



California

ITEM NO. 7

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

October 16, 2002

ADJOURNED MEETING 10:00 AM COUNCIL CHAMBERS

Mayor

Terry Johnson

Deputy Mayor

Jack Feller

Councilmembers

Betty Harding
Carol McCauley
Esther Sanchez

City Clerk

Barbara Riegel Wayne

City Treasurer

Rosemary Jones

Mayor Johnson called the adjourned meeting of the Oceanside City Council to order at 10:00 AM, October 16, 2002, for the purpose of a workshop. Deputy Mayor Feller led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Harding, McCauley and Sanchez. Also present were City Clerk Wayne, City Treasurer Jones, City Attorney Duane Bennett and City Manager Steve Jepsen.

WORKSHOP ITEMS

1. **Overview of the Citywide Confined Space Rescue Program and adoption of a budget resolution transferring \$15,000 from the Water and Sewer Funds, \$1,000 from the Storm Drain Fund, and \$51,500 from the Unallocated General Fund Reserve to the Fire Department for the purchase of confined space rescue equipment and continuing education.**

KEN MATSUMOTO, Fire Captain, gave the report, noting that the City has recognized confined space rescue as a necessary function but has not addressed the program as a single entity under one department for City-wide training, response and compliance with applicable federal and state regulations. He has been teaching confined space rescue to Water Utilities and Public Works Department employees. This training was designed to also meet the Cal OSHA (Occupational Safety and Health Agency) requirements. However, since the Fire Department is staffed on a 24-hour-a-day basis, it has become apparent that the Fire Department should be the lead department in the response to incidents. Presently the overall City response to a confined space emergency is lacking in areas of an adequate training site, equipment dedicated only for incident response, and lack of trained Fire Department personnel.

Oceanside needed a confined space rescue program. It would require training and educating the Fire Department; it also required specialized rescue equipment; there would be a joint City rescue response; and the Fire Department planned to include the confined space rescue as part of the training facility.

Captain Matsumoto first defined a confined space as a space of a size and shape that would allow a person to enter. There were limited openings for entry and exit. Confined spaces were not designed for continuous occupancy. Some confined spaces required a permit and were known as Permit Required Confined Space (PRCS). These spaces have the following characteristics:

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- Contain or have the potential to contain a hazardous atmosphere
- Contain a material that can engulf an entrant
- Have inwardly converging walls or a floor that slopes to a smaller cross-section
- Contain any other recognized serious safety or health hazard.

Some examples of PRCS are drainage culverts, ship hatchways and railroad cars. Oceanside has many of these types of spaces.

Regarding regulation history, in 1975 OSHA saw this was a problem to industry and asked that standards be developed. In 1994, the Federal regulation was issued, and the State of California adopted the Cal OSHA regulation for confined spaces. This regulation had been established since 1994. Over the course of time, a lot of agencies have come into compliance to follow these rules. In 1999, OSHA made some regulations more stringent regarding how rescue teams are evaluated. People can no longer list the Fire Department as a rescue team; they have to actually prove that they can do the job and have the equipment to do so. Federal jurisdictions, such as Camp Pendleton, follow CFR 1910.146. State jurisdictions, such as city and county areas, follow Title 8 of the California Code of Regulations, sections 5156-58.

Our program's purpose is to train and equip the Fire Department to be able to respond to all confined space incidents within the City that are emergency incidents and to comply with the Federal and State OSHA regulations.

The project objectives have been divided into internal and external. The internal objectives are to:

- Define the responsibilities of the Fire Department
- Establish guidelines for conducting confined space rescue operations.
- Establish a program to train and equip all of the fire personnel so they could conduct these rescues safely.

The external objectives are defined as those that take place outside of the Fire Department. We have an integrated response to confined spaces by various City departments. Currently, the work aspect of confined spaces is done by the Water Utilities Department. Up to this point, they were responsible for their own rescue of personnel and for any other City rescues that may happen with civilians. The Fire Department will take some of that burden away; we will be their rescue folks if they get into trouble. We will be available to respond 24 hours a day, which was difficult in the current set up.

Staff proposes building a multi-purpose confined space and trench rescue facility for all City departments to use. We would also cross train with neighboring agencies, such as Vista and Carlsbad.

Results: the regulations mandate injury and illness prevention programs that would bolster safety for employees. Some of the things that will make that happen are safety, recognition of a confined space, communication on hazards, correction of some hazards, record keeping and annual training. That is what we will embark on.

He explained that the Fire Department wanted to implement this program because of rescuer safety. Statistically, there were 6 incidents where the workers were either killed or injured after entering confined spaces. Those 6 incidents saw 43 killed or injured. The last firefighter death was a 44-year-old who was overcome by toxic fumes in South Dakota on October 10, 2002. Accidents happened, but with the right training and regulations, staff hopes to avoid it.

Emergency incidents happen in Oceanside. The City had 2 incidents that people will

admit to, and there were several near misses. In the first incident, skeletal remains were found in a storm drain some time ago. The coroner and public works staff came down, and an incident from that was the coroner felt light-headed as that person came up, maybe because of a lack of oxygen in the space. If we had the proper equipment, we could have avoided that problem. The second incident occurred when a child was trapped in a vertical storm drain. Luckily, there was nothing hazardous in the drain, and it had good oxygen. Staff lowered a rope into the storm drain for the child to tie onto to get hoisted out of the hole. If there were hazards in there, we would have had a body recovery instead.

Some of the potential incidents in Oceanside included any forced access in storm drains, trash or rubbish fires in drainage culverts, ship bilges in the Harbor, cement plant mixing hoppers, and any City reservoirs or sewer plants.

Project Results -- We hope to comply with the regulations so there is less chance of citations, fines and lawsuits. Recently, a southern California city had an incident that caused some fines and jail time for a couple of employees of that agency. Luckily, they were able to work it out. The project would increase the Water Utilities Department employee safety. The Water staff does about 40 entries a year, and there is usually one near miss. He found that those issues may not have been documented but came up in the roundtable discussions in the classes over the last 3 years. This program would provide increased firefighter safety by providing safer rescue operations since staff would be familiar with the hazard and be able to properly use the equipment. This would increase citizen safety since the City would have a 24-hour capability to respond to any place in the City and outside the jurisdiction if allowed. Currently, rescues could only take place when Water personnel were on duty. The program would provide better service for businesses. Fire Departments are usually listed as the rescue team for private companies that have confined spaces. They expect the Fire Department to be able to do the job, but staff currently cannot since we do not have the proper equipment or training right now. Finally, the program would provide a safe confined space training facility for the Fire Department, Water Utilities Department and outside agencies.

Project Time Line -- Basically, as soon as a decision is made here, we will be able to complete our training facility, order and receive the equipment, and start education/training around December, hopefully completing the training process by July/August 2003 for all the Fire Department folks, including some of the neighboring jurisdictions, and Water Utilities folks to get into our full operational response capabilities.

