Leucadia Stormwater
WORKING DRAFT

John J. Helly

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1 Executive Summary: Engineering Chicanery and Dubious Intentions

The chronology of events, summarized below in this section and supported by references to other parts of this white paper, reveals a pattern of behavior by multiple individuals in the City of Encinitas (COE) and its contractors. This pattern is so complicated and convoluted that it defies the rationality one would expect in a straight-forward engineering effort to solve a long-standing stormwater problem. One of the strangest things about this whole activity is the extent to which it appears to be choreographed. One has to ask 'Why the coverup?'.

Why not simply be open and reasonable about developing a stormwater management solution for Leucadia, and Encinitas overall, rather than going to all the extraordinary effort to break it up and hide it in various fragments of contracts and designs? This is either (1) incredibly foolish and wasteful but simply the result of incompetence and piece-meal decision-making optimization or (2) there are other non-obvious reasons. Then the obvious questions are what are those reasons and who is responsible for planning this elaborate ruse? First, let's look at the sequence of events and, later, contemplate alternative hypotheses to explain these facts.

(1) In 2018-07: The hydrology section of the Streetscape EIR was reviewed and found to be substantially deficient. This led to a series of meetings, some public, some not public, involving the COE, SANDAG, and the North County Transit District (NCTD) and the right-of-way of the railroad through Encinitas. Finally, NCTD came to a meeting of the COE City Council, and along with SANDAG, essentially said they would not grant ROW exceptions needed for Streetscape unless COE fixed its stormwater problems to the extent that they affect the railroad operations.

(2) 2018-12-12: COE applied for grant monies from CALTRANS to model the hydrodynamics of the watershed and was rejected. This shows that COE knew it needed to analyze the watershed properties before designing an engineering solution.

(3) 2019-08-28 Council Meeting: COE authorized $431,857.20 to contractor Q3 to develop a watershed plan for Leucadia and Old Encinitas. There were no deliverables specified in this contract. It was made clear in that COE council meeting that this contract should produce an early, 'hurry-up' result that would enable Streetscape project to proceed

(4) 2020-05-11: A report from Michael Baker Company was delivered with an addendum produced by Q3. An attachment shows a diagram connecting the proposed stormwater plumbing to the three outfalls at Batiquitos Lagoon. The *North Coast Highway 101 Streetscape Project: Hydrology and Water Quality Technical Report*. This report is woefully inadequate in technical detail. Nonetheless, this report from Michael Baker identifies:

   (a) ...two existing outfall locations discharging runoff from the project area. Along N. Coast Highway 101, immediately north of La Costa Ave, the first existing outfall (24" RCP) discharges runoff east of the 101 (east-101) into the southwestern-most sliver of the Batiquitos Lagoon. This portion of the Lagoon is tidally influenced and mostly cutoff from roughly 90-percent of the lagoon via a pinch point created by construction of a railroad bridge and associated embankments.

   (b) The second existing outfall consists of an 18" RCP and 24" RCP and drains west of the 101 (west-101), into a series of detention basins adjacent to the Ponto Beach parking lot, and then into the Lagoon immediately adjacent to the Pacific Ocean via open channel flow.

   (c) The project does include a new diversion structure immediately upstream of these two existing outfalls. This new diversion structure has been designed to control discharge to each of the existing outfalls while simultaneously providing flood control for the businesses and residents adjacent to N. Coast Highway 101 south of La Costa Avenue and water quality benefit for the Lagoon.

(5) 2020-10-10: Plans were received by the COE Development Services Department describing the engineering details of the plumbing and Batiquitos Lagoon terminus of the stormwater system without indicating the portion of the system that was built as part of the hotel project but originally identified as part of the stormwater system for Leucadia, driven by Streetscape.

(6) 2020-12: There was a scramble by COE staff to get a Notice of Determination sent to the County and the State in a hurry to stay within a 30-day window in which CEQA lawsuits could be filed about the stormwater solution and to avoid a 180-day window. Only after this was a public notice and review meeting held (i.e., CPP) and even then notice of the review was buried in an obscure COE website.

(7) 2021-01-19: The first public review of this effort was conducted via Zoom with only chat available for public comment.

(8) 2021-02-08: L. Doherty sent out CDPNF-4271-2020 CPP-004272-2020 - Final Report Approved.pdf transcript of public meeting. J. Helly performed a machine translation of the audio from the meeting using Transcribe which provides a word-for-word transcript sufficient to illustrate the bad-faith summary by the COE. Read this with the audio from the meeting. J. Helly wrote to L. Doherty to object that the transcript was not accurate. This was followed by and exchange whereby Doherty wanted Helly to indicate objections with time-stamps. (cf. Appendix C)

(9) 2021-02-12: J. Helly met with K. Hinze via zoom to review this Executive Summary and determine if she agrees it describes a pattern of deception on the part of the City of Encinitas. She said no.

(10) 2021-02-16: J. Bankston sent out CDPNF-4271-2020 CPP-004272-2020 - Final Report Approved.pdf

Throughout this period of time, I have repeatedly requested, in writing and oral presentations before the City of Encinitas city council, engineering analyses and details about the proposed solution. Nothing was forthcoming and the City Engineer, Ed Wimmer, repeatedly claimed he had to wait for more meetings and review by City Council.

Apparently, there isn't any analysis or evaluation other than the most cursory application of a simple hydraulic model for a foregone conclusion. There is no evidence of alternative design evaluations, competitive procurement or any of the normal evaluative processes one would expect from a sound decision-making process compliant with the extant regulatory framework.

Why go to all this trouble of subterfuge and hidden government? If this is all above board and based on sound science and engineering, good for the environment and people of Encinitas, why hide it?

1.1 Teleconference with Kellie Hinze Regarding the Executive Summary. 2021-02-12

1. Are you recording this call? No.
2. Is anyone else listening to this call? No. Your partner was in the room with you but you had on headphones.
3. We reviewed the Executive Summary that I had previously sent.
4. Do you agree that this is a deception? No.
5. Your comments were:
   (a) The City held a public meeting to review the stormwater problems and wasn't that enough of 'bringing the public along' in contrast to my proposed Technical Advisory Committee?
   (b) Based on what you've been told by a 3rd-party Conservancy organization, hydrologists and biologists will disagree and that hydrophobia somehow plays into these disagreements.
   (c) The professional staff is responsible for these outcomes.

2 Background

Note to the Reader: This history is the author's current understanding of the folklore and anecdotes about the stormwater problems in Leucadia. While there is some documentation summarized best in the Rick Engineering study, that summary is now dated and no longer reflects the state of the current system, such as it is. Consequently, the sequence of events is roughly correct, part of the reason for exposing it here in narrative form is to submit it to criticism and correction.

Leucadia has a long history of stormwater problems that are fundamentally due to its topography, railroad right-of-way, coastal proximity and infrastructure mismanagement. As Figures 1, 2 show, Leucadia is a watershed characterized by surfacewater channels that isolate the higher elevations between the Interstate 5 freeway to the east and the sandstone coastal bluffs to the west. Floodwater channels exist in the low-lying areas along the railroad tracks and HWY101 and intrude into the residential and commercial properties on both sides of the railroad track although to a much greater degree on the west side of HWY101.

Figure 1: Leucadia and Old Encinitas. Batiquitos Lagoon, to the north, is at the left edge of the figure. Railroad tracks are in green.

Figure 2: Topography of Leucadia and Old Encinitas. Here the railroad tracks are in yellow.

Figure 3: Storm sewer system in vicinity of Leucadia from a City of Encinitas GIS database circa 2018.

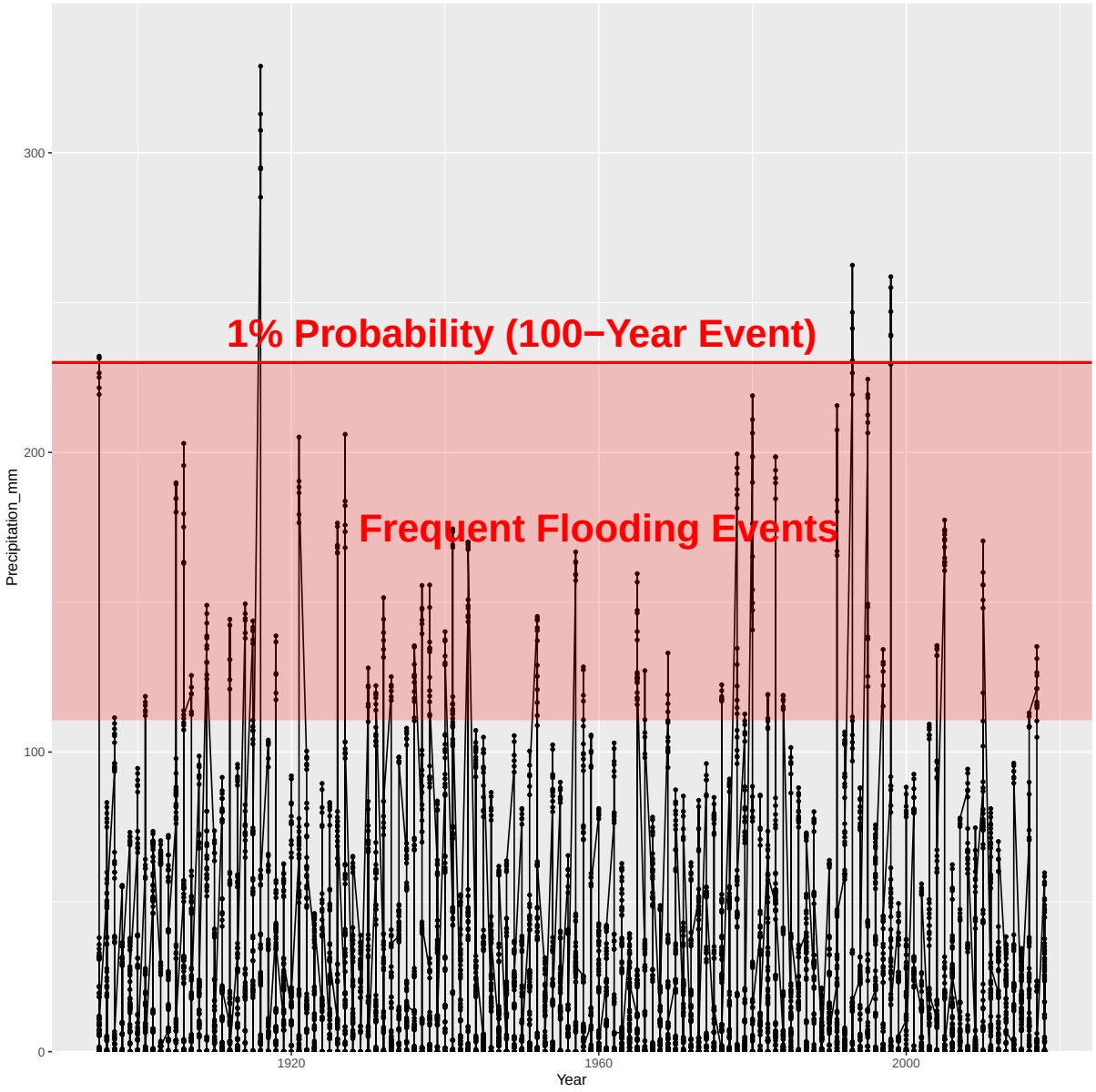

Figure 4: Monthly precipitation record for Leucadia (1895-Present). This figure also contrasts the 100-year flood events with more frequent flooding events.

2.1 History of Leucadia Flooding

In the mid-1990's, efforts began to mitigate the chronic storm flooding in Leucadia, possibly motivated by the impact of the heavy rains in the El Nino events of the late 1980 and early 1990s (Figure 4).

In 1998, there was a proposal to install a large diameter (10 foot) stormwater system to dump stormwater into Batiquitos Lagoon. That was not implemented presumably because it would not be permitted by the California Coastal Commission (CCC) and perhaps the Regional Water Quality Control Board (RWQCB) and was expensive. Instead, a *nuisance drain system* was built to remove water from the Leucadia Park area and dump it out at Ponto, on the west side of HWY101, in an area referred to as a *sand-pit*. The nuisance drain idea was pursued since it did not require the same permitting as the large system would have required,

Figure 5: Montage of flooding events in Leucadia (cf. Fig 4)

were it ever to be built, and was much less costly.

In 1999, a low-flow, Leucadia Storm Drain System was designed by City of Encinitas with Pasco Engineering and approved by the California Coastal Commission. In 2002, this system was built with Tide-Flex valves added and called the *Pasco Fiasco* since, presumably, it did not work well.

In 2003, City of Encinitas put in 24-inch pipe and disconnected a pipe at Grandview although this latter action is uncertain (Figure 3). This was the year that Rick Engineering published a study under contract to

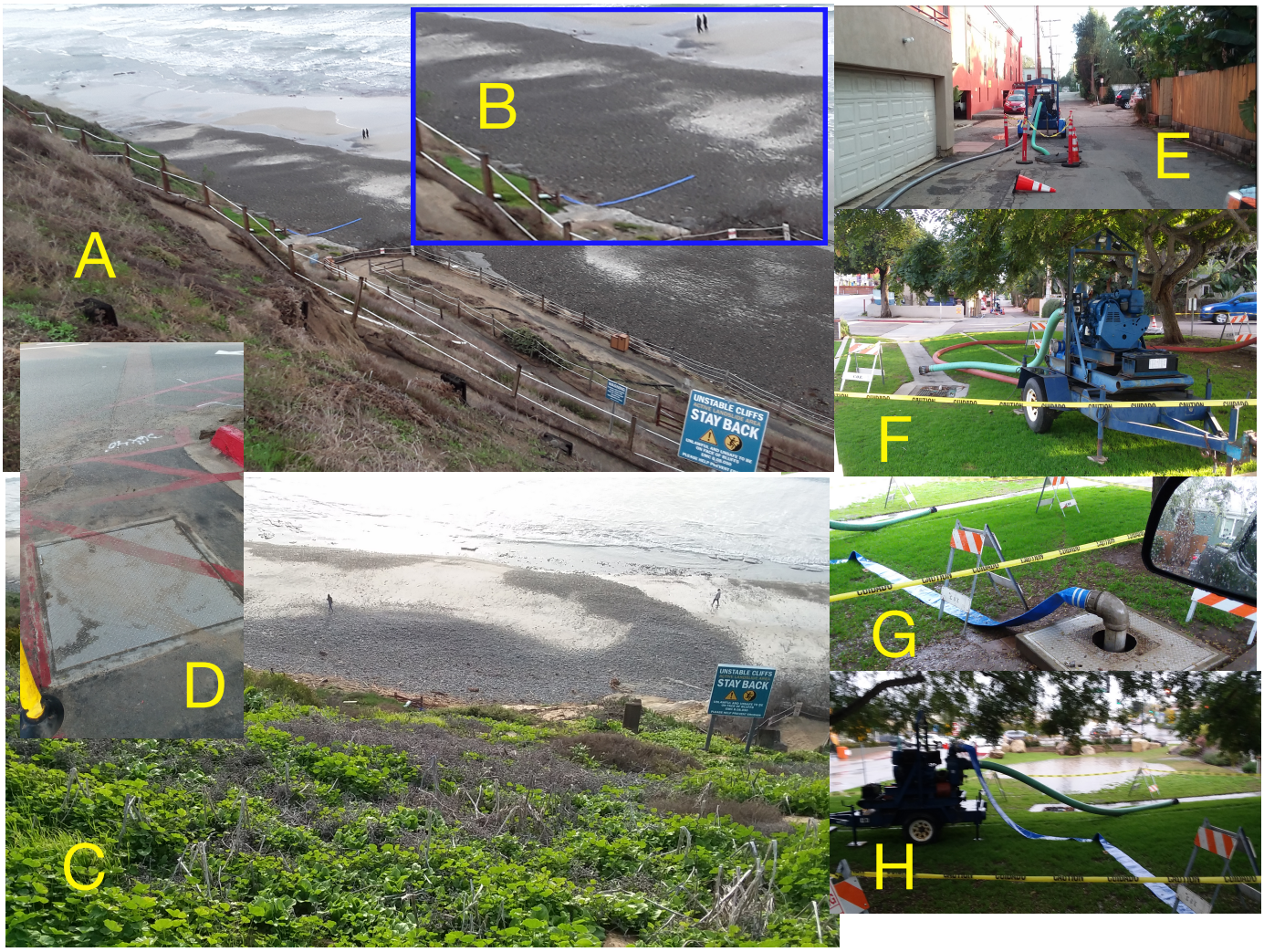

Figure 6: Stormwater pumping on to the beach at Beacons. (A) Blue outfall pipe on beach at Beacons. (B) Close-up of pipe. (C) No pipe on beach. (D) Pipe access manhole in Beacons parking lot. (E) Portable, City-operated pump in alley across from Leucadia Park shown flooded in Figure 5. (F) Portable, City-operated pump in Leucadia Park with connections to outfall pipe at Beacons (G), (H).

COE to look at the problem overall.

In 2004, a $1.4M Rick Engineering Study was commissioned to make the low-flow Pasco system work. This involved adding a sluice gate valve at RCP on Vulcan along with orifice plates to reduce flow rates and a trench east of railroad to divert flow south (north?). Dudek Engineering was involved in the construction. This study employed the HEC-RAS modeling system and provided substantive detail about the model configuration and the run results.

In 2006, railroad ballast problems emerged due to diverted flow in the trench so the trench was Gunite-ed to stablilize ballast by the railroad. This dramatically increased flow in the trench since it was now lined with impervious material and it no longer functioned as a dispersive, infiltrative system component. Instead of acting as a slow drain, it became a static sump which could back up.

From 2008-2010, residents on the west side opposed operation of the stormwater system as it was

causing flooding due to overloading when the sluice gate was used to clear Old Encinitas water.

During 2011-2012, the San Diego County Grand Jury [**?**] recommended that the City Council of Encinitas take the actions to (1) develop an immediate plan to solve Leucadia's storm water (sic) flooding, (2) include storm water flow through the bluff at Leucadia Roadside Park as part of an overall storm drain fix, and (3) explore storm drain capital improvement tax funding for Leucadia via formation of a Special Assessment District. At the time, Jerome Stocks was Mayor and Tony Kranz ran for City Council on fixing drainage. June 20, 2012 Kranz requested the San Diego Grand Jury finding against Encinitas's handling of Leucadia storm drains be addressed and the public should be involved in the Encinitas response to the Grand Jury. Councilwoman Teresa Barth requested this be placed on an upcoming agenda and the resulting interaction during the council meeting is available in the video from the Encinitas City Council Meeting, June 20, 2012. The grand jury findings and recommendations were ignored.

In 2015, TetraTech did a study for the COE to evaluate alternatives for the Vulcan flooding [**?**]. This study used the HEC-HMS model and was fairly light-weight in details but focused strongly on bioretention and LID approaches to mitigating the stormwater problem.

During 2016-2017, the COE Engineering department, Ed Dean, designed a pipe from Union and Vulcan to the 78 inch pipe at Leucadia Pizza draining to Cottonwood Creek but this was never implemented. In 2018, Ed Wimmer replaced Chris Magnitsky (sp?) and that more or less brings us up to today.

In July, 2018, I reviewed the hydrology section of the Streetscape EIR and deemed it specious and inadequate. This report was sent to the COE and to the Coastal Commission as part of the hearing on the coastal development permit (CDP) exemption requested by the COE to implement the Streetscape project.

In late 2019, the COE contracted with Q3 to perform a hurry-up hydrological analysis of the Leucadia stormwater problems as part of a longer, larger hydrological analysis. The goal was to speed-up the analysis so the problem could be addressed within the Streetscape project without causing delays to that project. The currently proposed solution is to put a large diameter pipe under HWY101 and terminate it in the Batiquitos Lagoon without treatment.

Today, there are four (4) methods of disposing of the stormwater. They are: (1) gravity-fed flow to an outfall pipe at Ponto (north) with input from multiple inlets including the Leucadia Park cistern. Although there are two pipes at this outfall location, only one of these pipes, the 24-inch diameter pipe, is believed to be in operation at the time of this writing. (2) Vulcan/Union Sluice Valve (east of the railroad near Union Street and Vulcan Avenue). (3) Event-related pumping of stormwater out of the cistern in Leucadia Park over the bluff onto the beach at Beacon Beach. (4) Cottonwood Creek Outfall (south), In summary, the claim is made that Vulcan floods because of the Old Encinitas flooding problem but the Leucadia system works as long as the sluice valve is not employed to relieve the flooding east of the railroad.

3 Scientific Background

The main issues about appropriate management of stormwater pertain to the following questions: (1) What is the volume of stormwater that must be handled? (2) What is it contaminated with and where is it coming from? (3) How concentrated are the contaminants? (4) What methods are required to minmize the hazards of coastal pollution by storms? [**?**] [**?**]

3.1 Pollutants

[**?**] [**?**] Toxic pollutants are listed in Electronic Code of Federal Regulations (e-CFR), Title 40/Chapter I/Subchapter N/Part 401/§401.15, Title 40: Protection of Environment,PART 401—GENERAL PROVISIONS. These include: (1) Acenaphthene (2) Acrolein (3) Acrylonitrile (4) Aldrin/Dieldrin1 (5) Antimony and compounds (6) Arsenic and compounds (7) Asbestos (8) Benzene (9) Benzidine (10) Beryllium and compounds (11) Cadmium and compounds (12) Carbon tetrachloride (13) Chlordane (technical mixture and

TABLE 3-3 Relative Sources of Parameters of Concern for Different Land Uses in Urban Areas

Problem Parameter	Residential	Commercial	Industrial	Freeway	Construction
High flow rates (energy)	Low	High	Moderate	High	Moderate
Large runoff volumes	Low	High	Moderate	High	Moderate
Debris (floatables and gross solids)	High	High	Low	Moderate	High
Sediment	Low	Moderate	Low	Low	Very high
Inappropriate discharges (mostly sewage and cleaning wastes)	Moderate	High	Moderate	Low	Low
Microorganisms	High	Moderate	Moderate	Low	Low
Toxicants (heavy metals/organics)	Low	Moderate	High	High	Moderate
Nutrients (eutrophication)	Moderate	Moderate	Low	Low	Moderate
Organic debris (SOD and DO)	High	Low	Low	Low	Moderate
Heat (elevated water temperature)	Moderate	High	Moderate	High	Low

NOTE: SOD, sediment oxygen demand; DO, dissolved oxygen.
SOURCE: Summarized from Burton and Pitt (2002), Pitt et al. (2008), and CWP and Pitt (2008).

Figure 7: Examples of stormwater parameters of concern [**?**].

metabolites) (14) Chlorinated benzenes (other than di-chlorobenzenes) (15) Chlorinated ethanes (including 1,2-di-chloroethane, 1,1,1-trichloroethane, and hexachloroethane) (16) Chloroalkyl ethers (chloroethyl and mixed ethers) (17) Chlorinated naphthalene (18) Chlorinated phenols (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols) (19) Chloroform (20) 2-chlorophenol (21) Chromium and compounds (22) Copper and compounds (23) Cyanides (24) DDT and metabolites (25) Dichlorobenzenes (1,2-, 1,3-, and 1,4-di-chlorobenzenes) (26) Dichlorobenzidine (27) Dichloroethylenes (1,1-, and 1,2-dichloroethylene) (28) 2,4-dichlorophenol (29) Dichloropropane and dichloropropene (30) 2,4-dimethylphenol (31) Dinitrotoluene (32) Diphenylhydrazine (33) Endosulfan and metabolites (34) Endrin and metabolites1 (35) Ethylbenzene (36) Fluoranthene (37) Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis(dichloroisopropyl) ether, bis-(chloroethoxy) methane and polychlorinated diphenyl ethers) (38) Halomethanes (other than those listed elsewhere; includes methylene chloride, methylchloride, methylbromide, bromoform, dichlorobromomethane (39) Heptachlor and metabolites (40) Hexachlorobutadiene (41) Hexachlorocyclohexane (42) Hexachlorocyclopentadiene (43) Isophorone (44) Lead and compounds (45) Mercury and compounds (46) Naphthalene (47) Nickel and compounds (48) Nitrobenzene (49) Nitrophenols (including 2,4-dinitrophenol, dinitrocresol) (50) Nitrosamines (51) Pentachlorophenol (52) Phenol (53) Phthalate esters (54) Polychlorinated biphenyls (PCBs) (55) Polynuclear

aromatic hydrocarbons (including benzanthracenes, benzopyrenes, benzofluoranthene, chrysenes, dibenzanthracenes, and indenopyrenes) (56) Selenium and compounds (57) Silver and compounds (58) 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) (59) Tetrachloroethylene (60) Thallium and compounds (61) Toluene (62) Toxaphene (63) Trichloroethylene (64) Vinyl chloride (65) Zinc and compounds

4 Regulations

4.1 Federal

The Federal Clean Water Act (Clean Water Act) prohibits certain discharges of storm water containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The NPDES stormwater program regulates some stormwater discharges from three potential sources: municipal separate storm sewer systems (MS4s), construction activities, and industrial activities.

The National Pollutant Discharge Elimination System (NPDES) regulates storm water discharges from municipal separate storm sewer systems (MS4s) throughout the country. U.S. EPA defines an MS4 as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a State (40 CFR 122.26(b)(8)).

Pursuant to the Federal Water Pollution Control Act (Clean Water Act) section 402(p), storm water permits are required for discharges from an MS4 serving a population of 100,000 or more. The Municipal Storm Water Program manages the Phase I Permit Program (serving municipalities over 100,000 people), the Phase II Permit Program (for municipalities less than 100,000), and the Statewide Storm Water Permit for the State of California Department of Transportation. The State Water Resources Control Board (State Water Board) and Regional Water Quality Control Boards (collectively, the Water Boards) implement and enforce the Municipal Storm Water Program.

4.2 California

The California State Water Resources Control Board Storm Water Program provides guidance on the regulatory framework for handling stormwater. *Storm water is defined by US EPA as the runoff generated when precipitation from rain and snowmelt events flows over land or impervious surfaces without percolating into the ground. Storm water is often considered a nuisance because it mobilizes pollutants such as motor oil and trash. In most cases, storm water flows directly to water bodies through sewer systems, contributing a major source of pollution to rivers, lakes, and the ocean. Storm water discharges in California are regulated through National Pollutant Discharge Elimination System (NPDES) permits. However, storm water may also act as a resource and recharge to groundwater when properly managed. The Water Boards are actively involved in initiatives to improve the management of storm water as a resource. For more information read our Storm Water Management Fact Sheet*

4.2.1 California Coastal Commission

According to LUP Update Guide, Section 3. Water Quality Protection:

The Coastal Act requires the protection and enhancement of marine and coastal water resources, including water quality. Nonpoint source (NPS) pollution, also called polluted runoff, is the nation's leading cause of water pollution both at the coast and inland. As stormwater runoff flows across the land, it picks up natural and human-made pollutants originating from many diffuse sources, and may transport these pollutants into coastal waters, including the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater.

Protection of coastal water resources requires not only minimizing pollutants in runoff, but also minimizing alterations in a site's natural hydrologic balance, including the runoff flow regime (i.e., runoff volume, flow rate, timing, and duration). Because of the dispersed nature of NPS pollution and the cumulative impact of changes in runoff flows within a watershed, managing land uses both on a site-specific and a regional level is critical.

In California, the Coastal Commission and the State Water Resources Control Board (State Water Board), in coordination with the nine Regional Water Quality Control Boards (Regional Water Boards), have developed a state NPS Program that provides a coordinated statewide approach to managing NPS pollution, and conforms to federal Clean Water Act and Coastal Zone Management Act requirements for states to address NPS pollution. Many California state agencies are working collaboratively to implement the state's NPS Program Plan. These efforts include the Storm Water and Total Maximum Daily Load (TMDL) programs administered by the State and Regional Water Boards statewide, as well as coastal specific development planning and permitting programs of the Coastal Commission.

In the coastal zone, certified Local Coastal Programs (LCPs) are a key mechanism for achieving a high standard for coastal water resource protection. LCPs provide an important planning and regulatory framework for enhancing coastal NPS pollution control and minimizing changes in watershed hydrology that may adversely impact coastal resources. LCPs should be updated to include policies, standards, and ordinances that establish coastal water resource protection strategies and priorities for development, both during construction and over the life of a project.

4.2.2 San Diego Regional Water Quality Control Board (SD-RWQCB)

In response to an inquiry regarding pumping stormwater over the bluff onto the beach at Beacons, the San Diego Regional Water Quality Control Board responded:

*According to the Regional MS4 Permit, outfall, storm water, and non-storm water are all included. The COE has a permit to discharge to their MS4 system from the **San Diego Water Board**. The outfall and pump you described would fall under our permit regulatory requirements regardless of the size of the outfall. The definition of MS4 includes facilities owned and operated by the City. It is not defined by a size.*

We would expect the City as an agency under our Regional MS4 Permit to implement BMPs to the MEP for this system, inclusive of implement its requirements in its JRMP and the BMP Design Manual when applied to projects that meet certain criteria to reduce pollutants in storm water. If the City is not implementing its policies, procedures and ordinances it is also not meeting the MEP standard to reduce pollutants in storm water.

Water Quality Improvement Plan, the City included its JRMP in this Plan to meet the numeric goals and schedules of the high priority water quality conditions. The City is in the Carlsbad WQIP: https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/wqip.html

Regional MS4 Permit, provision E contains the JRMP requirements. Provision E. 3 development planning addresses structural BMP design requirements and flow control for projects that meet certain size and land use triggers. https://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/2015-1118_AmendedOrder_R9-2013-0001_COMPLETE.pdf

In general, we would consider what you described to fall under the definition of storm water and not non-storm water.

4.2.3 Encinitas

The City of Encinitas has municipal code specifying Stormwater Management requirements.

4.3 City of Encinitas: Community Participation Program Meeting 2021-01-19

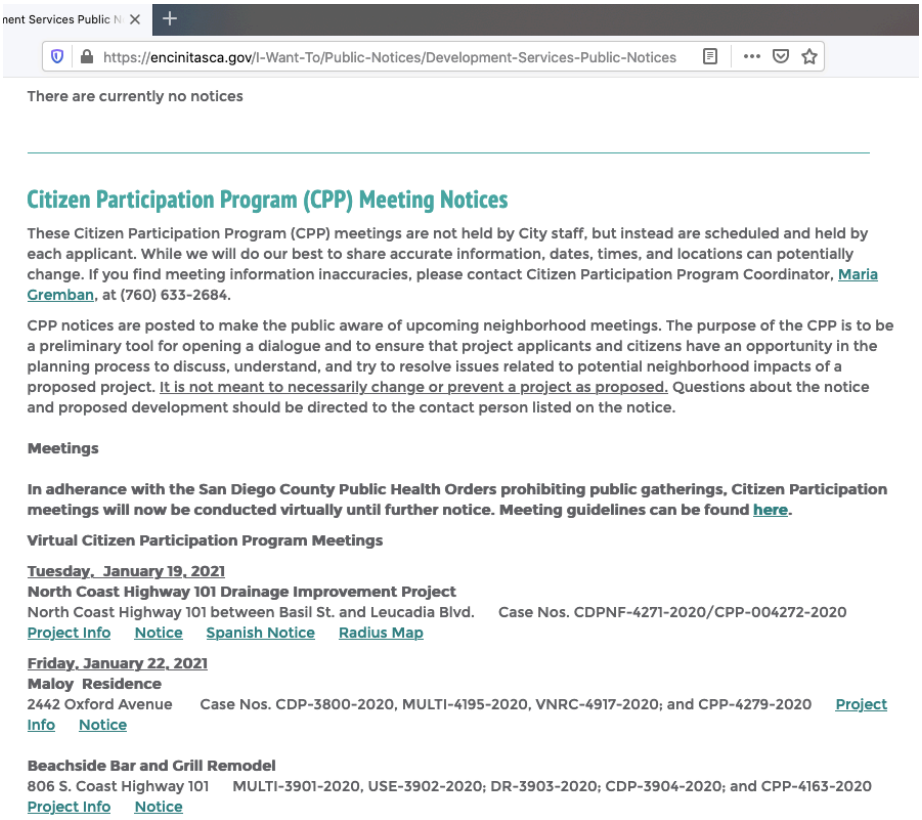

Figure 8: Notiice of CPP meeting.

This meeting was held and there is a recording of it at this URL . Main points taken from this meeting:

1. The COE has not discussed anything with Carlsbad (Wimmer).
2. COE is differentiating the Ponto outfalls, where the 'first-flush', contaminated stormwater will go with the 'metered' outfall that will go to Batiquitos Lagoon.
3. Michael Baker admitted in the video that the stormwater will, at least initially, be substantially contaminated.
4. Jill Blankston says the COE did a hydrologic analysis that is available to anyone requesting it.
5. JB denied that the prior construction at LaCosta/101 has anything to do with this project.
6. Michael Baker admits having submitted to CCC already (cf. Cort Hitchens email correspondence with CCC response).

5 City of Encinitas Stormwater Outfalls: New Construction and Major Modifications

The current storm sewer outfall for Leucadia is at Ponto (Figure 13, 10). The COE has contracted for hydrologic analysis and storm sewer design work under the Streetscape project, it has already begun development

of modifications to the Batiquitos Lagoon outfalls (Fig. 9, 11, 12) under the cover of other construction without disclosing it it in the context of the the Streetscape Coastal Development Permit. These major modifications fly in the face of the claim of no-impact attendant on the recent modification to the Streetscape EIR filed with the Coastal Commission November, 2019.

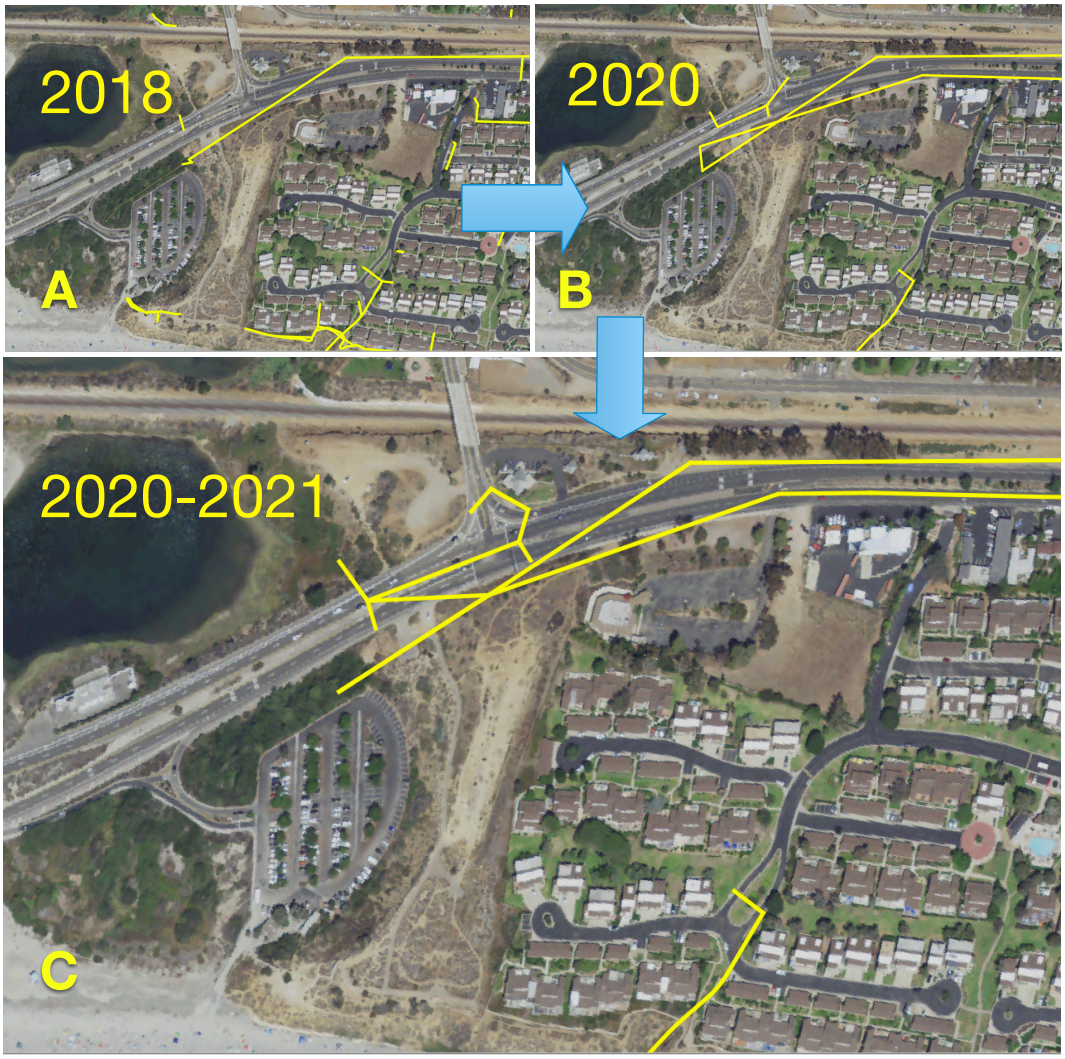

Figure 9: Stormdrain outfall development at La Costa Avenue and HWY 101. (A) City of Encinitas (COE) GIS database representation in 2018. (B) Represented as 'Existing' in contractor submission to COE in December 2019 but actually under construction in January 2020 (cf. Figs 11, 12). (C) Proposed $5M stormdrain outfalls now being designed under $667K add-on to M. Baker Streetscape contract.

Figure 10: Storm sewer outfall into Batiquitos Lagoon.

Figure 11: New construction east of HWY101 into Batiquitos Lagoon. This work was interrupted by the Regional Water Quality Control Board.

Figure 12: New construction on 2020-01-17 undercover.

Figure 13: Pre-existing disconnected infrastructure.

5.1 Long-Term Monitoring Program

There is only one water quality monitoring location in the area and that is located at Moonlight Beach for Cottonwood Creek bacteria.

A monitoring program for Batiquitos Lagoon should include components for (i) biological (viruses, bacteria, metabolites) (ii) chemical (aromatics, aliphatics, metals, long-lived toxics) (iii) physical (sediment, erosion, concentrating sinks)

1. Sampling sites
   (a) Grab-sampling of water and sediments (3-4) along a transect anchored at each and running in the direction of water flow.
   (b) Grab-sampling of water flowing from the outfalls.
   (c) Grab-sampling of water from the inlet to lagoon backwater on tidal cycle (in, null, out) during wet and dry weather in association with storm events (before, during, after).
2. Number of samples $\geq$ 12: 3 transects with 4 samples each
3. Small boat required for sampling in lagoon (maybe rowboat, need dry surface for labelling and computer equipment).

Appendices

Appendix A Chronology

This chronology is based on public records from the City of Encinitas especially: (1) 2019-12-00: Addendum to Final EIR No. 10-035, Scott Vurbeff and video recordings from City Council meetings and correspondence with the City Council.

1. **2018-03-21**: The North Coast Highway 101 Streetscape Improvement Project (City Case No. 10-035 DR/CDP/EIR and 10-036 GPA/SPA/LCPA) was approved by the Encinitas City Council on March 21, 2018. A detailed description of the project is provided in Chapter 2 of the attached Environmental Impact Report, which was previously certified with the project's approval.
2. 2018-07-18: Review of Streetscape Hydrology EIR
3. 2018-12-12: Review of the Leucadia Storm Drainage Project CALTRANS Grant Proposal and Matching Funds Request and Contractor Statement of Work City of Encinitas City Council Meeting 2018-12-12 Agenda Item 10C
4. 2019-08-27): Technical Advisory Committee Framework
5. **2019-08-29** On August 29, 2019, the City retained the stormwater engineering services of Q3 Consulting to produce a Leucadia Area Watershed Master Plan that would analyze flooding conditions in the Leucadia and Old Encinitas communities. The Master Plan evaluates current and future flood impacts within these areas. Stormwater flows would continue to be discharged north towards existing facilities located near the Batiquitos Lagoon. The proposed storm drain pipe would join three existing outfalls in this area: a 24-inch and an 18-inch outlet at the basin west of North Coast Highway; and a 24-inch outlet east of North Coast Highway. A junction box (splitter structure) would be designed to convey flows from the main storm drain system into these three outfalls.
6. 2020-01-22: Letter to Encinitas City Council
7. 2020-02-01: Letter to Laurie Walsh/San Diego Regional Water Quality Control Board
8. 2020-02-01: Letter to California Coastal Commission, C. Hitchens
9. 2020-02-18: SDRWQCB: Laurie Walsh Response
10. 2020-10-20: Opposition to Streetscape CDP Extension, California Coastal Commission
11. Wimmer Email Delaying Reporting of Design Results
12. 2021-01-20: California Coastal Commission: C. Hitchens PRA Request and CDP Status
13. CPP Zoom Meeting 2020-01-19 Blankston et al

Appendix B References

B.1 2018-07-18: Review of Streetscape Hydrology EIR

15 July 2018

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405 Neptune Avenue
Encinitas, California 92024

Mr. Eric Stevens
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108
Email: eric.stevens@coastal.ca.gov

Subject: *Request that the Coastal Development Permit Application, City Case No. 10-35, be denied, on the basis of the attached document, applicable provisions of the California Coastal Act, and all other objectionable grounds*

Dear Mr. Stevens:

Please accept this review (attached) of **Section 3.2 Hydrology of the Volume 1: Final Environmental Impact Report of the *North Highway 101 Leucadia Streetscape Improvements Project Phase: Project Design***.

As you will see, it is my opinion that the hydrological analysis of the EIR is deficient and specious. I respectfully request that my review be included in any staff report being prepared on the subject as well as distributed to all of the commissioners in the context of the review of the subject permit.

I request that the Coastal Development Permit Application, City Case No. 10-35, be denied, on the basis of my review, applicable provisions of the California Coastal Act, and all other objectionable grounds.

In regard to establishing my *bona fides*, I have also attached my current *Curriculum Vitae* (CV). This review is strictly done as a private citizen and the CV is only to establish my credibility as a subject matter expert. Thank you for your consideration.

Respectfully and sincerely,

John J. Helly, PhD

B.2 2018-12-12: Review of the Leucadia Storm Drainage Project CALTRANS Grant Proposal and Matching Funds Request and Contractor Statement of Work City of Encinitas City Council Meeting 2018-12-12 Agenda Item 10C

Review of the Leucadia Storm Drainage Project CALTRANS Grant Proposal and Matching Funds Request and Contractor Statement of Work City of Encinitas City Council Meeting 2018-12-12 Agenda Item 10C

As Prepared by Carl L. Quiram, Director of PW and
Ed Wimmer, City Engineer, Department of Public Works, City of Encinitas

John J. Helly, PhD

December 10, 2018

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1 Introduction

This is a review of the Leucadia Storm Drainage Project, including the CALTRANS Grant Proposal and Matching Funds Request and contractor Statement of Work (SOW) Prepared by Carl L. Quiram, Director of PW and Ed Wimmer, City Engineer, Department of Public Works. This is listed as an **agenda item 10C** for the 2018-12-12 meeting of the City of Encinitas (COE) city council.

2 Findings

(1) The City of Encinitas (COE) should be commended for moving in this direction to improve the qualtity and rigor of its stormwater engineering beyond, for example, what the Streetsape EIR was based on: the clearly inadequate work of Michael Baker Associates as detailed in my review of the Streetscape Hydrology EIR.

(2) The desired improvements described in this staff report, as well as the CALTRANS grant application and SOW, emphasize the limitations in the current COE hydrological understanding and analytical capabilities as so clearly evidenced in the hydrology section of the Streetscape Hydrology EIR.

(3) Modern hydrological modeling software, such as the USEPA Stormwater Management Model (EPA-SWMM) is an appropriate method for the types of analysis needed in our area. This open-source model is especially appropriate since it makes it possible for the independent verification and validation (IV&V) of a model's output, through reproduction of results, as is appropriate for publicly-funded, private contractor work.

(4) In order for IV&V to be possible, all of the input data, software and model configuration metadata for each run of the model must be published to the public using the many conventional means of doing so. **Consequently, any statement of work for a private contractor to perform analyses for the COE, on behalf of the citizens, must require that the all of the input data and the configuration files, for example those defining the topology and topography of the hydraulic networks, procedures and parameterizations employed for each model run, be specified as required deliverables to the COE on behalf of the public and that these be made public at or before payment to the contractor is completed. The current SOW must be amended to state this as part of the contractor deliverables.**

(5) **SOW p.19:** Refers to PCSWMM as representative of a flood model that might be used. This should be properly characterized as a hydrology model applied to the problem of flooding and how it will be applied. Hydrological modeling and flood-mapping are not the same thing. Nonetheless, this is an expensive, commercial version of an open-source, free model codebase that is EPA-SWMM. The contractor, who may want to use PCSWMM for convenience despite its high cost, should be required to ensure that any model case that is run with such an expensive, proprietary model must be reproducible with the open-source EPA-SWMM version.

(6) **SOW p.14 RESPONSIBLE PARTIES**: This document specifies the formation of a technical advisory committee (TAC) to include, for example, Leucadia 101 Mainstreet Association, NCTD, SEJPA, and SANDAG. This example should be extended to include the Encinitas Residents Coalition, for example, as well as private citizens with expertise in this field.

(7) **SOW Task 3.1:** This task identifies an open-ended field data collection for unspecified assessments to support the Adaptation Plan. These should be further articulated in terms of methodology, data to be collected, and how it will be employed in an overall IV&V process to vet model results.

409 ## B.3 2019-08-27): Technical Advisory Committee Framework

Encinitas Stormwater

John J. Helly

August 27, 2019

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1 Recommendations for Leucadia Watershed Modeling Technical Advisory Committee

The problems posed by the current inadequate stormwater system will not be solved by a modeling study alone and, unless it is constrained by a clear problem statement and addresses specific decisions with testable, valid predictions, it may be misleading and irrelevant. Any modeling study is only as good as the problem definition that it addresses, its predictive value, testability, and reproducibility.

For example, any model should first be shown to be able to reproduce current conditions retrospectively and provide estimates of the uncertainty associated with prospective design solutions within a well-defined set of risk scenarios. Toward this end, here are some things to consider in advance of a modeling study. They have value whether or not a modeling study is done and there is no reason to wait to begin since they will have to be addressed explicitly or implicity anyway.

1. Define the problem(s) to be solved in functional and technical terms. These should be considered to be the system requirements and developed to provide the basis for acceptance testing throughout analysis, design and deployment.
2. Develop Risk Scenarios: Define the storm conditions (e.g., precipitation, tides, lagoon water levels, groundwater depth and hydraulic connectivity) that the engineered infrastructure must accommodate.
3. Define the decision process pertaining to improving the Leucadia flooding problems.
   (a) What is the range of engineering solutions that are possible?
   (b) What failure modes are allowable and how will they be handled?
   (c) What are the pros and cons of each?
   (d) What COE processes and decisions are required to make a choice?
   (e) What information needs to be developed to support that decision process? This is where the modeling contracting intersects the decision process.
4. Identify and articulate the regulatory constraints on design alternatives.
   (a) Recognize that MS4 permit violations can result in penalties of $10K/day per violation and the shutdown or prevention of any project that increases stormwater flows through hydromodifications.
   (b) Ensure the ability for independent verification and validation of engineering analyses used as a basis of the decisions referred to in 3d.
5. Require the use of interoperable watershed models and data.
6. Ensure that the COE owns the data, source code, model configurations and scenarios used to bound the uncertainties in a modeling study.
7. Develop contracting strategies that ensure COE ownership of the results, avoids being held hostage by contractors and provides for alternative sourcing of models and data for the indefinite future.

1.1 Regional Water Quality Control Board

The COE has a permit to discharge to their MS4 system from the San Diego Water Board. The outfall and pumps currently being used fall under the existing permit regulatory requirements regardless of the size of the outfall. The definition of MS4 includes facilities owned and operated by the City. It is not defined by a size.

The RWQCB expects the City, as an agency under our Regional MS4 Permit, to implement BMPs to the maximum extent practicable (MEP) for this system, inclusive of complying with the requirements in its JRMP [4] and the BMP Design Manual [1] when applied to projects that are required to reduce pollutants in storm water. If the City is not implementing its policies, procedures and ordinances it is also not meeting the MEP standard to reduce pollutants in storm water.

Water Quality Improvement Plan The COE included its JRMP in this Plan to meet the numeric goals and schedules of the high priority water quality conditions. The City is in the Carlsbad WQIP [2].

Regional MS4 Permit, provision E Regional MS4 Permit, provision E, contains the JRMP requirements. Provision E.3 development planning addresses structural BMP design requirements and flow control for projects that meet certain size and land use triggers [3].

1.1.1 Analysis With Respect To Leucadia Stormwater

Encinitas Municipal Code

The COE has municipal code that also constrains stormwater management solutions.

1.1.2 Analysis With Respect To Leucadia Stormwater

References

[1] City of Encinitas, *Engineering Design Manual, Chapter 7: BMP Design Manual*, Tech. Report Resolution 2016-17, City Council of Encinitas, 2016.

[2] R9WQCB, *Water Quality Improvement Plans: Carlsbad Watershed*, Tech. report, Region 9 Regional Water Quality Control Board, 2016.

[3] RWQCB, *National Pollutant Discharge Elimination System (NPDES) Permit And Waste Discharge Requirements For Discharges From The Municipal Separate Storm Sewer Systems (MS4s) Draining The Watersheds Within The San Diego Region*, Order No. R9-2013-0001, As Amended By Order Nos. R9-2015-0001 And R9-2015-0100 NPDES No. CAS0109266 , California Regional Water Quality Control Board San Diego Region 9, 2015.

[4] City Of Encinitas http://www.ci.encinitas.ca.us/Portals/0/City%20Documents/Documents/Development%20Services/Engineering/Stormwater/Encinitas%20JRMP_2017-01-27_Final.pdf, *Jurisdictional Runoff Management Program*, Tech. report, City of Encinitas, January 2017.

B.4 Q3 Watershed Master Plan Contract

AGENDA REPORT
City Council

MEETING DATE: August 28, 2019

PREPARED BY: Edward J. Wimmer, PE, City Engineer
DEPT. DIRECTOR: Brenda Wisneski, AICP

DEPARTMENT: Development Services
CITY MANAGER: Karen P. Brust

SUBJECT:

Professional Services Contract for the Leucadia Area Watershed Master Plan (WD19E).

RECOMMENDATION:

Authorize the City Manager in consultation with the City Attorney, to execute a contract and any necessary amendments and time extensions, with Q3 Consulting in the amount of $375,528 plus 15% contingency for a total contract amount not to exceed $431,857.20 to prepare the Leucadia Area Watershed Master Plan (WD19E) (Attachment 1).

STRATEGIC PLAN:

This project aligns with the Strategic Plan goals for:

1) Community Planning focus area which strives to maintain safe and livable communities through well-maintained infrastructure and facilities and strong public safety; and
2) Transportation focus area which is to provide effective, safe, and easy transportation for all modes of movement and for all demographics.

FISCAL CONSIDERATIONS:

Council amended the FY 2018/19 Adopted Budget on June 19, 2019 to add $583,000 for the Leucadia Area Watershed Master Plan (CIP). The fiscal impact associated with the staff recommendation is included in the adopted budget. No additional funding is being requested.

BACKGROUND:

On November 30, 2018, a $524,000 Caltrans Sustainable Communities Transportation Planning Grant application was submitted to develop a three-dimensional hydraulic watershed model to identify projects that would address flooding to improve the transportation network in the Leucadia area watershed. In June 2019, the City was notified that the grant application was not selected for funding.

Staff was pursuing this funding because prior to incorporation, Leucadia and Old Encinitas were developed with a rural theme without traditional drainage infrastructure. These areas are susceptible to historic flood hazards and the associated transportation impacts. North Coast Highway 101 and

adjacent properties experience nuisance flooding in common rain events and are susceptible to significant flood impacts in more extreme rain events.

Past plans and studies reference the extent, frequency and intensity of local flooding, examine causal factors, and identify potential mitigation options. Specifically, a drainage study (commonly referred to as the "Rick Study" because it was completed by Rick Engineering) was conducted in 2003, but the scope was limited to the area north of North Court. The findings of the 2003 report will inform the new study, but because there is a need to study a broader area; the availability of new technology, and changes to the current hydraulic and hydrologic status of the watersheds resulting from the implementation of drainage improvements, there is a need for a new study.

A new study will inform decision makers to help facilitate the efficient deployment of capital funds. Future flood mitigation improvements will also be critical in planning the next segments of the regional Coastal Rail Trail in Leucadia and the Railroad Double Tracking projects.

The Leucadia Area Watershed Master Plan will employ robust modeling software to comprehensively analyze flooding conditions in the Leucadia and Old Encinitas areas and address current and future flood impacts. The Master Plan will be a dynamic tool to prioritize projects for initial implementation and will adapt over time as improvements are built.

ANALYSIS:

The Leucadia and Old Encinitas basins will be considered together in the Master Plan to allow for solutions that cross drainage basins or accept runoff from both. Along Coast Highway 101, the comprehensive approach will include North Court to La Costa Avenue in the Leucadia basin and the area south of North Court in the Old Encinitas basin. Recommendations will be for the entire North Coast Highway 101 corridor, which spans both basins.

On August 2, 2019, the City received proposals from three engineering firms in response to a Request For Proposals (RFP) posted on June 27, 2019. Rick Engineering and Q3 Consulting were short-listed and interviewed. Staff is recommending that Q3 Consulting be selected.

The Q3 Consulting team delivered a complete, accurate, and thorough proposal (Attachment 2) covering all aspects required to complete the master plan within the aggressive time frames required by the schedule. The Q3 Consulting team includes Michael Baker International. The Q3 Consulting team has vast experience with advanced XPSWMM and PCSWMM modeling, offers a potentially fresh perspective to an extremely challenging flood control/drainage area, and, is well suited to coordinate effectively with the Leucadia Streetscape design team.

The project is estimated to take one year to complete. However, the Q3 Consulting team is committed to expediting project recommendations to inform the Leucadia Streetscape design, projected to be received by October 31, 2019.

ENVIRONMENTAL CONSIDERATIONS:

The actions being considered by City Council are exempt from the California Environmental Quality Act (CEQA) because the items are not a "project" per Section 15378(b)(5) of the CEQA Guidelines.
This item is not related to the Climate Action Plan.

ATTACHMENTS:

1. Q3 Consulting Contract
2. Q3 Consulting Proposal dated July 2019

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AGREEMENT FOR DESIGN PROFESSIONAL CONSULTANT SERVICES BETWEEN THE CITY OF ENCINITAS AND Q3 CONSULTING

THIS Agreement ("Agreement") is made and entered into as of the date of execution by the City of Encinitas, a municipal corporation, hereinafter referred to as "City", and Q3 Consulting, hereinafter referred to as "Consultant."

RECITALS

The City requires outside assistance to provide the following services:

LEUCADIA AREA WATERSHED MASTER PLAN

WHEREAS, Consultant represents itself as possessing the necessary skills and qualifications to provide the services required by the City and as being fully qualified to perform those services in accordance with the standard of quality ordinarily expected of competent professionals in Consultant's field of expertise;

WHEREAS, Consultant will render such professional services, as hereinafter defined, on the following terms and conditions;

NOW THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the City and Consultant agree as follows:

1.0 TERM OF AGREEMENT

1.1 This Agreement shall be effective on and from the day, month and year of the execution of this document by the City.

1.2 Consultant shall commence the performance of services in accordance with the Scope of Work section provided in Attachment "A" to this Agreement and shall continue such services until all tasks to be performed are completed, or this Agreement is otherwise terminated.

2.0 CONSULTANT'S OBLIGATIONS- SCOPE OF WORK (ATTACHMENT A)

2.1 Consultant shall provide the City with the following services:

The specific manner in which the services are to be performed is described in **Attachment "A"** which is attached hereto, and incorporated herein as though fully set forth at length, collectively hereinafter referred to as "Described Services".

2.2 Consultant shall perform all work required to accomplish the Described Services in conformity with applicable requirements of law: Federal, State, and Local.

2.3 Consultant is hired to render the Described Services and any payments made to Consultant are compensation fully for such services.

2.4 Consultant shall maintain professional certifications as required in order to properly comply with all City, State, and Federal law.

2.5 Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that City, in good faith, at any time during the term of this Agreement, desires the removal of any such persons, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

2.6 If a license or certification of any kind is required of Consultant, its employees, agents, or subcontractors by federal, state or local law and regulation, Consultant warrants that such license has been obtained, is valid and in good standing, and shall keep in effect at all times during the term of this Agreement, and that any applicable bond has been posted in accordance with all applicable laws and regulations.

2.7 Consultant shall provide the City with timely written reports of all significant developments or delays arising during performance of its services.

3.0 Payment for Services (Attachment B)

3.1 Payment to Consultant to perform the Scope of Work as set forth in **Attachment B**, attached hereto and incorporated herein. The payments provided in this Section are full compensation for the Scope of Work as described in Attachment A.

3.2 Consultant shall submit monthly invoices to the City, describing its services and costs provided during the previous month, based upon percentage of task completed. Except as specifically authorized by City, Consultant shall not bill City for duplicate services performed by more than one person. Consultant's monthly bills shall include the following information to which such services or costs pertain: a description of services performed; the date the services were performed; the number of hours spent and by whom; a description of all costs incurred, and the Consultant's signature. Consultant agrees to use every appropriate method to contain fees and costs under this Agreement. Once an invoice is submitted and approved by the City, City payment will be made within 30 days of approval.

3.3 The amount set forth in Attachment B may be modified or amended only by a written document executed by both Consultant and authorized City representative prior to the performance of the additional work. Such document shall expressly state that it is intended by the parties to amend the terms and conditions of this Agreement.

4.0 Subcontracting (Attachment C)

4.1 Consultant will not subcontract any portion of its Scope of Work without prior written approval of City. If Consultant subcontracts for any of the work to be performed under this Agreement, Consultant shall be as fully responsible to the City for the acts and omissions of Consultant's subcontractors/subconsultants and for the persons either directly or indirectly employed by the subcontractors/subconsultants, as Consultant is for the acts and omissions of persons directly employed by Consultant. Nothing contained in the Agreement shall create any contractual relationship between any subcontractor/sub-consultant of Consultant and the City. Consultant will be responsible for payment of subcontractors/subconsultants. Consultant shall bind every subcontractor/sub-consultant to the terms of the Agreement applicable to Consultant's work unless specifically noted to the contrary in the subcontract in question and approved in writing by the City. Consultant agrees that the City is an intended third party beneficiary of any services agreement entered into between Consultant and any subcontractor or sub-consultant.

4.2 The name and location of the place of business of each approved subcontractor or sub-consultant who will perform work or labor or render service to the Consultant in performing this Agreement are contained in **Attachment C** which is attached hereto and incorporated herein as though fully set forth at length.

5.0 Project Schedule and Completion Date (Attachment D)

5.1 **Attachment D** is the project schedule that Consultant shall strictly meet, including benchmark dates and completion date, which is attached hereto and incorporated herein. Consultant agrees to diligently prosecute the services to be provided under this Agreement to completion and in accordance with the schedule specified herein. In the performance of this Agreement, time is of the essence.

5.2 Consultant shall promptly notify the City of any anticipated or unforeseen delays to the project schedule. Extensions to the project schedule and to this Agreement shall not be made without the prior written approval of the City. All requests for extensions to the project schedule shall be by written request only and submitted to the City prior to the commencement of such work.

6.0 Changes in Work and Extra Work

Consultant shall not change the scope or duration of work or perform work in excess of the Scope of Work without the prior, written approval of the City by an executed Change Order, regardless to whether or not the work would be for compensation, describing in detail the revision to Scope of Work, revisions in payment and/or time, fully executed by both parties. Failure to obtain a Change Order prior to the commencement of any revision waives Contractor's right to payment for such additional services.

7.0 Verbal Agreement or Conversation

No verbal agreement or conversation with any officer, agent or employee of the City, either before, during or after the execution of this Agreement, shall affect or modify any of the terms or obligations herein contained nor shall such verbal agreement or conversation entitle Consultant to any additional payment whatsoever.

8.0 Termination of Agreement

8.1 In the event of Consultant's failure to prosecute, deliver, or perform the described services, the City may terminate this Agreement by notifying Consultant by certified mail of said termination. Thereupon, Consultant shall cease work and within five (5) working days: (1) assemble all materials and records prepared or obtained in the performance of this Agreement and deliver said documents to the CITY and (2) place all work in progress in a safe and protected condition. The City Manager of the City shall make a determination of the percentage of work which Consultant has performed which is usable and of worth to the City. Based upon that finding, the City shall determine any final payment due to Consultant.

8.2 This Agreement may be terminated by either party, without cause, upon the giving of ten (10) days written notice to the other party. Prior to the 10th day following the giving of the notice, the Consultant shall: (1) assemble all materials and records prepared or obtained in the performance of this Agreement and deliver said documents to the CITY and (2) place all work in progress in a safe and protected condition. The City Manager shall make a determination of the

percentage of work which Consultant has performed which is usable and of worth to the City. Based upon that finding, the City shall determine any final payment due to Consultant.

9.0 Covenants against Contingent Fees

Consultant warrants that it has not employed or retained any company or person, other than a bona fide employee working for Consultant, to solicit or secure this Agreement, and that Consultant has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon, or resulting from, the award or making of this Agreement. For breach or violation of this warranty, the City shall have the right to terminate this Agreement without liability or, at the City's discretion, to deduct from the Agreement price or consideration, or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

10.0 Ownership of Documents

10.1 All computer data, computer drawing files, plans, studies, sketches, drawings, reports, specifications and all work product produced by Consultant under this Agreement are the property of the City, whether or not the City completes the Scope of Work or proceeds with the project for which such documents are prepared.

10.2 This Agreement creates a nonexclusive and perpetual right or license for City to copy, use, modify, reuse, and sublicense any and all copyrights, designs, and other intellectual property embodied in the writings prepared by Consultant, and Consultant subcontractors, under this Agreement. In the event the City should ever desire to undertake a project or review other proposed projects based upon the documents, the Consultant agrees that the City shall have the right to reuse all or any portion of the documents at no additional compensation to the Consultant.

11.0 Independent Contractor

11.1 The Consultant shall perform the services provided for herein in a manner of Consultant's own choice, as an independent Contract and in pursuit of Consultant's independent calling, and not as an employee of the City. Consultant shall be under control of the City only as to the result to be accomplished and the personnel assigned to the Project.

11.2 If the Consultant subcontracts any of the work to be performed under this Agreement, Consultant shall be as fully responsible to the City or the acts and omissions of the Consultant's subcontractor and of the persons either directly or indirectly employed by the subcontractor, as Consultant is for the acts and omissions of persons directly employed by Consultant. Nothing contained in the Agreement shall create any contractual relationship between any subcontractor of Consultant and the City. The Consultant shall bind every subcontract by the terms of the Agreement applicable to Consultant's work, including indemnity and insurance requirements.

12.0 Hold Harmless and Indemnification

12.1 **Indemnification** - It is understood and agreed that Consultant has the professional skills, experience, and knowledge necessary to perform the work agreed to be performed under this Agreement that City relies upon the professional skills of Consultant to do and perform Consultant's work in a skillful and professional manner, and Consultant thus agrees to so perform the work.

12.2 Acceptance by City of the work performed under this Agreement does not operate as a release of said Consultant from such professional responsibility for the work performed. It is further understood and agreed that Consultant is apprised of the scope of the work to be performed under this Agreement and Consultant agrees that said work can and shall be performed in a fully competent manner.

12.3 Consistent with California Civil Code section 2782.8, when the services to be provided under this Agreement are design professional services to be performed by a design professional, as that term is defined under said section 2782.8, Consultant shall indemnify and hold harmless City, and its officers, employees, agents, and volunteers, from and against all claims, demands, damages, costs, or liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, interest, defense costs, and expert witness fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, subcontractors, subconsultants or agents during the performance this Agreement, or from any violation of any federal, state, or municipal law or ordinance to the extent caused, in whole or in part, by the negligence, reckless, or willful misconduct of Consultant or its employees, subcontractors, or agents, excepting only liability arising from the negligence, or misconduct of City, its officers, employees, agents, and volunteers.

12.4 Other than in the performance of professional services by a design professional, which law shall be solely as addressed in subparagraph 12.3 above, and to the fullest extent permitted by law, Consultant shall indemnify, protect, defend, and hold harmless City, and its officers, employees, agents, and volunteers, from and against any claims, demands, damages, costs, or liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, interest, defense costs, and expert witness fees) arising out of the performance of this Agreement by Consultant, its officers, employees, agents, subcontractors and subconsultants, excepting only that resulting from the negligence, or intentional misconduct of City, its officers, employees, agents, and volunteers. It is understood that the duty of Consultant to indemnify and hold harmless includes the duty to defend as set forth in section 2778 of the California Civil Code.

12.5 Acceptance of insurance certificates and endorsements required under this Agreement does not relieve Consultant from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

13.0 Assignment of Agreement

Consultant is without right to and shall not assign this Agreement or any part thereof or any monies due hereunder without the prior written consent of the City.

14.0 Insurance

14.1 Insurance. On or before beginning any of the services or work called for by any term of this Agreement, Consultant, at its own cost and expense, shall carry, maintain for the duration of the Agreement (including all extensions provided), and provide proof thereof that is acceptable to the City the insurance specified in subsections (A) through (F) below with insurers and under forms of insurance satisfactory in all respects to the City. Consultant shall not allow any

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subcontractor to commence work on any subcontract until all insurance required of the Consultant has also been obtained for the subcontractor. The Certificate of Insurance shall clearly identify the project name and number in the space labeled “Description of Operations/Locations/Special Items” on the form.

A. **Commercial General and Automobile Liability**.

Consultant, at Consultant's own cost and expense, shall maintain commercial general and automobile liability insurance for the period covered by this Agreement in an amount not less than one million dollars ($1,000,000) per occurrence, combined single limit coverage for risks associated with the work contemplated by this Agreement. If a Commercial General Liability Insurance or an Automobile Liability form or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the work to be performed under this Agreement or the general aggregate limit shall be at least twice the required occurrence limit. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and nonowned automobiles.

Coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 and Insurance Services Office Automobile Liability form CA 0001 Code 1 (any auto).

Each of the following shall be included in the insurance coverage or added as an additional insured endorsement to the policy: City, its officers, employees, agents, and volunteers are to be covered as insured’s as respects each of the following: liability arising out of activities performed by or on behalf of Consultant, including the insured's general supervision of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired, or borrowed by Consultant. In the event that Consultant purchases automobiles during the term of this Agreement, said automobiles shall be likewise covered. The coverage shall contain no special limitations on the scope of protection afforded to City, its officers, employees, agents, or volunteers.

An endorsement must state that coverage is primary insurance and that no other insurance affected by the City will be called upon to contribute to a loss under the coverage.

Insurance is to be placed with California- admitted insurers with a Best's rating of no less than A:VII.

B. **Professional Liability**.

Consultant shall obtain, and during the term of this Agreement shall maintain, a policy of professional liability insurance that shall:

A. Be from an insurance company authorized to be in business in the State of California;

B. Be in an insurable amount of not less than $l,000,000 for each occurrence; and

C. Provide that the policy shall remain in full force during the full term of this Agreement and shall not be canceled, terminated, or allowed to expire without thirty (30) days prior written notice to the City from the insurance company.

C. **Workers' Compensation**. Statutory Workers' Compensation Insurance and Employer's Liability insurance for any and all persons employed directly or indirectly by Consultant shall be provided with limits not less than one million dollars. In the alternative, Consultant may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer, if insurance is provided, or the Consultant, if a program of self-insurance is provided, shall waive all rights of subrogation against the City for loss arising from work performed under this Agreement.

D. **Deductibles and Self-Insured Retentions**. During the period covered by this Agreement, upon express written authorization of City Risk Manager, Consultant may increase such deductibles or self-insured retentions with respect to City, its officers, employees, agents, and volunteers. The City may condition approval of an increase in deductible or self-insured retention levels upon a requirement that Consultant procure a bond guaranteeing payment of losses and related investigations, claim administration, and defense expenses that is satisfactory in all respects to each of them.

E. **Notice of Reduction in Coverage**. In the event that any coverage required under subsections (A), (B), or (C) of this section of the Agreement is reduced, limited, or materially affected in any other manner, Consultant shall provide written notice to City at Consultant's earliest possible opportunity and in no case later than five day after Consultant is notified of the change in coverage.

F. **Other Remedies**. In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option:

i. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

ii. Order Consultant to stop work under this Agreement or withhold any payment which becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof;

iii. Terminate this Agreement.

iv. Exercise of any of the above remedies, however, is an alternative to other remedies City may have and is not the exclusive remedy for Consultant's failure to maintain insurance or secure appropriate endorsements.

15.0 Disputes

15.1 If a dispute should arise regarding the performance of this Agreement, the following initial dispute resolution procedures shall be used:

A. Within twenty (20) City working days after a dispute regarding the performance of this Agreement arises, it shall be reduced to writing at staff level by the complaining party setting forth the nature of the dispute in detail, along with all pertinent back up documentation in support. The writing shall be delivered to the receiving party by first class mail or personal delivery directly to the party’s project manager, along with recommended methods of resolution.

B. The party receiving the letter shall reply to the letter with a detailed response, along with a recommended method of resolution, if any, within ten (10) City working days of receipt of the letter.

15.2 If the dispute is not resolved at staff level in accordance with Section 14.1, within five (5) City working days of the receiving party response (or longer if agreed between the parties) , the aggrieved party, through its respective project manager shall deliver to the City Manager's office a letter outlining the dispute for the City Manager's review. The receiving party may submit further response, if required, to the City manager within five (5) city working days thereafter. The City Manager, at his/her sole discretion may respond as he/she deems appropriate, including recommendations for resolution, discussions or rejection of the dispute within fifteen (15) working days of receipt of the complaint.

15.3 If the dispute remains unresolved and the parties have exhausted the procedures outlined in this section, the parties may then seek remedies available to them under this Agreement and at law, including, but not limited to, under the termination procedures. This provision does not relieve Consultant of its obligation and Consultant is required to timely comply with all applicable provisions of the Government Claims Act before initiating any legal proceeding against City.

16.0 Conflict of Interest.

Contractor warrants and covenants that it presently has no interest in, nor shall any interest be hereinafter acquired in, any matter which will render the services required under the provisions of this Agreement a violation of any applicable state, local, or federal law, including, but not limited to, Government Code section 1090. If any principal provider of services is a "consultant" for the purposes of the Fair Political Practices Act (Gov. Code § 81000 et seq.), each such person shall comply with Form 721 Statement of Economic Interests filing requirements in accordance with state or City local Conflict of Interest Code. In addition, if any other conflict of interest should nevertheless hereinafter arise, Consultant shall promptly notify City of the existence of such conflict of interest so that the City may determine whether to terminate this Agreement.

17.0 Consultant's Books and Records.

17.1 Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, or expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant.

17.2 Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum period of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.

17.3 Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Attorney, City Auditor, City Manager, or a designated representative of any of these officers. Copies of such documents shall be provided to City for inspection when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.

17.4 City may, by written request by any of the above-named officers, require that custody of the records be given to City and that the records and documents be maintained in

the City Manager's office. Access to such records and documents shall be granted to any party authorized by Consultant's representatives, or Consultant's successor in interest.

18.0 Written Notification

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other party shall be in writing and either served personally or sent by prepaid, first class mail. Any such notice, demand, etc. shall be addressed to the other party at the address set forth below. Either party may change its address by notifying the other party of the change of address. Notice shall be deemed communicated within 48 hours from the lime of mailing if mailed as provided in this section.

If to City:

Brenda Wisneski, Development Services Director
505 South Vulcan Ave.
Encinitas, CA 92024

If to Consultant:
[INSERT]

19.0 General Provisions

19.1 Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.

19.2 If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

19.3 This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of San Diego.

20.0 Consultant's Certification of Awareness of Immigration Reform and Control Act of 1986

Consultant certifies that Consultant is aware of the requirements of the Immigration Reform and Control Act of 1986 (8 USC §§ 1101-1525) and has complied and will comply with these requirements, including but not limited to, verifying the eligibility for employment of all agents, employees, subcontractors and consultants that are included in this Agreement.

21.0 Consultant's Awareness and Compliance with The Americans With Disabilities Act Of 1990

Consultant certifies that Consultant is aware of the requirements of the Americans with Disabilities Act of 1990 (42 USC § 12101) and has complied with and will comply with these

requirements, included but not limited to verifying compliance of their contractors, consultants, agents, and employees.

22.0 Execution of Agreement

CONSULTANT
Consultant Name

_____ _____
Signature Date

_____
Printed Name

_____
Title

Approved as to Form:

_____ _____
Signature Date
Glenn Sabine
City Attorney

CITY
City of Encinitas

_____ _____
Signature Date
Karen P. Brust
City Manager

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ATTACHMENT "A"
Scope of Work

Case # _____
Finance #_____
(Manner of Performing the Services)

Consultant shall perform the services in the following manner:

(Scope of Work attached)

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ATTACHMENT "B"

(Payment For Services)

The payment provided is full compensation for the DESCRIBED SERVICES.

[Fee Detail as Appropriate]

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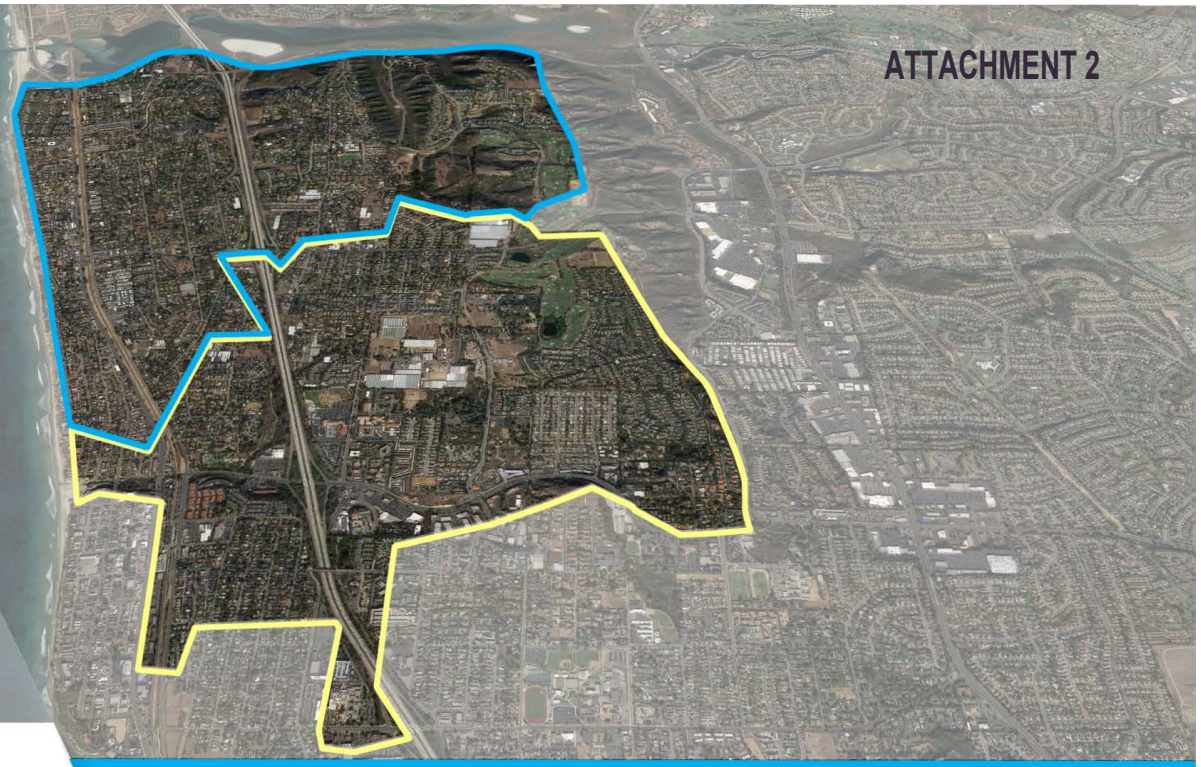
ATTACHMENT "C"

Case # _____
Finance #_____
(Subcontractors)

Name	Business Address	Work to be Done

ATTACHMENT "D"

ESTIMATED PROJECT SCHEDULE AND COMPLETION DATE



PROPOSAL • ENG RFP 19-02

Professional Services for
Leucadia Area Watershed Master Plan

JULY 2019

Prepared by

Q3 Consulting

In association with

Michael Baker INTERNATIONAL

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Q3 Consulting

August 2, 2019

City of Encinitas
Development Services Department – Capital Improvement Projects
505 South Vulcan Avenue
Encinitas, CA 92024
(submitted via PlanetBids)

Ref: ENG RFP 19-02, Professional Services to prepare the Leucadia Area Watershed Master Plan

Dear Members of the Selection Committee:

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Q3 Consulting, teamed with Michael Baker International (Michael Baker), has the depth of experience in the fields of advanced hydrology and hydraulics, master plan preparation, and floodplain management, and will provide the City of Encinitas with a team that possess a thorough understanding of the key issues necessary for the successful completion of the Leucadia Area Watershed Master Plan (AWMP). Our goal is to deliver the City with a master plan that identifies feasible and cost-effective improvements consistent with actual site conditions. This plan will provide for easy implementation of planned and future developments through the City's capital improvement program. Our team is dedicated and committed to serving the City of Encinitas to efficiently complete the Leucadia AWMP, to strategically identify and prioritize locations for a variety of stormwater management solutions, and to inform policy-maker decisions on funding infrastructure.

The Q3/Michael Baker team combines extensive technical experience with superb client communication and service. Additionally, our team provides the following elements that are key to project success:

- A proven track-record of providing streamlined, turnkey project management, which emphasizes the client-consultant partnership, establishes open communication, and ensures meeting the City's proposed schedule.
- Extensive project experience including conducting training seminars in 1- and 2-diminsional hydrologic/hydraulic models for storm drain master planning in Southern California.
- Our drainage infrastructure design background gives us a realistic understanding of the inherent technical challenges associated with urban drainage facilities and will provide a basis for a successful master plan document and preliminary design recommendations.

27042 Towne Centre Drive, Suite 110
Foothill Ranch, CA 92610
T: 949.259.6770
F: 949.716.7461

The following changes are requested to be included in the City's contract as supplied in the Request for Proposal:

12.3 Consistent with California Civil Code section 2782.8, when the services to be provided under this Agreement are design professional services to be performed by a design professional, as that term is defined under said section 2782.8, Consultant shall~~, to the fullest extent permitted by law,~~ indemnify, ~~protect, immediately defend,~~ and hold harmless City, and its officers, employees, agents, and volunteers, from and against all claims, demands, damages, costs, or liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, interest, defense costs, and expert witness fees) arising out of, pertaining to, or relating to the negligence, recklessness, or willful misconduct of Consultant, its officers, employees, subcontractors, subconsultants or agents during the performance this Agreement, or from any violation of any federal, state, or municipal law or ordinance to the extent caused, in whole or in part, by the negligence, reckless, or willful misconduct of Consultant or its employees, subcontractors, or agents, ~~or by the quality or character of Consultant's work,~~ excepting only liability arising from the ~~sole negligence, sole active~~ negligence, or ~~intentional~~ misconduct of City, its officers, employees, agents, and volunteers.

12.4 Other than in the performance of professional services by a design professional, which law shall be solely as addressed in subparagraph ~~11.3~~ 12.3 above, and to the fullest extent permitted by law, Consultant shall indemnify, protect, defend, and hold harmless City, and its officers, employees, agents, and volunteers, from and against any claims, demands, damages, costs, or liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses, or costs of any kind, interest, defense costs, and expert witness fees) arising out of the performance of this Agreement by Consultant, its officers, employees, agents, subcontractors and subconsultants, excepting only that resulting from the ~~sole negligence, sole active~~ negligence, or intentional misconduct of City, its officers, employees, agents, and volunteers. It is understood that the duty of Consultant to indemnify and hold harmless includes the duty to defend as set forth in section 2778 of the California Civil Code.

We appreciate the opportunity to submit our proposal and look forward to discussing how we can assist the City on this important project. We are in receipt of all RFP documents. If you have any questions or require further information, please contact me at (949) 259-6730 or via email at JMcCarthy@q3consulting.net, or Mr. Tom Ryan at (949) 259-6760 or via email at TRyan@q3consulting.net.

Respectfully submitted,

John McCarthy, P.E., CFM
Principal in Charge

Tom Ryan, M.S., P.E.
Principal, Project Manager

Enclosures: Proposal
Separately Sealed Cost Proposal

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Firm Profile

Q3 Consulting (Q3) was created by three engineers whose careers have focused on providing the highest quality of services in the stormwater field. Successfully working together for more than 18 years, it became apparent that their individual specializations and comprehensive knowledge of the stormwater field formed a solid foundation for the start of Q3. Each with more than 20 years of experience, the principals of Q3 bring together an extensive background in the planning, analysis, and design of comprehensive stormwater management and flood control projects.

With specialized storm drain master plan experience throughout Southern California, each of the team members have extensive experience with the local and regional hydrology methodology, City and County staff, and guidelines and criteria used by multiple Cities within the County. Within the last 10 years, the Q3 team members have focused on providing our municipal and private sector clients with advanced technical approaches to understanding and evaluating cost effective stormwater solutions for their unique drainage conditions. Recent projects include preparing advanced 1- and 2-dimensional hydrology and hydraulic models and design services for municipal clients in the Cities of La Quinta, San Diego, Los Angeles, Anaheim, Santa Ana, Rancho Palos Verdes, Redlands, Grand Terrace, Yucaipa, Coachella, and Cathedral City.

The Q3/Michael Baker Team brings together experts in watershed management and modeling with flood control engineers who are familiar with the community and region.

The team's detailed stormwater engineering services include:

- Storm Drain Assessements and Master Plans
- Local and Regional Hydrology Modeling
- 1 and 2-dimensional Hydraulic Modeling
- Regional Flood Protection Systems
- Local Storm Drain and Detention Facilities
- Streambank Protection
- Floodplain Mapping/Management
- CLOMR/LOMR Applications
- Water Quality/BMP Design
- LID Storm Water Applications
- Construction Documents
- Peer Review/Plan Check Services

Q3 is a dba of Proactive Engineering Consultants Inc. (PEC). PEC is a Southern California based Civil Engineering Consulting Firm (corporation) serving Governmental Entities and the Development Community. PEC was founded in 2006 and has a staff of 54 engineers, surveyors, professionals, and administrative personnel (including Q3). The principals have operated in Southern California for over 40 years for both large and small multi-discipline consulting firms. A strong desire to provide focused, top-quality service to our clients prompted the firm's founding. PEC management staff's experience level ranges from 20 to 40+ years for small to large award-winning projects. PEC provides specialized expertise in civil engineering, land surveying, utility coordination, construction management, and program and project management.

The PEC has been in business for over 12 years with offices in Foothill Ranch and Corona. The project will be managed from the Foothill office. The company has the financial capacity, staff, and resources to successfully complete the Leucadia Area Watershed Master Plan project for the City of Encinitas. Q3 Consulting/Proactive Engineering Consultants, Inc. is a California Certified Small Business (DGS #2009320).

Q3 has teamed with **Michael Baker International** to provide the City the most qualified Team to develop the Leucadia Area Watershed Master Plan within the expedited schedule. Combining the talents of these two firms provides the City a comprehensive Team with extensive experience in 1- and 2-dimensional watershed modeling, local knowledge of the study area, and on-going work on the City's Leucadia Streetscape Project.

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Bringing local, relevant experience to the Q3 Team, we have partnered with Michael Baker International (Michael Baker). Michael Baker is currently working with the City on the Leucadia Streetscape Project, and is thoroughly familiar with flood control design criteria, watershed modeling techniques, stormwater system requirements, stormwater pollution control and assessment, agency processes, and regulatory issues. Founded in 1940 and celebrating over 75 years of continuous operation, Michael Baker is a leader in engineering, planning, and technical and professional services with a local focus.

Michael Baker has an extensive background in the analysis and development of comprehensive flood control engineering and stormwater management programs and offers an effective, proven management approach. Michael Baker's expertise and capability in the fields of storm drain design, hydrology and hydraulics, master plan preparation, and storm water quality will ensure project scope components are coordinated seamlessly and innovative solutions are identified and thoroughly vetted.

Q3 Consulting has a long-standing relationship with key members of the Michael Baker team, having worked with them for over 15 years. This long-term relationship provides the understanding and continuity for a seemless teaming partnership.

Qualifications of Project Team

Q3/Michael Baker Team members have technical competence and specialized experience in steady and un-steady single- and multi-dimensional numerical models for hydrology and hydraulic analysis and storm drain facility design. These models can analyze surface water hydrology and hydraulics in various urban environments including coupled 1-dimensional and 2-dimensional computer models that incorporate surface and sub-surface conditions. The team has an in-depth understanding of hydrodynamic programs such as EPA's SWMM software and others, and the experience and knowledge to identify appropriate applications for the use of the software.

Google Earth KMZ of SWMM 1d/2d Flood Model Results for Downtown Laguna Beach

The following link provides a shortcut to the modelling page of Q3's website. The page includes a variety of 1- and 2-dimensional flood routing analyses.

https://q3consulting.net/main/services/modeling/

Our proposed team is experienced in advanced watershed modeling techniques, including state of the art hydrology and hydraulic computer modeling programs.

The team of professionals we have assembled for the Leucadia Area Watershed Master Plan (AWPM) is shown on the following Organization Chart. Our team has current, relevant experience and utilizes top-rated project management techniques to promote creative and cost-effective solutions. Our team will work with the City and local agencies to ensure that a cost-effective report and capital improvement program is developed to eliminate existing drainage deficiencies within the area and compile with the City's schedule constraints.

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Q3's Project Manager, **Tom Ryan, MS, PE,** has more than 23 years of experience in flood control and environmental engineering focusing on hydrology/hydraulics, master planning, flood control and storm drain system design. He has experience in the preparation of drainage master plans, flood control system layouts, hydrology and hydraulic analyses, and storm drain modeling and design. He is a recognized expert in hydrodynamic modeling using EPA's SWMM program having worked on complex projects through the Country. Mr. Ryan is well qualified to manage and coordinate this effort and has proven experience in delivering complex projects on time and within budget. A summary of Mr. Ryan's experience and the experience of Mr. John McCarty, Prinicipal In Charge and QA/QC Manager, is provided below.

Detailed resumes for the entire Q3/Michael Baker Team are included at the end of our proposal.

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Tom Ryan, MS, PE

Project Manager – Lead Engineer

Leadership is important to the successful management of any project, even more so on projects that require multi-agency and sub-consultant coordination. Q3 recognizes that the successful delivery of a project starts with assigning a skilled Project Manager who is responsive to the needs of the client and builds an efficient team. Mr. Ryan will serve as Project Manager based upon his strong management abilities, background with stormwater master plan projects, and local knowledge of the watershed area. Tom has 23 years of engineering experience and 12 years of project management experience. Mr. Ryan's project experience includes preparation of stormwater master plans, advanced hydrologic/hydraulic analyses, and storm drain and flood control design projects. Representative projects include:

- La Quinta Focused Drainage Study, La Quinta, CA
- Drainage Master Plan, Redlands, CA
- Grand Terrace Focused Drainage Study, Grand Terrace, CA
- Storm Drain Master Plan, Buena Park, CA
- Master Plan of Drainage Update, Yucaipa, CA
- World Trade Center Flood Protection Studies, New York, NY

TITLE / AVAILABILITY: 75%

Principal

EDUCATION

MS, Royal Institute of Technology, Stockholm, Sweden, Environmental Engineering, 1997

BS, California State University, Long Beach, Civil Engineering, 1995

REGISTRATION

Civil Engineer, California, 61701

PROFESSIONAL AFFILIATIONS

Member, American Society of Civil Engineers

Phi Beta Delta Honor Society for International Scholars, Member

John McCarthy, PE, CFM

Principal In Charge – QA/QC Leader

Mr. John McCarthy, PE, CFM, will lead the preparation of the master plan update report and capital improvement program. John has a strong background with stormwater master plan projects, local knowledge of the watershed area, and experience working with local agencies. His 30 years of stormwater engineering and design for both private and public-sector clients gives Mr. McCarthy the skills necessary to complete this project. Mr. McCarthy will apply his knowledge of the project location and its unique challenges and opportunities to provide a cost-effective and environmentally sensitive solution to address the City's drainage needs. Representative projects include:

- La Quinta Focused Drainage Study, La Quinta, CA
- Drainage Master Plan, Redlands, CA
- Anaheim Storm Drain Master Plans, Anaheim, CA
- Coachella Storm Drain Master Plan, Coachella, CA
- Stormwater Master Plan, Rancho Palos Verdes, CA
- La Entrada Storm Drain Master Plan, Coachella Valley, CA

TITLE / AVAILABILITY: 40%

Principal

EDUCATION

BS, California State Polytechnic University, San Luis Obispo, Civil Engineering, 1989

REGISTRATION

Civil Engineer, California, 47583

PROFESSIONAL AFFILIATIONS

Member, Floodplain Management Association

Member, Association of State Floodplain Managers

Member, American Society of Civil Engineers

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Staff Plan

Our staff plan with a summary of their qualifications and experience is provided the table below. Our team is dedicated and committed to serving the City of Encinitas to efficiently complete the Leucadia AWMP to strategically identify and prioritize locations for a variety of stormwater management solutions and inform policy-maker decisions on funding infrastructure.

TEAM MEMBER /ROLE /AVAILABILITY	YEARS	EDUCATION	EXPERIENCE
Howard Barndt, PE Senior Technical Manager 50% available	20	M.S., Civil Engineering (Water Resources), California State University, Long Beach – 2004 B.S., Civil Engineering, California State University, Long Beach – 1999	• Drainage Master Plan for North, South, and West Santa Ana River Tributary Areas, Anaheim, CA • Travertine Stormwater Master Plan, La Quinta, CA • Grand Terrace Focused Master Plan, Grand Terrace, CA • Wilson Creek Watershed Comprehensive Hydrology Study, San Bernardino County, CA
Zach Snyder, PE Hydrology/Hydraulics 75% available	5	B.S., California Polytechnic State University at Pomona, Civil Engineering – 2014	• Focused Drainage Study, La Quinta, CA • Los Peñasquitos Watershed Master Plan, San Diego, CA • Storm Drain Master Plan Phase II, Santa Ana, CA • Dominguez Channel Watershed Study, Los Angeles County
Candace Tong, PE Hydrology/Hydraulics 80% available	4	B.S., University of California, Irvine, Civil Engineering – 2014	• Chino Agricultural Preserve Master Plan Updates • Pine Avenue Widening- Regional Drainage Improvements, Chino, CA • KPC Coachella Specific Plan Stormwater Master Plan, Coachella, CA
Scott Cartwright, PE Priority Projects/CIP 50% available	13	B.S., 2006, Civil Engineering, Brigham Young University	• Los Peñasquitos Watershed Master Plan, San Diego, CA • Maple Canyon Watershed Master Plan, San Diego, CA • North Coast Highway 101 Streetscape, Encinitas, CA
Mujahid M. Chandoo, PE Hydraulics/Priority Projects 40% available	13	B.S., 2006, Civil Engineering, California State University at Fullerton	• Los Peñasquitos Watershed Master Plan, San Diego, CA • Drainage Master Plan, Redlands, CA • Rancho Palos Verdes Storm Water Master Plan, CA • World Trade Center Flood Resilience Bollard Protection System, New York City, NY
Stefani Barlow, PE, CFM Hydraulics/Priority Projects 75% available	6	M.S., 2013, Agricultural and Biological Engineering, North Carolina State University B.S., 2011, Biological Systems Engineering, Virginia Polytechnic Institute and State University	• San Diego River and Tijuana River Valley Levee Assessment, Task Order 108, San Diego, CA • Storm Water Pump Stations, Task Order 106, San Diego, CA • NAVFAC Storm Water Drainage System Hydrology and Hydraulic Evaluation and Master Plan Update, Barstow, CA • San Pasqual Academy Drainage Improvements
Kevin Evarts, PE Data Collection/ Water Quality 50% available	18	B.S., 2000, Civil Engineering, San Diego State University	• Maple Canyon Watershed Master Plan, San Diego, CA • North Coast Highway 101 Streetscape, Encinitas, CA • Strategic Drainage Master Plan, Phase 2, San Diego, CA
Rich Hendrickson, GISP GIS Manager 40% available	22	B.A., 1998, Environmental Studies, University of California, Santa Barbara	• Maple Canyon Watershed Master Plan, San Diego, CA • Drainage Facilities Master Plan Updates SDA2 & SDA9, San Diego, CA • Storm Drainage Master Plan, Buena Park, CA • El Cajon Sewer Master Plan, El Cajon, CA

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Project Experience

The combined experience of the Q3/Michael Baker Team will benefit the City of Encinitas with an efficient, cost-effective master plan that identifies solutions to the extent, frequency and intensity of local flooding; while identifying potential mitigation options. In addition, the team has extensive experience on projects within the City and San Diego County working with the standards, criteria, and conditions of the area and in all aspects of the task areas that will be part of the Leucadia AWMP.

To demonstrate our team's depth of experience, the table below depicts current and recent projects for our combined team, together with City task items and where we have provided those services as outlined in the Request for Proposal (RFP). In many instances, our firms are working together to resolve project challenges.

The Q3/Michael Baker Team Specializes in Stormwater Management

REPRESENTATIVE EXPERIENCE	2-Dimensional Analysis	Integrated Hydrology/Hydraulics	Project Prioritization	GIS/Database Support	Master Plan Preparation	Planning-Level Cost Estimating	Tracking/Mapping Tool	City/Stakeholder Coordination
Coachella Stormwater Master Plan	●	●	●	●	●	●		●
Grand Terrace Focused Area Master Plan Update	●	●	●		●			●
La Quinta Focused Drainage Master Plan	●	●	●	●	●	●	●	●
North Coast Highway 101 Streetscape		●				●		●
Los Peñasquitos Watershed Master Plan	●	●	●	●	●	●	●	●
Maple Canyon Watershed Master Plan	●	●	●	●	●	●	●	●
Rancho Palos Verdes Master Plan of Drainage		●	●	●	●	●	●	●
Anaheim Storm Drain Master Plan		●	●	●	●	●		●
Midway City Street/Storm Drain Master Plan & Improvements	●	●			●	●		●
Heritage Fields and OC Great Park Drainage Master Plan		●	●	●	●	●		●
City of Santa Ana, Storm Drain Master Plan Phase 1&2	●	●	●	●	●	●	●	●
City of Redlands, Master Drainage Plan	●	●	●	●	●	●	●	●
City of Buena Park, Storm Drain Master Plan		●	●	●	●	●		●
County of Orange – Flood Control Master Plan		●	●	●	●	●	●	●

Representative projects completed by the team members, including reference contact information is provided below. These projects demonstrate our ability to complete the Leucadia AWMP on schedule, in an efficient, cost-effective manner using innovative design techniques.

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La Quinta Focused Drainage Study, La Quinta, CA

The Q3 and Michael Baker team members prepared hydrology and hydraulic analysis and developed a stormwater master plan for an area of the City of La Quinta hardest hit by the extreme storm events in 2013 and 2014. The study evaluated the flood risk associated with extreme storm events and identified potential drainage improvements to reduce future flood damage and increase public safety if or when extreme storm events occur. The team prepared a coupled 1D and 2D hydrology and hydraulic model encompassing three square miles in the City. This innovative modelling incorporated surface topography with as-built storm drain information and distributed rainfall to accurately model the unique conditions of the study area.

The study included the preparation of a coupled 1D and 2D hydrology and hydraulic model for the study area. Offsite hydrology was prepared using County Hydrology Manual procedures. Onsite hydrology was evaluated using a direct rainfall method, or "rain on grid" applied over the study area. The model was correlated to historical flood photos taken during the September 2014 storm event. The advance model was used to more accurately depict drainage flow paths and overflow patterns and storm water runoff volumes in the identification of appropriate storm drain infrastructure. The results of the analysis were used to develop alternatives and cost estimates for recommended improvements to reduce the flood hazard during extreme events.

Q3 Consulting

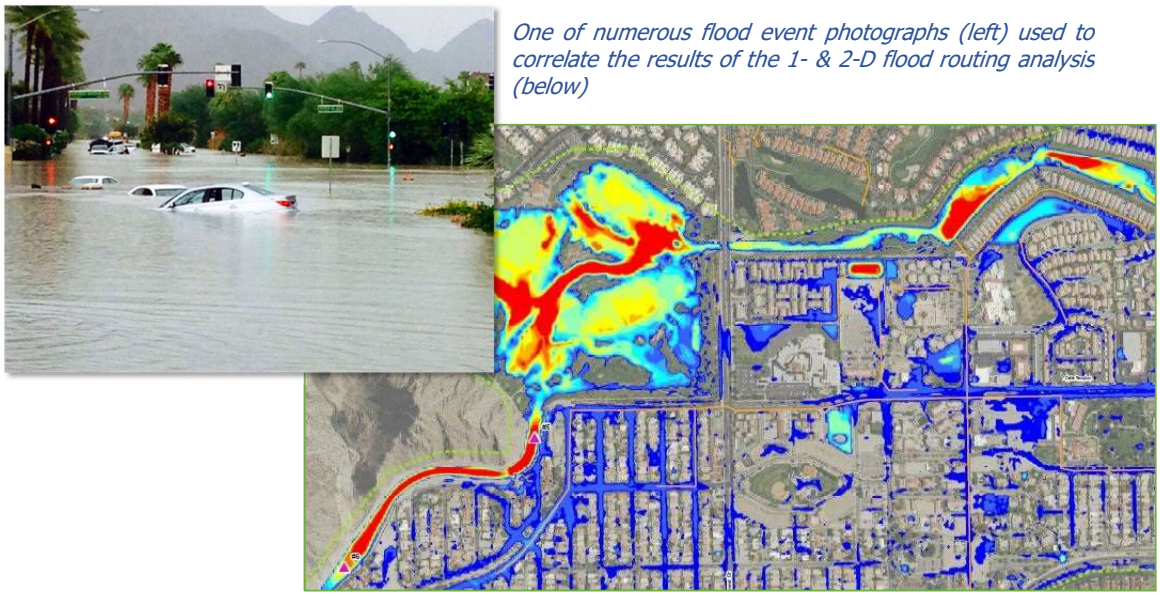
CLIENT
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253
Mr. Ed Wimmer (No longer at City)
Nick Nickerson, (NIA) Consulting Manager, (760) 777.2370
nnickerson@naiconsulting.com

START/END DATES: April 2015 – May 2016

Fee: $175,000

SERVICE AREAS
- Hydrology analysis
- Storm drain hydraulics
- Detention basin routing
- Preliminary facility sizing
- Master plan preparation
- 1D/2D modeling
- Validation of model results

The analysis and recommendation led to three separate design projects that both Tom Ryan and John McCarthy managed.



One of numerous flood event photographs (left) used to correlate the results of the 1- & 2-D flood routing analysis (below)

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Grand Terrace Focused Area Master Plan Update, Grand Terrace, CA

Q3 Consulting provided engineering services to update the "Pico" area of the City's master plan of drainage. The City's draft master plan update was never completed and lacked the necessary information for the required storm drain sizes associated with new development projects. The update for the Pico area included an advanced hydrology/ hydraulic model that used a combination of 2-d surface flow analysis with a 1-d subsurface (storm drain) analysis. Due to the steep terrain, and gridded street network, a rain-on-grid approach was used for the developed urban areas to more accurately determine the stormwater runoff patterns. The hydrology for the hillslopes tributary to the urban areas were prepared in accordance with San Bernardino County hydrology methods.

The update included the evaluation of the existing watershed conditions to identify the deficiencies and flood prone areas. These areas were confirmed through discussions with City staff and review of historic flooding documentation. Q3 identified a set of potential alternatives and evaluated the effectiveness in the hydrology/hydraulic model. The results of the alternatives analysis runs were used to determine the most cost-effective solutions for the deficient areas. Alignments and facilities sizes were prepared for the recommended storm drain systems. A focused master plan update report was prepared and is being processed for approval through the City.

Q3 Consulting

CLIENT
Lewis Management Corp.
1156 N. Mountain Avenue
Upland, CA 91785
Mr. Adam Collier
909-946-7596
Adam.collier@lewismc.com

START/END DATES: March 2019- August 2019

Fee: $124,000

SERVICE AREAS
- Hydrology analysis
- Storm drain hydraulics
- 1D/2D flood routing
- Detention basin routing
- Preliminary facility sizing
- Master plan preparation

Location of Pico Street breakout as identified from hydraulic analysis. Note sandbags used as localized approach to prevent flooding.

Results of 1-& 2-dimensional hydraulic analysis.

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Redlands Drainage Master Plan, Redlands, CA

Q3 and Michael Baker team members managed the development of a drainage master plan for the city to update its drainage infrastructure and to identify regional drainage solutions to the city's flooding issues. The heavily developed and historical downtown portion of the city has been plagued by several large flood events during the past few decades, some resulting in more than four feet of water. The study developed a state-of-the-art drainage master plan to identify solutions for this issue. Services included advanced hydrologic and hydraulic modeling, flood control alternative evaluation using XPSWMM, City-wide master drainage plan development and stakeholder coordination.

The team prepared a linked one-dimensional and two-dimensional model for the downtown area, using XPSWMM software to evaluate surface and subsurface conveyance capacities. Multiple studies had been performed over the last few decades to try and find solutions to the downtown flooding, with no success. By using an advanced hydraulic model, we were able to identify major issues, previously unknown to the City, and develop mitigation alternatives that worked. Due to the historic nature of the downtown area, and the lack of options for implementing drainage infrastructure, it was crucial to use an advanced model to identify viable alternatives that were constructible and feasible.

This comprehensive model allowed the team to run multiple scenarios rapidly to identify the weaknesses of the existing system and to recommend appropriate improvements for the regional and local drainage infrastructure. Proposed Improvements included alternative evaluation and recommendations for the design of the historic Mill Creek Zanja Channel. The study prepared a prioritized ranking system for the proposed improvements. A major hurdle for the City was to gain the acceptance of the City Council and several outside stakeholders. Initially unsuccessful with traditional hydraulic output graphics, the team prepared a three-dimensional animation to help stakeholders understand the flood hazards and the benefits of the proposed improvements. The result was a unanimous vote to proceed with the next step in the funding process.

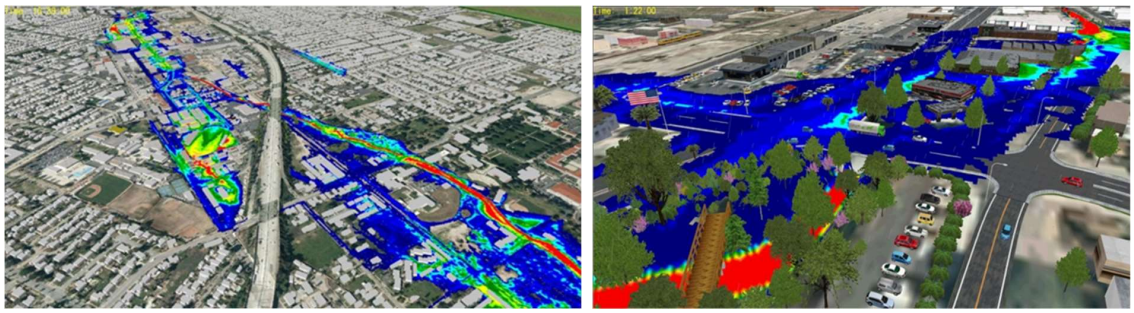
Q3 Consulting

CLIENT
City of Redlands
35 Cajon Street
Redlands, California 92373
Mr. Monty Morshed
909-798-7584
mmorshed@cityofredlands.org

START/END DATES: July 2013 – August 2015

Fee: $225,000

SERVICE AREAS
- Urban watershed hydrology
- Hydrology and hydraulic analysis
- Coupled 1D/2D modeling
- Drainage facility alternative analysis
- Local and regional flood solutions
- Drainage Master Plan preparation
- Public outreach and presentations



Graphic results of 2-dimensional flood routing analysis used to develop the City's master plan update

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Maple Canyon Watershed Master Plan, San Diego, CA

Michael Baker prepared a comprehensive master plan for a portion of the Pueblo Canyon Watershed (area tributary to the existing 54-inch storm drain in Laurel Street, termed the Maple Canyon Watershed). The master plan included development of a geospatial dataset for the storm drain system and drainage characteristics for the Maple Canyon Watershed study area necessary to complete the hydrologic and hydraulic (H&H) modeling, water quality modeling, and environmental mitigation analysis.

Michael Baker prepared a GIS-based storm drain inventory, developed an existing condition H&H model from the current San Diego storm drain data, identified existing undersized facilities and locations of flooding, proposed drainage improvements, and modeled the proposed drainage improvements. Hydrologic and hydraulic modeling was performed in PC-SWMM utilizing a detailed 2D surface. The model incorporated planned water quality improvements within the watershed. A web mapping application was also developed to display the storm drain inventory and the results of the master plan study. The web map allows city staff to easily find and navigate the numerous recommendations to improve the system.

Significant erosion occurs within Maple Canyon during wet weather. Even in smaller rain events, a large amount of sediment is transported through the storm drain system and deposited on private property and in the public right-of-way in locations where the existing pipes surcharge. This project analyzed several stabilization alternatives within the canyon. A series or prioritized potential environmental mitigation sites were identified first through desktop analysis and then further refined using the California Rapid Assessment Method based on site inspection. All three objectives (flood control, water quality/erosion control, and environmental mitigation) were jointly considered to develop a comprehensive plan for the watershed. The results of the master planning efforts were also compiled into a web-based portal for use by city staff.

Michael Baker
INTERNATIONAL

CLIENT
City of San Diego Economic Development
1200 Third Avenue, Suite 1400
San Diego, CA 92101
Sean Torres, P.E., Senior Civil Engineer
858-541-4348
storres@sandiego.gov

START/END DATES: 12/30/16 – 7/31/18

FEE: $543,000

SERVICE AREAS
- Master planning
- GIS dataset creation
- Hydrologic and hydraulic modeling
- Water quality modeling
- Environmental mitigation analysis

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Los Peñasquitos Watershed Master Plan, San Diego, CA

Michael Baker developed a master plan for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation for this watershed.

The master plan was developed on an accelerated schedule and included development of a geospatial dataset for the storm drain system and drainage characteristics for the watershed study area, hydrologic & hydraulic modeling, water quality modeling, and lagoon modeling. Work also included identifying and analyzing stream rehabilitation, lagoon restoration, and habitat mitigation opportunities.

Hydrology and hydraulics (H&H) was modeled using PCSWMM software. The task included watershed delineation, subcatchment parameter estimation and 1D hydraulic modeling for the storm drain system. 2D modeling was provided for focused known flooding areas. This effort was prepared consistent with data collection methods used in the Chollas Creek Watershed Master Plan task order to ensure that the geospatial data coverage throughout the City is at the same resolution.

The Los Peñasquitos watershed management area (WMA) encompasses approximately 94 square miles of urban land and undeveloped open space extending from the Los Peñasquitos Lagoon beyond Highway 67 to the east. The WMA includes Torrey Pines, Del Mar, Carmel Valley, Sorrento Valley, Mira Mesa, Rancho Peñasquitos, Carmel Mountain, Sabre Springs, and Poway. Alluvial canyons drain into three main creeks (Carmel Valley Creek, Los Peñasquitos Creek, and Carroll Canyon Creek) that lead into the Los Peñasquitos Lagoon and ultimately the Pacific Ocean. The Los Peñasquitos WMA is mostly within City jurisdiction (~70 percent), with the remaining areas in the City of Poway, County of San Diego, and City of Del Mar.

Michael Baker
INTERNATIONAL

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City of San Diego Economic Development
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San Diego, CA 92101
Reference: Sean Torres, P.E., Senior Civil Engineer, 858-541-4348, storres@sandiego.gov

START/END DATES: 7/10/17 – 4/30/19

FEE: $2,300,000

SERVICE AREAS
- Master plan development
- Hydrologic and hydraulic 1D & 2D modeling
- CIP Prioritization
- Environmental rehabilitation analysis
- Accelerated Schedule

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North Coast Highway 101 Streetscape, Encinitas, CA

Michael Baker is providing civil engineering, traffic, and environmental services for the North Coast Highway 101 Streetscape Improvements Project. The project includes multi-modal functions involving road diet measures, such as lane restriping of "sharrows" in the north- and south-bound lanes; five traffic calming roundabouts; a traffic signal; and street beautification measures for 2.5 miles of old Highway 101 in Leucadia. The goal is to increase walkability along the project corridor through expanded sidewalks, decreased vehicle lane widths, and added/enhanced pedestrian facilities and provide more efficient (reverse angle) on-street parking to eliminate sight-distance problems for side-street traffic and vehicular conflicts with bicyclists. Beautification elements include community-gathering and passive recreational opportunities through enhancement of public open spaces, landscaping and multi-modal trails. Improvements are being coordinated with the North County Transit District (NCTD), owner of the rail right-of-way, and the San Diego Association of Governments (SANDAG), lead agency for a future Coastal Rail Trail.

Michael Baker
INTERNATIONAL

CLIENT
City of Encinitas
505 South Vulcan Avenue
Encinitas, California 92024

Stephanie Kellar, P.E., Associate Civil Engineer, 760-633-2839
Skellar@encinitasca.gov

START/END DATES: 9/18/13 – Ongoing

FEE: $1,500,000

SERVICE AREAS
- Civil Engineering
- Environmental Services
- Stakeholder outreach

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Project Understanding

The City of Encinitas (City) has experienced a long history of flooding in the Leucadia and Old Encinitas areas. Much of the recurring flooded areas are located in relatively flat terrain with minimal or restricted drainage infrastructure. This area has been subject to several studies and evaluations over the last few decades, resulting in potential regional solutions that were never constructed due to budget constraints. The City is now requesting a "new look" at the flooding issues using the latest modeling technology.

Flooding near Vulcan Avenue/Union Street (San Diego Tribune)

Previous studies used traditional stormwater modeling techniques. The most comprehensive studies performed to date utilized a combination HEC-1 (or HEC-HMS) for hydrology and HEC-RAS or WSPGW (1-dimensional models) for hydraulics. Although these modes are still widely used, they are based on simplistic methods, lacking the capability to accurately analyze complex urban environments. For drainage areas that are extremely flat with restricted outlet conditions, these models will not provide a realistic picture of the current flooding issues or potential feasible solutions.

The City has requested services from a consultant specializing in hydrologic and hydraulic modeling to re-evaluate the Leucadia and Old Encinitas areas and prepare a detailed and watershed-scale master plan using a "robust" modeling software.

Stormwater modeling technology has come a long way in the last 20 years. With faster computer speeds and improved graphic user interfaces, advanced hydrologic and hydraulic modeling allows for more accurate and realistic evaluations of watersheds, ultimately identifying more feasible and cost effective solutions. The Q3 Team has been on the forefront of urban stormwater modeling since 1995, providing advanced hydrologic and hydraulic analyses within Southern California for multiple Counties and Cities. The Q3 Team's work in urban area 1-Dimensional/2-Dimensional analyses has been subject of international presentations and awards. The team recently completed a 1- and 2-D model for the City of Grand Terrace which was used to identify feasibly drainage solutions within the tight constraints of the City's urban core.

Grand Terrace 3-D Graphic Result from 1- & 2-dimensional hydrodynamic model

The City is requesting a complete a complete assessment and concept design of several priority projects. The Q3 team will coordinate with the City to establish priorities and goals for evaluating and selecting projects based on typical fundamental priorities, including the following:

1. Life/Safety
2. Emergency Access & Transportation
3. Property Protection

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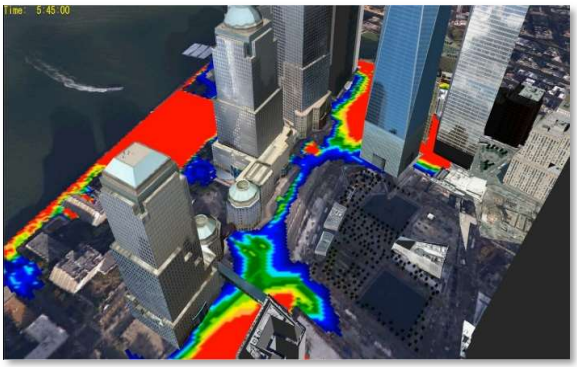
These areas will be selected based on criteria developed in conjunction with City staff and the results of the advanced hydraulic models. The Q3 Team will develop detailed project concepts for each one of these areas, and include multiple sheet layouts, illustrations and renderings. The concepts will be developed in a manner to support potential future grant or capital funding requests.

A project completion of 12 months will require a fast-track study with a team that offers experts in advanced hydrologic and hydraulic modeling, local knowledge, and facilities design. The Q3 team is a multi-disciplinary team, which means additional subconsultants or partnerships are not needed, and we are fully capable of providing a seamless work flow from project initiation to completion.

Key Issues

The Q3 Team has identified several key issues, technical and non-technical, that will influence the project. Resolution of these issues is incorporated into our project approach. We have provided a brief description of the key issues and our methods to address/resolve the issues.

Advanced Software Selection & Experience



1-D/2-D Model of the World Trade Center (XPSWMM)

The City has recognized the need for a more advanced model study. Several past studies have been performed using the traditional hydrologic and hydraulic software with varying results. Advanced modeling software has been around for 30 years, and there are multiple options to choose from. The Request for Proposals identified two advanced models as examples of what could be used, although there are dozens available. The Q3 Team has used both PCSWMM and XPSMM (also referred to as XPSTORM) in addition to other 1-D/2-D models. The difference between the two models is PCSWMM's 2-D engine mimic's the full Shallow Flow Equations (2-D) by converting surface flows into 1-D calculations (i.e. surface flow is converted into shallow channels). Also referred to as a "quasi-2D" model, this type of model is useful for concept level analyses of smaller focused areas. We have found that using the 1-D/2-D engine in PCSWMM for areas larger than 100 acres requires an extensively long calculation time. For example, the Leucadia watershed would take several days to complete one model run. To fix this, we would have to separate the model into multiple sub-watersheds and link the results together. This process can be time consuming and subject to error. At this time, we believe the best software model to use would be XPSWMM (or XPSTORM) by Innovyze. This model will allow for a single comprehensive model. The benefits of this model will include running multiple scenarios for different concepts and immediately understanding the overall watershed and (inter-watershed) dynamics.

The Q3 Team's experience with advanced urban watershed modeling is second to none in Southern California with multiple projects completed similar to the Leucadia Area Watershed Mast Plan. Our experience is primarily in Southern California but does extend as far as New York, where the Q3 engineers were hand selected to model the impacts of coastal hurricane surges on the new World Trade Center campus as a result of Superstorm Sandy in 2012. Mr. Ryan led the modeling efforts for the linked 2-D surface and first of its kind 1-D analysis of the floors below the surface.

Watershed Bifurcation

Flat watersheds with minimal drainage facilities often contain issues of bifurcation (interconnecting runoff) during moderate to larger storm events. This is especially true in areas with no curb and gutter (like many areas within Encinitas). Past studies identified drainage boundaries to estimate peak runoff. A major issue with this method is, as flood levels rise, flows begin to mix with adjacent watersheds. Neglecting bifurcation

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can result in improvements that do not perform as anticipated. To develop a proposed flood solution, or "fix" in a sub-watershed may actually not perform as anticipated, due to bifurcation. Conversely, one area "fix" could benefit the local adjacent areas, but result in flood impacts downstream. For this reason, it is important to use a software capable of evaluating highly detailed 3-D surfaces. Similar to the work performed in the City of La Quinta and Grand Terrace, the Q3 team proposes to use XPSTORM (1-D/2-D) advanced software model. This model's 2-D engine uses the full St. Venant (or Shallow Flow) equations. Unlike PCSWMM, the model performs a full 2-D analysis, allowing the program to accurately model any split flows and the benefits and impacts associated with the recommended improvements.

Hydrologic Modeling Issues

In general, two hydrologic approaches are used in advanced 2-D modeling. One approach includes developing individual hydrographs and discharging them onto the 3-D surface. The other approach is to use the Distributed Rainfall Method, or (rain-on-grid). Similar to the watershed runoff bifurcation, the hydrologic model setup is important to produce accurate results.

Development of individual hydrographs for each sub catchment within a study area uses time-of-concentration to determine intensity, and thus the peak flowrate. With flat areas, these calculations could lead to inaccurate flowrates or runoff estimations due to bifurcation. In addition, when using a individual hydrographs are discharged onto flat 3-D surfaces, the model results will show a "firehose" effect, which can produce false depths and velocities in the areas near or around the location of the hydrograph input.

To ensure a more realistic hydrologic approach, the Q3 team proposes to use the Distributed Rainfall (or rain-on-grid) method to evaluate the two watersheds. Precipitation, loss rate calculations, and storm patterns will be based on the methods outlined in the San Diego County Hydrology Manual. Instead of manually delineating each sub-watershed, XPSTORM will distribute rainfall on the 3-D surface and allow the model to determine where the flow is conveyed. This approach is becoming the norm in urbanized watershed modeling in the United States. The Q3 Team has performed and validated this method with success on multiple projects including the Los Peñasquitos Watershed Master Plan, City of La Quinta Focused Area Drainage Study, City of Grand Terrace Focused Area Drainage Study, and the City of Laguna Beach Focused Area Drainage Study.

Vulcan Avenue/Union Street: December 12, 1014

Vulcan Avenue/Union Street: (Dry)

Model Calibration

With any advanced hydraulic modeling analysis, it is important to calibrate the findings to known flooding events. Even though the scoped storm events (5-, 10-, 50- and 100-year) are statistical events, a correlation can be created that will help verify the validity of the analysis results. This is performed for the existing conditions, before proposed improvements are analyzed. The Q3 team will utilized historical photographs to estimate depths for known storm events. Q3 will develop a model based on local rain gage data from a known storm event to compare to the historical photographs. From the photos,

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estimated maximum flood depths will be compared to the model maximum flood depths. The models will be "calibrated" until the results match the storm photos.

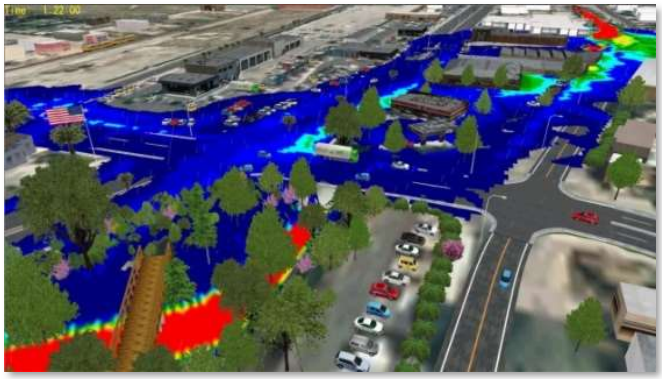
Limitations on Where to Discharge Stormwater

Within the two sub-watershed areas identified in this project, three main locations exist for discharging proposed storm drains: 1) the Batiquitos Lagoon; 2) the Pacific Ocean; and 3) Cottonwood Creek. Discharge into the Batiquitos Lagoon was previously restricted by the Coastal Commission to a 24-inch pipe. Boring a possible outlet pipe through the bluffs along the ocean was previously considered viable with respect to the Coastal Commission but would be costly and require a well-engineered and protected outfall structure to resist coastal erosion. Discharging into Cottonwood Creek was previously considered but contradicted Drainage Law.

It is imperative that each of the potential receiving waters' restrictions be understood prior to formulating a concept plan. The Q3 Team will focus on minimizing the outlet pipe sizes by optimizing the allowable surface flooding in areas that are not a hazard to life, property, or transportation. Concepts may include strategic LID or green facilities, optimizing/minimizing pipe sizes, and potentially conveying flows to Cottonwood Creek outlet in a manner that does not break Drainage Law.

Public Awareness

With the City's history of flooding, social media and local news coverage have contributed to a politically charged environment. This project will most likely be contensious, especially with respect to the residents near the known flooded areas. The Q3 team are no strangers to polical projects and have had great success with public awareness using visual results and animations.



Screenshot of Redlands 3-D Animation.

It will be important to communicate the findings of this study to the public and stakeholders. Our dealings with advanced models has helped us create a process as to how to explain complex results to non-technical stakeholders. An example of our experience in public outreach was apparent with the success of our City of Redlands Focused Drainage Master Plan. Here, we developed a 3-D animations showing the implications of various flood control alternatives, and gained the support of the (previously negative) City's Council and stakeholders.

Some of our video annimations of previously watershed studies completed by Q3 can be viewed using the following link.

https://q3consulting.net/main/services/modeling/

As with all our complex watershed drainage projects, we will deliver the results of our advanced modeling study in a manner that is easy to understand by using animiations and/or graphics to tell the story of our findings and recommendations.

Aggressive Schedule

The project schedule will be crucial as concept plans must be completed for the North 101 (Leucadia Streetscape) project area by October 31. This deadline will mean that all existing condition and proposed condition hydraulics for this pilot project area must be complete. Detailed concept plans will need to be

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completed and coordinated with Michael Bakers' designs, all within approximately 2 months. The Q3 team will meet this deadline by performing this proposed pilot project as the priority. Q3 will work closely with our Michael Baker team members to ensure well vetted concepts are selected that conform to the proposed Streetscape designs. Michael Baker team members will develop the proposed alternatives in conjunction with their Streetscape project to expedite the submittal of this project.

Project Approach

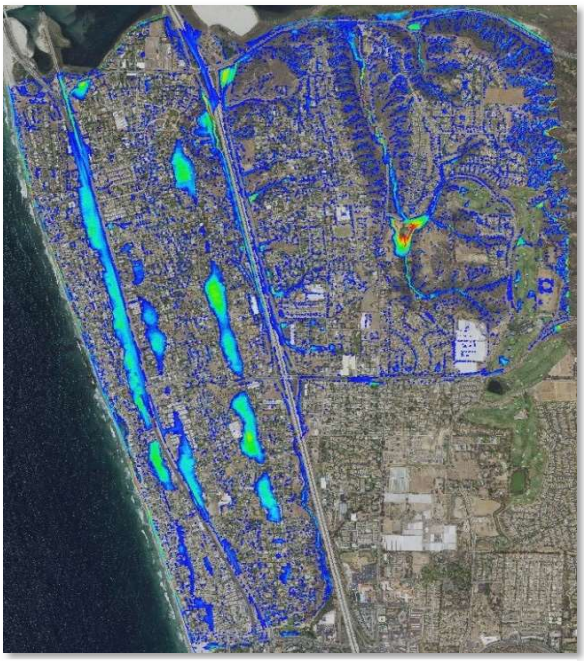
The Q3 team has developed the following approach to complete the detailed scope of work outlined in the RFP based on similar successful past projects.

Data Acquisition and Review: Prior to commencing with the model setup, it is imperative to perform a detailed and thorough investigation of background information and data collection. This task is one of the most important, as it forms the foundation for the existing model development. In this task, the team will interview City staff regarding known flooded areas, coordinate with maintenance staff regarding pumping operations, and discover the City's primary objectives and criteria for this project. Other data from the City will include as-built plans, previous reports, GIS data, past project hurdles and regulatory issues/restrictions, storm photos/records, soils data and topographic data. The Q3 team will also interview City regarding past project alternatives and why some were not implemented. Included in these discussions will be discussions of past outfall locations and the past hurdles with each.

Other data will be acquired from public domain such as LiDAR topographic data (NOAA, 2014 USGS Survey), County drainage and watershed studies, groundwater information, and tidal data. The Q3 team will field truth data to identify all existing topographic data and storm drain infrastructure.

For the purpose of this study, drainage conduit sizes will be limited to greater than 18-inches, unless located within an area of concern. Field verification will include conduit identification, snapshot photos at locations where storm photos exist, and reviewing potential outfall location conditions.

Existing Conditions Model Development: The next phase will be to develop the Existing Conditions model. This task is the most important task with respect to modeling as it sets the bar for how accurate the project results will be. The more accurate the input data, the better the results will be. The Q3 team will process the USGS LiDAR data to create the 3-D surface for the proposed model. Processing the data will include adding break lines at locations where bridge crossing exist, or known barriers, such as the railroad tracks, or adding surface drainage features such as channels that may not show up on the topo.



Leucadia WS - XPSTORM (2D Only Test Run) used to Identify potential Bifurcation

Once the surface is processed, the 1-D elements are added. All existing storm drain information is added including surface channels, subsurface storm drains, pumps, restriction plates, and catch basins. Initial XPSTORM 1-D/2-D runs are performed using generic storms to evaluate the runoff characteristics on the 3-D surface. During this task, missing storm drain facilities or surface inaccuracies are usually flushed out. The initial results will be discussed with the City

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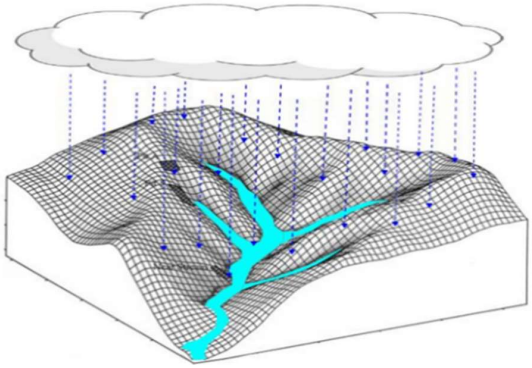
staff to ensure areas of flooding identified in the model are accurate.

The Q3 team will then "validate" the existing conditions XPSTORM model by running it with a known storm event (based on local rain gage data) that also has photographic documentation of flooded areas. For example, photographs of the December 12, 2014 event will be used to correlate the results using rainfall data from a local rain gage for that particular event. The model will be evaluated and adjusted as necessary until the flooded depths in the model match that of the photo. The Q3 team will correlate up to 2 storm events to validate the model. Once the model has been validated, we will begin preparing the design hydrology models.

Hydrology: The Q3 team proposes to use a distributed rainfall method to develop the hydrology for each of the design storm events. If requested, Q3 can prepare models using standard methods (i.e. rational method followed by hydrograph methodology), but due to the flat nature of the watersheds, the rain-on-grid approach will model the surface flows more accurately.



Distributed Rainfall Method (Rain-on-Grid)

Hydrology will be developed for the 5-, 10-, 50-, and 100-year events per the requirements in the RFP. Rainfall data will be used and loss rates will be calculated based on the San Diego Hydrology Manual. Losses will be subtracted from the gross rainfall data for each storm event. The net rainfall will be used for the models, and no transmission losses (or travel way infiltration) will be accounted for. Q3 will develop one single area unit hydrograph for a large representative sub-watershed within the Leucadia area to compare against the distributed rainfall model runoff volume. This process assures that the runoff volumes produced by distributed rainfall method are the same as the traditional San Diego County single area unit hydrograph volume for the same area.

Proposed Drainage & Water Quality Improvements: Once the existing hydrology is complete, the 1-D/2-D hydrologic/hydraulic models will be run and flooded locations will be identified. These locations will be compiled in coordination with the City to ensure all prioritization criteria are followed. Selection and design criteria will be established for traditional drainage mitigation improvements, as well as green infrastructure improvements. From the existing condition model results, alternatives will be formulated and vetted. During this process, the Q3 team will evaluate and work with the City to review the current criteria for development within the areas of inundation and establish new criteria where needed.
Models of these alternatives will be prepared in XPSTORM. Based on the results, the Q3 team will formulate levels of hydraulic deficiency. This method is crucial and requires experience in understanding improvements in series. In some cases, upstream improvements may benefit downstream flooded areas, while in other cases, they may adversely impact downstream areas by shifting the flood to a different location. Our wholistic view of the watershed will allow us to identify and account for these conditions. During the identification and development of potential priority projects, our team will seek opportunities to incorporate green infrastructure or water quality BMPs as part of the solution.

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Prioritization: The potential flood control mitigation sites will be prioritized based on criteria established by the City and the Q3 team. A decision matrix will be developed identifying and establishing a weight for each criterion within the matrix. The final matrix will reveal a list of priority projects. The priorities will also be divided into Extremely High Priority, High Priority, and Medium Priority. A color-coded map will be created for each of the two watersheds. Q3 prepared a similar prioritization ranking for both the City of Redlands and the City of Yucaipa master plans of drainage.

Priority Drainage System Map – Redlands SMP

Project Concept Development: The top six (6) priority projects will be further developed. The intent would be to select three (3) in each watershed, however, they can be adjusted based on the results of the prioritization matrix. Detailed conceptual plans will be prepared including 11x17 plan sheets, illustrations, and or renderings. The plans will show the recommended size, material, and location of improvements as well as connections to existing infrastructure and identification of existing utilities that may be in conflict with the proposed improvements. The plans and exhibits will also include information related to the benefits, costs, and constraints of the project. Information will be included as it pertains to community integration, such as future projects, landscaping and/or streetscape projects.

The North Coast Highway (101) will be evaluated thoroughly first to meet the October 31 deadline. Q3 will work directly with Michael Baker team members to vet potential flood control and water quality options that conform to the proposed Leucadia Streetscape design. Once the modeling is complete, the Q3 team will prepare the final project concepts for incorporation into the Streetscape designs.

Cost Estimate: The Q3 team will provide a rough order of magnitude cost estimate for each concept design. Unit prices will be based on recent project bid cost lists and coordinated with the City for final approval. The costs will be prepared and submitted to the City in Excel format.

Master Plan Document Development: The results of the study will be documented in a single report and include the methodologies, results, and recommendations. The report will include supporting calculations for the modeling as well as the cost estimates. Concept plans will be included in the report, as well as the priority drainage system map. It is anticipated that two submittals will be made, a draft submittal and a final submittal.

The Q3 team will work with the City ensure the final report conforms to the goals of the Climate Adaptation Plan for Transportation Networks in Leucadia (Transportation Adaptation Plan). Within this document, the Q3 team will identify and extrapolate on alternative benefits for potential stormwater harvesting, percolation, and water quality. Future climate change scenarios will be discussed with respect to the project alternatives. The conclusions, recommendations, and supporting calculations in the report can be used as a basis for future grant or capital funding request.

Council Approval: The final task for this project will be a series of presentations to gain acceptance for the project results and recommendations. It is anticipated that one presentation will be made to the City staff, and a final presentation to the City Council. The presentation will include the findings of the project including methodologies, assumptions, final concept projects, recommendations and conclusions. It is anticipated that a visual animation will be included as part of these presentations to help with the "public awareness" aspect of the project. This will also act as a tool to convey the technical aspects of the study to the stakeholders and non-technical audience.

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Schedule

The Q3/Michael Baker Team will cost-effectively meet project objectives within the defined schedule so that solutions may be incorporated into the current design effort for the Leucadia Streetscape project. The following page presents our proposed schedule based upon our understanding of the scope of work.

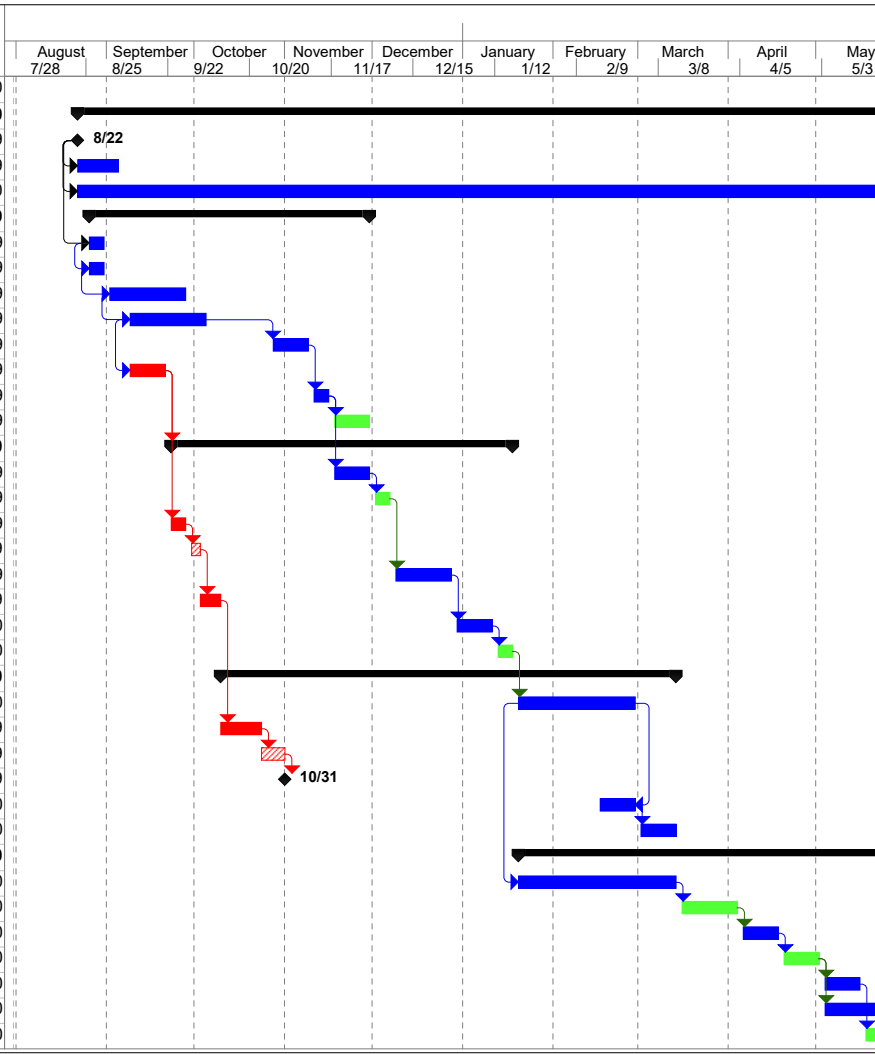
The initial work on the project will focus on getting the information and completing the technical studies to identify potential drainage improvements for the Streetscape project. These items are identified by the RED bars on the attached schedule. Once the Streetscape projects are identified, the team will work to complete the entire study before the end of June 2020.

Cost Proposal

As requested, a Cost Proposal detailing hourly billing rates and estimated hours per task (organized by task and subtask as presented in the City's RFP) is provided under separate cover. This cost proposal is based on the scope of work provided by the City in the RFP. The costs are based on developing a total of **6 (six)** "pilot projects" or priority project; three in the Leucadia watershed, and three in the Old Encinitas watershed. Although after investigation and modeling, it may be found that more priority projects will be developed in the Leucadia watershed than the Old Encinitas.

Project Summary Schedule
Leucadia Area Watershed Master Plan
(ENG RFP 19-02)

	Duration	Start	Finish
ERSHED MASTER PLAN	1 day?	Wed 5/26/10	Wed 5/26/10
ination	**225 days**	**Thu 8/22/19**	**Wed 7/1/20**
Proceed / Kick off Meeting	0 days	Thu 8/22/19	Thu 8/22/19
s and Scheduling	2 wks	Thu 8/22/19	Wed 9/4/19
ent and Adminstration	45 wks	Thu 8/22/19	Wed 7/1/20
ng Conditions	**70 days**	**Mon 8/26/19**	**Fri 11/29/19**
	1 wk	Mon 8/26/19	Fri 8/30/19
s Topographic Mapping	1 wk	Mon 8/26/19	Fri 8/30/19
eospatial Processing	4 wks	Mon 9/2/19	Fri 9/27/19
Modeling Input	4 wks	Mon 9/9/19	Fri 10/4/19
Modeling	2 wks	Mon 10/28/19	Fri 11/8/19
Modeling-Leucadia Watershed	2 wks	Mon 9/9/19	Fri 9/20/19
Maps	1 wk	Mon 11/11/19	Fri 11/15/19
/ Existing Hydrology Review	2 wks	Mon 11/18/19	Fri 11/29/19
osed Drainage/Water Quality Improvements	**85 days**	**Mon 9/23/19**	**Fri 1/17/20**
Drainage Improvements	2 wks	Mon 11/18/19	Fri 11/29/19
/ Feasibility Review	1 wk	Mon 12/2/19	Fri 12/6/19
e Drainage Improvements-Streetscape Segment	1 wk	Mon 9/23/19	Fri 9/27/19
n / Feasibility Review	3 days	Mon 9/30/19	Wed 10/2/19
on Modeling	3 wks	Mon 12/9/19	Fri 12/27/19
on Modeling-Streetscape Segment	1 wk	Thu 10/3/19	Wed 10/9/19
	2 wks	Mon 12/30/19	Fri 1/10/20
view	1 wk	Mon 1/13/20	Fri 1/17/20
pts	**112 days**	**Thu 10/10/19**	**Fri 3/13/20**
ect Concepts	6 wks	Mon 1/20/20	Fri 2/28/20
dia Streetscape Prelim Projects	2 wks	Thu 10/10/19	Wed 10/23/19
oncept Revisions	6 days	Thu 10/24/19	Thu 10/31/19
scape Preliminary Projects	0 days	Thu 10/31/19	Thu 10/31/19
ect Cost Estimates	2 wks	Mon 2/17/20	Fri 2/28/20
on Development within Areas of Inundation	2 wks	Mon 3/2/20	Fri 3/13/20
ershed Master Plan	**115 days**	**Mon 1/20/20**	**Fri 6/26/20**
lan Document-Draft	8 wks	Mon 1/20/20	Fri 3/13/20
	3 wks	Mon 3/16/20	Fri 4/3/20
cument Revisions	2 wks	Mon 4/6/20	Fri 4/17/20
	2 wks	Mon 4/20/20	Fri 5/1/20
cument - Final	2 wks	Mon 5/4/20	Fri 5/15/20
Tool for City Use (Optional)	4 wks	Mon 5/4/20	Fri 5/29/20
oval	6 wks	Mon 5/18/20	Fri 6/26/20



Q3 Team Task — Summary — City Review
Milestone — Project Summary — Leucadia Streetscape Task

APPENDIX

1. Addendum No. 1 – Signed
2. Addendum No. 2 – Signed
3. Project Team Resumes

City of Encinitas
Development Services Department

ADDENDUM NO. 1: JULY 3, 2019

LEUCADIA AREA WATERSHED MASTER PLAN

TO ALL PROSPECTIVE BIDDERS:

The following modifications are hereby made to the Leucadia Area Watershed Master Plan Request for Proposal:

PROPOSALS DUE: The proposals are due on August 2, 2019, 2:00 p.m.

QUESTIONS DUE: The questions are due on July 22, 2019, 2:00 p.m.

PROJECT BACKGROUND: The list of previous plans and studies in Section II.A. – Background is modified to remove the Vulcan Avenue Drainage Improvement Design Study from the list and replace it with the Comparisons of Gray versus Green Infrastructure Solutions for the Vulcan Avenue\Union Street \ Orpheus Street \ Encinitas Boulevard Drainage Improvements Study (2015).

The plans and studies listed are now available on the Documents & Attachments tab in PlanetBids in lieu of being obtained from the City of Encinitas.

All bidders shall acknowledge receipt and acceptance of Addendum No. 1 by signing in the space provided and submitting the signed Addendum with the Bid.

_____
Authorized Signature

August 1, 2019
_____
Date

City of Encinitas
Development Services Department

ADDENDUM NO. 2: JULY 22, 2019

LEUCADIA AREA WATERSHED MASTER PLAN

TO ALL PROSPECTIVE BIDDERS:

The following modifications are hereby made to the Leucadia Area Watershed Master Plan Request for Proposal:

SECTION V. PROPOSAL EVALUATION:

REPLACE PARAGRAPH B WITH THE FOLLOWING:

B. The City of Encinitas reserves the right to conduct interviews with the top highly ranked teams, or to further negotiate the proposed work and/or method and amount of compensation with the highest ranked firm. If interviews are to be conducted, the City will notify Proposers selected for interview by August 16, 2019. Interviews, if conducted, are anticipated to be held on August 26, 2019.

All bidders shall acknowledge receipt and acceptance of Addendum No. 1 by signing in the space provided and submitting the signed Addendum with the Bid.

_____ August 1, 2019

Authorized Signature Date

Tom Ryan, M.S., P.E.
Project Manager

Mr. Ryan has more than 23 years of engineering experience and 11 years of project management experience. Project experience includes preparation of storm water master plans, flood control and storm drain plans, advanced hydrologic/hydraulic analyses, FEMA flood studies, channel restoration, and water quality planning and design. In recent years, Tom's work in advanced urban area dynamic hydraulic modeling and public awareness has included first-of-its-kind flood routing simulations that resulted in award winning projects and numerous national and local presentations and publications.

Role: Project Manager

Years of Experience: 23
Years at Q3: 2

Registration
Civil Engineer, California, 61701

Education
MS, Royal Institute of Technology, Stockholm, Sweden, Environmental Engineering, 1997
BS, California State University, Long Beach, Civil Engineering, 1995

Professional Affiliations
Member, American Society of Civil Engineers
Phi Beta Delta Honor Society for International Scholars, Member

Q3 Consulting

Project Experience

Focused Drainage Master Plan, Grand Terrace, CA. *Lewis Management Corp.* Project Manager. Q3 is updating the "Pico" area of the City's master plan of drainage. The update for the Pico area included an advanced hydrology/hydraulic model that used a combination of 2-d surface flow analysis with a 1-d subsurface (storm drain) analysis. A rain-on-grid approach was used for the developed urban areas to more accurately determine the stormwater runoff patterns. The hydrology for the hillslopes tributary to the urban areas were prepared in accordance with San Bernardino County hydrology methods. The update included the evaluation of the existing watershed conditions to identify the deficiencies and flood prone areas. Q3 identified a set of potential alternatives and evaluated the effectiveness in the hydrology/hydraulic model. The results of the alternatives analysis runs were used to determine the most cost-effective solutions for the deficient areas. Alignments and facilities sizes were prepared for the recommended storm drain systems. A focused master plan update report is being prepared and processed for approval through the City.

La Quinta Focused Drainage Study, La Quinta CA. *City of La Quinta*. Project Manager responsible for the preparation of the hydrologic and hydraulic models that encompassed the majority of the City. Mr. Ryan used a SWMM based 1D/2D model to create a comprehensive model capable of analyzing the entire City's storm drainage system in response to a 500-year storm event. The study was triggered after two years of consecutive extreme storm events. The largest storm even, September 9th, 2014 dropped approximately 3-inches of rain in one hour causing multiple locations to flood. The drainage system was overrun by the thunderstorm's flash flood-like runoff that was a product of heavy rain, short duration, and adjacent hillside runoff. The models were prepared using data from the 2014 storm event and flood depths in the model correlated to actual storm photos. The model was then used to identify drainage improvements in five locations within the City. Mr. Ryan and Mr. McCarthy were responsible for developing the design alternatives for four of the locations. The use of these models showed more realistic design alternatives than using standard H&H models.

Master Plan of Drainage, Redlands, CA. *City of Redlands*. Project Manager. The team identified existing drainage deficiencies and sizing for proposed replacement facilities to alleviate flooding for the designated storm events. Historical floods for the City of Redlands included more than three feet of runoff inundating the downtown portion of the city. As part of this project, a hydraulic model was prepared which

Tom Ryan, M.S., P.E.
Continued

includes a fully hydrodynamic 2-dimensional analysis of the surface runoff, coupled with the subsurface facilities, which was used to identify the most feasible flood mitigation alternatives. A 3D animation was created to demonstrate the results of the downtown flooding (first of its kind for urban modeling) for review by stakeholders.

Master Plan of Drainage Update, Yucaipa, CA. *City of Yucaipa.* As Project Manager, provided engineering services to update Yucaipa's Master Plan of Drainage. The update included development of unit hydrographs for calculation of peak flow rates along Wilson and Wildwood Creeks within the city limits. The unit hydrographs were prepared in accordance with San Bernardino County hydrology methods. Included incorporation of existing and future stormwater detention basins proposed for the watersheds. Identified the configuration of the existing basins based on available as-built plans and data. Preliminary stage-storage and stage-discharge relationships were prepared for the proposed basins based on preliminary sizes and estimated storage volumes provided by the city.

Laguna Canyon Channel Culvert Flood Alternative Study, Laguna Beach, CA. *City of Laguna Beach.* Project Manager for the hydraulic evaluation of the historic flooding of downtown Laguna Beach. This project, focusing on the Laguna Canyon Channel culvert between Beach Street to the ocean, identified the existing system's limitations and provided the City with several alternatives to minimized the impacts of recurring flooding. The team used an advanced hydrologic/hydraulic model to evaluate multiple mitigation scenarios for the City and ranked them based on their feasibility. Given the City's dense and historic buildings and infrastructure, advanced modeling allowed the team to identify unique alternatives that would minimize flood risks and construction impacts. XP Solution's XPSWMM was used to evaluate a linked subsurface/surface model (1-dimentional/2-dimentional) that more accurately displayed the true impacts of various potential solutions. Work involved using a distributed rainfall model (DRM) over a 3-D surface that was linked to the entire subsurface storm drain system via surface inlets. The outfall was at the ocean, which entailed a variable tide, which included storm surge. Provided the preliminary plans and cost estimates for a phased approach that would work with the City's budget.

World Trade Center Water Intrusion Protection Plan, New York, NY. *Port Authority of New York and New Jersey.* Task manager on project to prepare a coastal flood hazard evaluation and develop a comprehensive water intrusion protection plan for the new World Trade Center. Services included a complete flood risk assessment and analysis, development of hazard mitigation strategies, order-of-magnitude cost estimates, and stakeholder coordination. The water intrusion protection plan is designed to protect all completed World Trade Center facilities from water intrusion under severe storm-related exposure from coastal storm surges. For the flood hazard evaluation, the team integrated coastal storm surge model results into a 2-D surface model of the World Trade Center site to identify the impacts of implementing flood protection measures. Further investigations of the subsurface infrastructure flooding hazards were modeled using a fully dynamic 1-D linked model. A first of its kind for a project this large, the subsurface investigation evaluated flooding from the surface down through six levels of infrastructure. Time-series inflow results from the detailed 2-D surface model were used to assess the potential flooding conditions and develop strategies to mitigate impacts.

John A. McCarthy, PE, CFM
Principal in Charge

Mr. McCarthy is experienced in the development, final design, and construction of flood control and drainage projects for public works and private sector projects. He has completed storm water master plans for numerous cities and large-scale development projects throughout California. Mr. McCarthy has extensive experience in planning and design of storm drain and flood control improvements.

Role: Drainage Master Plan and CIP

Years of Experience: 30
Years at Q3: 2

Registration
Professional Engineer – Civil, CA #47583 – 1991
Certified Floodplain Manager – #05-01596 – 2005

Education
B.S., Civil Engineering, California State Polytechnic University, San Luis Obispo – 1989

Certificate, Light Construction and Development Management – 1997

Professional Affiliations

Association of State Floodplain Managers (ASFPM)
American Society of Civil Engineers (ASCE)
Floodplain Management Association (FMA)

Q3 Consulting

Project Experience

Coachella Stormwater Master Plan, Coachella, CA. *City of Coachella.* Project Manager. Mr. McCarthy is currently managing the preparation of hydrology and hydraulic technical studies for the preparation of a stormwater master plan for the City. The project includes updating the hydrology for the on-site and offsite areas draining to the City. The hydrology results will be used to develop a hydrodynamic model of the City's existing drainage infrastructure. The results will be used to identify deficiencies and areas subject to flooding. Alternatives will be identified and evaluated for use in the proposed system including storm drain pipes, channels, detention basins, and infiltration basins. The EPA's SWMM will be used for the hydrodynamic analysis. The work includes capital and life-cycle costs for the system and the identification of a prioritization and phasing plan for the recommended improvements.

City of La Quinta Focused Drainage Study, La Quinta, CA *City of La Quinta.* Principal-In-Charge, QA/QC. The project included the preparation of a hydrology and hydraulic analysis for an area of the City hardest hit by recent extreme storm events in 2013 and 2014. The study evaluated the flood risk associated with extreme storm events and identified potential drainage improvements to reduce future flood damage and increase public safety if or when extreme storm events occur. The team developed a comprehensive GIS data of drainage facilities in the study area and prepared a coupled 1D and 2D hydrology and hydraulic model for the area. Offsite hydrology was prepared using an incorporated into the local models. Onsite hydrology was evaluated using a direct rainfall method applied over the study area. The results of the analysis were used to develop alternatives and cost estimates for recommended improvements to reduce the flood hazard during extreme events.

Los Peñasquitos Watershed Master Plan, San Diego, CA. *City of San Diego*. Technical Advisor for the master plan project for the over 90 square miles of watershed in the City of San Diego. Provided technical guidance for preparation of the watershed modeling and master plan development. The plan was developed for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation.

Drainage Master Plan, Redlands, CA. *City of Redlands*. Principal-In-Charge. Responsible for overseeing project. The team developed a drainage master plan for the city to update its drainage infrastructure and

John A. McCarthy, PE, CFM
Continued

to identify regional drainage solutions to the city's flooding issues. Services included hydrology, advanced 1 and 2-dimensional hydraulic modeling, stormwater planning, best management practice (BMP) identification and evaluation, cost estimates, master plan report, and stakeholder coordination.

Storm Water Master Plan, Rancho Palos Verdes, CA. *City of Rancho Palos Verdes.* Project Manager. Provided drainage planning management for the overall Stormwater Master Plan for the City. The flood control portion of the report includes the use of the XP-SWMM model for both hydrology and hydraulics. The Storm Water Master Plan includes the development of a GIS database for the storm drain inventory including a Facility Mapping Tool which is being utilized to gather field data and keep the City informed of the field work schedule and finding. The hydrology and hydraulics modeling was completed utilizing GIS, XPSWMM, and XPWSPGW. This master plan includes the integration of stormwater quality retrofit opportunities. The Master Plan will ultimately provide the City with a comprehensive "living" storm water master plan. The master plan also includes a project prioritization scheme and a Capital Improvement Plan.

Master Plans of Drainage, Anaheim, CA. *City of Anaheim.* Project Manager and Principal in Charge for the preparation of 2 drainage master plans for the City. The master plans were prepared for the "North and West Santa Ana Tributary Areas," and the "South and East Santa Ana River Tributary Areas." Work included hydrology and hydraulic analyses, drainage deficiencies evaluation, recommended facilities, cost estimates, and prioritization schedule. GIS based maps were prepared for the recommended facilities and the work was summarized in a comprehensive master plan report.

South San Francisco Storm Drain Master Plan, South San Francisco, CA. *City of South San Francisco.* Technical Manager for the preparation of a Storm Drain Master Plan for the City. The storm drain master plan included the development of a GIS database for the storm drain inventory based on available as-built plans and field documentation. Data gathering for the project includes filling in missing as-built data such as inverts and facility naming. The hydrology and hydraulic modeling were completed utilizing GIS and a version of EPA's SWMM program. This master plan includes the integration of potential trash capture devices and included a 1-year 1-hour storm event. The capacity of the existing systems were evaluated and recommended facilities were identified for deficient systems. The master plan also includes a project prioritization scheme and a Capital Improvement Plan.

La Entrada Specific Plan Stormwater Master Plan, Coachella Valley, CA. *PSAV, LLC*. Drainage Manager. Responsible for hydrology/hydraulic studies and storm drain master plan for the specific plan area. The project site includes seven regional conveyances and coalescing alluvial fans tributary to the Eastside Dike along the Coachella Canal. Mr. McCarthy completed regional hydrology studies for the 50.6 square mile watershed, and 1D and 2D flood routing analyses to support the technical studies and identified the recommended improvements and project mitigation measures for the project site development. Mr. McCarthy identified a whole fan flood hazard management program and developed the alignment and conceptual design for seven regional master planned channels and extensive storm drain systems through the site.

Howard J. Barndt, P.E.

Senior Technical Manager

Mr. Barndt is experienced in regional and local hydrology studies, urban drainage design, regional and local flood control design, flood- and dam-inundation studies, 1- and 2-dimensional hydraulics, sediment transport and scour analysis, floodplain management studies, reservoir operations, and dam/levee breach and inundation studies. Mr. Barndt's extensive work on urban 1- and 2-dimensional hydrology/hydraulic models has given him an intimate knowledge of the programs, guidelines, and methodologies to successfully develop practical models for storm drain master planning.

