



Council Meeting Agenda

AUGUST 19, 2020
VIDEO CONFERENCE
6:00 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Paul McNamara
DEPUTY MAYOR	Consuelo Martinez
COUNCIL MEMBERS	Olga Diaz Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Zack Beck
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Mike Strong
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

COVID-19 PUBLIC SERVICE ANNOUNCEMENT

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Escondido City Council and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link:

<https://www.escondido.org/agendaposition.aspx>. Council Chambers will be closed.

Public Comment: To submit comments in writing, please do so at the following link:

<https://www.escondido.org/agenda-position.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line.

Depending on the volume and/or similarity of public comments, and pursuant to the City Council Rules of Procedure, the Mayor or Presiding Councilmember may limit the number of comments to be read and/or limit the amount of time each comment may be read. It is in the interests of members of the public who desire that their statement be read out loud to be mindful of this potential limitation when drafting their comment. The entirety of all comments received from the public will be made a part of the record of the meeting.

The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link:

<https://www.escondido.org/meeting-broadcasts.aspx>

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

**August 19, 2020
6:00 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

ROLL CALL: Diaz, Martinez, Morasco, McNamara

ORAL COMMUNICATIONS

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

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

- 344431 – 344628 dated August 5, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. [APPROVAL OF MINUTES: None Scheduled](#)

4. **ACTIVE TRANSPORTATION PROGRAM GRANT APPLICATION AND BUDGET ADJUSTMENT FOR SIDEWALKS ON CITRUS AVENUE -**

Request the City Council approve authorizing the Director of Engineering Services or her designee to complete applications to the California Transportation Commission for an Active Transportation Program grant.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2020-119

5. **EXECUTIVE RECRUITMENT FOR CITY MANAGER -**

Request the City Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement for services to conduct an Executive Recruitment for City Manager with Teri Black and Company for a not-to-exceed amount of \$27,000.

Staff Recommendation: **Approval (City Manager's Office: Jeffrey Epp)**

RESOLUTION NO. 2020-118

6. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY FOR FIRE CAPTAIN SCOTT BARRATT -**

Request the City Council approve the Industrial Disability Retirement of Fire Captain Scott Barratt.

Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**

RESOLUTION NO. 2020-116R

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

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

CURRENT BUSINESS

7. **APPOINTMENT OF COUNCIL SUBCOMMITTEE TO REVIEW AND ADDRESS BOARDS, COMMISSIONS, ADVISORY COMMITTEES AND OTHER AVENUES OF CITIZEN PARTICIPATION IN LOCAL GOVERNMENT -**

Request the City Council approve appointing a subcommittee to review and address Boards, Commissions, Advisory Committees and other avenues of citizen participation in local government.

Staff Recommendation: **Approval (Deputy Mayor: Consuelo Martinez)**

8. **URGENCY ORDINANCE EXTENSION FOR THE COVID-19 EMERGENCY BUSINESS RECOVERY STRATEGY -**

Request the City Council approve adopting an extension to the Urgency Ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic.

Staff Recommendation: **Approval (Community Development Department: Mike Strong)**

ORDINANCE NO. 2020-21

9. **CONSIDER THE CANCELLATION OF THE NOVEMBER 3, 2020, GENERAL MUNICIPAL ELECTION FOR THE POSITION OF CITY TREASURER AND THE APPOINTMENT OF THE INCUMBENT CANDIDATE TO CITY OFFICE -**

Request the City Council consider the City Clerk's certification that there is only one candidate for the office of City Treasurer to be filled at the City's General Municipal Election on November 3, 2020, discuss the matter and determine whether to cancel the City Election and appoint the respective incumbent as the only verified candidate for the open office, or hold the City Election as scheduled.

Staff Recommendation: **Provide Direction (City Clerk's Office: Zack Beck)**

FUTURE AGENDA

10. **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)**

COUNCIL MEMBERS 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.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

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

ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
August 26	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
September 2	-	-	No Meeting	-
September 9	-	-	No Meeting	-
September 16	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

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

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

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

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

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

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

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

**The City Council is scheduled to meet the first four Wednesdays
of the month at 5:00 in Closed Session and 6:00 in Open Session.
(Verify schedule with City Clerk's Office)**

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

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. 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.



Consent Item No. 1

August 19, 2020

AFFIDAVITS

OF

ITEM

POSTING

CITY COUNCIL STAFF REPORT

Consent Item No. 2

August 19, 2020

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers 344431 – 344628 dated August 5, 2020.

FISCAL ANALYSIS:

The total amount of the warrants for the period of July 30 – August 5, 2020, is \$1,008,663.25.

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.



Consent Item No. 3

August 19, 2020

APPROVAL

OF

MINUTES

CITY COUNCIL STAFF REPORT

Consent Item No. 4

August 19, 2020

File No. 1020-72

SUBJECT: Active Transportation Program Grant Application and Budget Adjustment for Sidewalks on Citrus Avenue

DEPARTMENT: Engineering Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-119 authorizing the Director of Engineering Services or his/her designee to apply for up to \$7,000,000 in Active Transportation Program ("ATP") funds from California Transportation Commission ("CTC") for Safe Routes to Schools ("SRTS") improvements at Hidden Valley Middle School; and if awarded, to accept the grant funds and complete necessary grant and budget documents. It is also requested that the City Council approve a budget adjustment (Attachment 1) in the amount of \$90,000 to be used as leveraged funds in the application.

FISCAL ANALYSIS:

Full project costs are anticipated to be covered by the grant, with the exception of \$90,000 in Gas Tax funds to be used as project match. Grant programs, such as the Active Transportation Grant, serve as a finite revenue source to install sidewalks. Gas taxes and property taxes are limited and need to be largely focused on maintenance of existing infrastructure. If awarded, grant funds will be required to be used on eligible expenses identified in the grant application.

BACKGROUND:

The ATP program was created by Senate Bill 99, Chapter 359, Assembly Bill 101, Chapter 354, and Senate Bill 1 ("SB1"), Chapter 2031 to encourage increased use of active modes of transportation. ATP goals include: increase biking and walking trips; increase the safety and mobility of non-motorized users; greenhouse gas reduction; enhance public health; and provide a broad spectrum of projects to benefit active transportation. On March 25, 2020, the CTC announced the ATP Cycle 5 Call for Projects with \$440M in state and federal funding. The application for the statewide call for projects will automatically be considered by SANDAG for the Regional ATP.

Staff requests authorization to apply for funds to construct SRTS improvements at Hidden Valley Middle School. The project will install sidewalks on Citrus Ave between Bear Valley Pkwy and Glenridge Rd and upgraded crosswalks.

Active Transportation Program Grant Application and Budget Adjustment
August 19, 2020
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APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services

8/13/20 8:57 a.m.

ATTACHMENTS:

1. Attachment 1: Budget Adjustment
2. Resolution No. 2020-119



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: August 10, 2020

Department: Engineering Services

Division: _____

Project/Budget Manager: Julie Procopio 4001
Name Extension

Council Date (if applicable): 08/19/2020
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year 2021

_____ Budget Balances

_____ General Fund Accts

_____ Revenue

_____ Interfund Transfers

_____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Hidden Valley Middle School SRTS Improvements Project	108-NEW	\$90,000	
Unallocated Reserves	3050-108		\$90,000

Explanation of Request:

To apply for funds to construct SRTS improvements at Hidden Valley Middle School. Full project costs are anticipated to be covered by the grant, with the exception of \$90,000 in Gas Tax funds to be used as project match.

APPROVALS

Julie Procopio 8/10/2020
 Department Head Date City Manager Date
Jodi Lazo 8/10/20
 Finance Date City Clerk Date

Distribution (after approval):

Original: Finance

RESOLUTION NO. 2020-119

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE APPLICATION FOR, AND
THE RECEIPT OF, THE 2021 ACTIVE
TRANSPORTATION PROGRAM GRANT
FUNDS FROM THE CALIFORNIA
TRANSPORTATION COMMISSION AND/OR
THE SAN DIEGO ASSOCIATION OF
GOVERNMENTS

WHEREAS, the State of California has provided funds for the 2021 Active Transportation Program (“ATP”) under Senate Bill 99, Chapter 359, Assembly Bill 101, Chapter 354, and Senate Bill 1 (“SB1”), Chapter 2031; and

WHEREAS, the California Transportation Commission (“CTC”) has statutory authority for the administration of the ATP and established necessary procedures; and

WHEREAS, the CTC has required in its ATP Guidelines that Metropolitan Planning Organizations (“MPOs”) coordinate the competitive selection process to select projects to receive a portion of the ATP funding; and

WHEREAS, the San Diego Association of Governments (“SANDAG”), as the MPO for the San Diego Region, is automatically considering Statewide 2021 ATP applicants (“Cycle 5”) for the regional ATP competition selection process; and

WHEREAS, SANDAG may offer a funding exchange with projects recommended through the Regional ATP competitive selection process, which would reduce the administrative burden to local jurisdictions associated with federal funding requirements; and

WHEREAS, the City Council of the City of Escondido authorizes the submittal of the ATP grant application package ("Application"), and the acceptance of ATP grant funds or SANDAG funding, if approved for the Hidden Valley Middle School Safe Routes to School Improvements ("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 hereby directs and authorizes the Director of Engineering Services or his/her designee to apply for and submit the Application to the CTC.
3. That the City Council appoints the Director of Engineering Services, or his/her designee, as agent to conduct all negotiations, execute and submit all documents to the CTC and SANDAG including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned Project.

CITY COUNCIL STAFF REPORT

Consent Item No. 5

August 19, 2020

File No. 0750-75

SUBJECT: Executive Recruitment for City Manager

DEPARTMENT: City Manager's Office

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-118, authorizing the Mayor and City Clerk to execute a Consulting Agreement for services to conduct an Executive Recruitment for a City Manager with Teri Black and Company for a not-to-exceed amount of \$26,700.

FISCAL ANALYSIS:

The cost for this Consulting Agreement is covered by expected savings in the City Manager's budget for the current fiscal year.

PREVIOUS ACTION:

None

BACKGROUND:

On July 11, 2020, City Manager, Jeffrey Epp retired after serving the City of Escondido for 35 years. Although officially retired, Mr. Epp agreed to remain as a retired annuitant to avoid interruption or stoppage of public business, and to assist the City Council in retaining a successor.

On June 25, 2020, the City sought proposals from 43 (forty-three) different executive search firms based upon a list of available firms provided by the International City Manager's Association ("ICMA"). (See Attachments 1 and 2). The list included all of the firms commonly doing business in California and routinely used by cities and other public agencies in recruiting executive personnel.

The City received thirteen proposals. The proposals were reviewed and rated by Human Resources based on the following criteria: experience, process for identifying the ideal candidate, cost, background of assigned consultant, anticipated length of time to present candidates, location, and general terms and conditions. Copies of these three (3) proposals were placed in the City Council reading file on August 11, 2020.

Based on the above, the City recommends contracting with Teri Black and Company ("TBC") to conduct an executive recruitment for a City Manager. Among other things, Teri Black and Company has an excellent track record for recruiting well qualified candidates and has been very successful in attracting diverse candidate pools. (See Attachment 3)

Executive Recruitment for City Manager
August 19, 2020
Page 2

Upon selection of a firm, the next step in the process will be preparation of the job description, meeting with interested stakeholders regarding the ideal candidate profile and publication of the position.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jeffrey Epp, City Manager
8/12/20 3:29 p.m.

ATTACHMENTS:

1. Attachment 1 - June 25, 2020, Letter of Invitation for Proposals
2. Attachment 2 - ICMA Executive Search Firms Directory
3. Attachment 3 - Teri Black and Company Proposal
4. Resolution No. 2020-118
5. Resolution No. 2020-118 – Exhibit “1” Consulting Agreement

Jeffrey R. Epp, City Manager
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4631
E-mail: Jepp@escondido.org

June 25, 2020

Address

Ladies and Gentlemen,

The City of Escondido would like to retain a new City Manager and believes that the search will be enhanced by utilizing an executive search firm such as yours. To that end, we would like to invite the submittal of a proposal for recruitment services for this position. The key aspects to your proposal should include the following at a minimum:

- 1) The specific individuals, and background information, who would be assigned to the Escondido recruitment;
- 2) The process you would use to determine an appropriate type of skills, such as the credentials, experience, personality and background for the ideal candidate;
- 3) The process you would utilize to seek candidates for the position;
- 4) The process you would utilize to assist the City Council in selecting a candidate for the position;
- 5) Any follow up assistance you would be prepared to provide in getting the successful candidate started in the position; and
- 6) Costs and any other basic terms and conditions for this search.

A variety of background information on our City and our community is available on the City's website: <https://www.escondido.org/>. Additionally, for the limited purpose of determining whether or not you would like to submit a proposal, please feel free to reach out to me directly via email or telephone for background.

If you are interested in providing these services, we would like very much to hear from you no later than July 15, 2020.

Thank you very much.

Very Truly Yours,

Jeffrey R. Epp
City Manager

Directory of EXECUTIVE SEARCH FIRMS

The executive search firms in this directory are listed alphabetically by name with this information: website, address, contact email address, phone number, and areas served in the United States. To change your listing or request an addition, contact advertising@icma.org. (Note that all of this information may not have been provided by each organization.)

Affion Public
affionpublic.com
2120 Market Street,
Suite 100
Camp Hill, Pennsylvania
17011-4709
info@affionpublic.com
888-321-4922
Nationwide

Alliance Resource Consulting, LLC
alliancerc.com
1 Centerpointe Drive,
Suite 440
La Palma, California 90623
info@alliancerc.com
562-901-0769
California, Florida,
Washington, Nationwide

Avery Associates
averyassoc.net
3 1/2 N Santa Cruz Avenue,
Suite A
Los Gatos, California 95030-
5916
jobs@averyassoc.net
408-399-4424
California

Baker Tilly Public Sector Executive Recruitment
(Now joined with Springsted and Umbaugh)
380 Jackson Street, Suite 300
Saint Paul, Minnesota
55101-4705
information@waters-company.com
214-466-2436
Nationwide

Bob Murray & Associates
bobmurrayassoc.com
1544 Eureka Road, Suite 280
Roseville, California
95661-3093
bmurray@bobmurrayassoc.com
916-784-9080
California, Florida

Careers in Government
careersingovernment.com
1345 S Sierra Bonita
Los Angeles, California 90019
310-403-8022
Nationwide

Chris Hartung Consulting, LLC
chcpubliosectorsolutions.com
2000 E Lamar Suite 600
Arlington, TX 76006
chris@chcpubliosectorsolutions.com
817-715-9693
Texas, Oklahoma, and
New Mexico

Colin Baenziger & Associates
cb-asso.com
2055 S Atlantic Avenue,
Suite 504
Daytona Beach Shores, Florida
32118-5024
colin@cb-asso.com
561-707-3537
Nationwide

CPS HR Consulting
cpshr.us/executive-search/
recruitment-staff
2450 Del Paso Road, Suite 220
Sacramento, California
resumes@cpshr.us
916-263-1401
California, Colorado, and Texas

DDA Human Resources, Inc.
ddahumanresources.com
5029 Upton Avenue S
Minneapolis, Minnesota
55410-2244
Gary@DavidDrown.com
612-920-3320
Minnesota

Eaton Peabody Consulting Group
eatonpeabody.com/consulting
77 Sewall Street, Suite 3000
Augusta, Maine 04330-6334
207-622-3747
Maine

Edward J. Collins, Jr.
Center for Public Management
umb.edu/cpm
100 William T Morrissey
Boulevard
Boston, Massachusetts
02125-3393
collins.center@umb.edu
617-287-4824
Massachusetts

GovHR USA
govhrusa.com
630 Dundee Road, Suite 130
Northbrook, Illinois
60062-2749
info@govhrusa.com
847-380-3240
Nationwide

HC Smith, Ltd
hcsmith.com
24000 Mercantile Road, Suite
7
Beachwood, Ohio
44122-5964
hcsmith@hcsmith.com
216-752-9966
Nationwide

HueLife, LLC
hue.life
5775 Wayzata Boulevard,
#700
St. Louis Park, Minnesota
55416
info@hue.life
651-204-0441
Minnesota

JD Gray Group, LLC
jdgraygroup.com
11625 Custer Road,
Suite 110-281
Frisco, Texas 75035
info@jdgraygroup.com
972-885-6472
Nationwide

Jersey Professional Management
hjerseyprofessionalmgmt.com
23 North Avenue E
Cranford, New Jersey
07016-2196
info@jerseyprofessionalmgmt.com
908-276-2777
New Jersey

Kansas League Executive/ Administrative Position Search (LEAPS)
lkm.org/page/LEAPS
300 SW 8th Avenue
Topeka, Kansas 66603-3951
info@lkm.org
785-354-9565

The Lee Group
theleegroup.com
11838 Rock Landing Drive,
Suite 150
Newport News, Virginia
23606-4232
757-873-0792
Virginia

Management Partners, Inc.
managementpartners.com
1730 Madison Road
Cincinnati, Ohio 45206-1865
2107 North First Street, #470
San Jose, CA 95131
atrimpe@management
partners.com
513-861-5400
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Mathis Group
mathisgroup.net
11660 Church Street, #714
Rancho Cucamonga, California
91730-8917
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909-322-9045
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**McGrath Consulting
Group, Inc.**
mcgrathconsulting.com
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Wonder Lake, Illinois
60097-0190
info@mcgrathconsulting.com
815-728-9111
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mercergroupinc.com
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#511
Atlanta, Georgia 30338
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Cordova Place, #726
Santa Fe, New Mexico 87505
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mrigov.com
120 Daniel Webster Highway
Meredith, New Hampshire
03253
all@mrigov.com
866-501-0352
New England

**Murphy, Symonds, &
Stowell Search**
msssearch.com
1001 SW 5th Avenue,
Suite 1100
Portland, Oregon
97204-1127
503-244-2126
Oregon

Municipal Solutions LLC
municipalsolutions.org
845 S. Estrella Parkway,
#5038
Goodyear, Arizona 85338
888-545-7333 (U.S.); 602-327
938 6493 (International)
Canada, Europe, United States

The Novak Consulting Group
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Cincinnati, Ohio 45219-1704
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group.com
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200 Bay Street
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toronto@odgersberndtson
.com
416-366-1990
Canada

Peckham & McKenney, Inc.
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300 Harding Boulevard, Suite
203D
Roseville, California 95678
866-912-1919 Toll Free
bobbie@peckhamand
mckenney.com
*All U.S. offices in Northern and
Southern California, Colorado,
and Texas*

Prothman
prothman.com;
prothman-jobboard.com
371 NE Gilman Boulevard,
Suite 310
Issaquah, Washington
98027-2901
info@prothman.com
206-368-0050
National

**Public Administration
Associates, LLC**
public-administration.com
P.O. Box 282
Oshkosh, Wisconsin
54903-0282
920-235-0279
*Indiana, Iowa, Michigan,
Minnesota, Wisconsin*

Ralph Andersen & Associates
ralphandersen.com
5800 Stanford Ranch Road,
Suite 410
Rocklin, California 95765
info@ralphandersen.com
916-630-4900
National

Randi Frank Consulting, LLC
www.randifrank.com
7700 Hoover Way
Louisville, KY 40219
randi@randifrank.com
203-213-3722
Nationwide

**Resource Management &
Acquisitions**
rmasearchfirm.com
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888-646-2607
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United States*

**RJA Management
Services, Inc.**
rjamanagement.com
2719 South Mayflower
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Arcadia, California 91006
rgarcia@rjamanagement.com
626-447-3318
California

**Roberts Consulting
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P.O. Box 1127
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**S. Renée Narloch &
Associates**
srnsearch.com
2910 Kerry Forest Parkway,
D4-242
Tallahassee, Florida 32309
info@srnsearch.com
850-391-0000
Nationwide

**Slavin Management
Consultants**
slavinweb.com
3040 Holcomb Bridge Road,
Suite A1
Norcross, Georgia 30071
info@slavinmanagement
consultants.com
770-449-4656
Nationwide

Spencer Stuart
spencerstuart.com
13355 Noel Road,
Suite 1200
Dallas, Texas 75240
214-672-5200
Nationwide

**Strategic Government
Resources**
governmentresourcc.com
P.O. Box 1642
Keller, Texas 76244-1642
CourtneyWare
@GovernmentResource.com
817-337-8581
Florida

Terl Black & Company, LLC
tbcrecruiting.com
3510 Torrance Boulevard,
Suite 209
Torrance, California
90503-4829
info@tbcrecruiting.com
424-296-3111
Western United States

Waldron
waldronhr.com
101 Stewart Street,
Suite 1200
Seattle, Washington
98101-2449
info@waldronhr.com
206-441-4144
*Arizona, California, Oregon,
Washington*

WBCP Inc.
WBcpinc.com
698 Lynn LN
Central Point, OR 97502
wendie@wbcpinc.com
866-929-9227
Nationwide

*ICMA maintains this
list of executive search
firms that know the
local government
management profes-
sion. This list is for your
convenience but it
is not an endorsement
of any firm.*



STELLAR TALENT.

PREMIER SERVICE.

POWERFUL RESULTS.

July 14, 2020

Mayor Paul McNamara
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Mayor McNamara:

Teri Black & Company (TBC) is pleased to present this proposal to assist the **City of Escondido** with its efforts to successfully recruit a new **City Manager**. We are the recruiter of choice for many Southern California communities and would be honored to add the City of Escondido to our distinguished client base by assisting the City Council with a recruitment for a new City Manager.

Founded in 2006, TBC provides the most personalized executive search services to clients and candidates in the industry. The business goals of the firm are centered on producing quality results and establishing long-term relationships with our customers. Personalized service and attentiveness have never been more important in our industry as the competition for outstanding talent continues to intensify. With our extensive network and incomparable approach to client and candidate care, our consultants have developed tremendous credibility based on outstanding results and services. In fact, nearly all of our business is a result of repeat customers.

TBC is not driven by volume which helps set us apart from our competitors. We are committed to providing customized and flexible service to our clients and will only take on a select number of recruitments at any given time. Based in Los Angeles, TBC is one of only two woman-owned executive search firms in the Western United States serving local government. Detailed information about the firm and our clients is available on our website - www.tbcrecruiting.com.

You have my commitment that the City of Escondido will receive the highest level of attention and will not be delegated to junior level consultants. Please do not hesitate to call if you have any questions or need additional information regarding our services or qualifications.

Sincerest regards,



Teri Black
President
teri@tbcrecruiting.com
424.285.1548 direct

PROPOSAL

Executive Search Services for the

CITY OF ESCONDIDO

to recruit a

CITY MANAGER



July 2020

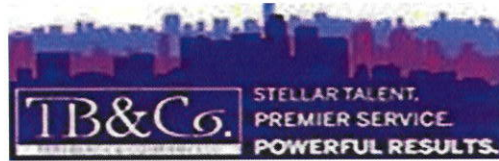


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SAMPLE RECRUITMENT BROCHURES ARE INCLUDED AS SEPARATE ATTACHMENTS

I. CREDENTIALS, QUALIFICATIONS & COMMITMENT

Teri Black & Company, LLC (TBC) has a solid reputation for providing exemplary service to its clients and has enjoyed great success in **recruiting impressive local government professionals** for our clients throughout the western United States. Our **Southern California** municipal client base is broad and includes the Cities of Long Beach, Burbank, Poway, Pasadena, South Pasadena, Cypress, Agoura Hills, Glendale, Indian Wells, Ventura, Santa Monica, Manhattan Beach, Huntington Beach, Newport Beach, Fullerton, Laguna Niguel, Aliso Viejo, Signal Hill, Indio, La Quinta, Murrieta and Tustin, among numerous others. As evidence of our **clients' high satisfaction levels**, more than **90%** of our projects are generated through repeat business and client referrals.

TBC has an **excellent track record** for recruiting well qualified candidates and has been very successful in consistently **attracting diverse candidate pools**. Our completed City Manager searches in the last 36 months include successful placements for the Cities of Poway, Indian Wells, Mountain View, San Mateo, Redwood City, and the Town of Hillsborough. In addition, we have successfully placed Assistant/Deputy City Manager searches for the Cities of Tustin, Long Beach, Antioch, Healdsburg, Napa, Pleasanton, and Half Moon Bay. We are frequently called upon to manage exceptionally challenging assignments which are attributable to our commitment to personalized services and not limiting the amount of resources we dedicate to any given project. Because we are driven by a concern for **quality results rather than volume**, we limit the number of recruitments the firm handles at any given time.

Lastly, our **commitment to candidate care is incomparable**. From initial conversations during the active recruiting period, coaching for final interviews all the way to professional development debriefings at the end of a process – **no other firm invests the amount of time and level of attention in candidates than we do**. Our treatment of applicants is a direct reflection of our customers' values and we consistently receive feedback that our service is simply unmatched.

Teri Black and Senior Recruiter Tina White will co-lead this recruitment and will be supported by the entire TBC team. Our recruiters maintain **strong networks** throughout various local government disciplines through their involvement and membership with numerous professional associations. Profiles on the recruiters and other members of the TBC Team who will be actively engaged in this assignment can be found in Section V.

TBC will work closely with City Council in adjusting and redesigning activities associated with the recruitment in response to COVID-19 health orders and corresponding protocols throughout the recruitment.

II. RECRUITMENT STRATEGY

The executive search strategy that follows describes four complete phases of a comprehensive recruitment for a Council appointed position.

PHASE I

Client Feedback & Involvement

The recruiters will work closely with the City Council to design the candidate profile, recruitment strategy and timeline in accordance with the Client's desires and expectations. It is our goal to gain a complete understanding of the experience, knowledge, expertise and strengths the City Council is seeking in a new City Manager, as well as learn more about the City's priorities, current and upcoming challenges, fiscal health, organizational culture, and composition of the management team.

With respect to community input, most of our clients who desire extensive input rely on an online survey that can be posted on the City's website. This has proven to be the most popular, convenient, and cost-effective strategy for our clients to obtain input throughout the duration of a recruitment and is the most accessible and user-friendly for constituents.

At the City Council's discretion, the recruiter can also meet with various stakeholders including the outgoing City Manager, department heads, and other internal stakeholders as deemed appropriate. These supplemental meetings sometimes allow us to obtain additional feedback and gain a broader understanding of the community along with the organization's culture and inner workings. This additional knowledge can often be helpful to the recruiters as they assess the critical factors relating to candidate "fit" later on in the process. Because our clients know their organizations best, we rely on their guidance to determine the best sources of information upon launching each assignment.

Strategy Refinement

Following the gathering of feedback, TBC will develop a detailed timeline for the project along with a proposed methodology for attracting the best possible candidates. The timelines and overall strategy will be reviewed and approved by the Council prior to execution.

Material Development & Production

Immediately following the client feedback activities, the recruiters will draft advertising and recruitment brochure text for the Client's review. This information (description of community, culture, organization, ideal candidate profiles, compensation and benefits, etc.) should accurately summarize what was learned from the feedback sources. Sample TBC recruitment brochures are included as separate attachments.

PHASE II

Advertising & Marketing

After our recruiters develop a clear understanding of what the Client is seeking, we will create aggressive advertising, marketing, and social media campaigns for the recruitment. Both the traditional and electronic campaigns will be interrelated to ensure the position has a powerful presence in the marketplace nationwide.

Once the advertising is executed, TBC will distribute the recruitment brochure with a personalized cover letter to our national network of professional contacts in our database. Both e-mail and traditional mail are utilized in our marketing efforts.

Although, under COVID-19 conditions, we have invested more resources in our digital based efforts. The job will also be promoted through the firm's social media presence via LinkedIn, Facebook, Twitter, and Instagram



Personalized Outreach

As an intensive follow-up to the direct mail campaign, the recruiters will personally contact the individuals targeted and generate new contacts through referrals made by respected sources. The most impressive candidates are usually found this way and it frequently requires several persuasive conversations to attract them into a recruitment if they are content and successful in their current position. The majority of highly qualified candidates will not necessarily respond to an advertisement; therefore, extensive proactive outreach is required.

Our clients pay for results and that's exactly what we deliver. TBC dedicates an extraordinary amount of time to discovering new talent. With the maturation of enhanced retirement programs, there has been a tremendous loss of executive/management talent throughout the country. In response, we invest more time and resources in finding undiscovered superstars across the country as well as within the state. While most of our competitor's charge additional consulting fees beyond a specific threshold, we do not limit the number of consulting hours, travel or meetings dedicated to any given project.

PHASE III

Resume Assessment

While the lead recruiter will review resumes as they are received, a final detailed review of each submission will be conducted immediately following the closing date of the recruitment. Those candidates determined to be the most highly qualified will be selected for screening interviews.

The TBC online application system was introduced to the market 12 years ago and was the first in the public sector executive search industry. Leveraging the power, reach, and

accessibility of the internet, TBC pioneered a modern digital experience for both candidates and clients. Since then, some of our competitors have followed suit, but TBC continues to set the bar with **enhanced website and online application security features**, two-step authentication, strong passwords, and secure candidate database storage to keep candidate information safe and confidential.

Screening Interviews

TBC does not restrict the number of candidates to be screened. Rather, we interview every candidate who meets our Client's criteria. As a rule, this group frequently amounts to 6-12 candidates per recruitment. The number of candidates screened ranges from just a handful of professionals for highly specialized positions to more than 20 for highly coveted opportunities. The screening interviews are typically conducted by Zoom or phone.

Recruitment Report

Following the completion of the screening interviews, the recruiter will develop a written report for the Council that includes: a master list of all the applicants, resumes and cover letters for each candidate interviewed, a one-page profile summarizing each candidate's professional history, plus an overview of the recruiter's initial assessment of each individual based on their experience and the results of their screening interview.

The recruiters will review the report with the Council and assist the governing body with determining which candidates to interview.

Candidate Communications & Care

Throughout the entire recruitment, TBC will take responsibility for communicating with the candidates during each stage of the search. In addition, the City should feel free to refer any inquiries from potential or existing candidates directly to the lead recruiter at any time during the engagement. We handle all administrative aspects of the assignment.

TBC is **extremely attentive to internal candidates**. Our recruiters make sure they understand the process and are kept informed at every juncture as they may have never worked with a recruiter before. We strive to exceed the expectations of candidates throughout our engagements as it is critical that all the participants, regardless of whether or not they are selected, have a **positive** experience, and leave the process with a **favorable impression** of the City of Escondido.

PHASE IV

Selection Process

TB&Co. will design and administer an appropriate final selection process in partnership with the Client. Most City Manager selection processes entail two interviews with the City Council supplemented by follow-up discussions with the very top-ranking candidate(s). Our team will prepare the materials for the panel interviews, arrange for follow-up interviews with the Client, and coordinate all logistics with the candidates.

If additional selection activities are desired, TBC will assist with designing and facilitating written exercises, presentations, problem solving scenarios, etc. We tailor the process to best meet the Client's needs and will assist the decision makers with deliberations. Lastly, it is critical that candidates' confidentiality be respected and maintained to the greatest degree possible to maintain the integrity of the process.

Background & References

Following the final process and the Client's selection of its top candidate, TBC will conduct **thorough background and in-depth reference checks**. Our background checks are performed by a licensed private investigator and entail credit, driving record, civil, criminal, and academic credential records checks. Court records checks include county, state, and federal systems. Media, internet, and social networking checks are also included.

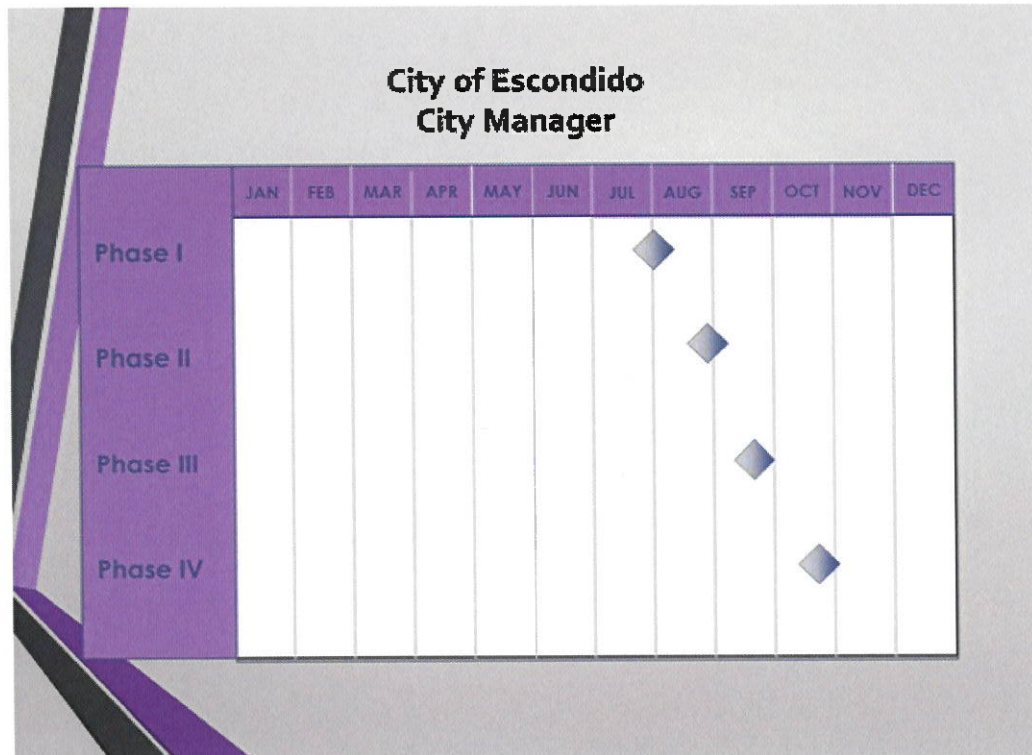
The reference checks are conducted by a TBC consultant and are typically supplemented by comments generated from contacts that do not appear on the candidate's reference list. Extensive written reports are provided to the Client for review and recordkeeping.

Negotiations

Once the client reviews and is comfortable with the findings in the reports, TBC is available to assist with negotiations on compensation, benefits, start date and other transition details to bring the assignment to a successful completion.

III. PROJECT TIMELINE

TBC is prepared to begin work upon formal engagement by late July/early August. The entire recruitment can be completed within approximately 100-120 days. A visual of a projected timeline is portrayed below and assumes that work will commence within the next few weeks.



IV. CLIENT REFERENCES – COUNCIL APPOINTED POSITIONS

Client: **City of Poway** **Tel:** 858.668.4522
Contact: Steve Vaus, Mayor
svaus@poway.org
Searches: **City Manager (2019 & 2014)**, Finance Director, Human Resources Director, Director of Administrative Services, Public Works Director

Client: **City of Mountain View** **Tel:** 650.903.6300
Contact: Margaret Abe-Koga, Mayor
margaret.abe-koga@mountainview.gov
Searches: **City Manager (2019)**, Fire Chief, Deputy Fire Chief, Fire Marshal, Fire Protection Engineer, Zoning Administrator, Current Planning Manager, Finance & Administrative Services Director, Police Captain (Internal Process), Community Development Director, Assistant Public Works Director - Transportation & Business Services, Assistant Public Works Director – Public Services, Economic Development Manager (current), Chief Communications Officer (current), Chief Building Official (upcoming)

Client: **City of San Mateo** **Tel:** 650.522.7522 ext. 6265
Contact: Diane Papan – Council Member (Mayor at the time of the City Manager engagement)
dpapan@cityofsanmateo.org
Searches: **City Manager (2018)**, Police Chief, Public Works Director, Community Development Director, Deputy City Librarian, Deputy Community Development Director

Client: **City of Tustin** **Tel:** 714.573.3012
Contact: Dr. Allan Bernstein, Mayor
abernstein@tustinca.org
Searches: **Assistant City Manager (2019)**, Finance Director, Director of Community Development (current), Chief of Police, Police Civilian Commander, Human Resources Director, Assistant Public Works Director, Field Services Manager, Director of Parks and Recreation

V. RECRUITERS & STAFF PROFILES

Tina White, Senior Recruiter

Tina White retired as City Manager of Poway, California in May 2019. The City of Poway consistently ranked as one of California's safest cities and among the best California cities in which to raise a family. As City Manager, Ms. White oversaw an operating budget of \$90 million, a workforce of more than 200 full-time employees, and capital improvement projects totaling \$34 million in fiscal year 2017-18. Prior to being appointed City Manager, Ms. White served as Poway's Assistant City Manager for more than six years.

Ms. White worked in local government for more than 30 years, working for the cities of El Cajon and Poway and for Helix Water District. She began with Poway in 2001, starting as a management analyst and working her way up to Administrative Services Director in 2006, where she was responsible for human resources, finance, information technology, customer services and the water conservation team. She also worked for five years as a municipal law paralegal and legal administrator for a law firm that represented a number of cities and special districts in the San Diego area.

Over the course of her diverse and accomplished career, she successfully recruited and hired high-quality executive leaders, technical and professional staff, middle managers, and line staff. She attributes her success in recruitments to ensuring that she understood the needs of the position and the organization, looking beyond the job description. She also ensured the selected candidates not only had the necessary skills and abilities, but that they were the right "match" for the organization. This aptitude will help her bring forward the best available candidates and properly gauge their skills and fit with client organizations. Since retiring, Ms. White also works as a senior advisor serving the consulting, administrative and project management needs of local government.

Ms. White is a member of the International City/County Management Association, and holds a Bachelor's degree in Public Administration from San Diego State University.

Tina will co-lead the Escondido engagement alongside Teri Black.

Teri Black, President

Following a distinguished career in local and federal government, Teri has been dedicated to public sector executive search since 1999. Serving communities with populations in the millions to as small as 1,500 for 20 years, she has built a substantial base of clients across the Western United States that continually rely on her personalized service and recruitment expertise. In addition to cities and counties, Teri's clients also include special districts, utility agencies, and non-profit organizations. She has managed a multitude of high profile and sensitive recruitments over the years. Prior to starting her own firm in 2006, Teri was affiliated with Shannon Executive Search/CPS Human Resource Services and The Oldani Group.

Before entering the executive search profession, Teri served as Chief of Staff in the U.S. Department of Justice/Office of Community Oriented Policing Services (COPS) in a previous Presidential Administration. Her local government experience includes management positions in the Cities of Santa Ana, Lakewood, and Oakland, California. As a consultant, clients find her prior government experience to be of tremendous value as they often comment, "She has walked in our shoes and understands our business."

Teri earned her Master's degree in Public Administration from the University of Southern California and holds a bachelor's degree in Criminal Justice from California State University, Fullerton. She is a graduate of the UCLA Anderson School of Management's invitational certificate program for entrepreneurs and a founding member of Cal-ICMA's Preparing the Next Generation (PNG) committee which has served as a model for the national association.

Tracey Carlson, Director of Client & Candidate Care

Tracey is responsible for managing the numerous administrative activities and logistical coordination associated with TBC recruitments and special projects. Her 15 years of project management experience benefits the company in many ways. From overseeing our massive database, ensuring contractual requirements are met and interacting with candidates to coordinating background checks, she is involved with all aspects of the search process.

Tracey is also charged with the most difficult responsibility in the practice – managing Teri’s calendar! In addition, she serves as an outstanding resource for candidates and sets a high bar for the firm’s commitment to five-star quality service. In a nutshell, she serves as Teri’s invaluable “right hand” in ensuring that all client and candidate needs are met.

Prior to joining the firm more than 10 years ago, Tracey held a variety of finance, IT and project management related positions with Northrop Grumman and Toyota Motor Sales, USA.

Elizabeth Emmett, Chief Communicator

Elizabeth Emmett spent her 30-year communications career with Bay Area public agencies, working to recognize needs, strategize solutions and execute successful outreach campaigns. Having joined TBC in January of this year, she is the newest member of the team and is responsible for the firm’s social media, branding, and overall communications efforts.

In 2007, Elizabeth became the first Public Information Officer for the County of Napa, and built the program from scratch, managing the redesign of the County logo, website and style guide, as well as establishing the bedrock internal, external and media communications tools and practices serving all County departments. Seven years later, she was called to again create an entirely new program, this time at Napa Valley Unified School District, where she helped lead the organization through the 2014 Napa earthquake, the 2017 fires and other crises. She retired from NVUSD in early 2019.

During the worst of the California drought in the late 1980’s, Elizabeth was part of the award-winning public information team at Santa Clara Valley Water District, working to inform and educate more than a million customers. She continued her “water work” at Sonoma County Water Agency in the early 2000s, followed by a stint at CirclePoint, an award-winning environmental, marketing and community outreach based in San Francisco. Elizabeth headed up the North Bay office in Napa, working on transportation and water projects throughout the region.

Elizabeth has a bachelor’s degree in Mass Communications/Journalism from Minnesota State University Mankato. She has served in several Board positions, including president, for the California Association of Public Information Officials (CAPIO). She is based in Napa.

VI. PROFESSIONAL FEES & GUARANTEE

The **professional fee** for this assignment will not exceed **\$19,000**. This includes all work outlined in Phases I – IV in the proposal's scope of work. Because of our results-oriented philosophy, the professional fee covers the entire scope of work. Services include conference calls/Zoom meetings/on-site visits for the purposes of gathering stakeholder feedback on candidate profiles, briefing client on results of each recruitment, facilitating interviews, assisting the client with selection deliberations and conducting background and reference checks.

REIMBURSABLE EXPENSES¹ (NOT TO EXCEED)

Advertising	\$2,000
Recruitment Brochure & mailing	\$1,500
Administrative support	\$2,500
Printing & FedEx	\$ 600
Background & records checks	\$ 600
Consultant Travel (if permitted pending COVID-19 limitations; mileage only)	\$ 500
Project expenses (NTE)	\$7,700

Professional fees and expenses are billed monthly. Expenses are billed at their actual level and are never marked-up or inflated with special fees. We fully recognize that we are not the "low cost option" in the industry. Because of our commitment to extraordinary service and quality results, we are not a volume driven firm. We strive for impressive results, which translates to long-term relationships with our clients as they know we are genuinely committed to their short and long-term success.

¹ Reimbursable Expenses by Category are an estimation. Invoices may reflect actual expense amounts in any given category that are above or below the estimated amount, however, total expenses billed during the project shall not exceed the total "Project Expenses (NTE)" amount as stated.

Placement Guarantee

If a candidate selected and appointed by the City of Escondido terminates employment for any reason before the completion of two years of service as a result of a comprehensive TBC full executive recruitment where TBC has conducted the background and references checks directly or has reviewed the information obtained by the City on the candidate's background and references checks, TBC will provide Escondido with the necessary consulting services required to secure a replacement. Depending on the nature of the departure, professional consulting services will be provided at no charge or at a discounted rate of 25-50% of the original fee.² Expenses will be covered by the City.

² If a candidate is terminated for cause or deemed to be a poor fit for our client, professional services are rendered at no charge.

VII. COMPANY CONTACT INFORMATION

Business address:	3510 Torrance Blvd., Ste. 209 Torrance, CA 90503
Telephone:	424.296.3111
Web site:	www.tbcrecruiting.com
Skype Address:	tbc.recruiting
Twitter:	TBCRecruiting
Federal Tax ID:	13-4346458
Primary Contact:	Teri Black teri@tbcrecruiting.com Office: 424.296.3111 Mobile: 310.781.0878
Company Officers:	Teri Black, President Joseph E. Brann, CEO

VII. COMPREHENSIVE LIST OF CLIENTS

Cities

- ◆ Agoura Hills
- ◆ Alameda
- ◆ Aliso Viejo
- ◆ Antioch
- ◆ Anaheim
- ◆ Arlington, TX
- ◆ Arroyo Grande
- ◆ Ashland, OR
- ◆ Belmont
- ◆ Berkeley
- ◆ Beverly Hills
- ◆ Brisbane
- ◆ Buena Park
- ◆ Burbank
- ◆ Burlingame
- ◆ Cannon Beach, OR
- ◆ Carlsbad
- ◆ Carmel-by-the-Sea
- ◆ Carpinteria
- ◆ Chandler, AZ
- ◆ Colorado Springs, CO
- ◆ Concord
- ◆ Costa Mesa
- ◆ Daly City
- ◆ Davis
- ◆ Del Mar
- ◆ Denver, CO
- ◆ Dublin
- ◆ East Palo Alto
- ◆ El Cajon
- ◆ Eugene, OR
- ◆ Fairfield
- ◆ Fort Worth, TX
- ◆ Fremont
- ◆ Fresno
- ◆ Fullerton
- ◆ Glendale
- ◆ Goleta
- ◆ Half Moon Bay
- ◆ Hayward
- ◆ Healdsburg
- ◆ Hermiston, OR
- ◆ Hermosa Beach
- ◆ Hillsborough
- ◆ Huntington Beach
- ◆ Imperial Beach
- ◆ Indian Wells
- ◆ Indio
- ◆ Laguna Niguel
- ◆ La Habra
- ◆ La Palma
- ◆ La Quinta
- ◆ Lakewood, CO
- ◆ Livermore
- ◆ Lomita
- ◆ Lompoc
- ◆ Long Beach
- ◆ Los Altos
- ◆ Los Banos
- ◆ Los Gatos
- ◆ Lynwood
- ◆ Manhattan Beach
- ◆ Marina
- ◆ Menlo Park
- ◆ Milpitas
- ◆ Modesto
- ◆ Moreno Valley
- ◆ Morgan Hill
- ◆ Mountain View
- ◆ Murrieta
- ◆ Napa
- ◆ National City
- ◆ Newport Beach
- ◆ Oakland
- ◆ Pacifica
- ◆ Palo Alto
- ◆ Pasadena
- ◆ Petaluma
- ◆ Piedmont
- ◆ Pismo Beach
- ◆ Pittsburg
- ◆ Pleasanton
- ◆ Prescott Valley, AZ
- ◆ Pomona
- ◆ Poway
- ◆ Provo City, UT
- ◆ Rancho Cordova
- ◆ Redlands
- ◆ Redwood City
- ◆ Rohnert Park
- ◆ Riverside
- ◆ Roseville

- ◆ San Diego
- ◆ San José
- ◆ San Leandro
- ◆ San Luis Obispo
- ◆ San Mateo
- ◆ Santa Barbara
- ◆ Santa Clara
- ◆ Santa Clarita
- ◆ Santa Cruz
- ◆ Santa Monica
- ◆ Santa Paula
- ◆ Santa Rosa
- ◆ Sierra Vista, AZ
- ◆ Signal Hill
- ◆ South Pasadena
- ◆ South San Francisco
- ◆ Sunnyvale
- ◆ Surprise, AZ
- ◆ Torrance
- ◆ Tracy
- ◆ Turlock
- ◆ Tustin
- ◆ Vallejo
- ◆ Ventura
- ◆ Vista
- ◆ Walnut Creek
- ◆ West Sacramento
- ◆ Woodside, Town of
- ◆ Yucca Valley, Town of

Counties

- ❖ Alameda
- ❖ Contra Costa
- ❖ Denver, CO (City/County)
- ❖ Lane, OR
- ❖ Los Angeles
- ❖ Merced
- ❖ Monterey
- ❖ Napa
- ❖ San Diego
- ❖ Santa Barbara

Special Districts/Authorities

- Ashland, OR Parks Commission
- Beach Cities Health District
- Calleguas Municipal Water District
- Castaic Lake Water Agency
- Goleta Water District
- Hi-Desert Water District
- Indio Water Authority
- Menlo Park Fire Protection District
- Mesa Consolidated Water District
- Municipal Water District of Orange County
- Sacramento Metropolitan Fire District
- San Ramon Valley Fire Protection District
- South Bay Regional Public Communications Authority
- Southern California Association of Governments
- West Basin Municipal Water District

Universities

Cal State University Los Angeles

RESOLUTION NO. 2020-118

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, TO EXECUTE, ON BEHALF OF THE
CITY, A CONSULTING AGREEMENT FOR
SERVICES TO CONDUCT AN EXECUTIVE
RECRUITMENT FOR A CITY MANAGER

WHEREAS, City Manager, Jeffrey R. Epp, retired July 11, 2020, and will continue serving as a retired annuitant during the recruitment process for a permanent, successor City Manager; and

WHEREAS, the City Council approved the temporary re-employment of CalPERS Annuitant, Jeffrey R. Epp effective, July 12, 2020; and

WHEREAS, the City Council wishes to utilize the services of an executive recruitment firm to obtain the best possible pool of candidates; and

WHEREAS, the City solicited and evaluated proposals from qualified executive search firms and selected Teri Black and Company as the best proposal.

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 and City Clerk to execute a Consulting Agreement ("Agreement") with Teri Black and Company for executive recruitment services for a City Manager for a sum not to exceed \$26,700. A copy of the Agreement is attached and incorporated to this Resolution as Exhibit "1," and is subject to final approval as to form by the City Attorney.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Agreement is made this _____ day of _____, 20__.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Jeffrey Epp
760-839-4897
("CITY")

And: Teri Black & Company
3510 Torrance Blvd. Suite 209
Torrance, CA 90503
Attn: Teri Black
424-296-3111
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to provide executive search services for a City Manager; and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

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

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," not to exceed \$26,700. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.
- 3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.

4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. The performance of services under this Agreement by certain professionals is significant to the CITY. CONSULTANT will assign the persons listed on "Attachment B," which is attached and incorporated by this reference, to perform the Services described in Paragraph 1, and will not add or remove persons from the list without the prior written consent of the CITY. If no designation is made, then CONSULTANT may not assign services without obtaining the advance written consent of the CITY. CONSULTANT will not subcontract any tasks under this Agreement without obtaining the advance written consent of the CITY.
6. Termination. Either CONSULTANT or the CITY may terminate this Agreement with thirty (30) days advance written notice.
7. City Property. All original documents, drawings, electronic media, and other material prepared by CONSULTANT under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONSULTANT for any other purpose without prior written consent of the CITY.
8. Insurance.
 - a. The CONSULTANT shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 8(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - (4) Errors and Omissions professional liability insurance with minimum coverage of \$1,000,000.
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONSULTANT acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of the CONSULTANT. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____
 - c. Each insurance policy required above must be acceptable to the City Attorney.
 - (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be

provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.

- (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The CITY includes its officials, employees, and volunteers. The endorsement must be ISO Form CG 20 10 11 85 edition or its equivalent for General Liability endorsements and CA 20 01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONSULTANT's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
 - d. In executing this Agreement, CONSULTANT agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
9. Indemnification. CONSULTANT (which in this paragraph 9 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
 - a. Any claim of liability arising out of the negligence or any acts or omissions of CONSULTANT in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONSULTANT may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - c. Any injury or death which results or increases by any action taken to medically treat CONSULTANT.
10. Anti-Assignment Clause. The CONSULTANT may not assign, delegate or transfer any interest or duty under this Agreement without advance written approval of the CITY, and any attempt to do so will immediately render this entire Agreement null and void. Unless CONSULTANT assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONSULTANT shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
11. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.
12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution of this Agreement.

13. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
14. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived by CITY because any other provision has been waived, in whole or in part.
15. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.
16. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
17. Multiple Copies of Agreement/Counterparts. 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. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the Agreement.
18. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
19. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party, at the address first above written.
20. Business License. The CONSULTANT is required to obtain a City of Escondido Business License prior to execution of this Agreement.
21. Compliance with Applicable Laws, Permits and Licenses. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. CONSULTANT shall obtain any and all licenses, permits, and authorizations necessary to perform services set forth in this Agreement. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.
22. Immigration Reform and Control Act of 1986. CONSULTANT shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONSULTANT affirms that as an 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 be employed on this public project. CONSULTANT agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

IN WITNESS WHEREOF, the parties below are authorized to act on behalf of their organizations, and have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Date: _____

Paul McNamara
Mayor

Date: _____

Zack Beck
City Clerk

Date: _____

TERI BLACK & COMPANY

Signature

Name & Title (please print)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

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

ATTACHMENT "A"

Scope of Work

A. GENERAL

Teri Black and Company ("Consultant") will provide the City of Escondido ("City") executive search services to recruit and hire a new City Manager.

B. SERVICES

Consultant will provide executive search services in four distinct phases, as follows:

1. Phase 1

a. Client Feedback & Involvement

Consultant will work closely with the City Council to design the candidate profile, recruitment strategy and timeline in accordance with the City's desires and expectations. It is Consultant's goal to gain a complete understanding of the experience, knowledge, expertise and strengths the City Council is seeking in a new City Manager, as well as learn more about the City's priorities, current and upcoming challenges, fiscal health, organizational culture, and composition of the management team.

At the City Council's discretion, Consultant can also meet with various stakeholders including the outgoing City Manager, department heads, and other internal stakeholders as deemed appropriate. These supplemental meetings sometimes allow us to obtain additional feedback and gain a broader understanding of the community along with the organization's culture and inner workings. This additional knowledge can often be helpful to the recruiters as they assess the critical factors relating to candidate "fit" later on in the process.

b. Strategy Refinement

Following the gathering of feedback, Consultant will develop a detailed timeline for the project along with a proposed methodology for attracting the best possible candidates. The timelines and overall strategy will be reviewed and approved by the Council prior to execution.

c. Material Development & Production

Immediately following the City feedback activities, Consultant will draft advertising and recruitment brochure text for the City's review. This information (description of community, culture, organization, ideal candidate profiles, compensation and benefits, etc.) should accurately summarize what was learned from the feedback sources.

ATTACHMENT "A"

Scope of Work

2. Phase 2

a. Advertising & Marketing

After Consultant develops a clear understanding of what the City is seeking, Consultant will create aggressive advertising, marketing, and social media campaigns for the recruitment. Both the traditional and electronic campaigns will be interrelated to ensure the position has a powerful presence in the marketplace nationwide.

Once the advertising is executed, Consultant will distribute the recruitment brochure with a personalized cover letter to its national network of professional contacts in its database. Both e-mail and traditional mail are utilized in its marketing efforts.

b. Personalized Outreach

As an intensive follow-up to the direct mail campaign, the recruiters will personally contact the individuals targeted and generate new contacts through referrals made by respected sources. The most impressive candidates are usually found this way and it frequently requires several persuasive conversations to attract them into a recruitment if they are content and successful in their current position. The majority of highly qualified candidates will not necessarily respond to an advertisement; therefore, extensive proactive outreach is required.

3. Phase 3

a. Resume Assessment

While the lead recruiter will review resumes as they are received, a final detailed review of each submission will be conducted immediately following the closing date of the recruitment. Those candidates determined to be the most highly qualified will be selected for screening interviews.

b. Screening Interviews

Consultant does not restrict the number of candidates to be screened. Rather, it interviews every candidate who meets the City's criteria. As a rule, this group frequently amounts to 6-12 candidates per recruitment. The number of candidates screened ranges from just a handful of professionals for highly specialized positions to more than 20 for highly coveted opportunities. The screening interviews are typically conducted by Zoom or phone.

ATTACHMENT "A"

Scope of Work

c. Recruitment Report

Following the completion of the screening interviews, the recruiter will develop a written report for the Council that includes: a master list of all the applicants, resumes and cover letters for each candidate interviewed, a one-page profile summarizing each candidate's professional history, plus an overview of the recruiter's initial assessment of each individual based on their experience and the results of their screening interview.

The recruiters will review the report with the Council and assist the governing body with determining which candidates to interview.

d. Candidate Communications & Care

Throughout the entire recruitment, Consultant will take responsibility for communicating with the candidates during each stage of the search. In addition, the City should feel free to refer any inquiries from potential or existing candidates directly to the lead recruiter at any time during the engagement. Consultant will handle all administrative aspects of the assignment.

4. Phase 4

a. Selection Process

Consultant will design and administer an appropriate final selection process in partnership with the City. Most City Manager selection processes entail two interviews with the City Council supplemented by follow-up discussions with the very top-ranking candidate(s). Our team will prepare the materials for the panel interviews, arrange for follow-up interviews with the City, and coordinate all logistics with the candidates.

If additional selection activities are desired, Consultant will assist with designing and facilitating written exercises, presentations, problem solving scenarios, etc. We tailor the process to best meet the City's needs and will assist the decision makers with deliberations. Lastly, it is critical that candidates' confidentiality be respected and maintained to the greatest degree possible to maintain the integrity of the process.

b. Background & References

Following the final process and the City's selection of its top candidate, Consultant will conduct thorough background and in-depth reference checks. Consultant's background checks are performed by a licensed private investigator and entail credit, driving record, civil, criminal, and academic credential records checks.

ATTACHMENT "A"

Scope of Work

Court records checks include county, state, and federal systems. Media, internet, and social networking checks are also included.

The reference checks are conducted by Consultant's third party consultant and are typically supplemented by comments generated from contacts that do not appear on the candidate's reference list. Extensive written reports are provided to the City for review and recordkeeping.

c. Negotiations

Once the City reviews and is comfortable with the findings in the reports, Consultant is available to assist with negotiations on compensation, benefits, start date and other transition details to bring the assignment to a successful completion.

C. RECRUITMENT TIMELINE

Consultant will begin executive search services upon notice from the City and the entire recruitment may be completed within 100-120 days. City and Consultant will continue to monitor progress and may amend the timeline as needed.

D. PLACEMENT GUARANTEE

If a candidate selected and appointed by the City terminates employment for any reason before the completion of two years of service as a result of a comprehensive full executive recruitment where Consultant has conducted the background and references checks directly or has reviewed the information obtained by the City on the candidate's background and references checks, Consultant will provide City with the necessary consulting services required to secure a replacement. Depending on the nature of the departure, professional consulting services will be provided at no charge or at a discounted rate of 25-50% of the original fee. If a candidate is terminated for cause or deemed to be a poor fit for our client, professional services are rendered at no charge. Expenses will be covered by the City.

E. PROFESSIONAL FEE

The professional fee for this assignment will not exceed **\$19,000**. This includes all work outlined in Phases I – IV. Services include conference calls/Zoom meetings/on-site visits for the purposes of gathering stakeholder feedback on candidate profiles, briefing client on results of each recruitment, facilitating interviews, assisting the client with selection deliberations and conducting background and reference checks.

ATTACHMENT "A"
Scope of Work

F. REIMBURSABLE EXPENSES

Advertising	\$2,000
Recruitment Brochure & mailing	\$1,500
Administrative support	\$2,500
Printing & FedEx	\$ 600
Background & records checks	\$ 600
Consultant Travel	\$ 500

Project expenses (NTE)	\$7,700
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Reimbursable Expenses by Category are an estimation. Invoices may reflect actual expense amounts in any given category that are above or below the estimated amount, however, total expenses billed during the project shall not exceed the total "Project Expenses (NTE)" amount as stated.

G. PAYMENT

The total contract price shall not exceed \$26,700. Payment will be made after the services have been performed on a monthly basis and within 30 days of the receipt of invoice.

ATTACHMENT “B”

Tina White, Senior Recruiter

Teri Black, President

Tracey Carlson, Director of Client & Candidate Care

Elizabeth Emmett, Chief Communicator

CITY COUNCIL STAFF REPORT

Consent Item No. 6

August 19 2020

File No. 0170-57

SUBJECT: Approval of CalPERS Industrial Disability for Fire Captain Scott Barratt

DEPARTMENT: Human Resources Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-116R, approving the California Public Employees' Retirement System ("CalPERS") Industrial Disability Retirement for Fire Captain Scott Barratt.

BACKGROUND:

Captain Barratt filed for Industrial Disability Retirement on April 30, 2019. He was employed by the City of Escondido for 28 years. His last day of work was on June 14, 2019. The basis for Captain Barratt's Service Pending Industrial Disability Retirement application is confirmed by the medical report dated July 8, 2020, from Garrett J. Tallman, MD. Captain Barratt's condition is orthopedic in nature. Accordingly, Captain Barratt is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual and customary duties in the position of Fire Captain.

Under state law, CalPERS requires the City Council to adopt a resolution stating that competent medical evidence supports the granting of an Industrial Disability Retirement. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2020-116R, approving the CalPERS Industrial Disability Retirement for Fire Captain Scott Barratt to be effective June 14, 2019.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jessica Perpetua, Director of Human Resources
8/12/20 4:21 p.m.

ATTACHMENTS:

1. Resolution No. 2020-116R

RESOLUTION NO. 2020-116R

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE CALPERS INDUSTRIAL
DISABILITY RETIREMENT FOR FIRE
CAPTAIN SCOTT BARRATT

WHEREAS, the City of Escondido (the “City”) is a contracting agency of the California Public Employees’ Retirement System (“CalPERS”); and

WHEREAS, the California Public Employees’ Retirement Law (Government Code Section 20000 et seq.) (“California law”) requires that the City determine whether an employee classified as a local safety member is disabled for purpose of the California law and whether such disability is “industrial” within the meaning of such law; and

WHEREAS, Scott Barratt (“Employee”) filed an application with CalPERS on April 30, 2019, for a service pending industrial disability retirement due to an orthopedic injury; and

WHEREAS, the Employee, was employed by the City in the position of Fire Captain; and

WHEREAS, the City Council of the City of Escondido has reviewed the medical and other evidence relevant to this industrial disability.

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

1. That the above recitations are true.
2. That the City Council of the City of Escondido, California does hereby find and determine that Employee is incapacitated within the meaning of the California Public Employees’ Retirement Law for performance of his duties in the position of Fire Captain.

3. That the City Council certifies, in accordance with Government Code Section 21156, that this determination was made on the basis of competent medical opinion, and was not used as a substitute for the disciplinary process.

4. That Employee had filed a Workers' Compensation claim for his disabling conditions. The City accepted the Employee's Workers' Compensation claim.

5. That neither Employee nor the City of Escondido has applied to the Worker's Compensation Appeals Board for a determination pursuant to Government Code Section 21166 whether such disability is industrial.

6. His last day on paid status was June 13, 2019, the employee was separated on June 14, 2019, effective date of retirement June 14, 2019.

7. That there is not a possibility of third-party liability.

8. That the City will not make any monthly advanced disability pension payments.

9. That the primary disabling condition is an orthopedic injury to his left shoulder, and arose out of and in the course of employment.

10. That there is competent medical opinion certifying the disabling condition to be permanent.

11. That based on information and belief, and on the information provided by City staff, the City Council certifies under penalty of perjury that all statements in this Resolution are true and correct.

**Appointment of Council
Subcommittee to Review and
Address Boards, Commissions,
Advisory Committees and Other
Avenues of Citizen Participation in
Local Government-**

**No materials available. Council
discussion only.**

CITY COUNCIL STAFF REPORT

Current Business Item No. 8

August 19, 2020

File No. 0865-15

SUBJECT: Urgency Ordinance Extension for the Coronavirus (COVID-19) Emergency Business Recovery Strategy

DEPARTMENT: Economic Development, Community Development, and City Attorney

RECOMMENDATION:

It is requested that the City Council consider and adopt Urgency Ordinance No. 2020-21 to formally extend, and modify as necessary, the regulatory measures outlined to support Escondido's economic recovery.

FISCAL ANALYSIS:

The impacts of this action are assumed to be fiscally positive to the City, its businesses and residents, and will continue to assist in the economic recovery from the novel coronavirus ("COVID-19") pandemic. No new or additional funding is required to implement or administrate this Urgency Ordinance.

BACKGROUND / PREVIOUS ACTION:

A novel coronavirus referred to as COVID-19, which causes infectious disease, was first detected in December 2019, and has now spread throughout the world. The COVID-19 disease is believed to be spread through person-to-person contact between people who are in close proximity with others up to six (6) feet and through respiratory droplets when a person coughs or sneezes, even when that person is asymptomatic.

There have been numerous and continued deaths attributed to COVID-19 in the United States and around the world. Health agencies have recommended various protective measures to reduce the likelihood of transmission of the virus.

On March 4, 2020, California Governor Gavin Newsom proclaimed that a State of Emergency exists in California as a result of the threat of COVID-19. Shortly after, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents "to immediately heed the current State public health directives," which included a Department of Public Health directive that people who leave their homes or places of residences "should at all times practice social distancing." Within Executive Order N-33-20, the State Public Health Officer ordered "all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors," thereby shutting down or substantially limiting the operations of all non-essential business and services. During this time of shelter-in-place, self-isolation, and other social distancing measures, many individuals experienced substantial loss of personal or business income. While the social distancing and stay-at-home orders supported the need to slow the spread of the virus, there were immediate adverse impacts to businesses, the

workforce, and residents. Specifically, the orders precluded some residents of the city from working, required some businesses to close or significantly decrease customer capacity, and required residents to work fewer hours to take care of children who remained at home due to school closures or take care of ill family members. As the public health emergency intensified in Spring 2020, and the number of people infected by COVID-19 increased, cities and counties in the State of California began to develop local economic relief plans so that businesses had the ability to rebound from the adverse impacts of COVID-19 and continue to provide employment and generate tax revenue to set the stage for economic recovery after the emergency is over, while continuing to help ensure the safety and protection of individuals.

The City Council adopted Urgency Ordinance No. 2020-12 on an interim basis on May 20, 2020, to establish temporary business relief measures and reduce outdoor retail regulations and signage restrictions in response to COVID-19, while also helping to ensure the health and safety of employees, customers, and the general public. Many local businesses took advantage of the special temporary use allowances authorized by the City Council, and there has been a lot of positive news coverage about the various business relief strategies. Business recovery accomplishments from May through August are provided in Attachment 1. The Urgency Ordinance was effective for an initial 90-day period and, without further action, will lapse on August 20, 2020.

After new daily positive COVID-19 case counts, total test-positive cases, and per capita totals slowed in late Spring, by mid-June new total cases began to trend upward. On July 7, 2020, the County Health Officer issued an order increasing restrictions and closures for certain businesses and activities that were previously allowed to operate. The COVID-19 pandemic and the patchwork of constantly evolving guidelines, health orders, and precautions recommended by health authorities has caused many local businesses and employers in Escondido to experience persistent revenue loss from temporary business closures and/or modified operations. Even as businesses are allowed to reopen, they are being required to modify operations and accommodate physical distancing between employees, patrons, and the general public to mitigate the spread of COVID-19. The ability of businesses to have immediate flexibility in making their establishments safer is critical to continuing to protect the public health of our communities and avoid potential future spikes in transmission that could threaten our healthcare system; the economy; and the general safety and welfare of businesses and employers, employees, residents, and visitors of Escondido. City staff now requests an extension of the existing ordinance for an additional period of 90 days. The purpose of this Urgency Ordinance is to fine-tune previous measures as well as enact new measures to support local business operations during the COVID-19 pandemic and to better protect public health and safety, and reduce the spread of COVID-19.

Urgency Ordinance.

Pursuant to the Government Code, the City Council may enact an urgency ordinance under unique circumstances. Typically, ordinances may not be passed within five days of their introduction. However, pursuant to Government Code Section 36934, an urgency ordinance may be passed immediately.

Furthermore, while a typical ordinance takes effect 30 days after final passage, an urgency ordinance for the immediate preservation of the public peace, health or safety containing a declaration of the facts constituting the urgency, and passed by a four-fifths vote of the city council, takes effect immediately upon adoption. See Government Code Section 36937(b).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

Urgency Ordinance No. 2020-21 is exempt from CEQA under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency.

ANALYSIS:

Urgency Ordinance No. 2020-21 is an extension and modification to Urgency Ordinance No. 2020-12, as a local measure that advances temporary business relief measures that protect life and property, and the general health and safety of businesses and employers, residents, and visitors of Escondido who are affected by the declared Local Emergency. The existing conditions that prompted the adoption of Urgency Ordinance No. 2020-12 and City Council's Proclamation of Local Emergency continue to exist.

Below is a list and status update of the business relief measures include in Urgency Ordinance No. 2020-12 that would be extended, or modified, through the adoption of Urgency Ordinance No. 2020-21.

- **Permit timeline extensions.**

Not included or applicable. Ordinance No. 2020-12 provided a full year extension to Planning and Building projects. This measure does not need to be extended at this time.

- **Sign limits and regulations (creating more flexibility to advertise business, adjusted hours and/or COVID-19 precautions).**

No changes proposed.

- **Regulations of alcohol sales (off-site sale allowances).**

No changes proposed.

- **Carry-out zones (creating flexible drop-off and pick-up options).**

No changes proposed.

- **Accessory retail use in industrial zones (additional floor area allowances).**

No changes proposed.

- **Outdoor activities in parking and non-parking areas (supporting the expansion of outdoor sales, displays, and services).**

This measure is included, with proposed changes. Key changes include broadening the types of outdoor activities allowed to include other professional, recreation, or instructional services and/or assembly. Public Health officials indicate that outdoor activities remain safer than indoor activities due to the reduced risk of transmission of COVID-19 in an outdoor setting. Furthermore, staff is recommending no user fee be collected at application in-take (i.e. no cost recovery to administer and implement the program).

As proposed, assembly activities, including but not limited to social clubs, church services, and protests, would not require a special temporary use permit. A tent permit may be required if a tent or shade canopy is provided and it exceeds 700 square feet.

Below is a brief description of the new, special temporary use allowances and interim code modifications that are the subject of this extension request followed by a brief description of the effects of implementation.

- **Indoor expansions for uses (streamlining temporary expansions without zoning permits).**

This measure allows a business to expand into existing indoor areas such as an adjacent vacant shop to accommodate physical distancing without increasing the overall capacity or occupancy of the operation. Changes to commercial and semi-public uses, like schools and churches, typically require compliance with existing permits and allowed land uses. Recognizing that coordinating and obtaining zoning approvals requires time and places an undue burden on businesses reopening under the Public Health Order, this measure facilitates compliance with the health orders in a flexible way and reduces economic harm.

- **Parking regulations exemption (creating more flexibility for businesses).**

Temporary measures that increase total activity area for a business would not trigger any requirement for additional parking because of the temporary nature and reduced or eliminated interior capacity of the business due to the state and county restrictions.

- **New structure and modification exemption (streamline business activity).**

All commercial improvements require Design Review for permanent improvements. Due to the temporary nature of these measures, the Urgency Ordinance proposes to eliminate the Design Review requirement unless the business applies for the modification to be permanent even after the public health order ceases.

- **Agricultural experiences (incidental use of agricultural lands).**

Small agricultural operations in particular may have a difficult time adjusting to and recovering from the pandemic which could jeopardize access to local agricultural products. The Urgency Ordinance would allow existing agricultural operations to host agricultural experiences such as roadside sales, hikes, tours, picnics, and other outdoor activities designed to promote local agricultural production and as state and county restrictions allow. The types of activities would be incidental to agricultural production and would help the agricultural industry adapt during the pandemic.

- **Home occupations (allowing customers and employees).**

There are many people working from home in conditions that may typically require a Home Occupation Permit. During the pandemic, working from home has proven critical, especially now that primary and secondary schools are implementing remote or distance learning for the start of the 2020-2021 academic year. To support working from home, this Urgency Ordinance would exempt home occupations from employee or customer requirements if they meet existing code operational standards.

- **Other use activities not specified (providing adaptive ways to solve future problems).**

With an overarching goal to prevent further public safety and health effects of the COVID-19 pandemic, the Urgency Ordinance would broaden the authority of City staff to exempt other types of business activities from standard permitting procedures business recovery or other pressing needs related to the pandemic. Similarly to allowing expanded physical spaces, allowing extended hours of operation, more frequent but smaller activities, and small-scale alternative promotion and marketing efforts will enable businesses to spread out visitors and customers to decrease the risk of transmission of COVID-19.

CONCLUSION:

The City Council, pursuant to its inherent police powers under the state constitution and state law, has the authority to enact laws for the safety and protection of its residents. The declaration of the Local Emergency as well as the existence of numerous similar declarations at all levels of national and state governments reflect that the current health and financial circumstances of the COVID-19 emergency require creative and effective measures to protect the residents and businesses in this jurisdiction.

Staff has prepared Urgency Ordinance No. 2020-21 for City Council adoption as a means of mitigating and preventing further public safety and health effects of the COVID-19 pandemic. With respect to the City's general authority to adopt the Urgency Ordinance, the health and safety effects of the pandemic emergency on the community is mitigated by the Business Recovery Strategy serving to protect the general public from those non-economic health and safety effects. If adopted, Urgency Ordinance No. 2020-21 will be administered under the direction of the City Manager, by and through the Director of Community Development. The Director may establish administrative policies, terms and limitations, and application forms for use in implementing this Ordinance. The administrative policies, terms and limitations, and application forms must be consistent with the

Ordinance and made available to the public on City's website and upon request. Because the Ordinance creates opportunities and eliminates barriers for existing and new businesses and community partners, it will be important to get the word out about any changes that are adopted by the City Council. A flyer has been created to provide the latest, best information to our residents, businesses, and community members about what the City is doing to update the Business Recovery Strategy (provided in Attachment 2). City staff plans to distribute this flyer, and update it as necessary, as new information and resources become available.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Mike Strong, Director of Community Development

8/12/20 4:53 p.m.

Amber Terrac, Deputy Director of Economic Development

8/12/20 4:27 p.m.

ATTACHMENTS:

1. Attachment 1 - Business Recovery Accomplishments - May 13, 2020 to August 12, 2020
2. Attachment 2 - Business Recovery Flyer (Rev. August 2020)
3. Urgency Ordinance No. 2020-21

Business Recovery Accomplishments May-August 2020

- The [COVID-19 Business Recovery Strategy](#) was adopted by the City on May 13.
- City Hall re-opened to the public on June 15 with a new Information Booth check-in process to protect the health and safety of the public and employees while providing exceptional and efficient service to customers.
- Escondido's Business Recovery Strategy tools were publicized in the following areas:
 - City's website
 - Business Insight Monthly Newsletter
 - Chamber of Commerce
 - Downtown Business Association
 - Various media outlets
- The new Cityworks software platform was implemented on July 1, which has significantly improved City efficiency to better serve internal and external customers.
- One traffic lane in each direction on Grand Avenue from Maple Street to Juniper Street was temporarily closed to allow for expanded outdoor dining and retail in parklets starting on July 10.
 - Media Coverage for outdoor dining and operations on Grand Avenue and Citywide:
 - [San Diego Union Tribune](#) – July 9
 - [Fox5](#) – July 10
 - [Coast News](#) – July 17
 - [Times Advocate](#) – July 18
 - [MSN](#) – July 24
 - [Fox5](#) – July 29
 - [Coast News](#) – August 6
 - Westways Magazine – *Coming soon in September*
- The City Business Grant Program was launched on July 17 in English and Spanish to award \$1M in CARES Act funding to local businesses.
 - Media Coverage for the City's Business Grant Program in Spanish through a partnership with Univision:
 - Radio spots on 102.9 Amor for the first three weeks of August;
 - A Facebook radio host video;
 - City spokesperson interview on *De Vida Voz* with Mery Lopez-Gallo; and
 - Targeted email outreach to the Hispanic community.
 - Media Coverage for the City's Business Grant Program in English:
 - [San Diego Union Tribune](#) – July 23
 - [Coast News](#) – August 5
 - San Diego Union Tribune – *Coming soon in August*

- The City proactively supported restaurants, retailers, nail/hair salons, barbershops, gyms, churches, and schools to effectively operate outdoors by creating a Business Recovery Strategy Special Permit [website](#) and [Special Permit form](#) was created and a streamlined approval process for outdoor operations on sidewalks, parking lots, street parking spaces, and City parking lots on July 20, has been shared with businesses city-wide.
 - Twenty-eight Business Recovery Special Permits were approved for nail/hair salons and barbershops, restaurants, breweries, gyms, art galleries, museums, and retailers.
- A streamlined approval process was created for outdoor operations in City Parks on July 20. Here is the link to the [Parks and Facilities Reservation Form](#) and [website](#) with more information. Submit your completed Facility Use Permit to recreation@escondido.org or in person at the City Hall Community Services front counter. Contact the City at recreation@escondido.org or call 760-839-4692 with questions.
 - Nine permits for outdoor operations in City park space totaling 102 days of reservations have been approved for churches, fitness groups, and a dance studio.
- The City relocated twenty-six fitness related recreation classes in July to outdoor locations in the hockey arenas at the Escondido Sports Center, the Amphitheater, and the dome area at City Hall. These classes are scheduled to run throughout August and September - registration is currently being accepted [here](#). For questions about which Recreation programs are being offered outside, email recreation@escondido.org or call 760-839-4692.
- The “[Jumpstart Small Business - Start Your Business in a Day](#)” program officially launched on August 12. The City along with the four Innovate78 Corridor cities (San Marcos, Vista, Carlsbad, and Oceanside) and the San Diego North Economic Development Council partnered with the San Diego and Imperial Small Business Development Center (SBDC) to launch the “Jumpstart Small Business-Start Your Business in a Day” Program on August 12 to assist entrepreneurs to get their business idea off of the ground and to support existing small business owners to expand. To start, this program will have content in English and Spanish as a pre-recorded training so those interested will be able to access the content [here](#). For the next phase, the SBDC will offer live training sessions in English and Spanish, the dates and times will be posted on the website as well as they become available.



AUGUST UPDATES

What is the City adding to the Business Recovery Strategy toolkit starting in August?

In addition to all of the [strategies adopted in May](#), we've also added the following to support your organization's success!

Outdoor Operations on City Sidewalks, Parking Lots, and Street Parking Spaces

We created a Business Recovery Strategy Special Permit [website](#) with information and a streamlined approval process for outdoor business activities on sidewalks, parking lots, street parking spaces, and City parking lots. We've revised the City's formal approval process to get your applications in and approved in record time. Our goal is to process your request within one business day!

We have a really easy [Special Temporary Use Permit form](#). If you would like to expand your business activities outdoors on sidewalks, in parking lots, and street parking spaces, or in a City parking lot, submit the completed form and a diagram of your proposed plans to Planning@escondido.org.

Best of all, it's FREE!

Extended Outdoor Operations

- Free Business Recovery Special Permits and free related Tent/Canopy permits.
- Work with your business neighbors to get approval to use their nearby sidewalk areas, parking lot, and/or street parking spaces for your outdoor operations. Increased pedestrian activity will benefit ALL businesses in the area! If you plan to do this, just remember to please include an email approval from your neighbor with your completed Special Permit application.
- Gyms and fitness instructors can now do outdoor activities on site in a parking lot or other open area with an approved Special Temporary Use Permit.
- Now you can drive through, drop off, and pick up with even greater flexibility in carry out zones that can be reserved with signage in front of your business.
- You can now setup more temporary signs in front of your business so your customers know important information about your business such as COVID-19 safety precautions or how to place orders.
- Existing schools and churches can continue to provide much needed community services while accommodating social distancing.
- Outdoor learning and assembly is allowed between 8 a.m. - 5 p.m. with a Special Temporary Use Permit.
- Schools can temporarily expand their space into other buildings like a satellite campus for remote learning with a Special Temporary Use Permit – no need to go through the formal planning process.



Outdoor Operations in City Parks and City Park Parking Lots

City Parks

Would you like to use one of our beautiful City Parks or City Park parking lots for outdoor services or business operations? Best of all - it's FREE!

Now you can with an approved Facility Use Permit.

Here is the link to the [Parks and Facilities Reservation Form](#) and [website](#) with more information. Submit your completed Facility Use Permit to recreation@escondido.org or in person at the City Hall Community Services front counter. Contact the City at recreation@escondido.org or call 760-839-4692 with questions.

- Please note: Fees will be charged for the use of the Kit Carson Park Amphitheater and for one-time activities in City Parks or City Park parking lots.

Tents and Canopies

- Tents and canopies are permitted to be set up for as many days as you want for your business. The permit is free and the City will provide free consultation when needed to ensure the safety of employees and customers.

Business Licensing

- Given the trend of remote work, a Business License may be granted without a Building Certificate of Occupancy on a case-by-case basis.



Stronger Together!

ORDINANCE NO. 2020-21

AN UNCODIFIED (URGENCY) ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF ESCONDIDO,
CALIFORNIA, EXTENDING THE TEMPORARY
BUSINESS RELIEF MEASURES AND PUBLIC
HEALTH AND SAFETY PROTECTIONS RELATED
TO STATEWIDE RECOVERY AND RE-OPENING
EFFORTS DUE TO NOVEL CORONAVIRUS
("COVID-19")

WHEREAS, in a short period of time, COVID-19, which is a new strain of coronavirus that is the cause of an outbreak of respiratory illness, has rapidly spread throughout the State of California, necessitating stringent public health emergency orders as well as guidance and directives from federal, state, and local public officials; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency related to the COVID-19 outbreak pursuant to Section 319 of the Public Health Service Act; and

WHEREAS, on February 14, 2020, the San Diego County Public Health Officer declared a local health emergency due to the threat of COVID-19; and

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified the Declaration of Local Health Emergency and Proclamation of Local Emergency arising out of the COVID-19 outbreak; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID-19; and

WHEREAS, various health organizations throughout the world, including the Centers for Disease Control and Prevention ("CDC") and the World Health Organization

(“WHO”), consider the COVID-19 virus to be a very serious health threat, a “public health emergency of international concern,” and as of March 11, 2020, the WHO identified it as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 which, in part, took various actions pursuant to the Emergency Services Act (Government Code Section 8550 *et. seq.*), including an order to ensure adequate facilities to address the impacts of COVID-19; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, issued a Proclamation on Declaring a National Emergency concerning the COVID-19 Outbreak; and

WHEREAS, on March 16, 2020, the City Manager for the City of Escondido (“City”), acting in his capacity of Director of Emergency Services of the City (“Director”), proclaimed, through Proclamation No. 2020-01, the existence of a Local Emergency related to COVID-19 within the City, and activated the Escondido Emergency Operations Center on that date; and

WHEREAS, as of March 18, 2020, the Escondido City Council adopted Proclamation No. 2020-01, ratifying the declaration of the Director and declaring the existence of an on-going local emergency pursuant to COVID-19; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors (also called the “Stay-at-Home Order”); and

WHEREAS, new daily positive COVID-19 case counts, total test-positive cases, and per capita totals slowed in late spring 2020. Because of the downtrend movement in new cases, there was growing interest to support modifying the statewide Stay-at-Home Order to allow more businesses that had been closed to re-open. On May 7, 2020, the State Public Health Officer announced that statewide data supported gradually re-opening commercial retail, industrial manufacturing, and logistics businesses; and

WHEREAS, pursuant to California Health and Safety Code Section 120175.5(b) and the Order of the Health Officer and Emergency Regulations issued by the Health Officer of the County of San Diego, as updated on August 8, 2020 ("County Public Health Order"), all governmental entities in San Diego County are required to take necessary measures within the government entity's control to ensure compliance with the County Public Health Order and reduce the risks of community spread of COVID-19; and

WHEREAS, given the extraordinary health threat caused by COVID-19, the City Council adopted an Urgency Ordinance (Ordinance No. 2020-12) on May 20, 2020, and enacted temporary business relief measures and public health and safety protections related to statewide recovery and re-opening efforts in Escondido due to COVID-19, and to prevent or lower the risk of COVID-19 transmission; and

WHEREAS, after new daily positive COVID-19 case counts, total test-positive cases, and per capita totals slowed in late spring, by mid-June new total cases began to trend upward. On June 28, 2020, the California Department of Public Health expressed concerns regarding levels of COVID-19 transmission, hospitalizations, and insufficient testing in California counties that were being closely watched by public

health officials (i.e. counties that were on a “County Monitoring List”). By late June, Statewide data demonstrated a significant increase in the spread of COVID-19; and

WHEREAS, on July 1, 2020, the California Department of Public Health issued guidance specific to counties on the County Monitoring List to close the indoor operations of various business sectors. At that time, San Diego County was on the state's County Monitoring List. Then, on July 7, 2020, the County Health Officer issued an order increasing restrictions on certain businesses and activities that were previously cleared for operation, which included dine-in restaurants (outdoor settings, pickup, delivery and drive-through allowed), wineries and tasting rooms, movie theaters, family entertainment centers (including bowling alleys and arcades), zoos and museums, and cardrooms. On July 13, 2020, the State Public Health Officer issued an order requiring counties on the State's County Monitoring List to close additional businesses that had been allowed to re-open to close again, including gyms and fitness centers, places of worship, offices for non-critical infrastructure sectors, personal care (including nail salons, massage parlors), hair salons and barbershops, and indoor malls; and

WHEREAS, San Diego County is still on the state's County Monitoring List; and

WHEREAS, individuals with COVID-19 may be asymptomatic, and physical distancing and modified business operations, such as using outdoor spaces and providing curbside pickup, takeout, and delivery, are critical and necessary for safely reopening businesses, preventing or mitigating a future spike in transmission, and helping to ensure the safety and protection of individuals participating in such business operations. Many businesses and employers need additional guidance and support in response to stabilizing operations for commercial retail, industrial manufacturing, and

logistics businesses. Furthermore, the patchwork of constantly evolving plans, health orders, and precautions recommended by health authorities has caused many local businesses and employers in Escondido to experience sudden and unexpected revenue or income loss from temporary business closures and/or modified operations; and

WHEREAS, in light of the on-going emergency regarding the COVID-19 pandemic, there is an urgent need and the City finds it is necessary for the City Council to extend Urgency Ordinance No. 2020-12 an additional ninety (90) days to now expire on November 17, 2020, as the underlying economic and health circumstances supporting the original Urgency Ordinance are equally true as of this date and as set forth in the above recitals, which are incorporated herein by reference, and pursuant to the powers under Government Code Sections 36934 and 36937, for the immediate preservation of the public health and safety, as affected by the emergency caused by the spread of COVID-19; and

WHEREAS, pursuant to Chapter 7 of the Escondido Municipal Code, the Director recommends that the City Council adopt the below Ordinance, as an extension and modification to Urgency Ordinance No. 2020-12, as a local measure that advances temporary business relief measures that protect life and property, and the general health and safety, of the businesses and employers, residents, and visitors of Escondido who are affected by the declared Local Emergency. The Director makes this recommendation to help facilitate compliance of all stated precautions recommended by health authorities, to increase and improve patron and pedestrian mobility and access, to maximize the ability of free open public or semi-public space to facilitate business engagement practices that are conducive to social distancing, to provide special accommodation for

additional signage and notifications regarding business hours or closures and on-site risk reduction measures, and to promote stability among commercial retail, industrial manufacturing, and logistics businesses, thereby allowing businesses and employers to decide whether and how to remain open providing both income to employees and needed services to residents and not simply closing due to economic or health advisory pressures; and

WHEREAS, the Director's recommendation also facilitates necessary measures within the City's control to ensure compliance with constantly evolving plans and health orders, to help ensure the safety and protection of individuals, and to reduce the risks of community spread of COVID-19; and

WHEREAS, the City Council has the power under Government Code Sections 36934 and 36937 to adopt an ordinance that takes effect immediately if it is an ordinance for the immediate preservation of the public peace, health, or safety, contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the City Council; and

WHEREAS, the City finds it is necessary for the City Council to adopt this Ordinance as an Urgency Ordinance, as set forth in the above recitals, which are incorporated herein by reference, and pursuant to the powers under Government Code Sections 36934 and 36937, for the immediate preservation of the public health and safety, as affected by the emergency caused by the spread of COVID-19; to comply with continued specific federal, state, and local public health requirements associated with the on-going pandemic, including social distancing; and to facilitate future

compliance with guidance and directives from federal, state, and local public officials related to statewide recovery and reporting efforts due to COVID-19; and

NOW, THEREFORE, IT IS HEREBY RESOLVED AND FOUND that pursuant to the authority granted to the City of Escondido under Article XI, Section 7 of the California Constitution, and as prescribed by law including the Escondido Municipal Code, the City Council hereby ordains as follows:

SECTION 1. The foregoing recitals are true and correct. City Council Proclamation No. 2020-01 ratifying the declaration of a Local Emergency and declaring the existence of an on-going Local Emergency related to COVID-19, California Governor Gavin Newsom's Executive Orders N-25-20 and N-33-20, and the County Public Health Order are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2. The existing conditions that prompted the Director's and City Council's Proclamation of Local Emergency continue to exist. The declaration of the Local Emergency as well as the existence of numerous similar declarations at all levels of national and state governments reflect the current and continuing health and financial circumstances of the COVID-19 emergency. In the interest of protecting the public health and safety, and minimizing and reducing the spread of the transmission of COVID-19 and loss of life, property, and essential public services, the City Council finds a compelling need to establish a series of temporary business relief measures and otherwise mitigate the adverse effects of COVID-19 and the gradual re-opening process among all residents, businesses, and visitors of Escondido.

SECTION 3. California Environmental Quality Action ("CEQA"). Public Resources Code ("PRC") Section 21080(b)(4) and CEQA Guidelines Section 15269(c)

(14 C.C.R. Section 15269(c)) exempt from CEQA “specific actions necessary to prevent or mitigate an emergency.” PRC Section 21060.3 defines emergency as “a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.” The COVID-19 pandemic constitutes a “sudden, unexpected occurrence,” whereby the public health effects of the pandemic were felt in the City, County, and State suddenly and unexpectedly. Governmental efforts to mitigate the effects of the pandemic, such as closures and the Stay-at-Home order, also occurred suddenly, and these mitigation efforts, despite their necessity in light of the pandemic, have significantly and adversely impacted businesses, business owners, employees, and livelihoods, including having significant economic repercussions. Similarly, the pandemic and its mitigation efforts have affected the City’s delivery of its essential public services. Although the State and local authorities are evaluating the feasibility and scope of economic recovery and “re-opening” efforts, and such efforts are constantly evolving, those authorizations will not serve to fully mitigate the pandemic’s effects on businesses, the City, and the public, and it is likely that businesses and essential City services will not be able to survive, or public health to be negatively impacted, without the City’s imminent implementation of a near-term recovery plan. Further, the measures are necessary to comply with continued specific public health requirements associated with the pandemic, including social distancing. Thus, the COVID-19 pandemic is an emergency as defined in PRC Section 21060.3, and the recovery plan outlined herein is necessary to mitigate that emergency. For these reasons, the Urgency Ordinance is exempt from CEQA pursuant to PRC Section 21080(b)(4) and CEQA Guidelines Section 15269(c).

SECTION 4. During this state of Local Emergency, the City Council hereby extends the following temporary business relief measures, which were included in the previous Urgency Ordinance (Ordinance No. 2020-12):

1) **Temporary Sign Limits.** Section 33-1396(a) of Article 66 of the Escondido Zoning regulates the time, place, and manner of temporary signs, and limits these special event signs for a total duration of not more than sixty (60) days in a calendar year. Section 33-1396(a) of Article 66 of the Escondido Zoning Code regulates temporary banner signs including an allowance for seventy-two (72) square feet and only one (1) special event banner is allowed for each street frontage, except for individual in-line shops in commercial centers where one (1) banner is allowed for each building face fronting on a parking lot or a street. The foregoing limitations of temporary banner signs are hereby provisionally modified to allow for the following:

- a. One (1) banner sign of up to seventy-two (72) square feet and one (1) additional banner sign of up to thirty-two (32) square feet for each street frontage or each building face fronting on a parking lot or a street.

The City Council also hereby adopts provisions to allow for the following temporary signs that are neither expressly allowed nor prohibited by the zoning ordinance, when they are on private property, project from private property over or into City property, or are located within the public right-of-way.

- a. A-frame sign(s) placed on private property adjacent to the primary entrance to the property, building, or tenant space for the purpose of identification, protection or directing persons to a use conducted therein, or identification of on-site protection or safety measures.
- b. Wayfinding or directory ground-mounted signs placed immediately adjacent to pick-up and carry-out zones, or parklets, designed or intended to be displayed for each service or delivery entrance.

Temporary signs specifically allowed by this Ordinance are exempt from and would not be counted towards the sixty (60) day calendar limit. An act to establish, erect, or maintain temporary banner, temporary A-frame signs, or wayfinding or directory ground mounted signs, as allowed by this Ordinance, shall be exempt from the application and sign permit requirements but must be in conformance with all other requirements of this section. Except as modified by this section, the provisions, terms, and limitations of Article 66 shall remain in full force and effect, including any timeframe or permit requirements with respect to signs not otherwise described herein.

2) **Regulation of Alcohol Sales.** The City Council hereby suspends local permit restrictions on Alcohol Beverage Control (“ABC”) licensed restaurants that prevent off-site sale and delivery of alcohol, to the extent applicable, subject to the following conditions:

- a. No wine or beer shall be sold with an alcohol content of greater than fifteen (15) percent by volume.

- b. The sale of alcoholic beverages for off-site consumption shall only be made to patrons who purchase meals as defined in Business and Professions Code Section 23038.
- c. All alcohol delivery persons shall be an employee of the restaurant who is twenty-one (21) years of age or older. Drivers delivering alcohol to said patrons shall document that the customer is twenty-one (21) years of age or older. No individual under twenty-one (21) years of age, or without proper identification, shall be served or sold alcohol.
- d. Restaurants shall comply with the conditions contained within the ABC's Notice of Regulatory Relief.
- e. That the suspension of local permit restrictions on ABC licensed restaurants shall be effective during the Urgency Ordinance's effective period and/or shall last until the withdrawal of ABC Notice of Regulatory Relief, whichever occurs first.

3) **Carry-Out Zones Established.** The City Council desires to convert underutilized parking spaces into more functional spaces and to include use of parking space(s) or portion of the parking lane(s) as described herein. The City Council hereby authorizes the reservation of no more than four (4) existing, striped parking space on the same premises for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities. The City Council furthermore authorizes the temporary use of no more than two (2) existing, striped parking spaces in the public street

immediately adjacent to a businesses or employer, if any, for curbside pick-up, restaurant carry-out zones, and/or other drop-off and pick-up related uses and activities to the fronting private property. Temporary use of on-street parking spaces shall be limited to streets with speed limits of thirty (30) mph or less and shall be coordinated with neighboring businesses and business associations.

- 4) **Accessory Retail Use in Industrial Areas.** Retail accessory uses and structures are permitted in the industrial zones, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Said regulations, described in Section 33-565 of Article 26 of the Escondido Zoning Code, limit accessory retail use to fifteen (15) percent of the gross building square footage. The foregoing limitation is hereby provisionally modified from fifteen (15) percent to fifty (50) percent. Henceforth, no additional parking associated with this expanded accessory use authorization shall modify or change any on-site parking requirements. Except as modified by this section, the provisions, terms, and limitations of Article 26 shall remain in full force and effect.

SECTION 5. During this state of Local Emergency, the City Council hereby extends the following temporary business relief measures, which were included in the previous Urgency Ordinance (Ordinance No. 2020-12), with modifications:

- 1) **Outdoor Activities on Private Property (in Non-Parking Areas).**

Authorization of temporary outdoor display and sale events in commercially zoned districts of the City, described in Sections 33-1533(b) and 33-

1534(c)(1) of Article 73 of the Escondido Zoning Code, are hereby provisionally modified and henceforth to allow a variety of outdoor sale events; displays; professional, recreation or instructional services; and/or assembly in non-parking areas of private property. Henceforth, no zoning permit or fees shall be required to establish outdoor activities in non-parking areas of private property. Furthermore, outdoor activities on private property shall be allowed to recur during normal business hours and for as many days as necessary within the time limits of the Ordinance's effective period. All shade tents shall be reviewed by the building division and fire department for compliance with all building and fire codes. No fees shall be required for tent permit applications or tent inspection, if required by the Fire Chief or designee. Except as modified by this section, the provisions, terms, and limitations of Article 73 shall remain in full force and effect.

- 2) **Outdoor Activities on Private or Public Property (Parking Areas).** A business establishment can be expanded into temporary outdoor areas to allow a variety of outdoor sale events; displays; professional, recreation, or instructional services in parking areas located on private or public property. Outdoor activities in parking areas shall be allowed to recur during normal business hours, subject to a special temporary use permit. No permit or fee shall be required for assembly or assembly services, which may include social clubs, churches, and/or protests. All shade tents shall be reviewed by the building division and fire department for compliance with all building

and fire codes. No fees shall be required to review special temporary use permit and/or tent permit applications or tent inspection.

- a. A temporary outdoor use in a private parking area can only be located in a zone in which the primary use is an allowed use or conditionally permitted use under the base zoning designation. A temporary outdoor use in a private parking area can only be located on the same parcel that is entitled for the use.
- b. A temporary outdoor use in a public parking lot shall obtain authorization by the City's Manager's Office or Community Services Department.

3) **Parklets Established.** The City Council desires to convert underutilized on-street parking spaces and/or public sidewalks into more functional spaces and hereby authorizes the conversion of on-street parking or public sidewalks to parklets through the issuance of special temporary use permits. Henceforth, parklets are permitted on streets with less than 12,000 Average Daily Trips and speed limits of thirty (30) mph or less. Each parklet must be located within an existing, striped space and located immediately adjacent to a business or employer. Additional parklet space(s) and/or public sidewalk space(s) may be utilized if the associated property owner and/or business establishment assigns rights to use the associated parklet space(s) and public sidewalk.

SECTION 6. During this state of Local Emergency the City Council hereby enacts the following new temporary business relief measures:

- 1) **Temporary Indoor Expansions.** A legal and conforming business area can be expanded into temporary indoor areas subject to a special temporary use permit, including into an existing nearby space or building, when shown to be necessary to comply with continued specific public health requirements associated with the pandemic and to accommodate physical distancing without increasing the overall capacity or occupancy of the operation. However, a temporary indoor area can only be located in a zone in which the primary use is an allowed use or conditionally allowed under the base zoning designation.
- 2) **Parking Regulations Exemption.** A temporary modification is exempt from additional parking regulations. Any temporary off-site parking arrangements or reciprocal parking agreements, necessary to temporarily support a business recovery and/or implementation of a temporary outdoor use subject to a special temporary use permit, may similarly be reviewed and considered as a special temporary use.
- 3) **New Structures and Modifications.** A business may erect a new temporary structure or make a minor modification to an existing structure as part of a temporary modification. A temporary modification is exempt from Design Review or other zoning permits.
- 4) **Agricultural Experiences.** An allowed agricultural use may conduct an agricultural experience that complies with all of the following:
 - a. The use is incidental to a primary agricultural use and features predominately agricultural products grown or produced onsite.

- b. Hikes, tours, educational seminars, and/or food sales or service must occur during business hours. No overnight sleeping accommodations are allowed.
- c. No permanent improvements are necessary to accommodate or support the agricultural experience, such as construction or grading.
- d. The use complies with environmental health requirements, including those related to food service, porta-toilets, trash containers, fire and building codes, the Department of Alcoholic Beverage Control requirements, and any other applicable requirements.

5) **Home Occupations.** Home occupations require a home occupation permit. Henceforth, all bona fide home occupations shall allow on-premises employees and customers.

- a. No more than two (2) non-residents who commute to the home to work may be continuously employed at any one time on the site, except where specifically permitted by law.
- b. No more than eight (8) clients or customers shall be on the premises in any one (1) day.

Each and every one of the other conditions listed in Section 33-852 of the Escondido Zoning Code must be observed at all times by the holder of a home occupation permit. A home occupation shall continue to comply with all of the codes adopted by reference (including but not limited to the Uniform Building Code, Uniform Plumbing Code, Uniform Fire Code, etc.) and shall require ADA clearances as determined necessary by the Building

Official. The Director of Community Development may, upon application, issue a home occupation permit, which shall state the home occupation permitted, the conditions attached, and any time limitations thereon.

SECTION 7. In addition to the temporary uses or operational needs expressively stated within this Ordinance, the Director of Community Development, or his designee, may issue a special temporary use permit for a temporary indoor or outdoor use found to be necessary to respond to the current and continuing health, safety, and financial circumstances of the COVID-19 emergency. Such uses must serve to increase and improve patron and pedestrian mobility and access to businesses engaging in practices that are conducive to social distancing and other applicable health and safety practices, including complying with the County Public Health Order and all other applicable governmental and agency health and safety requirements. Such uses may include temporary use allowances, expanded business hours, drive-through or drop-off/pick-up operations, or other measures if it is shown necessary for business recovery or other pressing need related to the pandemic.

SECTION 8. The City Manager, or his designee, shall create and maintain a master permitting and/or tracking program to help implement this Ordinance. Each application shall be reviewed for public safety issues unique to the pedestrian and vehicular needs of the specific location. The business or employer must agree to provide to the City a Certificate of Liability insurance naming the City as additional insured. Additional conditions may be included prior to the issuance of any permit covered by this Ordinance.

SECTION 9. This Ordinance is effective on the date of its adoption and shall remain in effect for 90 days thereafter, unless extended by City Council. All ordinances or parts of ordinances in conflict herewith are hereby temporarily suspended, effective immediately and in effect through the time the Ordinance is in effect, unless stated otherwise. After the expiration of the Ordinance, the provisional business relief measures shall be deemed expired and of no further force or effect. All rights and obligations under this Ordinance shall be concluded.

SECTION 10. During the effective period of the Ordinance, businesses and employers have a right to undertake and complete the development and use of property or utilize any and all business relief measures, or portions thereof. All temporary modifications must comply with all other state and local laws, including encroachment, building, grading, fire, and health code requirements, the California Disabled Persons Act, the State Shelter Order, and the County Health Order.

SECTION 11. No Property Rights Conferred. Use or development of a temporary modification does not confer a property interest, vested right, or entitlement to continue through the Ordinance's effective period or receive a future entitlement for use of the temporary modification. These business relief measures shall not be extended by any amendments or modifications unless expressly provided by the City Council. Upon the Ordinance's expiration, the City Council's policy shall revert to the zoning ordinance as written and all temporary displays and physical improvements authorized by this Ordinance shall be removed immediately, at the expense of the business or employer. Temporary modifications must either be restored to their prior condition or the applicant

must apply for and diligently pursue retention of these modifications on a permanent basis.

SECTION 12. The City of Escondido reserves the right to enforce this Ordinance pursuant to Escondido Municipal Code Section 1-13 and to pursue any other remedies legally available against individuals or entities who knowingly or intentionally violate the provisions of this Ordinance or falsify information to qualify for the relief granted by this Ordinance. If the Director of the Community Development Department, or his/her designee, determines that a temporary modification is a nuisance or does not comply with this Ordinance or applicable provision of the Zoning Code, it may, at the Director's discretion, require changes to the temporary modification, suspend use of the temporary modification, or require that the temporary modification cease.

SECTION 13. There are no assurances to residents, businesses, or visitors that the affected chapters and sections of this Ordinance will not be subject to future revisions. The establishment of this Ordinance shall not preclude, change, or impair the authority of the City to adopt and/or enforce Zoning Code provisions, Municipal Code ordinances, or other governing situations.

SECTION 14. The adoption of this Ordinance is not intended to affect or disrupt the continuity of the City's business or administration of its law, including but not limited to the following:

- Actions and proceedings that began before the effective date of this Ordinance;
- Prosecution for ordinance violations committed before the effective date of this Ordinance; and/or

- The amount, or collection, of license, fee, penalty debt, forfeiture, or obligations due and unpaid as of the effective date of this Ordinance.

SECTION 15. This Ordinance is intended to supplement, not to duplicate, supplant, or contradict, applicable state and federal law, as well as the County Public Health Order, and shall be interpreted in light of that intent. If any section, subsection, paragraph, sentence, clause, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 16. All businesses that are allowed to open must modify operations to comply with the State and County Public Health Orders, guidelines, and regulations specific to their industry sector from relevant local and state agencies, as well as prepare, post, and implement a social distancing protocol to protect employees, customers, and the general public, and self-certify compliance. Businesses that perform group instruction or assembly must not exceed the maximum number of individuals in a group allowed under the County Public Health Order for outdoor activity businesses or for gatherings.

SECTION 17. The City Council does not request codification of this Ordinance because the Ordinance is temporary and, therefore, not a general ordinance in force.

CITY COUNCIL STAFF REPORT

Current Business Item No. 9

August 19, 2020

File No. 0650-10

SUBJECT: Consider the Cancellation of the November 3, 2020, General Municipal Election for the position of City Treasurer and the Appointment of the Incumbent Candidate to City Office

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is requested that the City Council consider the City Clerk's certification that there are not more candidates than offices to be filled for the position of City Treasurer for the City of Escondido's ("City") General Municipal Election on November 3, 2020; and discuss the matter to determine whether to cancel the City Election and appoint the respective incumbent as the only verified candidate for the open office, or hold the City Election as scheduled. Staff recommends adopting Resolution No. 2020-121 to authorize cancelling the November 3, 2020, General Municipal Election for the Office of City Treasurer for the four-year term from 2020-2024.

FISCAL ANALYSIS:

Funds for election expenses in the amount of \$380,000 were approved in the FY 2020-2021 General Fund budget. General municipal election costs are determined by the County of San Diego Registrar of Voters, who has estimated a cost of \$75,000 for the City Treasurer's Office. The cancellation of the November 3, 2020, General Municipal Election for the position of City Treasurer and appointing the incumbent to their respective office, will save the City approximately \$75,000.

PREVIOUS ACTION:

On July 2, 2020, the City Clerk published a Notice of Election for Public Office providing that the City would be holding a General Municipal Election on Tuesday, November 3, 2020, and inviting candidacy and nomination papers for the offices of Treasurer and three City Council members. The deadline for candidates to file nomination papers to seek any of these offices was Friday, August 7, 2020 (The City Council District 3 filing deadline was extended to August 12, 2020, as the incumbent did not seek re-election to that office). At the close of the nomination period, the City Clerk's office received one verified candidate filing for the office of City Treasurer from the incumbent, City Treasurer Douglas W. Shultz.

On August 13, 2020, the City Clerk submitted a written certification to the City Council that there is only one candidate (incumbent) nominated for the office of City Treasurer, which is scheduled to be filled at the upcoming City Election; a copy of the certification is attached as Attachment 1 to this Staff Report.

Consider the Cancellation of the November 3, 2020, General Municipal Election for the position of City Treasurer and the Appointment of the Incumbent Candidate to City Office

August 19, 2020

Page 2

Because there are no candidates challenging the incumbent City Treasurer, the City Council has the option to cancel the upcoming City Election for the office of City Treasurer and appoint the incumbent candidate to the office of City Treasurer. Alternatively, the City Council could choose to hold the City Election as, scheduled.

California Elections Code Section 10229 permits the governing body to take one of the following courses of action when the number of candidates nominated for office does not exceed the number of offices to be filled at a municipal election:

1. Appoint to the office the person who has been nominated; or
2. Appoint to the office an eligible elector if no one has been nominated; or
3. Hold the election, if either no one or only one person has been nominated.

Option 2 is not applicable; therefore, the City Council may consider and act on either option 1 or 3. As set forth in the agenda for this meeting, the matter has been structured so that the affected incumbent(s) can refrain from participating in any discussion and voting on the agenda items that relate to their respective candidacy. With respect to the City Council's consideration of the respective agenda items, to comply with the Fair Political Practices Commission's economic interest regulations and to avoid the appearance of impropriety, staff suggests that the affected incumbent(s) leave the dais and the room prior to any discussion on the agenda items relating to their candidacy and return when the items are concluded.

CONCLUSION:

Adopting Resolution No. 2020-121 would result in the cancellation of the upcoming City Election with respect to the office(s) under consideration, and would result in the appointment of the uncontested incumbent(s) to the office(s) under consideration for a four-year term from 2020-2024. Appointed incumbent(s) would qualify, take office and serve exactly as if elected at a general municipal election, and would take the Oath of Office, be formally seated and begin their new terms at the December 9, 2020 City Council meeting. Additionally, the City Clerk would not be permitted to accept for filing any statement of write-in candidacy submitted for the City Election.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Zack Beck, City Clerk

8/12/20 3:34 p.m.

ATTACHMENTS:

1. Attachment 1 - Certification
2. Resolution No. 2020-121

Zack Beck, CMC, CPMC
City Clerk
(760) 839-4560
zbeck@escondido.org
201 North Broadway, Escondido, CA 92025

**CITY CLERKS CERTIFICATION THAT THERE ARE NOT MORE
CANDIDATES THAN OFFICES TO BE ELECTED FOR THE SEAT OF CITY
TREASURER**

I, ZACK BECK, City Clerk of the City of Escondido, do hereby certify, that pursuant to the Elections Code Section 10229 of the State of California, to the following facts relating to the General Municipal Election to be held on Tuesday, November 3, 2020.

As of the close of the nomination period on August 7, 2020, there are not more candidates than offices to be elected for the seat of City Treasurer.

The person(s) so nominated are:

Douglas W. Shultz — City Treasurer

That Section 10229 of the Elections Code allows one of the following courses of action to be taken by the City Council:

1. Appoint to the office the person(s) who has / have been nominated.
2. Appoint to the office any eligible elector if no one has been nominated.
3. Hold the election, if either no one or only one person has been nominated.

A notice of these facts will be published on August 13, 2020, in a newspaper of general circulation in the city pursuant to Section 6061 of the Government Code. After the fifth day following the date of publication, the City Council will meet to either make the appointment(s) or direct an election to be held. The person(s) appointed, if any, shall qualify and take office and serve exactly as if elected at a municipal election for the office.

If, by the 75th day before the municipal election, no person has been appointed to the office(s) pursuant to (1) or (2) above, the election shall be held.

If the City Council makes an appointment pursuant to Elections Code Section 10229, the City Clerk shall not accept for filing any statement of write-in candidacy which is submitted after the appointment is made.

Zack Beck, City Clerk

**Zack Beck, CMC, CPMC
City Clerk
(760) 839-4560
zbeck@escondido.org
201 North Broadway, Escondido, CA 92025**

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss
CITY OF ESCONDIDO)

I, ZACK BECK, City Clerk of the City of Escondido, California, hereby certify that I have compared the foregoing copy with the original RESOLUTION NO. 2020-121 passed and adopted by said City Council at a regular meeting thereof, at the time and by the vote therein stated, which original RESOLUTION is now on file in my office, and that the same is a full, true and correct copy thereof.

WITNESS my hand and the seal of the City of Escondido this 13th day of August, 2020.

ZACK BECK, City Clerk of the
City of Escondido, California

(Seal)

RESOLUTION NO. 2020-121

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
CANCELLING THE NOVEMBER 3, 2020,
GENERAL MUNICIPAL ELECTION FOR THE
OFFICE OF CITY TREASURER FOR THE
FULL FOUR-YEAR TERM FROM 2020-2024

WHEREAS, the City of Escondido ("City") has scheduled a General Municipal Election on November 3, 2020, to elect an individual to fill (1) City Treasurer seat; and

WHEREAS, at the close of the nomination period on August 7, 2020, the only candidate papers received and verified by the City Clerk for the office of City Treasurer were from the incumbent City Treasurer; and

WHEREAS, on August 13, 2020, the City Clerk submitted a written certification to the City Council providing there are not more candidates nominated for the office of City Treasurer than seats to be filled at the General Municipal Election; and

WHEREAS, pursuant to California Elections Code Section 10229, the City Council is authorized to take one of the following courses of action when the number of candidates nominated does not exceed the number of offices to be filled at a municipal election:

1. Appoint to the office the person who has been nominated; or
2. Appoint to the office an eligible elector if no one has been nominated; or
3. Hold the election, if either no one or only one person has been nominated.

WHEREAS, a notice of the foregoing facts was published in the Times Advocate, a newspaper of general circulation in the City of Escondido.

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

1. That the above recitations are true.

2. The City of Escondido General Municipal Election scheduled to be held on Tuesday, November 3, 2020, is hereby cancelled with respect to the office of City Treasurer.

3. Pursuant to California Elections Code Section 10229, the following incumbent is hereby appointed to the office to which he was nominated:

<u>Name</u>	<u>Office</u>	<u>Term</u>
Douglas W. Shultz	City Treasurer	Four years

4. The appointed City Treasurer shall qualify and take office and serve exactly as if elected at a general municipal election for the office.

5. The Oath of Office shall be administered and the appointed City Treasurer shall be formally seated and begin his new term at the December 9, 2020, City Council meeting.

6. The City Clerk shall not accept for filing any statement of write-in candidacy for the office of City Treasure which may be submitted for the General Municipal Election.

7. The City Clerk shall certify to the passage and adoption of this Resolution and shall file a certified copy of this Resolution with the County of San Diego Registrar of Voters.

FUTURE CITY COUNCIL AGENDA ITEMS

Updated August 13, 2020

AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617

August 26, 2020

6:00 p.m.

CONSENT CALENDAR

City Holiday Closure Schedule for Year 2021

(J. Perpetua)

In compliance with the City of Escondido's various Memorandum of Understandings, each year the City Council is required to adopt a resolution which establishes the holiday closure schedule for the following year. The purpose of the August 26, 2020 meeting is to establish the holiday closure schedule for the year 2021.

CalPERS Industrial Disability Retirement Application for Police Officer Nicole Robbins

(J. Perpetua)

Approval of CalPERS Industrial Disability Retirement for Police Officer Nicole Robbins.

Disposition of City Owned Property Located at 1750 West Citracado Parkway, Lot No. 177, In the Mountain Shadows Mobile Home Park

(J. Procopio)

An offer for a City owned lot, space number 177, located within the Mountain Shadows Mobile Home Park, has been received from the longtime resident and owner of the coach on this lot. The offer has been determined to represent fair market value and the parties now desire to move forward with the transaction.

PUBLIC HEARINGS

CURRENT BUSINESS

Mountain View Park Development Update

(J. Axelrod)

With competing interests in the development of Mountain View Park, staff will be seeking the City Council's direction on the implementation of future improvements. Staff will review the existing Master Plan, the current geography and physical spaces of the park, and recent development interest from private and non-profit groups, providing a range of possibilities for future use and development.

WORKSHOP

Cannabis Update

(W. Wolfe)

The Mayor and City Council expressed an interest in evaluating the benefits as well potential issues of permitting the establishment of commercial cannabis in Escondido. This workshop will focus on Staff research of commercial cannabis, and how it has impacted other California cities that have permitted commercial cannabis operations from cultivation to retail sales.

FUTURE AGENDA ITEMS

September 2, 2020

NO MEETING

September 9, 2020

NO MEETING (Labor Day)

Weekly Activity Report



August 13, 2020

COVID-19 UPDATES



Grand Avenue's New Local Art

As outdoor seating has become the norm on Grand Avenue, local artists have used their creativity to brighten up the traffic control that makes the expanded dining possible. Check out the coverage in the Times Advocate [here](#).



Photos Courtesy of the Times Advocate

El Norte Parkway Improvement Project

On August 12, the El Norte Parkway Improvement project was accepted as complete by the City Council. This Project removed a bottleneck over the Escondido Creek to provide two lanes of traffic in each direction, added bike lanes, and installed a pedestrian signal at the bridge. Key features of this project include construction of a new bridge, stamped medians with landscaping, reconfigured traffic signals, a pedestrian signal to aide pedestrians and cyclists using the Escondido Creek trail cross El Norte Parkway, and a lighted trailhead sign. A video highlighting the project can be viewed [here](#).



East El Norte Parkway Bridge Project Before and After

2019 Street Maintenance Project Complete

On August 12, the improvements for the 2019 Annual Street Maintenance project were accepted as complete by the City Council. This project resurfaced seventy-one lane-miles of roadway, replaced 0.63 miles of damaged sidewalk, replaced or installed 2.5 miles of bike lanes, and replaced 88 trees that were damaging street improvements. The zone of focus for residential streets was Zone W, which is the area north of Felicita Avenue, south of the 78, and west of Interstate 15.

Since 2014, six annual pavement maintenance projects have been completed. A total of 445-lane miles of pavement has been resurfaced, 40-miles of bike lanes have been replaced or installed, and 3.4-miles of sidewalk has been replaced. The Citywide overall Pavement Condition Index has improved by 16% from 55 to 64. More information about the Street Maintenance program can be found [here](#).

2019 Street Maintenance



COVID-19 Updates:

You can get up to date information about the City's response to COVID-19 at: www.escondido.org/covid-19.aspx

POLICE DEPARTMENT UPDATES:

Auto Thief Arrested After Traffic Pursuit

On Aug 6, officers were dispatched to the area of Lincoln Ave and Metcalf St regarding a male suspect who appeared to be casing houses. Officers located the suspect who then ran away on foot. The suspect got into a vehicle, later determined to be stolen, and intentionally crashed through a wrought iron fence in order to evade capture. Officers located the vehicle on Hwy 78 and pursued it into San Marcos. The suspect eventually crashed into the guard rail and was taken into custody. He was arrested on numerous felony charges.

Suspect Arrested After a Stabbing

On Aug 6, officers were dispatched to the 100 block of La Lomita Drive regarding a stabbing that had just occurred. Officers learned that an adult female victim was seated in a parked vehicle

with her boyfriend's roommate. Some sort of altercation ensued and the roommate stabbed her twice in the upper chest. Her boyfriend ran over and attempted to break up the fight. The suspect drove the car in reverse throwing the boyfriend from the vehicle. The suspect then fled into a neighboring backyard and attempted to break into the house. Officers located him and arrested him for the stabbing and other charges. The motive for the stabbing is still under investigation, but drugs are believed to play a factor in the incident.

Amazon Delivery Van Stolen

On Aug 7, an Amazon driver stopped his van in the 1300 block of N. Ivy St in order to make a delivery. While he was outside of the van, he observed an adult female suspect get into the van and drive off. He called 911 to report that the van had been stolen. Officers located the stolen van driving east on El Norte Pkwy. They pursued the van into Valley Center where a Sheriff's Deputy was able to successfully deploy spike strips. The van became disabled near Valley Center High School and the suspect was taken into custody. She was arrested on felony evading and auto theft charges.

Body Discovered Near Westfield North County Mall

On Aug 8, a man called the police to report that he had discovered a body while walking on a bike path in the wooded area along the north side of the Westfield North County shopping mall. Officers located the deceased male and were able to identify him as a local transient. His death appears to be from natural causes. The Medical Examiner's Office took possession of the body.

Community Engagement:

Escondido Family Donates Starbucks Cards

A local Escondido family stopped by the police station to show their appreciation for our officers. They dropped off Starbucks cards so our officers can fill up on one of our favorite treats...coffee (donuts being the other one of course). We appreciate the support and thank you for thinking of us.

Community Tools:

www.arjis.org For crime data/mapping, Meghan's Law info, etc.

www.myneighborhoodupdate.net Search for Escondido, CA to see radio call information.



Tip of the Week:

There are many scams that contact potential victims via phone call, email, or traditional mail. They often times use fraudulent letter head from the victims' banks or other financial institutions. Each bank or financial institution has a fraud unit that can confirm whether or not the correspondence is valid or not. Do not reply to any email address or phone number on correspondence that is sent to you. Independently search for the bank or financial institution's fraud unit phone number or email and contact them directly.

FIRE DEPARTMENT UPDATES:

On Tuesday, August 4, at approximately 12:02 a.m., the Escondido Police and Fire Communication Center received a report of several vehicles on fire under a carport structure at an apartment complex in the 1500 Block of South Maple Street. The first arriving Captain reported heavy fire conditions with several fully involved vehicles and a carport. The Firefighters from four stations were able to contain and control the fire in approximately 45 minutes with traffic control assistance from EPD officers. Four vehicles and a detached wood framed carport were completely destroyed. Three vehicles, approximately 75' away, were damaged from radiant heat (melted plastics). Although some residents of the apartment building were evacuated as a precaution, there was no damage to the building.

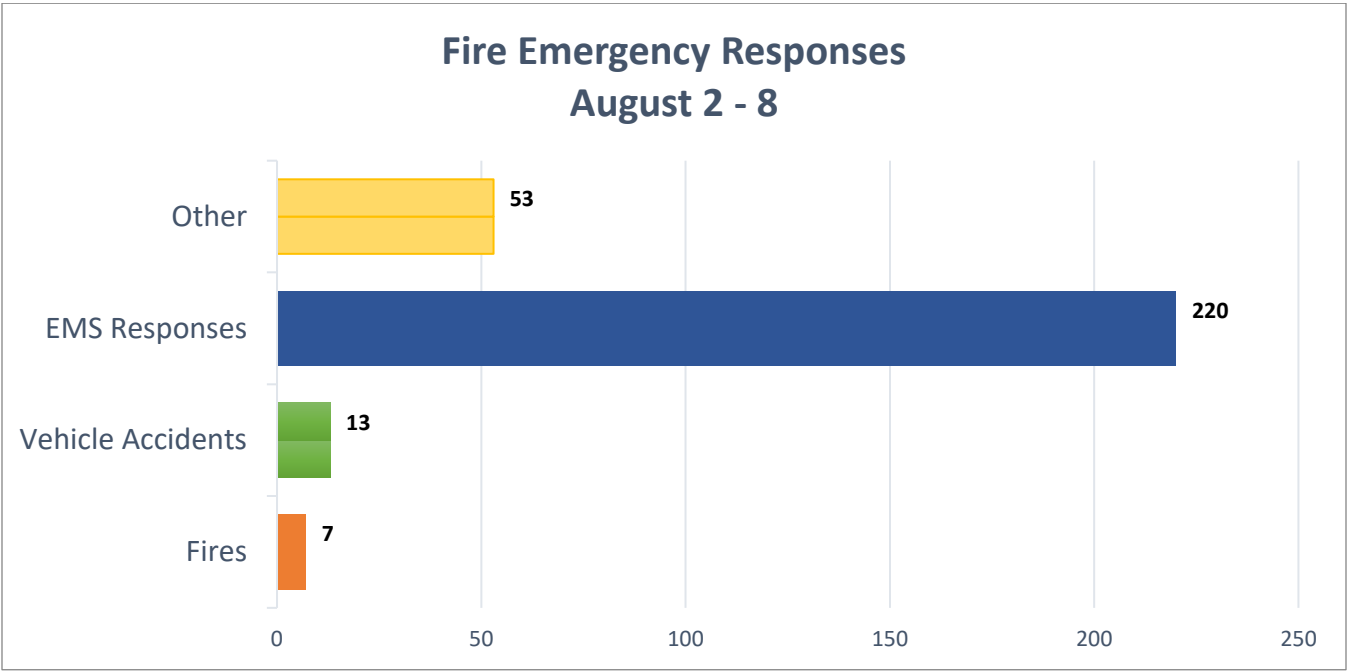


On Friday, August 7, at approximately 9:28 p.m., the Escondido Police and Fire Communication Center received a report of a structure fire at the south end of Valley Meadow Place. Callers reported seeing flames in the attic over the home's garage. A structure fire response was dispatched and the first arriving Captain reported heavy smoke and fire conditions with fire through the garage roof. A second alarm response was requested by the incident commander due to the fire's intensity and proximity of nearby homes. Aggressive action by the firefighters contained and controlled the fire in approximately 30 minutes. The home sustained major damage to the garage and contents, however, there was minimal damage to the living space of the home. Fortunately, there were no injuries to firefighters or civilians.



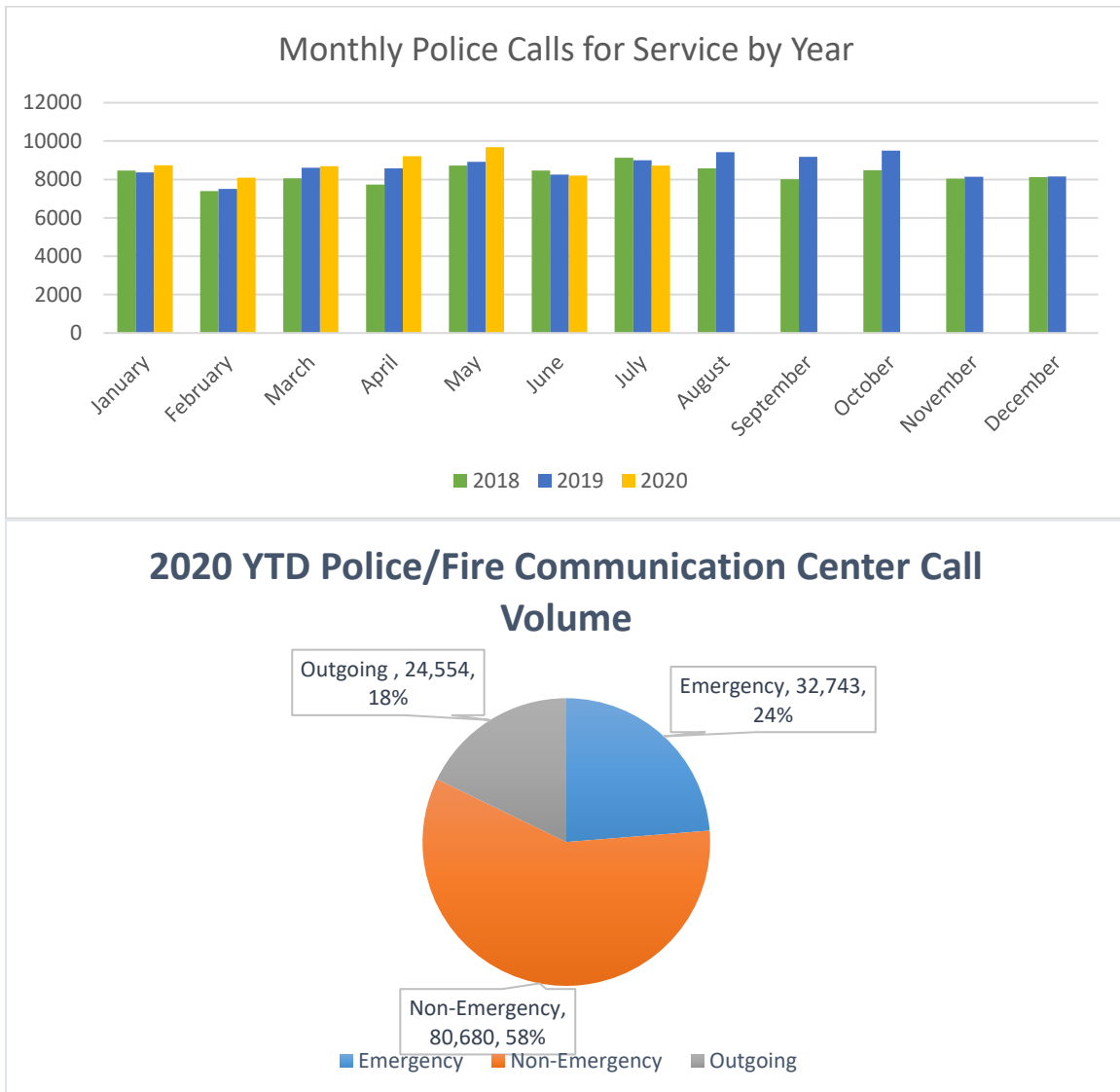
BY THE NUMBERS

Fire:

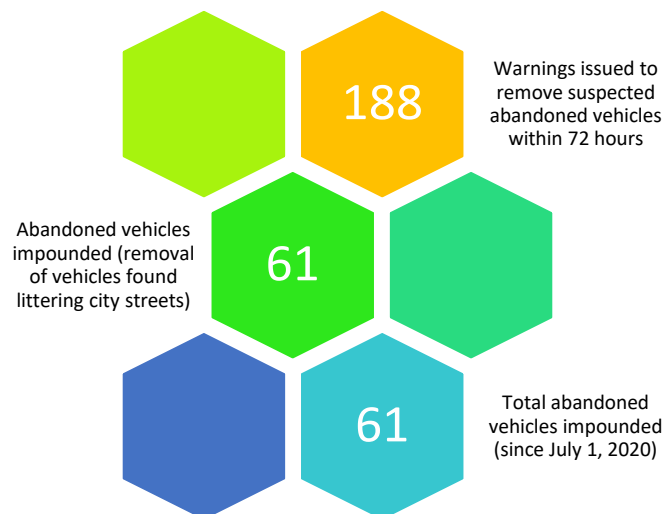


Total Emergency Responses (Year To Date)	8,861
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Police:

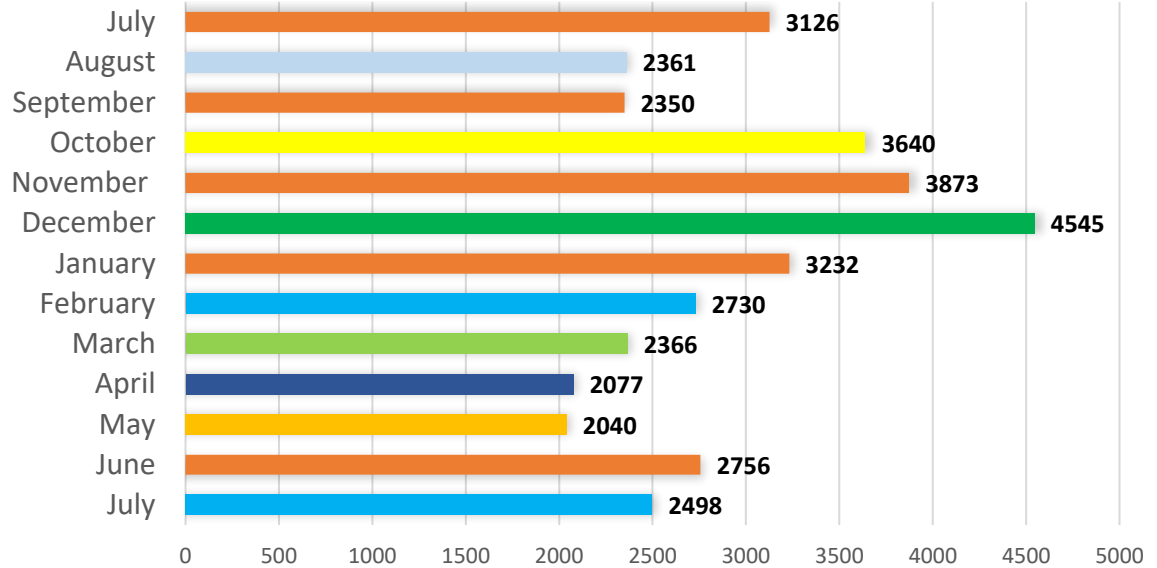


July Abandoned Vehicle Data

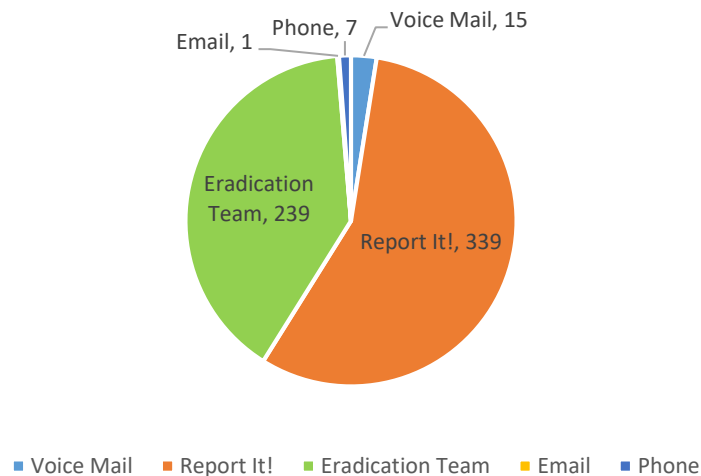


Public Works:

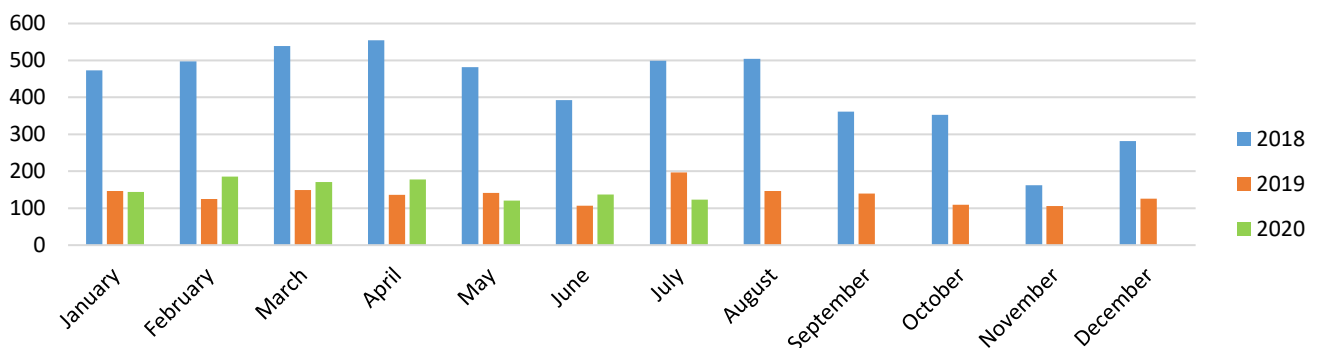
Number of Graffiti Tags Removed 2019 - 2020



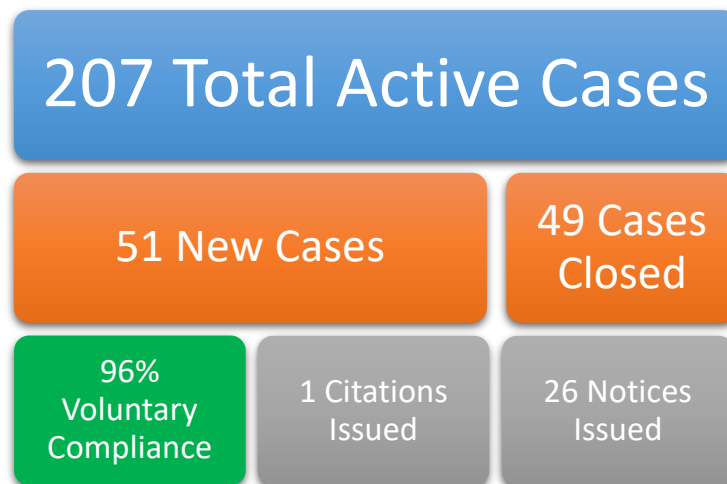
How Graffiti Was Reported - July 2020



NUMBER OF SHOPPING CARTS REMOVED

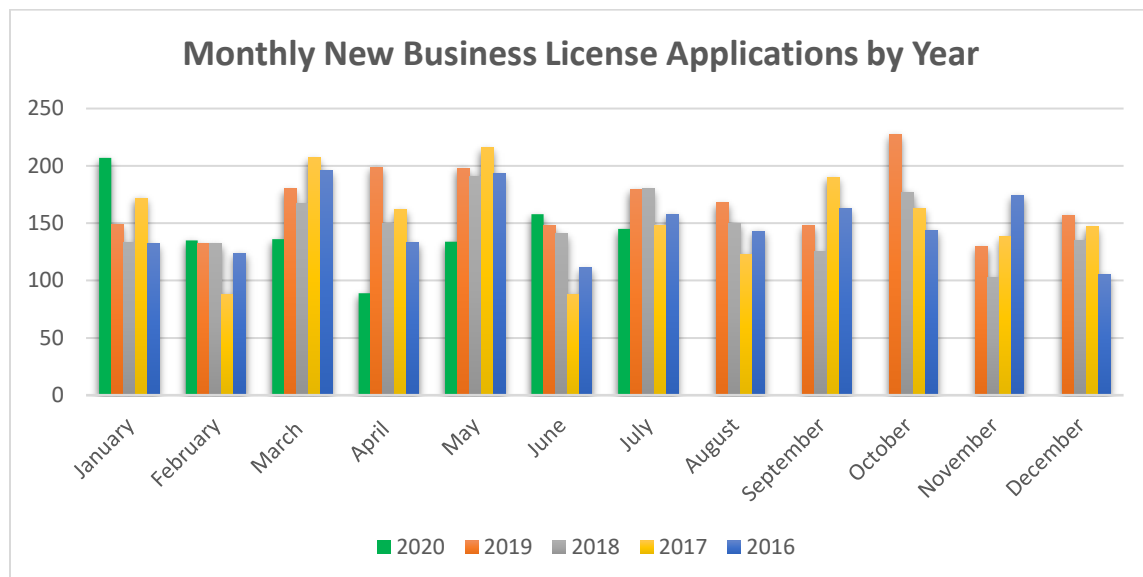


Code Enforcement:



Total Code Cases (Year To Date)	1,821
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Business Licenses



Graffiti Restitution

Collected Past Week	Collected Year to Date
\$0	\$7,517.60

COMMUNITY DEVELOPMENT & ENGINEERING

Building Permits and Inspections:

1. For the week, the Building Department received several large electronic plan submittals utilizing our new electronic plan review platform, Cityworks. The counter staff conducted in person meetings with 108 applicants and staff was able to process 76 applications and issue 49 permits.
2. The total permit valuation for the week was \$970,848.00. Last week's valuation was \$1,408,237.00. This is a two-week average of \$1,189,542.00 and a six-week average of 1,742,395.00 to start the fiscal year. Last year during the same time period, building permits issued had an average weekly valuation of \$610,761.
3. Inspection staff completed 189 inspections, down 5% from last week.

Development and Capital Projects Update:

Curious what's happening with development projects around the city? See below for milestone activities that have happened since last week. Skip to the bottom of this section for a list of projects that are in progress but do not have an update this week. To learn about previous applications for residential and commercial development permits, please visit the [Development Project Information Archive](#) page or contact the [Planning Department](#).

Residential:

1. The Villages at Escondido Country Club (Builder: Lennar Homes) 380 residences located on the former golf course off of Country Club Lane, north of El Norte Parkway – The project was approved by City Council on November 15, 2017. The developer, Lennar, is continuing to build homes for phase I. Work is continuing for the new round-about located at Country Club and Golden Circle. The scope of work includes new road realignment, curb, gutter, driveways and pedestrian ramps. The underground contractor has completed one half of the new storm drain structure that cross's Country Club Lane. In track work is continuing for the storm drain, sewer and street light installation.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link: <https://www.escondido.org/ecc.aspx>

2. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd. – Revised plan resubmittals were received on July 30, 2020. The plans have been routed for referral department review.
3. Palomar Heights (Developer: Ninia Hammond, Integral Communities) Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units with 10,000 SF of commercial – An Environmental Impact Report (or EIR) was prepared to inform the public and decision-makers of significant environmental effects of the project, identify possible ways to minimize those effects, and describe reasonable alternatives to the project. Public review of the Draft EIR concluded on May 19, 2020. The Final EIR has been prepared and is nearly ready to be published. The project has been tentatively docketed for Planning Commission for August 25, 2020.

The development proposal and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/palomarheights.aspx>

City Projects and Other Capital Improvement Projects:

4. **SDG&E 16" Gas Main Replacement** – In January 2019, the CPUC's Safety Enforcement Division approved SDG&E's test or replace plan for Line 1600, a 16-inch natural gas transmission pipeline which was not strength tested in 1949 when it was constructed. This next phase of PSEP projects will include 19 separate projects that will take place in the cities of San Diego, Escondido and Poway, as well as the County of San Diego. As part of these projects, approximately 37 miles of existing pipe in more populated areas will be replaced and approximately 13 miles of existing pipe in less populated areas will be strength tested. Approximately 5.4 miles of replacement and 2.7 miles of strength testing is expected to occur in Escondido from 2020-2024. Work is continuing with installation of the new 16-inch gas main along the Midway corridor. Installation of the 16" gas main along the Midway corridor has been completed. The contractor is currently working in the county on Bear Valley Parkway. Along with tie in locations on Midway and Valley and Midway and Mission Avenue.
5. **Lake Wohlford Replacement Dam** (Developer: City of Escondido Utilities Department) – The Draft EIR was previously circulated for public review from October 4, 2016 to November 17, 2016. Since the original public review period, the City has revised the Biological Resources Section of the EIR (Section 3.3) based on public comments that were received from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife. The City has also revised the Greenhouse Gas Emissions Section (Section 3.6) and the Effects Found Not to be Significant Chapter (Chapter 4.0) of the EIR due to new regulatory requirements since the Draft EIR was circulated for public review. A 45-day public review period began on June 18, 2020 and ended on August 3, 2020. Five (5) comment letters were received. City staff is now working with the consultant to respond to comments and begin preparing the final EIR. City staff anticipates taking the Final EIR forward to City Council for their review and consideration in September or October.
6. **Spruce Street/Transit Center Pedestrian Bridge Project** – The contractor, Palm Engineering, has taken delivery of the drivable flex mat and has started the installation on the Grand Avenue access ramp.
7. **El Norte Parkway Improvements** – The project includes widening of El Norte Parkway at the flood control channel by the installation of a new bridge, construction of new median islands from Valley Parkway to Washington Avenue, landscaping and a drip irrigation system, a bike/pedestrian signal at the flood control channel, along with roadway resurfacing. On August 12, 2020, the El Norte Parkway Improvement project was accepted as complete by the City Council. This Project removed a bottleneck over the Escondido Creek to provide two lanes of traffic in each direction, added bike lanes, and installed a pedestrian signal at the bridge. Key features of this project include construction of a new bridge, stamped medians with landscaping, reconfigured traffic signals, a pedestrian signal to aide pedestrians and cyclists using the Escondido Creek trail cross El Norte Parkway, and a lighted trailhead sign

A project webpage containing draft documents and plans has been added to the Engineering Department's website at the following link:

<https://www.escondido.org/el-norte-parkway-bridge-and-median-improvements-1.aspx>.

Ongoing Projects - No Updates This Week:

Projects that do not have any changes or updates this week will be listed here to indicate that they're still in progress. When an update occurs, the project will appear above in the Development and Capital Projects section.

Commercial / Office / Industrial:

8. Raising Cane's Restaurant – (Developer: Ada Fermin, PM Design Group) 1280 W. Valley Parkway
9. Mercedes Benz Expansion – (Developer: Jody Stout, Integrity Design and Construction) 1101 W. 9th Avenue
10. 7-Eleven Gas and Convenience Store – (Developer: Golcheh Group) 900 W. Mission Ave.

Residential:

1. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 single-family residential homes on 74.35 acres at the eastern terminus of Lincoln Avenue.
2. Jack's Creek TR 951 and SUB 17-0026 – (Developer New Pointe Development). A 12-lot, single-family residential subdivision on 3.31 acres. The site is located at the westerly terminus of Jack's Creek Road, north of El Norte Parkway, addresses at 640 Oakwood Creek Glen.
3. Escondido Gateway, also called Rowan (Developer: Carolyn Hillgren, Lyon Living) 126 condo units at 700 W. Grand.
4. Pradera (Developer: Moses Kim, Lennar Homes) – This project consists of a 70-unit single-family development located at the northeastern corner of Ash Street and Lehner Avenue.
5. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – This project is a 179-lot single-family residential development on the north side of Vista Avenue east of Conway Drive.
6. Interfaith Recuperative Care Facility – (Developer: Interfaith) 555 North Center City Parkway.
7. Harvest Hills (aka Safari Highlands Ranch) (Developer: Jeb Hall, Concordia Homes) 550 residential subdivision, east of Rancho San Pasqual.
8. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr.

9. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch.
10. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on both sides of Nutmeg between I-15 and Centre City Parkway.
11. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane.
12. Del Prado (Developer: Kerry Garza, Touchstone Communities) An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road.
13. Hacienda De Vega Redevelopment – (Developer: Tony Cassolato) A proposed residential condominium development consisting of 42 three-story attached townhomes on 1.75 acres.
14. Casa Mercado Apartments - (Developer: Paul Mayer, Pemcor) A four-story, 120-unit apartment complex on 2.31 acres.
15. Iwashita Apartments - (Developer: Iwashita Development) A seven-story, mixed-use project at 322 S. Escondido Boulevard for 172 units.
16. Fig Apartments – (Developer Claude Marengo) A 15-unit, three-story, multi-family residential apartment complex consisting of three stories on 0.59 acres. The site is located at 664 N. Fig Street, which is between Washington Avenue and East Mission Avenue.
17. East Valley Parkway Apartments – (Developer: John Wurster) A 50-unit mixed use affordable apartment complex consisting of four stories situated on a 21,000 SF vacant parcel in the historic District of the Downtown. The site is on the corner of Ivy and East Valley Parkway.
18. Reed Road Assisted Living Facility - (2525 Reed LLC). A new residential care facility is proposed on a 4.2-acre site on 2525 Reed Road.

City Projects or Other Capital Improvement Projects:

1. Membrane-Filtration Reverse Osmosis/MFRO (Developer: City of Escondido Utilities Department) 901 W. Washington.

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