Training Facility -- At our training center located on Jones Road, we are developing a facility that is a safe prop. Currently, all of the training done with the Water Utilities Department is inside the actual spaces, which has the potential of being a problem. With the training facility, we have above-ground spaces that simulate confined spaces and we can do things to make sure we get the right training for employees under safe conditions. It is a dual confined space and trench rescue facility. Trench rescue is another important component that we may look at later on. Available for cooperative training, all City departments would have access to it. Hopefully we can open it up to other agencies in the North County area when the City is not using it. Currently in the North County area, this will be the only set-up prop for confined space training.

Joint Training Program -- Joint training is proposed with Oceanside and Vista Fire folks and Vista Waste Water. Talent from different agencies that have done this job in the past would set up a matrix schedule for agencies to utilize. They planned to have a mix of students from the Fire Department, Public Works, Water Utilities, Vista Fire, Vista Waste Water and other participating agencies. The training program would certify all participants in full rescue operations through a 24-hour Cal-OSHA compliance class. The department would hold 72 four-hour class sessions over the next 6 or 7 months.

Needed -- We need Council approval for a one-time funding for tools and equipment, some use of unallocated funds for FY 2002-03 for small annual maintenance

and initial training, and unallocated funds for 2003-04 for the mandated continuing education program. It was mandated that all employees go through refresher training and that they offer the entry training annually.

JIM MYERS, Assistant Fire Chief, stated the estimate for the total project would be approximately \$124,000, which is what our budget is. Of that, we have \$62,000 that we are taking out of the Capital Improvement Program (CIP) for the training facility and equipment. The remainder we are asking for is the Water Department and the Public Works Department to provide the \$16,000 for training. We need an additional \$46,000 this year to purchase additional equipment to be used specifically for confined space rescue. We are also asking for, starting next budget year, \$5,500 per year for continuing education costs that would mostly cover overtime for instructors. That may be less if we get the Vista personnel to teach, then we get their time in place of money. Basically, we have the initial \$62,000 from the CIP for training, and we are requesting another \$51,500 from the unallocated general fund.

DEPUTY MAYOR FELLER asked if the outside agencies would pay for use of the facilities.

ASSISTANT CHIEF MYERS stated that, in return for outside instructors teaching classes, Oceanside would not charge them for sending students to participate in the classes. The City would realize a reduction in overtime costs by having outside instructors come in.

DEPUTY MAYOR FELLER asked if this was the first time staff was requesting money for this program even though the Cal-OSHA requirements had been in place since 1999.

CAPTAIN MATSUMOTO stated that Cal-OSHA originally implemented confined space requirements in 1994.

DEPUTY MAYOR FELLER asked if this was the first time staff had asked for any equipment. He noticed there was a lot of equipment in use on Sunday just to tear a car apart. He was curious why the City did not have this program in place by now.

ASSISTANT CHIEF MYERS responded that within the Fire Department they made a request several years ago for a confined space project; however, it was denied at the top level in the Fire Department and was not forwarded to Council. Because of the OSHA requirement, Captain Matsumoto did do the training for the Water Department personnel to assist them if they had an event occur while they were at work. But we have not come to Council before to request a citywide, 24-hour-a-day program.

MAYOR JOHNSON asked when this was denied.

CAPTAIN MATSUMOTO stated that staff looked at the issue in 1994 or 1995.

CITY MANAGER JEPSEN stated this was prompted by Council's recent budget review; a request came forward, and 3 different departments were working on the confined space issue. At that time, Council decided to put the Fire Department in charge of coordinating the effort. Fire staff has been working with the Public Works and Water Utilities Departments. Water Utilities had a program in effect for some time and was working with the Fire Department. The law has changed somewhat since 1994, which has heightened the City's need to have this response program for the entire community. As Captain Matsumoto indicated, they will now be able to respond to all confined space issues -- both private and public in the community. It is a valuable thing and keeps the City

current.

MAYOR JOHNSON moved to approve staff recommendations.

COUNCILMEMBER McCAULEY thought it was wonderful that we are putting this into the Fire Department, the main reason being that people call the Fire Department to solve many problems.

Regarding the balance between teachers from other agencies vs. students from other agencies, she asked if there would be a process of auditing and making certain that this is always in balance and does not go out of balance between the number of students we take. If it ever does come out of balance, she would like to see a mechanism where a certain amount of compensation could come to the City.

CAPTAIN MATSUMOTO responded that the initial training was still in the development phase. Once the training is opened up after Council's approval, then staff would have hard numbers for other agencies to participate. Staff had verbal agreements with the City of Vista, which had some academy students and a group of new employees in the water and sewer divisions that need training too. Vista would send their 2 instructors for Oceanside to use, so the training would be open to a certain number of their employees. The majority of the class would be from the Oceanside Fire Department and from other City departments. There would probably be 2 or 3 spaces each class for other cities. Staff would make sure that there is a balance. If there is no City involvement, then we would have to come up with some sort of fee schedule for these other agencies to come in and participate.

COUNCILMEMBER McCAULEY thought it would be good to set up a very simple ledger with the cost of the instructor versus the cost of the students. The cost of the instructor could be considered as a credit, and the cost of their students could draw from that credit. Once they exceed that, there would be a cost. Or, the City could work out a deal for them to solely use the facility. She next asked if the Water Department had any specialized equipment the Fire Department would be able to bring over into this project.

CAPTAIN MATSUMOTO said that the Water Department had their own equipment, but they use the majority for their operational needs. When they do maintenance, they use that equipment. The thought was that they would use that equipment to do their rescues as well. Our vision is to not rely on equipment being used in City operations. We want to have a whole new set of equipment that is strictly maintained and kept for rescue operations. If there were an equipment failure on the operation side, we would have equipment to use for the rescue.

COUNCILMEMBER McCAULEY seconded the motion.

COUNCILMEMBER HARDING thought this was an excellent idea, particularly since the Fire Department is open 24 hours a day. It is very important that staff be available to perform rescues 24 hours a day.

ROBERT OSBY, Fire Chief, stated that this would probably be an ongoing relationship of informing Council as the department moves closer to regionalization; we do a lot of regional cooperation now. The only time you know about it is when an item comes up or when we have units out of town. Generally we are giving the help for wildland support for other agencies. There will come a time when they will help us. So even though we will do our accounting so that we know what the outgo and income of service expenses are, we are really trying to do this cooperative effort a different way. For example, when we train people in Vista, it is good for us when we are working together. A lot of this service goes on.

Down the road there will be more interaction between Fire staff and Council as we move towards regional cooperation. A lot of it will not be in balance dollar wise, but in the long run, it will benefit Oceanside.

