ITEM NO. 8

CITY OF OCEANSIDE

California

MINUTES OF THE:

OCEANSIDE CITY COUNCIL

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

DECEMBER 5, 2006

REGULAR MEETING 10:00 AM COUNCIL CHAMBERS

Mayor
Jim Wood

Deputy Mayor

Councilmembers
Jack Feller
Rocky Chavez
Esther Sanchez

City Clerk
Barbara Riegel Wayne

City Treasurer
Rosemary Jones

The regular meeting of the Oceanside City Council was called to order by Mayor Wood at 10:00 AM, December 5, 2006 for the swearing-in of newly elected officials [Councilmember Rocky Chavez and Councilmember Jerry Kern.] The Invocation was given by Father Michael Diaz, St. Mary's Star of the Sea. The Presentation of Colors was presented by the Oceanside High School Marine Corps Junior ROTC, led by Colonel Mike Sullivan, U.S.M.C. Retired. The Pledge of Allegiance was led by Mary Chavez, wife of Councilmember Elect Chavez, and Blake Kern, wife of Councilmember Elect Kern.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Mackin and Councilmembers Feller and Chavez. Councilmember Sanchez was absent [in court]. Also present were City Clerk Barbara Riegel Wayne, City Treasurer Rosemary Jones, Interim City Manager Barry Martin and City Attorney John Mullen.

1. **Performance by "Oceanside Sound Waves," Oceanside High School Choir, Conducted by Rich Langen, Choir Director**

The Oceanside Sound Waves performed the National Anthem and various holiday songs.

2. **Adoption of a resolution certifying the results of the City's General Municipal Election held on Tuesday, November 7, 2006**

BARBARA RIEGEL WAYNE, City Clerk, stated Council is to take the final action to conclude the City's consolidated General Municipal Election that was held on Tuesday, November 7, 2006. At its meeting on June 28, Council called this election in order for the voters to elect 2 Members of the City Council to serve 4-year terms. Today's report certifies that the November 7 election was held in proper form and manner, and all of the California codes pertaining to municipal elections were followed. This is thanks to the City Clerk Department staff who tended to all the details involved in the entire election process. The official ballot contained 7 candidates for the 2 positions on the City Council. She thanked all 7 candidates for their interest in running for office and their interest in the City. She thanked them and their candidate controlled committees for efforts that they may have made in abiding by the Code of Fair Campaign Practices. However, she expressed displeasure with the campaign tactics that had been used by separate special interest political action committees. All of the candidates did sign the Code of Fair Campaign Practices.

She thanked KOCT-TV Executive Director Tom Reeser and his staff for their election

coverage. With the collaboration of KOCT, the City Clerk Department and Information Technologies Division, election night coverage was provided through Election Central in the Council Chambers, on KOCT and on the City's website. She thanked the City's Information Technologies Division led by Michael Sherwood and his staff who spearheaded the computer work for election night and the City's website. They provided up-to-the-minute ballot counting information as received from the Registrar of Voters office. She noted that the process was very slow this time. It was not until 5:50 AM on November 8 that they received the final report that all precincts had been counted. There is just so much processing and demand on the election system that it ended up taking a long time for the final canvass and count. She thanked the poll workers and those who opened their homes and businesses for the polling places. It takes a tremendous amount of people and their power to process an election.

The Council's action today is to certify and declare the election results by adopting the resolution with the certification that will be attached later. They just received at 9:30 AM the certified results from the Registrar of Voters office, since this was a consolidated election. Their certified results show that there are currently 71,720 registered voters in Oceanside, and that 42,344 ballots were cast. That means there was a 59% voter turnout, with 34% voting at the polls and 25% voting absentee. The results show the names of the persons for, the number of votes cast at each precinct and the total number of votes cast for each candidate. Those certified results show that the candidates receiving the highest number of votes and the 2 that are hereby elected to serve a term until December 2010 are:

- Rocky Chavez with 15,180 votes
- Jerome "Jerry" Kern with 13,549 votes.

To complete the election process, Council now needs to adopt the resolution declaring the results of the November 7, 2006 General Municipal Election as stated.

DEPUTY MAYOR MACKIN moved approval [of **Resolution No. 06-R0671-1**, " . . . reciting the fact of the General (Consolidated) Municipal Election held on Tuesday, November 7, 2006, declaring the results thereof and such other matters as provided by law."]

COUNCILMEMBER FELLER seconded the motion, which was **approved 4-0**, with Councilmember Sanchez absent.

MAYOR WOOD thanked staff and volunteers for their efforts, as well as Alex Kapitanski for the flag display.

3. **Remarks by outgoing official**

MAYOR WOOD, along with City Manager Martin, presented Deputy Mayor Mackin with a plaque for her dedication to service to citizens. He thanked her for her efforts.

DEPUTY MAYOR MACKIN stated that the votes were in, and the election was certified. She expressed her gratitude to the residents of Oceanside for the work they do to make Oceanside a better place for all. Without the residents, she would not have been elected to the City Council in 2005 or had the strong showing she had in the recent election. Without them, the Council would not have made the great progress they made in the last 18 months. She and her family thank them for their past and continued support and the love and dedication they have to the City. She looked forward to seeing everyone at stores, schools and local benefits. She would keep working on issues that keep Oceanside, Oceanside. She provided her email address for those wishing to contact her.

At this time, Deputy Mayor Mackin presented her Council Aide, Jan Des Rosiers, with a bouquet of flowers in recognition of her hard work. The City owes her a debt of gratitude for her hard work.

CITY CLERK WAYNE stated that a whirlwind blew into City Hall when Shari Mackin came on board. She had a tremendous amount of energy, effort and ideas. She did

a tremendous amount of work for the City. For her work and efforts, she was presented with a bouquet of flowers.

4. **Swearing-in of newly elected officials: Councilmembers Rocky Chavez and Jerome Kern**

CITY CLERK WAYNE presented a brief biography of each of the newly elected officials, along with a review of their campaign promises to the City.

CITY CLERK WAYNE highlighted facts about Councilmember Elect Jerry Kern, stating he is a native Californian and has lived in Oceanside since 1975. He is the husband of Blake and the father of 2 adult children, Justin who is a teacher with the Oceanside Unified School District and Kasia who lives and works in the Bay area. Jerry is actively involved in Oceanside, serving on City commissions and committees, the Chamber of Commerce Board and committees, co-founding and teaching at Pacific View Charter School, which is the first charter school to be approved in Oceanside. He has also coached Little League teams. He earned his Bachelor of Science Degree in Business Administration from San Diego State University and received his Social Science and Business teaching credential from Chapman University. He also served in the U.S. Air Force.

Through his candidate statements, brochures and website, he indicated he would work hard on the City's traffic problems, public safety, parks and recreation, the airport, senior issues and Council issues. He promised that he would listen to all of the citizens, keep an open mind and base any decisions on what is best for the Oceanside. He also stated he would work hard to implement good ideas. He ran on the slogan "Shaping a better Oceanside together." He is now embarking on a huge responsibility. As a Councilmember, he will be expected and required to make the absolutely best decisions possible for all of Oceanside. He will be a leader of a multi-million dollar city government with over 900 hard working employees and 42 square miles of citizens, businesses, and constituents. City Clerk Wayne asked him to treat the City and its citizens with great care. He must remember that, as an elected official, he is a servant to the people and the City. As all elected officials should do, they should keep their egos and biases out of the business of the City so that the best decisions for the whole of the City are always the top issue.

At this time, Councilmember Jerry Kern received the official Oath of Office by the City Clerk and was presented with his Certificate of Election.

City Clerk Wayne next highlighted facts about Councilmember Elect Rocky Chavez, stating this is his second term of office. He is a California native born in Los Angeles. He is husband of Mary and the father of 3 adult children: Temujin, a Lieutenant in the U.S. Navy and a medical doctor currently at Portsmouth Naval Hospital; Regina, director of an FDIC child development center in Washington, D.C.; and Sage, graduated from Park University with a Computer Science Degree and attended the Coast Guard Academy.

Councilmember Chavez serves the community through a variety of civic organizations including the Chamber of Commerce Board, KOCT Board, and Women's Resource Center Board. He is a Rotarian and is actively involved in youth programs. He is also the Chief Education Officer for the School of Business and Technology, an Oceanside charter school. He obtained his Bachelor's Degree from California State University of Chico, was commissioned in the U.S. Marine Corps in 1974 and retired from the Marine Corps in 2001 as a Colonel. He graduated from the Air War College, Armed Forces Staff College, and Marine Corps Command and Staff College.

From his candidate statements, brochures and website, he indicated he would continue to keep neighborhoods safe, protect the taxpayers, and continue to work to build a better community and a higher quality of life. He promised to be non-biased, open-minded and genuinely caring. Having served in his leadership role for the last 4 years, he knew what a huge responsibility it is to be a policymaker, making critical decisions for the well-being of the City. City Clerk Wayne stated the citizens were counting on him to make the best decisions possible for the good of the entire City and to continue to improve the

City and its financial well-being. She asked him to guard it carefully.

At this time, Councilmember Rocky Chavez received the official Oath of Office by the City Clerk and was presented with his Certificate of Election.

ROLL CALL

The newly seated Council – Mayor Jim Wood and Councilmembers Jack Feller, Rocky Chavez, Councilmember and Jerry Kern, with Councilmember Esther Sanchez absent – was now seated at the dais.

5. **Remarks by newly elected officials**

COUNCILMEMBER CHAVEZ recognized people in the audience.

He said that what makes this City a beautiful place is the mosaic. A mosaic has a beautiful picture, but every component of the mosaic is a unique color with a unique voice. That is what makes up Oceanside – the different neighborhoods that have a unique voice. It is extremely important for a councilmember to listen to every one of those voices and neighborhoods. It is important that a councilmember reflect in a thoughtful manner on the long-term impact of a decision he/she will make, the economic impact, and the ability to do that. A councilmember should also look at it in a sense of love since they are dealing with people and emotions. Through that reflective process, the challenge will be to find the common community voice of Oceanside. He promised to be a councilmember who will see the beauty of the mosaic of Oceanside, to listen, to reflect and to find that common voice. It will be an honor to be their Councilmember for another 4 years.

COUNCILMEMBER KERN recognized that there were a lot of people who worked very hard to get him to this seat. He did not get there by himself. There are a lot of people who want Council to do the best job possible. He recognized his wife, noting she designed all the brochures. Council has to work as a team. He has always been a team player. The thing they have to do now is keep the ball moving forward. Things have happened in the City in the last 18 months to 2 years that are going to make Oceanside change. Four years from now, Oceanside will be transformed. They have to keep that on track. They talk about transportation issues, infrastructure issues, the hotel downtown and other projects around town that need to keep going. He thanked all the staff.

6. **Oral communications from the audience regarding items not on this agenda –** None

ADJOURNMENT

Mayor Wood adjourned this meeting of the Oceanside City Council at 10:50 AM, on December 5, 2006 to a special meeting at 3:00 PM, December 6, 2006 for a closed session item.

APPROVED BY COUNCIL:

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Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside

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MEETING BY CITY COUNCIL

California

CITY OF OCEANSIDE

MINUTES OF THE:

CITY COUNCIL

WEDNESDAY, DECEMBER 6, 2006

SPECIAL MEETING **3:00 PM** **COUNCIL CHAMBERS**

Mayor
Jim Wood

Deputy Mayor

Councilmembers
Jack Feller
Rocky Chavez
Esther Sanchez
Jerome M. Kern

City Clerk
Barbara Riegel Wayne

City Treasurer
Rosemary Jones

The special meeting of the Oceanside City Council was called to order by Mayor Wood at 3:00 PM, Wednesday, December 6, 2006.

ROLL CALL

Present were Mayor Wood and Councilmembers Feller, Chavez and Kern. Councilmember Sanchez was absent. Also present were Assistant City Clerk Holly Trobaugh, Interim City Manager Barry Martin and City Attorney John Mullen.

City Attorney Mullen titled the item to be heard in Closed Session.

[Closed Session and recess were held from 3:01 PM to 5:03 PM.]

City Attorney Mullen reported out on the following item:

CLOSED SESSION ITEM:

LITIGATION OR OTHER ADVERSARY PROCEEDING (E.G., ADMINISTRATIVE HEARING, ARBITRATION) (SECTION 54956.9)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9(A))

Hi Hope Ranch Ventures et al. v. Vista Unified School District, GIN036809 (Consolidated) (County of San Diego et at. v. Vista Unified School District, GIN037457

There was no reportable action under the Brown Act.

ADJOURNMENT

MAYOR WOOD adjourned this Special meeting of the Oceanside City Council at 5:09 PM, December 6, 2006.

APPROVED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside

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California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:
CITY COUNCIL
SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS
COMMUNITY DEVELOPMENT COMMISSION

SUNDAY, DECEMBER 17, 2006

ADJOURNED MEETING 1:00 PM COUNCIL CHAMBERS

Mayor
Jim Wood

Deputy Mayor
Rocky Chavez

Councilmembers
Jack Feller
Jerome M. Kern
Esther Sanchez

City Clerk
Barbara Riegel Wayne

City Treasurer
Rosemary Jones

The adjourned and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 1:02 PM, Sunday, December 17, 2006. The Pledge of Allegiance was led by Assistant City Clerk Trobaugh.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller and Kern. Councilmember Sanchez arrived at 1:03 PM. Also present was Assistant City Clerk Holly Trobaugh.

CLOSED SESSION ITEM:

MAYOR WOOD titled the agendized item to be heard in closed session: Item 1. Closed Session was held from 1:03 to 5:10 PM.

2. **Closed Session report by ~~City Attorney~~ Mayor**

   1. **PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957(b))**

      PUBLIC EMPLOYEE APPOINTMENT

      Title: City Manager

   There was no reportable action

3. Public Communication on City Council Matters – None

ADJOURNMENT

MAYOR WOOD adjourned this adjourned meeting of the Oceanside City Council at 5:11 PM, December 17, 2006.

APPROVED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside