review and re-affirm the CDBG and HOME priorities, approve an allocation process for FY 2024-2025 utilizing the maximum allowable allocation for public services and the maximum allowable allocation for administration of the CDBG and HOME programs, and authorize the release of a Request for Proposal ("RFP") for public services and community development activities.
ESSENTIAL SERVICE: Yes, Keep City Clean for Public Health and Safety; Land Use/Development; Public Works/Infrastructure; Maintenance of Parks facilities/Open Spaces
COUNCIL PRIORITY: Improve Public Safety; Increase Retention and Attraction of People and Businesses to Escondido; Encourage Housing Development

CURRENT BUSINESS - (C.MCKINNEY) - HOUSING ELEMENT PROGRESS REPORT - Request the City Council to review and receive the 2023 calendar year annual progress report for the Housing Element of the General Plan ("Housing Element APR") and authorize submittal of the report to the State Office of Planning and Research ("OPR"), the State Department of Housing and Community Development ("HCD"), and the San Diego Association of Governments ("SANDAG").
ESSENTIAL SERVICE: YES - LAND USE/DEVELOPMENT
COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT; IMPROVE PUBLIC SAFETY; INCREASE RETENTION AND ATTRACTION OF PEOPLE AND BUSINESSES TO ESCONDIDO

CURRENT BUSINESS - (C.HOLMES) - FINANCIAL REPORT FOR THE QUARTER ENDED MARCH 31, 2024 - It is requested that the City Council receive and file the third quarter financial report for FY2023/24
ESSENTIAL SERVICES: Yes - Police Services; Fire/EMS Services; Keep City Clean for Public Health and Safety; Land Use/Development; Clean Water; Sewer;
COUNCIL PRIORITY: Eliminate Structural Deficit

CURRENT BUSINESS - (J. SCHOENECK) - CALIFORNIA CENTER FOR THE ARTS REQUEST FOR PROPOSALS
ESSENTIAL SERVICE:

COUNCIL PRIORITY: ELIMINATE STRUCTURAL DEFICIT; INCREASE RETENTION AND ATTRACTION OF PEOPLE AND BUSINESSES TO ESCONDIDO