Role: Hydrology/Hydraulics

Years of Experience: 20
Years at Q3: 2

Registration
Civil Engineer, CA #65914 – 2004

Education
B.S., Civil Engineering, California State University, Long Beach – 1999

M.S., Civil Engineering (Water Resources), California State University, Long Beach – 2004

Q3 Consulting

Project Experience

Drainage Master Plan for North, South, and West Santa Ana River Tributary Areas, Anaheim, CA. *City of Anaheim.* Project Engineer responsible for performing hydraulic deficiencies studies of existing storm drain systems; selected by the City of Anaheim to prepare an updated comprehensive storm drainage master plan for the North and West Santa Ana River tributary areas. The new plan was based on previous studies for the areas, updated to account for current hydrology methods, new hydrology modeling in areas without existing studies, improvements to the storm drain and tributary channel systems, and the latest land use planning. The new plan modeled existing storm drainage systems from as-built plans and identified deficiencies in the existing street sections and storm drain systems based on the results of the hydrology and hydraulic analyses. Alternatives to improve existing deficiencies and recommended improvements and cost estimates were developed and incorporated into an update Drainage Master Plan.

Focused Drainage Master Plan, Grand Terrace, CA. *Lewis Management Corp.* Technical Adviser, QA/QC. Q3 is updating the "Pico" area of the City's master plan of drainage. The update for the Pico area included an advanced hydrology/hydraulic model that used a combination of 2-d surface flow analysis with a 1-d subsurface (storm drain) analysis. A rain-on-grid approach was used for the developed urban areas to more accurately determine the stormwater runoff patterns. The hydrology for the hillslopes tributary to the urban areas were prepared in accordance with San Bernardino County hydrology methods. The update included the evaluation of the existing watershed conditions to identify the deficiencies and flood prone areas. Q3 identified a set of potential alternatives and evaluated the effectiveness in the hydrology/hydraulic model. Mr. Barndt was responsible to provide oversight for the development of the 1- and 2-d hydraulic models and provided QA/QC for the model results and validation of available data.

Northern Sphere Annexation Specific Plan, Rancho Cucamonga, CA. *Sargent Town Planning, LLC.* Senior Engineer responsible for the configuration of the baseline and proposed regional hydrology for the Northern Sphere Annexation Specific Plan, situated immediately below the mountain front between Day and Deer Creeks. Selected 2-dimensional hydraulic model scenarios were subsequently constructed and simulated to support (1) the determination of flood hazard impacts associated with the planned development, (2) the evaluation of overflow behavior on the alluvial surfaces, and (3) the determination of recommended drainage facilities for the specific plan area

March Air Force Base Reuse Drainage Master Plan, Riverside County, CA. *March Joint Powers Authority*. Project Engineer responsible for the preparation of the drainage master plan for the March AFB Reuse Plan in coordination with the Riverside County Flood Control and Water Conservation District. The

Howard J. Barndt, P.E.
Continued

plan addresses drainage deficiencies, development of backbone drainage system alternatives, conceptual drainage facility plans, cost estimates, and funding mechanisms for the 10-square-mile decommissioned air base. The study was prepared to provide guidance for drainage issues as individual projects evolve during the development period of the Reuse Plan.

La Entrada Specific Plan Hydrology and Hydraulic Studies, Riverside County, CA. *PSAV, LLC*. Lead Engineer responsible for performing 1- and 2-d hydrology and hydraulic studies for the baseline and project conditions and the subsequent determination of impacts, regional and local drainage facilities, and mitigation alternatives for the site development. The specific planning area consists of development footprint of more than 1,700 acres, situated on the lower piedmont below the Little San Bernardino Mountains and immediately upstream from the Coachella Canal, which sit atop of the East Side Dike. The segment of the East Side Dike, which fronts the specific planning area has contributing watershed of more than 50 square miles with numerous natural conveyances, seven of which intersect the development footprint. Alignments and conceptual plans were developed to integrate these conveyances with planned development of the specific planning area. The existing conditions of the levee as well as proposed roadway crossing encroachments across the levee system were evaluated.

Travertine Specific Plan Stormwater Master Plan, La Quinta, CA. *Travertine Corporation*. Project Engineer responsible for preparing technical studies to support the drainage and flood protection master plan for a proposed 905-acre development located at the foothills of an active alluvial fan. Mr. Barndt prepared pre- and post-condition hydrology for the project site and completed a geomorphic assessment of the alluvial fan activity. Work also included using a 2D model to analyze the alluvia fan flow characteristics in conjunction with applying storage and diversion strategies to mitigate potential flood damage. Using Mr. Barndt's analysis results, the footprint of the proposed development and recommended flood protection improvements were identified. Process the studies through the County and the City for the approval of the Master Plan.

Gonzales Canyon Stabilization Project, San Diego County, CA. *Pardee Homes* – Project Engineer responsible for developing the hydrology and hydraulic technical studies and preparing the construction plans for the stabilization of the 1.5-mile-long natural watercourse that runs through the Pacific Highlands Ranch development in San Diego County.

Tustin Legacy Runoff Management Plan, Tustin, CA. *City of Tustin/Centex*. Part of the team responsible for the development of the runoff management plan for the reuse of the 1,600-acre Tustin Marine Corps Air Station (MCAS). The project included the development of a storm water runoff system based on the proposed land uses for the base reuse. Assessed existing and proposed condition hydrology and developed regional and master plan level drainage improvements for project implementation and mitigation of project impacts. The project included the development of an EPA SWMM analysis for the local drainage systems, which tie into the regional channels.

Zach Snyder, P.E.
Project Engineer

Mr. Snyder is a project engineer with an emphasis in stormwater resources. An out of the box thinker, he uses all the tools at his disposal to come up with creative and cost-effective solutions to urban flooding. His experience includes stormwater hydraulics and hydrology for drainage master plans, low impact (LID) drainage design, flood control system plan design, 1- and 2-dimessional hydrology/hydraulic analysis, and floodplain analysis and mapping. He has successfully prepared drainage master plans for the Cities of Redlands, Grand Terrace, La Quinta, Palm Desert, and Santa Ana. Zach has tremendous expertise in two-dimensional (and linked 1D/2D) advanced stormwater hydrologic and hydraulic modeling using programs, including SWMM and with AutoCAD Civil3D.

Role: Hydrology and Hydraulics

Years of Experience: 5
Years at Q3: 1

Registration
Civil Engineer, CA #47583 – 2016

Education
B.S., California Polytechnic State University at Pomona, Civil Engineering – 2014

Professional Affiliations
Member, American Society of Civil Engineers (ASCE)

Q3 Consulting

Project Experience

Focused Drainage Study, La Quinta, CA. *City of La Quinta.* Engineer responsible for the preparation of a linked 1D/2D model using XPSWMM in the City of La Quinta encompassing three square miles. This innovative model included in depth topography, storm drain information, hydrology, and rainfall. Hydrology and hydraulic analysis were prepared for an area of the City hardest hit by extreme storm events in 2013 and 2014. The study evaluated the flood risk associated with extreme storm events and identified potential drainage improvements to reduce future flood damage and increase public safety if or when extreme storm events occur. Zach prepared the offsite hydrology using County Hydrology Manual procedures and the onsite hydrology using a direct rainfall method applied over the study area.

Los Peñasquitos Watershed Master Plan, San Diego, CA. *City of San Diego*. Civil Engineer responsible for creating a 1D drainage model using SWMM for over 90 square miles of watershed in the City of San Diego. Managed a team of four people for preparation of the SWMM models for the watershed areas. A master plan was developed for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation.

Storm Drain Master Plan Phase II, Santa Ana, CA. *City of Santa Ana.* Project Engineer responsible for hydrology and hydraulic models for the City's master plan update. Set up the existing condition model for two watersheds within Santa Ana and performed a 2D analysis to assisted in alternatives development for suggestions to the city to upgrade their level of flood protection.

Dominguez Channel Watershed Study, Los Angeles County, CA. *Los Angeles County Department of Public Works.* Project Engineer. Provided engineering services to prepare a comprehensive flood hazard analysis for the Dominguez Channel Watershed. The watershed is approximately 75-square miles and drains the southwest portion of Los Angeles County. The purpose of this study is to evaluate the hydraulic capacity of the existing channel and tributary storm drain systems to identify deficiencies in flood protection requirements. This watershed study includes collecting data using as-built drawings and field reconnaissance, updating drainage information using GIS, performing 1- and 2-d SWMM hydrology and hydraulic analysis, and developing a technical report and presentation.

Candace Tong, P.E.
Design Engineer

Role: Hydrology/Hydraulics

Years of Experience: 4
Years at Q3: 1

Registration
Civil Engineer, CA #90444 – 2019

Education
B.S., University of California, Irvine, Civil Engineering – 2014

Professional Affiliations
Member, American Society of Civil Engineers (ASCE)

Q3 Consulting

Ms. Tong has over four years of professional experience encompassing hydrologic and hydraulic modeling and calculations for storm drain and channel design, water quality compliance, urban land development, and the design of drainage improvements. Her experience includes stormwater hydraulics and hydrology, storm drain and flood control system plan design, Best Management Practice design, and 2-dimensional flood routing studies, and GIS. She has successfully prepared drainage design studies and final design plans for various stormwater master plan and land development projects.

Project Experience

Chino Agricultural Preserve Master Plan Updates, Chino, CA. Design Engineer providing engineering services to update the City's drainage master plan for the Preserve area. Responsible for updating the watershed boundaries and hydrology studies based on recent development projects and revising storm drain hydraulics and sizing to incorporate installed facilities and changes to landuse assumptions and drainage patterns. Prepared hydrology in accordance with San Bernardino County Hydrology Manual and storm drain hydraulics using the WSPG computer program.

Pine Avenue Widening- Regional Drainage Improvements, Chino, CA. *Lewis Management Company.* Engineer on the preparation hydraulic analysis and water quality facilities for the drainage design for the widening of Pine Avenue. The widening is being completed to support the increased traffic demand as a result of the build out of the Chino Agricultural Preserve area. Candace was responsible for the preparation of storm drain and water quality improvements associated with the widening.

K**PC Coachella Specific Plan Stormwater Master Plan, Coachella, CA**. *KPG Group.* Design Engineer responsible for the preparation of technical studies to support the drainage and flood protection master plan for a proposed 2,800-acre development. Work includes preparing pre- and post-condition hydrology for the project site and hydraulic analyses. Prepared 2D model to analyze the flood flow characteristics in conjunction with applying storage and diversion strategies to mitigate potential flood damage. The results are being used to develop the drainage and flood control master plan.

Whitewater Rivers Crossings Project, CA. *The Kiner Group*. Design Engineer responsible for preparing preliminary plans for proposed channel improvements to support the 2-mile channel improvement project. Her work included creating channel improvement plans, hydraulic models, and assistance with the preparation of the Preliminary Design Report.

Los Patrones Parkway, Orange County, California. Rancho Mission Viejo Company. *Responsible for the preparation of hydrologic and hydraulic calculations* for storm drain design. Developed Civil 3D model of storm drain layout for profile design. Prepared the horizontal & vertical design, ramp geometry, and roadside safety elements for a 5-mile highway. Designed grading for roadway and roadway drainage and utilized AutoCAD Civil 3D to model 3D surfaces.

Scott Cartwright, P.E.
Project Engineer

Mr. Cartwright has served as Project Engineer for a variety of both public and private development projects. His responsibilities include preparation of grading, utility, and street improvements plans along with supporting documents such as drainage studies, water quality studies, and SWPPPs. His area of expertise spans from modeling and preliminary design to final PS&E and construction. His broad range of experience makes him uniquely qualified to identify and implement cost effective flood control and water quality solutions.

Role: Priority Projects, Report/CIP

Years of Experience: 13
Years at Michael Baker: 13

Registration
Civil Engineer, CA #77512

Education
B.S., 2006, Civil Engineering,
Brigham Young University

Professional Affiliations
American Public Works Association (APWA), Transportation Committee, Treasurer

Michael Baker
INTERNATIONAL

Project Experience

Los Peñasquitos Watershed Master Plan, San Diego, CA. *City of San Diego.* Project Engineer responsible for technical quality control reviews. Michael Baker developed a master plan for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation for this watershed.

Maple Canyon Watershed Master Plan, San Diego, CA. *City of San Diego Economic Development.* Project Manager. Responsible for development of master plan report. Michael Baker prepared a comprehensive master plan for a portion of the Pueblo Canyon Watershed (area tributary to the existing 54-inch storm drain in Laurel Street, termed the Maple Canyon Watershed). The master plan included development of a geospatial dataset for the storm drain system and drainage characteristics for the Maple Canyon Watershed study area necessary to complete the hydrologic and hydraulic modeling, water quality modeling, and environmental mitigation analysis. A web mapping application was also developed to display the storm drain inventory and the results of the master plan study. The web map allows city staff to easily find and navigate the numerous recommendations to improve the system.

North Coast Highway 101 Streetscape, Encinitas, CA. *City of Encinitas.* Task Lead responsible for design of water quality and flood control infrastructure. Michael Baker is providing engineering, traffic, and environmental services for the North Coast Highway 101 Streetscape Improvements Project. The project includes multi-modal functions involving road diet measures, such as lane restriping of "sharrows" in the north- and south-bound lanes; five traffic calming roundabouts; a traffic signal; and street beautification measures for 2.5 miles of old Highway 101 in Leucadia. The goal is to increase walkability along the project corridor through expanded sidewalks, decreased vehicle lane widths, and added/enhanced pedestrian facilities and provide more efficient (reverse angle) on-street parking to eliminate sight-distance problems for side-street traffic and vehicular conflicts with bicyclists. Beautification elements include community-gathering and passive recreational opportunities through enhancement of public open spaces, landscaping and multi-modal trails.

Park Drive and Tamarack Avenue Storm Drain Design, Carlsbad, CA. *City of Carlsbad*. Civil Engineer. Design Engineer. Provided a hydrology and hydraulic revision analysis of the City of Carlsbad's Drainage Master Plan Project BCA. Results from the hydrologic and hydraulic analyses generated a more efficient and compliant design, which was used for construction. Hydraflow Storm Sewers and FlowMaster

Scott Cartwright, P.E.
Continued

was used to analyze and design over 3,000 feet of storm drain. Michael Baker assisted the with the design of a new storm drain system that was identified for implementation in the City's Drainage Master Plan. The new system consists of approximately 3,200 feet of pipe with 12 curb inlets, 17 cleanouts, and two junctions. Coordination with multiple City departments ultimately resulted in a project that not only complied with City design standards, but also fit within budget limitations. Work products consisted of improvement plans (including traffic control), cost estimate, specifications, hydrology & hydraulics report, conceptual stormwater pollution prevention plan (SWPPP), water quality documentation, and construction support.

Logan Heights Low Impact Development Design, San Diego, CA. *City of San Diego Economic Development.* Project Manager. Responsible for project management. Michael Baker prepared 30 and 60 percent construction drawings for previously identified best management practices (BMP) sites within the Logan Heights neighborhood to capture and treat a 0.5-inch storm. Plans were prepared in accordance with applicable provisions of the Regional Low Impact Development (LID) Guidebook, the City of San Diego Stormwater Standards Manual, and the City of San Diego Drainage Design Manual. Michael Baker's design approach considered infiltration, filtration, and biofiltration BMPs.

Moosa Canyon Erosion Control, San Diego County, CA. *San Diego County Water Authority.* Project Manager. Responsible plans, specifications, cost estimates, and construction support. Michael Baker was retained to develop a cost-effective solution to erosion in Moosa Canyon, which is threatened by channel failure and localized scour, exposing pipelines within Moosa Creek. Michael Baker performed a stable channel analysis and developed a final engineering bid package for the design of grade control features to protect Pipelines 3, 4, and 5. Scope items included hydraulic and sediment transport modeling and design of grade control features to protect the pipelines.

Spruce Street Channel Drainage Improvements, Escondido, CA. *City of Escondido.* Project Manager. Responsible for project management. Michael Baker prepared studies, plans, specifications, and estimates (PS&E) to eliminate vector breeding and nuisance water issues that exist within the Spruce Street Channel. The City of Escondido's Spruce Street Channel conveys runoff from approximately 750 acres, and the existing channel has experienced a long history of flooding and vector control issues, resulting in impacts related to flood control, public health and safety, and water quality.

Hydromodification Susceptibility Mapping, Santa Ana River and Santa Margarita Watersheds, Riverside County, CA. *Riverside County Flood Control Water Conservation.* Engineer. Responsible for civil engineering. Michael Baker conducted a screening-level analysis to identify and map streams susceptible to hydromodification (as required by the County's MS4 Permits). The project included developing a comprehensive map of the Permit areas to assist the County, co-permittees, and project proponents in determining whether or not a project will be subject to the HMP requirements and which of the hydromodification requirements will apply. Michael Baker developed this analysis and mapping for the Santa Ana River and Santa Margarita watershed areas.

Sheriff Department Firing Range Stormwater Management Plan and Maintenance Plan Update, San Diego County, CA. *San Diego County.* Task Manager. Responsible for civil engineering. Having previously developed an Environmental Management Plan for the operation, maintenance, and environmental protection of the Marine Corps Air Station Miramar Training Facility and leased environs, Michael Baker prepared a site-specific Stormwater Management Plan (SWMP) and updated the Range Maintenance Plan. The SWMP is for continued operation of the facility and not new construction and focuses primarily on operational and source control measures rather than structural and treatment source control measures.

Stefani Barlow, P.E., CFM

Project Engineer

Ms. Barlow's experience includes project planning, scheduling, engineering analyses and calculations, technical report writing, and preparation of engineering plans, specifications, and cost estimates. She has proficient software skills in SWMM modeling, HEC-RAS and HEC-HMS modeling, AutoCAD Civil 3D plan production, and ArcGIS analysis and mapping. She is experienced with FEMA floodplain studies, EAPs and 2D dam breach inundation mapping, and hydrologic and hydraulic modeling studies in support of drainage improvement designs, storm water infrastructure construction, and watershed management.

Role: Hydrology/Hydraulics

Years of Experience: 6
Years at Michael Baker: 1

Registration
Professional Engineer - Civil, California, 2017, 88581

Certified Floodplain Manager, 2015, 16-09148

Education
M.S., 2013, Agricultural and Biological Engineering, North Carolina State University

B.S., 2011, Biological Systems Engineering, Virginia Polytechnic Institute and State University

Professional Affiliations
California Society of Professional Engineers (CSPE)

National Society of Professional Engineers (NSPE)

Women in Transportation Society (WTS)

Michael Baker
INTERNATIONAL

Project Experience

Contract H146064, San Diego River and Tijuana River Valley Levee Assessment, Task Order 108, San Diego, CA. *City of San Diego Economic Development.* Project Engineer. Project Manager/Project Engineer. Responsible for project management including client meetings, coordination, billing, tasking, and deliverables preparation. Also responsible for preparing Hydrology and Hydraulics report, HEC-RAS levee models with necessary attachments, appendices, exhibits and computer files. Michael Baker is working with the City to develop and implement a strategy to address items identified by the US Army Corps of Engineers in the Periodic Inspection Report for levee systems for the San Diego River levee system, consisting of three levees: SDR 1, 2 and 3; and for the Tijuana Valley River System: TJRV3. The levees are located in waters of the US. Accordingly, corrective actions undertaken on the levees require state and federal resource agency permits as well as a permit to alter a federally constructed facility. Michael Baker assisted with Corps Study Approval Process, 408 permit processing, and developed and processed a system wide improvement framework plan.

Contract H146064, Storm Water Pump Stations, Task Order 106, San Diego, CA. *City of San Diego Economic Development.* Project Engineer. Responsible for quality control. Michael Baker prepared a watershed stormwater hydrology and pump station hydraulic analysis at several stormwater pumping stations. The analysis resulted in recommendations for pump sizing and control system revisions to prevent/minimize flooding during large storm events.

Naval Facilities Engineering Command (NAVFAC) Storm Water Drainage System Hydrology and Hydraulic Evaluation and Master Plan Update, Barstow, CA. *Marine Corps Logistics Base (MCLB) Barstow.* Project Engineer. Lead engineer/modeler responsible for completion of hydrologic and hydraulic modeling for FEMA floodplain and floodway mapping of a segment of the Mojave River near Barstow, CA. Created existing conditions model of Marine Corps Logistics Base in Barstow, CA Prepared overall storm water master plan for Marine Corps Logistics Base in compliance with the Storm Water Pollution Prevention Plan (SWPPP).

Stefani Barlow, P.E., CFM
Continued

San Pasqual Academy Drainage Improvement Project, San Pasqual, CA. *County of San Diego.* September 2018. Project Engineer. Lead engineer responsible for preparing hydrologic and hydraulic models to determine existing conditions and propose a repair design for the storm water drainage system on San Pasqual Academy campus. Responsible for developing final plans, specifications, and estimates package with AutoCAD Civil 3D.

Dam Inundation Mapping Studies, Los Angeles, CA. *Los Angeles Department of Public Works.* Project Engineer. Developed scope and fees for dam Emergency Action Plans and responsible for completing 2D HEC-RAS hydraulic models for inundation mapping of dam breaches for seven extremely high and high hazard dams in Los Angeles, CA. Lead field reconnaissance trips and site visits to verify downstream hydraulic structures.

Lake Ilsanjo Dam Inundation Mapping Study and Emergency Action Plan Development, Santa Rosa, CA. *California State Parks.* Project Engineer. Developed scope and fees for dam breach inundation modeling, mapping, and development of emergency plans. Responsible for completing 2D HEC-RAS hydraulic models for inundation mapping of dam breaches for high hazard dam in Santa Rosa, CA. Prepared Emergency Action Plan for submittal to CA Division of Safety of Dams to comply with recent updates to Title 23 legislation.

Bank Stabilization at Rancho Mission Viejo Riding Park, San Juan Capistrano, CA. *City of San Juan Capistrano.* Project Engineer. Lead engineer responsible for preparing hydrologic and hydraulic models to support No-Rise certification for a bank stabilization/habitat restoration construction plan in Orange County, CA. Prepared full design, specification, and estimates package for preferred alternative and permitting package with USACE and CDFW. January 2018 – September 2018.

Mujahid M. Chandoo, P.E.

Project Engineer

Mr. Chandoo has extensive experience in surface water management. His areas of expertise include hydrology, hydraulics, sediment transport and advanced modeling. He has been involved with a variety of projects including, but not limited to, storm drain master plans throughout Southern California, storm drain design, FEMA processing, sediment transport modeling, environmental documentation, and large scale 2-dimensional floodplain studies. Mr. Chandoo has extensive experience in using advanced hydraulic 1D/2D modeling for surface and sub-surface flooding analysis for the City of San Diego, City of Los Angeles, City of Redlands, World Trade Center in New York City, Coachella Valley Water District (CVWD), and City of La Quinta.

Mr. Chandoo also has experience in roadway drainage and has been involved in hydrologic and hydraulic analysis and report preparation, as well as preparation of PS&E. His computer modeling background includes the application of the Army Corps of Engineers HEC-RAS (River Analysis System), Stormwater and Wastewater Management Model (XP-SWMM), Bentley CivilStorm, Watershed Modeling System (WMS) and Advanced Engineering Software (AES) for hydrologic/hydraulic analysis in Southern California. Sediment Transport models include HEC-6T and SAM. Mr. Chandoo uses the Geographical Information System (GIS) hydro applications in most of the hydrology and hydraulics software.

Role: Hydrology/Hydraulics

Years of Experience: 13
Years at Michael Baker: 13

Registration
Professional Engineer - Civil, California, 2010, 76633

Education
B.S., 2006, Civil Engineering, California State University at Fullerton
A.S., 2003, Mathematics, Fullerton College

Professional Affiliations
American Society of Civil Engineers (ASCE), Los Angeles Section/ Orange County Branch, Member, 457052

Engineers Without Borders (EWB), Orange County, Kenya Team - Travel Member

Environmental & Water Resources Institute (EWRI), Orange County, President (November 2013 - October 2014)

Environmental & Water Resources Institute (EWRI), Orange County, Past President – 2016

Environmental & Water Resources Institute (EWRI), EWRI-OC, Treasurer (October 2012 - October 2013)

Michael Baker
INTERNATIONAL

Project Experience

Los Peñasquitos Watershed Master Plan, San Diego, CA. *City of San Diego.* Project Engineer responsible for development of the 94-square miles hydrology and hydraulics (H&H) model using PCSWMM software. The task included watershed delineation, subcatchment parameter estimation and 1D hydraulic modeling for the storm drain system. 2D modeling was provided for focused known flooding areas. Michael Baker developed a master plan for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation for this watershed. The project was integrated with the water quality modeling and lagoon modeling. The project identified stream rehabilitation, lagoon restoration and habitat mitigation opportunities.

Dominguez Channel Watershed Study, Los Angeles County, CA. *Los Angeles County Department of Public Works.* Project Manager providing engineering services to prepare a comprehensive flood hazard analysis for the Dominguez Channel Watershed. The watershed is approximately 75-square miles and drains the southwest portion of Los Angeles County. The

Mujahid M. Chandoo, P.E.
Continued

purpose of this study is to evaluate the hydraulic capacity of the existing channel and tributary storm drain systems to identify deficiencies in flood protection requirements. This watershed study includes collecting data using as-built drawings and field reconnaissance, updating drainage information using GIS, performing an integrated 1- and 2-d SWMM hydrology and hydraulic analysis, and developing a technical report and presentation.

Drainage Master Plan, Redlands, CA. *City of Redlands.* Project Engineer. Hydraulic Modeling. Responsible for 2D flooding analysis thru downtown Redlands using Stormwater and Wastewater Management Model (XP-SWMM). Zanja Creek and the drainage network was modeled to identify deficiency and causes of flooding. Michael Baker developed a drainage master plan for the city to update its drainage infrastructure and to identify regional drainage solutions to the city's flooding issues. Michael Baker's services included hydraulic modeling, services advanced hydrologic and hydraulic modeling, flood control alternative evaluation using XPSWMM planning, best management practice (BMP) identification and evaluation, city-wide master drainage plan development, and stakeholder coordination.

Rancho Palos Verdes Storm Water Master Plan, Rancho Palos Verdes, CA. *City of Rancho Palos Verdes.* Project Engineer. Used ArcGIS and model builder to delineate watershed boundaries and obtain parameters according to LA County hydrology criteria. XP-SWMM was used to perform the hydrology and hydraulics for the existing condition. A recommended storm drain analysis was analyzed and a priority storm drain list was created. Michael Baker developed a GIS database and facility mapping tool as part of the City's Stormwater Master Plan. The mapping tool was utilized to gather field data and keep the City informed of Michael Baker's field work schedule and finding. Data gathering for the project included filling in missing as-built data, such as inverts and facility naming. The hydrology and hydraulics modeling was completed using GIS, XPSWMM, and XPWSPGW.

Midway City Street and Storm Drain Master Plan and Improvements, Midway City, CA. *Orange County Public Works*. Engineer. Responsible for hydrology and hydraulic modeling, facility alignments and sizing, and cost estimating. Michael Baker provided professional services for the preparation of drainage and street master plans for the recommendation of improvements for the Midway City area of unincorporated Orange County to alleviate flooding within a residential area by designing roadway rehabilitation improvements and installing storm drain mainline and local improvements to convey the area storm drain runoff, and to provide increased protection for motorists and pedestrians. Michael Baker's services included hydrology and hydraulic modeling, planning, alternatives evaluation, and final design and cost estimates for approximately 4.6 miles of street rehabilitation and storm drain facilities.

World Trade Center Flood Resilience Bollard Protection System, New York City, NY. *Port Authority of New York and New Jersey.* Engineer. Performed subsurface (1D) and surface (2D) hydraulic analysis for the project site. Hydrology data was derived from the ADCIRC coastal flooding model. XP-SWMM used integrated coastal storm surge model results into a detailed 2D surface model of the World Trade Center site to identify the impacts of implementing flood protection measures. The results were used as a basis of the structural design of the selected protection measure; a Ballard Protection System (BPS). Time-series inflow results from the detailed 2D surface model were used to assess the potential flooding conditions and develop strategies to mitigate impacts.

Kevin Evarts, P.E.
Project Engineer

Role: Data Collection

Years of Experience: 18
Years at Michael Baker: 8

Registration
Professional Engineer - Civil, California, 2009, C74492

Qualified SWPPP Developer (QSD), California, 2011, 20981

Qualified SWPPP Practitioner (QSP), California, 2011, 20981

Education
B.S., 2000, Civil Engineering, San Diego State University

Michael Baker INTERNATIONAL

Mr. Evarts has experience ranging from projects that involve field investigations (such as identifying and/or designing water quality best management practices, or the use and/or translation of mobile GPS device) to project management and report generation. Furthermore, Mr. Evarts is familiar with the use of software such as MS Excel, MS Access, ArcView GIS/ArcHydro Tool/3D Analyst, Google Earth.

Project Experience

Maple Canyon Watershed Master Plan, San Diego, CA. *City of San Diego Economic Development.* Project Engineer. Michael Baker prepared a comprehensive master plan for a portion of the Pueblo Canyon Watershed (area tributary to the existing 54-inch storm drain in Laurel Street, termed the Maple Canyon Watershed). The master plan included development of a geospatial dataset for the storm drain system and drainage characteristics for the Maple Canyon Watershed study area necessary to complete the hydrologic and hydraulic modeling, water quality modeling, and environmental mitigation analysis. A web mapping application was also developed to display the storm drain inventory and the results of the master plan study. The web map allows city staff to easily find and navigate the numerous recommendations to improve the system.

North Coast Highway 101 Streetscape, Encinitas, CA. *City of Encinitas.* Project Engineer. Michael Baker is providing engineering, traffic, and environmental services for the North Coast Highway 101 Streetscape Improvements Project. The project includes multi-modal functions involving road diet measures, such as lane restriping of "sharrows" in the north- and south-bound lanes; five traffic calming roundabouts; a traffic signal; and street beautification measures for 2.5 miles of old Highway 101 in Leucadia. The goal is to increase walkability along the project corridor through expanded sidewalks, decreased vehicle lane widths, and added/enhanced pedestrian facilities and provide more efficient (reverse angle) on-street parking to eliminate sight-distance problems for side-street traffic and vehicular conflicts with bicyclists. Beautification elements include community-gathering and passive recreational opportunities through enhancement of public open spaces, landscaping and multi-modal trails.

Strategic Drainage Master Plan, Phase 2, San Diego, CA. *San Diego County Regional Airport Authority.* Civil Engineer. Responsible for project support. Michael Baker provided a comprehensive airport-wide Strategic Master Drainage Plan, a strategic long-term stormwater vision based on the approved Airport Development Plan (ADP). Michael Baker's work efforts helped to prioritize stormwater infrastructure improvement activities and funding for phasing stormwater infrastructure improvements to meet development needs through 2035, while addressing flood risks and water quality objectives.

La Entrada Drainage and Hydrology Studies, Coachella, CA. Civil Engineer. Responsibilities included research, coordination, analysis, and preparation and development of the Storm Water Data Report (SWDR). The project site includes seven regional conveyances and coalescing alluvial fans tributary to the Eastside Dike along the Coachella Canal. Michael Baker completed regional hydrology studies for the 50.6 square mile watershed, and 1- and 2-dimensional flood routing analyses to support the technical studies

Kevin Evarts, P.E.
Continued

and identified the recommended improvements and project mitigation measures for the project site development. Michael Baker identified a whole fan flood hazard management program and developed the alignment and conceptual design for seven regional channels through the site.

On-Call NPDES Support Services, Riverside County, CA. *Riverside County Flood Control Water Conservation.* Engineer. Responsibilities included water quality. Michael Baker provided professional assistance with on-call National Pollutant Discharge Elimination System (NPDES) support services encompassing municipal separate storm sewer system (MS4) program support for the Santa Margarita River watershed, total maximum daily load (TMDL)/basin planning support, and other tasks as assigned. Michael Baker developed hydromodification susceptibility mapping, a regional geodatabase, and the Santa Margarita Santa Ana Region Hydromodification Management Plans (HMP) and assisted in the development of water quality management plan (WQMP) and HMP training. Additional services included negotiations with the San Diego Regional Water Quality Control Board; development of strategies to support permittee positions and goals for the MS4 permit; research and literature reviews; reviews and analysis of draft permits; development of draft permit language and comment letters; and preparation of testimony and participation in Regional Board meetings, workshops, and hearings. Michael Baker engaged in an eight-month process of assisting with weekly meetings with board staff for negotiations of the permit.

Escondido Creeks Study, Escondido, CA. *City of Escondido.* Project Engineer. Responsible for creating watershed exhibits. Michael Baker staff analyzed the Escondido Creeks Watershed, including the Spruce Street Channel, to develop a list of alternative compliance candidate sites which would mitigate hydromodification impacts and increased stormwater volume from specific future development areas.

Richard D. Hendrickson, GISP

GIS Manager

Mr. Hendrickson specializes in GIS Web Programming and Project Management. He has experience working with and managing Geographic Information Systems (GIS) projects for the utility industry, municipalities, and governmental agencies. He has designed and developed web-based interactive project viewers. Mr. Hendrickson has experience in creating and representing data for online interactive maps utilizing ArcSDE and ArcGIS server software. Mr. Hendrickson has a wide range of experience utilizing various systems including AutoCAD, ArcGIS, ArcInfo, and Oracle, SQL Server, SDE, Silverlight and other web technologies.

Role: GIS/Mapping

Years of Experience: 22
Years at Michael Baker: 21

Certification
Certified GIS Professional, 2007, 52598

Education
B.A., 1998, Environmental Studies, University of California, Santa Barbara

Michael Baker
INTERNATIONAL

Project Experience

Los Peñasquitos Watershed Master Plan, San Diego, CA. *City of San Diego.* GIT Analyst. Responsible for development of a GIS-based storm drain inventory. Michael Baker developed a master plan for the City of San Diego's jurisdiction area of the Los Peñasquitos watershed. The master plan's primary goal was to identify and prioritize capital improvement plans required to meet the desired level of service requirements for flood control, water quality, habitat, and water conservation for this watershed. The project was integrated with the water quality modeling and lagoon modeling. The project identified stream rehabilitation, lagoon restoration and habitat mitigation opportunities.

Maple Canyon Watershed Master Plan, San Diego, CA. *City of San Diego.* GIT Analyst. Responsible for development of a GIS-based storm drain inventory. Michael Baker prepared a comprehensive master plan for a portion of the Pueblo Canyon Watershed (area tributary to the existing 54-inch storm drain in Laurel Street, termed the Maple Canyon Watershed). The master plan included development of a geospatial dataset for the storm drain system and drainage characteristics for the Maple Canyon Watershed study area necessary to complete the hydrologic and hydraulic modeling, water quality modeling, and environmental mitigation analysis. A web mapping application was also developed to display the storm drain inventory and the results of the master plan study. The web map allows city staff to easily find and navigate the numerous recommendations to improve the system.

Drainage Facilities Master Plan Updates SDA 2 and SDA 9, San Diego, CA. GIT Associate. Responsible for GIS technology. Michael Baker developed two comprehensive updates to the Drainage Facilities Master Plan (DFMP) for the County of San Diego; Special Drainage Areas (SDA) 2 and 9.

Storm Drainage Master Plan, Buena Park, CA. GIT Analyst. Responsible for GIS technology. Michael Baker provided engineering services to prepare a citywide drainage master plan. Michael Baker's services included field investigations, video surveys, storm drain mapping, hydrodynamic modeling, regulatory compliance analysis, BMP retrofit recommendations, geodatabase update, and master plan report preparation.

El Cajon Sewer Master Plan, El Cajon, CA. Lead GIS Programmer. Responsible for developing a web-based interactive project viewer. The project involves the inspection of over 100 miles of sewer pipe, assessing the condition and then developing recommendations and budgets for repair. The web-based project viewer is used daily to communicate project status and information between the City and Michael Baker. The survey status is regularly updated and allows staff to see where the crews are working at any

Richard D. Hendrickson, GISP
Continued

given time. The web map also displays vital statistics about the pipes and streams the inspection videos over the web. As the project moves forward, the site will serve as a tool where staff can look up pipe repair recommendations and estimated budgets.

County Drainage Facility Master Plan, San Diego County, CA. GIS Analyst. Responsible for this complex drainage master plan project, which involved hydrologically modeling hundreds of acres of county land. GIS was used to delineate water basins, flow paths, and nodes. Mr. Hendrickson was responsible for the management of all GIS work on this project as well as development of a customized GIS model viewer as a final deliverable for the client. The custom viewer allows the client to navigate the results of the model within ArcGIS with a user-friendly intuitive interface. A series of maps were also generated to display the results in a map book and the custom GIS viewer serves as an index to the hardcopy maps.

Watershed Protection Program - Stormwater Standards Manual Update, San Diego County, CA. GIT Analyst. Responsible for GIS technology. Michael Baker provided an update to the County of San Diego Stormwater Standards Manual. The revisions included general consistency updates with the County Watershed Protection Ordinance and County SUSMP, development of a new municipal activities section, and development of a new residential section.

Calavera Creek Restoration Project, Oceanside, CA. GIT Analyst. Responsible for GIS technology. Michael Baker prepared the Delineation of Jurisdictional Waters, assisted with the creation of restoration design concepts, and is currently processing resource agency permits from the Army Corps of Engineers (Section 404 Nationwide Permit), California Department of Fish and Wildlife (1602 Streambed Alteration Agreement) and the Regional Water Quality Control Board (Section 401 Water Quality Certification) for the Calavera Creek Restoration Project, located in Oceanside, San Diego County.

Watershed Protection Program - Municipal Separate Storm Sewer System (MS4) Inspections, San Diego County, CA. GIT Analyst. Responsible for GIS technology. Michael Baker worked with the County of San Diego to meet MS4 reporting requirements set forth by the Regional Water Quality Control Board NPDES Permit R9-2007-0001. Prior to field inspections, numerous sets of plans were reviewed for applicability, completeness, and conflicts. Field activities included physical inspection and assessment of more than 1,400 MS4 facilities throughout the county, a portion of which are located within the Carlsbad Hydrologic Unit (904.00), and documentation of the surrounding tributary drainage area of each facility and maintenance in the form of trash collection and debris removal. Recommendations were provided to the county involving operational procedures.

N**aval Base San Diego "Wet Side" Storm Drain Condition Assessment, San Diego, CA.** *NAVFAC Southwest*. GIT Analyst. Responsible for GIS technology. Michael Baker provided Accord Engineering and NAVFAC Southwest with a comprehensive storm drain condition assessment of the "Wet Side" of Naval Base San Diego storm system. The project included inspection and engineering analysis of over six miles of storm drain and 400 structures (cleanouts, catch basins, headwalls, etc.).

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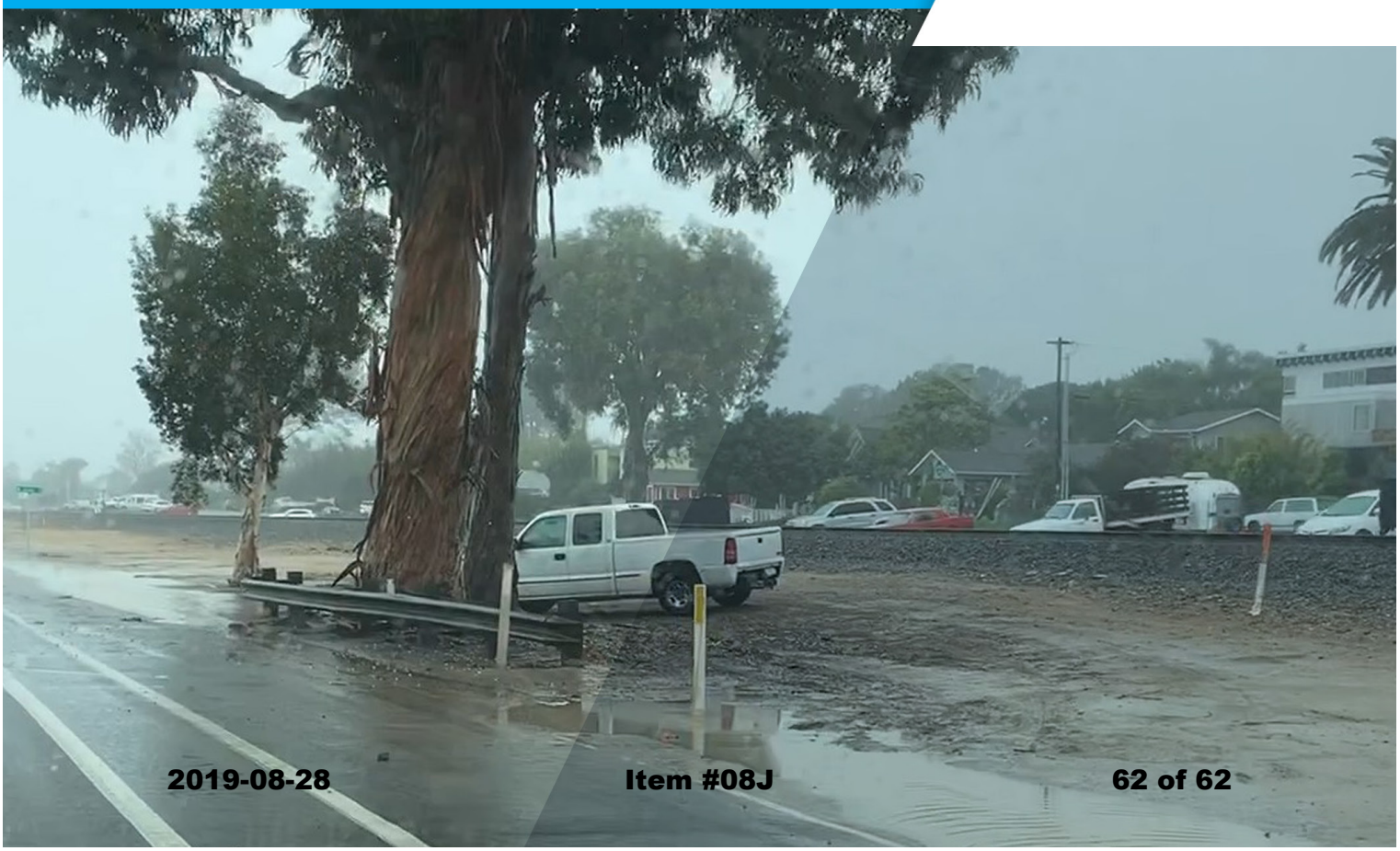
Foothill Ranch, CA 92610
949.259.6770



476 ## B.5 2020-01-22: Letter to Encinitas City Council

From: John J. Helly, Resident of Encinitas **For The Record**

477 **Subject:** Consent Calendar City Council Meeting 1/22/2020
Agenda Item 8O. Sump and Inlet Project (CD17A & CD05E)

At the 19-December-2019 City Council meeting I spoke about the silliness of the *Agenda Item 10B. Amendment to Leucadia Streetscape Project (CS04D) Contract with Michael Baker International to add up to* ***$676,000*** *to an existing multi-million dollar Streetscape project contract for design of a regional storm drain system being run by City Engineer Wimmer.*

So, imagine my surprise to discover, on this 22-January-2020 agenda, an item simply called: ***Sump and Inlet Project (CD17A & CD05E)***. I thought things would be exciting enough with just the homeless parking lot problem. It appears that the $179K cost for this project can be funded by the Leucadia Flooding Issues Project (CD17A) and the Storm Drain Repair Project (CD05E): $149K will come from Project CD17A and $30K will come from Project CD05E.

My curiosity about this matter led me to an agenda report from the 18-April, 2018 City Council meeting has the subject line: ***Notice of Completion for the Leucadia Flooding Issues Sump Areas Phase II (CD17A).*** According to that report, *...the construction contract authorization was $129K and the project construction cost is approximately $126K. Any balance from the construction contract funds will remain in the* ***Leucadia Flooding Issues Sump Locations Fund (CD17A)***. This was to construct nine storm water catch basin devices at locations determined by the Public Works Field Operations Division to collect the storm water runoff at existing sump locations. These catch basins do not connect to any existing storm drain lines and *instead they leak into the groundwater* through holes in them but require pumping out after storms with a truck.

That makes, 126 + 676 + 179 = $981K on studies and throw-away system components related to Leucadia flooding and Streetscape that are inadequate or redundant respectively or both jointly yet still insufficient to properly address the stormwater problem. And *Voila*, that $5M has already jumped to $6M and it's only been a month.

So, as you can imagine, this raises a few questions:

1. How much money is in the CD17A fund, where is that documented and what won't be getting done in those projects in order to fund this one?
2. Why are you continuing to spend money on something that was not even mentioned in the December meeting about Leucadia flooding especially when these sumps are not connected to anything and is not even part of the supposed $5M stormwater system begin planned for the additional $667K added to Michael Baker last month (or perhaps the consultant forgot to mention it)?
3. What is the relationship of this expenditure to the other stormwater-related contracts that are being authorized but not publicly discussed? For example, what is the new construction doing that appears to be opening a stormwater outfall to Batiquitos Lagoon on the east side of HWY101 at the La Cost intersection? Is this funded by CD17A

or by what other funds?

4. How much does it cost to pump out those sumps, what budget is it added to, and what happens to the water, where does it go?

B.6 2020-02-01: Letter to Laurie Walsh/San Diego Regional Water Quality Control Board

480

John J. Helly, PhD
405 Neptune Avenue
Encinitas, CA 92024

February 1, 2020

Ms. Laurie Walsh
San Diego Regional Water Quality Control Board
2375 Northside Drive, Suite 100
San Diego, CA 92108-2700

Dear Ms. Walsh:

Subject: *New Stormdrain Outfalls Into Batiquitos Lagoon Connected to Large New Storm Sewer Being Constructed*

I am writing to request a review of the current efforts of the City of Encinitas to implement major modifications to its stormwater system by installing four new storm sewer outfalls into Batiquitos Lagoon and a large diameter storm sewer pipe (60 inch diameter) along Highway 101 through Leucadia which will drain through these outfalls into Batiquitos Lagoon. The contaminated stormwater poses a new source of pollution that likely exceed the sufficiency of BMP controls and probably require the development of TMDL protections.

These modifications will newly deliver large volumes of untreated stormwater through the outfalls presenting a new source of pollution to Batiquitos Lagoon that will mix with tidal flows, percolate into groundwater and accumulate toxins in the flora and fauna of the region as well as polluting the coastal ocean directly as well as through tidal exchange within the Lagoon and open ocean.

I have attached a *working draft* of a monograph I am working on related to stormwater production in the face of climate change detailing the modifications the City is implementing. I am concerned that what is going on here is contravening the regulatory framework created to protect the California coast. The City of Encinitas is making these changes to their existing stormwater management infrastructure to enable the development of their Streetscape project but hiding the initial modifications under other construc-

tion efforts.

481 Through correspondence with the City Engineer, Mr. Ed Wimmer, and presentations by me at City Council meetings, I have repeatedly asked for explanations of the City's behavior and have only received information through Public Records Act requests. These deceptions appear to be intended to flaunt MS4 leniency, bypass CEQA, the Coastal Development Permit and Local Coastal Plan strictures under the pretense that each construction step is a minor modification to an existing infrastructure when, in fact, it is part of a coherent plan to bypass regulatory oversight of a flawed design that will significantly damage the coastal zone.

Sincerely,

Dr. John J. Helly

B.7 2020-02-01: Letter to California Coastal Commission, C. Hitchens

483

John J. Helly, PhD
405 Neptune Avenue
Encinitas, CA 92024

February 1, 2020

Mr. Cort Hitchens
California Coastal Commission
7575 Metropolitan Drive #103
San Diego, CA 92108

Dear Mr. Hitchens:

Subject: *New Stormdrain Outfalls Into Batiquitos Lagoon Connected to Large New Storm Sewer Being Constructed In Violation of CEQA, the Streetscape Coastal Development Permit and the City of Encinitas Local Coastal Plan*

I am writing to request a review of the current efforts of the City of Encinitas to implement major modifications to its stormwater system by installing four new storm sewer outfalls into Batiquitos Lagoon and a large diameter storm sewer pipe (60 inch diameter) along Highway 101 through Leucadia which will drain through these outfalls into Batiquitos Lagoon.

These modifications will newly deliver large volumes of untreated stormwater through the outfalls presenting a new source of pollution to Batiquitos Lagoon that will mix with tidal flows, percolate into groundwater and accumulate toxins in the flora and fauna of the region as well as polluting the coastal ocean directly as well as through tidal exchange within the Lagoon and open ocean.

I have attached a *working draft* of a monograph I am working on related to stormwater production in the face of climate change detailing the modifications the City is implementing. I am concerned that what is going on here is contravening the regulatory framework created to protect the California coast. The City of Encinitas is making these changes to their existing stormwater management infrastructure to enable the development of their Streetscape project but hiding the initial modifications under other construction efforts.

Through correspondence with the City Engineer, Mr. Ed Wimmer, and pre-
484 sentations by me at City Council meetings, I have repeatedly asked for explanations of the City's behavior and have only received information through Public Records Act requests. These deceptions appear to be intended to bypass CEQA, the Coastal Development Permit and Local Coastal Plan strictures under the pretense that each construction step is a minor modification to an existing infrastructure when, in fact, it is part of a coherent plan to bypass regulatory oversight of a flawed design that will significantly damage the coastal zone.

Sincerely,

Dr. John J. Helly

B.8 2020-02-18: SDRWQCB: Laurie Walsh Response

Subject: RE: New stormdrain construction into Batiquitos Lagoon at La Costa Avenue and HWY101
From: "Walsh, Laurie@Waterboards" <Laurie.Walsh@waterboards.ca.gov>
480 **Date:** 2/18/20, 17:31
To: John Helly <stonesteps@cox.net>, "Hitchens, Cort@Coastal" <cort.hitchens@coastal.ca.gov>

Mr. Helly,

In an effort to get you a brief response before I am out of the office for the majority of the rest of the week. Please see my responses to your questions below.

1. I had erroneously assumed that the COE was doing this work somehow. Since the COE is not doing this work, by what authority is the contractor putting a new storm drain into Batiquitos Lagoon? After consultation with Eric Becker, Senior Engineer with the Wetland Restoration and Protection Unit, the waters where the new storm drain pipe is being installed to discharge into Batiquitos Lagoon, is not occurring in jurisdictional waters. The ACOE has not deemed the waters federal jurisdictional waters, therefore the project does not need to get a section 404 permit and therefore our agency will not be issuing a 401 water quality certification. Therefore, the work to install the storm drain pipe.
2. Can a private contractor unilaterally put a storm drain into a coastal water body? I would expect installation of the storm drain to be a condition imposed on the Beach Resort Project by the City of Encinitas. I have requested my staff to review the Storm Water Pollution Prevention Plan for the Beach Resort construction project permitted under the Statewide Construction Storm Water Permit to assure that best management practices are identified and implemented during construction and installation of the pipe.
3. Does the MS4 permit cover such work by a private contractor? The Regional MS4 Permit requires the City of Encinitas to condition the Beach Resort project under the priority land development requirements to control pollutants and flow from the finished developed land. Also, the Regional MS4 Permit requires the City of Encinitas to control pollutant during the construction of the Beach Resort project by requiring implementation of best management practices as part of their jurisdictional runoff management program. The Beach Resort project is also covered under the Statewide General Construction Storm Water Permit overseen by my staff at the San Diego Water Board.

Once my staff engineer reviews the construction SWPPP on the Beach Resort to check for inclusion of the work to install the storm drain, I will get back to you. Again, thank you for your patience.

Laurie Walsh, PE
Senior Water Resource Control Engineer | Storm Water Management
San Diego Water Board | 2375 Northside Drive, Suite 100 | San Diego, CA 92108
P: (619) 521-3373

487 **From:** John Helly <stonesteps@cox.net>
Sent: Wednesday, February 12, 2020 12:12 PM
To: Walsh, Laurie@Waterboards <Laurie.Walsh@waterboards.ca.gov>; Hitchens, Cort@Coastal <cort.hitchens@coastal.ca.gov>
Cc: stonesteps@cox.net
Subject: New stormdrain construction into Batiquitos Lagoon at La Costa Avenue and HWY101

EXTERNAL:

Aloha Laurie and Cort.

The City of Encinitas (COE) gave this reply to my PRA request for info on the La Costa/HWY101 storm drain modifications that I described in my earlier complaint. This reply raises further questions about the legitimacy of the storm drain modifications.

1. I had erroneously assumed that the COE was doing this work somehow. Since the COE is not doing this work, by what authority is the contractor putting a new storm drain into Batiquitos Lagoon?
2. Can a private contractor unilaterally put a storm drain into a coastal water body?
3. Does the MS4 permit cover such work by a private contractor?

Thank you for your attention to this matter.

J. Helly

-------- Forwarded Message --------
Subject:FW: Department Notification: Public Records Request W002231-013120
Date: Tue, 11 Feb 2020 23:57:10 +0000
From: Claudia Bingham <CBingham@encinitasca.gov>
To: John Helly <stonesteps@cox.net>
CC: Claudia Bingham <CBingham@encinitasca.gov>

John:

Your request bounced back so I am sending it again as an email this time.

Mr. Helly:

According to our Engineering Department, the City is not funding the project or the improvements so we do not have a contract for the work. It is all being paid for as part of the Encinitas Beach Resort as a condition of the project. We have provided a copy of the improvement plan. Also the City is not widening Coast Hwy 101 in the vicinity or La Costa Avenue and we do not have a contract with Hale Engineering.

Claudia Bingham
Deputy City Clerk

488

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

B.9 2020-10-20: Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit

20 October 2020

491

Encinitas, California 92024

Mr. Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370
Email: Cort.Hitchens@coastal.ca.gov

Subject: *Objection to the Extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit*

Dear Mr. Hitchens:

I am writing to object to any extension of CDP-#A-6-ENC-18-0019 (Leucadia Streetscape) Coastal Development Permit granted by the California Coastal Commission on October 11, 2018. There are three separate reasons that I object as detailed below. However, when considered jointly, these reasons interact to demonstrate a complete disregard by the City of Encinitas for the health and safety of the coast in both natural resources and the human community inhabiting it.

The City Council's actions fly in the face of the will of the community and proceed in fits and starts either out of incompetence or the intention to obscure a strategy that bypasses regulatory oversight through a series of incremental exceptions each of which claims to be innocuous yet that are cumulatively in violation of the principles of open government and environmental protection. I will provide a summary of that perspective after the individual reasons are enumerated below. It is difficult to come up with other explanations since most of this apparent deception pre-dates the COVID-19 effects on economic activity.

1 Streetscape EIR Documents Plan to Divert Stormwater into Groundwater

Streetscape is located directly in a flood zone that floods regularly as shown in Figures 1, 2, and 3. The hydrology section of the Streetscape EIR documents, as part of the basis for the original CDP, the construction of stormwater retention areas within parking areas alongside the railroad to facilitate the dispersion of stormwater into groundwater. This groundwater flows to the ocean bluffs (Figure 4) where it contributes to both upper and lower bluff erosion and failures (Figures 5, 6). Some of these failures have killed people (Coast News 2014,Coast News 2020, Newsbreak).

This stormwater is likely to be similar to the polluted runoff that flows to Cottonwood Creek (Figure 7). For example, from the City of Encinitas's Jurisdictional Runoff Management Program (January 2017) we already know that *... Cottonwood Creek is 303(d) listed*

for DDT, selenium, and sediment toxicity stressors. Further, the Pacific Ocean at Moonlight
492 *Beach, where Cottonwood Creek meets the ocean, is listed as a 303(d) impaired water body for total coliform bacteria. Encinitas Creek drains the north-central portion of the city and drains into Batiquitos Lagoon, which is designated a Critical Coastal Area in the State of California 2002 Critical Coastal Areas Strategic Plan. Encinitas Creek is 303(d) listed for selenium and toxicity. Escondido Creek, 303(d) listed for DDT, enterococcus, fecal coliform, manganese, selenium, sulfates, total dissolved solids, total nitrogen, phosphate, and toxicity, drains the southern and northwest (Olivenhain) portion of the city and drains into the San Elijo Lagoon. San Elijo Lagoon is a 303(d) impaired water body listed for sediment/siltation, indicator bacteria, and eutrophic condition.*

Furthermore, the United States Supreme Court has found that the United States Environmental Protection Agency Clean Water Act requirements cannot be bypassed merely by passing pollutants through groundwater, as was recently argued by the County of Maui and the Trump administration: *...The justices in a 6-3 opinion ruled that polluters must get permits for indirect water contamination that's the "functional equivalent" of a direct discharge into federal waterways.* (Bloomberg News, 2020-04). This decision bears directly on the mis-management of stormwater in Encinitas generally and Leucadia specifically.

2 City of Encinitas Plans to Intentionally Divert Contaminated, Untreated Stormwater into Groundwater Leading to Pacific Ocean and Stormsewer Dumping into Batiquitos Lagoon as Part of the Streetscape Design

The City is planning to (1) build Streetscape which will not only increase impervious surface runoff but also intentionally (i.e., by design) divert, one might say inject, contaminated stormwater into groundwater that flows to the navigable waters of the Pacific Ocean; (2) build additional untreated outfall capacity into Batiquitos Lagoon to accommodate a 60-inch stormsewer that they are explicitly expediting to enable Streetscape to proceed as per public testimony in City Council meetings (Figures 2, 8); (3) build a railroad underpass at El Portal Street with the plan to pump it out when it floods in a manner similar to what is being done currently in other parts of Leucadia (Figure 9) without regard to any comprehensive and already overdue Leucadia Stormwater Master Plan. Some of the monies allocated to Streetscape are already being spent to develop this plan and the City has withheld the details from the public despite repeated entreaties to reveal the plans.

3 City of Encinitas Has Repeatedly Failed to Develop and Publicly Review A Stormwater Management Plan

During 2011-2012, the San Diego County Grand Jury recommended that the City Council of Encinitas take the actions to (1) develop an immediate plan to solve Leucadia's storm water flooding, (2) include storm water flow through the bluff at Leucadia Roadside Park as part of an overall storm drain fix, and (3) explore storm drain capital improvement tax funding for Leucadia via formation of a Special Assessment District.

At the time, a current city council member, Tony Kranz, ran for City Council on fixing drainage. In a city council meeting, Kranz requested that the San Diego Grand Jury finding

against Encinitas's handling of Leucadia storm drains be addressed and the public should be involved in the Encinitas response to the Grand Jury (Encinitas City Council Meeting, June 20, 2012). The grand jury findings and recommendations were ignored.

The current mayor and city council continue an erratic and difficult-to-understand pattern of behavior especially given Kranz's prior recognition of the problem. Consider the following:

1. North County Transit District indicated in a City Council meeting that it would not provide the permissions necessary for Streetscape to proceed unless the City of Encinitas (COE) did something about the flooding problems along the railroad tracks which threatened the ballast and the integrity of the right-of-way.

2. The COE contracted a company, Q3, to generate an engineering proposal based on stormwater modeling. The modeling was not fully revealed even through a public records act request and the COE insisted that Q3 provide early result to support Streetscape plan by Dec, 2019. It is questionable that any analysis was actually done as described in the Scope of Work of the contract.

3. There was no deliverable product but Q3 nonetheless provided an early recommendation, based on nothing publicly revealed, of a 60 inch stormsewer pipe to be installed to dump into Batiquitos Lagoon. When directly challenged about the assumptions used to come up with this recommendation and what the impacts would be on the Lagoon and the relevant MS4 permit requirements, the Q3 representative responded that most of a 1-year storm would never make it to the Lagoon but disperse in the soil '...just like it has always been done' (paraphrased but the testimony is in the video record of the COE council meetings).

4. The historical rainfall for Leucadia, Figure 3, can be seen to be more complicated and important to consider in any rational design process and not done in some slap-dash fashion to satisfy the whims of a pet project of the current council and mayor.

5. The COE made non-public changes to the stormsewer outfall in Batiquitos Lagoon under the cover of the Ponto hotel development (Figure 8). This work was interrupted by the RWQCB for failure to adhere to construction BMPs. The current outfall (Figure 11) may already be in violation of the Army Corps of Engineers criteria for navigable waters given the tidal flushing of the outfall stream.

6. Q3 was supposed to deliver a full report in August, 2020. That report has been deferred to Winter 2021 in a recent council meeting while the COE rushes forward the un-warranted development of the Streetscape project.

7. Streetscape 70% design was released with only a placeholder for the stormwater plans despite the early recommendation of a 60 inch stormsewer dumping into Batiquitos Lagoon.

The COE has now rolled all this into a contract with Michael Baker Company to proceed to develop Streetscape with incomplete plans, no publicly reviewable stormwater plan and every possible attempt to bypass regulatory oversight for a serious problem that even the

Grand Jury could see 10 years ago. They are proceeding with the Phase I of an unreviewed,
494 half-baked plan for a project that sacrifices the public interest for private gain and, unless you act to refuse this extension, with the explicit approval of the California Coastal Commision.

I respectfully request that you reject the request for an extension and, further, require that the City of Encinitas produce a publicly reviewed, CEQA-compliant stormwater plan and implement it before proceeding with the Streetscape project.

Respectfully and sincerely,

John J. Helly, PhD

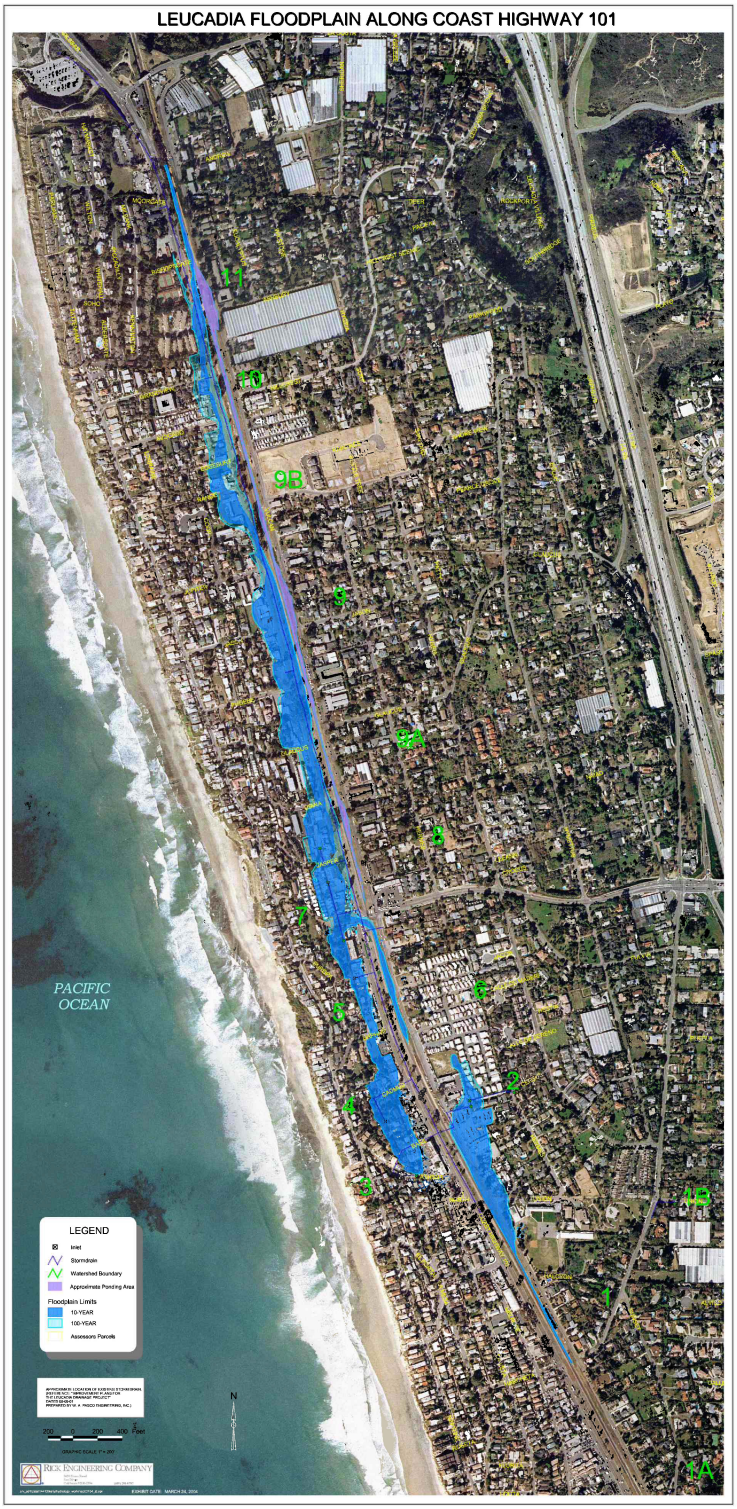


Figure 1: Leucadia Floodplain Map. Representative flood extent depicted here to display to approximate domain of typical flooding.

496

Figure 2: Typical flooding in Leucadia in frequently occurring, non-100 year storms.

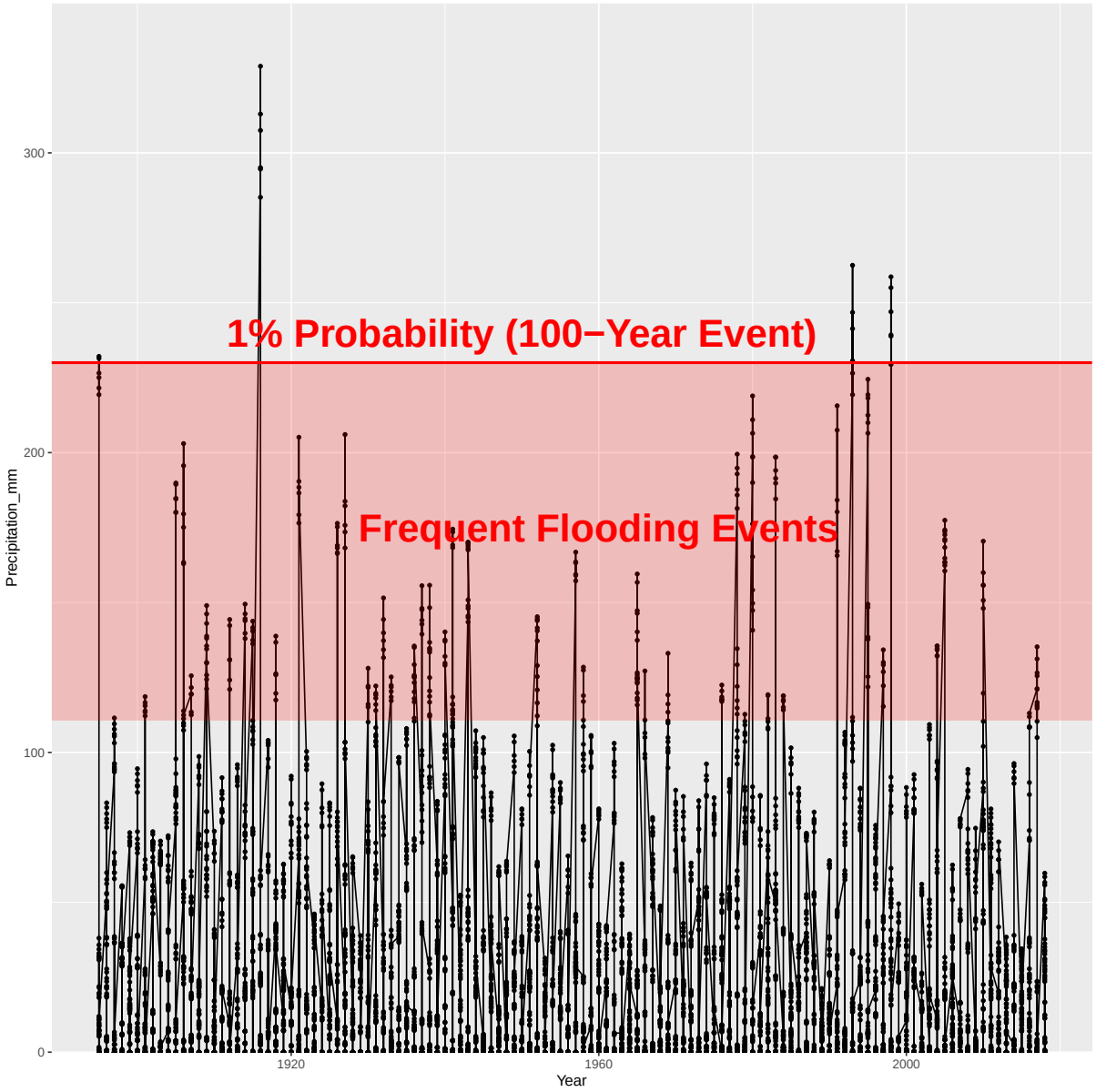


Figure 3: History of precipitation in Leucadia. These data indicate a much higher frequency of flooding events than reportedly being addressed by the City of Encinitas's contractors.

Figure 4: Groundwater flowing onto the beach south of Beacons Beach.

Figure 5: Upper bluff failure example A.

500

Figure 6: Upper bluff failure example B.

Figure 7: Cottonwood Creek stormwater discharge onto and across Moonlight Beach, Encinitas.

502

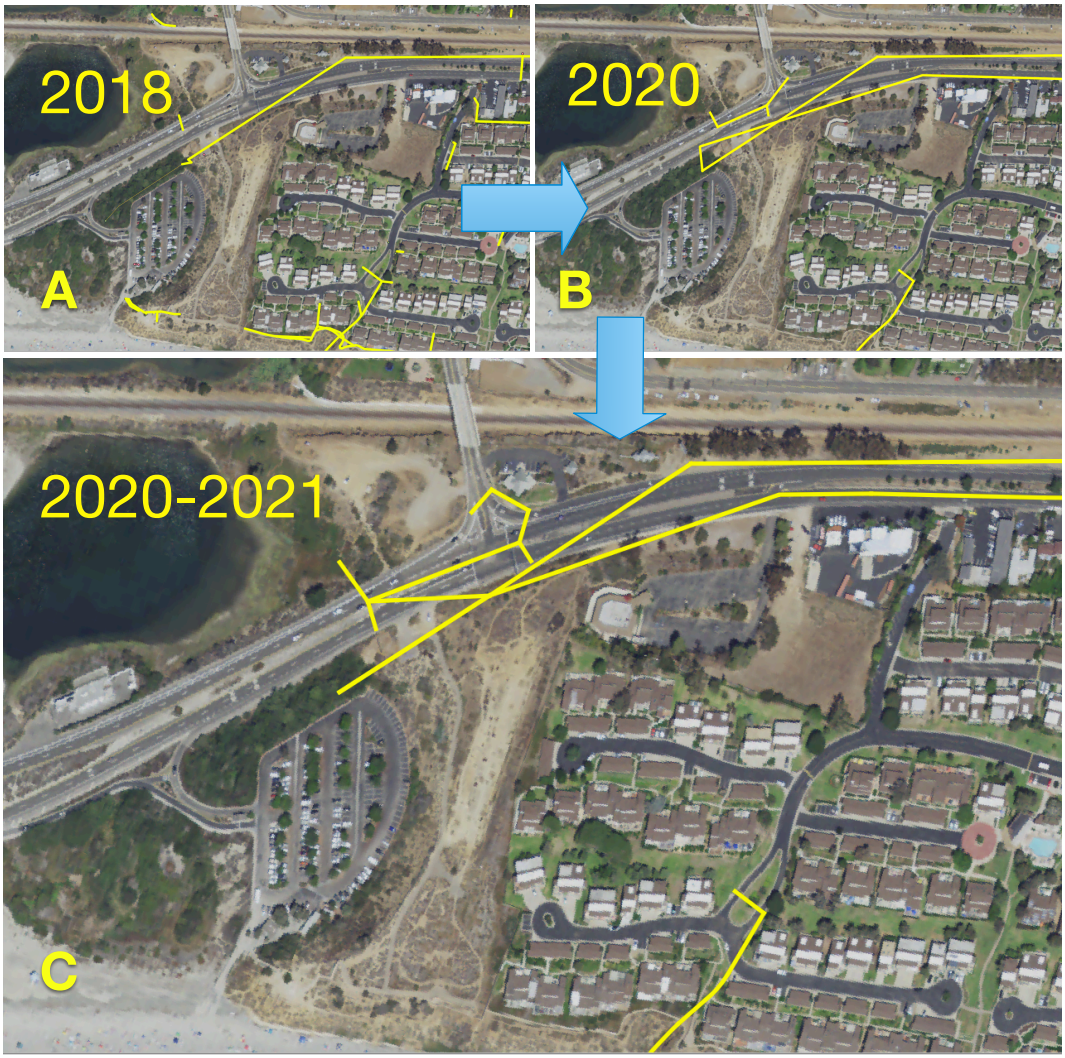


Figure 8: Modifications being made to the Batiquitos Lagoon stormwater dumping to integrate a 60-inch stormwater pipe using a design that has not yet been publicly revealed or reviewed. Yellow lines indicate new construction plans based on data from the City of Encinitas.

503

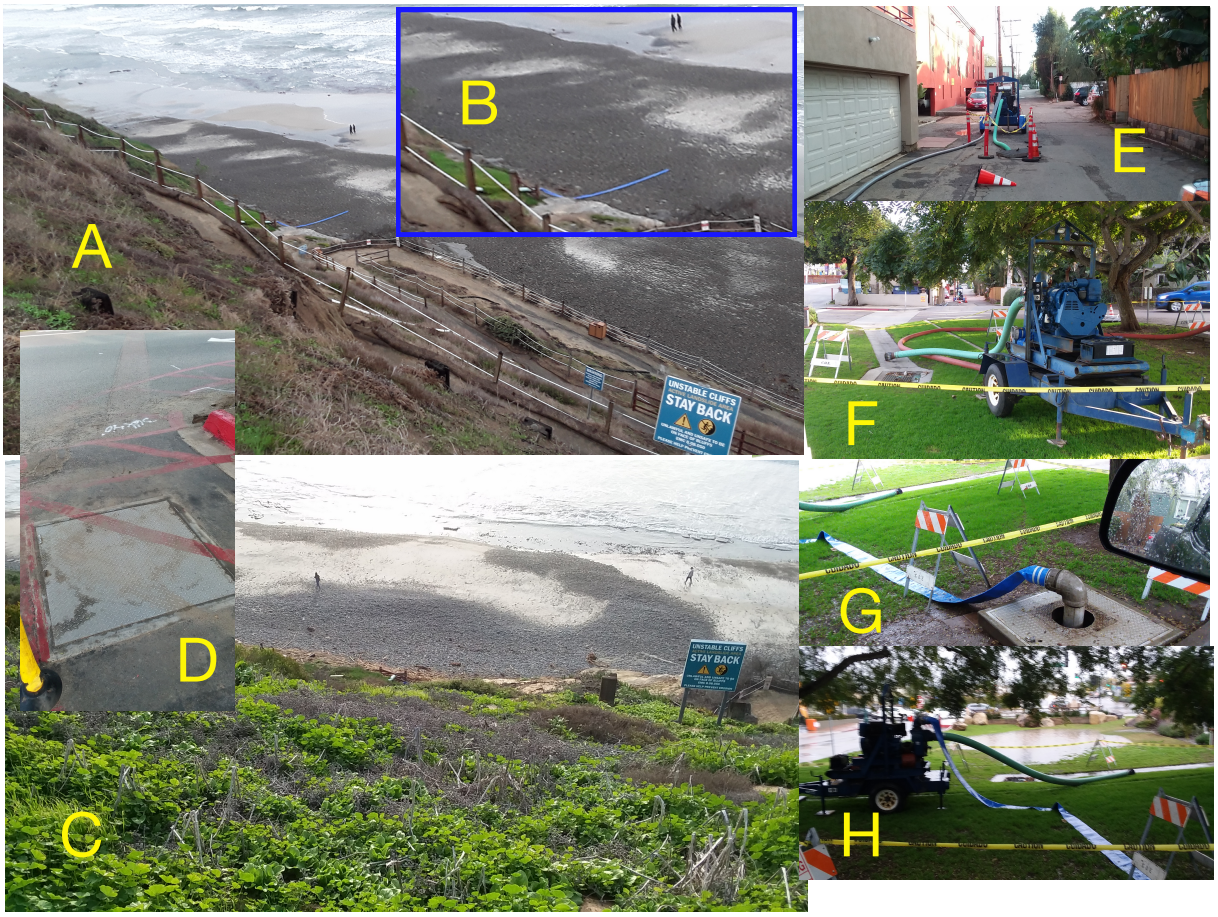


Figure 9: Current pumping approach of moving stormwater onto beach at Beacons Beach.

504

Figure 10: Modifications to the stormwater discharge related to activate previously dormant outfall to Batiquitos Lagoon as part of long-term strategy to bypass regulation for the integration of the 60-inch stormsewer as part of Streetscape (as indicated in Figure 8.

505

Figure 11: Existing outfall into Batiquitos Lagoon.

506 ## B.10 2020-12-23: Wimmer Email Delaying Reporting of Design Results

Subject: Re: Aloha. Wnat's the schedule for releasing the Leucadia Stormwater Master Plan
From: John Helly <stonesteps@cox.net>
Date: 12/23/20, 15:02
To: Ed Wimmer <Ewimmer@encinitasca.gov>
CC: stonesteps@cox.net, Sheila Cameron <sheilaleucadia@gmail.com>, "hellyj@ucsd.edu" <hellyj@ucsd.edu>

Thanks, Ed.

Happy holidays to you as well. Imaging a Vermont xmas.

J.

On 12/23/20 14:15, Ed Wimmer wrote:

> Hi John,
>
> Q3 is planning to submit the draft final to the City by the end of January.
>
> After a City staff review/revision period, it will go to City Manager for scheduling for Counc
> /public review and comment.
>
> Happy holidays!
>
> Ed Wimmer, P.E.
> City Engineer
> Development Services Department
> 505 S. Vulcan Ave, Encinitas, CA 92024-3633
> 760.633.2763|Fax: 760.633.2818|TDD:760.633.2700 ewimmer@encinitasca.gov
> www.encinitasca.gov
>
> In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency an
> /Home/City-News/ArticleID/216.
>
>
> -----Original Message-----
> From: John Helly <stonesteps@cox.net>
> Sent: Wednesday, December 16, 2020 12:18 PM
> To: Ed Wimmer <Ewimmer@encinitasca.gov>
> Cc: Sheila Cameron <sheilaleucadia@gmail.com>; hellyj@ucsd.edu
> Subject: Aloha. Wnat's the schedule for releasing the Leucadia Stormwater Master Plan
>
> [NOTICE: Caution: External Email]
>
> Aloha Ed.
>
> Do you have a schedule for releasing the Leucadia Stormwater Master Plan (or whatever it's cal
>
> Mahalo.
> J.
>
> --
> --
> John J. Helly / 760.840.8660 mobile
>
>
> _____

> This message contains confidential information and is intended only for the individual(s) addre

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508----------

John J. Helly / 760.840.8660 mobile

509 ## B.11 2021-01-20: California Coastal Commission: C. Hitchens PRA Request and CDP Sta-
510 tus

Subject: RE: Leucadia Stormwater Management Plan and Streetscape Project
From: "Hitchens, Cort@Coastal" <cort.hitchens@coastal.ca.gov>
Date: 1/20/21, 11:04
To: John Helly <stonesteps@cox.net>
CC: Susan Turney <susankturney@gmail.com>, Sheila Cameron <sheilaleucadia@gmail.com>, "biss >> Leah Bissonette" <lebissonette@cox.net>

Hello John,

It is my understanding that your below email and request are in regard to the City of Encinitas 'North Coast Highway 101 Drainage Improvement Project' that proposes new stormwater pipeline infrastructure within the Streetscape project footprint.

City staff brought this project to Commission staff during a regularly-scheduled teleconference meeting on December 2, 2020. On this call, the City requested a determination by the Commission on whether they should proceed with the proposed 'North Coast Highway 101 Drainage Improvement Project' as an amendment to the Streetscape project, or to process the 'North Coast Highway 101 Drainage Improvement Project' as a new CDP. The City also asked about how to process modifications to the Streetscape project to include new stormwater facilities to support the proposed stormwater pipeline infrastructure.

On December 16, the Commission determined that the City should process this 'North Coast Highway 101 Drainage Improvement Project' as a new CDP (that would be appealable to the CCC as a major public works project), not as an amendment to the Streetscape project and not through substantial conformance with the Streetscape project. Commission staff did not think it was appropriate for the City to submit the 'North Coast Highway 101 Drainage Improvement Project' as an amendment to the Streetscape project because it is really a separate project from Streetscape, largely intended to convey stormwater rather than contribute to public access and transportation. However, Commission staff also let the City know that modifying the Streetscape project to include new stormwater treatment facilities to support the new pipe may need to be processed as an amendment to the Streetscape permit, rather than be included in the new Big Water project, but that CCC staff would need to see the proposed modifications before that determination could be made.

At this time, CCC staff understands that the City is pursuing the ‘'North Coast Highway 101 Drainage Improvement Project' as a separate, appealable CDP. Additionally, CCC staff has not yet seen information on the modifications that may be able to be included as an amendment to the Streetscape permit.

I will work with staff to compile your Public Records Act Request for all review materials and correspondence regarding this since 20-October-2020.

Let me know if you have any questions. Thank you,

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

-----Original Message-----
From: John Helly <stonesteps@cox.net>
Sent: Tuesday, January 19, 2021 7:48 PM
To: Hitchens, Cort@Coastal <cort.hitchens@coastal.ca.gov>
Cc: stonesteps@cox.net; Susan Turney <susankturney@gmail.com>; Sheila Cameron <sheilaleucadia@gmail.com>; biss >> Leah Bissonette <lebissonette@cox.net>

Subject: Leucadia Stormwater Management Plan and Streetscape Project

Aloha Cort.

I just learned in a public meeting that the City of Encinitas, through Michael Baker perhaps, are in discussions with the CCC regarding the coastal development permit modifications for Streetscape. There has not been a public review of these materials and this seems irregular. 5-12

Please consider this to be a Public Records Act Request for all reveiw materials and correspondence regarding this since 20-October-2020 when a design document was delivered to the City.

I will try to reach you by phone but that doesn't seem to work these days.

Mahalo.
John Helly.

--
John J. Helly / 760.840.8660 mobile

Appendix C Public Meeting (2021-01-19) Transcript from City Versus Audio Transcript

C.1 City of Encinitas Formally Approved Transcipt

1. Q1) What do you mean no changes to the pipe outfalls? A1) There is no construction at the outfalls
2. Q2) How many pipes flow into the junction box and their diameters? A2) 1 pipe that's 66".
3. Q3) Any other inlets into the junction box? A3) No, just our pipe into the junction box – there are inlet points along the 1.5 mile mainline?
4. Q4) Expected contaminant load in the stormwater? A4) This project adds BMPS on the 101 where none currently exist. It will be an improvement.
5. Q5) How much leaking around the new pipes? A5) These pipes are brand new, do not expect leaking.
6. Q6) Where does Vulcan drain? A6) This meeting is specific to the 101 drainage project. There are other projects that are looking at other aspects of Leucadia drainage.
7. Q7) What are the ramifications of this system on flooding along Vulcan? A7) This meeting is specific to the 101 drainage project. There are other projects that are looking at other aspects of Leucadia drainage.
8. Q8) Didn't we just put in a new junction box? A8) No, not here. We are currently preparing to put in a new system south of here from El Portal to A St as part of Leucadia Streetscape Phase 1.
9. Q9) What are the dates for full completion? A9) It depends on when City Council approves funding for the next phase. If it's approved with Streetscape Phase 2, it could start as early as July 2021. A next phase project could take 18 to 24 months.
10. Q10) Didn't we just put in a new pipes here? A10) The hotel project at the 101 and La Costa did do some work to accommodate the hotel site.
11. Q11) How we will address flooding now, before this project is complete? A11) No changes from the status quo. We will rely on our Public Works team to help manage flooding.
12. Q12) Where are the analysis studies that support this project? A12) The City has them, they're public record and can be shared. You can email us to receive a copy and we will post them on our website.
13. Q13) Where are the dispersion areas? A13) They are spread throughout the project area – there are many over the 1.5 mile system length.
14. Q14) Volume between 24" and 66" is 75 times greater. How long will it take to drain that larger pipe? A14) The duration of flow through the outlet pipe will be dependent on the total rainfall volume.
15. Q15) Will water come across from the Vulcan side and flood the 101 side for example at Leucadia Roadside Park? A15) No, the need for the sluice gate is being eliminated by the new El Portal pipeline project that is being constructed as part of Leucadia Streetscape Phase 1. The 101 Drainage project also adds new inlets by Leucadia Roadside Park to alleviate that flooding.
16. Q16) What is the current average annual water volume that's being contained or redirected? A16) We don't measure that, we rely on our Public Works team to address flooding where they can. It would also depend on the size of the rain event.

17. Q17) What junction structure does the metering? A17) At the north end, we have a junction box that has 2 lower outlet pipes and one higher outlet. During small rain events the runoff goes through the 2 lower pipes. During larger rain events, the box fills up and also outlets through the upper outlet. The large 60" pipe provides underground storage to pull off the roadway and store it underground, while it outlets through the existing outlet pipes.

18. Q18) What is happening at Moorgate? A18) We are proposing 2 new inlets that would be constructed along with the next phase of Leucadia Streetscape. The Streetscape project will regrade the roadway surface and these new inlets will be at low spots and can drain the area.

19. Q19) How will traffic be affected? A19) This project is meant to be constructed with the next Leucadia Streetscape, which will change the 101 from 1 lane in each direction to 2-lanes in each direction. There will be K-Rails and lane shifts needed to construction Streetscape.

20. Q20) Will this free up vactor trucks to address flooding in other parts of the City? A20) Yes, under most storm events, this project will alleviate the need to have vactor trucks along the 101 or in Leucadia roadside Park, so they will be available to address flooding elsewhere.

21. Q21) Do the inlets east of the 101 provide relief to Vulcan?

    A21) No – the railroad tracks keep the Vulcan runoff on the Vulcan side. This project addresses drainage and flooding on the 101 side.

22. Q22) With larger pipes attached to the outfall, what will the impact be? A22) Runoff will flow through the existing outfalls for a longer time to drain the larger pipes.

23. Q23) What coordination have you had with City of Carlsbad regarding this outlet to the Batiquitos Lagoon. A23) We've had initial contact, and will continue to engage them throughout the project.

24. Q24) Why isn't there a calculation of the water we're trying to contain or redirect? A24) We have completed a hydrology study that tells us the volume of water that we're trying to capture.

25. Q25) How will sedimentation be handled? A25) Because we're adding stormwater BMPs with this new project, our study shows a De Minimus amount of new sedimentation and no impact to water quality.

26. Q26) Are there design opportunities to add new inlets along Vulcan? A26) Vulcan is a separate area. The City has other projects that are looking at drainage in other areas including Vulcan. That project would have it's own CPP meeting sometime in the future.

27. Q27) After construction, how often will the 101 flood? A27) Depends on how much rain we get. This project was designed to address a 25-year storm event.

28. Q28) Where will delivery trucks park? A28) This project will be constructed as part of Streetscape, which will add new parking through the corridor. Contractor must provide continuous access to all parcels.

29. Q29) Where will delivery trucks park? A29) This project will be constructed as part of Streetscape, which will add new parking through the corridor. Contractor must provide continuous access to all parcels.

30. Q30) Build up of sediment in the pipes – how will it be cleaned out? A30) We have over 100 Manholes and Junction structures that will allow Public Works to access and clean the pipes.

31. Q31) Will the volume of water going into the Batiquitos Lagoon increase? A31) No, the total volume will be roughly the same. Some of the water that will now be directed underground, currently flows into the Lagoon via overland flow.

32. Q32) Why are we doing this project? A32) To make the roadway safer for vehicles, cyclists and pedestrians. City Council has prioritized Streetscape to facilitate mobility and enhance Leucadia. We do not want to dig up the 101 twice, so we are looking to include this drainage enhancement project into the next Streetscape Project.

33. Q33) 25 year storm means a 25A33) A 25-year storm means we expect it to happen once every 25-years, it's also the same as a 1 in 25 change of the storm happening in any given year. Of course, we could also get multiple 25-year storms in a single year.

34. Q34) Volume of stormwater into Batiquitos Lagoon will not increase?

    A34) The topography here trends north. So water that would already go into Batiquitos is now being pulled underground.

35. Q35) What will happen to water that is currently pumped onto Beacon's Beach? A35) That water comes from Leucadia Roadway Park. This project is adding new stormdrains here to allow that water to flow into our new stormdrain pipe and up north toward Ponto Beach.

36. Q36) If water will no longer be pumped to Beacon's – isn't that more water into Batiquitos Lagoon? A36) If that water were allowed to pond, it would eventually make its way into the existing stormdrain system and outlet at Batiquitos Lagoon. In very large storm events, some water is diverted. In smaller events that water heads north currently.

37. Q37) What about the new water into Batiquitos Lagoon? A37) None of the first flush will go into the Lagoon, it will all be directed through BMPs and then treated water will typically go to Ponto, or in very large events it will go to Batiquitos Lagoon.

38. Q38) Is the water a safety problem on the 101? A38) Ponded water can present a safety hazard if people aren't going slowly or navigating it responsibly. Neighbors along the 101 also experience property damage from flooding that this project will address.

39. Q39) Will money from the hotel go to pay for the new drainage? A39) Staff is not aware of any requirement for the City to obtain revenue from the new hotel for this project.

40. Q40) Have you done a Hydraulic analysis, where will the water go, will there be BMPs? A40) Yes, we have completed a hydrology and hydraulic study. All first flush water will go to Ponto beach. This project will have biofiltration, dispersion and landscaping as BMPs to filter the stormwater.

41. Q41) What is a very intense storm event? A41) Last year we have a 700-year storm event, or a storm that we expect to see once every 700 years or a 1 in 700 chance of a storm that size happening in any given year.

42. Q42) What is the impact to the bluff due to digging? A42) No impact to the bluff, the digging is all within the 101 or directly adjacent to the 101. We will have paleontology monitoring in case any artifacts are found.

43. Q43) Are we drawing an impact between Ponto and Batiquitos Lagoon outfalls. A43) Ponto outfalls have a series of detention basins that provide additional treatment at the outlet. Higher flows will go into Batiquitos Lagoon.

44. Q44) Was consideration given to keeping Leucadia funky through design of this project? A44) This project is mostly underground, with some drainage inlets – no real opportunity for art. The larger Leucadia Streetscape project does have opportunities to incorporate art and unique features.

45. Q45) How can we get copies of the studies and how can we submit additional question. A45) The studies will be posted on-line. Questions can be sent to streetscape@encinitasca.gov.

46. Q46) How can we get copies of the studies and how can we submit additional question. A46) The studies will be posted on-line. Questions can be sent to streetscape@encinitasca.gov.

47. Q47) When will this project be submitted to the coastal commission? A47) The City has met with Coastal Commission staff, they are reviewing the technical studies now. The project has already been submitted and the City will issue the permit.

C.2 COMMENTS EMAILED TO CITY:

1. 1A) Feel staff has not been responsive to comments A1A) City staff has received input from a variety of stakeholders and has incorporated input and feedback into the project where feasible.

2. 1B) Feel the project is incomplete as it does not address all of Leucadia. Doesn't address Orpheus. A1B) The project scope is the Highway 101 corridor. There are other projects in the City Capital Program that address drainage issues in other parts of Encinitas.

3. 1C) Wondering whether Batiquitos Lagoon and City of Carlsbad are looped in. A1C) The City has shared the project plans with the City of Carlsbad and is working to share information with the Batiquitos Lagoon Foundation.

4. 1D) Graphics don't show the newly constructed hotel. A1D) The City relies on readily available aerial photos. These aerial photos do not include the newly constructed hotel.

5. 1E) Request City incorporate input from Dr. Helly. A1E) The City has received input from Dr. Helly and will incorporate his feedback and input where feasible. 2A) Batiquitos Lagoon should not receive untreated stormwater. A2A) This project adds stormwater BMPs where none exist currently. Flush runoff will be directed to Ponto Beach through a series of existing basins.

6. 2B) Untreated stormwater should not be allowed to infiltrate. A2B) This project adds stormwater BMPs where none exist currently.

7. 2C) Request City incorporate input from Dr. Helly. A2C) The City has received input from Dr. Helly and will incorporate his feedback and input where feasible.

8. 2D) Asked what input we've received from Batiquitos Lagoon Foundation. A2D) The City is working to share information with the Batiquitos Lagoon Foundation and obtain their input.

C.3 CPP Meeting Audio Transcription (Read with audio from meeting)

1. Speaker 1: [00:00:02] All right. It's 6:10. I think I'll kick things off. So thank you everyone for coming to this virtual meeting for the North Coast Highway 101 drainage improvements projects. This is our community [00:00:17] participation plan meeting for this project. So a little bit about meeting procedures. So this is a zoom. We haven't done very many Community participation meetings with zoom. So there's some growing pains and some challenges along the way and [00:00:32] we apologize that we're not able to be face-to-face with the pandemic ongoing. This is the safest For us to meet with

you guys and get your input. The purpose of this meeting is to discuss the North 101 drainage project specifically, [00:00:48] we understand that there are other drainage issues in the city of Encinitas and in Leucadia, but this is specific to the improvements that were proposing tonight, which are on the North 101 between [00:01:03] basil and la coste. So you can type questions in along the way into the chat function if it's specific. to our particular slide number you'll see the page numbers at the bottom right corner so you can see this is slide 4 [00:01:19] so you can type in slide for I have a question about X Y or Z and then at the end of the presentation we'll have some time to go through those questions and provide you some answers so again North Coast Highway 101 drainage improvements project this is the the [00:01:34] items we're going to cover tonight so we'll talk about the project location need for the project and overview opportunities and constraints hydrology and hydraulics concept plan construction methods environmental analysis project [00:01:49] benefits and then a potential project schedule to move this forward

2. Speaker 1: So this is the North End of Leucadia the green area. You see shaded there represents all the area that drains to Highway 101 [00:02:04] currently. So it is the area that is west of the NCD tracks south of La Costa north of Basil Street. So why do we need this project? So if you're familiar [00:02:19] with the 101 you drive the 101 you're familiar with what happens out there. So during moderate or heavy rain storms. We get ponding on the 101 which impacts the vehicular traveler cyclists pedestrians residents [00:02:34] and the businesses in the area. So we're looking for a way to alleviate the flooding along the 101. So then what is our project going to be so between basil and the cost is approximately 1.5 miles. So we're looking to add 1.5 [00:02:49] miles of a new storm drain main line with additional inlets and connections along the way to gather the runoff that ponds currently at low spots throughout that Corridor. So we'll create larger inlets to get the the [00:03:04] water and the runoff off the roadway quickly new inlets at Leucadia roadside Park. Where we have a big ponding problem during most random events, and we'll be adding Green Street improvements to improve water quality. So the inlets [00:03:19] that are in there in the 101 currently are decades old. They don't have any best management practices for stormwater. So this will be an improvement to the water quality in this area as well. And then we're not going to change the existing pipe [00:03:34] out Falls. So all of this water currently drains to the north through existing pipes. And we're going to keep those pipe Outlets the same. So when undertaking this project we wanted to look at the opportunities and constraints [00:03:49] or challenges for this project. So we see an opportunity to reduce flooding along the 101 to add new stormwater treatment to the runoff an opportunity is that the project is entirely within city right of way. We don't need to get [00:04:04] any new easements right of way to construct this project. And the new hotel project just built an energy dissipator for stormwater runoff at the North End of the project. So we'll be able to use that new facility [00:04:19] in conjunction with this project that we're planning and then what are the constraints for the project? So we have existing utilities that are underground that we need to understand there's their location and make sure that our alignment doesn't impact them or [00:04:34] figure out where they need to be relocated. There's traffic so Our intent of course is to construct this drainage in the in the highway. So there will be impacts to traffic as the project is constructed and along with that [00:04:49] one with any construction project on the 101. There will be impacts to the businesses and residents. But of course our hope is having the short-term impact to those businesses and residents will have a long-term benefit as we address the flooding there. The pipe [00:05:04] will be relatively deep 25 feet or so, and it's very deepest. Just so that presents some challenges particularly with groundwater you're digging that deep. You may have kind of a wet excavation which makes it more challenging and there might be sandy soil, which [00:05:19] is also challenging to excavate in

3. Speaker 2: So what do we do to figure out how to size the pipes in the area? So first we had to look

at hydrology and hydrology is basically trying to understand how much [00:05:34] water is coming into the area that we need to capture. So as I mentioned before and I showed in a previous slide that green highlighted area is about 200 Acres. So that's the tributary area all that all the rain that [00:05:49] falls in that green polygons flows down to the 101 and Needs to be captured next we look at I intensity duration and frequency curves. So looking at what is the intensity of a storm that we expect to [00:06:04] get in this area duration. How long do we expect it to rain that hard and frequency. Are we looking to address a storm that would happen once a year once every 15 years once every 25 years once every hundred years and then finally by [00:06:19] combining that information were able to calculate the runoff. Volume that we need to capture and get off the roadway. So now that we have our volume of water that we need to capture then we went into our hydraulic design [00:06:34] which is figuring out what pipe sizes we needed in order to convey the water off of the 101 and Outlet. So as I mentioned before we're not going to have any changes to the out Falls, what we're going to do is provide big new pipes under the 101 [00:06:49] and they range in diameter from 36 inches all the way up to 66 inches and that's meant to pull the water quickly off of the 101. Store it underground and then it will be metered at the outlet because the outlets are a smaller [00:07:04] diameter pipe so that that additional large-diameter pipe will store some of that water instead of having it sit on the roadway. It'll be stored underground in the new pipes.

4. Speaker 1: So this [00:07:19] is a concept plan of our proposed project. You can see the different colors along the 101 they represent the different main line. Pipe sizes. So it starts off at 36 inches down by Basil Street increases to 48 [00:07:34] inches at Cadmus at Leucadia Boulevard. We're accepting all the water from the Leucadia roadside Park. So we need a larger diameter pipe. So it's 60 inches between Leucadia to a little bit north of more gate and then at the very end, we need a small section [00:07:49] of 66 inch pipe. And then the little inset that you see here is a junction structure where we have some pipes coming together and then out letting in different directions. So it's the the outlet so that the [00:08:04] smaller smaller storms with not that much water those all go to the West towards Ponto Beach and then when we have very large storms that Junction structure will fill up with water and it may Outlet [00:08:19] to the Sea. east side of the 101

5. Speaker 1: So then a question that comes up is how are we going to install this this new Pipeline? And really that's up to the contractor. [00:08:34] What we'll do is if this project were approved and we get all our permits when we put the project out to bid the lowest responsible and responsive construction contractor will tell us how he proposes to construct it. So there's two typical methods [00:08:49] that we see one is open trench and that's the picture on the top to the Left that's your standard construction method. It's typically less expensive. It may take more time than the other method. We're going to discuss and then when we have challenging soils, [00:09:04] it's it can be more difficult and take a little bit more time. The other option you see at the lower right is micro tunneling that uses a specialized construction equipment and techniques where you're boring under [00:09:19] the soil. So you have an opening at the beginning of the pipe and opening a little bit further down and you're going to basically kind of push that pipe from one end to the other. It can be more expensive. It's typically a faster installation, but it can be harder [00:09:34] to identify conflict. So you may not know if there's a big rock in the way or if there's a utility that wasn't identified until you hit it. So those are a couple of different construction methods that are available. [00:09:49] So after we set our alignment and our inlets and our pipe, we did an initial environmental analysis of the alignment. So we looked at biology water quality and paleontology. [00:10:05] So for biology, we identify the existing biological resources, we looked at birds and plants and fish and any kind of species that may be out there including listed species or species [00:10:20] of particular concern and then we reviewed the potential impacts to any of the biological resources out there. We look to see if

there could be concerns with erosion stemming from these new pipes dilution or salinity depression. [00:10:35] in the outlet areas new sedimentation or pollutant load and after analyzing and reviewing those four factors we found that our current design does not have an adverse impact on biological resources

6. Speaker 1: [00:10:52] next we looked at water quality so we took a look at the pre and post project conditions and then we evaluated potential impacts to water bodies surface water Wetlands this project was designed to meet the regional water [00:11:07] quality control board's standards and requirements so by adhering to those standards are designed does not have any adverse impacts on water quality next we looked at the paleontology [00:11:22] of the area so we identified the geological units that may be impacted so there's a Bay Point formation that will impact through at least probably half of the project [00:11:37] from the midpoint North and then in the very deepest parts we may also impact the Santiago formation which is which underlies the Bay Point formation so in our very deepest excavations we may encounter Sure, those formations. [00:11:52] So what we found is will need to have a paleontological monitor on site when we're Excavating in those areas. So those folks will be reviewing the excavation looking to see if there are any artifacts that are uncovered. If there are then they will [00:12:07] Salvage clean catalog and donate those artifacts. And then at the end of the project, they'll do a paleontological report summarizing their findings. Next project benefits. [00:12:23] So we wanted to see the benefits that we would have if we address and reduce the flooding so we'll have benefits to the vehicles that are traveling the 101 cyclists along the 101 pedestrians along the 101 and then of course [00:12:38] the businesses and residents along the 101. It will benefit all those user groups by adding new best management practices and stormwater amenities were Reduce our pollutant load over what we're doing now [00:12:53] by having more biofiltration dispersion and Landscaping to filter out some of those pollutants that right now are just going right into the storm drain system. So then what's our path forward? So we've completed our [00:13:08] concept design. We've got sequa technical studies complete. I just mentioned those we're here tonight to gather public input after this. Our next steps would be to obtain our Coastal development permit. And then the most [00:13:23] likely path forward is that we would construct these drainage improvements as part of a subsequent phase of the locating streetscape project potentially a phase 2 project if that were the Case and city council approved the funding and we got our permits in line. [00:13:38] We could be begin construction of phase 2 with these improvements as early as summer 2021

7. Speaker 1: So that is my final slide. We will go through any questions that [00:13:53] anyone has I've got the concept plan back up here. One thing I didn't mention my last slide that I wanted to mention here is these yellow dots that you see along the alignment are new or improved inlets and there are 77 along the corridor. So it is [00:14:08] a comprehensive effort to address all the areas that currently have flooding and ponding. So with that I will see if Andrew can help us out with the first question.

8. Speaker 2: [00:14:24] Yes. So it is series of questions from one gentleman. Looks like John the first one all you want me to read the series. It's what do you mean there will be no changes to the pipe out Falls. You're attaching new Upstream pipes. So the flow [00:14:39] will change will not let's go to the first question

9. Speaker 1: is so What I mean is we're not doing any construction at the out Falls. So we are connecting our big pipe to this Junction structure here. And [00:14:54] then the existing pipes that are there now are going to be the same after this project is completed. So there may be an overall increase in the volume that comes through those pipes, [00:15:09] but we're not making any changes. We're not Excavating or doing any kind of construction. And at those all out Falls either at Ponto Beach or like you do some good.

10. Speaker 2: Thank you. And then the next one is how many pipes [00:15:24] will in float to the junction box and where their diameters

11. Speaker 1: so it's just the one pipeline. It's 66 inches right before that Junction structure and then it splits into three different pipes which again you can see kind of in this little [00:15:39] graphic down here. And the next question was does the junction box have additional inlets that will not be occupied by this project.

12. Speaker 1: No, there are no additional Inlet. [00:15:54] So again, we've got 77 inlets through this entire one and a half mile stretch that all dumped into that 36 or 48 or 60 or 66 inch pipe and then those all come together and then they enter [00:16:09] that junction box and then exit in three different locations.

13. Speaker 2: Okay, and the next one the same gentleman. What is the expected contaminant load in the storm water? Um, I'm

14. Speaker 1: not [00:16:24] sure I mean, I can't quantify that but the Improvement that you'll see here is that currently with the there are two existing storm drains out there. There's an 18 inch storm drain and a 24-inch storm drain [00:16:39] that are currently draining the 101 and they don't have any stormwater best management practices. So we have a requirement by the regional board when we have a project like this. That we need to include stormwater [00:16:54] best management practices. So the benefit of this project is we will have dispersion areas and Landscape areas and biofiltration areas that will filter out some of those pollutants after the project there right now are just going into the pipe [00:17:09] and being Outlet.

15. Speaker 2: Thank you. And then the next question is how much the storm water will leach into the ground around the pipe.

16. Speaker 1: And so this will be a brand-new system. So we don't expect [00:17:24] there to be any pipe failures, you know, we'll have to manage it manage and monitor our inspection carefully and closely but this is a deep excavation. So we are going to take great care to not have to go back out there and address any kind [00:17:39] of failures or leaks or anything like that but brand-new system. We don't anticipate there will be leaking at the pipe.

17. Speaker 2: thank you and then new gentlemen Paul black colleges are pronouncing that correctly [00:17:54] but what about drainage from Vulcan where would folk and rain

18. Speaker 1: so Logan is a separate tributary area I know we have other projects in development that are looking at the Leucadia area as a whole [00:18:09] so I don't have any information on that project tonight we're here to address and answer questions that are specific to the 101

19. Speaker 2: drainage thank you and then it's diet and soon as I glue and then what are the ramifications of this proposed system on the flooding [00:18:24] and ponding on Bowden Avenue

20. Speaker 1: So this is a project to address the flooding on the 101. So it will not have an appreciable impact on

21. Speaker 2: Vulcan. And then [00:18:39] another question from John from the original questions having you just put in a new junction

22. Speaker 1: box. We have not so there is a product that's out in construction. Now that's [00:18:54] located a streetscape phase 1 and that's putting in a new storm drain from Basel strength South to a

street. So we put in a new larger storm drain system at the south end of leukemia, but this would be a new [00:19:09] there is known other new Junction structure in this

23. Speaker 2: area. And we have a question from jar which may need some clarification but it is asking what do you mean here now? I'm sure [00:19:24] what that was rough.

24. Speaker 1: I have to come back to that one. Okay.

25. Speaker 2: Next one is from Tim. One of the proximate dates for full completion. I'm aware you mentioned summer 2021 for phase two [00:19:39] but just general approximate dates for completion.

26. Speaker 1: So we don't know that yet because we still need our city council to prioritize projects for the next fiscal year and [00:19:54] the fiscal year beyond that so they will set the priorities and they will tell us what the with the limits of the project will be and how much of the how big the next streetscape phase 2 will be. So how long [00:20:09] it takes to construct that will depend on how big a project we're going to do with our next phase.

27. Speaker 2: John it looks like I have a question about the junction box out the main pipe what does a clarification from a previous [00:20:25] how haven't you put in a new main pipe has her put it in a new main Paisa looks like put in recently to

28. Speaker 1: so I think that goes back to my last question so [00:20:40] we have a Construction contract that's out there now that's putting in new pipes from Basel South to a street that work has an actually begun yet or perhaps what what they're referring to is when the hotel project came in that's [00:20:55] right at the North End of the 101 by La coste that project did some To work, but that was not a city project that was drainage work to accommodate the hotel site.

29. Speaker 2: And then we have a question from Tim again looks like in the meantime [00:21:10] what are their current plans to address kind of current flooding conditions while we process any projects.

30. Speaker 1: So we'll rely on the diligent work and help from our Public Works [00:21:25] team to help us manage the flooding that happens out there currently, but there won't be any change to the status quo until we're able to go out there and put in some new drainage

31. Speaker 2: infrastructure. [00:21:40] And then dark Dickinson again, he asked what is the timing to do this project and

32. Speaker 1: cost? So again, we're not quite sure on the timing yet. We need to wait for city council to prioritize [00:21:55] the next next year's capital projects and then they will tell us how much of the next Improvement of streetscape we will lumped together with this drainage project. So that cost [00:22:10] is unknown at

33. Speaker 2: this time. And then question from John where are the worst analysis studies that support this project?

34. Speaker 1: So the city of Encinitas has them their public records. So if you're interested in obtaining [00:22:25] a copy, you can send us your email address and we can get you those studies.

35. Speaker 2: Perfect. And then question from DARS shares. I came in late two tennysons, une changes [00:22:40] were just the dispersion errors are where you can just touch on those again. We're those dispersion there is going to be located.

36. Speaker 1: So they're located throughout the project. We have dispersion areas, which are basically planted [00:22:55] areas where the storm water can flow through the planted areas and then back out into the gutter there throughout the entire project length. So there's many of

37. Speaker 2: them Question from Paul the volume between [00:23:10] at 24 inches and 66 inches is an Airy difference of seven point five six times since it's a square of radius 2. How long will it take to drain a full 66 inch probably

38. Speaker 1: [00:23:26] um, does anyone on our design team have that information? I don't have that at the at my fingertips I don't see [00:23:41] any volunteers that maybe something will have to get back to the person on with more information.

39. Speaker 2: Question from Tim [00:23:56] will water come from the east side of the railroad tracks. To the East side. This says a big big problem in the past due tied flux valve across from our CP is to stay close, but Public Works. [00:24:12] Open the and the locator roadside Park and Alleyway behind the Acadia Plaza can flood

40. Speaker 1: so I know there's a sluice gate that can bring water across from the Vulcan side to the 101 side [00:24:28] that is being addressed in the project. That is the phase one of Leucadia streetscapes. So the new storm drain that we're putting in between basil and a street should alleviate. Need for that sluice gate [00:24:43] that brings drainage across and then we're adding several new inlets at Leucadia roadside Park so that we make sure that the existing Inlet. There is an overwhelmed and we can drain that [00:24:58] water into that new 60 inch pipe. So that's not ponding there and then impacting the neighboring businesses and Residences.

41. Speaker 2: Then it looks like we have a question from Dar. What is the current average annual volume? We are [00:25:13] containing or redirected.

42. Speaker 1: I don't believe we measure that. So again, we rely on our fantastic puppy Public Works team to go out there at all hours of the night 24/7 [00:25:28] when there's big rain event, and they do their best to alleviate the front flooding where they can suck up that water bring it to Sanitary sewer system or bring the water elsewhere, but we don't [00:25:43] calculate that and it would depend on the size of the rain event. So every rain event brings a different amount of runoff down to the 101

43. Speaker 2: and question from John what Junction structure will be used to do them on to do the metering.

44. Speaker 1: [00:26:00] And so again, it's this one that you see on the picture here. So it's not mechanically metered but it's physically metered meeting. The water will come in from the 60 inch pipe and it will fill up that box and then [00:26:15] it will Outlet through those pipes and if there's if the out letting pipes Take a particular amount of time to dispel the water. Then that's the amount of time that the water [00:26:30] is going to sit in that 60 inch pipe Upstream. But again, the intent here is that we pull the water off the surface and we store it in that 60 inch pipe so that it's not impacting the people up on the

45. Speaker 2: ground. [00:26:45] Then question from dark in you review what is happening for water and Morgan and they also was just clarifying the here know was used in your answer to the first question. So the question is, can you review what has happened / water and more gate

46. Speaker 1: [00:27:01] so or gate you can see there's a couple new inlets over here. So this project is intended to be constructed along side a next phase of Leucadia streetscape. And when the streetscape

project comes through [00:27:16] it's going to change some of the grades along the road. So when that happens there will be too low spots spots near more gate and we'll have two new inlets that will take that water and bring it into the 16 inch pipe so that it's

47. Speaker 2: Underground. [00:27:33] And then fought from Tim, so people keep asking about water from Vulcan Avenue. This is because water can come from that side if the valve at our CP is open it floods alley if Oakland.

48. Speaker 1: [00:27:50] Right. So I talked about that a little bit. We have a project that's further to the South that is addressing that project or that problem and will eliminate the need for the sluice gate and to bring the water across so our project that's going to [00:28:05] be south of here. We'll address that

49. Speaker 2: concern. and then add our ass how will traffic be affected do Autos use one lane or question mark

50. Speaker 1: So this project is meant to be constructed with [00:28:20] a subsequent phase of Leucadia streetscape are Leucadia streetscape project will bring will modify the configuration of the 101 from two lanes in each direction to one lane in each Direction [00:28:35] while that project is being constructed they will also So install the storm drains, so there will be K Rail and Lane shifts and things like that to accommodate the construction of not just this deep storm drain pipe, but also [00:28:50] the new infrastructure associated associated with Leucadia streetscape. So that's the wider sidewalks and the buffered bike lane and things like

51. Speaker 2: that. Then question from Paul. Well that's free on vacuum trucks to deal with flooding other parts of Encinitas

52. Speaker 1: [00:29:07] certainly. So whatever Vector trucks are currently addressing 101 where we have a high volume of vehicles and potential to have unsafe conditions on the road. If there's big puddles those [00:29:22] certainly could be found elsewhere since this project will address and alleviate the flooding under most storm events

53. Speaker 2: and then we got a follow-up question from dark how long will it take [00:29:37] to do this

54. Speaker 1: project unclear so again this will be looped into the next phase of a streetscape project and we're not sure yet we haven't received direction from Council yet on how big the next streetscape phase will [00:29:52] be so we're not sure how long

55. Speaker 2: and then question from Brenda do the inlets east of 101 provide stormwater relief to volcán

56. Speaker 1: know the Vulcan is a different tributary area [00:30:07] so the water that that lands on the one One comes from the west side of the 101 because the railroad tracks are higher than the 101 for the most part so they act as kind of a barrier and they keep the Vulcan water [00:30:22] on the Vulcan side.

57. Speaker 2: Then derided a follow-up. I believe it's to the very first question that were asked it was about the existing pipe out Falls. [00:30:38] We can just touch on that real fast. And then are you attaching new Upstream pipes? So the flow will change or not. I believe it's those questions.

58. Speaker 1: So the total volume of water that will be moved through [00:30:53] those pipes will be increased. So they will be flowing basically for a longer period of time to outlet a larger volume of water, but we're not increasing the diameter of [00:31:08] those pipes and we aren't doing any construction by those pipes. So if right now there's just an 18 inch and a 24-inch that are connected

into this system will have a 60 inch pipe so [00:31:23] there will be a larger total of Volume that will take a lot longer time to

59. Speaker 2: outlet. Question from John what interactions have you had with the city of Carlsbad about discharged increases [00:31:38] too bad accuse lookin?

60. Speaker 1: I don't know Ed, you know of our interactions with Carlsbad on this

61. Speaker 2: project? [00:31:54] We've only basically started with that. We've talked to their city engineer, but we're going to engage Carlsbad a lot more. [00:32:13] Next question. We're from dark. Why is there not a calculation of the average annual water that we're trying to contain a read to that redirect

62. Speaker 1: there is so that's that's contained in the the [00:32:28] hydrology that we do so that was the slide. Let me get back here. That's the slide. So we do so we calculate the volume of water that we expect. Excuse me, expect to [00:32:44] fall in the area to the west of the 101 and dream towards the 101. So we do have a volume that we've calculated that we need to drain off of the 101. I don't have it at my fingertips, but it's included [00:32:59] in the studies that we've done of the for the project.

63. Speaker 2: And then question from John Howell said invitation of the 60 inch pipe be handled.

64. Speaker 1: [00:33:14] one second I need water so one of the water quality studies we did looked at sedimentation and whether we expect to see an increase [00:33:30] and our calculations because of the fact that right now there are no best management practices on our existing pipe system and right now we have a lot more paved area in [00:33:45] the future condition once we have streetscape will have less paved Area more landscape areas more dispersion areas and more best management practices are study calculated what we think the impacts will be [00:34:00] and it was a de minimis finding so a negligible increase that would not impact the water quality of the

65. Speaker 2: area. Follow question from Diana or their design opportunities [00:34:15] to Future the system to allow for future connection for drainage Solutions long Vulcan Avenue.

66. Speaker 1: So Vulcan Avenue is a separate tributary area. As I mentioned before the city has other [00:34:30] projects that are in the hopper that are looking at drainage and other areas including Vulcan, but that's a separate project and that will have a separate Community input meeting when that one comes forward

67. Speaker 2: [00:34:45] and then question from Paul after implementation how often will one-on-one flood

68. Speaker 1: so that depends on how big the rain events are that come this system [00:35:00] by itself is intended to address a storm event that occurs once every 25 years when we went future drainage projects come along the overall area, [00:35:15] maybe maybe outfitted for larger storm events, but this In particular will address up to a store event. We'd see so large that we'd see it only once every 25

69. Speaker 2: years. [00:35:31] Question from Tim if traffic is impacted where we're delivering trucks park alleys where people live or are already infected by deliveries when we often get stuck in our own driveways.

70. Speaker 1: [00:35:46] Yeah, so this project will be constructed as part of streetscape. So the streetscape project will be adding new reverse angle parking and parallel parking along the corridor [00:36:02]

and then during construction. We will require the contractor to make sure that there is continuous access to all the residents and businesses. That would be impacted by the

71. Speaker 2: project. And then a question from Dar [00:36:17] if you know, it could start in summer 2021 Deva estimate approximately of the total time to complete this part of the streetscape their world timeline just for the skin.

72. Speaker 1: So this scope [00:36:32] is meant to be constructed along with other streetscape projects. We wouldn't want to impact the 101 and all the vehicles along the 101 and the neighbors twice. So this will more likely than not [00:36:47] be mixed into another location streetscape phase and we just don't know the size of that next phase and how long it would take to construct I would guess it would be at least a year a year and a half maybe two years. The next phase and again, we [00:37:02] need to wait for city council to make their priorities known and to fund the projects that they believe will bring the most benefit to the community. So it's construction is not funded yet. We'll wait to see if he gets funded for next year.

73. Speaker 2: And [00:37:17] question from John the build-up of sediment and the pipes how we cleaned it

74. Speaker 1: out. So along with all these 70 inlets we have probably over a hundred Junction structures. [00:37:32] So any time there's a new pipe joining that main line we have manhole so that we are able to have our Public Works team go in there and do whatever kind of Maintenance or sediment removal or trash removal might be required in the pipe system.

75. Speaker 2: [00:37:47] From mannion people looks like some people got stuck on the other soon. Another Zoom link is the amount of water going into desk Lagoon expected to change.

76. Speaker 1: So there [00:38:03] may be

77. Speaker 2: I'm sure

78. Speaker 1: Jo Ann or Bob. Is that something that you guys can answer?

79. Speaker 2: Yeah, hi, this is Joanne [00:38:18] Tyler with Michael Baker.

80. Speaker 2: Aye the volume of water going into the bat Iquitos. The zoo Lagoon is likely

81. Speaker 1: not changing because of Overland flow that occurs to go there.

82. Speaker 1: Now [00:38:33] what's being directed via the pipe volume obviously is increasing but again, like you mentioned Joe is being metered at the junction box. And then the next question [00:38:48] is from dark. I travel 101 almost daily after big rains last year. Where is the prime reason? This project is being proposed. Can you get three primary reasons?

83. Speaker 1: three primary reasons [00:39:03] so we want to make the roadway safer for our vehicular Travelers and we want to make the area safer for our cyclists and for our pedestrians, but the reason why we're tackling it now [00:39:18] is the city council has prioritized Leucadia streetscape in general and is moving forward with the first phase now, And it wouldn't make sense to do the next phase [00:39:33] of Leucadia streetscape without building this underground infrastructure. We wouldn't want to build a beautiful new roadway and then come in and dig it up. So the timing of it is that it should be incorporated into the next phase [00:39:48] of streetscape so that we keep our future 101 streetscape looking

84. Speaker 2: beautiful. And it looks like Dora kind of similar is the streetscape two main reason. I think you're gross that John 25-year [00:40:03] storm means a 25

85. Speaker 1: I do so a simple way to say it is, you know, the average is once every 25 years, but yes, that [00:40:18] is another way to convey that same message so it could happen four times in a year. It's just not expected to

86. Speaker 2: And then follow it looks like a question for Joan did that person [00:40:33] say that the volume best or more delivered baddest you in each storm event will not increase. So

87. Speaker 1: I was just going to preface this by saying that the topography [00:40:48] here slopes to the north. So although we're pulling the water underground. All that water is heading north towards bad Iquitos Lagoon and Ponto Beach now. So Joanna let you kind of follow up with

88. Speaker 2: whatever you may [00:41:04] right yeah what I was saying is is that it's not necessarily increasing a large amount because we're putting it into a pipe a certain amount of the Overland flow does travel that way VIA over them flow right [00:41:19] now currently and then another question yeah for mannion sounds like people are stuck in the net another Zoom meeting but cannot find the new meeting [00:41:34] can you please relink that's been posted online is that correct chill or do we have someone

89. Speaker 1: else Yes, so we we updated the link in online so that hopefully will allow people to come [00:41:49] on over. I see a significant increase in the number of people that are over here

90. Speaker 2: now. What will happen to the water that is currently pumped onto the beach at Deacons?

91. Speaker 1: [00:42:04] So that typically happens from Leucadia roadside Park. So the intent is to capture that water and instead of having to pump it there. It would enter into the storm drain system [00:42:19] and under most rain events. It would go North toward and then to the West toward Punto.

92. Speaker 2: Thank you. And also looks like lolling Dougherty art director all supposed to the link for that symlink [00:42:34] anyone needs to deliver that to anyone. Okay. Is isn't that more water for bad Iquitos? I think was a follow-up question for from John.

93. Speaker 1: [00:42:51] Sure, I suppose the the small amount of water that we pump now from located roadside Park. That would be a new addition to a taquitos. But if we didn't pump it eventually could [00:43:06] make it into the storm drain system that would make it into the storm drain system and go to bed Iquitos Lagoon. So it's just in the very large storm events where our existing system is overwhelmed that we divert some of it. Um, but [00:43:21] under normal rain events or smaller rain events, they go into the pipes and head that way currently that's what the design is currently.

94. Speaker 2: Perhaps I think a Fallout that same question isn't more water for baddest use and he also has [00:43:36] how

95. Speaker 1: small. How small and with respect to what

96. Speaker 2: to isn't more water sounds like it's a more water going for better cues, but how small? Yeah, I don't understand that. It really clarify job. [00:43:53] How far from the next one? How John said the matawa really said was a small amount going to bed accuse.

97. Speaker 1: Yeah. So again, we don't [00:44:09] calculate the volume of flow that were pumping into beacons that I see Bob has turned on his camera. I don't know if he wanted to tackle that one.

98. Speaker 2: Sure. Thanks Jill. [00:44:24] This is Bob Stark from Michael Baker International. I think a key message. To get across here is we are always focused on the first flush when it comes to pollutants. None of the first flush will enter the Lagoon. So nothing [00:44:39] that is being constructed as part of this project and the stormwater capture that first flush. We're all the contaminants and the car oils that are on the streets and bags of dog poop or whatever might be their none [00:44:54] of that enters the Lagoon. So this captures all of that so anything Thing when the junction box that you see on your screen when there is such a huge storm event is 25 year storm event and Beyond when water only then begins to come into [00:45:09] bad Iquitos Lagoon, we study that amount of flow. There's a dissipator structure there. So you don't have water quality impacts because that water coming out has already been treated that first flush. So it's clean water coming in. So the amount of water [00:45:24] doesn't necessarily impact. You know, what what our study design was here because that's all coming out of flow that is not creating a erosion it is not impacting the biological construct of the Lagoon in [00:45:39] this area with regard to eelgrass cord grass and some of the other some of the endangered species that rely on this habitat so yes there is an increase in flow during very intense storm events that will come out of the [00:45:54] existing pipe again no changes to that outfall pipe but it is clean water that is coming out in a volume that is not going to affect any of the biology habitat water quality or otherwise in this area [00:46:10] Okay and then next question has the water been a danger for Autos Etc now that we have bumps and 35 miles per hour is is more of the real problem as has a screen scrape a requirement [00:46:25] to the city where the city dog Payne Revenue From new hotel and additional one to come.

99. Speaker 1: So certainly ponded water on the roadway is can present a safety hazard if [00:46:40] people aren't going slowly if they're not navigating it responsibly then yes, it certainly can be a safety hazard. I'm not I don't know of any connection [00:46:55] between revenue from the hotel in this project. This project is one of many capital projects. Is reviewed by city council and and will be prioritized [00:47:10] for funding along with the rest of the suite of projects. We have coming up in February likely and then voted on.

100. Speaker 2: Yo. Let me add on that to the best of at least to the best of the [00:47:25] staffs knowledge. There is no requirement for this project for the city to to obtain revenue for the new hotel and one of the other major [00:47:40] issues for the flooding is property damage and we have many photographs in the file of house and property flooding which we haven't focused on this evening, but [00:47:55] if you know on a side note if anyone wants to see the house and property damage from flooding in Okay, Tia, we have those photos as well. So it's not all it's not just automobile flooding. It's also property and [00:48:10] house flooding. Good. And that's question was the amount of water. You said was a small amount. This is the follow-up one. Have you done a hydraulic analysis for the project? [00:48:25] Where will the water go? And where does the contaminated water including the first flush go?

101. Speaker 1: Yeah, so it sounds like this may be a question from somebody who missed the beginning of the presentation. So my apologies. Yes, we've done a hydrology [00:48:40] study so that we can understand the amount of water that is collecting here. First flush water will be directed all water goes north first flush water will be directed to the West towards Ponto. So it won't go to [00:48:55] that Iquitos

102. Speaker 2: Lagoon. Question from mannion. How is the water treated and where?

103. Speaker 1: So the water is treated through stormwater bmps. So we have things like bio retention basins dispersion [00:49:10] areas. I'm drawing a blank and Landscaping. So we'll have much more Landscaping along the corridor with the next Leucadia streetscape project reducing the pavement

[00:49:25] without their so instead of having two lanes in each direction will have one lane in each Direction plus buffered bike Lanes more Landscaping on the edges in the media. Ian's so through those bmps which are spread throughout the project [00:49:40] limits. That's where we'll see some reduction in pollutant loads.

104. Speaker 2: Okay. Next question from John. What is a very intense storm event,

105. Speaker 1: very intense one. So last year, I think we had something [00:49:55] along the lines of a seven hundred year storm. So a storm that we don't expect to see but once every seven hundred years or as the other person said, 1 in 700 chance of happening in a given year. So we designed [00:50:10] to particular criteria. This one is a 25-year storm event design but with global warming and changes in the atmosphere. It's tough to predict when big storms will come or how many big storms will get [00:50:25] in a given

106. Speaker 2: year. Okay. I have a question from Darwell be the impact to digging the depth and also to the

107. Speaker 1: bump. No impact to the bluff. So the all the digging will occur [00:50:40] within the 101 Corridor or those adjacent side streets that tied directly to the 101. We have some geologic formations that we expect to encounter in the project, but we'll have [00:50:55] appropriate paleontological monitoring to watch the excavation and to alert us if any resources are found in Handle them

108. Speaker 2: appropriately. For question from John. [00:51:10] Are you are you drawn a distinction between Ponto out Falls and that Iquitos Laguna Falls? (see Item 43)

109. Speaker 1: We are I don't know Bob if you want to talk a little bit more about that. [00:51:26] Let's see if I can find a slide and thinking of what the junction structure

110. Speaker 2: now that would actually defer to Joanne for the different out Falls and how they work.

111. Speaker 1: [00:51:41] Yeah, hi.

112. Speaker 2: Sorry. I was trying to make sure I'm muted what happens on I can yeah, I can see on gel side there. If you look on the West Side you can see well we see the west side a little bit. Yeah where the out balls come out there. [00:51:56] There's a series of

113. Speaker 1: detention basins there

114. Speaker 2: adjacent to the Ponto Beach parking lot.

115. Speaker 1: And that is the distinction that is where the

116. Speaker 2: first flush flows wall outlet and then you can see the highwomen. Air flows [00:52:11] Will Outlet to the east into the Mage Fair portion of the bat Iquitos again. Okay, Dara's question. Was there any consideration to keep in Wikipedia funky and discussions regarding [00:52:26] this project and Street skate? I can you repeat that Andrew sure. Was there any consideration to keeping Leucadia funky in discussions regarding this project and streetscape?

117. Speaker 1: [00:52:41] So this project is just a storm drain its underground. The only thing that you'll see at the ground level will be drainage inlets there. We didn't see much opportunity for funkiness in the stormwater design, but [00:52:56] throughout the located streetscape design. Yes, we did. get areas to incorporate art and to incorporate some of the more fun elements into this roadway design

118. Speaker 2: [00:53:14] I don't see any other questions that I don't know if you want to hang on for just a minute a few minutes just to see if you want additional pops on the Zune sure

119. Speaker 1: [00:53:31] and again I want to express my apologies to anybody who was at the wrong place or or we misdirected to the wrong Zoom Link at the beginning this is zoom is being recorded so you will be able to watch the full presentation but we're happy [00:53:46] to take any questions now from anybody who missed some of the some of the project background that we went through earlier

120. Speaker 2: We did have a question about how do we get a copy of reports? And also maybe just written Ali [00:54:01] had a how do we get in touch with people as well? If they're doing a follow-up questions?

121. Speaker 1: Yeah. So we have a streetscape email address and they are very helpful in helping us get the questions [00:54:16] to the right people. I am going to stop sharing and see if I can pull up that email. Dress bear with me here. It will it is definitely [00:54:31] on the website as well. So like I said, just give me a couple seconds

122. Speaker 2: to

123. Speaker 1: yes. It's just streetscape stre ETS see a PE at [00:54:46] Encinitas CA dot-gov. So any kind of request for a copy of this presentation, which is also going to be available online or That specific reports [00:55:01] the technical studies. They can go to that web address and then we'll get you the information that you're looking

124. Speaker 2: for. And then question will when will this be submitted to the coastal Commission? [00:55:17] Um

125. Speaker 1: Scott, are you available to address that

126. Speaker 2: one? It is that we've had meetings. Can you hear me? Okay. Yep. Okay. Yeah, my understand we've had [00:55:32] meetings with Coastal commission staff and my understanding is that they are in the process of reviewing the studies. We originally anticipated that they were going to process the coastal development permit for the project, [00:55:48] but they requested the city to so that's why we're in this process right now. And then [00:56:03] okay, we got that and then Paul question where online I think can they find these reports?

127. Speaker 1: She didn't [00:56:18] open it Lillian. Do you know off the top of your head? Oh, here it is. Sorry your website to go to is Encinitas. CA dot-gov forward slash

128. Speaker 2: streetscape.

129. Speaker 1: [00:56:35] So again, that's Encinitas CA dot-gov forward slash

130. Speaker 2: streetscape one word. And then Fallout from John [00:56:50] was I think it was clarification to Scott. Have you already submitted to the coastal commission? Is that the answer? I think the yeah. Yeah, it was it was submitted. And the reason why we submitted it to them was to get their input on whether [00:57:05] they would process the coast development or the city would and they determined that the city would would process it. So I believe we've already Routed to them for review and consideration to the coast of almond permanence. [00:57:29] Then no more questions right now. Gel. We can keep waiting a few minutes.

131. Speaker 1: I will give everyone a couple more

132. Speaker 2: minutes. [00:58:04] I think Paul just coasted. He said that each the link for streetscape doesn't work. But if you gave an email address, correct, I
133. Speaker 1: can't both let me out. Let me type it in and see if it works for [00:58:19] me.
134. Speaker 2: It should be Encinitas CA
135. Speaker 1: correct? Yeah, and it is ye dot gov and then
136. Speaker 2: he doesn't have the correct spelling.
137. Speaker 1: Yep [00:58:34] Encinitas CA dot-gov front slash
138. Speaker 2: streetscape.
139. Speaker 1: [00:59:08] Anything else coming in Andrew?
140. Speaker 2: Not the moment.
141. Speaker 1: I'll give it one more minute to
142. Speaker 2: 7/10.
143. Speaker 1: [00:59:48] All right. Well, I wanted to thank everybody for attending This Is umm, I know it's not the face-to-face interaction. We would have liked to have had but we appreciate your feedback and your input and if you have any follow-up questions [01:00:03] again that streetscape at Encinitas CA dot-gov is the best place to send your Quest for information or follow-up questions. Thank you guys all for participating with us tonight. Have a good
144. Speaker 2: night.

Appendix D City of Encinitas Emails

CEQA Notice of Determination for Big Water Project

Scott Vurbeff <SVurbeff@encinitasca.gov>
Thu 11/5/2020 12:00 PM

To: Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>; Christine Ruess <cruess@encinitasca.gov>

Andrew,

Since I'll be on vacation, could you mail the CEQA NOD and the Fish & Wildlife check to the County Clerk for the Big Water project? It should be mailed as soon as possible after the SUB C is approved. It needs to be received by the County within 5 days of project approval in order for the 30-day statute of limitations to commence for any CEQA lawsuit. Otherwise it will be 180 days. The County's website indicates their mail processing time is two days.

I'm processing the check request with Christine today.

Thx, Scott

Scott Vurbeff | Environmental Project Manager | Encinitas Development Services Dept.
505 S. Vulcan Ave. | Encinitas, CA 92024 | ph. 760-633-2692
svurbeff@encinitasca.gov

Leucadia Drainage Final Docs

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/12/2020 1:43 PM

To: Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>

3 attachments (320 KB)
Outside Posting.pdf; Fedex Receipt.pdf; Signed NOE.pdf;

Attached is the signed NOE, fedex Receipt (send out) and outside posting I did. Deana should be posting the decision later online.

We should be all set now.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

Leucadia Streetscape Drainage

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>

Thu 11/12/2020 1:09 PM

To: Deana Gay <dgay@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>

Hi Deana,

Here is the link to post three items for the Leucadia Streetscape Drainage project today:

T:\Andrew M\Discretionary Projects\Active Discretionary Projects\SUBC-004158-2020 (Leucadia Streetscape SUBC)\Posting

The three items should be:

- EIR Addendum
- SuBC -Plans
- SUBC-004158-2020 Decision

Andrew Maynard, Associate Planner
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760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

Leucadia Streetscape Drainage filing

AM

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>

Thu 11/12/2020 5:16 AM

To: Scott Vurbeff

For the notice to the County will I need:

Notice (from you)
Receipts of previous fees paid (from you)
Entire EIR Addendum (400+ pgs)- link you sent
$50 County fee (from Shari)- Any word on this?
SUBC decision (is this necessary?)

Am I missing anything else? I will be in later today but will be at the DMV this morning.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

Reply | Forward

RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

1226

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>

Tue 11/10/2020 2:02 PM

To: Jill Bankston <jbankston@encinitasca.gov>

1 attachments (1 MB)

Planning Application Packet- SUBC_Streetscape Big Water.pdf;

Thanks Jill. I saw just a couple of items highlighted in red. If you could address those that would be great.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Tuesday, November 10, 2020 1:24 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Here it is. This is my first time filling one of these out – so take a look and let me know if I missing anything.

Thanks,
Jill

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Monday, November 9, 2020 2:17 PM
To: Jill Bankston <jbankston@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Thank you.

Can you fill out the sheets in the attached application and email that back? I removed most of the sheets and filled in some of the applicable information that I know.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Monday, November 9, 2020 11:13 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Okay – I put a new file “Streetscape Bid Water Plans” into OneDrive.

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Monday, November 9, 2020 10:26 AM
To: Jill Bankston <jbankston@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

I think that should work. If you could pull them out of the larger set and combine the drainage sheets as one set that would be great.

Thanks,

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Jill Bankston <jbankston@encinitasca.gov>

Sent: Monday, November 9, 2020 10:18 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

1228
We don't have a separate plan set for the drainage plans, however I will put just the storm drain plan sheets into that folder if that works.
Let me know if we need something stand alone.

Thanks,
Jill

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Friday, November 6, 2020 8:00 AM
To: Jill Bankston <jbankston@encinitasca.gov>
Subject: FW: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

As a follow it looks like the plans uploaded were the entire streetscape project. Do you have plans related to just the SUBC scope of work?

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Andrew Maynard
Sent: Friday, November 6, 2020 6:50 AM
To: Jill Bankston <jbankston@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Hi Jill,

Thanks, I will take a look at what you uploaded.

If you don't already have photos, then I don't see the need to go through google street view to obtain those. If needed I can check out the street view.

Thanks,

Andrew Maynard, Associate Planner

Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Thursday, November 5, 2020 12:30 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Hi Andrew,

I added a bunch of information into the folder. I don't have really have site photos, but can grab some from Google Maps if needed.
We already have an approved EIR/DR/CDP for this project. We're hoping to streamline this amendment.

Thanks,
Jill

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 5, 2020 11:51 AM
To: Jill Bankston <jbankston@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Hi Jill,

I don't know the full scope of work on this other than I believe you are adding a 60" pipeline in the ROW on the 101. Once I have a better understanding I can give you a list but here are few items:

- Proposed Project Plans
- Approved Streetscape Plans
- Project Description
- Any Technical Studies associated with scope of work
- Any Environmental Documents
- Site Photos

I likely will need the Planning application as well but want to see what exactly is being proposed before I have you fill out the applicable sheets.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Thursday, November 5, 2020 11:40 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

Hi Andrew,

Please let me know what you'd like to see in the folder from CIP.

Thanks,
Jill

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 5, 2020 11:23 AM
To: Jill Bankston <jbankston@encinitasca.gov>; Scott Vurbeff <SVurbeff@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>
Subject: Andrew Maynard shared the folder "Leucadia Drainage Streetscape Intake" with you.

> Hi Jill,
>
> Please upload all documents to the Leucadia Streetscape Drainage project on this link.
>
> Thanks,
> Andrwe

This link only works for the direct recipients of this message.

Leucadia Drainage Streetscape Intake

1231

Open

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Microsoft Corporation, One Microsoft Way, Redmond, WA 98052

RE: Big Water CPP and CDP

Jill Bankston </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0AC7648BC01644E5A536694D2C500AF4-JILL BANKST>
Mon 1/11/2021 2:45 PM

To: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>

No changes to the El Portal pipeline which is south of Basil.

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Monday, January 11, 2021 11:55 AM
To: Jill Bankston <jbankston@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Big Water CPP and CDP

Jill,

The project plans have not been revised since we've processed the previous SUB C application, correct?

Scott

From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Monday, January 11, 2021 11:39 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>; Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Big Water CPP and CDP

Thanks Andrew,

You can send the comments together on Friday. I also just looked back at the plans I provided you and pages 1 – 7 are the drainage plans that were already cover with the El Portal Sub C (Sheets 1 to 7). The current SubC should only cover the drainage improvements from Basil St north. My apologies for sending along those other plans too.

Thanks,
Jill

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Monday, January 11, 2021 11:05 AM
To: Jill Bankston <jbankston@encinitasca.gov>; Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Big Water CPP and CDP

Hi Jill,

Yes, we can and definitely should since the trailer requires a CDP.

I have some departments with corrections needed on the plans. Would you like those together or as I get them? I am hoping to have everyone's comments by Friday.

Regards,

Andrew Maynard
Senior Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760.633.2718 I amaynard@encinitasca.gov

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From: Jill Bankston <jbankston@encinitasca.gov>
Sent: Monday, January 11, 2021 11:02 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: Big Water CPP and CDP

Hi Scott and Andrew,

For the Streetscape project, we will need to have a construction trailer on site – likely within the NCTD ROW.

Can we add this to the drainage project that's currently in process.

Thanks,
Jill

Jill Bankston, P.E.
Principal Engineer
Development Services Department
760-633-2839
jbankston@encinitasca.gov

RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

1234

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>

Thu 11/12/2020 10:07 AM

To: Kathy Noel <KNoel@encinitasca.gov>

I will get the details. I am still waiting back from Scott on the notice to send. My cell is 760-704-7085.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Kathy Noel <KNoel@encinitasca.gov>
Sent: Thursday, November 12, 2020 10:06 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Ok, I will be away for a bit – taking the dog to the vet, but when I come back I will write the check. Any special instructions? Reference #? To County of SD? $50?
Etc.??

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 12, 2020 10:04 AM
To: Kathy Noel <KNoel@encinitasca.gov>
Subject: RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Me. I am out but will come in to mail it.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Kathy Noel <KNoel@encinitasca.gov>
Sent: Thursday, November 12, 2020 10:00 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>; Shari Watson <swatson@encinitasca.gov>; Christine Ruess <cruess@encinitasca.gov>
Cc: Andrew Maynard <AMaynard@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

I will write a check and get reimbursed. Who do I give the check to?

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Thursday, November 12, 2020 8:22 AM
To: Shari Watson <swatson@encinitasca.gov>; Christine Ruess <cruess@encinitasca.gov>
Cc: Andrew Maynard <AMaynard@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>; Kathy Noel <KNoel@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Hi Shari,

We were unexpectedly requested to file the check with the County today. Is there any chance Andrew Maynard could get the check today?

Thx, Scott

From: Shari Watson <swatson@encinitasca.gov>
Sent: Thursday, November 5, 2020 1:31 PM
To: Christine Ruess <cruess@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>
Cc: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Hi,

I closed my batch because the deadline was today at 12 but I'll enter it in a separate batch. I've copied Alyce as a FYI.

Shari

From: Christine Ruess <cruess@encinitasca.gov>
Sent: Thursday, November 5, 2020 1:15 PM
To: Jill Bankston <jbankston@encinitasca.gov>; Shari Watson <swatson@encinitasca.gov>
Cc: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>

Subject: FW: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Hi Jill –

1236
Please sign the check request form (level 10) found here…

T:\000 A Items for all Eng Division Access\Invoices - 2020\Invoices_Week ending 11.6.20\Jill Check Request Form (CEQA) Streetscape Big Water.pdf

Please let Shari know when you have signed it.

Shari – the check should be delivered to Andrew. Can we get the check in the batch this week?

Thanks,
Christine

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Thursday, November 5, 2020 12:25 PM
To: Christine Ruess <cruess@encinitasca.gov>
Cc: Andrew Maynard <AMaynard@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>
Subject: Check Request for County Processing Fee for Streetscape Big Water CEQA Notice

Hi Christine,

Attached is a check request to cover the County's filing fee to process a CEQA notice for the EIR addendum on the Streetscape Big Water project. Please forward the check to Andrew Maynard, who will mail the check and notice to the County Clerk when I'm on a two-week vacation commencing Nov. 16.

We'll need this check no later than November 19th.

Thx, Scott

Scott Vurbeff | Environmental Project Manager | Encinitas Development Services Dept.
505 S. Vulcan Ave. | Encinitas, CA 92024 | ph. 760-633-2692
svurbeff@encinitasca.gov

RE: Leucadia Streetscape Drainage

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/12/2020 1:17 PM

To: Deana Gay <dgay@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>

Thank you!

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Deana Gay <dgay@encinitasca.gov>
Sent: Thursday, November 12, 2020 1:11 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: Leucadia Streetscape Drainage

Ok, thanks.
I'm working on some other things right now but will post it later today.
Thanks

Deana Gay
Administrative Support Coordinator
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
(760) 633-2736 dgay@encinitasca.gov
www.encinitasca.gov

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found via https://encinitasca.gov/Home/City-News/ArticleID/216.

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 12, 2020 1:09 PM
To: Deana Gay <dgay@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>; Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>
Subject: Leucadia Streetscape Drainage
Importance: High

Hi Deana,

Here is the link to post three items for the Leucadia Streetscape Drainage project today:

T:\Andrew M\Discretionary Projects\Active Discretionary Projects\SUBC-004158-2020 (Leucadia Streetscape SUBC)\Posting

The three items should be:

- EIR Addendum
- SuBC -Plans
- SUBC-004158-2020 Decision

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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RE: Leucadia Streetscape Drainage filing

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/12/2020 10:20 AM

To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>

Yes, I can drop by and sign it.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Thursday, November 12, 2020 10:18 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Kathy Noel <KNoel@encinitasca.gov>
Subject: RE: Leucadia Streetscape Drainage filing

Ok, working on the NOD now. Can you sign it? It needs a wet signature. If not, and Kathy is going to Fed Ex it. I'll put her name on the signature block and she can sign it.

Let me know.

Thx, Scott

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 12, 2020 10:12 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: RE: Leucadia Streetscape Drainage filing

Sounds like we probably have the check covered and fedex with Kathy.

Can you text me at 760-704-7085 when you email me the notice and receipts? I will coordinate with Kathy to get that send off.

Thanks!

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Thursday, November 12, 2020 8:03 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: RE: Leucadia Streetscape Drainage filing

I'll email you the notice and previous receipts this morning. You just need to mail the notice, receipts, and check to the County.

I'm following-up on the check.

Thx, Scott

From: Andrew Maynard <AMaynard@encinitasca.gov>
Sent: Thursday, November 12, 2020 5:17 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>
Subject: Leucadia Streetscape Drainage filing

For the notice to the County will I need:

Notice (from you)
Receipts of previous fees paid (from you)
Entire EIR Addendum (400+ pgs)- link you sent
$50 County fee (from Shari)- Any word on this?
SUBC decision (is this necessary?)

Am I missing anything else? I will be in later today but will be at the DMV this morning.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local

Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

RE: NOD and Fish & Game Receipts for the Big Water Project

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/12/2020 11:33 AM

To: Kathy Noel <KNoel@encinitasca.gov>; Scott Vurbeff <SVurbeff@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>

Thanks Kathy. I will swing by the office just after 1 and sign it

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

From: Kathy Noel <KNoel@encinitasca.gov>
Sent: Thursday, November 12, 2020 11:32 AM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: RE: NOD and Fish & Game Receipts for the Big Water Project

OK, Andrew I guess you need to come in to sign anyway? Alyce said she will bring the check to me when she gets here at 1:00. I will print these two items out and have them at my desk for you/ us.

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Thursday, November 12, 2020 11:28 AM
To: Andrew Maynard <AMaynard@encinitasca.gov>; Kathy Noel <KNoel@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>
Subject: NOD and Fish & Game Receipts for the Big Water Project

Andrew/Kathy,

See attached NOD and previously filed NOD/Fish & Game Receipt . . . a big thank you to both of you for all of your help!

The Fed Ex package consists of four items:

- Notice of Determination with Andrew's wet signature;
- Previously filed NOD

- Receipt for Fish & Game fee that was already paid
- $50.00 check

Thank you!!

Scott

Scott Vurbeff | Environmental Project Manager | Encinitas Development Services Dept.
505 S. Vulcan Ave. | Encinitas, CA 92024 | ph. 760-633-2692
svurbeff@encinitasca.gov

RE: Streetscape EIR Addendum for Big Water

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/12/2020 3:13 PM

To: Ed Wimmer <Ewimmer@encinitasca.gov>
Cc: Jill Bankston <jbankston@encinitasca.gov>

I will send you a Onedrive link shortly because of file size with the SUBC decision, plans and addendum.

Andrew Maynard, Associate Planner
Planning Division
City of Encinitas
760-633-2718
amaynard@encinitasca.gov

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From: Ed Wimmer <Ewimmer@encinitasca.gov>
Sent: Thursday, November 12, 2020 2:01 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Jill Bankston <jbankston@encinitasca.gov>
Subject: FW: Streetscape EIR Addendum for Big Water

I don't have access to the below link. Can you please send me the Addendum?

Thanks!

Ed Wimmer, P.E.
City Engineer
Development Services Department
505 S. Vulcan Ave, Encinitas, CA 92024-3633
760.633.2763|Fax: 760.633.2818|TDD:760.633.2700
ewimmer@encinitasca.gov
www.encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City

business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

1245

From: Roy Sapau <RSapau@encinitasca.gov>
Sent: Wednesday, November 11, 2020 3:07 PM
To: Scott Vurbeff <SVurbeff@encinitasca.gov>; Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Anna Colamussi <acolamussi@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>; Ed Wimmer <Ewimmer@encinitasca.gov>
Subject: RE: Streetscape EIR Addendum for Big Water

Thank you Scott. Enjoy your vacation.

ROY SAPA'U
Assistant Director/City Planner

Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2734 | rsapau@encinitasca.gov
www.encinitasca.gov

> **In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be fo**

From: Scott Vurbeff <SVurbeff@encinitasca.gov>
Sent: Tuesday, November 10, 2020 10:32 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Cc: Roy Sapau <RSapau@encinitasca.gov>; Anna Colamussi <acolamussi@encinitasca.gov>; Jill Bankston <jbankston@encinitasca.gov>; Ed Wimmer <Ewimmer@encinitasca.gov>
Subject: Streetscape EIR Addendum for Big Water

Andrew,

Below is a link to the completed EIR addendum for Big Water:

\\encinitas.local\coe\PLANNING\Environmental Review\Projects\ACTIVE PROJECTS\EIR - 101 Streetscape Project\Addendum to EIR - 2 (Big Water)\#Streetscape EIR Addendum #2.pdf

Scott

RE: Streetscape NOD

Andrew Maynard </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E3FAB54F3FAB4D1EAC50356E80E2138F-ANDREW MAYN>
Thu 11/19/2020 3:29 PM

To: Roy Sapau <RSapau@encinitasca.gov>

1 attachments (39 KB)
Big Water NOD.doc;

Please see attached.

Andrew Maynard
Senior Planner
Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760.633.2718 I amaynard@encinitasca.gov

In response to the COVID-19 pandemic, the City has issued a Proclamation of Local Emergency and activated its Emergency Operations Center (EOC). All City offices are currently closed to the public until further notice. City staff will continue to conduct City business through teleconferencing and phone calls. We will continue our "virtual city hall" services via the Customer Service Center portal, where many permits and plans can be processed electronically. Contacts for city departments and services can be found via https://encinitasca.gov/Home/City-News/ArticleID/216.

From: Roy Sapau <RSapau@encinitasca.gov>
Sent: Thursday, November 19, 2020 1:59 PM
To: Andrew Maynard <AMaynard@encinitasca.gov>
Subject: Streetscape NOD

Hi Andrew,

Do you have the word doc of the Streetscape NOD from Scott? Please send it if you do.

Thanks,
Roy

Appendix E California Coastal Commission Emails With City of Encinitas

Jill Bankston
Fw: Streetscape CDP Amendment permit issuance questions
January 14, 2021 at 10:12 HST
To: Anna Colamussi
Cc: Roy Sapau, Ed Wimmer

Here's the information Cort requested.

_____

From: Plumb, Luke < Luke.Plumb@gcinc.com > >
Sent: Thursday, January 14, 2021 8:40 AM
To: Jill Bankston < jbankston@encinitasca.gov > > ; Abdul Khan < mohammed.khan@psomas.com > > ; Shadkam, Bobby < bobby.shadkam@gcinc.com > >
Subject: RE: Streetscape CDP Amendment permit issuance questions

[**NOTICE:** Caution: External Email]

Good morning,

Please see the attached documents for the questions below. The parking pods are highlighted in Light blue. Gravel will be hauled in, spread out and compacted in the same day. We are not planning on having piles of material in the NCTD right of way. A 4k water truck will be utilized to prevent dust from occurring.
During construction of the parking pods fiber rolls will be installed parallel to the N Coast HWY 101 and form a perimeter around the work being performed. We will maintain the fiber rolls by utilizing the SWPPP inspection form prior to and after a rain event. SWPPP will be maintained until the site is stabilized. If track out occurs we will have a sweeper on standby to get it cleaned up.

Thanks,
Luke

From: Jill Bankston < jbankston@encinitasca.gov > >
Sent: Wednesday, January 13, 2021 4:15 PM
To: Abdul Khan < mohammed.khan@psomas.com > > ; Plumb, Luke < Luke.Plumb@gcinc.com > > ; Shadkam, Bobby < Bobby.Shadkam@gcinc.com > >
Subject: FW: Streetscape CDP Amendment permit issuance questions

CAUTION: This email originated from outside of Granite

Hi All,

We are inching closer to CDP approval. The CC has accepted our initial submittals, but is still reviewing the SWQMP and the CPPP.

We have asked for permission to install BMPs and start work on the gravel parking pods now. CC Staff is

requesting some additional information (see highlight below). Would you please provide information on the work you're requesting to do before final approved that addresses the question below.

1349
Thank You,
Jill

From: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >
Sent: Wednesday, January 13, 2021 3:44 PM
To: Anna Colamussi < acolamussi@encinitasca.gov > > ; Roy Sapau < RSapau@encinitasca.gov > >
Cc: Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment permit issuance questions

[**NOTICE:** Caution: External Email]

Hi Anna,

Please see attached for the Notice of Acceptance for the Streetscape project's condition compliance requirements. All of the Prior to issuance (PTI) conditions have been satisfied, and the permit can be released. Our office will mail two copies of the permit to you -- please sign both copies and return one signed copy back to our office; the other copy is for your records.

Please note that the two Prior to Construction (PTC) conditions (SC 3 Storm Water Quality Management Plan and SC 4 Construction Pollution Prevention Plan) are still being reviewed by staff. We will send over a Notice of Acceptance for these once they have been determined to satisfy the conditions of the permit, or we will reach out to you if additional information is needed to complete these PTC conditions.

To respond to your question about setting up temporary BMPs and placing gravel for the 3 parking pods – can you please provide more information, plans, photos, etc. for what BMPs are proposed, and where the gravel would specifically be placed and how it would be maintained in the ROW until construction begins.

Thank you, and please let me know if you have any questions.

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

From: Anna Colamussi < acolamussi@encinitasca.gov > >
Sent: Wednesday, January 13, 2021 9:09 AM

To: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > > ; Sapa'u, Roy@City of Encinitas < rsapau@encinitasca.gov > >
Cc: Lilly, Diana@Coastal < Diana.Lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment (Big Water project question)

Hi Cort,

I hope you had a great holiday season!

We wanted to check-in on the status of the Streetscape CDP issuance. In addition, our staff wanted to inquire whether or not we can place temporary BMPs as well as place the gravel for the three parking pods north of Basil Street within the NCTD right-of-way while we wait for the approval. This work will not be within the Coast Highway 101 roadway.

Please let us know if you need additional information and I will be happy to provide it.

Thank you,
Anna Colamussi

From: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >
Sent: Friday, December 18, 2020 5:19 PM
To: Roy Sapau < RSapau@encinitasca.gov > >
Cc: Anna Colamussi < acolamussi@encinitasca.gov > > ; Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment (Big Water project question)

[**NOTICE:** Caution: External Email]

Hi Roy,

I am finalizing review of the final plans (Special Condition No. 1). All of the other condition compliance materials appear to satisfy the permit conditions. I will reach out with any questions that may arise, or once we have verified that the conditions are met and the permit can be issued.

Thank you,

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

This message contains confidential information and is intended only for the individual(s) addressed in the message. If you are not the named addressee, you should not disseminate, distribute, or copy this e-mail. If you are not the intended recipient, you are notified that disclosing, distributing, or copying this e-mail is strictly prohibited.

Roy Sapau
RE: Streetscape CDP Amendment permit issuance questions
January 14, 2021 at 10:56 HST
To: Hitchens, Cort@Coastal, Anna Colamussi
Cc: Lilly, Diana@Coastal, Lee, Deborah@Coastal

Hi Cort and Coastal Team,

Happy New Year! Hope you all had a wonderful holiday season.

Thank you for the wonderful news on our CDP. What a great way to start the New Year. We appreciate the hard work and collaborative effort in getting our final CDP issued. It's been a long and rough journey and we wouldn't be here without your team's guidance and support. Thank you all.

As for the additional information requested, please see attached email with attachments and let us know if you need additional information or have any follow up questions.

Thank you!
Roy

ROY SAPA'U
Assistant Director/City Planner

Development Services Department
505 South Vulcan Ave, Encinitas, CA 92024
760-633-2734 | rsapau@encinitasca.gov
www.encinitasca.gov

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From: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >
Sent: Wednesday, January 13, 2021 3:44 PM
To: Anna Colamussi < acolamussi@encinitasca.gov > > ; Roy Sapau < RSapau@encinitasca.gov > >
Cc: Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment permit issuance questions

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you -- please sign both copies and return one signed copy back to our office; the other copy is for your records.

1859 Please note that the two Prior to Construction (PTC) conditions (SC 3 Storm Water Quality Management Plan and SC 4 Construction Pollution Prevention Plan) are still being reviewed by staff. We will send over a Notice of Acceptance for these once they have been determined to satisfy the conditions of the permit, or we will reach out to you if additional information is needed to complete these PTC conditions.

To respond to your question about setting up temporary BMPs and placing gravel for the 3 parking pods – can you please provide more information, plans, photos, etc. for what BMPs are proposed, and where the gravel would specifically be placed and how it would be maintained in the ROW until construction begins.

Thank you, and please let me know if you have any questions.

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

From: Anna Colamussi < acolamussi@encinitasca.gov > >
Sent: Wednesday, January 13, 2021 9:09 AM
To: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > > ; Sapa'u, Roy@City of Encinitas < rsapau@encinitasca.gov > >
Cc: Lilly, Diana@Coastal < Diana.Lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment (Big Water project question)

Hi Cort,

I hope you had a great holiday season!

We wanted to check-in on the status of the Streetscape CDP issuance. In addition, our staff wanted to inquire whether or not we can place temporary BMPs as well as place the gravel for the three parking pods north of Basil Street within the NCTD right-of-way while we wait for the approval. This work will not be within the Coast Highway 101 roadway.

Please let us know if you need additional information and I will be happy to provide it.

Thank you,
Anna Colamussi

From: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >

Sent: Friday, December 18, 2020 5:19 PM
To: Roy Sapau < RSapau@encinitasca.gov > >
Cc: Anna Colamussi < acolamussi@encinitasca.gov > > ; Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment (Big Water project question)

[**NOTICE:** Caution: External Email]

Hi Roy,

I am finalizing review of the final plans (Special Condition No. 1). All of the other condition compliance materials appear to satisfy the permit conditions. I will reach out with any questions that may arise, or once we have verified that the conditions are met and the permit can be issued.

Thank you,

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

From: Roy Sapau < RSapau@encinitasca.gov > >
Sent: Wednesday, December 16, 2020 6:45 PM
To: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >
Cc: Anna Colamussi < acolamussi@encinitasca.gov > > ; Lilly, Diana@Coastal < Diana.Lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: Re: Streetscape CDP Amendment (Big Water project question)

Hi Cort,

Thank you for the determination. We will proceed with a separate CDP for the storm drain pipe and will continue to coordinate with your team on issues needing resolutions prior to us taking action on the CDP.

Also, could you please advise on the status of the CDP issuance for Streetscape? Please let us know if you need additional information to issue the CDP.

We appreciate your help and support.

Thanks,
Roy

From: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > >
Sent: Wednesday, December 16, 2020 4:33 PM

To: Roy Sapau < RSapau@encinitasca.gov > >
Cc: Anna Colamussi < acolamussi@encinitasca.gov > > ; Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > > ; Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > >
Subject: RE: Streetscape CDP Amendment (Big Water project question)

[**NOTICE:** Caution: External Email]

Hi Roy,

Staff believes that the City should process the 'Big Water' project as a new CDP (that would be appealable to the CCC as a major public works project), not as an amendment and not through substantial conformance with the Streetscape project. At this time, staff also requests that all technical documents associated with this project (Paleontology, Marine Biology, Water Quality, Hydrology, etc.) be provided as they become available, so that we can get the documents into our Technical Staff's queue for review as soon as possible.

Staff does not think that it is appropriate to submit the Big Water project as an amendment to the Streetscape project because we see it as a separate project, largely intended to convey stormwater, rather than contribute to public access and transportation. However, modifying the Streetscape project to include new stormwater treatment facilities to support the new pipe may need to be processed as an amendment to the Streetscape permit, rather than be included in the new Big Water project, but we will need to see the proposed modifications before we can make that determination. Lastly, staff would like to work with City staff early on to resolve any potential issues with the Big Water project before the appeal period opens, so please provide updates and any questions as they arise for staff review.

Thank you, and please let me know if you have any questions.

Cort Hitchens
Coastal Program Analyst
California Coastal Commission
San Diego Coast District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108
(619) 767-2370

From: Roy Sapau < RSapau@encinitasca.gov > >
Sent: Tuesday, December 15, 2020 8:13 AM
To: Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > > ; Lilly, Diana@Coastal < Diana.Lilly@coastal.ca.gov > >
Cc: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > > ; Anna Colamussi < acolamussi@encinitasca.gov > >

Subject: Re: Streetscape CDP Amendment

Good morning Deborah and Diana,
1256

Please advise on your determination on the process for the Leucadia Storm Drain Pipe. We would like to initiate the process as soon as possible either with you or the City for the pipe. Our Council is considering and prioritizing CIP projects in March and this pipe is critical to their decision making. Please advise.

Hi Cort, could you also please let us know the status of your review of the documents submitted to satisfy the Streetscape CDP conditions?

Thank you all.
Roy

From: Roy Sapau
Sent: Monday, December 7, 2020 11:22 AM
To: Lee, Deborah@Coastal < Deborah.Lee@coastal.ca.gov > > ; Lilly, Diana@Coastal < diana.lilly@coastal.ca.gov > >
Cc: Hitchens, Cort@Coastal < cort.hitchens@coastal.ca.gov > > ; Anna Colamussi < acolamussi@encinitasca.gov > >
Subject: Streetscape CDP Amendment

Good morning Deborah and Diana,

I'm following up with you on the process for the stormdrain pipe we discussed last week. In addition to the new pipe, we are proposing to modify the streetscape project to include new stormwater treatment facilities to support the proposed pipe. Please advise on your determination of the appropriate process for the pipe and associated stormwater treatment facilities. Also, please let me know if you need more information about the new pipe and potential impacts.

Thank you.
Roy

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Appendix F City of Encinitas Agendas

1258

City of Encinitas

City Council - 6:00 p.m.

AGENDA

WEDNESDAY, DECEMBER 12, 2018 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Presentation by Jessica Toth of the Solana Center

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If at least two (2) Council Members agree, direction may be given to staff to put an item on a future agenda or provide additional information to answer a question.

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda 1259 **are deemed to have been read and further reading waived.**

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the November 28, 2018 Special City Council Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2018-12-12 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2018-12-12 Item 08B Warrants

8C. County of San Diego Contract Number 547764 Agreement, amendment number 11 with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

That the City Council authorize the City Manager to execute amendment number 11 of contract number 547764, with the County of San Diego extending the term from January 1, 2019 to June 30, 2019 and increasing estimated revenue to the City by $31,341.

2018-12-12 Item 08C Senior Nutrition Program

8D. Public Works General Repair Services Spending Authorization Amendment. Contact Person: Contact Person: City Traffic Engineer Bandegan

Authorize the City Manager or her designee, in coordination with the City Attorney, to execute Contract Amendment #2 with LC Paving & Sealing, Inc. (LC Paving) in substantial form, in the amount of $50,000 annually for general repair services, for a total not to exceed amount of $1,336,500 for the General Mobility Improvement Project (CS18E).

2018-12-12 Item 08D LC Paving

1260

Capital Project and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

8E.

Receive the report on the status of Capital Improvement and Traffic Engineering projects and grants.

2018-12-12 Item 08E Mobility Projects and Grants Update

Santa Fe Drive Corridor Improvements Project (CS19E) budget adjustment and project management authorization. Contact Person: Senior Civil Engineer Kellar

8F.

1) Adopt City Council Resolution No. 2018-94 entitled, "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2018-19 Budget"; and 2) Authorize the City Manager or her designee, in coordination with the City Attorney, to execute Contract Amendment #4 with Hoch Consulting in the amount of $88,500 for project management of the Santa Fe Drive Corridor Improvements Project (CS19E), for a total contract amount not to exceed $813,500.

2018-12-12 Item 08F Santa Fe ATP Budget

Notice of Completion for the South Coast Highway 101 Sidewalk Project (CS15C). Contact Person: Engineer Milligan

8G.

1) Accept the public improvements as complete; 2) Authorize release of the performance bond and initiate the warranty bond; and 3) Authorize the filing of a Notice of Completion.

2018-12-12 Item 08G Notice of Completion South Coast Highway 101 Sidewalk Improvements

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A.

Discussion and action regarding options for filling the Council seat left vacant by Council Member Tasha Boerner Horvath. Contact Person: City Clerk Hollywood

Council to discuss and provide direction to staff regarding filling the Council vacancy.

2018-12-12 Item 10A Council Vacancy

1261 Discussion regarding Appointments of Encinitas City Council Members to Regional Boards, Commissions, and Committees, and Consideration and Possible Action Regarding Appointments to Standing Subcommittees, Active Ad-Hoc Subcommittees, and Council Liaisons. Contact Person: Assistant City Manager Delin

10B. 1) Council to make recommendations and approve final appointments of Representatives and Alternates to the North County Transit District (NCTD) 2019 Board of Directors; 2) Council to make recommendations and approve final appointments of Representative, Alternate, and Second Alternate to the San Diego Association of Governments (SANDAG) 2019 Board of Directors; 3) Mayor to make recommendations and Council to approve all other 2019 regional board, commission, and committee appointments; and 4) Council to consider and possibly take action regarding appointments to standing subcommittees, active ad-hoc subcommittees, and Council liaisons.

2018-12-12 Item 10B Regional Committee and Board Appointments

Leucadia Storm Drainage Project. Contact Person: Public Works Director Quiram

10C. Ratify the application for a Caltrans Sustainability Transportation Adaptation Planning Grant in the amount of $393,000 with a City match of $131,000.

2018-12-12 Item 10C Leucadia Storm Drainage Project

10D. Consideration and possible direction to staff regarding Encinitas Housing Element update litigation outcome (SD Tenants United and Loraine Del-Rose v. City of Encinitas and Encinitas City Council Case No. 37-2017-00013257-CU-WM-NC Government Code 54956.9; and, Building Industry Association of SD (BIA) v. City of Encinitas Case No. 37-2017-00023267-CU-WM-NC). Contact Person: City Attorney Sabine (THERE IS NO AGENDA REPORT FOR THIS ITEM)

Council to discuss and provide possible direction to staff.

2018-12-12 Item 10D Court Ruling regarding petioners BIA & SD Tenants United v COE (Added 12-12-18)

11. INFORMATIONAL ITEMS

11A. Update on City of Encinitas' Economic Development. Contact Person: Assistant City Manager Delin

Receive presentation and provide direction if desired.

2018-12-12 Item 11A Update on Economic Development Program

12. COUNCIL MEMBER INITIATED AGENDA ITEM

1262

12A. Council Initiated Item from Mayor Blakespear regarding delivery of marijuana products in the City of Encinitas.

2018-12-12 Item 12A Mayor Blakespear Initiated Item Regarding Delivery of Marijuana Products

13. FUTURE AGENDA ITEMS ADDED BY COUNCIL MEMBERS

15. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

2018-12-12 Item 15 City Manager Follow Up Log

14. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

16. CITY ATTORNEY REPORTS

17. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON JANUARY 9, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1263

1264

City of Encinitas

City Council - 6:00 p.m.

AGENDA

WEDNESDAY, JANUARY 9, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation by Associate Planner Plagemann on the Permit Ready Accessory Dwelling Unit (PRADU) Program

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If at least two (2) Council Members agree, direction may be given to staff to put an item on a future agenda or provide additional information to answer a question.**

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1265

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the November 14, 2018 Regular Meeting, November 28, 2018 Regular Meeting, December 11, 2018 Special Meeting, December 12, 2018 Special Meeting, and December 12, 2018 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-01-09 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-01-09 Item 08B Warrants

8C. Consideration of Proposed Changes to the calendar year 2019 City Council Meeting Schedule. Contact Person: City Clerk Hollywood

Approve the proposed changes to the calendar year 2019 City Council Meeting Schedule and adopt City Council Resolution 2019-01 Approving the 2019 meeting schedule.

2019-01-09 Item 08C Council Meeting Schedule

REVISED Attachment 1 & Exhibit A to Resolution - 2019 Regular Meeting Schedule (added 1/7/19)

As-needed website development and customizations contract. Contact Person: IT Supervisor Van Pelt

8D. 1) Authorize the City Manager or her designee, in coordination with the City Attorney, to execute a professional services contract, in substantial form, and any necessary amendments with 13Below for a term of one-year with the option to extend two additional one-year periods, for a total not to exceed amount of $45,000 for as-needed website development and customizations; and 2) Authorize the IT Department Manager to execute any necessary task orders associated with the fully executed as-needed website development and customizations contract with 13Below within the granted authority.

1266

2019-01-09 Item 08D As Needed IT Professional Services for Website Customizations

Amendment 12 to the Agreement with Tyler Technologies, Inc. for the purchase of Planned Annual Continuing Education (PACE) Training. Contact Person: IT Supervisor Van Pelt

8E. 1) Approve Amendment 12, in substantial form, in consultation with the City Attorney, and authorize the City Manager, to enter into the amended agreement with Tyler Technologies, Inc. for annual PACE training beginning in FY 2018-19 in the amount of $7,700.

2019-01-09 Item 08E Tyler Contract Amendment PACE

Authorize Bluebeam electronic plan review annual software maintenance. Contact Person: IT Supervisor Van Pelt

8F. 1) Authorize Bluebeam annual software maintenance in an amount of $28,320 in FY 2018-19, and authorize anticipated Bluebeam annual software maintenance renewals in amounts of $31,152 in FY 2019-20 and $34,267 in FY 2020-21.

2019-01-09 Item 08F Bluebeam ASM

Construction agreement for I-Net Fiber Build-Out between City Hall and Fire Station 1. Contact Person: IT Supervisor Contreras

8G. 1) Award contract to DBX, Inc. in the amount of $46,125; 2) Authorize the City Manager or her designee, in coordination with the City Attorney, to execute a construction agreement with DBX, Inc., in substantial form, in the amount of $46,125 plus 10 percent contingency for a total project not to exceed amount of $50,738 for the I-Net Fiber Build-Out between City Hall and Fire Station 1; and 3) Adopt City Council Resolution No. 2019-02 amending the FY 2018-19 budget to appropriate the Governmental /Educational Access (213) budget by $3,086.

2019-01-09 Item 08G iNet Fire 1 Fiber Construction Award

Proposed procedures for investigating complaints by, against and between City Council members, Commissioners and other officials. Contact Person: Director of Human

Resources Bokosky

8H.

1267 Staff recommends that City Council approve Resolution No. 2019-06 titled - "A Resolution of the City Council of the City of Encinitas Establishing Procedures for Investigating Complaints By, Against, and Between City Council Members, Commissioners, and Other Elected and Appointed Officials."

2019-01-09 Item 08H Discrimination, Harassment and Retaliation Policy

8I. Approval of Plans and Specifications for the Bonita Drive Sidewalk Improvements Project (CS19C). Contact Person: Associate Civil Engineer Widelski

1) Approve the plans and specifications; and 2) Authorize solicitation of construction bids.

2019-01-09 Item 08I Bonita Drive Sidewalk Design

8J. Approval of Plans and Specifications for Sidewalk Improvements on the north side of B Street from North Coast Highway 101 to Moonlight Beach (CS18G). Contact Person: Associate Engineer Milligan

1) Approve the project plans and specifications; and 2) Authorize solicitation of construction bids.

2019-01-09 Item 08J B Street Sidewalk Improvement Plans and Specifications

8K. Approval of Plans and Specifications for Downtown Cardiff Accessibility Improvements (CS18H). Contact Person: Associate Engineer Milligan

1) Approve the project plans and specifications; and 2) Authorize solicitation of construction bids

2019-01-09 Item 08K Cardiff Accessibility Plans and Specifications

8L. Capital Project and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of Capital Improvement and Traffic Engineering projects and grants.

2019-01-09 Item 08L Mobility Projects and Grants Update

Contract for As-Needed Architectural Services. Contact Person: Senior Management

Analyst Wilson

8M. 1268 Authorize the City Manager, or the Manager's designee, in coordination with the City Attorney, to execute a contract substantially as to form and any necessary amendments, task orders, and time extensions, with Jeff Katz Architecture in an amount not to exceed $400,000.

2019-01-09 Item 08M As Needed Architectural Services Contract for Facilities

Services for North Coast Highway 101 Streetscape Project (CS04D). Contact Person: City Engineer Wimmer

8N. That City Council: 1) Authorize the City Manager, or designee, in consultation with the City Attorney, to execute the following: a) Agreement in the amount of $60,000 with GHD to perform a third-party peer review of the Streetscape roundabouts proposed at El Portal, Jupiter St., Grandview St., and Bishop's Gate; b) Amendment to the existing agreement with Michael Baker International (MBI) in the amount of $40,000 for overtime and additional resources to expedite the completion of final biddable construction drawings for construction beginning after Labor Day, 2019, in advance of the current schedule for construction beginning in November, 2019; c) Amendment to the existing agreement with MBI in the amount of an additional $70,000 for pre-construction potholing and utility location; d) Amendment to the existing agreement with MBI in the amount of an additional $9,000 for redesign of the Grandview roundabout intersection; e) Amendment to the existing agreement with MBI of an additional $16,000 for survey and redesign of three single-loaded parking pods on the east side of North Coast Highway 101, in NCTD right-of-way; f) Amendment to the existing agreement with MBI for an amount not to exceed $14,000 for property owner exhibits, design revisions, and presentation drawings; g) Agreement with KTU+A for $6,000 to generate high-quality visual photo simulations of two key vantage points in the Streetscape corridor, to be used for outreach and planning purposes; and h) A 10% contingency on all work up to $21,500, for a grand total of $235,500 to complete the tasks above.

2019-01-09 Item 08N Streetscape Additional Scope

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Council to meet with applicants and make one appointment to fill a vacancy on the City Council with a term ending December 8, 2020. Contact Person: City Clerk Hollywood

10A. Consider each applicant's qualifications and interest in serving on the City Council, discuss and make one appointment to fill the vacancy on the City Council with a term ending December 8, 2020.

2019-01-09 Item 10A Council Vacancy REDACTED

1269

Introduction of Draft Ordinance No. 2019-01 for proposed amendments to the Municipal Code to Allow Emergency Shelters as a Permitted Use in the Business Park and Light Industrial Zones. CASE NO: 18-231 ZA/LCPA; LOCATION: Business Park and Light Industrial Zones. Contact Person: Management Analyst Piano-Jones

10B.

1) Introduce City Council Ordinance No. 2019-01, titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, Which Proposes to Allow Emergency Shelters As a Permitted Use in the Business Park and Light Industrial Zones."

2019-01-09 Item 10B Emergency Shelters

Solar Program Development Agreement. Contact Person: Senior Management Analyst Wilson

10C. City Council authorizes the City Manager to execute a Program Development Agreement between the City of Encinitas and ENGIE Services U.S., in substantial form, subject to review and final approval of the City Attorney, to provide an integrated energy assessment and to identify energy conservation and renewable energy options for City facilities to bring the City's energy demand to net zero.

2019-01-09 Item 10C Solar Program Devleopment Agreement

scussion of North Coast Highway 101 interim measures, improvements and funding appropriations. Contact Person: City Engineer Wimmer

10D.Di 1) Council to review options and provide direction to staff; 2) Council to consider additional interim improvements and appropriation of related funds. If Council elects to implement any additional interim measures described in this report and listed below that require funding, the City Council may adopt Resolution No. 2019-08 entitled, "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2017-18 Adopted Budget" authorizing an additional appropriation of $____ (amount to be determined by Council Action) to fund interim improvements on N. Coast Highway 101. Additional interim improvements to consider include: 1) Two additional at grade crosswalks with rapid flashing beacons at El Portal Street and Grandview Street - $100,000 total; 2) Raised Crosswalks - $220,000 for four crosswalks ($120,000 to raise all 4); and 3) Interim 5-foot Striped Bike Lane - $1.55 million (water blast striping) or $1.8 million (slurry seal).

2019-01-09 Item 10D Interim North Coast Highway 101 Improvements

11. INFORMATIONAL ITEMS

1270 **11A.** Information report on the status of the Leucadia North Highway 101 Streetscape Project. Contact Person: Director of Development Services Wisneski

Receive the oral report and provide direction as necessary.

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. FUTURE AGENDA ITEMS ADDED BY COUNCIL MEMBERS

14. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

15. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

2019-01-09 Item 15 City Manager Follow Up Log

16. CITY ATTORNEY REPORTS

17. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON JANUARY 16, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1271

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, JANUARY 22, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda**

are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

1272

8A. Approval of the Minutes of the December 11, 2019 Special Closed Session Meeting, December 11, 2019 Special Joint City Council and Planning Commission Meeting, December 11, 2019 Regular Meeting, December 18, 2019 Special Closed Session Meeting, and December 18, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-01-22 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-01-22 Item 08B Warrants

8C. Second Reading and adoption of Ordinance No. 2019-28 for amendments to the Downtown Encinitas Specific Plan and the Local Coastal Plan to make changes to the planting palette, location, and planting guidelines within Chapters 4 and 7 of the DESP. Contact Person: Associate Planner Plagemann

Adopt Ordinance No. 2019-28 titled "An Ordinance of the City Council of the City of Encinitas, California Adopting Amendments to the Downtown Encinitas Specific Plan to Address Changes to the Street Tree Guidelines."

2020-01-22 Item 08C Second Reading Amendments to the DESP - Street Tree Guidelines

8D. Report on the Financial Results for Fiscal Year 2018-19. Contact Person: Finance Manager Gallup

1) Approve and adopt the actual ending fund balances for FY 2018-19 as the beginning fund balances for FY 2019-20; 2) Approve the revised Schedule A, "Revised Budget Summary FY 2019-20;" 3) Receive the Capital Improvement Program End of Year Status Report; and 4) Adopt Resolution 2020-06 authorizing: a) a lump sum payment to CalPERS to reduce the City of Encinitas unfunded pension liability in the amount of $500,000, and b) a fund balance transfer in the amount of $410,000 from the Open Space Acquisition Fees Fund (Fund 235) to the Opportunity Fund (Fund 119), formerly the Special Projects Fund.

2020-01-22 Item 08D Report on the Financial Results for FY 2018-19

1273

Second Reading and Adoption of Ordinance 2019-30, an Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 11.27 – Expanded Polystyrene Disposable Food Service Ware Prohibition Ordinance. Contact Person: Environmental Programs Manager Steenblock

8E.

Adopt Ordinance 2019-30 titled, "An Ordinance of the City Council of the City of Encinitas Amending Chapter 11.27 of the Encinitas Municipal Code Prohibiting the Use and Distribution of Expanded Polystyrene Food Service Ware, Plastic Utensils, and Beverage Straws."

2020-01-22 Item 08E Second Reading and Adoption of Ordinance 2019-30

South Coast Highway 101 Safety and Mobility (CS20E) Construction Contract. Contact Person: City Engineer Wimmer

8F.

1) Authorize the City Manager to execute a contract in substantial form, and any necessary amendments and time extensions, in consultation with the City Attorney, to Blue Pacific Engineering and Construction in the amount of $653,400 plus a 25 percent contingency of $163,350 for a total contract not to exceed amount of $816,750 to construct the South Coast Highway 101 Safety and Mobility Project; and 2) Adopt Resolution No. 2020-04, titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate $431,292 to the South Coast Highway Mobility Project (CS20E).

2020-01-22 Item 08F South Coast Highway 101 Safety and Mobility Construction Contract

Construction Contract for Pavement Rehabilitation and Overlay Project FY 2018-2019 (CS19A). Contact Person: City Engineer Wimmer

8G.

Authorize the City Manager to execute a contract in substantial form and any necessary amendments and time extensions, in consultation with the City Attorney, with PAL General Engineering, INC. in the amount of $969,833 plus 20 percent contingency $193,967 to construct the Pavement Rehabilitation and Overlay Project FY 2018-2019, for a total construction contract not-to-exceed amount of $1,163,800.

2020-01-22 Item 08G Construction Contract for Pavement Rehabilitation and Overlay Project FY 2018-2019

Acceptance of the Cardiff Beach Living Shoreline Project (CP16A). Contact Person: City Engineer Wimmer

Adopt Resolution No. 2020-07 accepting the public improvements for the Cardiff Beach

8H. Shoreline Project (CP16A) as complete to the satisfaction of the City; authorizing the filing of the Notice of Completion for the Project; authorizing the release of the payment bond in full upon the recording of the Notice of Completion; and authorizing the release of the performance bond in full one (1) year after the recording of the Notice of Completion.

1274

2020-01-22 Item 08H Cardiff Beach Living Shoreline Project Acceptance

City of Encinitas Quality Assurance Plan for project construction. Contact Person: City Engineer Wimmer

8I.

Review and approve the Quality Assurance Plan (QAP) in substantial form as provided in Attachment 1 of the agenda report for project construction.

2020-01-22 Item 08I City of Encinitas Quality Assurance Plan for Project Construction

Emergency Repairs to Highway 101 Bridge over the San Elijo Lagoon (CX20A). Contact Person: City Engineer Wimmer

8J. 1) Ratify Emergency Contract CX20A; 2) Ratify Emergency Contract CX20A Change Order No 1; 3) Amend the Fiscal Years 2019-20 and 2020-21 Operating Budget; 4) Accept public improvements as complete; 5) Authorize filing of Notice of Completion; 6) Authorize release of payment bond in full upon the recording of the Notice of Completion; and 7) Authorize the release of the performance bond in full one (1) year after the recording of the Notice of Completion.

2020-01-22 Item 08J San Elijo Hwy 101 Emerrgency Bridge Repairs

Reject all bids and rebid the Moonlight State Beach Playground Replacement Project PR-RFB-19-05. Contact Person: Park Operations Manager Saul

8K. 1) Reject all bids from the bid opening for the Moonlight State Beach Playground Replacement Project PR-RFB-19-05; and 2) Authorize staff to re-advertise and re-bid the Moonlight State Beach Playground Replacement Project.

2020-01-22 Item 08K Reject All Bids and Rebid the Moonlight State Beach Playground Replacement Project

City Hall Renovation Project (CF20C). Contact Person: Senior Management Analyst Wilson

8L.

Approve the plans, specifications, and authorization to advertise the City Hall Renovation Project (CF20C).

2020-01-22 Item 08L City Hall Renovation

1275 Leaf Blower Rebate Program. Contact Person: Environmental Programs Manager Steenblock

8M. 1) Adopt City Council Resolution No. 2020-05, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate $10,000 for the Leaf Blower Rebate Program; and 2) Extend the Leaf Blower Rebate Program to May 1, 2020.

2020-01-22 Item 08M Leaf Blower Rebate Program Budget Request

Contract Amendment #4 for Infrastructure Engineering Corporation (IEC) to Provide Additional Design and Permitting Services on Olivenhain Trunk Sewer Project (CC04J). Contact Person: Senior Engineer Widelski

8N. Authorize the City Manager to execute a contract amendment and time extensions, in consultation with the City Attorney, with Infrastructure Engineering Corporation (IEC) in the amount of $407,192 plus 15 percent contingency for a not-to-exceed amount of $468,271 to perform additional design and permitting services for the Olivenhain Trunk Sewer Project.

2020-01-22 Item 08N Contract Amendment #4 Infrastructure Engineering Corporation - Olivenhain Trunk Sewer Project (CC04J)

Sump and Inlet Project (CD17A & CD05E). Contact Person: Senior Engineer Widelski

8O. Authorize the City Manager to execute a construction contract in substantial form and any necessary amendments and time extensions, in consultation with the City Attorney, with Blue Pacific Engineering & Construction Inc. in the amount of $124,200 plus 15 percent contingency of $18,630 for a total contract amount not to exceed $142,830 to construct the Sump (CD17A) and Inlet Project (CD05E).

2020-01-22 Item 08O Sump and Inlet Project

County of San Diego Contract Number 561722 Agreement with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

8P. 1) Authorize the City Manager to execute Contract Number 561722, with the County of San Diego, in substantial form as contained in Attachment 1 of the agenda report, in conjunction with the City Attorney accepting grant reimbursement funding for the Senior Nutrition Program not to exceed $25,270 for the five (5) months, February 1, 2020 through June 30, 2020; and 2) Authorize the City Manager to execute all future amendments through June 30, 2023, in conjunction with the City Attorney and subject to budget appropriations, accepting

grant reimbursement funding for the Senior Nutrition Program for a total not to exceed $207,226.

1276 2020-01-22 Item 08P County of San Diego Contract Number 561722 - Senior Nutrition Program

8Q. Letter of support for the continued funding of the Coastal Data Information Program. Contact Person: Senior Management Analyst Piatt

Approve the attached letter of support for the Coastal Data Information Program (CDIP).

2020-01-22 Item 08Q Letter of Support for the Continued Funding of the Coastal Data Information Program

8R. Fiscal Year 2019-20 First Quarter Budget Status Report and Proposed Budget Amendments. Contact Person: Finance Manager Gallup

1) Receive and file the Fiscal Year 2019-20 First Quarter Budget Status Report; and 2) Adopt Resolution No. 2020-08 titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2020-01-22 Item 08R First Quarter Budget Status Report

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A. Jewish Family Service (JFS) request to operate a Safe Parking Program at Leichtag Commons located at 441 Saxony Road for a maximum of 25 vehicles accommodating households living in their cars. Contact Person: Principal Planner Gates

1) Adopt Resolution No. 2020-03 "Resolution of the City Council of the City of Encinitas Confirming the Existence of a Shelter Crisis and Taking Actions to Approve the Establishment of a Safe Parking Program;" 2) Approve the Lease Agreement between City of Encinitas and LF Encinitas Properties, LLC ("Leichtag Foundation") in substantial form, subject to review and final approval by City Attorney, for the purpose of leasing a portion of Leichtag Commons to provide a Safe Parking Program Lot, and authorize the City Manager to execute the agreement; and 3) Approve the Use Agreement between City of Encinitas and Jewish Family Service, as attached in substantial form, subject to review and final approval by City Attorney, for the purpose of operating a Safe Parking Program, and authorize the City Manager to execute the agreement.

2020-01-22 Item 10A Safe Parking Proposal Agenda Report

2020-01-22 Item 10A Safe Parking Proposal Attachment 1 - Resolution

1277

2020-01-22 Item 10A Safe Parking Proposal Attachment 2 - Safe Parking Lease

2020-01-22 Item 10A Safe Parking Proposal Attachment 3 - JFS Agreement

2020-01-22 Item 10A Safe Parking Proposal Attachment 4 - SPP Encinitas FAQ 1.16.20

2020-01-22 Item 10A Safe Parking Proposal Attachment 5 - HEAP contract

2020-01-22 Item 10A Safe Parking Proposal Attachment 6 - Correspondence

2020-01-22 Item 10A Safe Parking Proposal Attachment 7 - Question - Comment Cards - Safe Parking Forum

2020-01-22 Item 10A Safe Parking Proposal - Memorandum

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10B): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing.

10B. Public hearing to consider an appeal of the Planning Commission's approval of a 10-Residential Lot Density Bonus Subdivision with nine market rate detached single-family residential units and one affordable unit, bio-retention facilities, a private road lot, and associated site and road improvements. CASE NUMBER: 18-086 TMDB/DR/CDP; APPLICANT: Govind Gill/Bonita 754 LLC; APPELLANT: Jessica Carilli; LOCATION: 754 Bonita Drive (APN: 258-350-28). Contact Person: Associate Planner Mireau

Deny the appeal and adopt Resolution No. 2020-01 affirming the decision of the Planning Commission.

2020-01-22 Item 10B Appeal of Bonita Drive Project - Agenda Report

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 1

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 2

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 3

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4A

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2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4B Part 1

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4B Part 2

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4C

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4D

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4E

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 5

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 6

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 7A

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 7B

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 2 Appeal Clean Copy

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

Council Initiated Item from Council Member Kranz regarding changes to Municipal Code Section 9.01.025 - Sleeping in Vehicles.

12A.

Direct staff to draft modifications to Encinitas Municipal Code which could be adopted to explicitly allow for the use of parking lots for approved Safe Parking Programs.

2020-01-22 Item 12A Council Initiated item from Council Member Kranz Regarding Changes to the Municipal Code - Sleeping in Vehicles

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

1279

16. ADJOURNMENT - THE NEXT CITY COUNCIL MEETING IS A SPECIAL MEETING ON JANUARY 29, 2020 AT THE ENCINITAS COMMUNITY CENTER. THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON FEBRUARY 12, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1280

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, FEBRUARY 12, 2020 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation by Management Analyst Stratakis on SB1383: Reducing Short-Lived Climate Pollutants in California

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda 1281 **are deemed to have been read and further reading waived.**

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

Approval of the Minutes of the Closed Session, January 22, 2020 Special Meeting-Closed Session, and the January 22, 2020 Regular Meeting. Contact Person: City Clerk Hollywood

8A.

Approve the Minutes.

2020-02-12 Item 08A Minutes

Approval of the Warrants List. Contact Person: Finance Analyst McShane

8B.

Approve the Warrants.

2020-02-12 Item 08B Warrants

Utility Underground Assessment District Policy C035. Contact Person: Assistant City Manager Delin/City Engineer Wimmer

8C.

Approve the Utility Undergrounding Assessment District Policy C035.

2020-02-12 Item 08C Utility Underground Assessment District Policy C035

The Preparation and Filing of the Encinitas Landscape and Lighting District Annual Engineer's Report. Contact Person: Senior Management Analyst Ruess

8D. Adopt City Council Resolution No. 2020-09 entitled, "A Resolution of the City of Encinitas City Council Directing the Preparation and Filing of the Encinitas Landscape and Lighting District Annual Engineer's Report for the Purposes of Levying and Collecting Assessments for Fiscal Year 2020-21."

2020-02-12 Item 08D ELLD Annual Engineer Report - Preparation and Filing

Resolution to appoint the Interim Development Services Director and approve the

Employment Agreement. Contact Person: Risk Manager Schwarm

8E. 1282 Adopt Resolution 2020-13 appointing Carrie Bedord as Interim Development Services Director and approve the corresponding Employment Agreement effective February 13, 2020.

2020-02-12 Item 08E Appointment of the Interim Development Services Director

Public Hearing and Introduction of Ordinance No. 2020-01 Amending Encinitas Municipal Code Chapter 6.11 (Operations Permit: Special Events). Contact Person: Management Analyst Roff

8F.

Introduce Ordinance No. 2020-01 entitled "An Ordinance of the City Council of the City of Encinitas, California, Amending Chapter 6.11 of the Encinitas Municipal Code Relating to Operations Permits for Special Events."

2020-02-12 Item 08F Introduction of Ordinance No. 2020-01 - Special Events

Execute an engineering services contract with HDR Engineering Inc. for the Verdi Pedestrian Underpass Project (CS16E). Contact Person: Principal Engineer Bankston

8G. Authorize the City Manager, in consultation with the City Attorney, to execute a contract in substantial form as contained in Attachment 1 of the agenda report and any necessary amendments and time extensions with HDR Engineering Inc. in the amount of $702,562 plus 10 percent contingency for a total of $772,818 to complete design of the Verdi Pedestrian Underpass Project (CS16E).

2020-02-12 Item 08G Contract with HDR Engineering - Verdi Pedestrian Underpass Project (CS16E)

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

10. ACTION ITEMS

1283

10A. A continued public hearing to consider an appeal of the Planning Commission's approval of a 10-Residential Lot Density Bonus Subdivision with nine market rate detached single-family residential units and one affordable unit, bio-retention facilities, a private road lot, and associated site and road improvements. CASE NUMBER: 18-086 TMDB/DR/CDP; APPLICANT: Govind Gill/Bonita 754 LLC; APPELLANT: Jessica Carilli; LOCATION: 754 Bonita Drive (APN: 258-350-28). Contact Person: Associate Planner Mireau

- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Agenda Report
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 1
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 2
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 3
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4A
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4B
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4C
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4D
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4E
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 5
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 6
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 7A
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 7B

Council to hear from applicants for the Commission for the Arts, Environmental Commission, Parks and Recreation Commission, Planning Commission, Senior Citizen Commission, and Traffic & Public Safety Commission. Contact Person: City Clerk Hollywood

10B.

1) Hear each applicant briefly explain his/her qualification and interest in serving on a City Commission; 2) Discuss as needed; 3) Make appointments and/or defer to the Mayor to present her recommendations at the February 26, 2020, City Council Meeting.

1284

2020-02-12 Item 10B Commission Applicants & Interviews - Redacted

Discussion and consideration of the Surfing Madonna Oceans Project (SMOP) proposed Save the Ocean beach run major special event on November 1, 2020, and future Surfing Madonna Oceans Project special events. Contact Person: Parks and Recreation Director Campbell

10C.

1) Deny the Surfing Madonna Oceans Project, November 1, 2020 Save the Ocean beach run, and future Surfing Madonna Oceans Project special events; and 2) Direct staff to return to City Council with a recommendation to reinitiate a City community run on the beach and expand programming to provide special needs surf clinics for children.

2020-02-12 Item 10C Surfing Madonna Oceans Project Special Events

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON FEBRUARY 26, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes

photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1286

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, FEBRUARY 26, 2020 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Certificate of Recognition to Joel Gomez USA Track & Field 2019 Male Junior Para Athlete of the Year presented by Richard Robert

4B. Presentation by students of Ocean Knoll and Park Dale Lane Elementary Schools regarding the elimination of single-use plastics on campus.

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City**

Manager either for resolution by administrative action or placement on a future agenda.

6. REPORT FROM CLOSED SESSION (IF HELD)

1287

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the January 29, 2020 Special Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-02-26 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-02-26 Item 08B Warrants

8C. Alert & Warning Memorandum of Agreement with the County of San Diego and the City of Encinitas Contact Person: Management Analyst Yum

1) Approve the Alert & Warning Memorandum of Agreement with the County of San Diego in consultation with the City Attorney, and 2) Authorize the City Manager, or her designee, to execute the Memorandum of Agreement on behalf of the City of Encinitas.

2020-02-26 Item 08C Alert and Warning MOA with the County of San Diego

8D. Agreement for Implementation of the Encinitas Habitat Stewardship Program with the San Diego Botanic Garden. Contact Person: Park Operations Manager Saul

Authorize the City Manager to enter into a two-year agreement with the San Diego Botanic Garden for implementation of the Encinitas Habitat Stewardship program priority areas, in

conjunction with the City Attorney in substantial form for an amount not to exceed $99,650.

1288 2020-02-26 Item 08D San Diego Botanic Garden EHSP Agreement

Network security firewall annual support renewal. Contact Person: IT Operations Supervisor Contreras

8E. Authorize Firewall license annual support renewals for $18,299 using the National Association of State Procurement Officials (NASPO) ValuePoint (AR626) and California Participating Addendum No. 7-14-70-11, for an overall contract amount not to exceed $107,751.

2020-02-26 Item 08E Authorize network security firewall annual support renewal

Purchase 800 MHz Replacement Radios and Peripheral Equipment approved in the City's Capital Improvement Program (CIP) project WC18A from Motorola Solutions, Inc. Contact Person: Deputy Fire Chief Ford

8F.

Authorize the Encinitas Fire Department to utilize the Request for Proposal (RFP) approved by the County of San Diego to award Motorola Solutions, Inc. an agreement to provide for the purchase of 800 MHz radios and peripheral equipment.

2020-02-26 Item 08F Purchase 800 MHz Radios from Motorola

Lease Agreement Amendment between the City of Encinitas and T-Mobile West Tower LLC. Contact Person: Management Analyst III Roff

8G. 1) Authorize the City Manager to execute Amendment No. 2 of the Lease Agreement between the City of Encinitas and T-Mobile West Tower LLC; and 2) Approve the dedication of lease revenue, estimated at $214,064 during the term of Amendment No. 2, for park improvement projects, CP04G.

2020-02-26 Item 08G T-Mobile Cellular Communication Lease Amendment

Regional Transportation Improvement Program Amendment. Contact Person: Senior Management Analyst Ruess

8H. 1) Conduct a Public Hearing related to the proposed projects; and 2) Adopt City Council Resolution No. 2020-12, entitled "Resolution of the City of Encinitas Adopting/Approving an Amendment to the TransNet Local Street Improvement Program of Projects for Fiscal Years 2019 Through 2023."

2020-02-26 Item 08H RTIP Amendment 2020

1289 Consideration of an Exclusive Negotiating Agreement with Encinitas Arts, Culture and Ecology Alliance (EACEA) on the Pacific View Property. Contact Person: Parks and Recreation Director Campbell

8I. Authorize the Mayor to execute the attached 90-day Exclusive Negotiating Agreement (ENA), in substantial form subject to the review and approval by the City Attorney, with the EACEA.

2020-02-26 Item 08I Exclusive Negotiating with EACEA

Second Reading and Adoption of Ordinance No. 2020-01 Amending Encinitas Municipal Code Chapter 6.11 (Operations Permit: Special Events). Contact Person: Management Analyst III Roff

8J. Adopt Ordinance No. 2020-01 entitled "An Ordinance of the City Council of the City of Encinitas, California, Amending Chapter 6.11 of the Encinitas Municipal Code Relating to Operations Permit: Special Events."

2020-02-26 Item 08J Second Reading and Adoption of Ordinance 2020-01

Amendment #1 to Contract with Chen Ryan Associates for sidewalk design services on the south side of Leucadia Boulevard between Hymettus Avenue and Fulvia Street for Leucadia Boulevard Traffic Safety and Pedestrian Improvements Phase II Project (CS18B). Contact Person: Senior Engineer Widelski

8K. Authorize the City Manager or designee to execute a design contract amendment and time extensions, in substantial form as included in Attachment 1 in consultation with the City Attorney, with Chen Ryan Associates in the amount of $54,076 plus 15 percent contingency of $8,111, for a not-to-exceed amount of $62,187 to perform additional design services for the Leucadia Boulevard Traffic Safety and Pedestrian Improvements Phase II Project.

2020-02-26 Item 08K Amendment #1 Chen Ryan Contract

Contract Amendment No. 6 with LC Paving and Sealing Inc. to construct traffic calming, safety and/or operational improvements. Contact Person: Traffic Engineer II Goralka

8L. Authorize the City Manager or designee, in coordination with the City Attorney, to execute Contract Amendment No. 6 with LC Paving and Sealing, Inc. (LC Paving) in substantial form as attached, in the amount of $200,000 to construct certain traffic calming/safety improvements on city streets, for a total not to exceed 5 year contract amount of $2,046,500 (Attachment 1) for the General Mobility Improvement Project (CS18E).

2020-02-26 Item 08L LC Paving Contract Amendment

1290 Award of contract to RRM Design Group for planning services, in an amount not-to-exceed $143,030; and authorize the City Manager to enter into a Professional Services Agreement for said services. Contact Person: Principal Planner Gates

8M. Approve the Professional Services Agreement with RRM Design Group, in an amount not-to-exceed $143,030, and authorize the City Manager to execute the agreement, including any amendments and time extensions, in substantial form as included in Attachment 1, subject to review and final approval by City Attorney.

2020-02-26 Item 08M RRM Design Group Contract

Approval of a new major special event at Encinitas Community Park and Memorandum of Understanding between the City of Encinitas and Encinitas Environment Day for a community special event. Contact Person: Recreation Services Manager Karlen

8N. Approve a new major special event to be held at Encinitas Community Park and authorize the City Manager to execute a Memorandum of Understanding (MOU) between the City of Encinitas and Encinitas Environment Day (EEDAY) in substantial form as contained in Attachment 1 in consultation with the City Attorney to host the Eco Fest event on Sunday, May 17, 2020 from 11 a.m. - 4 p.m.

2020-02-26 Item 08N EcoFest MOU

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A. Public Hearing and Introduction of Ordinance 2020-02, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.29 – Plastic Bottled Beverage Ordinance, Implementing Phase 2 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

1) Open the Public Hearing; and 2) Introduce Ordinance 2020-02, an Ordinance entitled "An Ordinance of the City Council of the City of Encinitas adding Chapter 11.29 of the Encinitas Municipal Code Prohibiting the Distribution of Plastic Bottled Beverages."

2020-02-26 Item 10A Plastic Bottled Beverage Ordinance

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF
1291

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON MARCH 11, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1292

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, MARCH 18, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation of the Climate Action Plan Annual Report by CAP Administrator Najera

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)**
   Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1293

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the February 12, 2020 Special-Closed Session Meeting, February 12, 2020 Regular Meeting, February 26, 2020 Special-Closed Session Meeting, February 26, 2020 Regular Meeting, and March 3, 2020 Special-Closed Session Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-03-18 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-03-18 Item 08B Warrants

8C. Amendment 14 to the Agreement with Tyler Technologies, Inc. for a no cost transfer of software licenses to include the deinstallation of Public Maintenance Management (PMM) and the installation of Enterprise Asset Management (EAM), with an installation cost not to exceed $14,000. Contact Person: IT Applications Supervisor VanPelt

1) Approve Amendment 14 in substantial form, in consultation with the City Attorney; and 2) Authorize the City Manager to execute the amended agreement with Tyler Technologies, Inc., for conversion of software licenses for PMM (approved by Council on January 11, 2017) to EAM at no cost and one time installation services not to exceed $14,000 for a total contract amount not to exceed $1,258,875.

2020-03-18 Item 08C Amendment 14 Tyler Technologies

Extension of Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, Encinitas, CA. Contact Person: Senior Management Analyst Piatt

8D. Authorize City Manager, in coordination with the City Attorney, to execute Amendment #2, Extension of the Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, for the second of two additional one-year terms.
1294

2020-03-18 Item 08D Extension of Lease Agreement - 1867 Mackinnon Avenue

Demolition and installation of playground equipment for Moonlight State Beach Playground. Contact Person: Park Operations Manager Saul

8E. 1) Award Bid for the Moonlight State Beach Playground Replacement Project # PR-RFB-19-05 (REBID) to Pacific Play Systems, Inc. in the amount of $205,850 plus a 10% contingency; and 2) Authorize the City Manager to execute a contract in substantial form, in the amount of $205,850 and a ten percent (10%) contingency of $20,585 on the project if additional work is needed that is not included in the scope of work for a total not to exceed $226,435.

2020-03-18 Item 08E Demolition and Installation of Playground Equipment for Moonlight State Beach Playground

8F. Second Reading and Adoption of Ordinance 2020-02, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.29 – Plastic Bottled Beverage Ordinance, Implementing Phase 2 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

Adopt Ordinance 2020-02 titled "An Ordinance of the City Council of the City of Encinitas Adding Chapter 11.29 of the Encinitas Municipal Code Prohibiting the Distribution of Plastic Bottled Beverages."

2020-03-18 Item 08F Plastic Bottled Beverage Ordinance - Adoption

8G. Mobility Projects and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of mobility projects and grants.

2020-03-18 Item 08G Mobility Projects & Grants Update

Public Hearing to consider funding requests for eligible activities under the FY 2020-21 Community Development Block Grant (CDBG) Program and provide comments on the Draft FY 2020-25 Consolidated Plan prior to the release for the public comment period as required by the City's Citizen Participation Plan. Contact Person: Principal Planner Gates

8H. 1) Authorize funding for activities delineated in Attachment 1 and in the Analysis Section of the Agenda Report, for incorporation into the draft FY 2020-21 Annual Action Plan; 2) Consider the draft FY 2020-25 Consolidated Plan prior to release for public comment; and 3) Continue the Public Hearing to April 22, 2020 to gather public input prior to Council's consideration of the FY 2020-21 CDBG budget, FY 2020-21 Annual Action Plan, and FY 2020-25 Consolidated Plan.

2020-03-18 Item 08H Funding Requests for CDBG FY 2020-21 Program

Amendment 15 to Contract with Michael Baker International, Inc. (MBI) for environmental services and additional design as part of the Leucadia Streetscape Project (CS04D). Contact Person: Principal Engineer Bankston

8I. Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract amendment and time extensions, in substantial form as included in Attachment 1, with MBI in the amount of $463,740 plus 15 percent contingency of $69,561, for a total contract cost not to exceed $533,301 for environmental services and additional design for the Leucadia Streetscape Project. If approved, the total not-to-exceed amount authorized by City Council for the MBI contract and all amendments would be $3,843,462.

2020-03-18 Item 08I Michael Baker International Contract Amendment 15

8J. Participation in Homeless Outreach Program for Empowerment (HOPE) with the County of San Diego Health and Human Services Agency, the San Diego County Sheriff's Department, and the Community Resource Center.

2020-03-18 Item 08J HOPE Grant MOU

8K. Annual Progress Report on the implementation of the General Plan. Contact Person: Principal Planner Gates

Approve the General Plan Annual Progress Report.

2020-03-18 Item 08K General Plan Annual Progress Report

8L. Authorization to upgrade the City's near end-of-life audio-visual equipment. Contact Person: IT Operations Supervisor Contreras

1) Approve upgrading the Council Chambers, Fire 5 Training Room, Rose Room, and Poinsettia Room audio visual and broadcasting equipment as detailed in the Western Audio-Visual Statement of Work; and 2) Authorize the City Manager to enter into a Professional Services Agreement between the City of Encinitas and Western Audio Visual, in conjunction with the City Attorney in substantial form as contained in Attachment 1. The

cost to upgrade the audio visual equipment is $273,032 for design, equipment, and installation. Also included in the contract is $35,912 for five years of support and preventative maintenance for a contract total not to exceed $308,944. Staff is also
1296 requesting a 15 percent contingency in the amount of $40,955 for a project total not to exceed $349,899.

2020-03-18 Item 08L Award of Contract for Audio Visual and Broadcast Equipment Replacements

Grant application for the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements. Contact Person: Principal Engineer Bankston

8M. 1) Authorize the City Manager, or designee, to apply for, accept and administer funding from the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements; and 2) Adopt Resolution No. 2020-16 entitled, "Resolution of the City Council of the City of Encinitas Approving the Application for Grant Funds for the Urban Flood Protection Grant Program".

2020-03-18 Item 08M Apply for Prop 68 Urban Flooding Grant

Authorization to participate in commercial services agreements with Cox California Telecom for broadband services. Contact Person: IT Operations Manager Contreras

8N. Authorize the City Manager to enter into Commercial Services Agreements between the City of Encinitas and Cox California Telecom, in conjunction with the City Attorney, in substantial form as contained in Attachment 1 for business telecommunications services through April 1, 2023 for an amount not to exceed $156,240.

2020-03-18 Item 08N Commercial Services Agreement with Cox California Telecom for Broadband Services

Legislative Consulting Services contracts for State and Federal Services. Contact Person: Senior Management Analyst Piatt

8O. 1) Award a three-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 1, to JGC Government Relations, Inc. for state lobbyist services; 2) Award a one-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 2, to Carpi & Clay, Inc., for federal lobbyist services; and 3) Direct the City Manager to execute the contracts.

2020-03-18 Item 08O Legislative Consulting Services for State and Federal Services

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

1297

10. ACTION ITEMS

Council to hear from applicants and consider the appointment of one Tenant Commissioner to fill one (1) unscheduled vacancy on the Housing Authority with a term ending June 2021. Contact Person: City Clerk Hollywood

10A. 1) Hear each applicant briefly explain his/her qualifications and interest in serving as a Tenant Commissioner to the Housing Authority; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, appoint one (1) Tenant Commissioner to the Housing Authority to fill an unscheduled vacancy with a term ending June 2021.

2020-03-18 Item 10A Housing Authority Tenant Commissioner Appointment - Redacted

Council to hear from applicants and make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021. Contact Person: City Clerk Hollywood

10B. 1) Hear each applicant briefly explain his/her qualifications and interest in serving on the Environmental Commission; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021.

2020-03-18 Item 10B Environmental Commission Interviews & Appointment - Redacted

Public Works initiatives along North Vulcan corridor. Contact Person: Director of Public Works Quiram

10C. 1) Consider progress of the project to date and advise department of any additional concerns not already being addressed; and 2) Authorize Public Works to develop a plan and request bids to finish the remainder of the temporary parking along North Vulcan Avenue from E. Jason Street to La Costa Avenue, Phase II.

2020-03-18 Item 10C Public Works Initiatives Along North Vulcan Corridor

2019 Novel Coronavirus (COVID-19) status report and discussion.

10D.

Receive oral report, discuss and provide direction as necessary.

11. INFORMATIONAL ITEMS

1298 **11A.** Update on the Leucadia 101 Streetscape Project and related projects. Contact Person: City Engineer Wimmer

Receive the oral report.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON APRIL 15, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1299

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, MARCH 18, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation of the Climate Action Plan Annual Report by CAP Administrator Najera

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)**
   Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1300

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the February 12, 2020 Special-Closed Session Meeting, February 12, 2020 Regular Meeting, February 26, 2020 Special-Closed Session Meeting, February 26, 2020 Regular Meeting, and March 3, 2020 Special-Closed Session Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-03-18 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-03-18 Item 08B Warrants

8C. Amendment 14 to the Agreement with Tyler Technologies, Inc. for a no cost transfer of software licenses to include the deinstallation of Public Maintenance Management (PMM) and the installation of Enterprise Asset Management (EAM), with an installation cost not to exceed $14,000. Contact Person: IT Applications Supervisor VanPelt

1) Approve Amendment 14 in substantial form, in consultation with the City Attorney; and 2) Authorize the City Manager to execute the amended agreement with Tyler Technologies, Inc., for conversion of software licenses for PMM (approved by Council on January 11, 2017) to EAM at no cost and one time installation services not to exceed $14,000 for a total contract amount not to exceed $1,258,875.

2020-03-18 Item 08C Amendment 14 Tyler Technologies

8D. Extension of Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, Encinitas, CA. Contact Person: Senior Management Analyst Piatt

Authorize City Manager, in coordination with the City Attorney, to execute Amendment #2, Extension of the Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, for the second of two
1301 additional one-year terms.

2020-03-18 Item 08D Extension of Lease Agreement - 1867 Mackinnon Avenue

Demolition and installation of playground equipment for Moonlight State Beach Playground. Contact Person: Park Operations Manager Saul

8E. 1) Award Bid for the Moonlight State Beach Playground Replacement Project # PR-RFB-19-05 (REBID) to Pacific Play Systems, Inc. in the amount of $205,850 plus a 10% contingency; and 2) Authorize the City Manager to execute a contract in substantial form, in the amount of $205,850 and a ten percent (10%) contingency of $20,585 on the project if additional work is needed that is not included in the scope of work for a total not to exceed $226,435.

2020-03-18 Item 08E Demolition and Installation of Playground Equipment for Moonlight State Beach Playground

8F. Second Reading and Adoption of Ordinance 2020-02, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.29 – Plastic Bottled Beverage Ordinance, Implementing Phase 2 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

Adopt Ordinance 2020-02 titled "An Ordinance of the City Council of the City of Encinitas Adding Chapter 11.29 of the Encinitas Municipal Code Prohibiting the Distribution of Plastic Bottled Beverages."

2020-03-18 Item 08F Plastic Bottled Beverage Ordinance - Adoption

8G. Mobility Projects and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of mobility projects and grants.

2020-03-18 Item 08G Mobility Projects & Grants Update

Public Hearing to consider funding requests for eligible activities under the FY 2020-21 Community Development Block Grant (CDBG) Program and provide comments on the Draft FY 2020-25 Consolidated Plan prior to the release for the public comment period as required by the City's Citizen Participation Plan. Contact Person: Principal Planner Gates

8H. 1) Authorize funding for activities delineated in Attachment 1 and in the Analysis Section

of the Agenda Report, for incorporation into the draft FY 2020-21 Annual Action Plan; 2) Consider the draft FY 2020-25 Consolidated Plan prior to release for public comment; and 3) Continue the Public Hearing to April 22, 2020 to gather public input prior to Council's consideration of the FY 2020-21 CDBG budget, FY 2020-21 Annual Action Plan, and FY 2020-25 Consolidated Plan.

1302

2020-03-18 Item 08H Funding Requests for CDBG FY 2020-21 Program

Amendment 15 to Contract with Michael Baker International, Inc. (MBI) for environmental services and additional design as part of the Leucadia Streetscape Project (CS04D). Contact Person: Principal Engineer Bankston

8I. Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract amendment and time extensions, in substantial form as included in Attachment 1, with MBI in the amount of $463,740 plus 15 percent contingency of $69,561, for a total contract cost not to exceed $533,301 for environmental services and additional design for the Leucadia Streetscape Project. If approved, the total not-to-exceed amount authorized by City Council for the MBI contract and all amendments would be $3,843,462.

2020-03-18 Item 08I Michael Baker International Contract Amendment 15

8J. Participation in Homeless Outreach Program for Empowerment (HOPE) with the County of San Diego Health and Human Services Agency, the San Diego County Sheriff's Department, and the Community Resource Center.

2020-03-18 Item 08J HOPE Grant MOU

8K. Annual Progress Report on the implementation of the General Plan. Contact Person: Principal Planner Gates

Approve the General Plan Annual Progress Report.

2020-03-18 Item 08K General Plan Annual Progress Report

Authorization to upgrade the City's near end-of-life audio-visual equipment. Contact Person: IT Operations Supervisor Contreras

8L. 1) Approve upgrading the Council Chambers, Fire 5 Training Room, Rose Room, and Poinsettia Room audio visual and broadcasting equipment as detailed in the Western Audio-Visual Statement of Work; and 2) Authorize the City Manager to enter into a Professional Services Agreement between the City of Encinitas and Western Audio Visual, in conjunction with the City Attorney in substantial form as contained in Attachment 1. The cost to upgrade the audio visual equipment is $273,032 for design, equipment, and

installation. Also included in the contract is $35,912 for five years of support and preventative maintenance for a contract total not to exceed $308,944. Staff is also requesting a 15 percent contingency in the amount of $40,955 for a project total not to exceed $349,899.

1303

2020-03-18 Item 08L Award of Contract for Audio Visual and Broadcast Equipment Replacements

Grant application for the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements. Contact Person: Principal Engineer Bankston

8M. 1) Authorize the City Manager, or designee, to apply for, accept and administer funding from the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements; and 2) Adopt Resolution No. 2020-16 entitled, "Resolution of the City Council of the City of Encinitas Approving the Application for Grant Funds for the Urban Flood Protection Grant Program".

2020-03-18 Item 08M Apply for Prop 68 Urban Flooding Grant

Authorization to participate in commercial services agreements with Cox California Telecom for broadband services. Contact Person: IT Operations Manager Contreras

8N. Authorize the City Manager to enter into Commercial Services Agreements between the City of Encinitas and Cox California Telecom, in conjunction with the City Attorney, in substantial form as contained in Attachment 1 for business telecommunications services through April 1, 2023 for an amount not to exceed $156,240.

2020-03-18 Item 08N Commercial Services Agreement with Cox California Telecom for Broadband Services

Legislative Consulting Services contracts for State and Federal Services. Contact Person: Senior Management Analyst Piatt

8O. 1) Award a three-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 1, to JGC Government Relations, Inc. for state lobbyist services; 2) Award a one-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 2, to Carpi & Clay, Inc., for federal lobbyist services; and 3) Direct the City Manager to execute the contracts.

2020-03-18 Item 08O Legislative Consulting Services for State and Federal Services

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

1304 **10. ACTION ITEMS**

Council to hear from applicants and consider the appointment of one Tenant Commissioner to fill one (1) unscheduled vacancy on the Housing Authority with a term ending June 2021. Contact Person: City Clerk Hollywood

10A. 1) Hear each applicant briefly explain his/her qualifications and interest in serving as a Tenant Commissioner to the Housing Authority; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, appoint one (1) Tenant Commissioner to the Housing Authority to fill an unscheduled vacancy with a term ending June 2021.

2020-03-18 Item 10A Housing Authority Tenant Commissioner Appointment - Redacted

Council to hear from applicants and make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021. Contact Person: City Clerk Hollywood

10B. 1) Hear each applicant briefly explain his/her qualifications and interest in serving on the Environmental Commission; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021.

2020-03-18 Item 10B Environmental Commission Interviews & Appointment - Redacted

Public Works initiatives along North Vulcan corridor. Contact Person: Director of Public Works Quiram

10C. 1) Consider progress of the project to date and advise department of any additional concerns not already being addressed; and 2) Authorize Public Works to develop a plan and request bids to finish the remainder of the temporary parking along North Vulcan Avenue from E. Jason Street to La Costa Avenue, Phase II.

2020-03-18 Item 10C Public Works Initiatives Along North Vulcan Corridor

2019 Novel Coronavirus (COVID-19) status report and discussion.

10D.

Receive oral report, discuss and provide direction as necessary.

11. INFORMATIONAL ITEMS

11A. Update on the Leucadia 101 Streetscape Project and related projects. Contact Person: City Engineer Wimmer

1305 Receive the oral report.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON APRIL 15, 2020

Notice to the Public:

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1306

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, APRIL 15, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

Pursuant to the State of California Executive Order N-29-20 and the amended County Health Orders, members of the public will only be allowed to participate in meetings electronically.

Meeting can be accessed as follows: * Channel 19 on Cox Communications * Channel 24 on Time Warner Cable * Channel 99 on AT&T U-Verse * City's live webcast: https://encinitasca.gov/Government/Agendas-Webcasts

Public Comments (including oral communications and agenda item related)

Public comments regarding this agenda must be submitted via email to clerk@encinitasca.gov

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

Comments received after 3:00 p.m. on the day of the meeting will be provided to the City Council and made a part of the meeting record.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

1307

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

8A. Approval of the Minutes of the March 18, 2020 Special-Closed Session Meeting, March 18, 2020 Special Meeting, and March 18, 2020 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-04-15 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-04-15 Item 08B Warrants

List of Projects funded by SB1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2020-21. Contact Person: Senior Management Analyst Ruess

1308
8C. Adopt City Council Resolution No. 2020-22 entitled, "Resolution of the City of Encinitas Adopting a List of Projects for Fiscal Year 2020-21 Funded by SB1: The Road Repair and Accountability Act of 2017."

2020-04-15 Item 08C List of Projects Funded by SB1 for Fiscal Year 2020-21

Emergency Repairs to Encinitas Fire Station #1, 412 Second Street (CF20B). Contact Person: Senior Management Analyst Wilson

8D. 1) Appropriate $510,000 for emergency repairs to the Fire Station #1 project (CF20B) from the Facilities Maintenance Fund 403; and 2) Adopt Resolution 2020-27 Amending the Fiscal Year 2019-20 Budget.

2020-04-15 Item 08D Fire Station #1 Emergency Repairs

Environmental Documentation and Project Bid Documents. Contact Person: Superintendent Ugrob

8E. City Council authorize the City Manager or designee, in consultation with the City Attorney, to execute the contract with Dudek for Environmental Documentation and Project Bid Documents for storm drain basin maintenance, in substantial form as contained in Attachment of the agenda report.

2020-04-15 Item 08E Environmental Documentation and Project Bid Documents

Amendment 1 to the Contract with GHD, Inc. for construction close-out services on the Cardiff Living Shoreline Project (CP16A). Contact Person: Principal Engineer Bankston

8F. Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract amendment and time extensions, in substantial form as included in Attachment 1 of the agenda report, with GHD Inc. in the amount of $27,487, for project close-out services for the Cardiff Living Shoreline Project (CP16A). If approved, the total not-to-exceed amount authorized by City Council for the GHD Inc construction close-out contract with this amendment would be $154,585.

2020-04-15 Item 08F GHD Contract Amendment - Living Shoreline

Construction Contract for the Conservation Demonstration Garden at the Public Works Operations Center (Project). Contact Person: Senior Management Analyst Wilson

8G. 1) Authorize the City Manager to execute a contract in substantial form as included as Attachment 1, and any necessary amendments and time extensions, in consultation with the City Attorney, with PAL General Engineering, Inc. in the amount of $327,555 plus a 10 percent contingency of $32,756, for a total contract amount not to exceed $360,311 to construct the Project; and 2) Authorize $60,084 for construction services (construction management, inspection, soil compaction tests, and surveying).

1309

2020-04-15 Item 08G City Demo Garden

Renewal of the Encinitas Landscape and Lighting District. Contact Person: Senior Management Analyst Ruess

8H. 1) Adopt City Council Resolution No. 2020-10 entitled, "Resolution of Intention to Order the Renewal of the Encinitas Landscape and Lighting District for FY 2020/21; and 2) Set the public hearing for May 20, 2020.

2020-04-15 Item 08H ELLD Set Public Hearing

Ratification of the County of San Diego Contract Number 561722, amendment numbers 1 – 3 with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

8I. 1) Ratify the execution of amendment number 1 of contract 561722 by the City Manager, with the County of San Diego, in substantial form as contained in Attachment 1 of the agenda report in conjunction with the City Attorney, increasing estimated revenue to the City by $20,254; 2) Receive and file Unilateral amendment number 2 of contract 561722 with the County of San Diego (Attachment 2 of the agenda report); 3) Ratify the execution of amendment number 3 of contract 561722 by the City Manager, with the County of San Diego, in substantial form as contained in Attachment 3 of the agenda report in conjunction with the City Attorney, increasing estimated revenue to the City by $77,498 for COVID-19 response; and 4) Authorize the City Manager to execute all future amendments under the County of San Diego Contract Number 561722, in conjunction with the City Attorney and subject to budget appropriations, accepting grant reimbursement funding for the Senior Nutrition Program not to exceed $500,000.

2020-04-15 Item 08I Ratification of Senior Nutrition Contract Amendments 1-3

8J. Annual Report Concerning the Mitigation Fee Act for Fiscal Year 2018-19. Contact Person: Finance Manager Gallup and Finance Analyst Attili

Review and file the Annual Mitigation Fee Report for Fiscal Year Ended June 30, 2019.

2020-04-15 Item 08J Annual Report Concerning Mitigation Fee Act

1310 **8K.** Consideration of a request (by the property owner) for the City Council to initiate a lot merger between three existing legal lots into one legal lot located within the Cardiff-by-the Sea Community area. CASE NUMBER: CRTC-003628-2020; APPLICANT: Jeffrey Fuller; LOCATION: 2595 Montgomery Avenue (APN: 261-145-32-00). Contact Person: Associate Planner Maynard

Direct staff to initiate the merger of Lots 22, 23 and 24 of Map No. 1298, in accordance with Encinitas Municipal Code Chapter 24.76 (Lot Merger).

2020-04-15 Item 08K Lot Merger 2595 Montgomery

8L. Rescind Resolutions 91-95 and 92-92. Contact Person: Traffic Engineer Bandegan

Adopt Resolution 2020-21 rescinding Resolutions 91-95 and 92-92.

2020-04-15 Item 08L Rescind Resolutions - Traffic Engineering

8M. Ratification of letters of support or opposition for various time sensitive items. Contact Person: Senior Management Analyst Piatt

Ratify the letters signed by the Mayor or Deputy Mayor. 1) Letter of support for Infrastructure for Rebuilding America: Pacific Surfliner Coastal Bluff Track Bed Stabilization and Seismic Improvements Projects; 2) Letter of support for NCTD's Bus and Bus Facilities Discretionary Grant Application; 3) Letter of support for NCTD's Low or No Emission Vehicle Program Discretionary Grant Application; 4) Letter of request to the Del Mar Fairgrounds Board of Directors to disallow the sale of ghost guns during organized gun shows; and 5) Letter of support for assembly Bill 2062 (Boerner Horvath): San Diego Association of Governments: LOSSAN Rail Corridor Study.

2020-04-15 Item 08M Ratifiction of Letters of Support or Oppostion for Various Time Sensitive Items

8N. Amendment 3 to the Contract for City Arborist Consulting Services Between the City of Encinitas and Dudek. Contact Person: Superintendent Ugrob

Approve and authorize the City Manager, or her Designee, to execute Amendment 3 to the Contract for City Arborist Consulting Services between the City of Encinitas and Dudek, in substantial form as contained in Attachment 1 of the agenda report, in consultation with the City Attorney, in an amount of $138,834, for a total contract amount not to exceed $514,488. The amendment accomplishes the following 1) Extends the contract term for an additional one-year term (July 1, 2020 through June 30, 2021); and 2) Increases the cost for consulting services performed during the renewal term for a total of $138,834 per year, which includes the contractually required CPI increase.

2020-04-15 Item 08N City Arborist Agreement

1311

Amendment to the Citywide Streetlight Maintenance and Repair Services Agreement. Contact Person: Superintendent Ugrob

8O. 1) Authorize the City Manager to exercise the final (2) two-year extension option of the Agreement with Clark Telecom Electric, Inc. (CTE); 2) Authorize Amendment #4 to the Agreement, increasing the annual authorization by $34,965, from $291,621 to $326,586 annually for year four, and a 2.5 percent Consumer Price Index (CPI) increase in the amount of $8,165 per year for years five and six, for a total agreement amount not to exceed $1,853,750; 3) Authorize a budget amendment to increase the FY 2019-20 Operating Budget for streetlight maintenance by $34,965, from $291,621 to $326,586; and 4) Adopt Resolution No. 2020-25 entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2020-04-15 Item 08O Clark Telecom Electric Contract Amendment

2020-04-15 Item 08O Clark Telecom Electric Contract Amendment - AMENDED Attachment 2 (posted 4-13-2020)

Installation of a new decorative crosswalk on South Coast Highway 101 at the intersection of G Street. Contact Person: Traffic Engineer Bandegan

8P. Approve the design and installation of the proposed new decorative crosswalk on South Coast Highway 101 at the intersection of G Street.

2020-04-15 Item 08P G Street Crosswalk

Amendment No. 1 to the Contract for Monitoring and Service of Fire and Security Alarm Systems between the City of Encinitas and Progressive Technology Security Systems, Inc. Contact Person: Senior Management Analyst Wilson

8Q. Approve and authorize the City Manager, or her designee, to execute Amendment No. 1 to the Contract for Monitoring and Service of Fire and Security Alarm Systems between the City of Encinitas and Progressive Technology Security Systems, Inc., in substantial form as contained in Attachment 1 of the agenda report, in consultation with the City Attorney. Amendment No. 1 increases the original contract in an amount of $170,795, for a total contract amount not-to-exceed $654,427 (ratify contract for $115,851 in unforeseen expenses and approve increase of $54,944 for a total of $170,795), and extends the contract term for an additional three years; 2) Appropriate $24,566 for installation of security system at Pacific View School site; and 3) Adopt Resolution 2020-14 Amending the Fiscal Year 2019-20 Operating Budget.

2020-04-15 Item 08Q Progressive Technology Contract Amendment 1

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

1312

10. ACTION ITEMS

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10A. Public Hearing to consider a timely-filed appeal of the Development Services Director's approval of a three-lot subdivision with grading for future residential pads and determination of natural grade. CASE NUMBER: APPEAL-003583-2020 and MULTI-003532-2019; APPLICANT: Randy K. Lang; APPELLANT: Anna Pelosi Boylan; LOCATION: 2223 El Camino Del Norte (APN 265-355-16). Contact Person: Associate Planner Dichoso

Deny the appeal, uphold the Development Services Director's approval decision and adopt the attached draft City Council Resolution No. 2020-24

2020-04-15 Item 10A Lang Appeal

10B. Receive oral report regarding the City's COVID-19 response and actions, discussion, provide direction to staff, and/or take action.

Receive oral report, discuss, provide direction to staff, and/or take action.

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON APRIL 22, 2020

1313

Notice to the Public:

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1314

AGENDA REPORT
City Council

MEETING DATE: August 21, 2019

PREPARED BY: Erik Steenblock, Environmental Programs Manager

DEPT. DIRECTOR: Carl Quiram

DEPARTMENT: Public Works

CITY MANAGER: Karen P. Brust

SUBJECT:

Fourth Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding

RECOMMENDED ACTIONS:

1. Adopt Resolution 2019-65, approving the Fourth Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding, and authorize the City Manager to execute the agreement.

STRATEGIC PLAN:

This project aligns with the Strategic Plan Vision for:

- Environment - Be good stewards of open spaces, beaches, parks, and the natural environment.

FISCAL CONSIDERATIONS:

The fiscal impact associated with the Staff recommendation is $29,029, which is the City of Encinitas portion of Regional General Program and Carlsbad Watershed Shared Costs for FY 2019-2020. Future cost estimates included in the MOU show an increase in Regional Program and Carlsbad Watershed shared costs. Adequate funds have been included in the FY 2019-2020 and FY 2020-2021 operating budgets for the City's share of Regional General Program and Carlsbad Watershed shared costs. Projected expenditures for FY 2021-2022 and FY 2022-2023 will be included in future operating budgets.

BACKGROUND:

The City of Encinitas is regulated by the California Regional Water Quality Control Board, San Diego Region (San Diego Regional Water Quality Control Board) National Pollutant Discharge

Elimination System (NPDES) Order No, R9-2013-0001, as amended by NPDES Order Nos. R9-2015-01, and R9-2015-0100 (San Diego Region Municipal Stormwater Permit or Permit). The Permit is issued to 21 agencies (collectively termed "Copermittees") in the region, including the City of Encinitas. The Permit requires the City to collaborate with Copermittees on a variety of mandated regional and watershed based programs.

Regional programs include implementation and maintenance of the Project Clean Water website, a web-based regional clearinghouse that provides a centralized point of access to water quality information and resources for San Diego County; regional education and outreach programs; regional membership in the California Stormwater Quality Association; regional studies; and regulatory reports, including regional monitoring and long-term assessment reports.

Watershed programs involve Copermittees located within the same watershed management area. The City of Encinitas is located entirely within the Carlsbad Watershed Management Area (WMA) along with the County of San Diego and the Cities of Carlsbad, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. Watershed programs include the development of a Water Quality Improvement Plan (WQIP), which is a strategic watershed-based plan intended to guide local programs toward addressing the highest priority pollutants identified in the watershed; WQIP Annual Reports; and monitoring of storm drain discharges and receiving waters within the WMA.

On December 12, 2007, City Council adopted Resolution No. 2007-50, approving a Memorandum of Understanding (MOU) with the San Diego Regional Stormwater Copermittees. This MOU was entered into by the County of San Diego, the San Diego Unified Port District, the San Diego County Regional Airport Authority, and the Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, and Vista; collectively Copermittees of the San Diego Municipal Stormwater Permit, Order No. R9-2007-0001 (2007 Permit). This MOU established a management structure, cost sharing mechanism, and fulfilled general program obligations related to permit requirements. General program budgets and expenditures are approved each fiscal year by the MOU voting body, which includes the City of Encinitas.

On May 19, 2010, City Council adopted Resolution No. 2010-29, approving the First Amendment to the San Diego Regional Stormwater Copermittees MOU. The First Amendment simply provided clarification to the Copermittees on the terms and conditions for crediting excess funds from one agreement year to the next.

On June 25, 2014, City Council adopted Resolution No. 2014-47, approving the Second Amendment to the San Diego Regional Stormwater Copermittees MOU. The Second Amendment provided clarification to Copermittee participation requirements, clarification of effective date and termination date, and clarification of conditions of breach of the MOU.

On October 25, 2015, City Council adopted Resolution 2015-73, approving the Third Amendment to the San Diego Regional Stormwater Copermittees MOU. The Third Amendment to the MOU (Attachment 1) allowed the Copermittees to continue sharing regional general program costs to meet requirements defined by the new Municipal Stormwater Permit, Order No. 2013-0001 (2013 Permit), which became effective on June 27, 2013. The Third Amendment to the MOU also

provided a mechanism for cost sharing of watershed general programs that are required by the 2013 Permit, but were not previously required by the 2007 Permit.

1316 **ANALYSIS:**

The Fourth Amendment to the San Diego Regional Stormwater Copermittees MOU allows Copermittees to continue sharing costs and realize significant economies of scale towards Permit compliance as required through the remainder of the current Permit term, or until a superseding NPDES Order is adopted by the San Diego Regional Water Quality Control Board. Other notable changes in the Fourth Amendment to the San Diego Regional Stormwater Copermittees MOU include:

- Extension of the MOU through August 2024, or with the life of the current Permit plus 12 months, whichever is longer.
- Language clarifying Copermittee discretion over determination of a new Permit, prior to or after May 2024. (Which may trigger another MOU amendment, at the discretion of the Copermittee)
- Removal of reference to workgroups in order to clarify that those groups are not legislative bodies established by the Regional Stormwater Management Committee.
- Clarification that annual budgets for each fiscal year are subject to approval by the Copermittee governing bodies as part of their annual budgeting process.
- Language clarifying that the Shared Cost Budget authorized under this MOU is a "not to exceed" limit, representing the maximum amount that may be cost-shared for each spending category for the duration of the MOU. These limits do not represent funding commitments.

The County of San Diego has prepared this Fourth Amendment to the MOU (as well as all prior versions), and it is being considered by all Copermittees for approval and/or adoption as applicable. The City Attorney has reviewed the Fourth Amendment to the MOU and made no recommendations for change.

ENVIRONMENTAL CONSIDERATIONS:

The action being considered by the City Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b)(5) of CEQA Guidelines. The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

ATTACHMENTS:

1. Fourth Amendment to the San Diego Regional Stormwater Copermittees MOU

2. Resolution 2019-65, approving the Fourth Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding

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Fourth Amended National Pollutant Discharge Elimination System

San Diego Regional Stormwater Copermittees

MEMORANDUM OF UNDERSTANDING

2019

This Memorandum of Understanding (MOU), entered into by the County of San Diego (County), the San Diego Unified Port District (Port), the San Diego County Regional Airport Authority (Airport), and the incorporated cities of San Diego, Carlsbad, Chula Vista, Coronado, Escondido, Imperial Beach, La Mesa, San Marcos, Del Mar, El Cajon, Encinitas, Lemon Grove, National City, Oceanside, Poway, Santee, Solana Beach, and Vista (Cities), collectively called Copermittees, establishes the shared program responsibilities of each party with respect to compliance with the National Pollutant Discharge Elimination System (NPDES) stormwater permit regulations administered by the United States Environmental Protection Agency (U.S. EPA) under the authority granted by the Federal Water Pollution Control Act (Clean Water Act) 33 USCA 1251 et seq. as amended.

RECITALS

WHEREAS, in 1987 Congress amended Section 402 of the Federal Water Pollution Control Act (33 USCA §1342p) to require the U.S. EPA to promulgate regulations for applications for permits for stormwater discharges; and

WHEREAS, the U.S. EPA adopted final permit regulations on November 16, 1990; and

WHEREAS, these permit regulations require the control of pollutants from stormwater discharges by requiring an NPDES permit, which would allow the lawful discharge of stormwater into waters of the United States; and

WHEREAS, the County, the Port, the Airport, and the Cities desire to implement an integrated stormwater management program with the objective of improving surface water quality in the County of San Diego, but do so without waiving and expressly subject to any and all objections and appeals made by any Copermittee in response to any NPDES Permit; and

WHEREAS, the California State Water Resources Control Board (CSWRCB) as designee of the U.S. EPA has delegated authority to the San Diego Regional Water Quality Control Board (Regional Board) for administration of the NPDES stormwater permit within the boundaries of its region; and

WHEREAS, on, May 8, 2013, the Regional Board issued an NPDES permit as Order No. R9-2013-0001, as amended by Order Nos. R9-2015-0001 and R9-2015-0100, NPDES No. CAS0109266, (Permit) governing waste discharge requirements for stormwater and urban runoff from the County, the Port, the Airport, and the Cities, naming these entities as Copermittees; and

WHEREAS, said Permit requires that the Copermittees cooperate in the implementation of various Urban Runoff Management Plans;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. DEFINITIONS

At Large means representing all of the Copermittees of this MOU.

Chair means presiding over and providing leadership and direction to a Working Body. This includes serving as a point of contact to external entities such as Regional Board staff, stakeholders, and industry groups, soliciting group input on and developing meeting content, facilitating meetings, and coordinating with the Secretary or Working Body Support staff to finalize work products for distribution to the Working Body. Chair responsibilities may also be divided between Co-Chairs.

Contract Administration means developing, soliciting, awarding, and managing contracts.

Consensus means general agreement reached between the participants of a Working Body.

Direct Costs mean those costs directly related to the development of a work product, or to the performance of a particular function or service. Direct Costs may include the wages of Copermittee employees engaged in an activity and the cost of materials or supplies needed to support that activity. Depreciation, equipment, and office space are not considered Direct Costs.

Fiscal Year starts on July 1 and ends on June 30 of the following year.

General Programs are collaborative urban runoff management activities which are (1) mandated by or necessary to implement requirements of the Permit, (2) necessary to anticipate the requirements, or prepare for renewal, of the Permit, (3) required to comply with Regional Board Orders or other directives required of Copermittees as dischargers of urban runoff (e.g., 13267 Orders, Total Maximum Daily Loads, etc.), or (4) other urban runoff management activities conducted with the unanimous approval of Copermittees sharing the cost or responsibility.

In-kind Contribution means a non-monetary contribution that can be used to satisfy an equivalent monetary obligation. Examples of In-kind Contributions are equipment or services provided for use.

Program Planning Subcommittee or Planning Subcommittee is composed as described in Section III.C.4 and 5.

Regional General Program(s) are activities that apply to all Copermittees, or that provide a regional benefit to Copermittees as determined by the Regional Management Committee.

Regional Principal Permittee is the County of San Diego unless another Regional Principal Permittee is selected in accordance with Section III.B.5. In addition to the responsibilities of all Copermittees described in Section II, the Regional Principal Permittee provides general coordination for the development and implementation of Regional General Programs, including the specific tasks and responsibilities described in Section III.A.1.b.

Regional Stormwater Management Committee or Management Committee is composed as described in Section III.B.2.

Regional Work Plan is a work plan that is one or more of the following: (1) developed and adopted annually for the purpose of conducting regional business to implement requirements of the Permit, (2) necessary to anticipate the requirements, or prepare for renewal, of the Permit, (3) required to comply with Regional Board Orders or other directives required of Copermittees as dischargers of urban runoff (e.g., 13267 Orders, Total Maximum Daily Loads, etc.), or (4) other urban runoff management activities conducted with the unanimous approval of Copermittees sharing the cost or responsibility.

Representative means a Copermittee staff member or consultant who serves as a point of contact and/or participant in the activities of a Working Body on behalf of the Copermittee. Except as described in Section III.B (Regional Stormwater Management Committee), Representatives are not required to attend meetings, but are expected to maintain a reasonable knowledge of, and involvement in, the activities of

the Working Body. To the best of their ability each Copermittee Representative should have expertise and knowledge in the subject matter of each applicable Working Body.

Secretary means a person who takes responsibility for the records, correspondence, minutes or notes of meetings, and related affairs of a Working Body. This includes: maintaining group contact lists; preparing and sending out meeting notifications and agendas; arranging for meeting rooms and equipment; taking, preparing, and finalizing meeting minutes or notes; and, coordinating with the Chair or Working Body Support staff to organize and distribute work products to the Working Body.

Simple Majority means at least one-half (50%) of applicable Copermittees, rounded up to the nearest integer, or plus one where the number of Copermittees is even. For the purposes of this MOU, a simple majority may never be less than three Copermittees.

Shared Cost Budget is one that is agreed upon and shared by Copermittees for the purpose of conducting stormwater regulatory activities, and can be developed at a watershed, regional or other scale.

Special Formula means any cost share formula that differs from the Default Formula in the selection or weighting of individual factors or in the methodology used to calculate one or more of them.

Three-fourths Majority means at least three-fourths (75%) of applicable Copermittees, rounded up to the nearest integer. For the purposes of this MOU, a Three-fourths Majority may never be less than three Copermittees.

Two-thirds Majority means at least two-thirds (67%) of applicable Copermittees, rounded up to the nearest integer. For the purposes of this MOU, a Two-thirds Majority may never be less than three Copermittees.

Urbanized Land Area means the total of all SANDAG land uses within the geographic area, subject to the cost share, excepting therefrom, the following coded land uses: 1403 Military Barracks; 4102 Military Airports; 6700 Military Use; 6701 Military Use; 6702 Military Training; 6703 Military Weapons; 7209 Casinos; 7603 Open Space Reserves, Preserves; 7609 Undevelopable Natural Areas; 9200 Water; 9201 Bays, Lagoons; 9202 Inland Water; and 9300 Indian Reservations.

Watershed Copermittee means any Copermittee that is identified both as a Copermittee under Table 1.a and a Responsible Copermittee under any Watershed Management Area as defined in Table B-1 of the Permit.

Watershed General Programs are activities that apply to the Copermittees comprising any individual Watershed Management Area (WMA) defined in Table B-1 of the Permit, or providing a general benefit to Copermittees within the WMA as determined by a Working Body.

Working Body means Committees, Subcommittees, Sub-working body(s), or any other working group of Copermittees' employees assembled to conduct specific tasks required by, for, or in furtherance of, compliance with the Permit.

II. RESPONSIBILITIES OF ALL COPERMITTEES

The following apply to General Programs.

A. Performance and Reimbursement of Tasks

1. Any individual Copermittee performing tasks necessary to fulfill budgeted General Program responsibilities for a Working Body is entitled to reimbursement of the costs incurred in accordance with section II.B.

2. Any Copermittee performing contract administration tasks to fulfill budgeted General Program responsibilities for a Working Body is entitled to reimbursement of contract management costs at a rate of 5% of the total contract cost or as otherwise agreed on by the participating Copermittees.
3. Any Copermittee performing tasks other than contract administration or voluntarily serving as a Working Body Chair, Co-chair, or Secretary, is entitled to reimbursement of the Direct Costs of performing those services in accordance with section II.B.
4. A Copermittee shall not be obliged to conduct work, enter into any contract, continue with any work or contract, or incur any other cost on behalf of other Copermittees if each Copermittee has not contributed the funds that it is obliged to contribute toward the activity or program, or if the Copermittee has not received adequate assurances that such funds will be received before payments become due. The Copermittee shall have sole discretion to determine whether assurances that require funds will be timely received or adequate.
5. A member of a Working Body providing Working Body Support may terminate those obligations for convenience, but shall first make a good faith effort to carry out or transfer existing responsibilities to another party by providing written notification of termination to the Copermittees within the Working Body 90 days prior to the intended date of termination.

B. Fiscal Responsibilities

1. Division of Shared General Program Costs

a. Prior to the allocation of shared costs, each proposed or approved budget task or sub-task shall be identified as either a Regional General Program cost or a Watershed General Program cost, and the Copermittees sharing that cost shall be identified. The cost of any particular budget element shall be subject to the approval of only the Copermittees to which it applies. The associated costs shall be divided among participating Copermittees as described below.

(1) Default Formula. Shared costs shall be divided according to a Default Formula of 45% Urbanized Land Area, 45% Population, and 10% Equal Division unless a Special Formula is approved by the Copermittees to which the cost applies.

(a) Population costs shall be divided among the Copermittees as follows: Whenever any geographic portion of the Port or Airport jurisdiction(s), respectively, lies(s) within the geographic area to which the shared program or activity is applicable, the Port or Airport, respectively, will each pay a fixed 0.5% of total Population costs. The remaining percentage of the population costs shall be divided among Copermittees by dividing the total population of each Copermittee by the combined total Copermittee population within the geographic area applicable to the shared program or activity. **These percentages shall be calculated using the most recently available population data available from the San Diego Association of Governments (SANDAG), unless more recent data are available from an equivalent source such as the U.S. Census Bureau, and are determined to be acceptable by the Copermittees sharing the cost.**

(b) Urbanized Land Area costs shall be divided among Copermittees by dividing the total Urbanized Land Area of each Copermittee by the combined total Urbanized Land Area of all participating Copermittees within the geographic area applicable to the shared program or activity. Urbanized Land Area shares shall be calculated using the most recently available San Diego Association of Governments (SANDAG) land use statistics. The Urbanized Land Area share

for the County shall include those urbanized lands in the unincorporated portion of the County that are west of the County Water Authority (CWA) service area boundary as it exists on the date of this MOU or as formally amended by the CWA.

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(c) Ten Percent (10%) of the total cost to be shared shall be divided equally amongst all of the Copermittees.

(d) Modification of the Default Formula requires the unanimous vote of all Copermittees. For cost sharing that applies only to a group that contains fewer than all Copermittees, a unanimous vote is required of all affected Copermittees.

(2) Special Formulas.

Special Formulas may be applied to any shared Regional or Watershed General Program cost, and require the unanimous vote of the Copermittees participating in the cost.

(3) In-kind Contributions. Subject to approval by the Copermittees participating in a particular shared General Program budget, a Copermittee may provide an in-kind contribution of equal value rather than a monetary contribution toward all or part of the cost of an activity. Copermittee in-kind contributions may include Working Body Support.

2. Work Plans and Shared Cost Budgets

a. Limitations on Cost-sharing

General Program activities that may be cost-shared by the Copermittees include collaborative urban runoff management activities which are
(1) mandated by or necessary to implement requirements of the Permit,
(2) necessary to anticipate the requirements, or prepare for renewal, of the Permit, (3) required to comply with Regional Board Orders or other directives required of Copermittees as dischargers of urban runoff (e.g., 13267 Orders, Total Maximum Daily Loads, etc.), or
(4) other urban runoff management activities conducted with the unanimous approval of Copermittees sharing the cost or responsibility.

Examples of such activities include:

(1) Development or implementation of any program requirements of the MS4 Permit, such as, the BMP Design Manual, regional education and outreach, or Water Quality Improvement Plans;

(2) Public participation activities, such as facilitating public meetings and workshops;

(3) Program assessment;

(4) Plan updates;

(5) Water quality monitoring, assessment and reporting;

(6) Annual reporting, including establishment and management of data and information clearinghouses;

(7) Preparation of technical analyses, recommendations and comments regarding the MS4 Permit, total maximum daily loads, and other relevant storm water quality regulations;

(8) Preparation of documents required by the MS4 Permit, such as Reports of Waste Discharge; and

(9) Special studies related to storm water quality-related pollutants, their sources, and potential best management practices.

b. Work Plans and Shared Cost Budgets

1. **No later than October 31st of each year**, each Working Body shall prepare and submit to the Planning Subcommittee a proposed Work Plan and Shared Costs Budget for the upcoming Fiscal Year.
2. Each Work Plan shall identify the parties that will serve as a Working Body Chair, Co-chair, or Secretary for the upcoming Fiscal Year. These assignments will be served on a fiscal year basis, and shall be for a minimum term of one year.
3. A Copermittee may not be compelled to act, or continue acting, as a Working Body Chair, Co-chair, or Secretary, and may at any time terminate an existing assignment. Before doing so, the Copermittee shall first make a good faith effort to carry out or transfer existing responsibilities.
4. Each budget shall describe major tasks, schedules, and projected costs, which Copermittees will provide Working Body Support, Contract Administration, in-kind contributions, and any other information applicable to regional general program costs.
5. To ensure that each Copermittee governing body has sufficient time to consider fiscal impacts, **the Planning Subcommittee shall prepare a consolidated draft Regional Work Plan and Shared Costs Budget no later than December 31st of each year for the Regional General Programs.** After consideration of comments and discussion, a final Regional Work Plan and Shared Costs Budget shall be prepared, approved by the Management Committee, and distributed to the Copermittees no later than January 31st of each year. The consolidated Regional Work Plan and Shared Costs Budget shall also identify the party or parties serving as Regional General Program operations fund managers.
6. Modifications to any adopted Regional Work Plan and Shared Costs Budget that will result in an overall increase in cost require the approval of the Regional Management Committee.
7. Copermittees from each Working Body, for which costs will be shared, shall prepare, agree upon and distribute to the participating Copermittees in that watershed, a watershed work plan and Shared Costs Budget.
8. Approval of the Shared Costs Budget for each fiscal year is subject to approval by Copermittee governing bodies as part of their regular annual budgeting process.

3. Cumulative Budget Limits

a. The total Shared Cost Budget authorized under this MOU may not exceed the cumulative limits specified for each spending category in **Table 1**. These values represent the maximum amount that may be cost-shared for each spending category for the duration of this MOU. **They do not represent funding commitments.** Once a cumulative limit has been reached, the Copermittees must establish separate agreements for sharing additional costs for that budget category. The estimated annual limits shown for each fiscal year are for planning purposes only. Where an estimated annual limit is not reached in any fiscal

year, the surplus amount may be carried over into subsequent fiscal years, so long as the cumulative limit is not exceeded. Budget limits apply only to their designated budget category. They may not be exchanged or credited across budget categories. Spending in each budget category may not exceed the applicable cumulative limit under any circumstances.

Table 1: Not-to-exceed Limits by Budget Category

1324	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	Cumulative Limit
Regional Budgets	$850,560	$920,800	$1,158,300	$764,000	$814,000	$4,507,660
San Luis Rey, SLR	$1,201,200	$636,025	$655,106	$882,759	$1,013,502	$4,388,592
Carlsbad, CAR	$122,600	$1,269,200	$519,200	$698,700	$847,200	$3,456,900
San Dieguito, SDG	$1,071,250	$843,750	$753,750	$597,500	$547,500	$3,813,750
Los Penasquitos, LPQ	$903,125	$794,375	$673,125	$748,125	$698,125	$3,816,875
San Diego River, SDR	$2,098,688	$1,181,250	$984,375	$1,077,563	$1,391,250	$6,733,126
San Diego Bay, SDBay	$828,000	$770,000	$792,000	$814,000	$727,000	$3,931,000
Tijuana, TJ	$512,000	$464,000	$471,000	$505,000	$459,000	$2,411,000
SDR I/O: County of San Diego, Cities of El Cajon, La Mesa, Santee	$150,000	$150,000	$150,000	$150,000	$150,000	$750,000
Bacteria TMDL (*Cities of Carlsbad, Del Mar, El Cajon, Encinitas, Escondido, La Mesa, Lemon Grove, Oceanside, Port of San Diego, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and the County of San Diego***.**	$20,000	$20,000	$20,000	$20,000	$20,000	$100,000
Total Watershed Management Area (WMA) Budgets	**$6,826,663**	**$5,403,300**	**$4,937,556**	**$5,412,247**	**$5,771,777**	**$28,351,543**
Total WMAs + Regional Budgets	**$7,677,223**	**$6,324,100**	**$6,095,856**	**$6,176,247**	**$6,585,777**	**$32,859,203**

4. Management and Payment of Funds

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a. For Regional General Programs, the Copermittees shall each pay a yearly assessment into one or more Regional General Program operations funds for their respective portion of any Regional Shared Costs Budget approved pursuant to this MOU. The Regional General Program operations fund shall be managed by the Regional Principal Permittee, or any other Permittee on approval of the Copermittees.

b. For Watershed General Programs, the applicable watershed Copermittees shall each pay an assessment into one or more Watershed General Program operations funds for their assigned portion of any watershed shared costs budget approved pursuant to this MOU. Each Watershed General Program operations fund shall be managed by the watershed lead permittee, or any other watershed permittee on approval of the participating Copermittees.

c. The Copermittee managing each General Program operations fund shall provide budget balance and expenditure status reports following the end of each fiscal year. This shall include a detailed accounting of all costs and expenses in accordance with the accepted work plan and Shared Costs Budget, including those incurred by Copermittees providing Working Body Support, contracting services, in-kind services, or other applicable costs.

d. Each Copermittee shall pay invoices within 60 days of receipt from the Copermittee managing the applicable General Program operations fund.

e. Funds collected and not expended in any fiscal year shall be credited to the Copermittees' share of the next fiscal year's costs in accordance with the Copermittees' defined shared costs.

f. Copermittees providing Working Body Support, Contract Administration, in-kind services, or incurring other budgeted costs on behalf of other Copermittees shall provide documentation of those expenses as requested by the Copermittee managing the applicable General Program operations fund. They shall only receive credit for those expenses if a detailed accounting of all costs and expenses meeting the minimum standards agreed upon by the Copermittees has been provided.

g. Differences in the approved actual cost of expenses from those budgeted shall be either credited or added as appropriate to the amount of the Copermittees' share. In the event that any Copermittees' share of the next fiscal year's costs is less than the amount to be credited, the difference shall be refunded to the Copermittee. Refunds shall be provided to Copermittees no later than 90 days after final accounting.

h. At its discretion, a Copermittee managing a General Program operations fund may, prior to the completion of a fiscal year, make payment to any Copermittee providing Working Body Support, Contract Administration, in-kind services, or incurring other budgeted expenditures on behalf of other Copermittees so long as all of the conditions of Section II B.4.f above have been satisfied and there are sufficient funds available to make a payment without requiring additional contributions or jeopardizing program objectives. If for some reason excess payment is made, the Copermittee receiving the payment agrees to return the additional payment without any recourse against the managing Copermittee.

III. REGIONAL GENERAL PROGRAMS

In addition to the requirements of Section II, the following apply to Regional General Programs.

A. Regional Principal Permittee

1. The County is hereby designated Regional Principal Permittee (Principal Permittee).

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a. The County or any other Copermittee may not be compelled to act, or continue acting, as Principal Permittee. A Copermittee may at any time terminate its assignment as Principal Permittee, but shall first make a good faith effort to carry out or transfer existing responsibilities.

b. In addition to the responsibilities of all Copermittees described in Section II, the Principal Permittee shall provide general coordination for the development and implementation of Regional General Programs, including the following tasks and responsibilities:

(1) Establish, chair, and provide overall coordination and leadership of the Regional Stormwater Management Committee (Management Committee) and the Regional Program Planning Subcommittee (Planning Subcommittee).

(2) Maintain a current contact list of Copermittees and interested parties.

(3) Maintain knowledge of and advise the Copermittees regarding current and proposed state and federal policies, regulations, and other NPDES programs; assist the Copermittees in the development and presentation of positions on these issues before local, state, and federal agencies.

B. Regional Stormwater Management Committee

1. The purpose of the Regional Stormwater Management Committee (Management Committee) is to develop, approve, and coordinate urban runoff management programs, and to explore issues of regional significance.
2. The Management Committee shall consist of one Representative of each Copermittee. Each Copermittee shall have one vote.
3. The Management Committee shall meet at least annually.
4. At a minimum, the Management Committee shall have the following responsibilities:

a. Address common issues, promote consistency among jurisdictional and watershed programs, and plan and coordinate activities required under the Permit;

b. Develop, implement, and arrange for implementation of Regional General Programs;

c. Provide a general forum for informing and receiving input from stakeholders and interested parties;

d. Provide a forum for public participation in the development and implementation of regional urban runoff management programs and activities;

e. Review specific issues pertaining to Working Bodies, make recommendations, or conduct work in support of shared regional priorities or objectives;

f. Formally approve the recommendations, work products, and deliverables of Working Bodies presented for consideration;

g. Adopt an Annual Regional Work Plan and Shared Costs Budget in accordance with the budgetary limits set forth in Table 1;

h. Approve an Annual Regional Work Plan and Shared Costs Budget; and

i. Approve year-end Budget Balance and Expenditure Status Reports.

5. The Management Committee shall be chaired by the Principal Permittee, or may alternatively be chaired or co-chaired by any other Copermittee. A reassignment or change in the responsibilities of the Principal Permittee requires a three-fourths majority approval of all Copermittees.

1327 6. Voting Requirements for the Management Committee

a. For a meeting or a vote to be held, a quorum of a Two-thirds Majority of voting representatives of the Management Committee must either be present or participate remotely via legally acceptable electronic communication (telephone, voice over internet protocol, etc.).
b. Management Committee voting shall not be conducted outside of meetings (e.g., by email).
c. For a motion to be approved, an affirmative vote of a Simple Majority of the Management Committee is needed.
d. On approval of the Management Committee, activities undertaken by a subset of Copermittees, but providing a regional benefit to Copermittees, may be considered Regional General Programs.
e. **Approval of any shared cost requires a unanimous vote of all Copermittees participating in the cost**.

C. Regional Program Planning Subcommittee

1. The purposes of the Regional Program Planning Subcommittee (Planning Subcommittee) shall be to provide regional coordination of urban runoff management activities, to develop and implement Regional General Programs, and to coordinate the activities of Working Bodies.
2. At a minimum, the Planning Subcommittee shall have the following responsibilities:

a. Serve as an intermediary between the Management Committee and other Copermittee Working Bodies;
b. Plan and coordinate Management Committee meetings;
c. Review specific issues pertaining to Regional Working Body(s) , make recommendations, or conduct work in support of shared regional priorities or objectives;
d. Oversee, coordinate, and track the progress of As-Needed Regional Working Body(s) in developing specific work products, responding to information requests, and completing tasks;
e. Establish and maintain a calendar of Copermittee meetings and events;
f. Conduct regional program planning including developing an Annual Regional Work Plan and Shared Costs Budget for Management Committee consideration and approval;
g. Review and recommend Management Committee approval of work products, recommendations, and requests of Regional Working Body(s) for consideration and approval;
h. Annually receive, review, comment on, and consolidate the recommended Work Plans and Shared Costs Budgets of each Regional Working (body(s) ;
i. Coordinate and liaise with Regional Board staff, stakeholders, regulated parties, and other interested parties to identify and explore key regional issues and concerns.
j. Provide Representation to the California Stormwater Quality Association (CASQA);
k. Provide representation or participation for other professional organizations and societies as appropriate and feasible;
l. Provide regular updates to Copermittees and interested parties via Management Committee meetings or other appropriate means (e-mail, etc.); and
m. Provide subject area input as needed for the development, implementation, review, and revision of General Programs, and the development of associated reports and work products.

1328 3. The Planning Subcommittee shall be chaired by the Principal Permittee, or may alternatively be chaired or co-chaired by any other Copermittee upon approval of the Management Committee.
4. Planning Subcommittee meetings shall be open to all Copermittees; however, voting membership in any year shall be limited to one representative of each Watershed Management Area (WMA) listed in Permit Table a.1 except the South Orange County WMA. Any Copermittee may only represent one WMA. For each fiscal year, each WMA will designate a Copermittee as a voting member of the Planning Subcommittee prior to the beginning of that fiscal year. Each WMA may also designate an alternate voting member.
5. Each voting member shall be considered an at-large member. Their purpose is to represent the interests of all Copermittees of this MOU rather than those of their specific WMAs.
6. The Planning Subcommittee may not alter the responsibilities of, or impose new fiscal obligations on, any Copermittee or Working Body, except as approved by the Management Committee. However, the Planning Subcommittee may approve changes to approved Annual Regional Work Plans and Shared Costs Budgets within approved annual budget limits.
7. Voting Requirements for the Planning Subcommittee:

    a. The Planning Subcommittee shall only make advisory recommendations for items requiring Management Committee approval.

    b. The Planning Subcommittee may use any voting methodology it deems appropriate to develop advisory recommendations or conduct other business, and, shall present minority or dissenting recommendations for consideration by the Management Committee as applicable.

IV. DISPUTE RESOLUTION

Should a dispute arise among any of the parties regarding any matter related to this MOU, the parties agree to first meet and confer in good faith to attempt to resolve the dispute. If that fails to resolve the dispute, they shall submit the matter to mediation.

1. Mandatory Non-binding Mediation. If a dispute arises out of, or relates to this MOU, or the breach thereof, and if the dispute cannot be settled through normal contract negotiations, the Parties agree to attempt to settle the dispute in an amicable manner, using mediation under the Mediation Rules of the American Arbitration Association [AAA] or any other neutral organization agreed to by the parties. A mediation session is required before having recourse in a court of law. The cost of mediation shall be borne by the parties equally.

2. Selection of Mediator. A single Mediator that is acceptable to all Parties shall be used to mediate the dispute. The Mediator may be selected from lists furnished by the AAA or any other agreed upon Mediator. To initiate mediation, the initiating Party shall serve a Request for Mediation on the opposing Party.

3. Conduct of Mediation Sessions. Mediation hearings will be conducted in an informal manner and discovery will not be allowed. All discussions, statements, or admissions in the mediation process will be confidential settlement negotiations under Ca. Evidence Code section 1152. The Parties may agree to exchange any information they deem necessary.

    a. Both Parties must have an authorized representative attend the mediation. Each representative must have the authority to recommend entering into a settlement. Either Party may have attorney(s) or expert(s) present.

b. Any agreements resulting from mediation shall be documented in writing. All mediation results and documentation, by themselves, shall be "non-binding" and inadmissible for any purpose in any legal proceeding, unless such admission is otherwise agreed upon, in writing, by both Parties. Mediators shall not be subject to any subpoena or liability and their actions shall not be subject to discovery.

V. GENERAL PROVISIONS

A. Term of Agreement

1. This MOU shall become effective on the date the last party executes the MOU.
2. The life of the MOU shall be effective through August 2024, or with the life of the current Permit plus twelve months, whichever is longer. For purposes of this paragraph, any permit renewal or replacement after May 2024 shall be considered a new permit; any earlier amendment of the Permit increasing the obligations of the Regional Principal Permittee or a Watershed Lead Permittee may at that Copermittee's sole option, be declared to be a new permit; and the Management Committee shall determine whether any other earlier amendment to the Permit is of such significance as to effectively be a new Permit.

B. Withdrawal of Copermittee

1. Participation in this MOU may be withdrawn by any Copermittee for any reason only after the Copermittee complies with all of the following conditions of withdrawal:

    a. The Copermittee shall notify all of the other Copermittees in writing 90 days prior to its intended date of withdrawal.
    b. Any expenses associated with withdrawal, including but not limited to, filing and obtaining the withdrawing Copermittee's individual NPDES permit and the amendment of the Permit will be solely the responsibility of the withdrawing Copermittee.
    c. The withdrawing Copermittee shall be responsible for their portion of any shared costs incurred according to the conditions of this MOU up to the time that each of the conditions in Section V.B.1.a. has been met.
    d. Any monies paid by withdrawing Copermittee in excess of the amount due under the terms of the MOU shall be refunded to the Copermittee at the time the withdrawal becomes final as set forth in Section V.B.1.a.
    e. The withdrawing Copermittee shall not be entitled to participate in the division of proceeds in any reserve fund account when the MOU is dissolved.

C. Non-Compliance with MOU Requirements

1. Any participant to this MOU found to be in non-compliance with the conditions of this MOU shall be solely liable for any lawfully assessed penalties resulting from such non-compliance. Failure to comply with MOU conditions within specified or agreed upon timelines shall constitute non-compliance with the MOU.

2. Limitations on Use of Funds. Notwithstanding the rights and obligations of the Parties created by this MOU, no Party may be found in breach of this MOU where compliance would require that Party to violate any law or grant assurance, including but not limited to provisions of the Federal Aviation Administration 1999 Policy and Procedure Concerning the Use of Airport Revenue [64

Fed. Reg. 7696, dated Feb. 16, 1999]; the Airport and Airway Improvement Act of 1982 codified
1330 at 49 U.S.C. § 47107(b); the Federal Aviation Administration Authorization Act of 1994, P.L. 103-305 (Aug. 23, 1994); the Airport Revenue Protection Act of 1996, Title VIII of the Federal Aviation Administration Act of 1996, P.L. 104-264 (Oct. 9, 1996), 110 Stat. 3269 (Oct. 9, 1996); 49 U.S.C. § 46301(n)(5); and 49 U.S.C. § 47133. The Parties recognize that the Authority has received federal Airport Improvement Project ("AIP") grants containing grant assurance 25, which provides: "All revenues generated by the airport . . . will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport."

D. Amendments to the Memorandum of Understanding

This MOU may be amended only by unanimous consent of all Copermittees. No amendment shall be effective unless it is in writing and signed by the duly authorized representatives of the Copermittees.

E. Governing Law

This MOU shall be governed and construed in accordance with the laws of the State of California. If any provision or provisions shall be held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

The headings used throughout this MOU are for convenience only and do not in any way limit or amplify the terms or provisions of the MOU.

F. Consent and Breach Not Waiver

No term or provision hereof shall be deemed waived and no breach excused, unless such waiver or consent shall be in writing and signed by the Copermittee to have waived or consented. Any consent by any Copermittee to, or waiver of, a breach by the other, whether expressed or implied, shall not constitute a consent to, waiver of, or excuse for any other different or subsequent breach.

G. No Indemnification

1. Each Copermittee shall have the sole responsibility to comply with the Permit.
2. Each Copermittee shall pay all fines, penalties, and costs which may arise out of such Copermittee's non-compliance with the Permit.
3. By entering into this MOU, no Copermittee assumes liability for claims or actions arising out of the performance of any work or actions or omissions, by any other Copermittee, its agents, officers, and employees under this MOU.
4. By entering into this MOU, each Copermittee agrees to defend itself from any claim, action or proceeding arising out of the acts or omissions of itself and retain its own legal counsel, and bear its own defense costs.

H. Application of Prior Agreements

This MOU constitutes the entire Agreement between the parties with respect to the subject matter; all prior agreements, representations, statements, negotiations, and undertakings are superseded hereby.

I. Right to Audit

Each Party retains the right to review and audit, and the reasonable right of access to other Parties' respective premises to review and audit the other Parties' compliance with the provisions of this MOU (Party's Right). The Party's Right includes the right to inspect and photocopy same, and to retain copies, outside of the Parties' premises, of any and all records, including any and all books, records, and documents, related to this MOU with appropriate safeguards, if such retention is deemed necessary by the auditing Party in its sole discretion. This information shall be kept by the auditing Party in the strictest confidence allowed by law.

J. Execution of Agreement

This MOU may be executed in counterpart and the signed counterparts shall constitute a single instrument. In the event that any Copermittee is unable to execute this amendment prior to August 31, 2019, execution of this amendment after that date shall constitute ratification of this amendment, and the MOU and extensions shall be in effect once all signatures are obtained.

Attachment 2

RESOLUTION 2019-65

1332 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ENCINITAS, CALIFORNIA, APPROVING THE FOURTH AMENDMENT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) SAN DIEGO REGIONAL STORMWATER COPERMITTEES MEMORANDUM OF UNDERSTANDING (MOU)**

WHEREAS, on May 8, 2013, the San Diego Regional Water Quality Control Board (SDRWQCB) issued NPDES Order No. R9-2013-0001, as amended by NPDES Order Nos. R9-2015-0001 and R9-2015-0100, which includes requirements in addition to those that were imposed on the Copermittees, including the City of Encinitas, in NPDES Permit No. R9-2007-001;

WHEREAS, per Resolution 2007-50, the City of Encinitas entered into a National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding (MOU) on December 12, 2007 to comply with the NPDES Permit No. 2007-0001 requirement that they cooperate in the implementation of activities and programs;

WHEREAS, per Resolution 2010-29, the City of Encinitas approved a First Amendment to the NPDES San Diego Regional Stormwater Copermittees MOU, on June 15, 2010 in order to allow the refund of budgeted but unspent funds to the parties at the conclusion of each fiscal year;

WHEREAS, per Resolution 2014-47, the City of Encinitas approved the Second Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees MOU, on June 25, 2014 to clarify the termination date of August 31, 2015, and clarify conditions of breach of the MOU;

WHEREAS, per Resolution 2015-73, the City of Encinitas approved the Third Amendment to the MOU on October 28, 2015, extending the termination date of the MOU through August 2019,;

WHEREAS, the Copermittees wish to amend the MOU (Fourth Amendment), and extend the termination date of the MOU through August 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Encinitas does hereby approve the Fourth Amendment to the San Diego Region Stormwater Copermittees Memorandum of Understanding (MOU), and authorizes the City Manager to execute the Fourth Amendment to the MOU.

PASSED AND ADOPTED by the City Council of the City of Encinitas at a regular meeting thereof, held on the 21st day of August 2019, by the following vote to wit:

AYES:
NAYS:
ABSENT:
ABSTAIN:

_____
Catherine S. Blakespear, Mayor

ATTEST:

_____
Kathy Hollywood, City Clerk

1333

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, AUGUST 21, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Presentation by Fire Chief Stein regarding wildfire preparedness.

4B. Presentation by Executive Officer Keene Simonds regarding the purpose and responsibilities of San Diego Local Agency Formation Commission (LAFCO) and presentation of commendation to Mayor Blakespear for her service to LAFCO

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City

Manager either for resolution by administrative action or placement on a future agenda.

6. **REPORT FROM CLOSED SESSION (IF HELD)**

1334

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.**

8. **CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.**

8A. Approval of the Minutes of the July 10, 2019 Special Meeting-Closed Session and the July 10, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-08-21 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-08-21 Item 08B Warrants

8C. Designation of a voting delegate and voting delegate-alternate for the League of California Cities (LCC) Annual Conference, October 16-18, 2019. Contact Person: Executive Assistant to Mayor and City Council Clisby

City Council adopts Resolution 2019-75 designating Council Member Mosca to represent the City of Encinitas as a voting delegate and Council Member Hinze as voting delegate-alternate at the LCC Annual Conference to be held October 16-18, 2019, in Long Beach, California.

2019-08-21 Item 08C LCC Voting Delegate

Resolution Approving the Application for Prop 68 Statewide Park Development and Community Revitalization Program Grant Funds. Contact Person: Park Operations Manager Saul

8D. 1) Approve a Resolution authorizing an application for grant funds from the Prop 68 Statewide Park Development and Community Revitalization Program Grant Funds; and 2) Authorize the City Manager or City Manager's Designee to enter into an agreement with the State Department of Parks and Recreation, in conjunction with the City Attorney, subject to current City Council budget appropriations.

2019-08-21 Item 08D Prop 68 Statewide Park Development and Community Revitalization Program Grant Funds

Purchase of nine (9) cardiac monitors, two (2) cardiopulmonary resuscitation (CPR) devices, and a five (5) year service agreement in the amount of $341,242 from Zoll Medical Corporation and approve trade-in of existing cardiac monitors; and off-cycle budget appropriation for the Fiscal Year 2019-20 Operating Budget for County Service Area 17 (CSA-17) Fund 230. Contact Person: Deputy Fire Chief Ford

8E. 1) Authorize the Encinitas Fire Department to utilize the Request for Proposal (RFP) approved by the County of Los Angeles awarding Zoll Medical Corporation the contract to provide for the purchase and warranty of cardiac monitors/defibrillators, accessories/supplies, and upgrades; 2) Authorize the Fire Chief to enter into an Agreement with Zoll Medical Corporation for the purchase of nine (9) cardiac monitors, two (2) cardiopulmonary resuscitation (CPR) devices, a five (5) year service agreement, and approve trade-in of the eight (8) existing cardiac monitors in the amount of $341,242; and 3) Adopt Resolution No. 2019-62 approving an off-cycle budget appropriation for the Fiscal Year 2019-20 Operating Budget for the County Service Area 17 (CSA-17) Fund 230.

2019-08-21 Item 08E Budget Adjustment to CSA-17 Fund and Service Agreement with Zoll Medical Corporation

Memorandum of Understanding between the City of Encinitas and the Community Resource Center to provide free bread and pastry donations. Contact Person: Center Manager Goodsell

8F. Approve and authorize the City Manager, in coordination with the City Attorney, to execute an ongoing Memorandum of Understanding (MOU) between the City of Encinitas and the Community Resource Center (CRC) to provide free bread and pastry donations from Vons to senior citizens at the Encinitas Community and Senior Center via the Fresh Rescue Program.

2019-08-21 Item 08F MOU Between the City of Encinitas and the Community Resource Center to Provide Free Bread and Pastry Donations.

Contract Amendment #3 for Infrastructure Engineering Corporation (IEC) to provide additional design and permitting services for the Olivenhain Trunk Sewer Project (CC04J). Contact Person: Engineer II Widelski

8G. Authorize the City Manager, or designee, in coordination with the City Attorney, to execute a contract amendment and extensions, with Infrastructure Engineering Corporation (IEC) in the amount of $64,160 plus 15 percent contingency for a total contract amendment amount not to exceed $73,784 and a total contract cost not to exceed $927,461 to perform design and permitting services for the Olivenhain Trunk Sewer Project.

1336

2019-08-21 Item 08G Olivenhain Trunk Sewer Improvements - Amendment #3 IEC Contract

8H. Second Reading and Adoption of City Council Ordinance No. 2019-08, to adopt the modification suggested by the California Coastal Commission to City Council Ordinance No. 2019-04, which amended three Specific Plans, Municipal and Zoning Codes, and the local Coastal Program (LCP) to clarify provisions to implement the new General Plan Land Use designation and development standards. Contact Person: Principal Planner Gates

Adopt City Council Ordinance No. 2019-08, titled "An Ordinance of the City Council of the City of Encinitas, California, Adopting the Modification Suggested by the California Coastal Commission to City Council No. 2019-04, Amending the North 101 Corridor Specific Plan."

2019-08-21 Item 08H Housing Element Coastal Commission Modification - Adoption of Ordinance

8I. Second Reading and Adoption of Ordinance 2019-06, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.28 – Leaf Blower Ordinance. Contact Person: Environmental Programs Manager Steenblock

Adopt Ordinance 2019-06, titled "An Ordinance of the City of Encinitas, California, Adding Encinitas Municipal Code Chapter 11.28 – Leaf Blower Ordinance."

2019-08-21 Item 08I Leaf Blower Ordinance - Adoption of Ordinance

8J. Fourth Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding. Contact Person: Environmental Programs Manager Steenblock

Adopt Resolution 2019-65, approving the Fourth Amendment to the National Pollutant Discharge Elimination System San Diego Regional Stormwater Copermittees Memorandum of Understanding, and authorize the City Manager to execute the Agreement.

2019-08-21 Item 08J 4th Amendment to Stormwater MOU

Notice of Completion for the Chesterfield Drive Quiet Zone Implementation Project

(CS17F). Contact Person: City Engineer Wimmer

8K.

1) Accept the public improvements as complete; 2) Authorize release of the performance
1337 bond and initiate the warranty bond; and 3) Authorize filing of a Notice of Completion

2019-08-21 Item 08K NOC- Chesterfield Quiet Zone

Report on Emergency Repairs to Highway 101 Bridge over the San Elijo Lagoon (CX20A) and Ratify Budget Amendment to Fund Repairs. Contact Person: City Engineer Wimmer

8L.

Adopt Resolution No. 2019-69, entitled "A Resolution of the City Council of the City of Encinitas Ratifying the Amendment of the Fiscal Year 2019-20 Budget."

2019-08-21 Item 08L Hwy 101 Bridge Emergency Repairs

Approval of a five-year Agreement between the County of San Diego and the City of Encinitas for California Identification System Remote Access Network (Cal-ID) and direct the City Manager to execute the agreement. Contact Person: Senior Management Analyst Piatt

8M.

Approve a five-year Agreement with the County of San Diego for the Regional California Identification Remote Access Network (Cal-ID) and direct the City Manager to execute the agreement.

2019-08-21 Item 08M Cal-ID Agreement Report

Acceptance of the Coastal Rail Trail – Chesterfield Drive to Santa Fe Drive Segment. Contact Person: City Engineer Wimmer

8N.

Adopt Resolution No. 2019-68, entitled "A Resolution of the City Council of the City of Encinitas Accepting the Coastal Rail Trail – Chesterfield Drive to Santa Fe Drive Segment Project from the San Diego Associations of Governments."

2019-08-21 Item 08N Acceptance of the Coastal Rail Trail

Capital Project and Grants Update – Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

8O.

Receive the report on the status of Capital Improvement and Traffic Engineering projects and grants.

2019-08-21 Item 08O Mobility and Grant Report

Memorandum of Understanding (MOU) with SANDAG for the El Portal Pedestrian and Bicycle Undercrossing Project (CS16F). Contact Person: City Engineer Wimmer

1338
8P. 1) Authorize the City Manager, in consultation with the City Attorney, to execute the Memorandum of Understanding (MOU) with San Diego Association of Governments (SANDAG) for construction management of the El Portal Pedestrian and Bicycle Undercrossing project ; and 2) Direct staff to wire $500,000 to SANDAG upon execution of this MOU.

2019-08-21 Item 08P El Portal SANDAG MOU Report

Legislative position letter in support of Senate Bill 2012 (Feinstein). Contact Person: Senior Management Analyst Piatt

8Q.

Ratify the League of California Cities position letter in support of Senate Bill 2012.

2019-08-21 Item 08Q Legislative Support Letter Senate Bill 2012

Proposed personnel changes to the San Dieguito Water District and a resolution amending the Fiscal Year 2019-20 Adopted Budget. Contact Person: Public Works Director Quiram

8R. 1) Change the title of General Manager to Assistant Director of Public Works/Assistant General Manager, upgrade Superintendent to Water Operations Manager and upgrade one Utility Maintenance Specialist to a Utility and Maintenance Supervisor I, as well as approve the related salary adjustments (including addition of Salary Step 10 to Grade 65 and correcting the prior omission of Finance Manager position) that accompany each change; 2) Approve the reorganization of transferring Wastewater Collections under the supervision of the newly created Assistant Director of Public Works/Assistant General Manager of a new Utilities Division of Public Works; 3) Adopt Resolution 2019-70 titled "A Resolution of the City Council of the City of Encinitas Approving personnel changes to the Department of Public Works Pay Range Table and Position Titles" which amends the pay scales for the reclassified positions; and 4) Adopt Resolution 2019-61 titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Adopted Budget."

2019-08-21 Item 08R City Public Works Reorganization

Legislative position letter in support of SB 54/ AB 1080 (Allen/Gonzalez). Contact Person: Senior Management Analyst Piatt

8S.

Approve the position letter in support of SB54/AB 1080.

2019-08-21 Item 08S Legislative Support Letter SB 54 AB 1080

8T. Legislative position letter in support of AB 1017 (Boerner Horvath). Contact Person: Senior Management Analyst Piatt

1339 Approve the position letter in support of AB 1017.

2019-08-21 Item 08T Legislative Support Letter AB 1017

8U. Legislative position letter for SB 266 (Leyva), Public Employees' Retirement System: Disallowed Compensation: Benefit Adjustments: Notice of Opposition. Contact Person: Senior Management Analyst Piatt

Approve the position letter in support of SB 266 (Leyva).

2019-08-21 Item 08U Legislative Support Letter SB 266

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing.

10A. Public Hearing to consider a timely-filed appeal of the Planning Commission's approval of the Miano Duplex Addition for the renovation of an existing duplex with a second-floor addition and use of a temporary construction trailer. CASE NUMBER: 18-169 DR/CDP; APPLICANT: Donna Miano; APPELLANT: Ken and Kristine Price; LOCATION: 404 and 406 Fourth Street (APN 258-074-01). Contact Person: Associate Planner Dichoso

Deny the appeal, uphold the approval of the Planning Commission decision and adopt draft City Council Resolution No. 2019-46.

2019-08-21 Item 10A Appeal of Miano Duplex - Agenda Report

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 1

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 2

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 3

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 4

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 5

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 6

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 7

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 8

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 9

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 10

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 11

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 12

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 13

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 14

2019-08-21 Item 10A Appeal of Miano Duplex - Attachment 15

10B. Community Choice Energy Governance Analysis Report and CCE Formation. Contact Person: CAP Program Administrator Najera

1) Receive the Community Choice Energy (CCE) Governance Analysis Report ("EES Report") completed for the Cities of Encinitas, Del Mar, and Carlsbad; 2) Select the preferred CCE formation option (listed in order based on EES Report results): a. Partner Joint Powers Authority (JPA) - Cities of Encinitas, Del Mar, and Carlsbad; b. Solana Energy Alliance JPA - in partnership with Solana Energy Alliance (SEA); c. City of San Diego JPA - in partnership with City of San Diego; d. Enterprise CCE - City of Encinitas only; 3) Direct staff to prepare CCE formation documents, including CCE enabling ordinance and negotiated JPA agreement, as applicable, and return to Council for approval in time to submit an Implementation Plan to the California Public Utilities Commission by December 31, 2019 and launch the CCE in 2021; and 4) If the Partner JPA option is selected, direct staff to issue a Request for Proposals for contract services to prepare a CCE Implementation Plan for the Partners.

2019-08-21 Item 10B CCE Governance Analysis

1341 2019-08-21 Item 10B CCE Governance Analysis - Supplemental Agenda Report (posted 8-21-2019)

Report Regarding the Federal Communications Commission's (FCC) Regulation of Small Cell Wireless Communication Facilities; and, Consideration and Possible Adoption of an Urgency Ordinance and Resolution to Establish Local Regulatory Framework for the Same. Contact Person: City Planner Sapau

10C. 1) Receive the report and presentation by staff and Telecom Law Firm, City Wireless Facilities Special Legal Counsel; 2) Adopt Ordinance No. 2019-12 (Attachment CC-1) on an urgency basis entitled "An Urgency Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 9.70 for the regulation of small wireless facilities and other infrastructure deployments in the public rights-of-way" that authorizes the City Council to regulate small wireless facilities and other infrastructure deployments in the public rights-of-way by a City Council policy adopted by resolution; 3) Adopt Resolution No. 2019-66 (Attachment CC-2) implementing new City Council Policy for the regulation of small wireless facilities and other infrastructure deployments in the public rights-of-way; and 4) Adopt Resolution No. 2019-67 (Attachment CC-3) adopting the Right-of-Way Administrative Design Review Permit and associated fee requirements for processing of small wireless facilities and other infrastructure deployments in the public rights-of-way.

2019-08-21 Item 10C Small Cell Wireless Facilities

Proposed changes to the e-mail retention policy. Contact Person: IT Manager Flynn

10D. Authorize the revision of Administrative Policy G005 Section 5 E-MAIL to increase retention of e-mails from 30 days to two years and allow staff to save e-mails electronically rather than as hardcopy.

2019-08-21 Item 10D Proposed E-mail Retention Policy Revisions

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

2019-08-21 Item 14 Follow Up Log

1342 **15. CITY ATTORNEY REPORTS**

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON AUGUST 28, 2019

10A. Public Hearing to consider a timely-filed appeal of the Planning Commission's approval of the Miano Duplex Addition for the renovation of an existing duplex with a second-floor addition and use of a temporary construction trailer. CASE NUMBER: 18-169 DR/CDP; APPLICANT: Donna Miano; APPELLANT: Ken and Kristine Price; LOCATION: 404 and 406 Fourth Street (APN 258-074-01). Contact Person: Associate Planner Dichoso

Deny the appeal, uphold the approval of the Planning Commission decision and adopt draft City Council Resolution No. 2019-46.

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1343

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, AUGUST 28, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Proclamation to Beverly Goodman on her retirement from Coast Highway Traders

4B. Parks Master Plan update by Director of Parks and Recreation Campbell

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1344

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Authorization to purchase new closed-circuit television (CCTV) truck for Public Works Wastewater Collection Division. Contact Person: Management Analyst Stratakis

Authorize the purchase of one CCTV Truck and equipment in accordance with the quote, for an amount not-to-exceed $294,000.

2019-08-28 Item 08A Purchase of CCTV Truck

8B. Introduction of Ordinance 2019-11 amending Encinitas Municipal Code Chapter 2.12.060.C Conflict of Interest Code. Contact Person: City Clerk Hollywood

Introduce Ordinance 2019-11 entitled, "An Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 2.12.060.C regarding Conflict of Interest filers."

2019-08-28 Item 08B Amend Conflict of Interest Code

8C. Environmental Commission Recommendation to City Council to Adopt a Resolution Supporting Assembly Bill (AB) 1788. Contact Person: Environmental Programs Manager Steenblock

Adopt City Council Resolution 2019-76, "A Resolution of the City Council of the City of Encinitas Supporting AB 1788, the California Ecosystems Protection Act of 2019."

2019-08-28 Item 08C Environmental Commission Recommendation AB 1788

Consideration of Resolution 2019-74 establishing the Title VI Compliance Program and adopting the Administrative Policies- G052-Title VI Public Notice; G053-Title VI Grievance Procedures and Form; and G054-Title VI Non-Discriminatory Statement for

8D. Publications and Public Notice. Contact Person: Risk Department Manager Schwarm

Adopt Resolution 2019-74 establishing a Title VI Compliance Program and adopting
1345 Administrative Policies G052-Title VI Public Notice; G053-Title VI Grievance Procedures and Form; and G054-Title VI Non-Discriminatory Statement for Publications and Public Notice.

2019-08-28 Item 08D Title VI Compliance Program

Senior Nutrition Catered Lunch Agreement. Contact Person: Recreation Center Manager Goodsell

8E. 1) Authorize the City Manager to execute a twenty-two (22) month agreement with an option for a twenty-four (24) month renewal between the City of Encinitas and Essenco, Inc. for an amount not to exceed $265,825, in conjunction with the City Attorney in substantial form as contained in Attachment 1, commencing upon the date of its execution by both parties to provide senior nutrition catered lunches at the Encinitas Senior and Community Center; 2) Council approves and adopts Resolution 2019-77, titled "A Resolution of the City Council of the City of Encinitas, California, Amending the Fiscal Year 2019-20 Budget."

2019-08-28 Item 08E Senior Nutrition Catered Lunch Agreement

8F. Fee Waivers for the San Dieguito American Legion Post 416 for permit fees associated with the remodel of facility located at 210 West F Street. Contact Person: Director of Development Services Wisneski

Approve fee waivers in the amount not to exceed $13,480, for the San Dieguito American Legion Post 416 for remodel of the facility located at 210 West F Street.

2019-08-28 Item 08F American Legion Fee Waivers

8G. 1711 Eolus Avenue Storm Drain Improvements Project (CD05E). Contact Person: Associate Civil Engineer Widelski

Approve the plans, specifications and authorize advertisement of the 1711 Eolus Avenue Storm Drain Improvements Project (CD05E).

2019-08-28 Item 08G 1711 Eolus Storm Drain-Design Approval

Landscape Maintenance Services Agreement Amendment No. 4. Contact Person: Park Operations Manager Saul

8H. City Council authorizes the City Manager to execute Amendment No. 4 with Excel Landscape for Citywide Landscape Maintenance Services, in substantial form as contained in Attachment 1 of the agenda report, in consultation with the City Attorney, increasing the
1346 agreement by $164,177 for a total not to exceed of $10,525,176 for the initial three-year term and the three-year extension.

2019-08-28 Item 08H Landscape Maintenance Services Agreement Amendment No. 4

Contract amendment with LC Paving and supporting budget amendment for unanticipated drainage repairs within NCTD Right-of-Way (ROW) covered by the temporary Right-of-Way Parking License Agreement with NCTD. Contact Person: Superintendent Ugrob

8I. 1) Authorize the City Manager, in consultation with the City Attorney, to execute Amendment No. 5 of the Agreement with LC Paving & Sealing, Inc. in an amount not to exceed $150,000 for the restoration of earthen drainage within NCTD property for a total contract amount of $1,846,500; and 2) Adopt Resolution 2019-72 titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2019-08-28 Item 08I LC Paving Contract Amendment

Professional Services Contract for the Leucadia Area Watershed Master Plan (WD19E). Contact Person: City Engineer Wimmer

8J. Authorize the City Manager, in consultation with the City Attorney, to execute a contract and any necessary amendments and time extensions, with Q3 Consulting in the amount of $375,528 plus 15% contingency for a total contract amount not to exceed $431,857.20 to prepare the Leucadia Area Watershed Master Plan (WD19E).

2019-08-28 Item 08J Contract for Leucadia Watershed Masterplan

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Public hearing to introduce City Council Ordinance No. 2019-10 to move the requirements for Lot Consolidations from Chapter 24.60 (Minor Subdivisions – Tentative Parcel Map) to Chapter 24.70 (Lot Line Adjustments), see Attachment CC-1, Exhibit A of the agenda report. Title 24 of the Municipal Code is a component of the Local Coastal Program (LCP); therefore, the LCP would also be amended as part of this application.

10A. Contact Person: Principal Planner Yentile

Introduce City Council Ordinance No. 2019-10 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting Amendments to Chapters 24.60 (Minor

Subdivisions – Tentative Parcel Map) and 24.70 (Subdivisions) of the Encinitas Municipal Code."

1347 2019-08-28 Item 10A Amend Municipal Code - Lot Consolidations

11. INFORMATIONAL ITEMS - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - The next regular meeting of the City Council is September 11, 2019.

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1348

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, SEPTEMBER 11, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda**

are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

1349

Approval of the Minutes of the August 21, 2019 Special-Closed Session Meeting, August 21, 2019 Regular Meeting, and August 28, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

8A.

Approve the Minutes.

2019-09-11 Item 08A Minutes

Adoption of Ordinance 2019-11 amending Encinitas Municipal Code Chapter 2.12.060.C Conflict of Interest Code. Contact Person: City Clerk Hollywood

8B. Adopt Ordinance 2019-11 entitled, "An Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 2.12.060.C regarding Conflict of Interest filers."

2019-09-11 Item 08B Conflict of Interest Code Amendment

Proposed Amendments to City Council Policy C031 Integrated Pest Management. Contact Person: Park Operations Manager Saul

8C. Staff recommends that City Council approve the proposed amendments to City Council Policy C031 Integrated Pest Management that includes an expanded policy statement, expanded definitions, incorporated information from the Integrated Pest Management Plan G009, and allows a special use category for all pesticides.

2019-09-11 Item 08C Proposed Amendments to City Council Policy C031 Integrated Pest Management

Construction Contract for the Senior Center ADA Improvements Project (CF18A). Contact Person: Engineer Widelski

8D. Authorize the City Manager, to execute a contract in substantial form, and any necessary amendments and time extensions, in consultation with the City Attorney, with L.C. Paving and Sealing Inc. in the amount of $186,423 plus 15 percent contingency of $27,964, for a

total contract amount not to exceed $214,387 to construct the Senior Center ADA Improvements Project.

1350 2019-09-11 Item 08D Senior Center ADA Improvements Construction Contract

Notice of Completion for the Bonita Drive Sidewalk Improvements Project (CS19C). Contact Person: Engineer Widelski

8E.

1) Accept the public improvements as complete; 2) Authorize release of the performance bond and initiate the warranty bond; and 3) Authorize the filing of a Notice of Completion

2019-09-11 Item 08E Bonita Drive Sidewalk Improvements Notice of Completion

Proposed 2019-2020 Environmental Commission Work Plan. Contact Person: Environmental Programs Manager Steenblock

8F.

1) Receive the 2018-2019 Environmental Commission Work Plan outcomes overview; and 2) Approve the Proposed 2019-2020 Environmental Commission Work Plan.

2019-09-11 Item 08F Environmental Commission Work Plan 2019-2020

Second Reading and Adoption of City Council Ordinance No. 2019-10 to move the requirements for Lot Consolidations from Chapter 24.60 (Minor Subdivisions – Tentative Parcel Map) to Chapter 24.70 (Lot Line Adjustments). Title 24 of the Municipal Code is a component of the Local Coastal Program (LCP); therefore, the LCP would also be amended as part of this application. Contact Person: Principal Planner Yentile

8G.

Adopt City Council Ordinance No. 2019-10 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting Amendments to Chapters 24.60 (Minor Subdivisions – Tentative Parcel Map) and 24.70 (Subdivisions) of the Encinitas Municipal Code."

2019-09-11 Item 08G Second Reading and Adoption - Lot Consolidations

SANDAG Grant: Census 2020 Complete Count. Contact Person: Senior Management Analyst Piatt

8H. 1) Ratify the application for grant funds submitted by staff on August 26, 2019 to the San Diego Association of Governments (SANDAG); 2) Authority the City Manager to execute a Grant Agreement once the City has been approved to receive funds; and 3) Approve the Budget Adjustment Resolution contingent upon award of the Census 2020 Complete Count Grant Funds.

2019-09-11 Item 08H Census 2020 Complete Count Grant

1351

08I. Contract Amendments for As-Needed Civil Engineering and Project Management. Contact Person: Civil Engineer Wimmer

1) Authorize the City Manager, in coordination with the City Attorney, to execute an amendment to the STC Traffic, Inc. (STC) agreement for as-needed civil engineering services, in an amount of $300,000, for a total contract not exceeding $750,000 and extend the term to December 31, 2020; 2) Authorize the City Manager, in coordination with the City Attorney, to execute an amendment to the Hoch Consulting agreement for as-needed project management services, in an additional amount of $150,000, for a total contract not exceeding$1,113,500; 3) Authorize the City Manager, in coordination with the City Attorney, to execute an amendment to the Latitude 33 Planning and Engineering (Latitude 33) agreement for as-needed civil engineering services, in an additional amount of $140,000, for a total contract not exceeding $590,000 and extend the term to December 31, 2020; 4) Adopt Resolution No. 2019-73, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" (Attachment 4) allocating $140,000; and 5) Authorize the City Manager, in coordination with the City Attorney, to execute amendments to the Dokken, Dudek, Nasland, and NV5 agreements for as-needed civil engineering agreements to extend the terms to December 31, 2020.

2019-09-11 Item 08I As Needed Civil Engineering Contract Amendments

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item. PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10. ACTION ITEMS

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10A. Public Hearing to consider a timely-filed appeal of the Planning Commission's approval of the Santa Fe Density Bonus project, to subdivide one existing lot into 14 lots utilizing the State Density Bonus Law; demolish an existing single-family residence and carport structure; construct 13 market-rate units and one affordable unit, a private street, grading, utilities, storm water and landscape improvements; and authorize a construction trailer for the project. CASE NUMBER: 18-001 TMDB/DR/CDP; APPLICANT: Tony G. Cassolato/ Patrick E. Jepson; APPELLANT: Jessica Carilli; LOCATION: 735 Santa Fe Drive (APN: 260-131-02). Contact Person: Senior Planner Innes

Deny the appeal and adopt the attached draft City Council Resolution No. 2019-78 upholding the decision of the Planning Commission to approve the project with conditions of approva

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2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Agenda Report

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 01

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 02

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 03

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 04 Part 1

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 04 Part 2

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 04 Part 3

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 04 Part 4

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 05

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 06

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 07

2019-09-11 Item 10A Appeal of Santa Fe Density Bonus Project - Attachment 08

2019-09-11 Item 10A Appeal of Sante Fe Density Bonus Project - Attachment 09

Establish vehicle length and width limits on South Coast Highway 101 (adjacent to Cardiff State Beach), Moonlight Beach, Swami's Beach, Grandview Beach, and Beacon's Beach Parking Lots Between the Friday before Memorial Day through Labor Day. Contact Person: Director of Development Services Wisneski and Director of Parks, Recreation & Cultural Arts Campbell

10B.

Introduce Ordinance No. 2019-17 titled "An Ordinance of the City of Encinitas, California, Establishing Vehicle Length and Width Limits on South Coast Highway 101

(adjacent to Cardiff State Beach), Moonlight Beach, Swami's Beach, Grandview Beach, and Beacon's Beach Parking Lots Between Friday before Memorial Day through Labor Day."

1353

2019-09-11 Item 10B Introduce Ordinance No. 2019-17 RV Parking

10C. Execution of the San Diego Regional Community Choice Energy Authority (SDRCCEA) Joint Powers Agreement, formation of a Community Choice Energy Program, and appointment of two City Council Members to the SDRCCEA Board of Directors. Contact Person: CAP Program Administrator Najera

1) Adopt Resolution No. 2019-80 titled, "A resolution of the City Council of Encinitas approving and authorizing the execution of the joint exercise of powers agreement creating the San Diego Regional Community Choice Energy Authority;" 2) Authorize the City Manager, in consultation with the City Attorney, to execute the SDRCCEA Joint Powers Agreement (JPA) between the cities of Encinitas, San Diego, Chula Vista, La Mesa, and any other participating cities, in substantial form; 3) Introduce City Council Ordinance No. 2019-18 titled, "An Ordinance of the City Council of the City of Encinitas authorizing the Implementation of a Community Choice Aggregation Program;" and 4) In accordance with the SDRCCEA JPA Section 4.2, appoint two Council Members as Primary and Alternate Directors to represent the interests of the City on the SDRCCEA JPA Board of Directors.

2019-09-11 Item 10C San Diego Regional Community Choice Energy Authority Joint Powers Agreement (SDRCCEA)

11. INFORMATIONAL ITEMS

11A. Sand Compatibility and Opportunistic Use Program (SCOUP) and beach profile surveys summaries. Contact Person: Coastal Zone Program Administrator Timberlake

Receive the report.

2019-09-11 Item 11A Sand Compatibility and Opportunistic Use Program (SCOUP)

11B. Information report on the status of the Leucadia North Highway 101 Streetscape Project. Contact Person: Director of Development Services Wisneski

Receive the oral report and provide direction as necessary.

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

1354 2019-09-11 Item 14 Follow Up Log

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON SEPTEMBER 18, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1355

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, SEPTEMBER 18, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS - NONE**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1356

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-09-18 Item 08A Warrants

8B. Notice of Completion for Cardiff Accessibility Improvements Project (CS18H) Contact Person: Engineer Milligan

1) Accept public improvements as complete; 2) Authorize release of performance bond and initiate warranty bond; and 3) Authorize filing of Notice of Completion.

2019-09-18 Item 08B Cardiff Accessibility Improvements (CS18H) Notice of Completion

8C. Introduction of Ordinance 2019-19 Establishing New Speed Limits on portions of Vulcan Avenue, San Elijo Avenue, and Santa Fe Drive. Contact Person: Traffic Engineer Bandegan

Introduce Ordinance 2019-19 titled "An Ordinance of the City of Encinitas, California, Establishing Speed Limits on portions of Vulcan Avenue, San Elijo Avenue, and Santa Fe Drive" including the Engineering and Traffic Survey.

2019-09-18 Item 08C Speed Survey - Vulcan San Elijo

8D. Second reading of City Council Ordinance No. 2019-18 titled, "An Ordinance of the City Council of the City of Encinitas authorizing the Implementation of a Community Choice Aggregation Program." Contact Person: CAP Program Administrator Najera

Adopt City Council Ordinance No. 2019-18 titled, "An Ordinance of the City Council of the City of Encinitas authorizing the Implementation of a Community Choice Aggregation Program."

2019-09-18 Item 08D CCE JPA Ordinance

1357

Contract Extension with JEDA Works DBA Housing Programs for Administration of City Residential Rehabilitation Program. Contact Person: Management Analyst Piano-Jones

8E. Authorize the City Manager, in consultation with the City Attorney to execute a contract extension, in substantial form with JEDA Works DBA Housing Programs (Housing Programs) to: 1) Extend the term of the existing contract for a nine-month period, from October 3, 2019 to June 30, 2020 and include an option to extend the term an additional one-year period; and 2) Add clarifying language related to funding available through the annual allocation process. All other contract provisions remain in place.

2019-09-18 Item 08E Residential Rehabilitation Program Contract Amendment

8F. Review and approval, in substantial form, of a Professional Services Agreement between the City of Encinitas and Kimley-Horn and Associates, Inc., in an amount not to exceed $177,840, to complete the 6th Cycle Housing Element Update; and authorize the City Manager to enter into the agreement for said services. Contact Person: Principal Planner Gates

Approve the Professional Services Agreement between the City of Encinitas and Kimley-Horn and Associates, Inc. (Attachment 1), in substantial form, and authorize the City Manager to execute the same, subject to the review and final approval of the City Attorney.

2019-09-18 Item 08F Housing Element Cycle 6 Update Contract Approval

8G. Fiscal Year 2018-19 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program. Contact Person: Management Analyst Piano-Jones

1) Approve the Fiscal Year 2018-19 CAPER; and 2) Authorize the City Manager to submit the CAPER to the U.S. Department of Housing and Urban Development (HUD).

2019-09-18 Item 08G Consolidated Annual Performance & Evaluation Report CDBG

2019-09-18 Item 08G Consolidated Annual Performance & Evaluation Report CDBG Attachment 1 - Corrected 9-18-19

8H. Treasurer's Annual Report for the Fiscal Year Ended June 30, 2019 and Investment Policy. Contact Person: Director of Finance/City Treasurer McBroome

1) Receive and file the Treasurer's Report for the Fiscal Year Ended June 30, 2019; and 2)

Adopt Investment Policy (F019).

1358 2019-09-18 Item 08H Treasurer's Annual Report and Investment Policy Update

8I.

Authorization to solicit bids for the Conservation Demonstration Garden at the Public Works Operations Center (Project) and approval of the following items necessary for Grant funding the implementation of the Project: Adoption of Resolution 2019-63 to adopt the 2013 San Diego Integrated Regional Water Management Plan (IRWM) for grant funding; and Authorization to enter into a Local Project Participant (LPP) agreement with San Elijo Joint Powers Authority (SEJPA) for grant funding. Contact Person: Senior Management Analyst Wilson

1) Approve the Project plans and specifications; 2) Authorize solicitation of construction bids; 3) Authorize the City Manager, in consultation with the City Attorney, to enter into a LPP Agreement with SEJPA for the Proposition 84 IRWM Grant Program; 4) Adopt Resolution No. 2019-63, entitled "A Resolution of the City Council of the City of Encinitas Adopting the 2013 San Diego Integrated Regional Water Management Plan" (IRWM); and 5) Accept the California Environmental Quality Act (CEQA) findings for the Project (exempt).

2019-09-18 Item 08I Demonstration Garden

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10A.

Public hearing to consider an appeal of the Planning Commission's approval of a Major Use Permit, Design Review Permit, and Coastal Development Permit to allow the reface of an existing hotel, adding square footage to the lobby, addition of alcohol service, hotel bar, roof deck pool and bar area, parking lot and landscaping improvements, and a new valet parking operation. CASE NUMBER: 15-285 MUP/DR/CDP; APPLICANT: 101 Hotel, Inc.; APPELLANT: Donald McPherson; LOCATION: 186 North Coast Highway 101 (APN: 256-392-11). Contact Person: Associate Planner Mierau

Deny the appeal and adopt Resolution No. 2019-59 affirming the decision of the Planning Commission.

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Agenda Report

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 1

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2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 2

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 3

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 4

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 5

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 6

2019-09-18 Item 10A 101 Portofino Hotel Appeal - Attachment 7

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

10A. Public hearing to consider an appeal of the Planning Commission's approval of a Major Use Permit, Design Review Permit, and Coastal Development Permit to allow the reface of an existing hotel, adding square footage to the lobby, addition of alcohol service, hotel bar, roof deck pool and bar area, parking lot and landscaping improvements, and a new valet parking operation. CASE NUMBER: 15-285 MUP/DR/CDP; APPLICANT: 101 Hotel, Inc.; APPELLANT: Donald McPherson; LOCATION: 186 North Coast Highway 101 (APN: 256-392-11). Contact Person: Associate Planner Mierau

Deny the appeal and adopt Resolution No. 2019-59 affirming the decision of the Planning Commission.

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

2019-09-18 Item 14 Follow Up Log

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON SEPTEMBER 25, 2019

1360

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1361

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, SEPTEMBER 25, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Proclamation recognizing Healthy Day Partners, Encinitas Union School District and The Ecology Center for their Farm to School Efforts including the Healthy School Lunch Program, Farm Lab and DREAMS Campus

4B. Proclamation for Clean Air Day in Encinitas

4C. Recognition of Alliance Green Builders for the completion of four certified GOLD GreenPoint Rated homes registered in the City's Green Building Incentive Program

4D. Presentation by Director of Public Works Quiram regarding Public Works Wastewater

Division Sewer System Management Plan

1362 **4E.** Presentation by San Diego City Attorney Mara Elliott regarding the City of San Diego's Safe Storage of Firearms Ordinance

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

6. REPORT FROM CLOSED SESSION (IF HELD)

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the September 11, 2019 Regular Meeting and September 13, 2019 Special-Closed Session Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-09-25 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-09-25 Item 08B Warrants

8C. Second Reading and Adoption of Ordinance No. 2019-17 establishing vehicle length and width limits on South Coast Highway 101 (adjacent to Cardiff State Beach), Moonlight Beach, Swami's Beach, Grandview Beach, and Beacon's Beach Parking Lots. Contact Persons: Parks, Recreation & Cultural Arts Director Campbell and Development Services Director Wisneski

Adopt Ordinance No. 2019-17 titled, "An Ordinance of the City of Encinitas, California, Establishing Vehicle Length and Width Limits on South Coast Highway 101 (adjacent to Cardiff State Beach), Moonlight Beach, Swami's Beach, Grandview Beach, and Beacon's Beach Parking Lots Between Friday before Memorial Day through Labor Day."

2019-09-25 Item 08C Second Reading and Adoption of Ordinance No. 2019-17

1363

Introduction of Ordinance 2019-20 Adding Chapter 9.31 to the Encinitas Municipal Code Relating to Safe Storage of Firearms. Contact Person: City Clerk Hollywood

8D. Introduce Ordinance 2019-20 entitled, "An Ordinance of the City of Encinitas, California, adding Chapter 9.31 to the Encinitas Municipal Code Relating to Safe Storage of Firearms."

2019-09-25 Item 08D Safe Storage of Firearms Ordinance

Notice of Completion for the Park Shade Structure Design and Installation BID-PR-18-04. Contact Person: Park Operations Manager Saul

8E. 1) Accept the public improvements as complete; 2) Authorize release of the performance bond and initiate the warranty bond; and 3) Authorize the filing of a Notice of Completion.

2019-09-25 Item 08E Notice of Completion for the Park Shade Structure Design and Installation

Agreement with Olivenhain Municipal Water District (OMWD) for the Construction of the El Camino Real Mobility and Striping Improvements (CS20B). Contact Person: City Engineer Wimmer

8F. Authorize the City Manager, in consultation with the City Attorney, to execute the Agreement with Olivenhain Municipal Water District (OMWD) for the El Camino Real Signing and Striping Project.

2019-09-25 Item 08F Agreement With OMWD for the Construction of the El Camino Real Mobility and Striping Improvements

Memorandum of understanding between the City of Encinitas, the Encinitas Preservation Association, and Encinitas 101 Main Street Association for a community special event to celebrate the historic designation of the Encinitas Boathouses. Contact Person:

8G. Management Analyst Brencick

Approve a Memorandum of Understanding (MOU) between the City of Encinitas, the Encinitas Preservation Association, and Encinitas 101 Main Street Association.

2019-09-25 Item 08G MOU Regarding Boathouses

Memorandum of Understanding between the City of Encinitas and the North San Diego

8H. Small Business Development Center (SBDC). Contact Person: Management Analyst Brencick

1364 Approve the Memorandum of Understanding between the City of Encinitas and the North San Diego Small Business Development Center hosted by MiraCosta College.

2019-09-25 Item 08H MOU Regarding Small Business Development Center

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8F. Agreement with Olivenhain Municipal Water District (OMWD) for the Construction of the El Camino Real Mobility and Striping Improvements (CS20B). Contact Person: City Engineer Wimmer

Authorize the City Manager, in consultation with the City Attorney, to execute the Agreement with Olivenhain Municipal Water District (OMWD) for the El Camino Real Signing and Striping Project.

8F. Agreement with Olivenhain Municipal Water District (OMWD) for the Construction of the El Camino Real Mobility and Striping Improvements (CS20B). Contact Person: City Engineer Wimmer

Authorize the City Manager, in consultation with the City Attorney, to execute the Agreement with Olivenhain Municipal Water District (OMWD) for the El Camino Real Signing and Striping Project.

10. ACTION ITEMS

10A. Public Hearing to consider Resolution No. 2019-71 and introduce City Council Ordinance No.2019-13, which propose changes of zoning classifications with an associated boundary adjustment, for the Valley parcel from Rural Residential 2 (RR-2) to Rural Residential 1 (RR-1) and Rural Residential (RRFP), and for a portion of the Kratzer parcel from Rural Residential (RRFP) to Rural Residential 1 (RR-1) for portions of the subject parcels. The proposed ordinance and resolution will amend the City's Zoning Map, General Plan, and Local Coastal Program. CASE NO.: 18-047 ZA/GPA/LCPA/BA; LOCATION: 2423 5th Street (Valley) & 2425 5th Street (Kratzer). Contact Person: Associate Planner Plagemann

The Planning Commission recommends that the City Council take the following actions: 1) Approve Resolution No. 2019-71 titled, "A Resolution of the City Council of the City of Encinitas, California, approving amendments to the General Plan and Local Coastal

Program;" and 2) Introduce Ordinance No. 2019-13 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting Amendments to the Zoning Map of the City of Encinitas to reflect changes made with the approval of Case No. 18-047 GPA/ZA/LCPA/BA."

2019-09-25 Item 10A General Plan Amendment for 5th Street

South Coast Highway 101 Mobility Enhancements Project (CS20E). Contact Person: Traffic Engineer Bandegan

10B. 1) Approve the striping plan and slurry seal for the mobility enhancements on South Coast Highway 101 between Chesterfield Drive and City of Solana Beach for a total project cost of $500,000; and 2) Adopt Resolution No. 2019-81, entitled “A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget.”

2019-09-25 Item 10B South Coast Highway 101 Striping

Approval of the Agreement between City of Encinitas and Devaney Pate Morris & Cameron for Interim City Attorney services designating Leslie Devaney as Interim City Attorney.

10C. Approve the Professional Services Agreement for Interim City Attorney services between the City and Devaney Pate Morris & Cameron designating Leslie Devaney as interim City Attorney effective September 27, 2019.

2019-09-25 Item 10C Interim City Attorney Agreement

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM

12A. Council Member Initiated Item from Council Member Mosca updating the City Council on the progress of the Rancho Santa Fe Road Task Force (“Task Force”) and requesting additional work to be performed by city staff to further explore and develop the options available to the community for addressing traffic congestion along Rancho Santa Fe Road (“RSF”) during the morning and the afternoon peak traffic periods.

2019-09-25 Item 12A Council Initiated Item from Council Member Mosca

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS / PENDING POSSIBLE FUTURE AGENDA ITEMS

15. CITY ATTORNEY REPORTS

1366

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON OCTOBER 23, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1367

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, OCTOBER 23, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Presentation by Dr. Sunny Cooke, Superintendent/President of MiraCosta College

4B. Update on the Cyclovia Event

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1368

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the September 18, 2019 Regular Meeting, September 25, 2019 Special Meeting-Closed Session, and September 25, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-10-23 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-10-23 Item 08B Warrants

8C. Consideration of Proposed Changes to the January 2020 City Council Meeting Schedule. Contact Person: City Clerk Hollywood

Adopt City Council Resolution 2019-88 approving changes to the January 2020 City Council Meeting Schedule.

2019-10-23 Item 08C January 2020 Council Meeting Schedule

8D. Adoption of Ordinance 2019-20 Adding Chapter 9.31 to the Encinitas Municipal Code Relating to Safe Storage of Firearms. Contact Person: City Clerk Hollywood

Adopt Ordinance 2019-20 entitled, "An Ordinance of the City of Encinitas, California, adding Chapter 9.31 to the Encinitas Municipal Code Relating to Safe Storage of Firearms."

2019-10-23 Item 08D Safe Storage of Firearms Ordinance 2019-20

1369

Amend contract with Energy Policy Initiatives Center and adjust budget for Climate Action Plan Update. Contact Person: CAP Program Administrator Najera

8E.

1) Authorize the City Manager, in consultation with the City Attorney to amend the contract for services with the Energy Policy Initiatives Center (EPIC), in substantial form as attached, to update the Climate Action Plan (CAP) to incorporate the results from the completed Housing Element and Active Transportation Plan, for a cost of $83,200, plus 5% contingency not to exceed a total of $87,360; and 2) Adopt Resolution 2019-84, titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2019-10-23 Item 08E Climate Action Plan Update Budget Amendment

8F.

Second Reading and Adoption of Ordinance 2019-19 Establishing New Speed Limits on portions of Vulcan Avenue, San Elijo Avenue, and Santa Fe Drive. Contact Person: City Traffic Engineer Bandegan

Adopt Ordinance No. 2019-19, entitled "An Ordinance of the City of Encinitas, California, Establishing Speed Limits on Portions of Vulcan Avenue, San Elijo Avenue, and Santa Fe Drive."

2019-10-23 Item 08F Second Reading and Adoption of Ordinance 2019-19

8G.

Mobility Projects and Grants Update – Capital Improvement Program and Traffic Engineering Divisions. Contact Person: Principal Engineer Bankston

Receive the report on the status of Mobility projects and grants.

2019-10-23 Item 08G Mobility Projects and Grants Update

8H.

Morning Sun Drive & Woodside Lane Improvements Project (CS19B). Contact Person: Associate Civil Engineer Widelski

Approve the plans, specifications, and authorize advertisement of the Morning Sun Drive & Woodside Lane Improvements Project (CS19B).

2019-10-23 Item 08H Morning Sun Drive & Woodside Lane Improvements Project (CS19B)

Second reading and adoption of City Council Ordinance No. 2019-13, which proposes changes of zoning classifications with an associated boundary adjustment, for the Valley

parcel from Rural Residential 2 (RR-2) to Rural Residential 1 (RR-1) and Rural Residential (RRFP), and for a portion of the Kratzer parcel from Rural Residential (RRFP) to Rural Residential 1 (RR-1) for portions of the subject parcels. The proposed ordinance will amend
1370 **8I.** the City's Zoning Map. CASE NO.: 18-047 ZA/GPA/LCPA/BA; LOCATION: 2423 5th Street (Valley) & 2425 5th Street (Kratzer). Contact Person: Associate Planner Plagemann

Adopt City Council Ordinance No. 2019-13 titled, "An Ordinance of the City Council of the City of Encinitas, California, adopting amendments to the zoning map of the City of Encinitas to reflect changes made with the approval of Case No. 18-047 GPA/ZA/LCP/BA."

2019-10-23 Item 08I 5th Street GPA Second Reading and Adoption of Ordinance 2019-13

Public Hearing and introduction of City Council Ordinance No. 2019-23 to adopt the modification suggested by the California Coastal Commission to City Council Ordinance No. 2019-01, which amended the Zoning Code and Local Coastal Program to allow Emergency Shelters as a permitted Use in the Business Park and Light Industrial Zones. Contact Person: Principal Planner Gates

8J.

Introduce City Council Ordinance No. 2019-23 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting the Modification Suggested by the California Coastal Commission to City Council Ordinance No. 2019-01, Amending Section 30.36.020(B) of Chapter 30.36 Emergency Shelters."

2019-10-23 Item 08J Emergency Shelter CCC Modification Ordinance 2019-23

Pedestrian Scramble Crossings on South Coast Highway 101 at the Intersections of D Street, E Street and F Street. Contact Person: Traffic Engineer Bandegan

1) Direct staff to implement pedestrian scramble crossings 7 days a week and 24 hours a
8K. day on S. Coast Highway 101 at the intersections of D Street and E Street as phase 1; 2) Direct staff to evaluate the scramble crossings at D Street and E Street and return to Council in 6 months with an update to potentially add a third scramble crossing at F Street; and 3) Adopt Resolution No. 2019-79, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2019-10-23 Item 08K South Coast Highway 101 Pedestrian Scramble

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

To initiate the development and solicitation of a Request for Proposals for a Homeless Action Plan and amend the FY 2019-20 Adopted Budget to appropriate $75,000 to fund

development of the Plan. Contact Person: Principal Planner Gates

10A. 1) Direct staff to develop a Request for Proposals (RFP) for a Homeless Action Plan; and
1371 2) Adopt Resolution 2019-83 amending the Fiscal Year 2019-20 Adopted Budget and authorizing an appropriation of $75,000 to fund a consultant to develop the Homeless Action Plan.

2019-10-23 Item 10A Homeless Action Plan RFP

Participation in Homeless Outreach Pilot Program with Community Resource Center. Contact Person: Development Services Director Wisneski

10B. Provide one full-time sheriff's deputy to participate in the Homeless Outreach Pilot Program, in partnership with the Community Resource Center.

2019-10-23 Item 10B Homeless Outreach Pilot Program

Introduction of City Council Ordinances No. 2019-14, No. 2019-15, and No. 2019-16 for amendments to Title 30 of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and the Local Coastal Plan to accommodate Supportive Housing, Transitional Housing, and Qualified Employee Housing (Ordinance No. 2019-14), include Reasonable Accommodation procedures (Ordinance No. 2019-15), and allow Single Room Occupancy Housing (Ordinance No. 2019-16) in compliance with state law requirements. Contact Person: Principal Planner Gates

10C. 1) Introduce City Council Ordinance No. 2019-14 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and the Local Coastal Plan, to Accommodate Qualified Employee Housing, Supportive Housing, and Transitional Housing in Compliance with State Law;" and 2) Introduce City Council Ordinance No. 2019-15 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, and Local Coastal Plan, to Include Reasonable Accommodation Procedures to Comply with Fair Housing Laws;" and 3) Introduce City Council Ordinance No. 2019-16 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and Local Coastal Plan, to Allow Single Room Occupancy Housing as a Permitted Use Where Multi-Family Residential Uses Are Permitted."

2019-10-23 Item 10C Supportive Transitional & Employee Housing Ordinances

Public Hearing to review and consider the introduction of City Council Ordinance No. 2019-21 and Ordinance No. 2019-22. Ordinance No. 2019-21 adopts the 2019 California
1372 Building Standards Code, as required by law, which will take effect January 1, 2020. Ordinance No. 2019-22 proposes Municipal Code amendments to implement the Encinitas Climate Action Plan's strategy related to electric vehicle charging. CASE NOS: PLCY-003360-2019 and APLAN-000015-2018 ZA; LOCATION: Citywide. Contact Person: Principal Planner Smith

10D. 1) Introduce City Council Ordinance No. 2019-21, titled "An Ordinance of the City Council of the City of Encinitas, California adopting Amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the Encinitas Municipal Code to adopt the 2019 California Building Standards Code with certain amendments, additions, and deletions;" and 2) Introduce City Council Ordinance No. 2019-22, titled "An Ordinance of the City Council of the City of Encinitas, California, adopting Amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the Encinitas Municipal Code to implement the City of Encinitas Climate Action Plan's strategy related to electric vehicle charging."

2019-10-23 Item 10D Building Code and EV Charging Amendments

Introduction of Ordinance 2019-27, an ordinance of the City of Encinitas which adopts the 2018 International Fire Code and the 2019 California Fire Code with certain amendments, additions, and deletions. Contact Person: Sr. Deputy Fire Marshal Berberet

10E. Introduce City Council Ordinance No. 2019-27, titled, "An Ordinance of the City of Encinitas Which Repeals Chapter 10.04 of the City of Encinitas Municipal Code and Adopts New Chapter 10.04 Adopting the 2018 International Fire Code and 2019 California Fire Code with certain amendments, additions, and deletions.

2019-10-23 Item 10E Fire Code Update

11. INFORMATIONAL ITEMS

Information report on the status of the Leucadia North Highway 101 Streetscape Project. Contact Person: Director of Development Services Wisneski

11A.

Receive the oral report and provide direction as necessary.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. **CITY MANAGER REPORTS**

15. **CITY ATTORNEY REPORTS**

1373

16. **ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON OCTOBER 30, 2019**

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1374

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, OCTOBER 30, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda**

are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

1375

Approval of the Warrants List. Contact Person: Finance Manager Lundgren

8A.

Approve the Warrants.

2019-10-30 Item 08A Warrants

Landscape Maintenance Services Agreement Amendment No. 5. Contact Person: Park Operations Manager Saul

8B. City Council authorizes the City Manager to execute Amendment No. 5 with Excel Landscape for Citywide Landscape Maintenance Services, in substantial form as contained in Attachment 1, in consultation with the City Attorney, extending the agreement for an additional three-year term and for a total not to exceed $10,464,713 for the initial three-year term and the three-year extension.

2019-10-30 Item 08B Landscape Maintenane Services Amendment 5 - Excel Landscape

Notice of Completion for Pavement Rehabilitation and Roadway Sealing FY 2018-19 Project (CS19A), Encinitas Metal Beam Guardrail Project (CS19D), and General Mobility Improvements Project (CS18E). Contact Person: City Engineer Wimmer

8C.

1) Accept public improvements as complete; 2) Authorize release of performance bond and initiate warranty bond; and 3) Authorize filing of Notice of Completion.

2019-10-30 Item 08C Notice of Completion Pavement Rehabilitation and Roadway Sealing

Pavement Rehabilitation and Overlay Project FY 2018-2019 (CS19A). Contact Person: City Engineer Wimmer

8D.

City Council approve the project list of streets and specifications.

2019-10-30 Item 08D Pavement Rehabilitation and Overlay Project FY 2018-2019 (CS19A)

Agreement for Native Plant Restoration at Beacons Beach Bluff with Habitat Restoration Sciences. Contact Person: Park Operations Manager Saul

1376

8E. Staff recommends that City Council authorizes the City Manager to enter into a two-year agreement with Habitat Restoration Sciences for habitat restoration of Beacons Beach Bluff, in conjunction with the City Attorney in substantial form for an amount not to exceed $97,460.

2019-10-30 Item 08E Agreement for Native Plant Restoration at Beacons Beach Bluff with Habitat Restoration Sciences

Memorandum of Understanding Annual Holiday Banners and Downtown Lighting with Encinitas 101. Contact Person: Superintendent Ugrob

8F. Authorize the City Manager to execute the new Memorandum of Understanding (MOU) with Encinitas 101, in conjunction with the City Attorney in substantial form, for Annual Holiday Banners and Downtown Lighting.

2019-10-30 Item 08F MOU Annual Holiday Banners and Downtown Lighting with Encinitas 101

Memorandum of Understanding with the Encinitas Union School District to implement a School Crossing Guard Pilot Program. Contact Person: Development Services Director Wisneski

8G. 1) Authorize the Mayor to execute a Memorandum of Understanding between the City of Encinitas and the Encinitas Union School District, in substantial form, to provide crossing guards at intersections near Ocean Knoll Elementary and Park Dale Lane Elementary for the 2019/2020 Fiscal Year; and 2) Adopt Resolution 2019-93, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Adopted Budget" authorizing an appropriation of $18,000 to partially fund the Crossing Guard Pilot Program.

2019-10-30 Item 08G MOU with Encinitas Union School District to Implement a School Crossing Guard Pilot Program

Request to Reduce the Special Event Fee. Contact Person: Management Analyst Roff

8H. The City Council authorizes the City Manager to reduce the Special Event Fee for Fill-A-Belly for the weekly community dinner service at Cottonwood Creek Park to a single annual fee of $300.

2019-10-30 Item 08H Request to Reduce the Special Event Fee

Agreement with Urban Corps of San Diego County and City of Encinitas for tree planting and maintenance. Contact Person: City Arborist Kallstrand

8I. 1377 Authorize the City Manager to execute an agreement with Urban Corps, in conjunction with the City Attorney in substantial form, to plant and maintain 600 trees throughout the City of Encinitas under the CalFire Urban and Community Forestry Grant.

2019-10-30 Item 08I Agreement with Urban Corps of San Diego County - Tree Planting and Maintenance

2019-10-30 Item 08I Agreement with Urban Corps of San Diego County - Tree Planting - Amended Recommendation (Posted 10-30-2019)

Whale Tail Grant from the California Coastal Commission. Contact Person: Coastal Zone Administrator Timberlake

8J. 1) Approve a Resolution authorizing an application for grant funds from the Whale Tail Grants Program from the California Coastal Commission; and 2) Authorize the City Manager to enter into a grant agreement with the California Coastal Commission, in conjunction with the City Attorney, subject to future City Council budget appropriations.

2019-10-30 Item 08J Whale Tail Grant from the California Coastal Commission

Project Management Plan (PMP) with the San Diego Association of Governments (SANDAG) for construction of the El Portal Pedestrian and Bicycle Undercrossing Project (CS16F). Contact Person: Principal Engineer Bankston

8K. 1) Review and approve the Project Management Plan (PMP) with San Diego Association of Governments (SANDAG) (in substantial form as provided in Attachment 1) for construction of the El Portal Pedestrian and Bicycle Undercrossing Project; 2) Direct staff to pay $2,500,000 to SANDAG upon execution of the El Portal Pedestrian and Bicycle Undercrossing PMP; 3) Direct staff to pay $2,135,000 to SANDAG upon approval of the El Portal Pedestrian and Bicycle Undercrossing Project by the California Transportation Commission (CTC); 4) Authorize the City Manager to complete any and all activities necessary to transfer the construction portion of the Active Transportation Program grant to SANDAG; 5) Adopt Resolution No. 2019-90, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" (Attachment 2) to re-allocate funds to the El Portal Pedestrian and Bicycle Undercrossing Project from the Streetscape Project and the RTCIP fund; and 6) Direct staff to include in the FY 2020-21 budget revise a budget re-allocation of $4 million to the Leucadia Streetscape Project (CS04D) from the El Portal Pedestrian and Bicycle Undercrossing Project (CS16F).

2019-10-30 Item 08K El Portal Project Management Plan with SANDAG

2019-10-30 Item 08K El Portal Project Management Plan with SANDAG - Amendment (Poasted 10-30-19)

1378 **9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.**

10. ACTION ITEMS

Amendments to City Council Policy No. C035: Small Wireless Facilities. Contact Person: City Planner Sapa'u

10A. 1) Receive the report and presentation by staff and Telecom Law Firm, City Wireless Facilities Special Legal Counsel; and 2) Adopt Resolution No. 2019-91 implementing amendments to City Council Policy C-035: Small Wire Facilities for the regulation of small wireless facilities and other infrastructure deployments in the public rights-of-way.

2019-10-30 Item 10A Small Cell Wireless - Agenda Report & Attachments 1-3

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 1

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 2 A

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 2 B

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 3 A

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 3 B

2019-10-30 Item 10A Small Cell Wireless - Attachment 4 Part 3 C

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

Quick Index Item

10A. Amendments to City Council Policy No. C035: Small Wireless Facilities. Contact Person: City Planner Sapa'u

1) Receive the report and presentation by staff and Telecom Law Firm, City Wireless Facilities Special Legal Counsel; and 2) Adopt Resolution No. 2019-91 implementing

amendments to City Council Policy C-035: Small Wire Facilities for the regulation of small wireless facilities and other infrastructure deployments in the public rights-of-way.

1379 **13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF**

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON NOVEMBER 13, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1380

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, NOVEMBER 13, 2019 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation by the Public Works Department regarding the Sanitary Sewer Management Plan.

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations
1381 **are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

8A. Approval of the Minutes of the October 23, 2019 Regular Meeting, and the October 30, 2019 Special-Closed Session Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-11-13 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-11-13 Item 08B Warrants

8C. Youth Commission Work Plan Outcomes for Fiscal Year 2018-19 and Proposed Work Plan for Fiscal Year 2019-20. Contact Person: Recreation Supervisor Hernandez

1) Receive final report outcomes for Fiscal Year 2018-19 Youth Commission Work Plan; and 2) Approve the proposed Fiscal Year 2019-20 Youth Commission Work Plan.

2019-11-13 Item 08C Youth Commission Work Plan Outcomes for Fiscal Year 2018-19 and Proposed Work Plan for Fiscal Year 2019-20

8D. Reclassifying one (1) Senior Engineer position to a City Traffic Engineer classification. Contact Person: Human Resources Analyst Chase

Staff recommends that the City Council approve Resolution 2019-92 approving the

reclassification of one (1) Senior Engineer position to a City Traffic Engineer Position.

1382 2019-11-13 Item 08D Reclassifying One Senior Engineer position to a City Traffic Engineer Classification

Amendment to As-Needed Information Technology (IT) Security and Disaster Recovery (DR) Contract. Contact Person: IT Operations Supervisor Contreras

8E. 1) Authorize the City Manager, in coordination with the City Attorney, to amend a Professional Services Contract, in substantial form with Nth Generation for a term of one-year with option to extend one additional one-year period, for a total not-to-exceed amount of $150,000 for as-needed IT services; and 2) Authorize the IT Manager to execute any necessary task orders associated with the fully executed As-Needed IT Security and Disaster Recovery contracts with Nth Generation within the granted authority.

2019-11-13 Item 08E Amendment to As Needed IT Security and Disaster Recovery Contract

Agreement for Managed Information Technology Services by and between the City of Encinitas and the San Elijo Powers Authority effective January 3, 2020. Contact Person: IT Operations Supervisor Contreras

8F. 1) Approve the Agreement for Information Technology (IT) Managed Services by and between the City of Encinitas and the San Elijo Joint Powers Authority (SEJPA) in substantial form in consultation with the City Attorney; 2) Authorize the City Manager to execute the agreement on behalf of the City of Encinitas; 3) Adopt City Council Resolution No. 2019-89 amending the FY 2019-20 budget to appropriate $37,796 to the Information Technology Operating Budget and $46,350 to the Revenue Budget; and 4) Authorize the City Manager to execute any necessary change order amendments associated with the fully executed contract within the granted authority.

2019-11-13 Item 08F Agreement with SEJPA for Managed Information Technology Services

Additional funding for the El Camino Real Mobility and Striping Improvements (CS20B) Project. Contact Person: Principal Engineer Bankston

8G. Adopt Resolution No. 2019-97, entitled “A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget,” to allocate $76,722 to the El Camino Real Mobility and Striping Improvements (CS20B) project.

2019-11-13 Item 08G Additional Funding for the El Camino Real Mobility and Striping Improvments (CS20B) Project

8H. Letter of support for a San Diego County Botanic Garden grant funding opportunity. Contact Person: Senior Management Analyst Piatt

1383 Ratify the attached Letter of support for a San Diego County Botanic Garden grant funding opportunity.

2019-11-13 Item 08H Botanic Gardens Letter of Support

8I. Contract Amendments for Leucadia Streetscape Project (CS04D) contract with MW Peltz & Associates for landscape and irrigation services. Contact Person: Principal Engineer Bankston

1) Ratify Amendment #3 of the Leucadia Streetscape Project (CS04D) contract with MW Peltz & Associates executed on March 30, 2010 for $47,300 for preparation of Phase 1 options; 2) Ratify Amendment #5 of the Leucadia Streetscape Project (CS04D) contract with MW Peltz & Associates executed on February 8, 2010 for $21,400 for preparation of tree planting plans; 3) Ratify Amendment #7 of the Leucadia Streetscape Project (CS04D) contract with MW Peltz & Associates executed on May 5, 2014 for $16,170 for updating the traffic analysis of Alternative 5; and 4) Authorize the City Manager, or designee, in coordination with the City Attorney, to execute a contract amendment and extensions, with MW Peltz & Associates in the amount of $161,445 plus 15 percent contingency for a total contract amendment amount not to exceed $185,662 and a total contract cost not to exceed $1,032,962 to update landscaping and irrigation plans to reflect the temporary east side option and to accommodate the current civil design.

2019-11-13 Item 08I Contract Amendments for Leucadia Streetscape Project (CS04D) with MW Peltz & Associates

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A. Adoption of City Council Ordinance No. 2019-23 to adopt the Modification suggested by the California Coastal Commission to City Council Ordinance No. 2019-01, which amended the Zoning Code and Local Coastal Program to allow Emergency Shelters as a Permitted Use in the Business Park and Light Industrial Zones. Contact Person: Principal Planner Gates

Adopt City Council Ordinance No. 2019-23 titled, "An Ordinance of the City Council of the City of Encinitas, California, Adopting the Modification Suggested by the California Coastal Commission to City Council Ordinance No. 2019-01, Amending Section 30.36.020(B) of Chapter 30.36 Emergency Shelters."

2019-11-13 Item 10A Emergency Shelter CCC Modification

1384 Adoption of City Council Ordinance No. 2019-21 and Ordinance No. 2019-22. Ordinance No. 2019-21 adopts the 2019 California Building Standards Code, as required by law, which will take effect January 1, 2020. Ordinance No. 2019-22 proposed Municipal Code amendments to implement the Encinitas Climate Action Plan's strategy related to electric vehicle charging. CASE NOS: PLCY-003360-2019 and APLAN-0000-15-2018 ZA; LOCATION: Citywide. Contact Person: Principal Planner Smith

10B. 1) Adopt City Council Ordinance No. 2019-21, titled "An Ordinance of the City Council of the City of Encinitas, California adopting Amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the Encinitas Municipal Code to adopt the 2019 California Building Standards Code with certain amendments, additions, and deletions;" and 2) Adopt City Council Ordinance No. 2019-22, titled "An Ordinance of the City Council of the City of Encinitas, California, adopting Amendments to Chapter 23.12 (Uniform Codes for Construction) of Title 23 (Building and Construction) of the Encinitas Municipal Code to implement the City of Encinitas Climate Action Plan's Strategy related to electric vehicle charging."

2019-11-13 Item 10B Second Reading Building Code & EV Charging Amendments

Adoption of Ordinance 2019-27, which adopts the 2018 International Fire Code and the 2019 California Fire Code with certain amendments, additions, and deletions. Contact Person: Senior Deputy Fire Marshal Berberet

10C. Adopt City Council Ordinance No. 2019-27, titled "An Ordinance of the City of Encinitas which repeals Chapter 10.04 of the City of Encinitas Municipal Code and adopts a new Chapter 10.04 adopting the 2018 International Fire Code and 2019 California Fire Code with certain amendments, additions, and deletions."

2019-11-13 Item 10C Ordinance 2019-27 Adoption of Fire Code

Introduction of Ordinances No. 2019-24, No. 2019-25, and No. 2019-26 for amendments to Title 4, 14, 24, and 30 of the Encinitas Municipal Code and the Local Coastal Plan to modify design requirements and development standards for Pedestrian and Bicycle Connectivity (Ordinance No. 2019-24), to limit the number of dogs allowed in residential districts or in conjunction with any residential use in any other district (Ordinance No. 2019-25), and to modify existing traffic code regulations (Ordinance 2019-26). Contact Person: Associate Planner Zornes

10D. 1) Introduce City Council Ordinance No. 2019-24 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 24 (Subdivisions), Title 30 (Zoning) of the Encinitas Municipal Code, and Local Coastal Plan, to Modify Design Requirements and Development Standards for Pedestrian and Bicycle Connectivity;" 2) Introduce City Council Ordinance No. 2019-25 titled "An Ordinance of the City of Encinitas Adopting

Amendments to Title 4 (Animal Regulations) of the Encinitas Municipal Code, to Limit the Number of Dogs Allowed in all Residential Districts or in Conjunction with any Residential Uses in any other district;" and 3) Introduce City Council Ordinance No. 2019-26 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 14 (Traffic Code) of the Encinitas Municipal Code, to Modify Existing Traffic Code Regulations."

2019-11-13 Item 10D Priority Code Amendments

2019-11-13 Item 10D Priority Code Amendments - Minor Modifications

10E. 2019 Legislative Review and Update to Legislative Priorities. Contact Person: Mayor/Legislative Liaison Blakespear and Senior Management Analyst Piatt

1) Receive the 2019 Legislative Session Report; and 2) Approve the update to the Council's Legislative Priorities.

2019-11-13 Item 10E 2019 Legislative Review and Update to Legislative Priorities

2019-11-13 Item 10E Legislative Review and Update to Legislative Priorities - Minor Modifications

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON NOVEMBER 20, 2019

Notice to the Public:

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1386 Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1387

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, NOVEMBER 20, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation by the Information Technology Department regarding the updated City Projects Application

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda 1388 **are deemed to have been read and further reading waived.**

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

8A. Approval of the Minutes of the October 30, 2019 Special Joint Meeting of the Encinitas City Council and the Encinitas Housing Authority, and the October 30, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-11-20 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-11-20 Item 08B Warrants

8C. Mobility Projects and Grants Update – Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of Mobility projects and grants.

2019-11-20 Item 08C Mobility Projects and Grants Update

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Second Reading and Adoption of City Council Ordinances No. 2019-14, No. 2019-15, and No. 2019-16 for amendments to Title 30 of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and the Local Coastal Plan to accommodate Supportive Housing, Transitional Housing, and Qualified Employee Housing (Ordinance No. 2019-14), include Reasonable Accommodation procedures (Ordinance No. 2019-15),

and allow Single Room Occupancy Housing (Ordinance No. 2019-16) in compliance with state law requirements. Contact Person: Principal Planner Gates

1389 **10A.** 1) Adopt City Council Ordinance No. 2019-14 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and the Local Coastal Plan, to Accommodate Qualified Employee Housing, Supportive Housing, and Transitional Housing in Compliance with State Law;" 2) Adopt City Council Ordinance No. 2019-15 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, and Local Coastal Plan, to Include Reasonable Accommodation Procedures to Comply with Fair Housing Laws;" and 3) Adopt City Council Ordinance No. 2019-16 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 30 (Zoning) of the Encinitas Municipal Code, the Cardiff-by-the-Sea Specific Plan, the Downtown Encinitas Specific Plan, the Encinitas Ranch Specific Plan, the North 101 Corridor Specific Plan, and Local Coastal Plan, to Allow Single Room Occupancy Housing as a Permitted Use Where Multi-Family Residential Uses Are Permitted."

2019-11-20 Item 10A Adoption of Supportive, Transitional, and Employee Housing Ordinances

10B. Introduction of Ordinance 2019-29 to Amend Municipal Code Chapter 23.40, Floodplain Management Regulations, to comply with Federal Emergency Management Agency (FEMA) requirements. Contact Person: Principal Engineer Bankston

Introduce Ordinance 2019-29 titled "An Ordinance of the City of Encinitas, California, Amending Municipal Code Chapter 23.40 - Floodplain Management Regulations."

2019-11-20 Item 10B Introduction of Ordinance 2019-29 Floodplain Management Regulations

10C. Introduction of Draft Ordinance No. 2019-28 for amendments to the Downtown Encinitas Specific Plan (DESP) and the Local Coastal Plan to revise the planting palette, location, and planting guidelines within Chapters 4 and 7 of the DESP. Contact Person: Associate Planner Plagemann

Introduce City Council Ordinance No. 2019-28 titled "An Ordinance of The City Council of the City of Encinitas, California, Adopting Amendments to the Downtown Encinitas Specific Plan to Address Changes to the Street Tree Guidelines. Case Number: PLCY 003379-2019 SPA/LCPA."

2019-11-20 Item 10C Downtown Encinitas Specific Plan Street Tree Amendment

10D. Jewish Family Service requests to operate a Safe Parking Program on the Leichtag Foundation property located at 441 Saxony Road for 25 households living in their cars. Contact Person: Principal Planner Gates

1390

Receive presentation by Jewish Family Service and Leichtag Foundation regarding Safe Parking Program proposal and provide direction to staff.

2019-11-20 Item 10D Safe Parking Proposal

11. INFORMATIONAL ITEMS

11A. Informational report on the status of the Leucadia North Highway 101 Streetscape Project and related projects including the El Portal Undercrossing. Contact Person: Director of Development Services Wisneski

Receive the oral report and provide direction as necessary.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - None

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON DECEMBER 11, 2019

Notice to the Public:

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advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1391

1392

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, DECEMBER 11, 2019 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Presentation of Proclamation proclaiming December 14, 2019 as a day of Remembrance for all Victims of Gun Violence

4B. Presentation by the Encinitas Lions Club

4C. Presentation on the State of the Urban Forest

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip

to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

1393 **6. REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

8A. Approval of the Minutes of the November 13, 2019 Special Meeting Closed Session, and the November 13, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-12-11 Item 08A Minutes

8B. Appointment to the Senior Citizen Commission to fill one unscheduled vacancy. Contact Person: City Clerk Hollywood

Approve the Mayor's recommendation to appoint Linda Diller to the Senior Citizen Commission with a term ending March 2021 to fill one unscheduled vacancy created by the resignation of Gary Schneiderman.

2019-12-11 Item 08B Appointment to the Senior Citizen Commission - Redacted

8C. Consideration of Proposed Changes to the Calendar Year 2020 City Council Meeting Schedule. Contact Person: City Clerk Hollywood

Approve the proposed changes to the Calendar Year 2020 City Council Meeting Schedule and adopt City Council Resolution 2019-112 approving the 2020 meeting schedule.

2019-12-11 Item 08C Proposed Changes to the 2020 Meeting Schedule

Second Reading and Adoption of Ordinances No. 2019-24, No. 2019-25, and No. 2019-26 for amendments to Title 4, 14, 24, and 30 of the Encinitas Municipal Code and the Local Coastal Plan to modify design requirements and development standards for Pedestrian and Bicycle Connectivity (Ordinance No. 2019-24), to limit the number of dogs allowed in

residential districts or in conjunction with any residential use in any other district (Ordinance No. 2019-25), and to modify existing traffic code regulations (Ordinance 2019-26). Contact Person: Associate Planner Zornes

1394

8D. 1) Adopt City Council Ordinance No. 2019-24 titled "An Ordinance of The City of Encinitas Adopting Amendments to Title 24 (Subdivisions), Title 30 (Zoning) of the Encinitas Municipal Code, and Local Coastal Plan, to Modify Design Requirements and Development Standards for Pedestrian and Bicycle Connectivity;" 2) Adopt City Council Ordinance No. 2019-25 titled "An Ordinance of the City of Encinitas Adopting Amendments to Title 4 (Animal Regulations) of the Encinitas Municipal Code, to Limit the Number of Dogs Allowed in all Residential Districts or in Conjunction with any Residential Uses in any other District;" and 3) Adopt City Council Ordinance No. 2019-26 titled "An Ordinance of The City of Encinitas Adopting Amendments to Title 14 (Traffic Code) of The Encinitas Municipal Code, to Modify Existing Traffic Code Regulations."

2019-12-11 Item 08D Priority Code Amendments 2nd Reading Ords. 2019-24,25, 26

8E. Approval of plans, specifications and authorization to advertise the Standard Pacific Park Project (CP14A). Contact Person: Principal Engineer Bankston

Approve the plans, specifications and cost estimate and authorize advertisement of the Standard Pacific Park Project (CP14A).

2019-12-11 Item 08E Approve Plans and Specs for Standard Pacific Park

2019-12-11 Item 08E Approve Plans and Specs for Standard Pacific Park Supplemental Agenda Report - Posted 12-10-2019

8F. Amendment No. 2 to the Contract for Carpet Replacement at City of Encinitas Community Library and Public Works Facility Between the City of Encinitas and G&S Carpet Mills, Inc. Contact Person: Senior Management Analyst Wilson

Authorize the City Manager, or her Designee, in consultation with the City Attorney, to execute Amendment No. 2 to the contract for carpet replacement at City of Encinitas Community Library and Public Works Facility between the City of Encinitas and G&S Carpet Mills, Inc., in substantial form, amending the contract for a total not to exceed amount of $228,871.

2019-12-11 Item 08F G&S Carpet Mills Amendment

8G. Proposed Revisions to the First Tier Speed Cushion Program. Contact Person: Engineering Specialist Edgeworth

Approve the proposed revisions to the First Tier Speed Cushion Program.

2019-12-11 Item 08G First Tier Speed Cushion Program

1395

Award B Street Sidewalks Construction Contract (CD05E). Contact Person: Principal Engineer Bankston

8H. Authorize the City Manager to execute a contract in substantial form as attached, and any necessary amendments and time extensions, in consultation with the City Attorney, to Portillo Concrete in the amount of $486,945 plus a 15 percent contingency of $73,042 for a total contract amount not to exceed $559,987 to construct the B Street Sidewalk Improvements Project (CD05E).

2019-12-11 Item 08H Award B Street Sidewalks Construction Contract

Memorandum of Understanding between the City of Encinitas and Encinitas Friends of the Arts. Contact Person: Arts Program Administrator Gilliam

8I. Authorize the City Manager to execute a Memorandum of Understanding with Encinitas Friends of the Arts, in conjunction with the City Attorney in substantial form, as attached, to provide arts and culture programs for the community through December 31, 2021.

2019-12-11 Item 08I MOU with Encinitas Friends of the Arts

Consideration of an Exclusive Negotiating Agreement with Encinitas Arts, Culture and Ecology Alliance (EACEA) on the Pacific View Property. Contact Person: Parks and Recreation Director Campbell

8J. Authorize the Mayor to execute the attached 90-day Exclusive Negotiating Agreement, in substantial form subject to the review and approval by the City Attorney, with the EACEA.

2019-12-11 Item 08J Exclusive Negotiating Agreement with EACEA

Second Reading and Adoption of Ordinance 2019-29 to Amend Municipal Code Chapter 23.40, Floodplain Management Regulations, to comply with Federal Emergency Management Agency (FEMA) requirements. Contact Person: Principal Planner Bankston

8K. Adopt Ordinance No. 2019-29, entitled "An Ordinance of the City of Encinitas, California, Amending Municipal Code Chapter 23.40 – Floodplain Management Regulations."

2019-12-11 Item 08K Floodplain Management Ordinance 2019-29 Adoption

Rancho Santa Fe Traffic Analysis. Contact Person: Traffic Engineer Bandegan

8L. 1) Approve the scope of work for the Rancho Santa Fe Road traffic analysis to enhance mobility, improve travel time and minimize delay along the corridor; and 2) Adopt Resolution No. 2019-104, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate $50,000 to the General Mobility Improvements (CS18E) project.

1396

2019-12-11 Item 08L Rancho Santa Fe Traffic Analysis

8M. Approve the Plans, Specifications and Authorize Advertisement of the Trail 82 and Trail 95 (CP00F) Projects. Contact Person: Principal Engineer Bankston

Approve the plans, specifications and cost estimate, and authorize advertisement for Trail 82 and Trail 95 (CP00F).

2019-12-11 Item 08M Approve plans and specs to bid Trail 82 and 95

8N. Shoreline Erosion Protection Grant from the State of California Department of Parks and Recreation, Division of Boating and Waterways (DBW), to support construction funds for the Coastal Storm Damage Reduction Project. Contact Person: Coastal Zone Program Administrator Timberlake

1) Adopt Resolution No. 2019-110 authorizing submittal of a joint application with the City of Solana Beach for a Shoreline Erosion Protection Grant to the State of California Department of Parks and Recreation, Division of Boating and Waterways; and 2) Authorize the City Manager to act on behalf of the City of Encinitas, in consultation with the City Attorney, to negotiate and execute all agreements and amendments necessary to comply with the Division of Boating and Waterways grant requirements.

2019-12-11 Item 08N Shoreline Erosion Protection Grant

8O. Engineering services contract for the FY 2019-20 Street Resurfacing Project (CS20A). Contact Person: Principal Engineer Bankston

Authorize the City Manager, in consultation with the City Attorney, to execute a three-year contract with two additional one-year extensions in substantial form (Attachment 1), and any necessary amendments and time extensions, with CJ Roberts Inc. for the FY 2019-20 Street Resurfacing Project (CS20A). Year One not-to-exceed amount is $152,700 plus ten percent contingency ($15,270) for a total of $167,970; Year Two not-to-exceed amount is $157,281 plus ten percent contingency ($15,728) for a total of $173,009; and Year Three not-to-exceed amount is $161,999 plus ten percent contingency ($16,200) for a total of $178,199. The total not-to-exceed amount over the three-year contract would be $471,980 plus contingency of $47,198 for a total of $519,178.

2019-12-11 Item 08O Annual Street Resurfacing

Amendment to the Street Sweeping Services Agreement with Cannon Pacific Sweeping, Inc. (Cannon). Contact Person: Superintendent Ugrob

1397

8P. Authorize the City Manager to amend the agreement with Cannon for the addition of specialized bike lane sweeping services in the amount of $10,080 per year, for the final year of the agreement, for a contract total amount not to exceed $1,554,040.

2019-12-11 Item 08P Pacific Cannon Amendment 2

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Presentation of the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2019. Contact Person: Finance Manager Huang

10A. Accept and file the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2019.

2019-12-11 Item 10A Comprehensive Annual Financial Report

Introduction of Draft Ordinance No. 2019-28 for amendments to the Downtown Encinitas Specific Plan (DESP) and the Local Coastal Plan to make changes to the planning palette, location, and planting guidelines within Chapters 4 and 7 of the DESP. Contact Person: Associate Planner Plagemann

10B. 1) Introduce City Council Ordinance No. 2019-28 titled "An Ordinance of the City Council of the City of Encinitas, California, Adopting Amendments to The Downtown Encinitas Specific Plan to Address Changes to the Street Tree Guidelines."

2019-12-11 Item 10B Amendments to the DESP - Street Tree Guidelines

Report on Red Light Photo Enforcement. Contact Person: Traffic Engineer Bandegan

10C. Receive report on Red Light Photo Enforcement (RLPE) operation and direct staff to return before April 2020 to extend the contract.

2019-12-11 Item 10C Red Light Camera Report

Discussion and possible appointments of Encinitas City Council Members to Regional Boards and Committees, and consideration and possible action regarding existing Ad-Hoc

Subcommittee appointments. Contact Person: Executive Assistant to the Mayor and City Council Clisby

10D.

1398 1) Discuss the Mayor's recommended appointments to City and regional committees and boards for 2020; 2) Approve the final appointments to City and regional committees and boards for 2020; and 3) Consider and possibly take action regarding Council ad-hoc subcommittee appointments, as desired.

2019-12-11 Item 10D Regional Committee and Board Appointments

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON DECEMBER 18, 2019

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1399

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, DECEMBER 18, 2019 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda**

are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

1400

8A. Approval of the Minutes of the November 20, 2019 Special – Closed Session Meeting and November 20, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2019-12-18 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Manager Lundgren

Approve the Warrants.

2019-12-18 Item 08B Warrants

8C. Resolution 2019-115 Approving the Revised Establishment Document for the Encina Wastewater Authority as Amended. Contact Person: Director of Public Works Quiram

Staff recommends that the City Council adopt Resolution 2019-115 approving the Revised Establishment Document for the Encina Wastewater Authority (EWA) as Amended.

2019-12-18 Item 08C Revised Establishment Document for EWA

8D. Approval of Position Titles and Pay Ranges for Fiscal Year 2019-20. Contact Person: Human Resources Analyst Burke

Adopt Resolution 2019-109 approving Position Titles and Pay Ranges for the City of Encinitas for Fiscal Year 2019-20.

2019-12-18 Item 08D Position Titles and Pay Ranges for FIscal Year 2019-2020

GO by BIKE Mini-Grant Council Resolution. Contact Person: Recreation Services Manager Karlen

8E. Approve Resolution 2019-105 committing the City of Encinitas to accepting the matching grant funding reimbursement and authorize the City Manager in conjunction with the City Attorney to execute a grant agreement if an award is made by the San Diego Association of

Governments (SANDAG).

1401 2019-12-18 Item 08E GO by BIKE Mini-Grant Council Resolution

Authorization for the destruction of specific, non-essential, non-permanent records. Contact Person: City Clerk Hollywood

8F. Adopt Resolution 2019-96 authorizing the destruction of specific, non-essential, non-permanent records in accordance with the City's Records Retention Schedule and the Government Code.

2019-12-18 Item 08F Destruction of Records

County of San Diego Contract Number 547764 Agreement, Amendment Numbers 13 and 14 with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

8G. 1) Authorize the City Manager to execute Amendment Number 13 of contract number 547764, with the County of San Diego, in substantial form in conjunction with the City Attorney amending the payment schedule and increasing maximum estimated revenue to the City by $4,110 for a total not to exceed $360,706 ; and 2) Authorize the City Manager to execute Amendment Number 14 of contract number 547764, with the County of San Diego, in substantial form in conjunction with the City Attorney extending the term of the agreement one additional month to January 31, 2020, and increasing estimated revenue to the City by $6,351 for a total not to exceed $367,057.

2019-12-18 Item 08G County of San Diego Contract Number 547764 Agreement - Senior Nutrition Program

Budget Amendment to receive the California Department of Housing and Community Development (HCD) SB 2 Planning Grant and allocate funds to the "Housing Update Implementation" CIP project in the amount of $310,000. Contact Person: Principal Planner

8H. Gates

Adopt Resolution 2019-111 "Amending the Fiscal Year 2019-20 Budget" authorizing a grant fund of $310,000 to the "Housing Update Implementation" CIP project.

2019-12-18 Item 08H SB2 Grant Budget Amendment

Consideration of Resolution 2019-100 adopting the 2019 Self-Evaluation and Transition Plans, the Grievance Procedure, Administrative Policies G020, G021, G022, G023 and Public Notice under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (ADA/Section 504). Contact Person: Risk Department Manager

8I. Schwarm

Adopt by Resolution 2019-100, the Self-Evaluation and Transition plans, the Grievance Procedure, Administrative Policies G020, G021, G022, G023 and Public Notice under the
1402 Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 (ADA/Section 504).

2019-12-18 Item 08I ADA Self Evaluation and Transition Plan

Notice of Completion for the Senior Center ADA Improvements Project (CF18A). Contact Person: Senior Engineer Widelski

8J.

1) Accept the public improvements as complete; 2) Authorize release of the performance bond and initiate the warranty bond; and 3) Authorize the filing of a Notice of Completion.

2019-12-18 Item 08J NOC- Senior Center ADA Improvements

1711 Eolus Storm Drain Improvements Project, (CD05E). Contact Person: Senior Engineer Widelski

8K. Authorize the City Manager, to execute a contract in substantial form, and any necessary amendments and time extensions, in consultation with the City Attorney, with Growth Development Marketing (GDM) Inc. in the amount of $81,180 plus a 15 percent contingency of $12,177 for a total contract amount not to exceed $93,357 to construct the 1711 Eolus Avenue Storm Drain Improvements Project.

2019-12-18 Item 08K 1711 Eolus Storm Drain-Construction Approval

Opportunistic Beach Fill Program (OBFP) State Lands Commission Lease Agreement. Contact Person: Coastal Zone Program Administrator Timberlake

8L.

Adopt Resolution 2019-117 to certify the authorization of the City Manager to sign the State Lands Commission lease agreement as part of the City's OBFP.

2019-12-18 Item 08L SLC Lease

Six-month extension of the North Leucadia/Saxony Canyon Peak Hour Fast Response Vehicle Pilot Program; and off-cycle budget appropriation for the Fiscal Year 2019-20 Operating Budget. Contact Person: Fire Chief Stein

8M. 1) Authorize the City Manager and Fire Chief to extend the twelve-month pilot program for the peak hour Fast Response Vehicle (FRV) program in the North Leucadia/Saxony Canyon area for an additional six months (through July 2, 2020); and 2) Adopt Resolution No. 2019-106 titled "A Resolution of the City Council of the City of Encinitas Amending

the Fiscal Year 2019-20 Budget."

1403 2019-12-18 Item 08M Six-month extension of the Fast Response Vehicle Pilot Program

8N. Emergency Declaration for water damage remediation and repairs to Encinitas Fire Station #1, 412 Second Street. Contact Person: Senior Management Analyst Wilson

Authorize emergency repairs to Fire Station #1 under the Emergency Declaration.

2019-12-18 Item 08N Emergency Declaration FS#1

8O. Amendment No. 1 to the Contract for Maintenance of Mechanical Systems at City Facilities Between the City of Encinitas and Countywide Mechanical Systems, Inc. Contact Person: Senior Management Analyst Wilson

1) Extends the contract term for an additional one-year term (January 1, 2020 through December 31, 2020); 2) Increases the cost for annual routine maintenance services performed during the renewal term for a total of $67,616 per year, which includes CPI increase; and 3) Includes an estimate of $43,950 for equipment replacement and $15,000 for non-routine emergency services performed during the renewal term.

2019-12-18 Item 08O Countywide Mechanical Services Agreement

8P. Construction Contract for the Morning Sun Drive & Woodside Lane Americans with Disabilities Act (ADA) Improvements Project (CS19B). Contact Person: Senior Engineer Widelski

1) Authorize the City Manager to execute a contract in substantial form, and any necessary amendments and time extensions, in consultation with the City Attorney, with Tri-Group Construction and Development Inc. in the amount of $1,591,015 plus 15 percent contingency of $238,653, for a total contract amount not to exceed $1,829,668 to construct the Morning Sun Drive & Woodside Lane ADA Improvements Project; 2) Authorize the City Manager, in coordination with the City Attorney, to execute an amendment to the NV5 agreement for as-needed civil engineering services, for an additional amount of $300,000, for a total contract amount not to exceed $750,000; and 3) Adopt Resolution No. 2019-108, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate$500,000 to the Morning Sun Drive & Woodside Lane ADA Improvements Project (CS19B).

2019-12-18 Item 08P Morning Sun Drive-Construction Approval

Off-cycle budget appropriation for the Fiscal Year 2019-20 Operating Budget for County Service Area 17 (CSA-17) Fund 230. Contact Person: Senior Management Analyst

8Q. Jimenez

1404 Adopt Resolution No. 2019-107 approving an off-cycle budget appropriation for the Fiscal Year 2019/20 Operating Budget for the County Service Area 17 (CSA-17) Fund 230.

2019-12-18 Item 08Q CSA-17 Off-Cycle Budget Appropriation Fund 230

Off-cycle Fiscal Year 2019-20 budget appropriation for Vehicle Replacement Fund 622 and authorization to purchase two (2) all-electric vehicles. Contact Person: Management Analyst Stratakis

8R. 1) Adopt Resolution Number 2019-103 approving an off-cycle appropriation to the Fiscal Year 2019-20 operating budget for the Fleet Vehicle Replacement Fund 622; and 2) Authorize the purchase of two (2) all-electric vehicles in accordance with the attached quotes, as well as taxes and fees, for an amount not-to-exceed $90,000

2019-12-18 Item 08R Reappropriation Request for Fleet Purchases Packet

8S. Reject All Bids for the Conservation Demonstration Garden at the Public Works Operations Center (Project). Contact Person: Senior Management Analyst Wilson

Authorize the City Manager to reject all bids and re-bid the project.

2019-12-18 Item 08S City Demo Garden Reject Bids

8T. Mobility Projects and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of Mobility projects and grants.

2019-12-18 Item 08T Mobility Projects and Grants Update Report

Authorization to update the City's phone system. Contact Person: IT Analyst III York

8U. 1) Approve upgrading the Cisco Voice Over Internet Protocol (VOIP) phone system as detailed in the Logicalis Statement of Work; 2) Authorize the procurement of Cisco hardware in an amount of $35,606, including a 10 percent contingency of $3,560 for a total of $39,166 using NASPO ValuePoint Master Agreement #AR233 (14-19), Cisco Participating Addendum CA #7-14-70-04 contract; and 3) Authorize the City Manager to enter into a Professional Services Agreement between the City of Encinitas and Logicalis, Inc., in conjunction with the City Attorney in substantial form as contained in Attachment 1 in order to upgrade the VOIP phone system in the amount of $28,781, including a 10 percent contingency of $2,878, for a total of $31,659.

2019-12-18 Item 08U Award of Phone System Replacement Contract

1405

Trench Cut Moratorium Policy. Contact Person: City Engineer Wimmer

8V. Adopt a Resolution of the City Council of the City of Encinitas to Implement a New Trench Cut Moratorium Policy.

2019-12-18 Item 08V Trench Cut Moratorium Policy

Amendment to extend the Agreement for Professional Services Between the City of Encinitas and Carpi & Clay, Inc. for Federal Legislative Consulting Services and, the Agreement for Professional Services Between the City of Encinitas and JGC Government Relations, Inc. for State Legislative Consulting Services. Contact Person: Senior Management Analyst Piatt

8W. 1) Amendment No. 1 to the Agreement for Professional Services between the City of Encinitas and Carpi & Clay, Inc. for Federal Legislative Consulting Services (Attachment 1), extending the term of the Agreement from December 31, 2019 through March 31, 2020; and 2) Amendment No. 1 to the Agreement for Professional Services between the City of Encinitas and JGC Government Relations, Inc. for Legislative Consulting Services (Attachment 2), extending the term of the Agreement term from December 31, 2019 through March 31, 2020.

2019-12-18 Item 08W Legislative Consulting Services

Amendment No. 2 to the Contract with Peder Norby to support the Leucadia Streetscape Project. Contact Person: Development Services Director Wisneski

8X. Authorize the City Manager, in coordination with the City Attorney, to execute the attached Amendment No. 2 to the Peder Norby Agreement for Project Coordination Consulting Services ("Agreement"), to extend the term through December 31, 2020, and to increase the amount by $60,000, for a total contract amount not-to-exceed $144,000.

2019-12-18 Item 08X Peder Norby Contract Amendment

License Agreement with the North County Transit District for the North Coast Highway 101 Streetscape Project. Contact Person: Development Services Director Wisneski

8Y. Authorize the City Manager, in consultation with the City Attorney, to execute the License Agreement with North County Transit District (NCTD) (in substantial form as provided in Attachment 1) for the construction of the North Coast Highway 101 Streetscape Project and ultimate maintenance of the improvements by the City.

2019-12-18 Item 08Y NCTD MOU

1406

Award of contract to LeSar Development Consultants for the development of a Homeless Action Plan, in an amount not to exceed $67,285; and authorize the City Manager to enter into a Professional Services Agreement for said services. Contact Person: Principal Planner Gates

8Z.

Authorize the City Manager, in consultation with the City Attorney, to execute a Professional Services Agreement with LeSar Development Consultants, in an amount not to exceed $67,285

2019-12-18 Item 08Z Homeless Action Plan

Engineering services contract with NV5 to update the Citywide Sewer Master Plan and Sewer Master Asset Management Plan. Contact Person: Senior Management Analyst Wilson

1) Authorize the City Manager, or designee, in consultation with the City Attorney, to execute a contract in substantial form, and any necessary amendments and time

8AA. extensions, with NV5 in the amount of $246,194 to update the Citywide Sewer Master Plan and Sewer Master Asset Management Plan and authorize a $20,000 contingency for a total of $266,194; and 2) Adopt Resolution No. 2019-116, entitled "A Resolution of the City Council of the City of Encinitas Ratifying the Amendment of the Fiscal Year 2019-20 Budget" to allocate $13,234 to the Encinitas Sanitary Division Sewer Master Plan Update (CE16A) and $13,234 to the Cardiff Sanitary Division Sewer Master Plan Update (CC16B).

2019-12-18 Item 08AA Citywide Sewer Master Plan Update

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10. ACTION ITEMS

Public Hearing to consider a timely-filed appeal of the Planning Commission's denial of the Vorhees Residential Addition for the renovation of an existing single-family residence with the inclusion of an accessory unit, a façade change, a second-story addition, merger of two underlying legal lots into a single lot, and site improvements. CASE NUMBER:

10A. APPEAL-003407-2019 and 17-106 DR/LM/CDP; APPLICANT: Kevin Farrell, AIA, Island Style Architects; APPELLANT: Tom and Amy Vorhees; LOCATION: 2137 Newcastle Avenue (APN 261-061-08) Contact Person: Associate Planner Dichoso

1407

Approve the appeal, set aside the decision of the Planning Commission, and adopt the Resolution No. 2019-114 approving the project.

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Agenda Report

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 1

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 2

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 3

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 4

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 5

2019-12-18 Item 10A Vorhees Single Family Residence Appeal - Attachment 6

Amendment to Leucadia Streetscape Project (CS04D) Contract with Michael Baker International for design of a regional storm drain system. Contact Person: City Engineer Wimmer

10B. 1) Consider the Addendum to (Attachment 1) the Final Environmental Impact Report for the North Coast Highway 101 Streetscape Improvement Project; and 2) Authorize the City Manager, or designee, in coordination with the City Attorney, to execute a contract amendment with Michael Baker International, in substantial form as contained in Attachment 2. in the amount of $588,000 plus 15 percent contingency for a total contract amendment not to exceed $676,200 for the preparation of plans, specifications and an estimate for a regional storm drain system. The total not-to-exceed amount for the Michael Baker International agreement is $3,310,161.

2019-12-18 Item 10B Amendment to Michael Baker Contract for Leucadia Watershed Masterplan Agenda Report

2019-12-18 Item 10B Amendment to Michael Baker Contract for Leucadia Watershed Masterplan Attachments 2 & 3

2019-12-18 Item 10B Amendment to Michael Baker Contract for Leucadia Watershed

Masterplan Attachment 1

1408 Adopt Resolution 2019-99 Committing to Fund the Leucadia Streetscape Project and Authorizing the City Manager to submit a Financing Application and all other required documents to the California Infrastructure and Economic Development Bank (Bank) or Other Financing Institutions. Contact Person: Finance Director McBroome

10C.

Adopt Resolution 2019-99 Committing to Fund the Leucadia Streetscape Project and Authorize the City Manager to Submit a Financing Application and all other required documents to the Bank or Other Financing Institutions.

2019-12-18 Item 10C Streetscape Financing

Public Hearing and Introduction of Ordinance 2019-30, an Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 11.27 – Expanded Polystyrene Disposable Food Service Ware Prohibition Ordinance. Contact Person: Environmental Programs Manager Steenblock

10D. 1) Receive the informational report on the comprehensive City of Encinitas Plastics Initiative and Phasing Plan, and provide new and/or additional direction to staff; 2) Open the Public Hearing; and 3) Introduce Ordinance 2019-30, titled "An Ordinance of the City Council of the City of Encinitas amending Chapter 11.27 of the Encinitas Municipal Code Prohibiting the Use and Distribution of Expanded Polystyrene Disposable Food Service Ware, Plastic Utensils, and Beverage Straws."

2019-12-18 Item 10D Plastic Bottled Beverage Ordinance

Standard Pacific Park Site Naming. Contact Person: Park Operations Manager Saul

10E. Staff Recommends that City Council review the recommended names from the Parks and Recreation Commission and provide direction on a name for the Standard Pacific Park Site.

2019-12-18 Item 10E Standard Pacific Park Site Naming

11. INFORMATIONAL ITEMS

Informational report on the status of the Leucadia North Highway 101 Streetscape Project and related projects including the El Portal Undercrossing. Contact Person: Director of
11A. Development Services Wisneski

Receive the oral report and provide direction as necessary.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - None

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
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13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON JANUARY 22, 2020

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1410

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, JANUARY 22, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. **CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda**

are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

1411

8A. Approval of the Minutes of the December 11, 2019 Special Closed Session Meeting, December 11, 2019 Special Joint City Council and Planning Commission Meeting, December 11, 2019 Regular Meeting, December 18, 2019 Special Closed Session Meeting, and December 18, 2019 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-01-22 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-01-22 Item 08B Warrants

8C. Second Reading and adoption of Ordinance No. 2019-28 for amendments to the Downtown Encinitas Specific Plan and the Local Coastal Plan to make changes to the planting palette, location, and planting guidelines within Chapters 4 and 7 of the DESP. Contact Person: Associate Planner Plagemann

Adopt Ordinance No. 2019-28 titled "An Ordinance of the City Council of the City of Encinitas, California Adopting Amendments to the Downtown Encinitas Specific Plan to Address Changes to the Street Tree Guidelines."

2020-01-22 Item 08C Second Reading Amendments to the DESP - Street Tree Guidelines

8D. Report on the Financial Results for Fiscal Year 2018-19. Contact Person: Finance Manager Gallup

1) Approve and adopt the actual ending fund balances for FY 2018-19 as the beginning fund balances for FY 2019-20; 2) Approve the revised Schedule A, "Revised Budget Summary FY 2019-20;" 3) Receive the Capital Improvement Program End of Year Status Report; and 4) Adopt Resolution 2020-06 authorizing: a) a lump sum payment to CalPERS to reduce the City of Encinitas unfunded pension liability in the amount of $500,000, and b) a fund balance transfer in the amount of $410,000 from the Open Space Acquisition Fees Fund (Fund 235) to the Opportunity Fund (Fund 119), formerly the Special Projects Fund.

2020-01-22 Item 08D Report on the Financial Results for FY 2018-19

1412

Second Reading and Adoption of Ordinance 2019-30, an Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 11.27 – Expanded Polystyrene Disposable Food Service Ware Prohibition Ordinance. Contact Person: Environmental Programs Manager Steenblock

8E.

Adopt Ordinance 2019-30 titled, "An Ordinance of the City Council of the City of Encinitas Amending Chapter 11.27 of the Encinitas Municipal Code Prohibiting the Use and Distribution of Expanded Polystyrene Food Service Ware, Plastic Utensils, and Beverage Straws."

2020-01-22 Item 08E Second Reading and Adoption of Ordinance 2019-30

South Coast Highway 101 Safety and Mobility (CS20E) Construction Contract. Contact Person: City Engineer Wimmer

8F.

1) Authorize the City Manager to execute a contract in substantial form, and any necessary amendments and time extensions, in consultation with the City Attorney, to Blue Pacific Engineering and Construction in the amount of $653,400 plus a 25 percent contingency of $163,350 for a total contract not to exceed amount of $816,750 to construct the South Coast Highway 101 Safety and Mobility Project; and 2) Adopt Resolution No. 2020-04, titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate $431,292 to the South Coast Highway Mobility Project (CS20E).

2020-01-22 Item 08F South Coast Highway 101 Safety and Mobility Construction Contract

Construction Contract for Pavement Rehabilitation and Overlay Project FY 2018-2019 (CS19A). Contact Person: City Engineer Wimmer

8G.

Authorize the City Manager to execute a contract in substantial form and any necessary amendments and time extensions, in consultation with the City Attorney, with PAL General Engineering, INC. in the amount of $969,833 plus 20 percent contingency $193,967 to construct the Pavement Rehabilitation and Overlay Project FY 2018-2019, for a total construction contract not-to-exceed amount of $1,163,800.

2020-01-22 Item 08G Construction Contract for Pavement Rehabilitation and Overlay Project FY 2018-2019

Acceptance of the Cardiff Beach Living Shoreline Project (CP16A). Contact Person: City Engineer Wimmer

Adopt Resolution No. 2020-07 accepting the public improvements for the Cardiff Beach

8H. Shoreline Project (CP16A) as complete to the satisfaction of the City; authorizing the filing of the Notice of Completion for the Project; authorizing the release of the payment bond in full upon the recording of the Notice of Completion; and authorizing the release of the performance bond in full one (1) year after the recording of the Notice of Completion.

1413

2020-01-22 Item 08H Cardiff Beach Living Shoreline Project Acceptance

City of Encinitas Quality Assurance Plan for project construction. Contact Person: City Engineer Wimmer

8I.

Review and approve the Quality Assurance Plan (QAP) in substantial form as provided in Attachment 1 of the agenda report for project construction.

2020-01-22 Item 08I City of Encinitas Quality Assurance Plan for Project Construction

Emergency Repairs to Highway 101 Bridge over the San Elijo Lagoon (CX20A). Contact Person: City Engineer Wimmer

8J. 1) Ratify Emergency Contract CX20A; 2) Ratify Emergency Contract CX20A Change Order No 1; 3) Amend the Fiscal Years 2019-20 and 2020-21 Operating Budget; 4) Accept public improvements as complete; 5) Authorize filing of Notice of Completion; 6) Authorize release of payment bond in full upon the recording of the Notice of Completion; and 7) Authorize the release of the performance bond in full one (1) year after the recording of the Notice of Completion.

2020-01-22 Item 08J San Elijo Hwy 101 Emerrgency Bridge Repairs

Reject all bids and rebid the Moonlight State Beach Playground Replacement Project PR-RFB-19-05. Contact Person: Park Operations Manager Saul

8K. 1) Reject all bids from the bid opening for the Moonlight State Beach Playground Replacement Project PR-RFB-19-05; and 2) Authorize staff to re-advertise and re-bid the Moonlight State Beach Playground Replacement Project.

2020-01-22 Item 08K Reject All Bids and Rebid the Moonlight State Beach Playground Replacement Project

City Hall Renovation Project (CF20C). Contact Person: Senior Management Analyst Wilson

8L.

Approve the plans, specifications, and authorization to advertise the City Hall Renovation Project (CF20C).

2020-01-22 Item 08L City Hall Renovation

1414 Leaf Blower Rebate Program. Contact Person: Environmental Programs Manager Steenblock

8M. 1) Adopt City Council Resolution No. 2020-05, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to allocate $10,000 for the Leaf Blower Rebate Program; and 2) Extend the Leaf Blower Rebate Program to May 1, 2020.

2020-01-22 Item 08M Leaf Blower Rebate Program Budget Request

Contract Amendment #4 for Infrastructure Engineering Corporation (IEC) to Provide Additional Design and Permitting Services on Olivenhain Trunk Sewer Project (CC04J). Contact Person: Senior Engineer Widelski

8N. Authorize the City Manager to execute a contract amendment and time extensions, in consultation with the City Attorney, with Infrastructure Engineering Corporation (IEC) in the amount of $407,192 plus 15 percent contingency for a not-to-exceed amount of $468,271 to perform additional design and permitting services for the Olivenhain Trunk Sewer Project.

2020-01-22 Item 08N Contract Amendment #4 Infrastructure Engineering Corporation - Olivenhain Trunk Sewer Project (CC04J)

Sump and Inlet Project (CD17A & CD05E). Contact Person: Senior Engineer Widelski

8O. Authorize the City Manager to execute a construction contract in substantial form and any necessary amendments and time extensions, in consultation with the City Attorney, with Blue Pacific Engineering & Construction Inc. in the amount of $124,200 plus 15 percent contingency of $18,630 for a total contract amount not to exceed $142,830 to construct the Sump (CD17A) and Inlet Project (CD05E).

2020-01-22 Item 08O Sump and Inlet Project

County of San Diego Contract Number 561722 Agreement with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

8P. 1) Authorize the City Manager to execute Contract Number 561722, with the County of San Diego, in substantial form as contained in Attachment 1 of the agenda report, in conjunction with the City Attorney accepting grant reimbursement funding for the Senior Nutrition Program not to exceed $25,270 for the five (5) months, February 1, 2020 through June 30, 2020; and 2) Authorize the City Manager to execute all future amendments through June 30, 2023, in conjunction with the City Attorney and subject to budget appropriations, accepting

grant reimbursement funding for the Senior Nutrition Program for a total not to exceed $207,226.

1415 2020-01-22 Item 08P County of San Diego Contract Number 561722 - Senior Nutrition Program

8Q. Letter of support for the continued funding of the Coastal Data Information Program. Contact Person: Senior Management Analyst Piatt

Approve the attached letter of support for the Coastal Data Information Program (CDIP).

2020-01-22 Item 08Q Letter of Support for the Continued Funding of the Coastal Data Information Program

8R. Fiscal Year 2019-20 First Quarter Budget Status Report and Proposed Budget Amendments. Contact Person: Finance Manager Gallup

1) Receive and file the Fiscal Year 2019-20 First Quarter Budget Status Report; and 2) Adopt Resolution No. 2020-08 titled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2020-01-22 Item 08R First Quarter Budget Status Report

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A. Jewish Family Service (JFS) request to operate a Safe Parking Program at Leichtag Commons located at 441 Saxony Road for a maximum of 25 vehicles accommodating households living in their cars. Contact Person: Principal Planner Gates

1) Adopt Resolution No. 2020-03 "Resolution of the City Council of the City of Encinitas Confirming the Existence of a Shelter Crisis and Taking Actions to Approve the Establishment of a Safe Parking Program;" 2) Approve the Lease Agreement between City of Encinitas and LF Encinitas Properties, LLC ("Leichtag Foundation") in substantial form, subject to review and final approval by City Attorney, for the purpose of leasing a portion of Leichtag Commons to provide a Safe Parking Program Lot, and authorize the City Manager to execute the agreement; and 3) Approve the Use Agreement between City of Encinitas and Jewish Family Service, as attached in substantial form, subject to review and final approval by City Attorney, for the purpose of operating a Safe Parking Program, and authorize the City Manager to execute the agreement.

2020-01-22 Item 10A Safe Parking Proposal Agenda Report

2020-01-22 Item 10A Safe Parking Proposal Attachment 1 - Resolution

1416

2020-01-22 Item 10A Safe Parking Proposal Attachment 2 - Safe Parking Lease

2020-01-22 Item 10A Safe Parking Proposal Attachment 3 - JFS Agreement

2020-01-22 Item 10A Safe Parking Proposal Attachment 4 - SPP Encinitas FAQ 1.16.20

2020-01-22 Item 10A Safe Parking Proposal Attachment 5 - HEAP contract

2020-01-22 Item 10A Safe Parking Proposal Attachment 6 - Correspondence

2020-01-22 Item 10A Safe Parking Proposal Attachment 7 - Question - Comment Cards - Safe Parking Forum

2020-01-22 Item 10A Safe Parking Proposal - Memorandum

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10B): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing.

10B. Public hearing to consider an appeal of the Planning Commission's approval of a 10-Residential Lot Density Bonus Subdivision with nine market rate detached single-family residential units and one affordable unit, bio-retention facilities, a private road lot, and associated site and road improvements. CASE NUMBER: 18-086 TMDB/DR/CDP; APPLICANT: Govind Gill/Bonita 754 LLC; APPELLANT: Jessica Carilli; LOCATION: 754 Bonita Drive (APN: 258-350-28). Contact Person: Associate Planner Mireau

Deny the appeal and adopt Resolution No. 2020-01 affirming the decision of the Planning Commission.

2020-01-22 Item 10B Appeal of Bonita Drive Project - Agenda Report

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 1

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 2

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 3

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4A

1417

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4B Part 1

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4B Part 2

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4C

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4D

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 4E

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 5

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 6

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 7A

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 7B

2020-01-22 Item 10B Appeal of Bonita Drive Project - Attachment 2 Appeal Clean Copy

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

Council Initiated Item from Council Member Kranz regarding changes to Municipal Code Section 9.01.025 - Sleeping in Vehicles.

12A.

Direct staff to draft modifications to Encinitas Municipal Code which could be adopted to explicitly allow for the use of parking lots for approved Safe Parking Programs.

2020-01-22 Item 12A Council Initiated item from Council Member Kranz Regarding Changes to the Municipal Code - Sleeping in Vehicles

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

1418

16. ADJOURNMENT - THE NEXT CITY COUNCIL MEETING IS A SPECIAL MEETING ON JANUARY 29, 2020 AT THE ENCINITAS COMMUNITY CENTER. THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON FEBRUARY 12, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1419

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, FEBRUARY 12, 2020 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation by Management Analyst Stratakis on SB1383: Reducing Short-Lived Climate Pollutants in California

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES) Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.**

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

8A. Approval of the Minutes of the Closed Session, January 22, 2020 Special Meeting-Closed Session, and the January 22, 2020 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-02-12 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-02-12 Item 08B Warrants

8C. Utility Underground Assessment District Policy C035. Contact Person: Assistant City Manager Delin/City Engineer Wimmer

Approve the Utility Undergrounding Assessment District Policy C035.

2020-02-12 Item 08C Utility Underground Assessment District Policy C035

The Preparation and Filing of the Encinitas Landscape and Lighting District Annual Engineer's Report. Contact Person: Senior Management Analyst Ruess

8D. Adopt City Council Resolution No. 2020-09 entitled, "A Resolution of the City of Encinitas City Council Directing the Preparation and Filing of the Encinitas Landscape and Lighting District Annual Engineer's Report for the Purposes of Levying and Collecting Assessments for Fiscal Year 2020-21."

2020-02-12 Item 08D ELLD Annual Engineer Report - Preparation and Filing

Resolution to appoint the Interim Development Services Director and approve the

Employment Agreement. Contact Person: Risk Manager Schwarm

8E. Adopt Resolution 2020-13 appointing Carrie Bedord as Interim Development Services Director and approve the corresponding Employment Agreement effective February 13, 2020.

1421

2020-02-12 Item 08E Appointment of the Interim Development Services Director

Public Hearing and Introduction of Ordinance No. 2020-01 Amending Encinitas Municipal Code Chapter 6.11 (Operations Permit: Special Events). Contact Person: Management Analyst Roff

8F. Introduce Ordinance No. 2020-01 entitled "An Ordinance of the City Council of the City of Encinitas, California, Amending Chapter 6.11 of the Encinitas Municipal Code Relating to Operations Permits for Special Events."

2020-02-12 Item 08F Introduction of Ordinance No. 2020-01 - Special Events

Execute an engineering services contract with HDR Engineering Inc. for the Verdi Pedestrian Underpass Project (CS16E). Contact Person: Principal Engineer Bankston

8G. Authorize the City Manager, in consultation with the City Attorney, to execute a contract in substantial form as contained in Attachment 1 of the agenda report and any necessary amendments and time extensions with HDR Engineering Inc. in the amount of $702,562 plus 10 percent contingency for a total of $772,818 to complete design of the Verdi Pedestrian Underpass Project (CS16E).

2020-02-12 Item 08G Contract with HDR Engineering - Verdi Pedestrian Underpass Project (CS16E)

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar.

10. ACTION ITEMS

1422

10A. A continued public hearing to consider an appeal of the Planning Commission's approval of a 10-Residential Lot Density Bonus Subdivision with nine market rate detached single-family residential units and one affordable unit, bio-retention facilities, a private road lot, and associated site and road improvements. CASE NUMBER: 18-086 TMDB/DR/CDP; APPLICANT: Govind Gill/Bonita 754 LLC; APPELLANT: Jessica Carilli; LOCATION: 754 Bonita Drive (APN: 258-350-28). Contact Person: Associate Planner Mireau

- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Agenda Report
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 1
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 2
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 3
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4A
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4B
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4C
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4D
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 4E
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 5
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 6
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 7A
- 2020-02-12 Item 10A Appeal of Bonita Drive Project - Attachment 7B

Council to hear from applicants for the Commission for the Arts, Environmental Commission, Parks and Recreation Commission, Planning Commission, Senior Citizen Commission, and Traffic & Public Safety Commission. Contact Person: City Clerk Hollywood

10B.

1) Hear each applicant briefly explain his/her qualification and interest in serving on a City Commission; 2) Discuss as needed; 3) Make appointments and/or defer to the Mayor to present her recommendations at the February 26, 2020, City Council Meeting.

1423

2020-02-12 Item 10B Commission Applicants & Interviews - Redacted

Discussion and consideration of the Surfing Madonna Oceans Project (SMOP) proposed Save the Ocean beach run major special event on November 1, 2020, and future Surfing Madonna Oceans Project special events. Contact Person: Parks and Recreation Director Campbell

10C.

1) Deny the Surfing Madonna Oceans Project, November 1, 2020 Save the Ocean beach run, and future Surfing Madonna Oceans Project special events; and 2) Direct staff to return to City Council with a recommendation to reinitiate a City community run on the beach and expand programming to provide special needs surf clinics for children.

2020-02-12 Item 10C Surfing Madonna Oceans Project Special Events

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON FEBRUARY 26, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes

photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital
1424 presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1425

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, FEBRUARY 26, 2020 - 6:00 p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Certificate of Recognition to Joel Gomez USA Track & Field 2019 Male Junior Para Athlete of the Year presented by Richard Robert

4B. Presentation by students of Ocean Knoll and Park Dale Lane Elementary Schools regarding the elimination of single-use plastics on campus.

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)
Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City

Manager either for resolution by administrative action or placement on a future agenda.

6. REPORT FROM CLOSED SESSION (IF HELD)

1426

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the January 29, 2020 Special Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-02-26 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-02-26 Item 08B Warrants

8C. Alert & Warning Memorandum of Agreement with the County of San Diego and the City of Encinitas Contact Person: Management Analyst Yum

1) Approve the Alert & Warning Memorandum of Agreement with the County of San Diego in consultation with the City Attorney, and 2) Authorize the City Manager, or her designee, to execute the Memorandum of Agreement on behalf of the City of Encinitas.

2020-02-26 Item 08C Alert and Warning MOA with the County of San Diego

8D. Agreement for Implementation of the Encinitas Habitat Stewardship Program with the San Diego Botanic Garden. Contact Person: Park Operations Manager Saul

Authorize the City Manager to enter into a two-year agreement with the San Diego Botanic Garden for implementation of the Encinitas Habitat Stewardship program priority areas, in

conjunction with the City Attorney in substantial form for an amount not to exceed $99,650.

1427 2020-02-26 Item 08D San Diego Botanic Garden EHSP Agreement

Network security firewall annual support renewal. Contact Person: IT Operations Supervisor Contreras

8E. Authorize Firewall license annual support renewals for $18,299 using the National Association of State Procurement Officials (NASPO) ValuePoint (AR626) and California Participating Addendum No. 7-14-70-11, for an overall contract amount not to exceed $107,751.

2020-02-26 Item 08E Authorize network security firewall annual support renewal

Purchase 800 MHz Replacement Radios and Peripheral Equipment approved in the City's Capital Improvement Program (CIP) project WC18A from Motorola Solutions, Inc. Contact Person: Deputy Fire Chief Ford

8F.

Authorize the Encinitas Fire Department to utilize the Request for Proposal (RFP) approved by the County of San Diego to award Motorola Solutions, Inc. an agreement to provide for the purchase of 800 MHz radios and peripheral equipment.

2020-02-26 Item 08F Purchase 800 MHz Radios from Motorola

Lease Agreement Amendment between the City of Encinitas and T-Mobile West Tower LLC. Contact Person: Management Analyst III Roff

8G. 1) Authorize the City Manager to execute Amendment No. 2 of the Lease Agreement between the City of Encinitas and T-Mobile West Tower LLC; and 2) Approve the dedication of lease revenue, estimated at $214,064 during the term of Amendment No. 2, for park improvement projects, CP04G.

2020-02-26 Item 08G T-Mobile Cellular Communication Lease Amendment

Regional Transportation Improvement Program Amendment. Contact Person: Senior Management Analyst Ruess

8H. 1) Conduct a Public Hearing related to the proposed projects; and 2) Adopt City Council Resolution No. 2020-12, entitled "Resolution of the City of Encinitas Adopting/Approving an Amendment to the TransNet Local Street Improvement Program of Projects for Fiscal Years 2019 Through 2023."

2020-02-26 Item 08H RTIP Amendment 2020

1428 Consideration of an Exclusive Negotiating Agreement with Encinitas Arts, Culture and Ecology Alliance (EACEA) on the Pacific View Property. Contact Person: Parks and Recreation Director Campbell

8I. Authorize the Mayor to execute the attached 90-day Exclusive Negotiating Agreement (ENA), in substantial form subject to the review and approval by the City Attorney, with the EACEA.

2020-02-26 Item 08I Exclusive Negotiating with EACEA

Second Reading and Adoption of Ordinance No. 2020-01 Amending Encinitas Municipal Code Chapter 6.11 (Operations Permit: Special Events). Contact Person: Management Analyst III Roff

8J. Adopt Ordinance No. 2020-01 entitled "An Ordinance of the City Council of the City of Encinitas, California, Amending Chapter 6.11 of the Encinitas Municipal Code Relating to Operations Permit: Special Events."

2020-02-26 Item 08J Second Reading and Adoption of Ordinance 2020-01

Amendment #1 to Contract with Chen Ryan Associates for sidewalk design services on the south side of Leucadia Boulevard between Hymettus Avenue and Fulvia Street for Leucadia Boulevard Traffic Safety and Pedestrian Improvements Phase II Project (CS18B). Contact Person: Senior Engineer Widelski

8K. Authorize the City Manager or designee to execute a design contract amendment and time extensions, in substantial form as included in Attachment 1 in consultation with the City Attorney, with Chen Ryan Associates in the amount of $54,076 plus 15 percent contingency of $8,111, for a not-to-exceed amount of $62,187 to perform additional design services for the Leucadia Boulevard Traffic Safety and Pedestrian Improvements Phase II Project.

2020-02-26 Item 08K Amendment #1 Chen Ryan Contract

Contract Amendment No. 6 with LC Paving and Sealing Inc. to construct traffic calming, safety and/or operational improvements. Contact Person: Traffic Engineer II Goralka

8L. Authorize the City Manager or designee, in coordination with the City Attorney, to execute Contract Amendment No. 6 with LC Paving and Sealing, Inc. (LC Paving) in substantial form as attached, in the amount of $200,000 to construct certain traffic calming/safety improvements on city streets, for a total not to exceed 5 year contract amount of $2,046,500 (Attachment 1) for the General Mobility Improvement Project (CS18E).

2020-02-26 Item 08L LC Paving Contract Amendment

1429 Award of contract to RRM Design Group for planning services, in an amount not-to-exceed $143,030; and authorize the City Manager to enter into a Professional Services Agreement for said services. Contact Person: Principal Planner Gates

8M. Approve the Professional Services Agreement with RRM Design Group, in an amount not-to-exceed $143,030, and authorize the City Manager to execute the agreement, including any amendments and time extensions, in substantial form as included in Attachment 1, subject to review and final approval by City Attorney.

2020-02-26 Item 08M RRM Design Group Contract

Approval of a new major special event at Encinitas Community Park and Memorandum of Understanding between the City of Encinitas and Encinitas Environment Day for a community special event. Contact Person: Recreation Services Manager Karlen

8N. Approve a new major special event to be held at Encinitas Community Park and authorize the City Manager to execute a Memorandum of Understanding (MOU) between the City of Encinitas and Encinitas Environment Day (EEDAY) in substantial form as contained in Attachment 1 in consultation with the City Attorney to host the Eco Fest event on Sunday, May 17, 2020 from 11 a.m. - 4 p.m.

2020-02-26 Item 08N EcoFest MOU

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

10A. Public Hearing and Introduction of Ordinance 2020-02, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.29 – Plastic Bottled Beverage Ordinance, Implementing Phase 2 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

1) Open the Public Hearing; and 2) Introduce Ordinance 2020-02, an Ordinance entitled "An Ordinance of the City Council of the City of Encinitas adding Chapter 11.29 of the Encinitas Municipal Code Prohibiting the Distribution of Plastic Bottled Beverages."

2020-02-26 Item 10A Plastic Bottled Beverage Ordinance

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF
1430

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON MARCH 11, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1431

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, MARCH 18, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PLEDGE OF ALLEGIANCE**

4. **SPECIAL PRESENTATIONS AND PROCLAMATIONS**

4A. Presentation of the Climate Action Plan Annual Report by CAP Administrator Najera

5. **ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)**
   Each speaker is allowed three (3) minutes to address the City Council. Time donations are not permitted during Oral Communications. Please submit a "WHITE" speaker slip to the City Clerk. If needed, Oral Communication items will be referred to the City Manager either for resolution by administrative action or placement on a future agenda.

6. **REPORT FROM CLOSED SESSION (IF HELD)**

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

1432

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the February 12, 2020 Special-Closed Session Meeting, February 12, 2020 Regular Meeting, February 26, 2020 Special-Closed Session Meeting, February 26, 2020 Regular Meeting, and March 3, 2020 Special-Closed Session Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-03-18 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-03-18 Item 08B Warrants

8C. Amendment 14 to the Agreement with Tyler Technologies, Inc. for a no cost transfer of software licenses to include the deinstallation of Public Maintenance Management (PMM) and the installation of Enterprise Asset Management (EAM), with an installation cost not to exceed $14,000. Contact Person: IT Applications Supervisor VanPelt

1) Approve Amendment 14 in substantial form, in consultation with the City Attorney; and 2) Authorize the City Manager to execute the amended agreement with Tyler Technologies, Inc., for conversion of software licenses for PMM (approved by Council on January 11, 2017) to EAM at no cost and one time installation services not to exceed $14,000 for a total contract amount not to exceed $1,258,875.

2020-03-18 Item 08C Amendment 14 Tyler Technologies

8D. Extension of Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, Encinitas, CA. Contact Person: Senior Management Analyst Piatt

Authorize City Manager, in coordination with the City Attorney, to execute Amendment #2, Extension of the Lease Agreement between the City of Encinitas and G.J. Trippe, Inc. dba Air Care International for the property at 1867 Mackinnon Avenue, for the second of two
1433 additional one-year terms.

2020-03-18 Item 08D Extension of Lease Agreement - 1867 Mackinnon Avenue

Demolition and installation of playground equipment for Moonlight State Beach Playground. Contact Person: Park Operations Manager Saul

8E. 1) Award Bid for the Moonlight State Beach Playground Replacement Project # PR-RFB-19-05 (REBID) to Pacific Play Systems, Inc. in the amount of $205,850 plus a 10% contingency; and 2) Authorize the City Manager to execute a contract in substantial form, in the amount of $205,850 and a ten percent (10%) contingency of $20,585 on the project if additional work is needed that is not included in the scope of work for a total not to exceed $226,435.

2020-03-18 Item 08E Demolition and Installation of Playground Equipment for Moonlight State Beach Playground

8F. Second Reading and Adoption of Ordinance 2020-02, an Ordinance of the City of Encinitas, California, adding Encinitas Municipal Code Chapter 11.29 – Plastic Bottled Beverage Ordinance, Implementing Phase 2 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

Adopt Ordinance 2020-02 titled "An Ordinance of the City Council of the City of Encinitas Adding Chapter 11.29 of the Encinitas Municipal Code Prohibiting the Distribution of Plastic Bottled Beverages."

2020-03-18 Item 08F Plastic Bottled Beverage Ordinance - Adoption

8G. Mobility Projects and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

Receive the report on the status of mobility projects and grants.

2020-03-18 Item 08G Mobility Projects & Grants Update

Public Hearing to consider funding requests for eligible activities under the FY 2020-21 Community Development Block Grant (CDBG) Program and provide comments on the Draft FY 2020-25 Consolidated Plan prior to the release for the public comment period as required by the City's Citizen Participation Plan. Contact Person: Principal Planner Gates

8H. 1) Authorize funding for activities delineated in Attachment 1 and in the Analysis Section

of the Agenda Report, for incorporation into the draft FY 2020-21 Annual Action Plan; 2) Consider the draft FY 2020-25 Consolidated Plan prior to release for public comment; and 3) Continue the Public Hearing to April 22, 2020 to gather public input prior to Council's consideration of the FY 2020-21 CDBG budget, FY 2020-21 Annual Action Plan, and FY 2020-25 Consolidated Plan.

1434

2020-03-18 Item 08H Funding Requests for CDBG FY 2020-21 Program

Amendment 15 to Contract with Michael Baker International, Inc. (MBI) for environmental services and additional design as part of the Leucadia Streetscape Project (CS04D). Contact Person: Principal Engineer Bankston

8I. Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract amendment and time extensions, in substantial form as included in Attachment 1, with MBI in the amount of $463,740 plus 15 percent contingency of $69,561, for a total contract cost not to exceed $533,301 for environmental services and additional design for the Leucadia Streetscape Project. If approved, the total not-to-exceed amount authorized by City Council for the MBI contract and all amendments would be $3,843,462.

2020-03-18 Item 08I Michael Baker International Contract Amendment 15

8J. Participation in Homeless Outreach Program for Empowerment (HOPE) with the County of San Diego Health and Human Services Agency, the San Diego County Sheriff's Department, and the Community Resource Center.

2020-03-18 Item 08J HOPE Grant MOU

8K. Annual Progress Report on the implementation of the General Plan. Contact Person: Principal Planner Gates

Approve the General Plan Annual Progress Report.

2020-03-18 Item 08K General Plan Annual Progress Report

Authorization to upgrade the City's near end-of-life audio-visual equipment. Contact Person: IT Operations Supervisor Contreras

8L. 1) Approve upgrading the Council Chambers, Fire 5 Training Room, Rose Room, and Poinsettia Room audio visual and broadcasting equipment as detailed in the Western Audio-Visual Statement of Work; and 2) Authorize the City Manager to enter into a Professional Services Agreement between the City of Encinitas and Western Audio Visual, in conjunction with the City Attorney in substantial form as contained in Attachment 1. The cost to upgrade the audio visual equipment is $273,032 for design, equipment, and

installation. Also included in the contract is $35,912 for five years of support and preventative maintenance for a contract total not to exceed $308,944. Staff is also requesting a 15 percent contingency in the amount of $40,955 for a project total not to exceed $349,899.

2020-03-18 Item 08L Award of Contract for Audio Visual and Broadcast Equipment Replacements

Grant application for the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements. Contact Person: Principal Engineer Bankston

8M. 1) Authorize the City Manager, or designee, to apply for, accept and administer funding from the California Natural Resources Agency Proposition 68 Urban Flooding Protection Grant Program for Leucadia Drainage Improvements; and 2) Adopt Resolution No. 2020-16 entitled, "Resolution of the City Council of the City of Encinitas Approving the Application for Grant Funds for the Urban Flood Protection Grant Program".

2020-03-18 Item 08M Apply for Prop 68 Urban Flooding Grant

Authorization to participate in commercial services agreements with Cox California Telecom for broadband services. Contact Person: IT Operations Manager Contreras

8N. Authorize the City Manager to enter into Commercial Services Agreements between the City of Encinitas and Cox California Telecom, in conjunction with the City Attorney, in substantial form as contained in Attachment 1 for business telecommunications services through April 1, 2023 for an amount not to exceed $156,240.

2020-03-18 Item 08N Commercial Services Agreement with Cox California Telecom for Broadband Services

Legislative Consulting Services contracts for State and Federal Services. Contact Person: Senior Management Analyst Piatt

8O. 1) Award a three-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 1, to JGC Government Relations, Inc. for state lobbyist services; 2) Award a one-year Legislative Consulting Services contract with options for two additional one (1) year terms, in conjunction with the City Attorney, in substantial form as contained in Attachment 2, to Carpi & Clay, Inc., for federal lobbyist services; and 3) Direct the City Manager to execute the contracts.

2020-03-18 Item 08O Legislative Consulting Services for State and Federal Services

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

1436 **10. ACTION ITEMS**

Council to hear from applicants and consider the appointment of one Tenant Commissioner to fill one (1) unscheduled vacancy on the Housing Authority with a term ending June 2021. Contact Person: City Clerk Hollywood

10A. 1) Hear each applicant briefly explain his/her qualifications and interest in serving as a Tenant Commissioner to the Housing Authority; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, appoint one (1) Tenant Commissioner to the Housing Authority to fill an unscheduled vacancy with a term ending June 2021.

2020-03-18 Item 10A Housing Authority Tenant Commissioner Appointment - Redacted

Council to hear from applicants and make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021. Contact Person: City Clerk Hollywood

10B. 1) Hear each applicant briefly explain his/her qualifications and interest in serving on the Environmental Commission; 2) discuss as needed; and 3) the Mayor, with approval from the City Council, make one appointment to fill the unscheduled vacancy on the Environmental Commission with a term ending March 2021.

2020-03-18 Item 10B Environmental Commission Interviews & Appointment - Redacted

Public Works initiatives along North Vulcan corridor. Contact Person: Director of Public Works Quiram

10C. 1) Consider progress of the project to date and advise department of any additional concerns not already being addressed; and 2) Authorize Public Works to develop a plan and request bids to finish the remainder of the temporary parking along North Vulcan Avenue from E. Jason Street to La Costa Avenue, Phase II.

2020-03-18 Item 10C Public Works Initiatives Along North Vulcan Corridor

2019 Novel Coronavirus (COVID-19) status report and discussion.

10D.

Receive oral report, discuss and provide direction as necessary.

11. INFORMATIONAL ITEMS

11A. Update on the Leucadia 101 Streetscape Project and related projects. Contact Person: City Engineer Wimmer

1437 Receive the oral report.

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON APRIL 15, 2020

Notice to the Public:

To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

1438

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, APRIL 15, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

1. CALL TO ORDER

Pursuant to the State of California Executive Order N-29-20 and the amended County Health Orders, members of the public will only be allowed to participate in meetings electronically.

Meeting can be accessed as follows: * Channel 19 on Cox Communications * Channel 24 on Time Warner Cable * Channel 99 on AT&T U-Verse * City's live webcast: https://encinitasca.gov/Government/Agendas-Webcasts

Public Comments (including oral communications and agenda item related)

Public comments regarding this agenda must be submitted via email to clerk@encinitasca.gov

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

Comments received after 3:00 p.m. on the day of the meeting will be provided to the City Council and made a part of the meeting record.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

1439

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. Any member of the public may remove an item by submitting a "PINK" speaker slip to the City Clerk. Items removed from the Consent Calendar by a Council Member or the public will be considered immediately following the Consent Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

8A. Approval of the Minutes of the March 18, 2020 Special-Closed Session Meeting, March 18, 2020 Special Meeting, and March 18, 2020 Regular Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-04-15 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-04-15 Item 08B Warrants

List of Projects funded by SB1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2020-21. Contact Person: Senior Management Analyst Ruess

1440
8C. Adopt City Council Resolution No. 2020-22 entitled, "Resolution of the City of Encinitas Adopting a List of Projects for Fiscal Year 2020-21 Funded by SB1: The Road Repair and Accountability Act of 2017."

2020-04-15 Item 08C List of Projects Funded by SB1 for Fiscal Year 2020-21

Emergency Repairs to Encinitas Fire Station #1, 412 Second Street (CF20B). Contact Person: Senior Management Analyst Wilson

8D. 1) Appropriate $510,000 for emergency repairs to the Fire Station #1 project (CF20B) from the Facilities Maintenance Fund 403; and 2) Adopt Resolution 2020-27 Amending the Fiscal Year 2019-20 Budget.

2020-04-15 Item 08D Fire Station #1 Emergency Repairs

Environmental Documentation and Project Bid Documents. Contact Person: Superintendent Ugrob

8E. City Council authorize the City Manager or designee, in consultation with the City Attorney, to execute the contract with Dudek for Environmental Documentation and Project Bid Documents for storm drain basin maintenance, in substantial form as contained in Attachment of the agenda report.

2020-04-15 Item 08E Environmental Documentation and Project Bid Documents

Amendment 1 to the Contract with GHD, Inc. for construction close-out services on the Cardiff Living Shoreline Project (CP16A). Contact Person: Principal Engineer Bankston

8F. Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract amendment and time extensions, in substantial form as included in Attachment 1 of the agenda report, with GHD Inc. in the amount of $27,487, for project close-out services for the Cardiff Living Shoreline Project (CP16A). If approved, the total not-to-exceed amount authorized by City Council for the GHD Inc construction close-out contract with this amendment would be $154,585.

2020-04-15 Item 08F GHD Contract Amendment - Living Shoreline

Construction Contract for the Conservation Demonstration Garden at the Public Works Operations Center (Project). Contact Person: Senior Management Analyst Wilson

8G. 1) Authorize the City Manager to execute a contract in substantial form as included as Attachment 1, and any necessary amendments and time extensions, in consultation with the City Attorney, with PAL General Engineering, Inc. in the amount of $327,555 plus a 10 percent contingency of $32,756, for a total contract amount not to exceed $360,311 to construct the Project; and 2) Authorize $60,084 for construction services (construction management, inspection, soil compaction tests, and surveying).

1441

2020-04-15 Item 08G City Demo Garden

Renewal of the Encinitas Landscape and Lighting District. Contact Person: Senior Management Analyst Ruess

8H. 1) Adopt City Council Resolution No. 2020-10 entitled, "Resolution of Intention to Order the Renewal of the Encinitas Landscape and Lighting District for FY 2020/21; and 2) Set the public hearing for May 20, 2020.

2020-04-15 Item 08H ELLD Set Public Hearing

Ratification of the County of San Diego Contract Number 561722, amendment numbers 1 – 3 with the City of Encinitas for the Senior Nutrition Program. Contact Person: Senior Center Manager Goodsell

8I. 1) Ratify the execution of amendment number 1 of contract 561722 by the City Manager, with the County of San Diego, in substantial form as contained in Attachment 1 of the agenda report in conjunction with the City Attorney, increasing estimated revenue to the City by $20,254; 2) Receive and file Unilateral amendment number 2 of contract 561722 with the County of San Diego (Attachment 2 of the agenda report); 3) Ratify the execution of amendment number 3 of contract 561722 by the City Manager, with the County of San Diego, in substantial form as contained in Attachment 3 of the agenda report in conjunction with the City Attorney, increasing estimated revenue to the City by $77,498 for COVID-19 response; and 4) Authorize the City Manager to execute all future amendments under the County of San Diego Contract Number 561722, in conjunction with the City Attorney and subject to budget appropriations, accepting grant reimbursement funding for the Senior Nutrition Program not to exceed $500,000.

2020-04-15 Item 08I Ratification of Senior Nutrition Contract Amendments 1-3

8J. Annual Report Concerning the Mitigation Fee Act for Fiscal Year 2018-19. Contact Person: Finance Manager Gallup and Finance Analyst Attili

Review and file the Annual Mitigation Fee Report for Fiscal Year Ended June 30, 2019.

2020-04-15 Item 08J Annual Report Concerning Mitigation Fee Act

1442

8K. Consideration of a request (by the property owner) for the City Council to initiate a lot merger between three existing legal lots into one legal lot located within the Cardiff-by-the Sea Community area. CASE NUMBER: CRTC-003628-2020; APPLICANT: Jeffrey Fuller; LOCATION: 2595 Montgomery Avenue (APN: 261-145-32-00). Contact Person: Associate Planner Maynard

Direct staff to initiate the merger of Lots 22, 23 and 24 of Map No. 1298, in accordance with Encinitas Municipal Code Chapter 24.76 (Lot Merger).

2020-04-15 Item 08K Lot Merger 2595 Montgomery

8L. Rescind Resolutions 91-95 and 92-92. Contact Person: Traffic Engineer Bandegan

Adopt Resolution 2020-21 rescinding Resolutions 91-95 and 92-92.

2020-04-15 Item 08L Rescind Resolutions - Traffic Engineering

8M. Ratification of letters of support or opposition for various time sensitive items. Contact Person: Senior Management Analyst Piatt

Ratify the letters signed by the Mayor or Deputy Mayor. 1) Letter of support for Infrastructure for Rebuilding America: Pacific Surfliner Coastal Bluff Track Bed Stabilization and Seismic Improvements Projects; 2) Letter of support for NCTD's Bus and Bus Facilities Discretionary Grant Application; 3) Letter of support for NCTD's Low or No Emission Vehicle Program Discretionary Grant Application; 4) Letter of request to the Del Mar Fairgrounds Board of Directors to disallow the sale of ghost guns during organized gun shows; and 5) Letter of support for assembly Bill 2062 (Boerner Horvath): San Diego Association of Governments: LOSSAN Rail Corridor Study.

2020-04-15 Item 08M Ratifiction of Letters of Support or Oppostion for Various Time Sensitive Items

8N. Amendment 3 to the Contract for City Arborist Consulting Services Between the City of Encinitas and Dudek. Contact Person: Superintendent Ugrob

Approve and authorize the City Manager, or her Designee, to execute Amendment 3 to the Contract for City Arborist Consulting Services between the City of Encinitas and Dudek, in substantial form as contained in Attachment 1 of the agenda report, in consultation with the City Attorney, in an amount of $138,834, for a total contract amount not to exceed $514,488. The amendment accomplishes the following 1) Extends the contract term for an additional one-year term (July 1, 2020 through June 30, 2021); and 2) Increases the cost for consulting services performed during the renewal term for a total of $138,834 per year, which includes the contractually required CPI increase.

2020-04-15 Item 08N City Arborist Agreement

1443

Amendment to the Citywide Streetlight Maintenance and Repair Services Agreement. Contact Person: Superintendent Ugrob

8O. 1) Authorize the City Manager to exercise the final (2) two-year extension option of the Agreement with Clark Telecom Electric, Inc. (CTE); 2) Authorize Amendment #4 to the Agreement, increasing the annual authorization by $34,965, from $291,621 to $326,586 annually for year four, and a 2.5 percent Consumer Price Index (CPI) increase in the amount of $8,165 per year for years five and six, for a total agreement amount not to exceed $1,853,750; 3) Authorize a budget amendment to increase the FY 2019-20 Operating Budget for streetlight maintenance by $34,965, from $291,621 to $326,586; and 4) Adopt Resolution No. 2020-25 entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget."

2020-04-15 Item 08O Clark Telecom Electric Contract Amendment

2020-04-15 Item 08O Clark Telecom Electric Contract Amendment - AMENDED Attachment 2 (posted 4-13-2020)

Installation of a new decorative crosswalk on South Coast Highway 101 at the intersection of G Street. Contact Person: Traffic Engineer Bandegan

8P.

Approve the design and installation of the proposed new decorative crosswalk on South Coast Highway 101 at the intersection of G Street.

2020-04-15 Item 08P G Street Crosswalk

Amendment No. 1 to the Contract for Monitoring and Service of Fire and Security Alarm Systems between the City of Encinitas and Progressive Technology Security Systems, Inc. Contact Person: Senior Management Analyst Wilson

8Q. Approve and authorize the City Manager, or her designee, to execute Amendment No. 1 to the Contract for Monitoring and Service of Fire and Security Alarm Systems between the City of Encinitas and Progressive Technology Security Systems, Inc., in substantial form as contained in Attachment 1 of the agenda report, in consultation with the City Attorney. Amendment No. 1 increases the original contract in an amount of $170,795, for a total contract amount not-to-exceed $654,427 (ratify contract for $115,851 in unforeseen expenses and approve increase of $54,944 for a total of $170,795), and extends the contract term for an additional three years; 2) Appropriate $24,566 for installation of security system at Pacific View School site; and 3) Adopt Resolution 2020-14 Amending the Fiscal Year 2019-20 Operating Budget.

2020-04-15 Item 08Q Progressive Technology Contract Amendment 1

1444 **9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.**

10. ACTION ITEMS

Comments received by 3:00 p.m. on the day of the meeting will be provided to the City Council and read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair

PROCEDURES FOR PUBLIC HEARINGS ON APPEALS (ITEM 10A): New information such as documents, exhibits, letters, photos, charts, diagrams, videos, etc., WILL NOT be considered by the City Council if presented at this meeting. All material must have been submitted to the City Clerk no less than 7 calendar days prior to this hearing

10A. Public Hearing to consider a timely-filed appeal of the Development Services Director's approval of a three-lot subdivision with grading for future residential pads and determination of natural grade. CASE NUMBER: APPEAL-003583-2020 and MULTI-003532-2019; APPLICANT: Randy K. Lang; APPELLANT: Anna Pelosi Boylan; LOCATION: 2223 El Camino Del Norte (APN 265-355-16). Contact Person: Associate Planner Dichoso

Deny the appeal, uphold the Development Services Director's approval decision and adopt the attached draft City Council Resolution No. 2020-24

2020-04-15 Item 10A Lang Appeal

10B. Receive oral report regarding the City's COVID-19 response and actions, discussion, provide direction to staff, and/or take action.

Receive oral report, discuss, provide direction to staff, and/or take action.

11. INFORMATIONAL ITEMS

12. COUNCIL MEMBER INITIATED AGENDA ITEM

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON APRIL 22, 2020

1445

Notice to the Public:

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1446

City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, APRIL 22, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

Pursuant to the State of California Executive Order N-29-20 and the amended County Health Orders, members of the public will only be allowed to participate in meetings electronically.

Meeting can be accessed as follows: • Channel 19 on Cox Communications • Channel 24 on Time Warner Cable • Channel 99 on AT&T U-Verse • City's live webcast: https://encinitasca.gov/Government/Agendas-Webcasts

Public Comments (including oral communications and agenda item related)

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Comments received after 3:00 p.m. on the day of the meeting will be provided to the City Council and made a part of the meeting record.

1. **CALL TO ORDER**

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

1447

4. SPECIAL PRESENTATIONS AND PROCLAMATIONS

4A. Cyclovia Encinitas Events Summary presented by Special Events and Projects Supervisor Buck

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)

Public comments regarding this agenda must be submitted via email to clerk@encinitasca.gov

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the April 1, 2020 Special-Closed Session Meeting and April 1, 2020 Special Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-04-22 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-04-22 Item 08B Warrants

8C. Engineering services contract for design of the Santa Fe Drive Corridor Bike and Pedestrian Improvements Projects (CS07B, CS19E, and CS20F). Contact Person: Senior Engineer Widelski

1) Authorize the City Manager or designee, in consultation with the City Attorney, to execute a contract in substantial form as attached, and any necessary amendments and time

extensions, with Tetra Tech Inc. in the amount of $907,963 plus 10 percent contingency ($90,796) for a total amount of $998,759 for the Santa Fe Drive Corridor Bike and Pedestrian Improvements Projects (CS07B CS19E, and CS20F); and 2) Adopt Resolution
1448 No. 2020-15, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" to create a single project for the Santa Fe Corridor.

2020-04-22 Item 08C Santa Fe Corridor Bike & Pedestrian Improvement Projects

An amendment to the existing Civic Solutions, Inc. contract agreement of $20,000 for additional Planner support for the remainder of Fiscal Year 2019-2020. Contact Person: Senior Management Analyst Noel

8D. Authorize the City Manager to amend the current contract agreement with Civic Solutions, Inc. in substantial form as attached, in consultation with the City Attorney, to include a total of $20,000 for general Planner support for a total not-to-exceed contract amount of $596,000.

2020-04-22 Item 08D Civic Solutions Contract Amendment #6

Continued public hearing from March 18, 2020 to consider and approve Resolution No. 2020-18 approving the Fiscal Year (FY) 2020-25 Consolidated Plan, 2020-21 Community Development Block Grant (CDBG) program budget, FY 2020-21 Annual Action Plan, and amendment to the Citizen and Community Participation Plan. Contact Person: Management Analyst Piano-Jones

8E. 1) Adopt Resolution No. 2020-18 (Attachment 1) approving the Fiscal Year (FY) 2020-25 Consolidated Plan, FY 2020-21 Community Development Block Grant (CDBG) Program Budget, FY 2020-21 Action Plan, and minor amendments to the Citizen and Community Participation Plan; 2) Authorize the City Manager to transmit the FY 2020-25 Consolidated Plan and FY 2020-21 Action Plan and execute required certifications to the U.S. Department of Housing and Urban Development (HUD); and, 3) Authorize the City Manager, or designee, to execute all funding agreements and documents consistent with the FY 2020-21 Action Plan.

2020-04-22 Item 08E CDBG 2020-25 Consolidated Plan

Authorization to award the City's phone system upgrade to an alternate vendor. Contact Person: IT Analyst York

8F. 1) Award the Cisco Voice Over Internet Protocol (VOIP) phone system upgrade to NMK Corporation, in accordance with their Statement of Work; 2) Authorize the procurement of Cisco hardware in an amount of $32,784, including a 10 percent contingency of $3,278 for a total of $36,062; and 3) Authorize the City Manager to enter into a Professional Services Agreement between the City of Encinitas and NMK Corporation, in conjunction with the

City Attorney in substantial form as contained in Attachment 1 in order to upgrade the VOIP phone system in the amount of $19,000, including a 10 percent contingency of $1,900, for a total of $20,900.

1449

2020-04-22 Item 08F Bid Award Phone Systems Upgrade

Construction contract and budget adjustments for the Olympus Park Project (CP14A). Contact Person: Principal Engineer Bankston

8G. 1) Authorize the City Manager or designee to execute a contract in substantial form as contained in Attachment 1 and any necessary amendments and time extensions, in consultation with the City Attorney, with CS Legacy Construction Inc. in the amount of $4,177,236 plus 12.5 percent contingency ($522,155) to construct the base bid for Olympus Park, for a total construction contract not-to-exceed amount of $4,699,391; 2) Authorize the City Manager or designee to execute Contract Amendment 1 in substantial form as contained in Attachment 2, in consultation with the City Attorney, with TRC Engineers, Inc. in the amount of $544,909 plus 10 percent contingency ($54,491) for construction support on the Olympus Park project for a total not-to-exceed amount of $599,400. The original TRC Engineers, Inc. contract is included as Attachment 3; and 3) Adopt City Council Resolution No. 2020-28, entitled "A Resolution of the City Council of the City of Encinitas Amending the Fiscal Year 2019-20 Budget" in Attachment 4 to allocate $1,977,621 to the Olympus Park project (CP14A).

2020-04-22 Item 08G Olympus Park Project

Resolution 2020-31 "Resolution by the City Council of the City of Encinitas Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency and Continuing the Proclamation of the Local Emergency for Storm and Flooding, April 2020." Contact Person: Risk/Safety Analyst Chapman

8H. Approve Resolution 2020-31, "Resolution by the City Council of the City of Encinitas Ratifying the Director of Emergency Services' Proclamation of the Existence of a Local Emergency and Continuing the Proclamation of the Local Emergency for Storm and Flooding, April 2020."

2020-04-22 Item 08H Declaration of Local Emergency for Storm and Flooding April 2020

Request to waive rental and attendant fees for the Silver Age Yoga Program at the Encinitas Library Community Room. Contact Person: Recreation Services Manager Karlen

8I. Approve waiving room rental and staffing fees for Silver Age Yoga to offer one-hour senior yoga classes at the Encinitas Library Community Room two (2) days a week for a period of one (1) additional year.

2020-04-22 Item 08I Silver Age Yoga Fee Waiver Request

1450 Cyclovia Encinitas City Special Event. Contact Person: Special Events and Projects Supervisor Buck

8J. Approve the second year of Cyclovia Encinitas, a major special event to be held on Sunday, January 10, 2021 on South Coast Highway 101, between D Street and J Street.

2020-04-22 Item 08J Cyclovia Encinitas City Special Event

Recreation Instructor Agreement for Independent Contract Services – Master Sports. Contact Person: Recreation Supervisor II Lainfiesta

8K. City Council authorizes the City Manager to execute a 36-month agreement with one 24-month renewal option between the City of Encinitas and Master Sports, in conjunction with the City Attorney, in substantial form as contained in Attachment 1, for a total contract not to exceed $308,953, to provide sports leagues, camps, and classes through the Parks, Recreation and Cultural Arts Department.

2020-04-22 Item 08K Recreation Instructor Agreement - Master Sports

Authorization to Conduct Proposition 218 Public Hearing on Solid Waste Rates. Contact Person: Management Analyst Stratakis

8L. Authorize staff to initiate the notification process and schedule a public hearing to consider adoption of the new solid waste and organics collection rates on June 24, 2020, in compliance with Proposition 218 requirements.

2020-04-22 Item 08L Authorization to Hold Hearing on Solid Waste Rates

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Right of Entry Agreement and Design Approval for Harbaugh Seaside Parkway. Contact Person: Parks and Recreation Director Campbell

10A. 1) Authorize the City Manager to execute an agreement for right of entry with the Cardiff-by-the-Sea Foundation, in substantial form as attached, in conjunction with the City Attorney; and 2) Approve conceptual design for Harbaugh Seaside Parkway.

2020-04-22 Item 10A Right of Entry Agreement and Design Approval for Harbaugh

Seaside Parkway

1451 **10B.** Public Hearing and Introduction of Ordinance 2020-05, An Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 11.27 – Expanded Polystyrene Disposable Food Service Ware, Plastic Utensil, and Beverage Straw Ordinance; Implementing Phase 3 of the City of Encinitas Plastics Initiative. Contact Person: Environmental Programs Manager Steenblock

1) Open the Public Hearing; and 2) Introduce Ordinance 2020-05, titled "An Ordinance of the City of Encinitas, California, amending Encinitas Municipal Code Chapter 11.27 – Expanded Polystyrene Disposable Food Service Ware, Plastic Utensil, and Beverage Straw Ordinance."

2020-04-22 Item 10B Phase 3 City of Encinitas Plastics Initiative - Ordinance Introduction

10C. Receive oral report regarding the City's COVID-19 response and actions including: 1. Status of compliance, closures, and business activity; 2. Discussion and action regarding the Temporary Emergency Hotel Voucher Program; and 3. Consideration of the approval of a Memorandum of Understanding between the City and the County of San Diego regarding homelessness.

1) Receive the oral report and discuss; 2) Provide direction to staff regarding the Temporary Emergency Hotel Voucher Program expiring on April 30, 2020; 3) Consider and approve a Memorandum of Understanding between the City and the County of San Diego related to homelessness; and 4) Provide direction to staff related to COVID-19.

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) / POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON MAY 6, 2020

Notice to the Public:

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To ensure that the City meets your needs when addressing the City Council, all presentation materials which require the use of visual equipment needs to be submitted to the City's IT Division no later than 5:30 p.m. on the day of the actual meeting. This includes photographs, Microsoft Office documents (PowerPoint, Word, Excel), audio and visual CDs, DVDs, and USB thumb/flash drives. All materials must be in PC format. Please label all materials with the agenda item number you are representing. We prefer that digital presentation items be emailed to helpdesk@cityofencinitas.org at least 24 hours in advance of the meeting. (except for appeal hearings where materials must be submitted 7 days in advance) . Should technical assistance be necessary, it will be available to presenters from 5:30 p.m. to 5:50 p.m. on the day of the meeting. Presentation of video/digital/photographs are considered part of the maximum time limit provided to speakers.

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City of Encinitas

Regular City Council Meeting - 6:00 p.m.

AGENDA

WEDNESDAY, MAY 6, 2020 - 06:00 PM p.m.

City of Encinitas - City Council Chambers
505 S. Vulcan Avenue
Encinitas, California 92024

Each speaker is allowed three (3) minutes to address the City Council.

Pursuant to the State of California Executive Orders and County Health Orders, members of the public will only be allowed to participate in meetings electronically.

Meeting can be accessed as follows: • Channel 19 on Cox Communications • Channel 24 on Time Warner Cable • Channel 99 on AT&T U-Verse • City's live webcast: https://encinitasca.gov/Government/Agendas-Webcasts

Public Comments

Public comments regarding this agenda must be submitted via email to clerk@encinitasca.gov

Comments regarding this agenda received by 3:00 p.m. on the day of the meeting will be read into the record at the meeting for up to three minutes or in accordance with the time period established by the Mayor/Chair.

Comments regarding this agenda received after 3:00 p.m. on the day of the meeting will be provided to the City Council and made a part of the meeting record.

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

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4. SPECIAL PRESENTATIONS AND PROCLAMATIONS - NONE

5. ORAL COMMUNICATIONS / POSSIBLE DIRECTION TO STAFF (30 MINUTES)

6. REPORT FROM CLOSED SESSION (IF HELD)

7. CHANGES TO THE AGENDA Announcements of administrative changes to the agenda, in compliance with the Brown Act. The title of ordinances listed on this agenda are deemed to have been read and further reading waived.

8. CONSENT CALENDAR The recommendations on the following Consent Calendar will be enacted in one motion unless an item is removed from the Calendar. *If a public hearing item is part of the consent calendar, the public hearing shall be deemed held if the item is not removed from the consent calendar for discussion and possible action.

8A. Approval of the Minutes of the April 15, 2020 Special-Closed Session Meeting, April 15, 2020 Regular Meeting, April 22, 2020 Special-Closed Session Meeting, April 22, 2020 Regular Meeting, and April 26, 2020 Special Meeting. Contact Person: City Clerk Hollywood

Approve the Minutes.

2020-05-06 Item 08A Minutes

8B. Approval of the Warrants List. Contact Person: Finance Analyst McShane

Approve the Warrants.

2020-05-06 Item 08B Warrants

8C. Extend use of temporary lights at Leo Mullen Sports Park for Encinitas Express. Contact Person: Recreation Services Manager Karlen

Authorize the City Manager to execute amendment number 5, extending the compliance agreement for one additional year between the City of Encinitas and Encinitas Express for use of temporary lights at Leo Mullen Sports Park.

2020-05-06 Item 08C Extend Use of Temporary Lights at Leo Mullen Sports Park for Encinitas Express

Memorandum of Understanding between the City of Encinitas and San Diego Workforce Partnership to provide mature workers job readiness workshops at the Encinitas Community and Senior Center. Contact Person: Senior Center Manager Goodsell

1455

8D. Approve and authorize the City Manager, in coordination with the City Attorney, to execute a Memorandum of Understanding (MOU) in substantial form as contained in Attachment 1 between the City of Encinitas and San Diego Workforce Partnership to provide mature workers job readiness workshops at the Encinitas Community and Senior Center.

2020-05-06 Item 08D MOU Between the City of Encinitas and San Diego Workforce Partnership

Authorize hardware upgrades and annual software maintenance for Granicus meeting management software. Contact Person: IT Operations Supervisor Contreras

8E. 1) Authorize the Granicus annual software maintenance renewal with Granicus, Inc. in an amount not to exceed $23,770 in FY 2020-21; and 2) Authorize the purchase of hardware from Granicus to upgrade the voting workstations and encoder in the amount of $10,380. The total contract for Granicus through FY 2020-21 will be a not-to-exceed amount of $108,912. The amount here should be through the end of the contract – FY 2021-22.

2020-05-06 Item 08E Authorize Granicus Upgrade

2019 Public Safety Power Shutoff Resiliency Allocation to Cities Grant in the amount of $129,000 for the Purchase of Two Emergency Generators. Contact Person: Chief Stein

8F. 1) Accept $129,000 in funds from the California Governor's Office of Emergency Services (Cal OES) Public Safety Power Shutoff (PSPS) Program awarded to the City of Encinitas for the purchase of two emergency generators at Fire Stations 1 and 3; and 2) Authorize the Fire Chief, or his designee, to sign and submit all the required California Governor's Office of Emergency Services (Cal OES) paperwork.

2020-05-06 Item 08F PSPS Grant Acceptance

Amendment 1 to contract with Hendrickson Appraisal Company Inc. for as-needed appraisal services. Contact Person: City Engineer Wimmer

8G. Authorize the City Manager or designee, in coordination with the City Attorney, to execute a contract amendment with Hendrickson Appraisal Company, Inc., in substantial form as included in Attachment 1, for as-needed appraisal services. The amendment adds $100,000 of contract authorization for a new contract not-to-exceed amount of $250,000.

2020-05-06 Item 08G Hendrickson Appraisal

Amendment 15 to the Agreement with Tyler Technologies, Inc. for the purchase of Planned Annual Continuing Education (PACE 10) Training. Contact Person: IT Applications Supervisor VanPelt

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8H. Approve Amendment 15, in substantial form as attached, in consultation with the City Attorney, and authorize the City Manager to enter into the amended agreement with Tyler Technologies, Inc. for annual PACE 10 training, beginning in FY 2019-20 in the amount of $12,625.

2020-05-06 Item 08H Tyler Amendment 15 PACE 10

Projects and Grants Update - Capital Improvement Program and Traffic Engineering Divisions. Contact Person: City Engineer Wimmer

8I.

Receive the report on the status of mobility projects and grants.

2020-05-06 Item 08I Projects and Grants Update

Temporary suspension of local permit restrictions on ABC licensed restaurants which prevent off-site sale of alcohol subject to conditions. Contact Person: Acting Director of Development Services Sapa'u

8J.

Approve Resolution No. 2020-33 titled "A Resolution of the City Council of the City of Encinitas Suspending the Restrictions on Off-site Sale and Delivery of Alcohol by ABC Licensed Restaurants."

2020-05-06 Item 08J Temporary Suspension of Local Permit Restrictions on ABC Licensed Restaurants

Introduction of Ordinance 2020-03, an ordinance of the City of Encinitas, amending Municipal Code Section 10.04.020 regarding Section 503.6 Security Gates. Contact Person: Acting Fire Marshal Schmidt

8K.

Introduce City Council Ordinance No. 2020-03 titled "An Ordinance of the City of Encinitas, California Amending Municipal Code Section 10.04.020 Regarding Section 503.6 Security Gates."

2020-05-06 Item 08K Introduction of Ordinance 2020-03 Revising Security Gates

Construction contract change order for the 1711 Eolus Avenue Storm Drain Project (CD05E). Contact Person: Senior Engineer Widelski

8L. 1457 1) Authorize the City Manager or designee, in consultation with the City Attorney, to execute Construction Change Order No. 1 in substantial form as contained in Attachment 1 and any necessary amendments and time extensions with Growth Development Marketing, Inc. (GDM, Inc.) in the amount of $69,678 to modify the installation technique for a portion of storm drain line on the 1711 Eolus Avenue Storm Drain Project. The current contract cost is $81,180. If approved, the new construction contract cost will be $150,858; and 2) Authorize an additional $10,452 in contingency to provide fifteen percent contingency on the new construction contract cost of $150,858. If approved, the total not-to-exceed amount authorized by City Council for the GDM Inc. contract including this change order would be $173,487.

2020-05-06 Item 08L Change Order Eolus Avenue Storm Drain Repair

Authorize grant applications for Active Transportation Grant Program Cycle 5. Contact Person: Principal Engineer Bankston

8M. Authorize the City Manager, or designee, to apply for, accept and administer funding from Active Transportation Program Cycle 5 for the following projects: "Birmingham Drive Streetscape" and "Leucadia Streetscape."

2020-05-06 Item 08M Authorization to Apply for ATP Grants

9. ITEMS REMOVED FROM THE CONSENT CALENDAR Staff reports will be given only if requested by the person who pulled the item.

10. ACTION ITEMS

Report on Red Light Photo Enforcement. Contact Person: City Traffic Engineer Bandegan

10A. 1) Receive report on Red Light Photo Enforcement (RLPE) operation and provide direction to staff; and 2) Should City Council authorize the continuance of the program, authorize the City Manager or designee, in coordination with the City Attorney, to prepare and execute an amendment to the contract with Redflex for terms as determined by the City Council for a not-to-exceed annual amount of $122,400.

2020-05-06 Item 10A Report on Red Light Photo Enforcement

11. INFORMATIONAL ITEMS - NONE

12. COUNCIL MEMBER INITIATED AGENDA ITEM - NONE

13. CITY COUNCIL MEMBER REPORTS PURSUANT TO AB1234 (GC 53232.3(d)) /

POSSIBLE DIRECTION TO STAFF

14. CITY MANAGER REPORTS

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15. CITY ATTORNEY REPORTS

16. ADJOURNMENT - THE NEXT REGULAR CITY COUNCIL MEETING WILL BE HELD ON MAY 20, 2020

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Appendix G Encinitas Municipal Code for Stormwater Management

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Chapter 20.08 STORMWATER MANAGEMENT

Note

* **Prior ordinance history**: Ord. No. 2008-07.

20.08.010 Title.

This chapter shall be known as the “City of Encinitas Stormwater Management and Discharge Control Ordinance.” (Ord. 2015-07)

20.08.020 Purpose and Intent.

The purpose of this chapter is to protect the health, safety and welfare of the public by regulating all discharges into the stormwater conveyance system and the Waters of the State in order to preserve and enhance water quality for beneficial uses by:

A. Prohibiting non-stormwater discharges to the stormwater conveyance system;

B. Eliminating pollutants in stormwater to the maximum extent practicable, including pollutants from both point and non-point sources;

C. Prohibiting activities which cause, or contribute to, exceedance of state and federal receiving water quality objectives;

D. Protecting watercourses from disturbance and pollution.

The intent of this chapter is to use the police power of the city to protect, enhance, and regulate water quality in a manner which complies with all applicable laws related to water quality, including the federal Clean Water Act, the state Porter-Cologne Water Quality Control Act, and the California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001 adopted on May 8, 2013, NPDES No. CAS0109266 and any subsequent amendments, revisions, or reissuance of the permit. (Ord. 2015-07)

20.08.030 Definitions.

For purposes of this chapter only, the terms below have the following meaning:

“Beneficial uses” means uses of water necessary for the survival or well-being of humans, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals. Beneficial uses of the Waters of the State that may be protected against include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing beneficial uses are uses that were attained in the surface or groundwater on or after November 28, 1975; and potential beneficial uses are uses that would probably develop in future years through the implementation of various control measures. Beneficial uses are equivalent to designated uses under federal law. [California Water Code Section 13050(f)].

“Best management practices” or “BMPs” means schedules of activities, pollution treatment practices or devices, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, operation and maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or the stormwater conveyance system. BMPs may be structural or non-structural. Best management practices include, but are not limited to, site design, source control, treatment control, natural design methods, low flow diversions to the sewer, and structures such as infiltration basins, clarifiers, oil and grease separators, and filters. BMPs may include any type of pollution prevention and pollution control measure that can help to achieve compliance with this chapter.

"BMP maintenance" refers to the regular action taken to maintain the as-designed performance and functionality of a permanent or temporary BMP, and includes, but is not limited to, repairs to the BMP as necessary, and replacement of the BMP by an equally effective or more effective BMP at the end of its useful life.

"City" means the City of Encinitas.

1461 "Clean Water Act Section 303(d) Impaired Water Body" or "impaired water body" means an impaired water body in which water quality does not meet applicable water quality standards and/or is not expected to meet water quality standards, even after the application of technology based pollution controls required by the Clean Water Act. The discharge of urban runoff to these water bodies is significant because these discharges can cause or contribute to violations of applicable water quality standards.

"Discharge" when used as a verb, means to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the stormwater conveyance system or receiving waters, from an activity or operations. When used as a noun, "discharge" means the pollutants, stormwater and/or non-stormwater that is discharged.

"Discharger" means any person engaged in activities or operations, or owning facilities, which may result in pollutants entering stormwater, the stormwater conveyance system or receiving waters. "Dischargers" include, but are not limited to, real and personal property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

"Enforcement staff" means any City employee or authorized contractor hired by the City who is assigned to duties involving permits and other City approvals, inspections, or enforcement related to this chapter.

"Environmentally Sensitive Areas (ESAs)" include, but are not limited to, all Clean Water Act Section 303(d) impaired water bodies; areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); water bodies designated with the RARE beneficial use by the State Water Resources Control Board (Water Quality Control Plan for the San Diego Basin (1994) and amendments); areas designated as preserves or their equivalent under the Multi-Species Conservation Program within the cities and County of San Diego; and any other similar environmentally sensitive areas which have been identified by the City. "Directly adjacent" means situated within 200 feet of the Environmentally Sensitive Area. "Discharging directly to" means outflow from a drainage conveyance system that is composed entirely of flows from the subject development or redevelopment site, and not commingled with flows from adjacent lands.

"Groundwater" means subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated. Water table is the depth or elevation at which soil pore spaces or fractures and voids become completely saturated with water.

"Illegal connection" means a physical connection to the stormwater conveyance system or receiving waters, which has not been reviewed and authorized by the City; or a permitted connection, which conveys illegal discharges.

"Illegal discharge" is any discharge to the stormwater conveyance system that is not composed entirely of stormwater or is not discharged in compliance with this chapter. This includes, but is not limited to, discharges of non-stormwater that are not exempt as defined by this chapter, discharges of irrigation runoff to the MS4, any discharge from an illegal connection, and any discharge that contains additional pollutants due to the absence of a required BMP or the failure of a BMP. Discharges that require a City permit or a RWQCB permit that has not been issued or has not been acknowledged by the discharger to be applicable are illegal discharges. Discharges regulated under an applicable NPDES permit are illegal discharges for purposes of this chapter unless compliance with all applicable permit conditions is maintained.

"Impervious surface" means constructed or modified surfaces that cannot effectively infiltrate rainfall such as building rooftops, pavement, sidewalks, driveways, etc.

"Impervious surface area" means the ground area covered or sheltered by an impervious surface, measured in plan view, i.e., as if from directly above. For example, the "impervious surface area" for a pitched roof is equal to the ground area it shelters, rather than the surface area of the roof itself.

"Maximum extent practicable" or "MEP" refers to the standard established by Congress in Clean Water Act Section 402(p)(3)(B)(iii) that municipal dischargers of stormwater must meet; MEP is an acceptability standard for best management practices based on a level of pollutant reduction that can be achieved by the most effective set of BMPs

that can be implemented and still remain practicable; MEP generally emphasizes pollution prevention and source control BMPs as the first line of defense in combination with treatment methods as a backup.

"Municipal separate storm sewer system (MS4)" (see also, "stormwater conveyance system") means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (1) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (2) designated or used for collecting or conveying stormwater; (3) which is not a combined sewer; (4) which is not part of the publicly owned treatment works (POTW) as defined at 40 CFR 122.26.

"MS4 permit" refers to RWQCB Order No. R9-2013-0001, and any subsequent amendments, revisions, or reissuance of the permit.

"Non-point source" refers to diffuse, widespread sources of pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non-point sources include, but are not limited to, urban, agricultural, or industrial areas, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. Non-point source pollution can occur year round any time rainfall, snow melt, irrigation, or any other source of water runs over land or through the ground, picks up pollutants from these numerous, diffuse sources and deposits them into rivers, lakes, and coastal waters or introduces them into groundwater.

"Non-stormwater discharge" is any discharge to the stormwater conveyance system or receiving waters that is not composed entirely of stormwater.

"NPDES permit" means a National Pollutant Discharge Elimination System permit issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board ("SWRCB"), or the California Regional Water Quality Control Board for the San Diego Region ("RWQCB").

"Permanent BMP" means a structural, source control, or treatment control best management practice designed to detain, retain, filter, remove and/or prevent the release of pollutants to surface waters from development projects and required to remain in perpetuity, after construction of a project is completed.

"Person" means an individual, corporation, partnership, limited liability company, joint venture, non-profit organization, trust, association, or governmental agency.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which pollutants are or may be discharged.

"Pollutant" is broadly defined as any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated.

"Pollution" is the alteration of the quality of the receiving waters to a degree that unreasonably affects the beneficial use of the receiving waters or the facilities that serve the beneficial uses. "Pollution" also includes contamination which creates a hazard to the public health through poisoning or the spread of disease.

"Receiving waters" means all waters that are "Waters of the State" within the scope of the State Water Code, including, but not limited to, natural streams, creeks, rivers, reservoirs, lakes, ponds, water in vernal pools, lagoons, estuaries, bays, the Pacific Ocean, and groundwater.

"RWQCB" means the California Regional Water Quality Control Board for the San Diego Region.

"Stormwater" means runoff which originates from precipitation events. "Stormwater" is that portion of precipitation that flows across a surface to the storm drain system or receiving waters. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). During precipitation events in urban areas, rain water picks up and transports pollutants through stormwater conveyance systems, and ultimately to receiving waters.

"Stormwater conveyance system" (see also, "MS4") means private and public drainage facilities within the City of Encinitas by which stormwater may be conveyed to waters of the United States, including, but not limited to, streets, roads, catch basins, natural and artificial channels, natural and artificial drainage features, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, and storm drains. Historic and current development makes use of natural drainage patterns and features as conveyances for urban runoff. Urban streams used in this manner are part of the stormwater conveyance system regardless of whether they are natural, man-made, or partially modified features. In these cases, the urban stream is both a stormwater conveyance system and a receiving water.

"Structural BMP" means a BMP that relies on either a physical condition (other than an entirely natural and undisturbed condition), or on a constructed or installed device to reduce or prevent pollutants in stormwater discharges and exempt non-stormwater discharges. Constructed or enhanced BMPs that depend on natural materials and processes (e.g., constructed drainage swales or buffers, or constructed wetlands), that require periodic maintenance to function as designed, are structural BMPs.

"SWRCB" means the State Water Resources Control Board.

"Treatment control best management practice (TCBMP)" is a permanent BMP designed to remove pollutants by gravity settling, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

"Waters of the State" means any water, surface or underground, including saline waters within the boundaries of California. The definition of the "Waters of the State" is broader than that for the "Waters of the United States" in that all water in the state is considered to be a "Waters of the State" regardless of circumstances or condition. Under this definition, a municipal storm sewer system (MS4) is always considered to be a "Waters of the State" (California Water Code Section 13050(e)).

"Waters of the United States" means water subject to the regulatory jurisdiction of the United States under the Federal Clean Water Act and applicable case law. In general, this includes "navigable" waters, waters tributary to "navigable" waters, and adjacent wetlands. (40 Code of Federal Regulations Section 122.2). (Ord. 2015-07)

20.08.040 Discharge Prohibitions.

A. Discharge of Stormwater. No person shall discharge stormwater directly or indirectly into the stormwater conveyance system or receiving waters, unless discharged in compliance with this chapter.

B. Discharge of Non-Stormwater Prohibited. No person shall discharge non-stormwater directly or indirectly into the stormwater conveyance system or receiving waters, except as provided below in Section 20.08.050.

C. Liability for Illegal Discharge. Liability for any illegal discharge shall be the responsibility of the person(s) causing, contributing, or responsible for the illegal discharge, and such person(s) shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action relating to such discharges.

D. Prevention of Illegal Discharges. Throwing, depositing, leaving, abandoning, maintaining or keeping materials or wastes on public or private lands in a manner and place that results in or contributes to a violation of the MS4 permit is unlawful.

E. Violations of the MS4 permit. It is unlawful for any person to cause, or threaten to cause, either individually or jointly any discharge into or from the MS4 that results in or contributes to a violation of the MS4 permit. (Ord. 2015-07)

20.08.050 Exemptions to Discharge Prohibitions.

A. Permitted Discharges. Any discharge to the MS4 that is regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Division 7 of the California Water Code is allowed, provided that the discharger is in compliance with all requirements of the NPDES permit and other applicable laws and regulations.

B. Groundwater Discharges Typically Requiring Permits. Non-stormwater discharges to the MS4 from the following categories are allowed if: (i) the discharger obtains coverage under NPDES Permit No. CAG919002 (RWQCB Order No. R9-2008-0002, or subsequent order) for discharges to surface waters other than San Diego Bay, and the discharger is in compliance with all requirements of the applicable NPDES permit and all other applicable laws and regulations; or (ii) the RWQCB determines in writing that coverage under NPDES Permit No. CAG919002

(or subsequent permit) is not required. Otherwise, non-stormwater discharges from the following categories are illegal discharges:

1. Discharges from uncontaminated pumped groundwater;

2. Discharges from foundation drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year;

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3. Discharges from water from crawl space pumps;

4. Discharges from water from footing drains when the system is designed to be located at or below the groundwater table to actively or passively extract groundwater during any part of the year.

C. Discharges from Water Lines. Non-stormwater discharges to the MS4 from water line flushing and water main breaks are allowed if the discharges have coverage under NPDES Permit No. CAG679001 (Regional Water Quality Control Board Order No. R9-2010-0003, or subsequent order), and the discharger is in compliance with all requirements of that NPDES permit and other applicable laws and regulations. This category includes water line flushing and water main break discharges from water purveyors issued a water supply permit by the California Department of Public Health or federal military installations. Discharges from recycled or reclaimed water lines to the MS4 are allowed if the discharges have coverage under an NPDES permit, and the discharger is in compliance with the applicable NPDES permit and other applicable laws and regulations. Otherwise, discharges from water lines are illegal discharges.

D. Allowable Discharges. Non-stormwater discharges to the MS4 from the following categories are allowed, unless the authorized enforcement staff or the Regional Water Quality Control Board identifies the discharge as a source of pollutants to receiving waters, in which case the discharge is considered an illegal discharge:

1. Discharges from diverted stream flows;

2. Discharges from rising groundwater;

3. Discharges from uncontaminated groundwater infiltration to the MS4;

4. Discharges from springs;

5. Discharges from flows from riparian habitats and wetlands;

6. Discharges from potable water sources, except as set forth in Encinitas Municipal Code Section 20.08.050 and except that irrigation runoff discharges are considered illegal discharges and are not allowed;

7. Discharges from foundation drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to produce non-stormwater discharges under unusual circumstances; and

8. Discharges from footing drains when the system is designed to be located above the groundwater table at all times of the year, and the system is only expected to produce non-stormwater discharges under unusual circumstances.

E. Conditionally Allowed Discharges. Non-stormwater discharges from the following categories are allowed if they are addressed as follows. Otherwise, non-stormwater discharges from the following categories are illegal discharges:

1. Air Conditioning Condensation. Air conditioning condensation shall be directed to landscaped areas or other pervious surfaces, or to the sanitary sewer, where feasible, as determined by the authorized enforcement staff.

2. Individual Residential Vehicle Washing. Wash water from individual residential vehicle washing should be directed to landscaped areas or other pervious surfaces, where feasible as determined by the authorized enforcement staff. Minimizing water use, detergent, and other vehicle wash products, and other BMPs to prevent the discharge of pollutants to the MS4 are encouraged. Non-commercial car washes, such as fundraisers and other similar activities, are not considered individual residential vehicle washing, and are therefor considered illegal discharges.

3. Water From Swimming Pools.

a. Chlorinated Swimming Pool Water. Chlorine, algaecide, filter backwash, and other pollutants shall be eliminated prior to discharging swimming pool water to the MS4.

b. Saline Swimming Pool Water. Saline swimming pool water must be directed to the sanitary sewer, landscaped areas, or other pervious surfaces that can accommodate the volume of water, unless the saline swimming pool water can be discharged through a pipe or concrete channel directly to a naturally saline water body.

F. Firefighting Activities. Non-stormwater discharges to the MS4 from firefighting activities are allowed if they are addressed as follows:

1. Non-Emergency Firefighting Discharges. Non-emergency firefighting discharges, including building fire suppression system maintenance discharges (e.g. sprinkler line flushing), controlled or practice blazes, training, and maintenance activities shall be addressed by BMPs to prevent the discharge of pollutants to the MS4.

2. Emergency Firefighting Discharges. BMPs are encouraged to prevent pollutants from entering the MS4. During emergencies, priority of efforts should be directed toward life, property, and the environment (in descending order). BMPs shall not interfere with emergency response operations or impact public health and safety.

G. Conditionally Allowed Discharges Not Absolute. Any conditionally allowed discharge described above which the enforcement staff determines is a significant source of pollutants to receiving waters shall be prohibited unless the discharger complies with additional BMPs imposed by the enforcement staff to reduce pollutants in the discharge to the maximum extent practicable and the BMPs are effective. Such prohibitions shall take effect after written notice to the discharger by the enforcement staff containing a schedule for compliance based on the necessity to protect public health and safety or the environment. (Ord. 2015-07)

20.08.060 Notification and Mitigation of Illegal Discharges.

A discharger shall immediately notify enforcement staff of an illegal discharge and take immediate action to control and contain the illegal discharge. The discharger shall also mitigate any damage caused by the illegal discharge.

The enforcement staff may order the discharger to prepare and implement an approved mitigation plan with a time schedule for completion. (Ord. 2015-07)

20.08.070 Illegal Connections.

No person shall establish, use, or maintain an illegal connection to the stormwater conveyance system or the receiving waters. (Ord. 2015-07)

20.08.080 Littering and Sweeping.

No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, pet waste, rubbish, garbage, or other discarded or abandoned objects, in or upon any street, alley, parking lot, sidewalk, curb, gutter, storm drain, catch basin, conduit, or other drainage structure or lot except in receptacles maintained for the regular disposal of garbage. Impervious surfaces which drain directly or indirectly into the stormwater conveyance system shall be kept free of dirt and debris by regular sweeping. The sweepings shall be placed in garbage receptacles and shall not be allowed to enter the stormwater conveyance system. (Ord. 2015-07)

20.08.090 Compliance with Best Management Practices (BMPs).

No discharger shall fail to implement, install, use, or maintain best management practices pursuant to the Stormwater Standards Manual and to this chapter. (Ord. 2015-07)

20.08.100 Conclusive Determination of Maximum Extent Practicable.

The best management practices established pursuant to the Stormwater Standards Manual and to this chapter shall reduce pollutants from the use or activity to the maximum extent practicable. For purposes of enforcement of this chapter, the enforcement staff's determination of the maximum extent practicable shall be conclusive. (Ord. 2015-07)

20.08.110 Best Management Practices (BMP) Requirements for All Dischargers.

Best Management Practices. Any person engaged in activities which may result in discharges to the stormwater conveyance system shall, to the maximum extent practicable, undertake all measures to reduce the risk of non-stormwater discharges and pollutant discharges. The following requirements shall apply:

A. Every person undertaking any activity or use of a premises that may cause or contribute to stormwater pollution or contamination, illicit discharges, or non-stormwater discharges to the MS4 shall comply with BMP guidelines or pollution control requirements, as may be established by the authorized staff. BMPs shall be maintained routinely throughout the life of the activity. Such BMPs include the minimum BMPs set forth in the Stormwater Standards Manual.

B. Authorized enforcement staff may require any business or operation that is engaged in activities which may result in pollutant discharges to the MS4 to develop and implement a stormwater pollution prevention plan, which must include an employee training program and the applicable minimum BMPs from the Stormwater Standards Manual.

C. Each discharger that is subject to any NPDES permit shall comply with all requirements of all such permits. The discharger must also make reports submitted to the RWQCB or other permitting agency, including monitoring data, available to the City upon request.

D. Parties undertaking land disturbance activities shall comply with all applicable requirements of this chapter, the Stormwater Standards Manual, Engineering Design Manual and Encinitas Municipal Code Chapter 23.24 (Grading and Erosion Control). (Ord. 2015-07)

20.08.120 BMP Requirements for Land Disturbance Activity.

A. Permit Issuance. No landowner or development project proponent shall receive any City grading, clearing, building or other land development permit required for land disturbance activity without first meeting the requirements of this chapter and the Stormwater Standards Manual with respect to the portion of the development project and the land disturbance activity to which the permit at issue would apply.

B. Owners and Operators both Responsible and Liable. Persons or entities performing land disturbance activities (including, but not limited to, construction activities) in the City, and the owners of land on which land disturbance activities are performed, are dischargers for purposes of this chapter; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. Plan Submittals. All applications to the City for a permit or approval associated with a land disturbance activity must demonstrate how the proposed activity will comply with all applicable requirements in a format specified by the City. The submitted materials shall specify the manner in which the discharger/applicant will implement the BMPs required by this chapter and the Engineering Design Manual for the activity at issue. (Ord. 2015-07)

20.08.130 Requirements for Development and Redevelopment Projects.

A. Application to Development and Redevelopment Projects. No landowner or development project proponent in the City shall receive any City grading, clearing, building or other land development permit required for land development activity or redevelopment activity unless the project meets or will meet the requirements of this chapter and the applicable requirements defined in the Engineering Design Manual.

B. Owners and Developers Responsible and Liable. Developers, development project proponents, and landowners for land on which development activities are performed, are dischargers for purposes of this chapter; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.

C. Permanent Best Management Practices Required. Land development and redevelopment activities with the potential to add pollutants to stormwater or to affect the flow rate or velocity of stormwater runoff after construction is completed, shall be designed to include and shall implement BMPs to ensure that pollutants and runoff from the development will be reduced to the MEP, will not significantly degrade receiving water quality, and will not cause or

contribute to an exceedance of water quality standards in accordance with the requirements defined in the Engineering Design Manual. (Ord. 2015-07)

20.08.140 Maintenance of BMPs.

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A. Existing Development. Dischargers shall maintain the designed functionality of the BMPs they rely upon to achieve and maintain compliance with this chapter.

B. Permanent BMPs. The owners and occupants of lands on which permanent BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of those BMPs pursuant to this chapter, and shall themselves maintain those BMPs if other persons or entities who are also obliged to maintain those BMPs (by contract or covenant, or pursuant to this chapter) fail to do so.

C. Maintenance Obligations Assumed by Covenant or Other Agreement. Primary responsibility to maintain a BMP may be transferred through a covenant or other agreement. If that covenant provides that it will be submitted to the City pursuant to this chapter as part of a development permit application, and if that covenant is so submitted, the person or entity accepting a maintenance obligation in such a covenant or agreement will also be legally obliged to maintain that BMP pursuant to this chapter.

D. Obligation to Maintain BMPs not Avoided by Covenants or Other Agreements. For purposes of City enforcement, no covenant or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

E. Disclosure of Maintenance Obligations. Any developer who transfers ownership of land on which a BMP is located or will be located, or who otherwise transfers ownership of a BMP or responsibility for the maintenance of a BMP to another person or entity, shall provide clear written notice of the maintenance obligations associated with that BMP to the new or additional responsible party prior to that transfer.

F. Maintenance Plans for Land Development Activities. The proponents of any land development activity or redevelopment activity that requires installation of permanent BMPs shall provide to the City for review and approval prior to issuance of permits for the project, a plan for maintenance of all permanent BMPs associated with the project in accordance with the Engineering Design Manual. The plan shall specify the persons or entities responsible for maintenance activity, the persons or entities responsible for funding, schedules and procedures for inspection and maintenance of the BMPs, worker training requirements, and any other activities necessary to ensure BMP maintenance. The plan shall provide for servicing of all permanent BMPs, at least annually, and for the retention of inspection and maintenance records for at least three years.

G. Access for Maintenance. Permanent BMPs shall be provided adequate access for long-term inspection and maintenance purposes.

H. Assurance of Maintenance for Land Development Projects. The proponents of any land development activity or redevelopment activity that requires a City permit shall provide to the City, prior to issuance of permits for the project, proof of a mechanism acceptable to the City which will ensure ongoing long-term maintenance of all permanent BMPs associated with the proposed project. The proponents shall be responsible for maintenance of BMPs unless, and until, an alternative mechanism for ensuring maintenance is accepted by the City and becomes effective.

I. Permanent BMP Inspection and Maintenance Verification. The owners and occupants of lands on which permanent BMPs have been installed to meet the requirements of this chapter shall maintain records of routine inspection and maintenance of permanent BMPs. Records shall be submitted to the City upon request. (Ord. 2015-07)

20.08.150 Discharger Sampling, Testing, Monitoring, and Reporting.

A. The enforcement staff may require dischargers to perform sampling, testing, monitoring and reporting of results as a best management practice. In addition, the enforcement staff may order a discharger to conduct testing or monitoring and to report the results to the City in any of the following scenarios:

1. The enforcement staff determines that testing or monitoring is needed to determine whether BMPs are effectively preventing or reducing pollutants in stormwater to the maximum extent practicable, or to determine

whether the facility is a significant source of contaminants to Waters of the State; or

2. The enforcement staff determines that testing or monitoring is needed to assess the impacts of an illegal discharge on health, safety or the environment; or

3. An illegal discharge has not been eliminated after written notice by the enforcement staff; or

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4. The discharger is in violation of any provision of this chapter, or the Regional Water Quality Control Board requires the City to provide information on the discharger's activities.

B. Testing and monitoring ordered pursuant to this section may include the following:

1. Visual monitoring of dry weather flows, wet weather erosion, or BMPs;

2. Visual monitoring of premises for spills or discharges;

3. Laboratory analyses of stormwater or non-stormwater discharges for pollutants;

4. Background or baseline monitoring or analysis; and

5. Monitoring of receiving waters or sediments that may be affected by pollutant discharges by the discharger.

C. The enforcement staff may direct the time and manner in which the results of required testing and monitoring are reported, and shall determine when required sampling, testing or monitoring may be discontinued. The sampling, testing, monitoring and reporting shall be at the expense of the discharger. (Ord. 2015-07)

20.08.160 City Authority to Sample, Inspect and Monitor.

A. Regulatory Inspections. The enforcement staff or designee may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for an inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illegal discharges or illegal connections exist, whether the BMPs installed and implemented are adequate to comply with this chapter, whether those BMPs are being properly maintained, and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections, and records review. Where samples are collected the discharger may request and receive split samples. Records, reports, analyses, or other required information may be inspected and copied, and photographs taken for purposes of enforcement of this chapter.

C. Installation of Sampling Devices. As part of the inspection, the enforcement staff may authorize the installation of sampling or metering devices. (Ord. 2015-07)

20.08.170 Establishment of a Fee.

The City Council may establish a fee by resolution to recover the cost of inspection, sampling, metering, or monitoring by the enforcement staff. (Ord. 2015-07)

20.08.180 Violation of a State NPDES Permit.

A violation of an NPDES stormwater permit other than the MS4 permit that results in or threatens to result in a discharge of pollutants to the stormwater conveyance system shall also be considered a violation of this chapter and may be enforced as such. (Ord. 2015-07)

20.08.190 Permits and Approvals.

Compliance with this chapter shall be a condition of every permit or approval granted or issued by the City. Failure to comply with this chapter shall be grounds for revocation of any such permit or approval. (Ord. 2015-07)

20.08.200 Violation is a Nuisance.

The City Council hereby declares that any violation of this chapter is a threat to public health, safety, and welfare and is deemed a public nuisance. (Ord. 2015-07)

20.08.210 Enforcement of this Chapter.

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A. Misdemeanor Violation. Notwithstanding any other provision of this Code, a violation of this chapter is a misdemeanor punishable by a fine of not more than $1,000.00 or imprisonment in the County Jail for a period of not more than six months or both fine and imprisonment. Any such violation may be charged as an infraction at the discretion of the City Attorney. Any person convicted of an infraction under the provisions of this chapter shall be punishable by a fine not to exceed $500.00 for a first or second offense in one year, and not to exceed $1,000.00 for a third violation in one year.

B. Orders of the Public Works Director. The Public Works Director is authorized to issue cease and desist orders or stop work orders to any person who is in violation of this chapter. Failure to comply with a written order of the Public Works Director shall be a violation of this chapter and shall be grounds for the imposition of the civil penalties described in this section.

C. Civil Penalties. Any person who violates a provision of this chapter may be assessed a civil penalty not to exceed $1,000.00 for each violation, for each day the violation is committed, continued, permitted or maintained. The civil penalties may be imposed by the enforcement staff after written notice and a hearing before the City Manager or his/her designee at which the person may present evidence and cross examine the witnesses in support of the charges. Civil penalties may also be assessed by the court in a civil action filed by the City to enforce the provisions of this chapter.

D. Abatement. Any violation of this chapter may be abated as a public nuisance and costs of abatement may be recovered by the City as allowed by law.

E. Administrative Fines. Any violation of this chapter is subject to administrative fines as provided by this Code.

F. Judicial Action. This chapter is enforceable by any judicial action allowed by law, including, but not limited to, injunctive relief.

G. Liens. Costs of enforcement of this chapter, including, but not limited to, costs of investigation, sampling and monitoring costs, and unpaid administrative fines and civil penalties, shall constitute a lien against the real property on which the violation occurs and on the real property of any person who violates this chapter until such lien is satisfied. The lien may be recorded and executed in the same manner as a judgment lien. Prior to the recordation of the lien, the property owner shall be given written notice of the lien and an opportunity to contest the validity of the lien and the amount at a hearing held by the City Manager or his/her designee.

H. Remedies Not Exclusive. Remedies under this chapter shall be in addition to each other, and in addition to any other legally available remedy, and do not limit or supersede any other enforcement action, civil, criminal or administrative. (Ord. 2015-07)

20.08.220 Severability.

If any section, subsection, or part of this chapter is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue to be valid and enforceable so as to effectuate the purpose and intent of this chapter. (Ord. 2015-07)

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