COUNCILMEMBER SANCHEZ appreciated this being brought to Council at this time, especially since we are trying to attract businesses with hazardous components. It is terrific to know that staff was on top of things. She looked forward to a discussion about regionalization of fire services.

COUNCILMEMBER McCAULEY assured Chief Osby that, when she was referring to an audit on this, it was not in reference to charging anyone. In past years, contracts had been arranged with an understanding, and then in the long run, the agreement or contract shifted directions. This would solely be for our internal use to make certain that it is going in the direction we want it to go. If any problems arise, we have that information. She was not looking so much to bill other cities.

ASSISTANT CHIEF MYERS noted that staff would keep accurate records of everyone that attends, as well as the instructors, to be able to refer that information at will.

Motion was **approved 5-0**.

2. **Update of the Citywide Emergency Plan**

JIM MYERS, Assistant Fire Chief, stated that in August Council approved the revision of the emergency plan, which Captain Joe Urban completed. At that time, Council requested a workshop to discuss the emergency plan, and we are here today to do that. This is for your information only.

JOE URBAN, Fire Captain, summarized the Emergency Plan that was distributed. He briefly covered the areas that he thought were important.

Some of the common goals of emergency management include:

- Saving lives
- Caring for casualties while limiting further casualties
- Limiting further damage to structures and the environment
- Reassuring and caring for the public
- Restoring the area to normal as soon as possible.

One of the guidelines used to formulate the Emergency Plan was established by the Government Code [Section 8607] and mandated to be in place by December 1, 1996. That ordinance indicates that local governments must use the Standardized Emergency Management System (SEMS) throughout our plan. The plan talks about the incident command system, and the structure repeats itself through every annex. The City must follow that to be eligible for reimbursement. He did not have the statistics at this time, but early in the process staff identified close to \$5,000,000 in reimbursement to the City from the 1993 floods through the year 2000. That was possible because the City was able to document what it did and how staff attended to those incidents. SEMS is referred to throughout this Emergency Plan. In fact, we just did SEMS orientation/awareness to the department directors last week.

The idea of SEMS is to standardize the response to emergencies; to improve the coordination between Federal, State and local resources; and to have a system that is

flexible and adaptable for the emergency responders.

A couple of SEMS components include common terminology. It is a modular organization, which builds to the needs of the incident and the organization; it has a unified command structure, which means everyone has one boss; it forces us to come up with consolidated action plans so everyone knows the objectives, available resources and how those resources would be used; and it also provides for comprehensive resource management.

The City must comply with the SEMS requirements in order to be eligible for reimbursement. The City has to document in those specific areas: in planning, which is the emergency plan; in training, where everyone in the City should be aware of SEMS to function within the system when implemented; in exercises in order to continue with an EOC scenario and activation; and in performance since we would have to justify it when the incident is over and when we do our after-action report to the State and Federal governments. We have to show we have complied, used the SEMS and performed well. There are a lot of restrictions.

There are several organizational response levels. The field level response is something you see every day in Oceanside where the engine companies and battalion chiefs are doing tactics on an incident to resolve the issue. Then there is the local government lever—we are responsible for all the actions that occur within our jurisdiction, which is why everyone needs to be able to function within the system. The operational area includes all the jurisdictions within the county, including the County. The region is groups/counties together, and the State is beyond that. But they all have SEMS requirements. It requires a lot of hours to get all that training.

As the local government activates their emergency operations center (EOC), things would go more smoothly if they broke the operation into the 5 SEMS components of:

- Management
- Operations
- Planning/Intelligence
- Logistics
- Finance

The Emergency Plan lays out the responsibilities that each department could have within the system. It does not always work that way, but those are areas that the department directors and their subordinates should be aware of and be able to function in.

With the Emergency Plan is a guidebook that serves as a quick summary of the plan. The guidebook illustrates the responsibilities of the City Council, City Manager and City Departments. One of things the Council is responsible for is to proclaim, or ratify an existing proclamation, of local emergency. That way, the governor could eventually do the same, and then the City would be eligible for resources and reimbursements coming to our assistance. Everyone has a role in the plan. By ordinance, the City Manager is the director of emergency services in the City. There are successor directors, and he can delegate his responsibility elsewhere. But overall, the City Manager is the director; he leads the management section of the EOC. The management section is responsible for setting incident priorities.

The City's plan for the management section varied from SEMS a little bit. The assistant director of emergency services is also the EOC director. By the plan, the Fire Chief was named the assistant director. The Fire Chief would be in charge of the EOC and would work directly with the director of emergency services to coordinate the activity of all the other department directors. In order to assist the EOC manager, the assistant director could choose to keep all the responsibility, but it made it easier and more manageable if that person delegated responsibility. These positions were there to insulate the EOC

manager from people trying to gain his attention all the time.

The public information officer's responsibilities, duties and resources were spelled out in the plan as well. A legal counsel was always necessary, and the City Clerk's office would supply staff support. During an emergency situation, people may not perform their normal functions when they come to work; they may need to fit into other positions.

Then there is the operations section, which ensures that the situation and resource information gets to the planning/ intelligence section. As with the other section chiefs, the operation chief needs to reach consensus among staff for objectives. All the directors would participate in action planning meetings so that everyone has a voice in what is going on, and everyone has different responsibilities regarding intelligence, resources, finance, etc. It all comes together in the incident action plan.

Each section is broken down further as needs arose. For instance, operations could be broken down into fire and rescue, law enforcement and public works. It is a branching system that is there to utilize.

The operations section chief would depend on the type of event. For instance, for a landslide that had not affected people, the operations chief could be the Public Works Director. Everyone has the potential to do something else.

The planning/intelligence section would collect, evaluate and display information. The only way to make logical decisions is to have good intelligence. That position is shared by the Plan with the Planning Director or Harbor and Beaches Director. They would develop the action plan based on all the information gathered from other areas. This section would also conduct long-range planning; maintain resource status information; and maintain incident documentation initially, which is needed to get paid; and demobilization. The units within the planning section included resources, situation, documentation and demobilization.

The logistics section is responsible for all service and support needs, including personnel, facilities, equipment and supplies.

Ultimately they will be involved in the finance/administration section longer than anyone, because once we start spending money, we need an accounting of where we are spending the money. Then all the records would need to be collected for the after action report that would go to the State or Federal government. Finance staff would probably work overtime to compile the report which is due within 90 days of the incident.

For other City departments, those departments not specifically mentioned become part of a personnel pool. For instance, Housing and Redevelopment do not have primary roles in the SEMS system, but they have support roles and after the fact roles. They are not major players in the initial incident, but they could be used anywhere else. He thought it was important to publicize that, by law, all public employees are disaster service workers. If an incident happens, employees would still need to report to work. Even though they might not be doing their normal job, they need to be here to be utilized for something else, even if it is pulling bricks off the pile. Staff will try to publicize that through the newsletter or other means just for reinforcement.

COUNCILMEMBER McCAULEY thought staff might consider presenting an abbreviated version of this presentation as one of the required training classes for all employees. That would get the word out so individuals would know what they are responsible for.

CAPTAIN URBAN would obtain direction from his Chief on how to accomplish that goal.

The Emergency Plan is the first 49 pages; after than it is just annexes. The County of San Diego produced all the annexes; they follow the SEMS format, and we just made some more specific direction in a few annexes. This plan allows ways to adapt to changing situations.

The multi-casualty annex D was one of the most recent and most utilized ones. Paramedics refer to that all the time when there are multiple victims that cause staff to strip its resources.

The newest annex was P -- terrorism. The County of San Diego actually began developing this several years ago before the attacks on September 11, 2001. The region had foresight to see that the risk was there; there was potential for terrorist activity. San Diego County is actually better prepared than a lot of areas in the country because there is a cooperative team. Besides the Office of Disaster Preparedness, they have a terrorism working group. Then, there is a new component called the metropolitan medical strike team, which is made up of the FBI, hazardous material personnel, paramedics, doctors and SWAT members, etc. Comparatively speaking, the City and the County are ahead of the game.

DEPUTY MAYOR FELLER noted that, when there was a lot of rain in 1994, he had supplied food from his store. He did not see information in this plan on planning for things like food. He asked if those things were identified.

CAPTAIN URBAN noted that the plan did not specifically identify civilian preparations for a disaster because that is widely done through the American Red Cross. Regarding supplies for responders, that is covered under Annex K—logistics section, which is procurement, acquisition, distribution of supplies/materials and includes food, housing, vehicles and other equipment, etc. The City does not specifically have an Annex K, but we really need to have a system in place. When 100 people worked on brush fires, he went to McDonald's and bought 100 hamburgers on the Cal card. We need something else in place so that the City is geared up for a lot more than 100 people.

COUNCILMEMBER McCAULEY noted that in the last evacuation/fire drill she was in the Housing Department, and they have no alarm over there. Someone had to come over and tell us to evacuate. She asked staff to look into that to make certain that all our facilities have alarms.

ASSISTANT CHIEF MYERS responded they have looked into that and identified that, because of the population there, there was no requirement for alarms in that area; however, we did pass that on to the Public Works Department for installation of alarms. He did not believe that had been completed, but he would check on it today.

COUNCILMEMBER McCAULEY thought it was imperative for all City facilities to have alarms, especially now.

3. **Public Communication on City Council Matters (Off Agenda Items)** -- None

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October 16, 2002 -- 10:00 AM

Council Workshop Minutes

ADJOURNMENT

MAYOR JOHNSON adjourned this meeting of the Oceanside City Council at 10:54 AM, October 16, 2002 to the 2:00 PM workshop today.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:

CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION

OCTOBER 17, 2007

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

4:00 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
Rocky Chavez

Councilmembers
HDB Directors
CDC Commissioners
Jerome Kern
Jack Feller
Esther Sanchez

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

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 at 4:00 PM, October 17, 2007 by Mayor Wood.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Kern, and Sanchez. Councilmember Feller arrived at 4:01 PM. Also present were City Manager Weiss, Assistant City Clerk Trobaugh and City Attorney Mullen.

COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

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

CITY ATTORNEY MULLEN titled the following agenda items to be heard in closed session: Items 2, 3B and 4 [Items 1 and 3A were not heard, with 3A being continued to November 7.]. Closed Session and recess were held from 4:01 to 5:02 PM.

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MEETING BY CITY COUNCIL**

[See the report out on these items at 5:00 PM, Item 5.]

5:00 PM

MAYOR WOOD reconvened the meeting at 5:02 PM. All Councilmembers were present. Also present were City Manager Weiss, Assistant City Clerk Trobaugh and City Attorney Mullen.

Pastor Carl Souza gave the Invocation. The Eagle Young Marines of Camp Pendleton led the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

Presentation – Employee Service Awards – The following employees were recognized for their years of service:

Richard Crevoiserat, Police Department, 20 years
Gai Clark, Police Department, 20 years
Mark Hammond, Water Utilities Department, 20 years
Beverly Lira, Financial Services Department, 20 years
Tali Carey, Water Utilities Department, 20 years
Will Perdomo, Public Works Department, 25 years
Ken Wallace, Water Utilities Department, 25 years
Phil Dumas, Police Department, 25 years
Roberta Rodriguez, Water Utilities Department, 25 years
Rick Sing, Police Department, 25 years

Proclamation – Celebrating the recreation and competitive sports leagues throughout the City that are administered by Judy Barz – Judy Barz, Neighborhood Services/Parks and Recreation Division, accepted the proclamation in honor of her 20+ years of managing the City's sports and athletics programs.

CLOSED SESSION REPORT

5. **Closed Session report by City Attorney**

CITY ATTORNEY MULLEN reported out on the following items previously heard in closed session:

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 was held on this item.

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

PERSONNEL EVALUATION

A) City Manager

Discussed; there was no reportable action.

B) City Attorney

Discussed; there was no reportable action.

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

- [A] CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9(a))
Riverwatch et al. v. County of San Diego et al., Superior Court Case No. GIN038227]

This item was continued to the November 7, 2007 closed session.

- B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9(b))
Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One case

Discussed; there was no reportable action.

4. **CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Vacant parcels of land at the northwest corner of Foussat Road and State Route 76 (APNs 145-021-24 and 160-270-76, and portions of APNs 145-021-23, 160-270-78, 160-280-56 and 160-280-57); Negotiating Parties: City of Oceanside and Costco; Negotiator for the City; Douglas Eddow, Real Property Manager; Under Negotiations: Price and terms of a sale and/or lease

Discussed; there was no reportable action.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

No action will be taken by the 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.

Advance written request to reserve time to speak: None

3. **Communications from the public regarding items not on this agenda**

ALAN LAUER, 5137 Avenida de la Plata, Board Member and Senior Pastor of the Bread of Life Rescue Mission, thanked the Council for their support. Without their continued commitment, Bread of Life would not exist today. Over the past 12 months, they have had noteworthy successes: serving approximately 22,000 meals; given shelter to a significant population of homeless people; launched an interactive web site to coordinate the delivery of meals by over 50 volunteer groups to almost 400 individuals in need; and helped many of their guests move back into the mainstream of society. In some cases, they have helped people overcome drug and alcohol addictions, secure employment, and move into housing. Bread of Life operates within very low administrative expenses. Only 3% of their annual budget goes toward wages, with a large portion going to guests who work part-time for them. They have forged ties with numerous other organizations. They are part of the newly formed Alliance for Regional Solutions to address the homeless population. However, Bread of Life is in desperate need of funds. They have had increased rent rates, etc. Charitable contributions have not kept pace with the rising expenses, and they are approaching insolvency. Their funds will be exhausted by mid-November. They hope that more individuals, businesses and churches will assist them.

CYNTHIA SALAZAR, 333 Garfield Street, 5-year resident, expressed concerns with her neighborhood in Crown Heights. With the redevelopment going on in downtown, the growth and bringing in tourism, this neighborhood is a black eye for the City. The three problems that she has encountered as a 1½-year homeowner there include noise, the dense population of illegal immigrants, and gangs. The homeowners have to deal with this daily and would like to hear what changes are expected for this area.

VIKI HURST, 3355 Mission Avenue, works for Casa de Amparo, which is a nonprofit organization serving abused, abandoned and neglected children throughout San Diego County. On behalf of Casa, she thanked the City for allowing them to use the Melba Bishop Recreation Center, where they have housed their child development center since 1980. Next week, they are relocating that program and their family visitation program to a new facility located on Rancho del Oro. The new facility will allow them to serve more children. They are celebrating the opening of the facility on October 23, with a dedication ceremony.

CATHY NYKIEL, 701 Mission Avenue, MainStreet Oceanside, thanked the community for the Veterans' Association of North County. Their first fundraiser for the North County Veterans' Hall was held on September 22, and they raised over \$5,000.

On behalf of MainStreet Oceanside, she highlighted upcoming events, such as Día de los Muertos and an American Red Cross Blood Drive.

SONYA McCLIN, 4717 Ventana Way, Cheer Coordinator for Oceanside Pop Warner Cheerleading and a head coach of the Peewee Cheer Squad, stated that the City donated money a few years ago for a cheer squad that qualified to compete in the Florida nationals. This year, a couple of cheer squads have a good chance to move on to compete in the nationals. She asked if the City would again be able to donate to Oceanside Pop Warner.

SUE SILVANO, 4717 Ventana Way, President of Oceanside Pop Warner, stated this is a nonprofit organization that has been involved in the community for 30+ years. Not only do they have the potential for 2 cheer squads to go to nationals, they also might have 3 football teams go. Typically, they are able to obtain funding to meet about 90% of the costs. However, another football youth program came into the City this past year, and a lot of the donations Pop Warner typically gets have been exhausted. That has put them in a tough spot. They would appreciate it if there was anything the City could do to send the football teams and cheer squads to Nationals.

CONSENT CALENDAR ITEMS [Items 7 – 13]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC instructions. 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 City Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of the agenda item.

DEPUTY MAYOR CHAVEZ removed Item 8 from the Consent Calendar for discussion.

The following Consent Calendar was submitted for approval:

7. 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)
8. **Removed from Consent Calendar for discussion**

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9. Council: Approval to accept \$100,000 in grant funds from the U.S. Department of Health and Human Services awarded to the City of Oceanside for homeless and runaway youth services, and approval to budget these funds to the Neighborhood Services Department; approval of a one-year agreement with the YMCA of San Diego County in the amount of \$96,471 for operation of the Oz North Coast Youth Shelter for homeless and runaway youth, and authorization for the City Manager to execute the agreement [**Document No. 07-D0645-1**]
10. CDC: Approval to accept grant funds in a total amount of approximately \$78,000 from the Federal Emergency Management Agency (FEMA), awarded to the Community Development Commission for the purpose of assisting families displaced by Hurricanes Katrina and Rita who are currently residing in Oceanside, and approval to appropriate these funds to the Neighborhood Services Department
11. Council: Approval to grant an easement to San Diego Gas and Electric Company (SDG&E) for underground electrical facilities to serve the Harbor Aquatics Center, and authorization for the Mayor to execute the deed [**Document No. 07-D0646-1**]
12. Council: Adoption of **Resolution No. 07-R0647-1**, ". . .providing for additional temporary partially paid military leave of absence and continued health benefits for City employees called to active duty with the armed forces by the President of the United States to combat terrorism," for one additional year effective November 1, 2007
13. Council: Adoption of **Resolution No. 07-R0648-1**, ". . . approving the final map for 400 South The Strand," an 8-unit residential condominium project located at 400-404 South The Strand, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar (excluding Item 8), and **COUNCILMEMBER KERN** seconded the motion. Motion was **approved 5-0**. [Item 8 was trailed to follow the public hearing items.]

GENERAL ITEMS

General Items are normally heard after any 6:00 p.m. Public Hearing Items. However, if time permits, some General Items may be heard prior to any 6:00 p.m. Public Hearing Items, following the Consent Calendar.

15. **Council: Approval of the Community Relations Commission's FY 2007-08 Workplan**

JOHN LUNDBLAD, Management Analyst, stated the 2 most known programs of the Commission is the annual Martin Luther King, Jr. Civic Award Program and the Martin Luther King, Jr. Scholarship Program. They also help with the Community Development Block Grant and provide volunteers to the Human Resources Department when community participants are required for interviewing applicants for a City position.

There are no changes in their workplan from previous years.

COUNCILMEMBER FELLER stated it was a pleasure to work with the Community Relations Commission, which has a diverse membership. They work hard to eliminate prejudice and discrimination. He wanted to clarify the dates for the scholarships early on. In the Commission's planning efforts, he hoped that notice would be handled in a formal manner so that people are very clear about the dates. He **moved** approval.

COUNCILMEMBER KERN seconded the motion, which was **approved 5-0**.

16. **Council: Adoption of a resolution accepting a U.S. Department of Housing and Urban Development (HUD) Section 108 Loan Guarantee in the amount of \$3,500,000 and appropriating the funds for construction of Fire Station 7, and authorizing the Mayor to execute the note, contract and all other documents necessary to accomplish the transaction**

JOHN LUNDBLAD, Management Analyst, Neighborhood Services Department, reviewed that staff had come to Council over a year ago for their authorization for the application for the loan to assist in the construction. This is money that is already budgeted for construction; it is not new money. The loan is repaid by a commitment of future allocations of the Community Development Block Grant (CDBG) funds. It is not money that would come out of the General Fund, with the caveat that, if the CDBG program went away, the loan would become an obligation of the General Fund. Therefore, they would be paying the loan for the next 20 years. This is the same loan program that the City used to build the Libby Lake Community Center. Staff may look at it for loans for additional purposes in the Crown Heights, East Side, or other neighborhoods.

The loans have to be used primarily to benefit the low- and moderate- income population. For Fire Station 7, the immediate area served fits that criteria. More than 50% of the population are low and moderate income. Station 8 and Station 1 are equally valuable in emergency services to the City but do not fit that criteria.

It is a loan guarantee from HUD. The loans are then bundled and sold to financial institutions for long-range investments.

COUNCILMEMBER FELLER asked if the City has ever had to dip into the General Fund for any of the loans.

MR. LUNDBLAD replied negatively. In fact, in the history of the Section 108 Loan Guarantee Program, no loan has ever defaulted. It is a very stable program.

COUNCILMEMBER FELLER moved approval [and adoption of **Resolution No. 07-R0651-1**, ". . . accepting a U.S. Department of Housing and Urban Development Section 108 loan guarantee in the amount of \$3,500,000 for construction of fire station 7; and authorization for the Mayor to execute the note (**Document No. 07-D0652-1**), contract (**Document No. 07-D0654-1**), and all other documents necessary to accomplish the transaction" (**Document No. 07D0653-1** – funding agreement)].

COUNCILMEMBER KERN seconded the motion; motion was **approved 5-0**.

17. **Council: Introduction of an ordinance of the City Council of the City of Oceanside amending various provisions of Chapter 8 of the Oceanside City Code to specify that the ordinance does not impose wagering limits; to increase the maximum number of tables per licensee; to require unaudited monthly gross revenue statements and annual audited statements; to delete restrictions on playing of certain games (pai gow and super pan nine); to delete the requirement of prior City Manager approval of tournaments or special promotions; and to clarify the circumstances under which a dealer is considered to be on duty**

CITY ATTORNEY MULLEN stated that the genesis of this item was a letter received last year from the Deputy Director, State Department of Justice (DOJ), Division of Gambling Control. The letter pointed out that Oceanside's local ordinance did not specify what the wagering limit is for cardrooms under Chapter 8 of the City Code. They made a recommendation that we either include what the wagering limit is or, if there is no wagering limit as in the case of Oceanside, we should specify in the ordinance that this is the case. From a relatively simple amendment, through discussions with representatives of Oceans 11, his office drafted an ordinance that includes many

additional miscellaneous amendments. First, there is an amendment adding a new Section 8.13, which specifies that there is no local wagering limit imposed through the City Code. There are house rules that are posted on the internet on the Division of Gambling Control's website. They list the house rules and the wagering limits that they impose.

As part of the amendment, Oceans 11 has proposed to modify the ordinance to potentially increase the number of tables in the cardroom from 45 to 56. He clarified that by introducing and subsequently adopting this ordinance, Council will not be expanding Oceans 11 per se. They are giving the cardroom the opportunity to submit an amendment to their existing conditional use permit to later seek to add those tables. We are proposing an amendment that allows a maximum of 56 tables in any cardroom in Oceanside. Council will have the opportunity to examine all of the land use concerns they may have by allowing an expansion through the conditional use permit and development plan process. Oceans 11 will also have to obtain an amendment to their State gambling license to permit that expansion. They will have to get an amendment to their local license as well.

There are a few technical amendments that are also before Council. There is a proposed amendment to Section 8.15, which deletes the current requirement to obtain City Manager approval prior to conducting a tournament that is less than 3 days. As he understood it, there are tournaments that occur at Oceans 11 on a daily basis, but they are subject to the existing 45 table limit. There is also a proposed amendment to Section 8.14, which will delete rule 11 to allow pai gow and super pan nine games to be played. Those games are currently allowed under the City Code, but they are limited to no more than 5 tables. Oceans 11 has proposed to have that rule deleted so that the games could be played at more than 5 tables. There is no restriction under State license that limits them to 5 tables; it is a City imposed requirement. Section 8.14 rule 20 is proposed to be amended to delete the requirement to collect player fees before a hand is played. That is not a requirement imposed by the State. Section 8.5 of the City Code is proposed to be amended to require Oceans 11 to provide audited annual financial statements. If this is adopted by Council, Oceans 11 will have to provide unaudited gross revenue statements on a quarterly basis and an audited annual statement. That is to conform to existing practice. Section 8.17.3 currently makes it unlawful for an operator of a cardroom to permit any employee on duty to play unless it is disclosed in house rules. The City is clarifying this section to make it clear that a dealer is not on duty until they are put into the dealer rotation.

Again, the Planning Commission will have the opportunity to rule on a future conditional use permit application to increase the capacity of the cardroom to go from 45 to 56 tables. That will be appealable to the Council.

Public Input

RICK KRATCOSKI, 2110 Foster Street, lives in the Loma Alta/Mission Park neighborhood, which is next to the cardroom. Oceans 11 has been a good neighbor; there have not been any problems that he knows of. The place is always clean and is never rowdy. Some of the areas that are a problem include the bar next door. Council should consider cleaning up that ugly corner. It is an entrance to the City on Mission Avenue. They see a vacant lot with a big fence. Now there is also all of the parking from Oceans 11 because they are doing well. They have moved their parking over to where the Mission Car Wash used to be. It would be nice, if the City agrees to allow additional tables, to renovate the area, possibly with landscaping. The Mission Car Wash has been closed for about 20 years; it would be nice to tear it down. Maybe that could be additional parking for Oceans 11, but hidden by landscaping. Therefore, this is a good opportunity to make it look nice.

JOAN BROWN, 511 Rockledge Street, lives in the Crown Heights area. Since Oceans 11 is owned by local businessmen, she believed they should give back to the

community if the City agrees to these changes. There are other criteria to consider. For her, the appearance of the business is important. Although Oceans 11 made \$27,000,000 last year, none of that money went back into the property to fix their landscaping or redecorating their cardroom facility or restaurant. They opened in 1997 and have done nothing to their facility since then. The parkways on Brooks Street are mostly weeds; the palm trees are dead, and the ground cover is dying from lack of watering. Landscape areas are bare, and the wrought iron fence is peeling. The restaurant and bar area is small and dark, and the big cardroom is bare and bright. She felt that a business in Oceanside making very good money should improve its image by reinvesting some of its capital in updating the facilities and taking care of the landscaping to give the community someplace nice to have dinner. It will also give the nearby businesses encouragement to do the same. She is not alone in her feelings.

COUNCILMEMBER SANCHEZ stated that the issues brought up by the speakers are issues that she has heard time and again, having to do with the parking. While the City Attorney suggested that certain changes would not automatically increase parking since Oceans 11 would still have to go through the process, she felt Council needed to address the specific issue of parking. The Show Palace has complained several times about people parking there. In terms of the overflow, she wanted to know if that would be a permanent issue. If so, there should be something in terms of improving the look of the old car wash site. The business has been good for the City; however, we need to address the issues up front and not as part of a conditional use permit. If we are going to be allowing for greater use, we should make sure that all of the parking is taken care of now, not later on.

ROBERT MOYER, Oceans 11, 121 Brooks Street, stated that Oceans 11 has a lease for the car wash site, along with an agreement to buy that property. The property is currently in probate. He just received a new lease, and they expect the property to be out of probate within 3 months, at which time it will go directly into escrow for them to purchase the land. Their plans are to tear down the car wash building and put in additional parking. We will beautify the area by putting plants in. We also have a lease with the Card Quest. The Card Quest is owned by one person, and Show Palace and the other properties are owned by someone else. Oceans 11 has a contract with him, and they do have valet. They do park over there on Thursday through Saturday nights, which are the busiest nights for Oceans 11. We are looking for additional parking. We also have a verbal agreement with Saul Gonzales that they can park in the Show Palace lot as long as they have no event going on. He is getting that in writing since they would need that for the conditional use permit.

COUNCILMEMBER SANCHEZ stated that Mr. Gonzalez contacted her and said there is no agreement, which places the burden on Mr. Moyer to make accommodations on the property he is buying. She believed Mr. Moyer could resolve the parking issue but would like to see that done up front.

CITY MANAGER WEISS stressed that Council's action tonight does not allow Oceans 11 to increase the number of tables. That can only happen following a separate process that would include neighborhood input and outreach, parking studies, appropriate landscaping for additional parking lots, and going to the Planning Commission and possibly the Council.

COUNCILMEMBER SANCHEZ would be fine with having this issue sent to the Planning Commission to resolve, and then have all of these issues brought forward. However, she really wants to resolve all issues up front.

MAYOR WOOD stated that no matter what, Oceans 11 has to go through the process to the Planning Commission, etc. and issues will be addressed.

COUNCILMEMBER FELLER stated that Oceans 11 has been a good neighbor, particularly to Ivey Ranch Park. They have contributed thousands of dollars. This has

been a great community partner. All we are trying to do tonight is adjust the ordinance, which carries forward to the next step for Oceans 11, which is to go before the Planning Commission. That will allow them to add more tables, if approved. There will be conditions put on the project to satisfy parking, landscaping, etc. This discussion is premature. We need to do some of the changes to satisfy the request from the DOJ and to get the process started. He **moved** approval [to introduce the ordinance].

DEPUTY MAYOR CHAVEZ seconded the motion.

CITY ATTORNEY MULLEN clarified that the portion of the ordinance that is proposed to be amended to increase the number of tables could not be implemented before a conditional use permit is granted. However, there are other portions of the ordinance that would become effective 30 days after the adoption of the ordinance. These are the technical issues he described earlier. With respect to the expansion, Oceans 11 will need a future conditional use permit in addition to their State gambling license. The DOJ has reviewed and issued its approval of the draft amendment to the ordinance. Anything related to the expansion will require future approvals. The technical issues, including allowing pai gow and super pan nine, would become effective without future approvals.

COUNCILMEMBER KERN felt the parking issue should be brought up at the conditional use permit level, when they would have to file a full parking plan, etc. We should not address parking tonight. The Planning Commission is well aware of what the parking issues are and will address it. The best time to address parking is when Oceans 11 has their parking plan.

DEPUTY MAYOR CHAVEZ stated that one of the major points they have talked about is tourism. Oceans 11 fills that component. It is also important to note that Mission Avenue and I-5 is a gateway. We have done well on the western side of I-5. There has been discussion about the entryway into the Oceans 11 area, in particular the park. He would like the Planning Commission and staff to look at improving this area to support tourism. Again, this is only the beginning of the process. This is a good opportunity to look at what we want to do in this gateway area, not only as a City but in partnership with Oceans 11, which has been beneficial to the City. He **called for the question**.

COUNCILMEMBER KERN seconded the call.

The call for the question was **approved 4-1**, with Councilmember Sanchez voting no.

Following the titling of the ordinance, the motion to **introduce the ordinance**, ". . . amending Chapter Eight of the Oceanside City Code by the amendment of various provisions regarding the operation of cardrooms" was **approved 4-1**, with Councilmember Sanchez voting no.

6:00 PM – PUBLIC HEARING ITEMS

Public hearing items are "time-certain" and are heard beginning at 6:00 p.m. Due to the time-certain requirement, other items may be taken out of order on the agenda to accommodate the 6:00 p.m. public hearing schedule.

14. **Council/CDC: Adoption of resolutions to approve and appropriate \$191,149 in Redevelopment Bond funds used to relocate utilities, pursuant to the First Amendment of the Lease Agreement with the Oceanside Museum of Art, and make certain findings therewith**

MAYOR WOOD opened the public hearing.

Regarding disclosure of constituent contact, **COUNCILMEMBER FELLER** and **COUNCILMEMBER KERN** reported contact with staff. **MAYOR WOOD, DEPUTY MAYOR CHAVEZ** and **COUNCILMEMBERS SANCHEZ** reported contact with staff and members of the Oceanside Museum of Art.

TRACEY BOHLEN, Development Coordinator, reviewed that the First Amendment to the Lease Agreement with the Oceanside Museum of Art was approved by Council in 2002. The Museum has already done the work and paid \$255,934, so this would be a reimbursement to them for relocating electrical and gas lines, fiber optics, water and sewer, irrigation lines and valves and purchasing a compressor for the Fire Department. The amount requested for the water and sewer lines is \$64,785, and that will be paid by the Water Utilities Department. The remaining amount of \$191,149 is proposed to be paid with Redevelopment funds. With this payment, the City will satisfy all past contractual financial obligations with respect to the Museum expansion. The Redevelopment Advisory Committee unanimously approved this item at its October 10 meeting. Redevelopment is requesting approval of the funding since the Museum helps to make the downtown a tourist destination and adds to the cultural fabric of the City.

PAUL DOOLEY, 704 Pier View Way, Board Member of the Oceanside Museum of Art, stated he is the Expansion Committee Chairman and on behalf of the Board wanted to thank Council for their continued support and cooperation. They are at 98 days before their grand opening scheduled for January 23, 2008. He agrees that, with this action, the contractual obligations of the City to the Museum would be completed. He is involved in the day-to-day operations and getting the building completed, and the level of cooperation from City staff at all levels has been fantastic through the whole process.

No Public Input

COUNCILMEMBER SANCHEZ moved approval [adoption of **Council Resolution No. 07-R0649-1**, ". . . approving the appropriation of funds by the Community Development Commission of the City of Oceanside for the relocation of utilities associated with the expansion of the Oceanside Museum of Art and making certain findings in connection therewith" and **CDC Resolution No. R0650-3**, ". . . approving the appropriation of funds for the relocation of utilities associated with the expansion of the Oceanside Museum of Art, and making certain findings in connection therewith."

COUNCILMEMBER KERN seconded the motion; motion was **approved 5-0**.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

8. **City Council: Approval of 9 purchase orders to various vendors in a total amount not to exceed \$907,633 for 29 vehicles for City departments; approval of an increase of the Service Charge-Garage Fund of various business units in amounts totaling \$69,565 and a transfer from the Traffic Services Fund in the amount of \$39,535 to complete the funding for the purchases and in-house build costs; and authorization for the Financial Services Director, or designee, to execute the purchase orders**

DEPUTY MAYOR CHAVEZ stated this is not a small expenditure. He has made it one of his issues to look at the equipment we currently have. If we are not using it, there may be another way to look at this life cycle. The City Manager indicated there was a sentence missing from this report. A study was conducted, and there were a number of vehicles examined that were not bought. Therefore, there was some savings.

CITY MANAGER WEISS reviewed that Council had directed staff to look at low-use vehicles. We identified 14 vehicles that have been taken out of service and will not be replaced. Other issues implemented include downsizing the types and sizes of vehicles. We are requiring departments to downsize at least one classification. We are

also looking into alternate fuel vehicles and the impact of having a green fleet. We have removed 14 vehicles from the fleet and have set up an additional 4 or 5 as pool vehicles in order to further reduce the overall size and cost of the fleet. He pointed out that 2 of the vehicles they are looking at purchasing are additions to the fleet. The City's policy has been that replacement vehicles are funded through the replacement fund, but additions to the fleet are to be paid out of the requesting individual department's funds.

DEPUTY MAYOR CHAVEZ had brought this forward a couple of years ago to look at the vehicle fleet, and the only department that had made those changes was Public Works. The City Manager has been able to make significant savings. He **moved** approval.

COUNCILMEMBER FELLER seconded the motion, which was **approved 5-0**.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD had attended the swearing-in at the Police Department. The 10th annual Senior Expo was held, and there was a wonderful turnout.

The regional and local traffic problems are also a number one issue for everybody. There was a groundbreaking ceremony for the first step of Proposition B regarding transportation infrastructure. The Governor kicked off the first phase of this in Solana Beach for the widening of I-5. It will then continue north.

The grand opening of the [Residence Inn by] Marriott at 3603 Ocean Ranch Boulevard was held last night. It just opened and is already about 62% filled. The interior design was inspired by the Oceanside Surf Museum. The new Kaiser Permanente building has also opened in the same area.

He attended the birthday of an Oceanside woman, Nora Taylor, who is 102 years old.

19. **Deputy Mayor Rocky Chavez**

DEPUTY MAYOR CHAVEZ reported on the Crab Fest that was put on by the Oceanside Rotary Club. They raised about \$20,000 for the wounded warriors on Camp Pendleton. He showed computer pictures of the Senior Expo. He also highlighted a new business: Wings, Pizzas and Things, a restaurant and sports bar.

20. **Councilmember Jack Feller**

COUNCILMEMBER FELLER reported on the Transportation Commission meeting, stating that items that will be brought for Council approval include a proposed installation of 3 speed humps on Morse between Alvarado and Stewart Street, and the removal of parking for the new project on Crouch and Apple streets.

He and Councilmember Kern attended North County Transit District's (NCTD) annual Full Access and Coordinated Transportation (FACT) meeting. City staff member Megan Crooks received an award. The City is a partner in this. NCTD is trying to make mobility a reality for seniors and the disabled.

He substituted for the Mayor at the SANDAG Policy Board meeting. One issue was grade separation priority list nominations. Every 2 years, the Public Utilities Commission (PUC) requests nominations for railroad grade separations and ranks the nominated projects. They had 4 this time. They are based on a standard formula that evaluates the safety and cost effectiveness of the nominated projects. Right now, it is only \$5,000,000 per project. The City is aware of this, but we were nowhere on the list because there are some criteria. Local governments and other eligible agencies can

submit applications to the PUC for any additional grade crossings within their jurisdiction. As the funding becomes available, they will develop a list of priority projects. However, there is not a lot of funding available. We have 18 crossings in the City, and none of them are grade separated. To date, there is no regional list of potential grade separation projects. The project's specific criteria will be worth 75%. The regional housing needs assessment production criteria will compose 25% of the total project score. We will have to consider this as we go forward.

The potential regional infrastructure investments were another issue. This will come before the SANDAG board at their January retreat. We do have to work together on this, sand, etc. Coastal communities are more in need of the infrastructure improvements, such as habitat preservation, storm water, sand replenishment, etc. However, they have to work together as a region to solve these problems. They were talking about \$6,000,000,000 for the needs.

Oceanside High School's Homecoming and Hall of Fame ceremony is this weekend. The Oceanside Music Festival will include a celebration of sacred music at St. Mary's Star of the Sea.

21. **Councilmember Jerome M. Kern**

COUNCILMEMBER KERN reported that the Youth Commission is providing a free movie at the amphitheater. There will be a community forum on underage drinking on November 13 at El Camino High School, sponsored by North County Health Services. The board of the Buena Vista Lagoon JPA is to meet next week.

He and Deputy Mayor Chavez continue to meet as liaisons to the school districts.

The SANDAG Transportation Committee will bring up the regional bicycle plan and incorporate that into the regional transportation plan to come up with coordinated ideas to get funding from Transnet for bicycle paths and develop a regional solution.

He had attended the Water Conservation Summit at the University of San Diego, sponsored by the San Diego County Water Authority (SDCWA). We are coming to a critical point regarding water usage in California. If we have a winter like last winter, we will be on some type of drought management plan by next summer. He reported that the State has come in with revisions to AB 1881, the Water Conservation Ordinance. The County is working on their ordinance now. The City will have to adopt one by 2010. Every city in the State will have to come up with a water conservation ordinance.

He and the Arts Commission Chairman went to the San Diego Airport to see how they incorporated art. It was amazing how they have incorporated art into their new plans. They have a 2% investment for art from all of their vendors and airport users. Their ideas almost parallel what the Council is going to try to do in the downtown area. The important thing is to do this before things are built. It is hard to go back to retrofit things later.

He also attended the Senior Exp and the Faith-based Outreach event in the Santa Margarita neighborhood. There were about 300 people who attended the outreach event.

22. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ also attended the Senior Expo and the outreach event. On October 7 she had attended the Oceanside Surf Museum's Old Timer's Event to pay tribute to Larry Gordon and Floyd Smith. She also highlighted the Marriott opening. They really incorporated Oceanside into the hotel. The average stay is 6½ days.

On October 23, the City is hosting the California Senate Energy Committee.

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The draft EIR for the CityMark development project is out for review and public comment.

She announced that Oceanside resident Lou Taschner passed away. This was a person who was a strong advocate for residents.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 6:59 PM on October 17, 2007 in memory of Lou Taschner.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside

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



California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:

CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION

DECEMBER 12, 2007

REGULAR MEETING

4:00 PM

COUNCIL CHAMBERS

4:00 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
Rocky Chavez

Councilmembers
HDB Directors
CDC Commissioners
Jerome Kern
Jack Feller
Esther Sanchez

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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 cancelled in order for all Councilmembers to attend a Coastal Commission hearing in San Francisco on December 12 related to the City's beach hotel project. With cancellation notification provided December 5, no Councilmembers were present. Therefore, due to the lack of quorum, this meeting was adjourned at 4:00 PM, December 12, 2007.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside