



California

CITY OF OCEANSIDE

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

SEPTEMBER 22, 2010

REGULAR MEETING 3:00 PM COUNCIL CHAMBERS

**3:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL),
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND
COMMUNITY DEVELOPMENT COMMISSION (CDC)
- REGULAR BUSINESS**

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Vacant

Councilmembers
HDB Directors
CDC Commissioners
Esther Sanchez
Jack Feller
Jerome M. Kern
Charles Lowery

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Felien

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

For this regular and joint meeting, the Council sat as all 3 governing bodies [Council, HDB, and CDC] simultaneously but took action as the respective agency for the jurisdiction covered by each item. Council titles only will be used for brevity throughout the entire meeting.

The regular 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 3:02 PM, September 22, 2010.

3:00 PM - ROLL CALL

Present were Mayor Wood and Councilmembers Kern, Lowery and Feller. Councilmember Sanchez arrived at 3:02. Also present were City Clerk Wayne, City Manager Weiss, and City Attorney Mullen.

City Attorney Mullen titled the following item to be heard in closed session: 2. Item 1 was not heard.

**NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

[Closed Session and recess were held from 3:01 to 4:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

Closed Session to discuss litigation, property acquisition, labor relations and personnel matters

[1. CONFERENCE WITH LABOR NEGOTIATOR ON STATUS OF NEGOTIATIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (SECTION 54957.6)

CONFERENCE WITH LABOR NEGOTIATOR – Negotiator: City Manager; employee organizations: Oceanside Police Officers’ Association (OPOA), Oceanside Firefighters’ Association (OFA), Oceanside Police Management Association (OPMA), Management Employees of the City of Oceanside (MECO), Oceanside City Employees’ Association (OCEA), Oceanside Fire Management Association (OFMA), Western Council of Engineers (WCE), and Unrepresented]

No closed session held

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

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (SECTION 54956.9(C))

Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

Discussed; no reportable action

4:00 PM – ROLL CALL

Mayor Wood convened the meeting at 4:02 PM. Present were Mayor Wood and Councilmembers Feller, Kern, Lowery and Sanchez. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported on the item discussed in closed session: See Item 2 above. [Item 1 was not heard].

CONSENT CALENDAR ITEMS [Items 4-14]

The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

CITY CLERK WAYNE announced that there is a public request to speak on Item 14.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:

May 5, 2010, 3:00 p.m. Regular Meeting
May 26, 2010, 3:00 p.m. Regular Meeting

5. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and

resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)

6. City Council: Approval of plans and specifications for the Harbor Lift Station No. 4 Force Main Replacement project located north of the San Luis Rey River and east of the Pacific Street Bridge at Harbor Drive South, and authorization for the City Engineer to call for bids
7. City Council: Approval of plans and specifications for the Henie Hills Reservoir Coating System and Perimeter Fencing project located at 2 Barnard Drive, within MiraCosta College property, and authorization for the City Engineer to call for bids
8. City Council: Approval of a balancing change order [**Document No. 10-D0718-1**] in the amount of \$35,922 to DLS Builders of Orange, California, for construction of the Transportation Management Center Remodel project located at 300 N. Coast Highway, adding to the scope of work infrastructure improvements necessary for installation of the computer systems, video monitors, and control consoles; authorization for the City Engineer to execute the change order; acceptance of the improvements constructed by DLS Builders for the project; and authorization for the City Clerk to file the Notice of Completion [**Document No. 10-D0719-1**] with the San Diego County Recorder
9. Harbor: Approval of Amendment 3 [**Document No. 10-D0720-2**] to the Property Use Agreement with James Gardner, dba Oceanside Bait Company, Inc., for the use of District-owned property located within the Harbor, extending the term of the agreement through August 31, 2015, for a five-year minimum total revenue of \$28,494.70, and authorization for the City Manager to execute the amendment
10. City Council: Approval of a three-year professional services agreement [**Document No. 10-D0721-1**] with Sequoia Financial Services of Glendale, with compensation to Sequoia Financial based on a percentage of collections received for revenue collection services for the Financial Services Department; and authorization for the City Manager to execute the agreement
11. City Council: Approval of a purchase agreement [**Document No. 10-D0722-1**] with Modular Building Concepts, Inc., of Poway in the amount of \$135,300 for the City's acquisition of the modular buildings currently being leased at the Oceanside Fire Training Center at 110 Jones Road; authorization for the City Manager to execute the agreement; and approval of a budget appropriation in the amount of \$135,300 from the Fire Station 8 CIP account to the Fire Department's General Fund Budget
12. CDC: Approval of a budget appropriation in the amount of \$7,000 from the Mortgage Revenue Bond fund to the CalHome Program fund for ongoing space rental, utilities, landscape maintenance, and advertising, until sold, of the mobile home located at 64 Rae Lane, Mission View Manor Mobile Home Park, in the City of Oceanside
13. City Council: Adoption of **Resolution No. 10-R0723-1**, "...agreeing to terminate all existing agreements relating to the Carlsbad Desalination project"
14. **Removed from Consent Calendar for discussion – public request**

COUNCILMEMBER SANCHEZ moved for approval of the balance [of Consent Calendar Items 4-13].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Mayor Wood determined to hear Item 18 at this time.

GENERAL ITEMS

18. **City Council: Adoption of a resolution approving and implementing the Memorandum of Understanding between the City of Oceanside and the Oceanside Firefighters' Association (OFA), effective September 22, 2010, through June 30, 2012; and approval of a budget appropriation in the amount of \$143,374 from the unallocated General Fund balance to the Fire Department budget**

BRIAN KAMMERER, Human Resources Director, stated the previous Memorandum of Understanding (MOU) between the City and the Firefighters' Association expired on December 31, 2009. The City's negotiating team and OFA representatives met and conferred, which resulted in the OFA presenting the City with their last, best and final offer. The City did reject the OFA's last, best and final offer. On August 25th the Council directed a City last, best and final offer be presented to the OFA. That was presented to the OFA and on August 26th a tentative agreement was reached. On September 7th the OFA ratified the agreement.

This agreement, which runs through June 30, 2012, includes a number of economic items as follows: 1) the employees paying 4% of their PERS, effective upon ratification; 2) a 2.5% base salary increase, effective January of 2011; 3) City guaranteed staffing levels of 32, which would include 8 Fire Captains, 8 Engineers, 16 Firefighter/Paramedics on its suppression shift at all times; 4) a temporary reduction of holiday hours by 2 shifts, restoring one shift in July of 2011 and restoring the second shift in July of 2012; 5) the City agrees to include sick hours as hours worked for the purposes of computing overtime; and 6) to reinstate step increases to those employees that were affected by the salary step freeze. The total projected cost to the City for the 2010-2011 fiscal year to implement the proposed changes is approximately \$143,374. The additional cost for fiscal year 2011-2012 is \$342,000. The projected ongoing costs to sustain this agreement are about \$543,000. We are requesting Council approval.

Public input

STEVEN WOLF, 4320 Melano Way, believes the City needs to get its employees to pay their full percentage share of their pensions. Being a business owner he understands what it means to tighten his belt financially. Citizens have had to make countless financial sacrifices over the past 3 years to survive this recession. As many local businesses have failed on account of these circumstances, holding our elected officials and City workers to the same standard does not feel that far off base. This proposed contract is a good first step towards getting there.

This contract makes our firefighters contribute 4% towards their pensions, nearly halfway to the full 9%. He has heard Councilmembers say that they are not going to get the full 9% at the next negotiations, but we have to start somewhere. Every person, union or organization should be self-supporting through their own contributions, or as close to it as possible. He does see the significance of not abruptly go from having the firefighters pay zero all the way to 9%. This will set the foundation for a ramping up process for the next negotiations to push for the complete 9%.

Furthermore, 2.5% salary is too much, but because the other City employees were given a 3% raise in June, it seems to have boxed us in.

While Councilmembers did the best job they could given the tough situation they were in, both to push for the full 9% contribution and to limit the pay raise that was done by the previous Council, he would like to see the Council work together in getting this contract approved as it is in the best interests of the City as a whole.

CATHERINE HAMILTON, 2261 Oceanview Road, stated we are all tightening our belts. She has worked in the private sector for 30 years and thinks the City should be looking for innovative ways to cut costs, not increase them, such as outsourcing our IT or administrative functions not deemed critical such as police and fire. The Fire

Department contract is too rich given the current economic atmosphere we are in. She hopes Council will hold the line and remember that when the recall was resoundingly turned down last year it showed that the citizens wanted to see these contracts renegotiated. She has always paid her own pension contributions and feels that it's time for emergency services personnel to do the same. New revenues seem impossible unless the City is willing to become more efficient.

ROBERT SPENCER, 1202 North Pacific Street, is in favor of the contract. It isn't an ideal contract but negotiations are give and take. It would not be fair-minded to jump from zero pension contribution to 9% all at once. The 4% pension cost incurred by the firefighters is a reasonable amount to start with. He has faith that Council will pursue further negotiations at a later date. The North County Times reported that our firefighters were number one in the County for compensation but, when taking into account their new pension contributions, they will rank 6th in overall benefits and compensation. If that is true than 6th out of 13 is not unreasonable. We need to compensate adequately; not top in the County.

JIMMY KNOTT, 127 Sherri Lane, stated the Fire Department has some issues that need to be looked at for the future. With the economic base, Oceanside has done well. We have the reserves and need to look at other areas to cover the true costs. We haven't been charging the public adequately for inspections or other services. He would like to see an ad hoc committee formed that could look at those.

REX MARTIN, 306 Benevente Drive, is a candidate for Council in November. He believes all City employees should be paying their full amount into their pension. That's 9% for public safety and 8% for the rest of the City employees, but you just can't snap your fingers and have that happen overnight. The process is bargaining in good faith and negotiation. The City employees he's talked to understand this is happening. The facts and figures are quite confusing and contradictory.

In June the unrepresented personnel received a 3% raise and will contribute 4% to their pension, which was approved by the entire Council. This contract calls for a 2.5% raise. He wants the best City services he can get with his taxpayer dollar. Spending taxpayer money to maintain efficient staffing for our police and fire is spending it wisely.

CHRIS CATE, 7593 Caloma Circle, Carlsbad, is representing the San Diego County Taxpayers Association and expressed their opposition to the proposed OFA contract per our letter. In regards to the contract, the ultimate goal should be to save taxpayer dollars; not to add to costs. Instead of using savings to maintain essential City services, taxpayers will now be seeing additional cuts or potentially higher taxes and fees to pay for the cost of this contract.

Yesterday they updated their pension report which stated over the past 5 years the pension costs in Oceanside have increased by 40%. In 2009 the City's pension costs totaled \$20,000,000; an increase of over \$2,000,000 from 2008. This contract does not address the problem of rising costs. By approving the contract with the inclusion of minimum staffing levels, Council is placing a budgetary constraint on the City at a time when you are experiencing budget shortfalls in the millions. Those who think the City will receive a significant savings when offsetting the contribution with the salary increase are deeply mistaken.

The contract not only includes salary increases but re-establishes step increases, which is another salary increase. By increasing salaries you are negating savings received by having employees pay their required contribution; the reasoning being that higher salaries mean higher pension costs. Under the proposal, Council no longer has the flexibility to consolidate with other agencies in a cost-effective manner. Consolidation was an option put forward as a cost-saving option this year by the Fire Chief. Overall, the contract does not reform and shouldn't be labeled as such. He asked for Council's opposition.

NADINE SCOTT, 550 Hoover Street, stated San Diego County Taxpayers Association tells you they are giving you the facts when they are not. They work for an interest that doesn't serve Oceanside citizens. Pension is in lieu of social security. These firefighters are not going to be eligible for social security or Medicare benefits. They also pay their own healthcare. She doesn't know of any other bargaining unit in Oceanside that pays theirs, although there may be one or two.

We had a partial brown out at Fire Station 8, which is in the Peacock Hills area. Maybe that shouldn't have been added into the contract, but that's what was good-faith bargained for and that's going to add into the cost of this. Another thing that is added into the cost of this is payback for the violations on the previous contract. Step increases were in the last contract and it was unilaterally decided to withhold those. That went to a grievance procedure where the firefighters group would have most likely won and advised the City to repay those step increases and they would likely be included as part of this contract, which it is. This is a good faith contract.

LARRY BARRY, 3973 Brown Street, questioned Councilmembers who has taken money from the Fire unions. We are in a recession and our tax revenues are going down. There is no money coming in and our property values have sunk. Council needs to do better than this. Private industry has had to lay people off. Firefighters don't need social security with the pension they will be receiving. These pensions are unsustainable in the future.

NANCY CRAIG, 802 Topeka Street, cannot imagine that people can retire at that kind of money at 50 years old. We need a 2-tier system like Carlsbad. Retiring at wages of up to \$100,000 per year is ludicrous. No more overtime. There are plenty of young men and women who would be happy to work for the Fire Department. Their training may cost money but it would be paid for faster than the overtime that gets paid.

COUNCILMEMBER SANCHEZ stated Council has been talking about pension reform for longer than 18 months and yet the past majority was unable to even take a first step. It's difficult to compare our firefighters with those from another city. We each have our different challenges. Our City has the highest ratio per capita for firefighters, meaning there are a lot more people that they have to service. They work harder to make up for the shortages as compared to other cities. In addition, our City responds to more calls than any other city. The city closest to our size, Chula Vista, responds to 500 more fire calls per year, having a total staff that is significantly higher. For uniformed firefighters per 1,000 citizens, Oceanside is last in the County.

The Citygate Study found that we were short 2 fire stations with corresponding personnel. The national standard recommends a 4-person fire engine and we have 3. A recent article talked about how our County spends a lot less towards public safety compared to Los Angeles and Orange County.

A large portion of our population is seniors. We have a higher number of seniors, an older housing stock and new challenges with respect to mid-size buildings. We are the City on the coast that's going up higher and dealing with hazardous-related fires. We respond to other fires in the State and we do get compensated for it, but that means that the guys left behind have to work harder.

In total compensation for firefighters we're number 4 in the County. With this proposed contract we will go down to number 7. She hopes other cities will do this. All of our goals are the entire 9%. Pension reform is critical to our city. It was a different Council decades ago that felt an agreement to pay toward PERS rather than salaries was the best thing for the City and at the time it was cost-effective. Apparently at the time the firefighters gave up 5 years of salary increases to accept the City's offer regarding PERS. It is only recently that we've had to deal with what has happened on Wall Street. While it looks like things will improve, we need to have structural change.

She is pleased that we are coming forward with this first step. She is not happy that we included dispute resolutions as part of the new contract. When we did that it was efficient for staff to put all of that into negotiations. It's not what is usually done but we did it because we know we need to be more efficient in terms of addressing work by our staff.

She did push for equal emergency services to be made available to Peacock Hills residents. By requiring constant staffing, we will be able to have a full fire engine at Fire Station 8. No part of our City should ever have a fire station browned out.

The sum and substance of the agreement is for the firefighters to pay 4% of PERS and give up holiday pay for a total of \$1,100,000 that they are giving up. In return we are giving them a 2.5% raise. The City does get money back from the firefighters, which will allow us to use the cost savings to protect the citizens and insure that our border agreements will continue. This is a good first step toward pension reform. We recently had employees get a 3% salary raise to pay 4%. We recently negotiated a 13-year hauler contract with Waste Management that is going to put \$25,000,000 to \$30,000,000 in our General Fund over the 13 years. That is money we did not have before.

Our priority for our residents is public safety. In addition, she has placed on the agenda for public hearing an item that is going to recover the cost of fire inspections. That will put an additional \$200,000 back into the General Fund. This is just the first step and in 2 years we will negotiate for the balance.

She **moved** approval [of the recommendations and **Resolution No. 10-R0733-1**, "...approving and implementing the Memorandum of Understanding between the City of Oceanside and the Oceanside Firefighters' Association".

COUNCILMEMBER LOWERY seconded the motion. He used a computer graphic to show the numbers we are dealing with. What we're really talking about is quality of service. People need to know what the facts are. We depend on our local media to inform and they don't. When he was reading about the contracts that were approved a couple of years ago, he was concerned. Today we're making a better decision for taxpayers and residents.

This is strictly about the negotiations of the new contract, not the old contract. The taxpayers will save, according to this money that's been given to the City by the OFA, well over \$1,000,000 [\$1,183,064], which includes them paying 4% of their PERS and getting fewer paid holidays. That will be \$351,157 in year one and \$351,157 in year two. These are real numbers. The OFA pays for their own medical insurance. That saves the taxpayers \$500,000 per year.

In 2008 the Council approved the existing OFA contract. We had all of the same Councilmembers as we have today, with the exception of himself. There are 2 items in that contract that are tossed into the 2010 contract. One item was the City will pay for length of service that a firefighter has with the City. That's called steps and those are pay raises. That was \$80,000. It was withdrawn during our pay cuts that we had to make a few months ago. Also already in that contract there was sick leave, valued at \$280,000, based on how much was not paid to the employee during the time that the budget cuts took place. The City broke the old contract in 2008 and the City was going to lose in arbitration. These items are not a part of the 2010 contract; however, if you look at the numbers on the report, they're in there. These should be removed.

In July of 2010 there was a budget cut that took effect for Fire Station 8. What happened as a result of that budget cut was that they could no longer staff and operate a fire engine so it was pulled out. We have a piece of equipment that the City owns that is not being used. The senior neighborhood of Peacock Hills was put at risk by that brown out. They were not told that they no longer had fire protection in that neighborhood.

Between that time and the current contract, the OFA chose to bring in the money it would cost them to staff that station. They are bringing back a fire truck, but because they are staffing a person there, it's a cost to the City of \$414,000 per year. This item does not belong in the labor contract. This is a part of the Fire Department's annual operating budget. The facts are that if we don't have a fire truck and a fire station, we do not have fire protection. We need to keep the fire trucks in place and we have to have staffing for those fire trucks to operate. We have to have fire officials deployed throughout the City. We can't have them in one place and not in another. Statistically we lack sufficient fire protection. We're working with the money and assets that we have.

He's a taxpayer and is outraged that our services were cut and no one was notified of it. It's shocking to think that a whole neighborhood is on the chopping block because we need to make pay or budget cuts. He wants people to know what happens in Council's Closed Session meetings. This is where Council works out the details of these contracts.

In June all 4 Councilmembers agreed unanimously to approve a 3% pay raise and 4% pension payment for a group of non-union employees. Then we added a new Councilmember and in August of 2010 we had a 2.5% pay raise and a 4% pension. A 2.5% pay raise is a better deal for the citizens than giving anybody a 3% pay raise. It's a pay cut for the firefighters. No matter how anybody else frames it, they are going to get less money from us. Why did the previous Council repeatedly approve bad deals. Since he's been elected, it's a better deal than they approved previously. The firefighters will work with Council and in 2 years will be paying their entire pension.

COUNCILMEMBER FELLER asked why the pay raise was given in June.

CITY MANAGER WEISS responded the raises, with 2 exceptions, were part of a prior contract. It was the final year of that contract.

COUNCILMEMBER FELLER asked if we would have violated the contract if we didn't give the pay raises.

CITY MANAGER WEISS responded Council didn't have to vote for the pay raise; it was a contract obligation. What Council approved was extending the 3% to several additional employees in exchange for all Division Managers of B step and above to pay their full 8% of PERS in exchange for that 3% raise.

COUNCILMEMBER FELLER asked if Station 8 has a truck there that is used for suppression and who mans that truck.

CITY MANAGER WEISS responded there are 2 personnel on that rescue unit.

COUNCILMEMBER FELLER asked if they are firefighters/paramedics.

DARRYL HEBERT, Fire Chief, stated currently at Station 8 we have a rescue unit with 2 personnel. It started off that we had either an engineer, which is the driver, and a firefighter/paramedic. We changed that staffing based on the amount of Captains we had to a Captain and a firefighter/paramedic.

COUNCILMEMBER FELLER asked if all Captains that are in charge of a station firefighter/paramedics.

CHIEF HEBERT responded no.

COUNCILMEMBER FELLER asked if the difference is that now there will be an engineer, a Captain and a firefighter/paramedic there.

CHIEF HEBERT responded yes. If Council were to vote in the contract, we'd be increasing the staffing levels by one personnel. An engineer would be added, who has firefighting capabilities. The important part is we'd be moving from a rescue to a fire engine, which has fire suppression capability.

COUNCILMEMBER FELLER asked how this affects the Fire Department's regionalization plan, because now your hands are tied there.

CHIEF HEBERT doesn't believe his hands are tied because there are several options we are looking at with cooperative agreements with neighboring agencies and it could involve the training center, to the ambulance service agreements, to relocating some of those fire suppression capabilities. It does affect him and his budget because he didn't have any more money in his budget when he was asked to cut that amount. The option was either browning out a station or reducing the amount of protection at that station and we chose the lesser of the two evils. As far as any type of cooperative agreement with the surrounding agencies, it doesn't have any effect on that.

Per previous comments, **COUNCILMEMBER FELLER** asked if firefighters get health insurance.

DIRECTOR KAMMERER responded yes, firefighters are enrolled in PERS health which is the same as the retirement program. The City changed their health program several years ago. We offered all employees an opportunity to change health programs and at that time the firefighters elected to remain with PERS health because a lot get retiree medical from there.

Per previous comments, **COUNCILMEMBER FELLER** asked how that is paid.

DIRECTOR KAMMERER responded it is paid at a flat rate of \$545 per month paid by the City. They do have City paid health insurance. The City doesn't pay the full premium but they pay \$545.

COUNCILMEMBER FELLER asked if the City pays the full premium for anybody.

DIRECTOR KAMMERER responded yes, we do for single employees, but not for families, etc.

COUNCILMEMBER FELLER stated we have a \$1,700,000 a year fee coming from the citizen's from Waste Management in the form of a Franchise Agreement. He can't believe that every citizen wants to spend their money to fund more salaries. To be depending on those fees to make up the difference in salaries of the employees of the City isn't the correct way to use that money. Private companies did many things for belt tightening; some cut 10% to 20%. So asking for 9% from all of our employees in a recession is a fair number. This 9% is going for the employees own retirements. We still pay 23% of an employee's PERS obligation, is that correct?

DIRECTOR KAMMERER responded yes.

COUNCILMEMBER FELLER asked if firefighters can be sick one day and get overtime the next if they are not on a shift.

DIRECTOR KAMMERER responded yes, that is part of the proposed agreement. If a member represented by OFA calls in sick one day, those sick hours will be counted as hours worked for the purposes of overtime if they work an overtime shift during that same pay period.

COUNCILMEMBER FELLER stated another issue he heard earlier is that they are going to give up holiday pay, but over the years going forward they get the holidays back, is that part of this.

DIRECTOR KAMMERER responded yes. Part of the agreement includes the reduction of 2 shifts or 2 days of holiday. One shift will be restored in July of 2011 and the second would be restored in July of 2012. This is a temporary reduction.

COUNCILMEMBER FELLER stated that's another key word 'temporary'. He read that restoration of these items will result in the need to increase the Fire Department budget. Where does that money come from?

CITY MANAGER WEISS responded as recommended in the staff report, it would come from the unallocated General Fund balance.

COUNCILMEMBER FELLER asked if everything as far as the grievances for step increases were already in the budget or is that additional money needed since it says all members with an active grievance shall receive their stop increase.

CITY MANAGER WEISS responded the entire package will result in an additional \$143,000 needing to be added to the Fire Department's budget, which is this action. Collectively it's all now included in the action this evening.

COUNCILMEMBER FELLER stated we should not be comparing ourselves to other cities so it's one-upsmanship every time the City goes to negotiations. We need to protect ourselves by figuring out what it costs and what the City can afford to pay. Right now he doesn't see us able to pay for this. He is opposed to any pay increases of any kind at this point. He may be willing to think about it at a future date, but at this point we are 3 or 4 years away from any recovery that is of any substance. If we don't figure that out, we are going to be trying to use all of that money from Waste Management to pay our obligation. In the next 5 years we're going to owe \$10,000,000/year more to PERS. He can't support this.

COUNCILMEMBER KERN stated there is a lot of misinformation. The average firefighter makes \$107,000 a year so they aren't an oppressed class. Everyone would trade their social security for a system where you get 90% of your last year's pay for life and get to retire at 55. PERS actuarials say the average firefighter will live to 84. If you take \$100,000/year times 30 years of work, that is \$3,000,000 in retirement plus the health care is so we're not punishing these people by not approving this contract. The thing that is really wrong is that the staffing levels should not be in the MOU. You do not let the employees set your staffing level. That's bad policy no matter where you work. That is the worst thing in the whole contract. This is a step backwards. Over the last couple of years we've been getting our managers to pay their full PERS, as have the Council and their aides. The 3% was paid in June so they would end up paying their full PERS. He will be glad to give the Fire Department a 3% raise if they pay their full PERS. That's fair and would be on par with those paying their PERS.

Councilmember Lowery's cartoon was quite amusing but the real money is in the approval of this tonight. We're going to have to add \$143,000 just to get through this year's budget. Those are real numbers. It will cost an additional \$540,000 every year to do this and that actually exceeds our unallocated General Fund balance. We don't have the money to pay for this. If this is voted in tonight then within 18 months we will either close a library, a park or a recreation center to pay for it. With the staffing level set the way it is, the Fire Department will not be touched. We will have to balance our budget on the back of services and reduce services in order to pay for this contract. He hears people already saying we're going to have to raise fees. So we're going to spend it and then tax people. This is a slap in the face for every taxpayer in Oceanside. No Councilmember should support this.

This was not a staff directed negotiation. This was Council directed by the three majority people up here. There is no staff recommendation here. This is what these 3 people on the Council wanted. He reiterated his concern with the MOU staffing levels locked in because this will be a vote to close a park or a recreation center. Our property

taxes have also dropped.

MAYOR WOOD tries not to get in arguments but he feels obligated to speak up. He got on the Council about 8 years ago after 31 years in public service to change the image of Oceanside as a crime-ridden military town from the 1960's and 1970's. We had such a beautiful town but we couldn't change that image. He wanted to bring people and business to Oceanside. We did a pretty good job of it. The people who have done that are the police, fire and emergency services. The Police Department went out there and did a 35% crime deduction and the Fire Department all became paramedics, which means people getting better service. Anywhere else in the private sector if you had done what the Police and Fire have done over the last years, you would not only get a pay raise but you'd probably get a big bonus.

Bargaining in good faith is important. When he was a police officer he gave up a pay raise for 5 years to get his retirement. Every other city in the nation did it that way. Now with the economy that needs to be changed. If he went back and didn't have the retirement system, he would have made a good amount of pay in those 5 years, with interest. There is nothing wrong with wanting pay raises and better things for your family.

He's gotten a lot of calls and emails to vote no on this. It's politically motivated to some extent with elections coming up in November. When we have a fire station browned out with a small truck, it doesn't provide the same services as a full fire truck with paramedics, engineers and firefighters. The 20-25 people out of 200,000 who sent emails saying they didn't want this to pass probably wouldn't want the browned out station in their neighborhood. The seniors don't want it. For every election he's been involved with, the top 3 priority items always include public safety.

Now crime is down and there is better service and quality of life here. We're talking about a package for these employees. He wants to see them pay their full PERS eventually. They passed up money and raises in the past that they would be getting now if they didn't take these. You just can't take it away. They're willing to come up with 4% of that and hopefully in the future the other half. We're doing the right thing and moving in the right direction.

When Councilmembers Feller and Kern had the voting majority with Councilmember Chavez, they never changed any of these things. We're blamed now because of the recession. He doesn't blame anybody in this room. He probably knows more about the financial aspects of a City than most of the people who email him asking to do something or not do something. He also knows what the budget is and where we are going. He gets frustrated when he hears other Councilmembers say we're not listening to the taxpayers. That's very political.

They brought up the Waste Management contract so he will remind everyone that they recommended up to a 7-year extension of that contract where we got another 7 years of zero. Because he and other Councilmembers brought it up, we are now going to get anywhere between \$25,000,000 and \$30,000,000 plus better services. Right up front we're looking at \$2,700,000 from that contract. They are yelling about a \$143,000 increase when they were willing to throw away the upfront money that easily pays for all of this. He's never seen anyone push a Charter through behind the scenes like the Building Industry with 3 Councilmembers.

This is not a bad contract. It continues to provide services to the citizens and it doesn't break us. In 2 or 3 years if one more hammer falls on us from the State and they take more money, than he will have to make cuts and we will make the cuts that we think are best for the citizens. If he has to take no pay, he'll do that. The ballot box is ruled by the seniors and their number one priority is generally public safety. With this pay raise and the 4% that they will pay for PERS they will now be 6th or 7th in the County. This isn't going to break the City.

The coverage in the press has been miserable. It's obviously anti-labor and anti-employee groups. How could we vilify the police, fire, school teachers and medical providers, etc., during this economy? These are the people he has always respected. He blames the State and Federal governments. We can move forward and have a chance to be a better City. We will get through this. If it falls apart, we will do what is necessary to make the cuts.

COUNCILMEMBER SANCHEZ stated a couple of years ago Chief Terry Garrison told us that we were cutting into the bone. That means putting our residents' lives at risk. Early last year when this contract ended, the majority on the Council – Councilmembers Kern, Feller and Chavez – had the opportunity to take a leadership role and they failed. This contract avoids costly litigation and returns money to the General Fund. She doesn't think there is a single neighborhood that would agree to have a substandard medical/fire response via pick-up truck. She showed a picture of the pick-up truck that substituted as a fire truck in Peacock Hills and other eastern parts of our city.

San Diego Taxpayer's Association announced in their report yesterday that from fiscal year 1999 to fiscal year 2009 examining each city's total pension costs as a ratio to its General Fund that there was one city that made the list of the top 5 highest ratios each year, which was Chula Vista. The cities behind them were National City, Escondido, La Mesa and El Cajon. Oceanside was not in this top 5 list.

This is a good contract for our citizens. Anyone who doesn't support this contract is willing to put people's lives at risk.

COUNCILMEMBER KERN stated we can follow the money about unions contributing to candidates up here. That's the big money. Last year they spent \$250,000 trying to replace him and the citizens spent \$506,000 because they wanted to flip the Council before this contract came up. Councilmember Chavez left so they decided not to negotiate until after the June election, hoping to get Mr. Lowery here. They achieved their goal and they are going to be paid back tonight big time; \$500,000 a year, every year.

Someone tonight said you just can't snap your fingers and say pay full PERS. Carlsbad did it to their police and fire; Solana Beach has all employees paying their full PERS. That is where the trend is going. There is not one person who can say that by paying their own full pension costs the response times will be less. In the previous contracts we were generous to the employees when times were good. He voted for that. Times aren't good now and it's time for them to give back to the taxpayers.

He doesn't think the emails he's been getting are politically motivated; he thinks they are economically motivated. People understand that we have a system that is unsustainable. If we don't make some changes now, then we are going to have to file for bankruptcy like Vallejo. We won't be able to catch up unless we take a hard stance on all of these pensions and costs. He predicts in the next 3-5 years we are going to have to make some severe changes. We can't blame the State or anybody else for this. This is our vote and our City. We can't do the fuzzy math; we are talking hard dollars. This is a bad contract and not in the taxpayer's interest.

COUNCILMEMBER FELLER believes that if people had known the trouble that was coming about 15 years ago when they decided to pay higher benefits and salaries, they would have elected to keep on paying the salaries instead of paying for the pensions that have grown out of control. He too voted for some of these pay raises when times were good. He thinks this is not a good deal for the citizens. It doesn't have anything to do with response times. These are professionals who will do their job no matter what. This is about fiscal responsibility and we are not being fiscally responsible.

Motion was approved 3-2; Councilmembers Feller & Kern – no.

[Recess was called from 5:34 to 5:54 PM]

Council reconvened at 5:54 PM with all members present.

5:30 P.M. – INVOCATION – Pastor Carl Souza

PLEDGE OF ALLEGIANCE – Leyvonna Swygert

PROCLAMATIONS AND PRESENTATIONS

Proclamation – Oceanside Harbor Days, October 2-3, 2010

Proclamation – Senior Citizens Day and Senior Expo – October 9, 2010

Proclamation – Honoring Robert L. Maxwell (in memorium)

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award—Soccer Club
Breakers – Girls under 14

Presentations were made

Change to the agenda

CITY CLERK WAYNE announced that Item 22, which was appointments to some of the advisory groups, has been continued to the meeting of October 6, 2010.

Mayor Wood determined to hear Item 19 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

19. **Request by Mayor Wood to designate “Veterans Week” in the City of Oceanside beginning on Sunday of the week that includes November 11**

MAYOR WOOD put this item on because we have about 30 veterans groups in Oceanside and they’ve been involved in everything in support of the community but they haven’t had a facility. They have the old police department that we donated to them and they are still raising funds to finish this building so it can lodge all of these veterans organization that we are proud of. One of the ways we can do that besides giving them the building is to have the week of November 11th designated Veterans Week in Oceanside. This is a way that we can get the senior, present and future veterans to have a place to come together and support issues, etc. This first year it might be a little light but in the future a Veterans Week would be outstanding for us and the people on base, but it will be our opportunity to have different events around Oceanside. He asked Sandra Fichter to explain this.

SANDRA FICHTER, Vice President for Veterans’ Association of North County, stated if you’ve driven by the old police station on Mission Avenue, you’ve seen the transformation of that building. That is going to be the Veterans’ Meeting Hall and Resource Center for all of North County. Oceanside was not only generous but was willing to take the leadership in creating a Veterans’ Hall for all veterans in North County. This means that we are going to have a centralized center for veteran and veteran organizations to have their meetings and events and have a way to continue their traditions and recruit newer veterans. It also means we are going to have a full-time, one-stop resource center for all veterans. With Camp Pendleton on our doorstep, we are focusing on services to the active duty and their families and especially in the career transition assistance. We are already connecting veterans with services from our homes. The hotlines are in our homes and the emails. There is an urgency to get this building done and opened.

It is up to the Veteran’s Association of North County to finish the inside and that takes funding. Veterans Week will have a lot of celebrations and fund raisers. We will have our traditional veterans ceremony on November 11th but this year we’re going to

have it at the new building. They plan to have events at the center. She hopes Council will approve a proclamation to make the week of November 11th Veterans Association of North County Week and we will start a tradition for many generations.

MAYOR WOOD stated the past, present and future veterans are very important to Oceanside. He **moved** that we make that time of the year Veterans Week. We will have a lot of sponsored events from the City and the North County Veterans Association.

COUNCILMEMBER KERN **seconded** the motion.

Motion was approved 5-0.

Mayor Wood determined to hear Item 15 at this time.

GENERAL ITEMS – Continued

15. **City Council: Approval of a budget appropriation in the amount of \$80,000 from the unassigned Major Thoroughfare Fund balance for a third-party review of the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor project**

DAVID DiPIERRO, City Traffic Engineer, stated the draft EIR/EIS were released for public review earlier this summer. Because of the size of the proposed project and the extent of its impact to the City, on August 18th Council directed staff to initiate a third-party review of the environmental documents. Based on Council's direction, staff has entered into a cost-sharing agreement with the City of Solana Beach to use the same consultants that they already hired to analyze the draft EIR. The 5 consultants we are working with specialize in traffic, environmental, noise, air quality and water quality.

He was recently informed by Caltrans that the review period to comment on the draft EIR has been extended to November 30th.

Public input

MIKE BULLOCK, 1800 Bayberry Drive, supports getting a third party review of the Interstate 5 draft EIR. The Council's first priority is to protect the interests of the citizens in our City, not just move as many cars as possible through our City. More lanes will not cure congestion. Los Angeles has more miles of freeway lanes per square mile of development than any city in the world. It also has the most congestion. A wider freeway will encourage people to choose to live further from work. Freeway expansions encourage governments to approve, and investors to build, more sprawl development.

Caltrans says we are going to grow so we need bigger freeways. The truth is we are going to grow and that is why we should not expand the freeway. We want those coming to the County to understand that driving long distances to work is a bad choice and they should instead choose to live close to work or in a location that will allow them to use transit. To solve congestion we need to stop subsidizing driving. The Chair of the California Transportation Commission has written that our gas tax pays nothing for new construction and less than half of what it costs to maintain our roads. In this County we use a sales tax, our most regressive tax, to make it artificially cheap to drive. We need to give people more control over their own money. He reviewed a proposal in the Netherlands, etc., which would be a better solution for California.

PAMELA EPSTEIN, 8304 Clairemont Mesa Boulevard #101, San Diego, Attorney for Sierra Club of San Diego, supports spending this money. The report is 5,000 pages, exclusive of all the technical reports, studies and appendices. You would greatly enhance your ability to comment effectively and give the decision makers a full range of knowledge of what the environmental impacts would be.

Public input concluded

COUNCILMEMBER LOWERY noticed we have another item on I-5 and he asked if we could move that up and do it now.

MAYOR WOOD stated yes. Item numbers 15 and 20 are similar and he agreed that we could finish this off and bring up Item 20 right after this.

COUNCILMEMBER LOWERY stated this is a lot of money to spend on a study. He talked to a lot of people in the community about how much money this is and he's gone to 3 or 4 of the Caltrans presentations where hundreds of people were present. He asked questions he couldn't get answered and neither could the public. He asked Caltrans separately for answers to questions and he still didn't get answers. He's concerned that if we don't do this, we won't have any answers to questions and then the residents will ask why Council didn't tell them about this. He already met with staff and discussed the preliminary information that we have and was told that it's so huge and overwhelming that our staff is not prepared to deal with the item. So we need to look at spending this money because if we don't, then we can't let the citizens know what's going on.

He knows 2 families in South Oceanside who have already sold their homes to Caltrans for this project and one family that's lived here for 40 years didn't have enough money to buy another home in Oceanside, but they were able to buy a nice place in Murrieta.

COUNCILMEMBER SANCHEZ moved approval of a budget appropriation in the amount of \$80,000 from the unassigned Major Thoroughfare Fund balance for a third-party review of the Draft EIR/EIS for the Interstate 5 North Coast Corridor project.

COUNCILMEMBER LOWERY seconded the motion.

COUNCILMEMBER KERN stated the cities of Carlsbad and Encinitas aren't hiring separate consultants.

MR. DIPIERRO responded he has been in discussions with Caltrans earlier this week and they said they were at Encinitas's Council meeting and they voted to look at hiring the same consultants that Oceanside and Solana Beach are using. He was also at a meeting with RBF Consultants yesterday and he was told that Carlsbad had hired them for their traffic review.

COUNCILMEMBER KERN asked if this consultant is going to get triple-dipping. Can't we work with those cities and lower the cost of this? Are they going to charge each city \$80,000 for this same report. We are spending money to comment on an EIR. He's sure our staff could comment on an EIR. It already went through EDC, Traffic/Engineering for their comments that pertain to Oceanside. Every time we turn around we're spending more money on consultants. One of the Councilmembers campaigned against consultants and now we're hiring 5 to look at a Caltrans EIR. He can't support spending money for consultants meeting after meeting because eventually we're going to run out of money. We have a comment period through November 30th and we should read the EIR and send those comments off. It sounds to him like the consultants are going to do the job once and charge every city individually.

COUNCILMEMBER SANCHEZ stated the City Manager told us earlier that we don't have that kind of staff expertise, is that correct?

CITY MANAGER WEISS responded that just the sheer volume of what it's going to take to review these documents and the types of information that is in them, we do not have staff that are well versed in air quality, hydrology and the noise studies. In the absence of this, we would be relying on the consultants and the Caltrans staff that prepared those documents.

COUNCILMEMBER SANCHEZ stated the entire corridor is already going to be studied and this is specifically tailored to focus on our section.

MR. DiPIERRO responded that's correct. They are looking at 3.3 miles of Oceanside, as well as the regional corridor. It will be focusing directly on Oceanside.

COUNCILMEMBER SANCHEZ stated so this is cost-sharing in terms of the entire corridor, but specifically they are charging us for Oceanside, which Solana Beach is not paying for. This is critical for us to do. The residents of Jeffries Ranch would have loved for us to have done this several years ago instead of having to go through what we're going through now where the estimates are between \$1,000,000 and \$2,000,000 to fix. We need to do this correctly. She is supporting this because there are at least 13 total takes of parcels and then half a dozen parcels that will be partially taken. We don't know the total impact to our City and our staff can't tell us. This is when you ask for consultants. She doesn't like having to hire consultants just to have a document gather dust on some shelf. This is not that kind of document. We need to know and be prepared.

COUNCILMEMBER FELLER asked before if staff was capable of doing this as he believes our staff is very capable, but it is critical to have all the parts understood. He doesn't want to hear another word about hiring consultants, even in tough times, because we've gotten beat up about hiring consultants and now it's different. When is this actual freeway going to come through town; 10-15 years?

MR. DiPIERRO responded the way it's planned now is they're looking at this being included in the 2050 Regional Transportation Plan (RTP). We've been told the first stage will be continuing the high output vehicle (HOV) lanes from Solana Beach up to State Route 78 and then they'll go back to San Diego and start working from the south to the north. It's going to be quite a few years out at the current schedule of Caltrans.

COUNCILMEMBER FELLER stated we need the freeways. We're asking people to come to San Diego use our hotels, beaches and amusement parks. We need this project done and we need the best project we can get out of it. This is a freeway that runs the entire length of the country north to south. He supports this but hopes he doesn't hear anything else about hiring consultants.

COUNCILMEMBER LOWERY clarified he has had several meetings with Caltrans and one meeting he went to last week was with the EDC. One of the Commissioners asked the Caltrans representative if the bridges over California and Cassidy Streets would be removed as part of this project and the Caltrans representative said no. He said they will be exactly as they are now. He wondered how they were going to add 6 lanes without tearing down those bridges. He asked another representative of Caltrans if they were going to have to tear down those bridges and he said 'of course'. When he asked how long it takes to replace a bridge that's been torn down, the representative responded anywhere from 6 months to 2½ years. That's a different answer than the one they gave the EDC Commissioner. We need to ask the right questions. He was concerned about what is going on with this project and he hopes staff will continue to work with the consultant groups and Council to get more information to give to the residents.

COUNCILMEMBER SANCHEZ thinks we need to focus on how to move people, not specifically whether or not the freeway is necessary. This is why we're studying it. The way it is right now she thought Las Flores and Cassidy were going to be closed and that would put a lot of impact on Vista Way into Oceanside. With the 75' flyover at I-5/SR-78 at the end of this whole thing, we have a chance to fix our issues at Capistrano and provide an opportunity for the public to have input. This is going to impact, in some cases severely, some of our properties; business as well as residential. If we do not get our input in here, we have to be forever silent. We cannot come back later on and say we want to change things. They will say exactly what they are saying about Highway 76, which is if you don't get involved, you cannot raise any issues later because you are

legally prevented from doing anything.

COUNCILMEMBER KERN stated this is exactly why he is opposed to this. We're not doing anything global here. Our focus is the comment on the I-5 expansion. He's heard people tonight say they want to kill I-5 and they are going to use these consultants to give us material so we can kill this project. This project is a long-time coming and is going to be needed in 10-12 years. This needs to be tightly focused on the comments to the existing EIR and not bring in extraneous stuff. Is that the direction of Council here in hiring 5 consultants to look at this?

MR. DiPIERRO responded we are hiring these consultants that specialize in traffic, air quality and water quality and they are going to focus on those particular items within the draft EIR/EIS.

COUNCILMEMBER KERN doesn't want to have to come back and approve another \$20,000 because the consultants went beyond their scope of work.

CITY MANAGER WEISS stated Council did have a direction to host a Town Hall meeting, which we will be having at some point, and sharing those comments that we will be making. In having preliminarily looked at some of the documents, there is going to be a comment that we will be making, with or without the consultants, that there is a lack of alternatives that were presented in the environmental document. Whether we look at rail or bicycles, etc., we will be commenting that there are a lack of alternatives. Our intent is to make those comments and Caltrans then has an obligation to at least address them or revise their documents.

Motion approved 4-1; Councilmember Kern – no.

Mayor Wood determined to hear Item 20 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS – Continued

20. **Request by Councilmember Sanchez for a presentation on the Interstate 5 North Coast Corridor project by Sierra Club and Prevent Los Angeles Gridlock Usurping Environment (PLAGUE); direction to staff**

COUNCILMEMBER SANCHEZ attended a Town Hall meeting in Encinitas. It was a shock to see some of the things that are being recommended. We are having our own Town Hall meeting on September 30, 2010, in Council Chambers at 6:00. We need to get the information out. She asked PLAGUE to come and do a presentation. They are way out in front of us in terms of getting citizens informed and involved to insure that we have the best plan for moving our residents along I-5.

PAMELA EPSTEIN, Attorney for Sierra Club of San Diego, has heard everyone talk about fiscal responsibility and the health and safety of your residents. This project will not achieve either of those. It is not fiscally responsible and it is adverse to the health and safety of your residents. It is misguided, ill-conceived, short-sighted and potentially devastating to our natural resources and the San Diego community. We want to dispel the fallacy that Caltrans' position of no alternative outside freeway expansion is practical. They haven't analyzed them so they don't know. There are very few alternatives here. They have not assessed whether light rail, transit-based systems or mixed systems of transit and freeway expansion would be viable options in this 27-mile corridor. The joint EIR/EIS significantly underestimates the severity of the project's impacts and fails to reasonably and adequately support any of their conclusions. Caltrans wants to spend \$4,000,000,000 for what essentially will amount to 2-4 years of relief. There are several studies that suggest that once a freeway is expanded it reaches total load capacity within 2-4 years. That is shorter than the project will take to complete, which is 15+ years.

The legal impacts and hopes for this are wide-ranging. You have to look at what

the growth-inducing impacts are, what the biological impacts will be to water quality, greenhouse gas emissions, noise and aesthetics. You will have a compromised visual corridor. You will no longer associate driving down I-5 with seeing the Del Mar Fairgrounds, the ocean, the lagoons, etc.; you will see concrete and you will be driving through a concrete tunnel.

There are also eminent domain issues. It was said 13 partial or full takings, but it could be upwards of 87. We requested that information from Caltrans, luckily we received it. Their estimates are very low in the draft EIR documents. The consultants will go over that in detail.

JACK HAGGENAUR, Solana Beach resident, has been working with the City of Solana Beach to address some of the potential impacts that are contained in that 9,000-page EIR. He used computer graphics to show the current freeway and the proposed 8 + 4 and 10 + 4 alternatives.

Caltrans claims that widening the freeway will reduce congestion and lower traffic emissions. However, we asked whether this will also reduce health risks and noise, which was not disclosed in the draft EIR/EIS. In terms of congestion, Caltrans claims that freeways are brought to a standstill a good portion of the day, but their own data shows that most of the time that freeway, even at rush hour, moves at a fairly fast pace. They are claiming that slowing the freeway down will increase both tailpipe emissions and greenhouse gas emissions, which is actually not the case and there is no evidence for that claim.

In terms of level of service (LOS) at your local intersections, in and around Solana Beach at the so-called bottleneck that occurs in North County, the current LOS over much of that freeway is Level F, which is true of the entire 27 miles of the freeway that they are planning to widen. Level F is essentially gridlock, where you can't add anymore automobiles to the roadway. If you do nothing, you would expect no particular change in the LOS, but widening the freeway with either option still leaves Level F, even in 2030, which is the completion date. What have you gained by widening the freeway? You still have gridlock.

Air quality is a real concern here. The American Lung Association gives the San Diego Air Quality Basin a grade of F for 2010. The reason is because in the San Diego Air Quality Basin we are in non-attainment status, meaning we are out of compliance with several State and Federal designations, particularly for what is called PM10 and PM2.5. Those are particulate matter of very tiny size. They are much smaller than the diameter of a human hair. Those are bad enough, but the real culprits here are the ultrafine particles, which you can barely see even on a slide. Particulate matter is associated with cardio-respiratory mortality, asthma, bronchitis and a higher risk of lung cancer. These particles are so small that they are inhaled deep into the lungs, much like wood and cigarette smoke, and are incorporated in the lung tissue. Some are so small they actually go right into the blood stream.

The closest sampling station in the air quality basin is in downtown San Diego, so they have no idea what goes on in North County. We did some sampling in and around Solana Beach with the help of San Diego State University, and if you're downwind on the east side of the freeway your exposure to ultrafine particles is the highest.

Noise is a little like fine air particles in the sense that it increases downwind and through a complicated series of calculations, Caltrans decides for you what they are willing to mitigate in terms of the noise in your backyard. We have a lot of people who live alongside the freeway in Solana Beach and over the entire 27-mile corridor. Based on 2004 measurements, Caltrans determined that there are at least 1,600 homes that are impacted by noise that exceeds Federal limits. If you do nothing, that number increases somewhat but even when you build it, noise gets louder and they only mitigate about 80% of those impacted situations. They decide what they are going to pay and how high the wall is going to be and if it doesn't mitigate it, they walk away from it.

ROBERT COTTON, Del Mar resident, showed a computer graphic of I-5 from Oregon down to San Diego and stated the only place the freeway touches the coastline and is viewable to and from the coastline in San Diego County. The entire length where they are proposing the expansion of I-5 is in that visual corridor. The tourists do come to San Diego and it is very important how they perceive us because their first impression is the gateway where they first come on the views of the ocean. What Caltrans proposes is from La Jolla to Oceanside a partial or complete visual loss through the construction of the sound walls or sound barriers on the freeway. He used graphics to show before and after views of I-5 in various areas.

He is pursuing this as an individual and enlisting in the battle to try to address this and educate the public so they know what the informed decision is. From Vancouver to Tijuana we are the only coastline freeway that has visibility of the Pacific Ocean. People in generations before us handed us this legacy and what we decide to do will be the legacy that goes forward at this point. This widening will not affect his home on any of the issues, but he has lived in San Diego since 1970 and he loves when he comes into Oceanside and can look at the coast from I-5.

Per Councilmember Sanchez's request, he showed a computer generated virtual view as driving on various sections of the proposed expansion and walls, etc.

COUNCILMEMBER SANCHEZ stated it was an eye-opening presentation and gave us some insight on what we need to comment about and possible impacts to Oceanside.

Public input

DIANE NYGAARD, 5020 Nighthawk Way, represents Preserve Calaveras and 2,700 North County families. We began meeting with Caltrans about this project in 2004. They had meetings with 2 different coalition groups that involve all of the organizations working to protect our natural resources. We were told a lot of things by Caltrans about how this project was going to work. We were told there would be no damage to our coastal lagoons and that they would be staying in the existing right-of-way and wouldn't be impacting private property. They said they would include some good transit improvements and alternatives so we could make informed choices. Six years later none of those things have come to pass.

The only thing that makes that freeway drive from Oceanside to San Diego tolerable is the wonderful expansive views of our coastal lagoons and our coast. With sound walls like were shown on the computer graphic we lose what makes this community special. If we build this project the way it is now proposed, our community will never be the same. Studies show you cannot pave your way out of traffic congestion. This project is \$4,000,000,000 and this is the best they can do? We need and deserve something better.

COUNCILMEMBER SANCHEZ stated she will be bringing the statements from the Town Hall meeting forward to Council at the next available date so we can insure that our residents' comments will be included in our comments on the EIR/EIS.

COUNCILMEMBER KERN asked if the gentleman from Del Mar who wanted alternatives would be supporting the double-tracking through Del Mar.

MR. COTTON wasn't prepared to toss alternatives back and forth because everybody has a particular agenda but he doesn't have an opinion on double-tracking. He would propose that we study alternatives to the existing transportation. He's not qualified to develop plans.

COUNCILMEMBER KERN asked if Mr. Cotton would support double-tracking as an alternative to make the trains work better.

MR. COTTON responded it would all have to be relevant to studies done on impact on the environment. If double-tracking on the lagoon, that's a preserve but everything is on the table. His preferred alternative would be to have a monorail up the center of the freeway and use the same real estate and \$4,000,000,000 could probably achieve that.

COUNCILMEMBER KERN sat on SANDAG Transportation when they were talking about the Interstate 15 (I-15) expansion and Caltrans came and made the presentation. They said in 2004 it took 40 minutes to get from Escondido to Mira Mesa and their goal is in 2030 to get from Escondido to Mira Mesa in 40 minutes with the expansion because we have 1,000,000 more people coming with kids and grandkids, etc. So we have to provide for them.

The freeway system is not just transporting cars and getting people to and from work. It's also the backbone for our transportation system for trucks and moving goods/services. If we don't want those businesses here in the County and we wish them to be someplace else, then we just stop building. He doesn't think that's what we want. We need to get our people to and from work so long-term we're going to have to expand I-5. We need to build and maintain our road structure here in Southern California. We're all not going to ride bikes or take public transportation because we haven't solved an important issue of how you get from your house to the transit center and from the transit center to your job. He doesn't think the citizens of Oceanside agree with the perception that we don't need to expand I-5. We need to plan for the future and this I-5 corridor is 15 years out.

COUNCILMEMBER SANCHEZ stated there is no debate whether or not we are trying to move people. That is the goal. The question is what is the best way of doing it. An EIR is supposed to evaluate alternatives and we only have one in Oceanside. There are other cities that are able to do this. Los Angeles went widening and now it's doing mass transit. Mass transit is the future, not more roads. We will probably have a better discussion after we have gotten the information from staff, the experts and from those that are impacted.

Mayor Wood determined to hear Item 21 at this time.

[Recess was called from 7:36 PM to 7:43 PM. Councilmember Feller was absent]

21. **Request by Council Member Sanchez for a resolution to maintain the senior status of the senior communities of Costa Serena and Peacock Hills; direction to staff**

COUNCILMEMBER SANCHEZ placed this item on the agenda because we are continuing to have problems in the senior neighborhoods of Costa Serena and Peacock Hills. In 2006 the Council unanimously adopted a resolution in support of the senior status of our city's senior communities. In that resolution we did not specifically name the neighborhoods, we have several. It is important to make sure we have neighborhoods that are senior friendly and/or that are designated senior friendly.

Specifically, Costa Serena was built as a senior community duplexes. Many of the things that would have been required for a full out residential neighborhood were waived, i.e. the requirements for open space, setbacks, etc., because it was built as a senior community. Costa Serena has just gone through a lengthy battle to keep their senior status because there were some unscrupulous people that were trying to challenge the procedures that Costa Serena used to be able to remain a senior community. These are people who find out the sunshine dates for the original 25-30 years, at which time residents and owners have a right to renew their desire that it continue to be a senior community. After a long process, they won that battle at the appeal level. Costa Serena has been under attack again with vicious lies being spread that it is no longer a senior community.

She is proposing that Council pass another resolution or at least a recognition that Costa Serena is a senior community.

Public input

DEE DEVINE, 3260 Calle Osuna, stated the City helped us so greatly. We fought a long hard battle and we won it hands down. It was even published so it wouldn't happen to other senior communities. The same person who started all of this is still sending out letters with falsehoods to people. This is stressful for the elderly who live in the community. She is hoping this will help let people know this is a senior community. This community has been under fire for so long and she hopes Council will continue to help them.

TOM GRAY, 3201 Buena Hills, stated this community is America's greatest generation. The majority of people who live in there are Veterans. We need to keep the senior community for them so they can enjoy peace.

Public input concluded

COUNCILMEMBER SANCHEZ moved to adopt a resolution recognizing Costa Serena and Peacock Hills as senior communities and we verify through HUD and include that information in the resolution so it's crystal clear that these are senior neighborhoods.

COUNCILMEMBER FELLER seconded the motion.

CITY ATTORNEY MULLEN stated we could implement that direction. By virtue of the court's opinion, it is a senior community. If Council would like us to verify it through HUD we could do that as well, but the court's opinion is binding on the parties.

COUNCILMEMBER SANCHEZ stated there was a letter circulated on the back of something written by these unscrupulous people and it was a letter from Congressman Issa. The way they presented that letter made it sound like Congressman Issa had verified through HUD that it was not a senior community. There have been attempts to contact Congressman Issa to clarify the vagueness and that hasn't happened. That is why she is asking this specifically regarding HUD.

CITY CLERK WAYNE clarified that the **motion** is direction to staff to prepare the resolution and bring it back.

Council concurred.

Motion was approved 5-0.

Mayor Wood determined to hear Items 16 and 17 at this time.

GENERAL ITEMS – Continued

16. **City Council/Harbor: Authorization to award a contract in the amount of \$3,530,249 to SMC Construction Company of Irvine for the Harbor Aquatics Center project located at 1301 N. Pacific Street, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents; approval of a professional services agreement with Safdie Rabines Architects, Inc., of San Diego in the amount of \$119,610 for architectural support services for the project, approval of a professional services agreement with ARCADIS-US, Inc., of San Diego in the amount of \$199,877 for construction management, inspection and special testing services for the project, and authorization for the City Manager to execute the agreements; and approval of a budget appropriation in the amount of \$545,000 from unallocated Harbor**

District funds to the project account

FRANK QUAN, Harbor & Beaches Coordinator, stated the Aquatics Center and maintenance area are located in the 1300 block of North Pacific Street. It is bordered on the north side by the boat-launching ramps and on the south side by the Marina Del Mar Condominium complex. The area is currently vacant and used as storage for outrigger canoes and maintenance storage. The Aquatics Center will have indoor storage for outrigger canoes and offices for the Junior Lifeguard program. The upstairs area can be used by the boating and non-boating community for meetings and other events. The maintenance area will enclose the trash, green waste, fire ring ash and beach cleaner debris dumpsters and adds enclosed storage spaces for the vehicles and equipment. The project also adds 33 parking spaces. The Community Center is a 2-story building and is almost 6,800 square feet. The maintenance building is a 1-story building and is close to 6,000 square feet. He used computer graphics to show the site today and the drawings of the new project.

The construction is a little over \$3,500,000 and the contingency is \$310,000. Water and sewage buy-in fees are \$84,000, construction management is \$199,000, architectural support is \$119,000, and the administrative services are \$42,000. The total is close to \$4,300,000. These funds come from the Harbor Fund and not the General Fund. This will not impact any City services.

And...

17. **City Council/Harbor: Authorization to award a contract in the amount of \$457,000 to Good and Roberts, Inc., of Vista for the Harbor Lot 11B Restroom project located at the north end of Harbor Lot 11B, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents; approval of a professional services agreement with Safdie Rabines Architects, Inc., of San Diego, in the amount of \$56,685 for architectural support services for the project, approval of a professional services agreement with ARCADIS-US, Inc., of San Diego, in the amount of \$23,947 for special testing services for the Harbor Lot 11B Restroom project, and authorization for the City Manager to execute the agreements; and approval of a budget appropriation in the amount of \$250,000 from unallocated Harbor District funds to the project account**

FRANK QUAN, Harbor & Beaches Coordinator, stated this restroom is located on the north end of the Harbor parking lot. The existing restroom is 25 years old and has an inadequate number of stalls for the number of people using the beach now. The new restroom is 1-story, 865 square feet and will have double the capacity at 12 stalls. He used computer graphics to show pictures of the old restroom and drawings of the new restroom.

The construction costs are \$457,000 for construction and contingency is \$45,000. To upgrade the sewer lift station, since that's at the end of the line there, is \$50,000; the water and sewer buy-in fees are \$33,000; construction testing is \$23,947; the architectural support services are \$56,000; and the administrative services are \$26,000. The total is \$692,347.

The funds for both of these projects come out of the Harbor Fund and do not come out of the General Fund. Staff recommends approval for both projects.

Public input

JIM JENKINS, 1429 Calle Marbella, stated that projects like this are very costly. He is a slip renter and is all for the improvement and advancement of the Harbor and they are doing a great job with what they are trying to do, but is this the time to spend this kind of money. The cost to build this restroom seems high. With the economy there are probably contractors that would do it for maybe half that cost. This shows

that Harbor management has done a great job over the years in order to be self-sufficient but these big projects create shortfalls and if this is going to create a shortfall in the Harbor budget, where are those costs going to get picked up and who's going to pay it. Hopefully it won't result in increased harbor slip increases, etc.

RICK KRATCOSKI, 2110 Foster Street, agrees with the previous speaker. This project is for a simple building to store canoes, harbor vehicles and trash cans and a restroom and is \$5,000,000. Unallocated funds are funds that go directly to the Harbor but how much of the General Fund is used to do things at the Harbor? We're in a budget crisis. We should be taking money out of their allocated funds to help us out because we do use General Fund money to do stuff at the Harbor. \$5,000,000 is way out of line for a restroom and a place to store boats.

ROBERT SPENCER, 1202 North Pacific Street, lives in Marina Del Mar, which is adjacent to this project. He talked to a few of the residents and they think the plans are beautiful. He too echoes the 2 previous gentlemen. To store some canoes and have parking for City vehicles, this isn't smart fiscally. The top story should maybe be a restaurant so the City can get some money from it. This is a premier location with an unobstructed view of the Harbor and the ocean. This project minimizes that parcel. He respects staff, but thinks we could do a lot better use on that piece of property.

Public input concluded

COUNCILMEMBER LOWERY had some of the same questions that the residents expressed so he asked Mr. Quan earlier if we have the money for this already and is that money designated to be spent in the Harbor.

MR. QUAN responded yes. We started this project about 6-7 years ago. We have the money to build the project and it promotes boating which is the Harbor's job. We feel that this is a good project.

COUNCILMEMBER LOWERY confirmed that we are not going to have to go into some other fund because we have the money to completely cover this project.

MR. QUAN responded yes. We don't receive General Funds to operate the Harbor.

COUNCILMEMBER LOWERY asked if the 33 parking spaces are a gain, because the property is all fenced off right now. Will it be 33 new spaces?

MR. QUAN responded it's 33 new spaces.

In response to a speaker, **CITY MANAGER WEISS** stated the Harbor does pay lease payments to the City, which were previously established at a minimum plus a percentage. Other than that the money generated by the Harbor, since it is an Enterprise Fund, has to stay in the Harbor.

COUNCILMEMBER SANCHEZ understands that the money is there and has to be spent pursuant to the Boating and Waterway Department. The reason for the Harbor is for boating activities and the funds were from the capital fund, is that correct?

MR. QUAN responded that is correct.

COUNCILMEMBER SANCHEZ moved approval for Items 16 and 17, [including award of contract (**Document No. 10-D0727-2**) in the amount of \$3,530,249 to SMC Construction Company of Irvine for the Harbor Aquatics Center project; professional services agreement (**Document No. 10-D0728-1**) with Safdie Rabines Architects, Inc., of San Diego in the amount of \$119,610 for architectural support services for the project; approval of a professional services agreement (**Document No. 10-D0729-1**) with ARCADIS-US, Inc., of San Diego in the amount of \$199,877 for construction

management, inspection and special testing services for the project; **and** [award of contract (**Document No. 10-D0730-1**) in the amount of \$457,000 to Good and Roberts, Inc., of Vista for the Harbor Lot 11B; Restroom project professional services agreement (**Document No. 10-D0731-1**) with Safdie Rabines Architects, Inc., of San Diego, in the amount of \$56,685 for architectural support services for the project; professional services agreement (**Document No. 10-D0732-1**) with ARCADIS-US, Inc., of San Diego, in the amount of \$23,947 for special testing services for the Harbor Lot 11B Restroom project].

COUNCILMEMBER KERN **seconded** the motion. The bathrooms have to stay within the existing footprint so we aren't going to have any trouble with that. If anyone has been down there they understand that the bathroom needs to be rebuilt before it falls down.

MR. QUAN responded it will stay within the existing footprint.

COUNCILMEMBER KERN stated we can rent out the upper level of the Aquatics Center, so there is a money-making opportunity here. It may not be like a restaurant but with the views, it will probably be pretty much booked up for events so there is some return on building it in that manner, including the ability for meetings there.

This is the right time to build. These bids are actually lower than the bids we had previously for 2 reasons. One is that the material costs are down because of the economy. People are hungry on their bidding. The second thing is, because of the Charter, since this is a non-prevailing labor clause, labor costs are 18-20% less than it would have been before. Those 2 items allow us to build this cheaper than it was a few months ago. Right now we have Conex boxes on the beach and we need to move those off the beach and make the beach more accessible to everyone. The maintenance building is sorely needed. The life of our last backhoe was supposed to be 5-6 years and it melted in 3?

MR. QUAN responded we took it out of service at 50% of its service life.

COUNCILMEMBER KERN stated because of the salt air we need to start getting that equipment stored someplace to extend its life.

COUNCILMEMBER FELLER asked if we are going to call this parking lot 11C or is it going to have a designated area. How is the parking going to work there.

MR. QUAN responded he really hasn't thought about that yet. It will probably be 11C.

MAYOR WOOD stated this is money that is designated to be used in the Harbor. They have it. In the construction field right now you're saving 20-30% on your money if you build now because of construction costs and it's going to be better that area and give more parking. This would be a great wedding spot.

Motion approved 5-0.

Items removed from Consent Calendar for discussion

14. **City Council/Harbor/CDC: Adoption of resolutions establishing the 2011 meeting schedule dates and times for regular meetings of the City Council, Small Craft Harbor District Board and Community Development Commission**

NADINE SCOTT, 550 Hoover Street, is very supportive of choosing the dates so far ahead and keeping it at 2 meetings per month so we can have full participation of our Councilmembers in some of the other activities, including Councilmember Sanchez on the Coastal Commission. What she doesn't like is the meetings starting at 3:00 PM

for Closed Session and 4:00 PM for the public. It's a perfect example tonight of the chaos; no one knows when any item is coming up. Staff is sitting here until all hours wasting time and money. The general public is confused and it discourages public comment. Council has been putting the off-agenda items last and she is hearing frustration from people. She is hoping Council will join together and bring it back to 4:00 PM for Closed Session and 5:00 PM for the public. That way we can all finish our jobs and get here and have a public dialogue.

JIMMY KNOTT, 127 Sherri Lane, concurs with Ms. Scott. He has gotten the same responses from the public. No citizen should have to leave the Council meeting without having addressed the item they came here for. With respect to the off-agenda items, some places hear 15 minutes of that and put the rest off until the end of the meeting. There are many ways this can be handled.

Public input concluded

MAYOR WOOD has said many times that since he is retired, he doesn't care what the schedule is; he'll be here. We've tried to adjust it in the past for people who have conflicts with a job or, like in this case, a Councilmember who is on the Coastal Commission which is a priority. He kind of agrees that the 4:00 PM Closed Session and 5:00 PM public is good. He would like to try and limit the conversations from the Councilmembers. He tried to implement a 5-minute time limit that didn't go over well because they are elected officials and he shouldn't stifle them. Councilmembers are talking for the citizens so it's hard to shut them off. Council are the worst offenders for talking forever.

The agenda has items listed in order but before the meeting he gets approached by Councilmembers and the public asking to be pushed up. He tries to accommodate them because they usually have a good reason.

The only Councilmember still working is Councilmember Sanchez with her law firm and the Coastal Commission so her input is more important.

Some of the reasons we put the speakers on off-agenda to the end is because of problems we've had in the past and even Carlsbad had problems recently and had to make an arrest on.

COUNCILMEMBER SANCHEZ stated that when we adopted the hours we did say we would try it and she has gotten complaints about the hours. She **moved** approval as to the dates but moved the times back to 4:00 PM for Closed Session, 5:00 PM general and 6:00 PM for time-certain public hearings. [including adoption of **Resolution No. 10-R0724-1 (Council)**, **Resolution No. 10-R0725-2 (Harbor)**, and **Resolution No. 10-R0726-3 (CDC)**, "...establishing the dates and times of the regular meetings and establishing the regular meeting schedule for calendar year 2011" as amended.]

MAYOR WOOD seconded the motion.

COUNCILMEMBER KERN thinks tonight is a primary example of why we should keep the times the same. It's now 8:30 with no Public Hearing Items. We are now at 2 meetings a month and we understood that the meetings would be longer. If we had a Public Hearing Item tonight, we would be here well past 10:00 and our policy is not to start [new items] after 10:00 PM. He supports the meeting date schedule to accommodate Councilmember Sanchez but he'd like to keep the times the same because as we go forward we will have Public Hearing Items.

As far as items on the agenda and the order they are taken, Mayor Wood has a tough job trying to juggle all of the demands as to which item gets heard when. Once we get into the schedule next year, we're going to have 2 or 3 public hearing items with all the agenda items that we normally have and we might not get out of here until 11:00

PM or later. It was a unanimous decision to change the dates to accommodate Councilmember Sanchez but he'd like to keep the current times.

COUNCILMEMBER FELLER stated we did specifically say that we wanted to make these meetings earlier and try to accommodate the Consent items in that first hour between 4:00 PM and 5:00 PM, and whatever else we could work in to that short period of time. We're hearing an item right now that was on the Consent Calendar. Maybe we should hear the Consent items and off-agenda items before we do the awards and proclamations. We need to get as many of these things in order out of the way as early as possible. He heard concern about staff being here all night but they're really going to be here all night if we go back to the previous times. We started these meetings at 3:00 PM with Closed Session because we were going from 3 meetings a month to 2 meetings. He is agreeable to the schedule as it presently is.

COUNCILMEMBER LOWERY stated if we change it to 4:00 PM for Closed Session what would be at 5:00 PM?

CITY MANAGER WEISS responded at 5:00 PM, if we go back to the way we were, would be Presentations and Proclamations, oral communications on non-awarded items, Consent Calendar and General Items if we can do them before 6:00 PM and then Public Hearing Items would start at 6:00 PM. Whatever items were not heard before 6:00 PM would go after the Public Hearing Items.

MAYOR WOOD stated our job is to get the City business done. If we can't get it done in the hours, then we'll have to go to more Council meetings per month.

Motion was approved 3-2; Councilmembers Kern and Feller – no.

6:00 P.M. – PUBLIC HEARING ITEMS – None

INTRODUCTION AND ADOPTION OF ORDINANCES - None

CITY COUNCIL REPORTS

23. **Mayor Jim Wood**

MAYOR WOOD announced the 60th anniversary of the landing at Inchon took place last week at Camp Pendleton. He congratulated Dennis Flores, who has been selected for the 2010 National Organization for Mexican American Rights Award. Mayor Wood went to the U.S. Asian Expo at the Los Angeles Convention Center, which focused on the economy and trade with representatives there from 44 countries.

24. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the Martin Luther King Park clean-up. There was a grand re-opening of Herb Meyer Stadium on September 10th. There will be a re-opening of Oceanside High School stadium on October 8th. He attended the grand opening of the Fresh & Easy on Oceanside Boulevard and the one on College also opened today. He announced Monica McAff's birthday – 93 today.

25. **Councilmember Jerome Kern**

COUNCILMEMBER KERN announced that on Thursday, September 30th, Assemblywoman Diane Harkey is hosting a reception with the topic 'Returning the Gold to California' to discuss how California's economy can get back on track.

26. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ announced there will be a Town Hall meeting on the I-5 widening on Thursday, September 30th, in Council Chambers.

27. **Councilmember Charles Lowery**

COUNCILMEMBER LOWERY found out that George Hiram passed away a few days ago, who years ago used to own Food Mart on South Hill Street. There will be a Chamber of Commerce Candidates' Forum on Thursday, September 23rd, in Council Chambers.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

No action will be taken by the City Council/HDB/CDC on matters in this category unless it is determined that an emergency exists or that there is a need to take action that became known subsequent to the posting of the agenda.

28. **Advance written request to reserve time to speak:** None

RICK KRATCOSKI, 2110 Foster Street, stated there are some good things about the Charter, like not paying prevailing wage on non-government projects. We need to amend our Charter to make it the best Charter. He listed some suggestions for amending the Charter and ways to implement them.

29. **Communications from the public regarding items not on this**

JIMMY KNOTT, 127 Sherri Lane, stated Oceanside has a return on investment of roughly .5% to 1.5%. However, CalPERS received 11.80% for their investments in 2009. They have approximately \$207,000,000,000, of which they have about \$20,000,000,000 going out at any one time. The facts that have been told in the past aren't true.

DON CHRISTIANSEN, 3715 Longview Drive, Carlsbad, stated Proposition 23 will be on the November ballot. If those promoting Proposition 23 prevail, it will increase the likelihood of drilling off of the California coast. If that happens there is a very high possibility the tourism industry would be negatively impacted. He urged Council to consider a resolution in opposition to Proposition 23.

ROGER BOYD, 1304 Via Mil Cumbres, Solana Beach, founding member of the Clean & Green Committee, stated Californians have known for many decades that we eventually must move beyond the use of oil and coal fuels as our primary energy needs. We're beginning to experience the polluting effects of fossil fuels, including the dirty air we breathe and the congested transportation system. We are beginning to correct this unsustainable way of living by passing the 2000 Pollution Reduction Law, AB 32, to reduce poisoning pollution emissions back to 1990 levels by the year 2020. There is one new potential obstacle – Proposition 23 on the November ballot. If passed, it will repeal the intended pollution reduction results of AB 32. He asked Council to consider passing a resolution opposing Proposition 23.

NANCY CRAIG, 802 Topeka Street, wanted to clear up the difference in the Orange and Los Angeles County Fire Departments versus San Diego County is that Orange and Los Angeles fight their own back country fires. San Diego County does not. They are fought by well-trained volunteer fire departments and the Forest Service.

Regarding the animal shelter, she used to volunteer there and she is going to volunteer there again. Some people maybe just don't like change. She would like to have everyone work together to make the new shelter successful.

LANE SHARMAN, 1260 Santa Luisa, Solana Beach, is a member of Solana Beach Clean & Green Committee and thinks we should be outraged that 2 oil companies from Texas can come into our State and try to overturn a law that took people many months to fashion. AB 32 is a small effort to reduce our emission footprint which has gotten out of control. He urged Council to pass a resolution in support of AB 32 and in opposition to Proposition 23.

September 22, 2010

Joint Meeting Minutes
Council, HDB and CDC

MIKE BULLOCK, 1800 Bayberry Drive, is a strong supporter of AB 32 and it would be a tragedy for California if Proposition 23 were to pass. He would like the City to put this on the agenda and take a position opposing Proposition 23.

WOODROW HIGDON, 2544 Rudder Road, stated the vote on the police and fire contract was the final piece of criminal corruption of the Council. He spoke on alleged election fraud, falsifying records, intimidating citizens and assault and prosecuting citizens based on their political agenda. He spoke of police corruption and his reasons for quitting a police department.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 9:10 PM on September 22, 2010. [The next regular meeting is Wednesday, October 6, 2010, at 3:00 p.m.].

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside