



California

CITY OF OCEANSIDE

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

JUNE 3, 2009

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
Vacant

Councilmembers
HDB Directors
CDC Commissioners
Rocky Chavez
Jack Feller
Esther Sanchez
Jerry Kern

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.

4:00 P.M. – ROLL CALL – The meeting was convened at 4:00 PM. All present --Councilmember Sanchez arrived at 4:02 PM. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in closed session: 2A and 2B.

[Closed session and recess were held from 4:01 to 5:00 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’

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

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.

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

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

A. City v. AELD, LLC et al., U.S. District Court Case No. 08cv2180

Discussed; there was no reportable action.

B. Oceanside Firefighters Association, Local 3736 v. City of Oceanside et al., Superior Court Case No. 37-2009-00054987

Discussed; there was no reportable action.

5:00 P.M. – ROLL CALL

The meeting was reconvened at 5:01 PM. All members were present. Also present were City Clerk Wayne, City Treasurer Felien, City Manager Weiss, and City Attorney Mullen.

INVOCATION – Pastor Carl Souza

PLEDGE OF ALLEGIANCE - youth members of the Filipino Cultural Association of North County

PROCLAMATIONS AND PRESENTATIONS

Presentation – “Pet of the Month” presented by Julie Bank, Executive Director of the North County Humane Society & SPCA

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award—P & R Indoor Soccer

Presentations were made.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in closed session. (see Items 2A and 2B above for those reports).

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.

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

4. **Communications from the public regarding items not on this agen**

WOODROW HIGDON, 2544 Rudder Road, spoke to Council in May on police conspiracy and obstruction of justice to aid and abet the criminal insurance fraud of citizens with information provided. No one has called him. He filed misconduct complaints with

the Oceanside Police Department (OPD), and they never followed up. He filed written complaints with the District Attorney's office and OPD and never heard a word. If all of this is lies, he would have been arrested/prosecuted. He wanted Council action on this.

DOROTHY McCORKLE, 4610 Bristlecone Street, advocated making every month 'be kind to animals' month and stated this is adopt a cat month. There are too many animals and not enough homes. She also advocated to microchip your pets.

DONNA McGINTY, 2405 Mesa Drive, stated the matrix report will help citizens and developers expedite everything, eventually online, but the matrix report is an indicator there needs to be a lot of education and should be ongoing. The Grand Jury filed the report indicating there needs to be change on the Council and the way the City does business with nonprofit organizations and the way the nonprofits are reporting what the taxpayers have given to them. There is no record of MainStreet spending, Chamber, etc. She would like to see every nonprofit looked at as to the proper reporting requirements. Also, you have subcontractors working for the City, sitting in offices with their names on the doors; they are under contract with the City, are 1099 recipients, have the benefits of all other employees, and they are currently in violation of 1099 regulations for association with their clients, which says they cannot do what Jim Knowlton and others are doing. The IRS would not be happy to hear that.

NADINE SCOTT, 550 Hoover Street, talked about the recent findings of the Grand Jury report. This matter was brought to the attention of the City about 1½ years ago, and no one did anything about it. Perhaps Council is relying too much on delegating their fiduciary duty to staff. Some staff made serious errors of judgment and did not require the proper documentation, the separation of public funds from private funds, etc. So with MainStreet, what really happened to \$1,000,000? Staff failed to enforce the terms of the contract. She looks forward to Council's response to the Grand Jury, and she hopes they quit giving money away that is not accounted for.

CONSENT CALENDAR ITEMS [Items 5-7]

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 Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

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 a request by Lincoln Financial Media for temporary closure of Pacific Street from Seagaze Drive to Pier View Way, and Mission Avenue from Myers Street to Pacific Street, from 8:00 a.m. to midnight, for the KBZT 94/9 Independence Jam on June 7, 2009; KSON CountryFest North Concert on July 18, 2009; and the Smooth Jazz 98.1 Jazz on the Beach Concerts on July 19 and September 26, 2009, at the Pier Amphitheater

COUNCILMEMBER KERN removed Item 7 from the Consent Calendar for discussion.

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 5 & 6].

COUNCILMEMBER CHAVEZ seconded the motion

Motion was approved 5-0.

Item Removed from the Consent Calendar for discussion:

7. **City Council: Acceptance of the Treasurer's Report for the quarter ended March 31, 2009, and adoption of a resolution approving the policy for the investment of City Of Oceanside funds**

COUNCILMEMBER KERN pulled this item because there are some policy changes, and he thinks Council should hear what the policy changes are.

CITY TREASURER FELIEN reported 3 major changes to the Investment Policy. One was to incorporate the social responsibility code of the City, which resulted from a discussion of the Oversight Committee. Another item was for the safety of the City; we wanted to lower the maximum amount of any single investment from 5% to 1%, which would lessen our exposure to any one bad decision. The other item is a housekeeping item where we changed the language regarding the percentages of allowable investments in different categories, removing the language that required it to be a lifetime cap, and to be calculated at the time-of-purchase cap. The reason for the change is if the old language was still in the policy, it could possibly force us to sell a good asset into a bad market merely to be in compliance with a badly worded policy.

An item for Council's attention and any feedback was discussed at the Investment Oversight Committee meeting regarding the desirability of moving up the yield curve and buying corporate bonds, or what is referred to in the policy as medium term notes. For example, J & J—a AAAA rated company, had bonds that were a full ½% point above what current federal agencies were offering. That would be a significant addition to our income, and he thinks all would feel that J & J would be an excellent risk for the next 2 years. The issues discussed as part of that is we wanted to make sure we had enough diversification, that we were compliant with the socially responsible policy, that we did sufficient research since it is more work to be involved in the corporate market than it is the treasuries because you always want to be monitoring the default risk. At this point he is not comfortable with the level of research we have been able to find regarding default risk, but from what we have found, it is extremely low on investment grade short-term notes—the types that we would be investing in if we went in that direction. From what we can tell, it is about a risk of 3/10ths of 1% over a 5-year period. The interesting part of default is you actually do not have the majority of defaults occur during a recession. There is an echo affect where companies that are mortally wounded during an economic downturn stumble along for 1-2 years and then they default, but you usually see the signs of that reflected in the credit ratings by the time the recession ends. So he would be seriously considering this around September if our economic projections prove correct, which is when the bottom of the recession takes place. He would then personally be comfortable going into that market and believes it is mathematically justified. He wants to make sure the City as a whole is comfortable going in that direction.

For Council reference, based on the balances that we have, we have a cap of 15% going into this market, and with us being short of \$200,000,000 in our investment portfolio, for every \$10,000,000 in principal, a 1% spread gets us an extra \$100,000 per year, and his goal ideally is if we can get an extra \$250,000, that roughly matches his department budget.

COUNCILMEMBER KERN stated we have talked about comfort level and LAIF (Local Agency Investment Fund). Some water agencies have rolled out of them, and he cannot understand why. Also, before we jump into anything, he would like to see the research. Since we have until September, if the Treasurer can come back mid-August with the research, that would be appreciated. But what about LAIF?

CITY TREASURER FELIEN stated on the first item September is not a hard deadline; it is just a loose target zone. He would not move forward without a comfort level from the Council; there is no urgency moving forward on that. Regarding LAIF, we have researched that at length, and the Citizens Oversight committee and he are comfortable that both the law and the judicial decisions rendered regarding the last budget crisis the State was in provides us with enough protection, which is why we are still in that fund. The other options out there would have even less return than LAIF. He is comfortable with

it, but if Council is not, then the money can be moved.

COUNCILMEMBER KERN stated he had some discomfort. As much as we can keep in safe investment is good. We need to look at the protection of principle vs. return right now.

COUNCILMEMBER SANCHEZ asked why on June 30, 2008 the book value was \$216,000,000; September 30, 2008 it was \$187,000,000; December 31, 2008 - \$184,000,000; and March 31, 2009 it was \$167,000,000.

CITY TREASURER FELIEN stated it is just the cash flow of the City. At that time we had that much to invest, and at this point it dropped; but we have had more cash come in so now we are up to \$197,000,000.

COUNCILMEMBER CHAVEZ is intrigued about the corporate market and will meet with the Treasurer to educate him on this. He has no problem coming back at the end of summer to do this if it is an advantage.

He **moved** to accept Item 7 and adopt the resolution [**Resolution No. 09-R0331-1**, "...approving the policy for the investment of City of Oceanside funds".

COUNCILMEMBER KERN **seconded** the motion.

Motion was approved 4-1, Sanchez – no

Since it was not yet 6:00 PM, Mayor Wood determined to hear Item 15 next.

CITY MANAGER ITEMS

15. Update by Police Chief Frank McCoy on the July 4 Traffic Plan

FRANK McCOY, Police Chief, stated they were requested to provide an overview of their traffic plan for this 4th of July. Sergeant Gow will do the presentation.

KEN GOW, Police Sergeant, stated the traffic plan for the 4th of July is pretty much the same as it was last year with some modifications. We will control traffic in the area from Wisconsin and into the harbor; west of the railroad tracks, starting at 9:00 AM on the 4th of July. That area will be restricted to only residents and their guests, employees of the businesses in the area, and visitors to the resorts in the area. The checkpoints will be manned by the Highway Patrol as last year. Those control points will be very liberal in their interpretation of who will be allowed into the area. We will have motor officers in the controlled area to supervise the area.

On the east side of the tracks between Civic Center and Surfrider, and Coast Highway and the railroad tracks, another closure area at 9:00 AM will have the same access.

Then the downtown business corridor from Mission Avenue to Civic Center and Coast Highway to the railroad tracks is another area subject to closure. It is more of a traffic issue. In years past that area gets completely saturated with traffic and sometime between 9:00 AM and noon, we will also close vehicular access to that area.

The parking lots in the downtown area will be modified in their access as well. Parking Lots 20 and 21 will be restricted to residents and guests. Last year we utilized Lot 22, next to Pappy's Market on the east side of the railroad tracks for the same purpose; however, this year we will leave that open to general parking with no restrictions. Lots 24 and 25 last year were restricted for residents and their guests, but that stayed vacant; so this year it will be opened to general parking prior to 9:00 AM. Lot 24A at Pacific and Mission will be set aside for residents and their guests. Accessibility to The Strand will be a challenge. We anticipate sometime between 9:00 AM and noon we will probably have to shut off all vehicular traffic to The Strand due to the people. We will try to accommodate all as best we can, but public safety is paramount. Lot 26 will be a split use with the large

portion utilized as a police staging area, and the small south end will be for residents and their guests. At Wisconsin and Myers—Lot 27 will be restricted access for residents/guests. Lot 31—at Strand and Wisconsin - last year was utilized for handicap parking with 75% neighborhood occupancy. A change in plan from last year is Lot 28 by the community center which will be handicap parking. Lots 29 and 30 (Betty's Lot) will be used for vendors for the Ofest on The Strand. All the remainder of the parking lots on the east side of the tracks will be unrestricted general parking.

One significant change from last year during the daytime operation is we will be working closer with the Harbor police, and the Oceanside Police Department (OPD) will be handling traffic control in the harbor as well. There will only be one checkpoint at the tunnel leading to the east harbor lot. North Harbor Drive will be as free flowing as traffic will allow to let businesses and customers have access to them. South Harbor Drive will be controlled at the east harbor lot. Vehicular travel that reaches the east harbor lot tunnel will be forced through the tunnel into the east harbor lot. Oversized vehicles will be allowed through the checkpoint to the Pacific Bridge and required to go southbound and then have them leave the area.

That is the daytime plan. There is also an exit plan developed. Since there is no fireworks show, we are curtailing a lot of the exit plan for the downtown area. With the Camp Pendleton fireworks show, we will keep the exit plan for the harbor in place. Traffic coming off Harbor Drive North will be allowed access onto Harbor Drive, and the California Highway Patrol (CHP) is controlling the intersection of Coast Highway and Harbor Drive. The traffic will be put on north- or southbound I-5; they will not have access to Coast Highway, as last year. Traffic on South Harbor Drive will be allowed to go to the east harbor tunnel and through the lot to exit and will be forced onto Coast Highway southbound, same as last year. Regarding the downtown plan, the one component we will keep in place is the traffic plan at Coast Highway and Highway 76. It is designed to allow 2 lanes of traffic to go towards 76, rather than the one lane. We will allow traffic to continue north on Coast Highway past 76. We will monitor the rest of the downtown area and have barricades if controls are needed, but we are not anticipating the mass exodus as we would have with the fireworks show. Getting this information to KOCT, etc., is already in the works.

Mayor Wood determined to hear Item 21 next.

INTRODUCTION AND ADOPTION OF ORDINANCES

The following items are ordinances for introduction or adoption by the City Council/HDB/CDC. Ordinances are laws of the City of Oceanside and require introduction and adoption at two separate City Council meetings (urgency ordinances are an exception, and may be introduced and adopted at one meeting as an emergency measure). The City Council/HDB/CDC has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that full reading of ordinances may be waived. After the City Attorney has read the titles, the City Council/HDB/CDC may introduce or adopt the ordinances below in a single vote. There will be no discussion of the 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 this agenda item.

21. **City Council: Adoption of an ordinance [Ordinance No. 09-OR0336-1, "...amending Oceanside City Code, Chapter 37 by establishing a drought response rate structure and drought rates in the event of mandatory water reductions"] (introduced 5/20/09, 3-2 vote, Chavez and Sanchez–No)**

Following the reading of the title, **COUNCILMEMBER KERN moved adoption.**

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 3-2, Chavez and Sanchez – no

Mayor Wood determined to hear Item 13 next.

MAYOR AND/OR COUNCILMEMBER ITEMS

13. **Request by Councilmember Sanchez for an update on energy incentives and the City's energy projects; discussion; direction to staff** (*continued from 5/20/09*)

COUNCILMEMBER SANCHEZ had asked staff to do a presentation and update on what we are working on in light of funds available through the Recovery Act. There is \$1,500,000 made available to the City.

MO LAHSAIE, Clean Water Coordinator, reviewed what the City is now doing to be able to take advantage of the stimulus money offered. He talked about the Federal Department of Energy (DOE) Efficiency Conservation Block Grant application process (the Oceanside allocated fund is \$1,517,100), and the deadline is June 25. The process allows us to spend up to \$250,000 to develop the Energy Efficiency and Conservation (EEC) strategic plan. For the strategic plan staff sent an RFP and awarded a contract to AECOM Consultants (\$49,800). Once our application is approved by DOE, we have 36 months to spend the funds. Also, there are over \$450,000,000 in unsolicited funds available through the competitive grant process. He also talked about the development of Oceanside's EEC Strategic Plan and its components, along with the status of current City projects for energy efficiency, reduction of green house gases, water conservation, etc. We are working on reducing our carbon footprint, etc.

[No public input]

Following further discussion, regarding new 'green' buildings/construction, **CITY MANAGER WEISS** stated we are developing policies that would encourage those types of construction practices. At this point we cannot mandate them, but we are putting together policies that encourage the development of LEEDs buildings.

Mayor Wood determined to hear Item 9 next.

6:00 P.M. – 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.

9. **City Council: Approval of a substantial amendment adding the Community Development Block Grant – Recovery Act Program (CDBG-R) to the FY 2008-09 Action Plan of the 2005-2010 Consolidated Plan for Housing and Community Development; and authorization for the City Manager to submit the amendment to the U.S. Department of Housing and Urban Development**

- A) Mayor opens public hearing –hearing opened
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence-- Councilmembers reported contact with staff, and Councilmember Sanchez reported contact with HUD.
- C) City Clerk presents correspondence and/or petitions—no correspondence received
- D) Testimony, beginning with

JOHN LUNDBLAD, Management Analyst, reported that under the Recovery Act of 2009, \$1,000,000,000 was set aside and given to the Community Development Block Grant (CDBG) program to be known as CDBG-R. These follow all the normal CDBG guidelines/regulations but with increased transparency and accountability with quarterly reporting and tighter, rapid timelines. This meeting is simply the approval of the application; then it goes to HUD; then a funding agreement is brought back; and Council allocates the funds to different projects.

With the CDBG-R we have looked at proposals that have come to us in the past and

which have been approved by the ad hoc application review committee, plus others that fulfilled the spirit and requirement of the CDBG-R regulations, as follows:

Senior Citizens Center renovation to expand, etc.	\$75,000
Family Recover Center kitchen renovation & a job training program	75,000
Sidewalk installation in Eastside	60,000
North County Health Services clinic equipment/furnishings	100,000
New roof at WRC transitional housing – a City-owned facility	100,000
Energy efficiency at public facilities	27,296
Administration and management	<u>48,500</u>
TOTAL	\$485,796

All of these meet CDBG requirements.

[Public input – none received] – Hearing closed.

- E) Recommendation – approve the substantial amendment and authorize the City Manager to submit the amendment [Document No. 09-D0334-1]

COUNCILMEMBER SANCHEZ moved approval. She is disappointed they couldn't do anything for the Veterans' Association of North County building due to the bureaucracy.

COUNCILMEMBER KERN seconded the motion.

Following further discussion, **MR. LUNDBLAD** explained these timelines are very quick. These CDBG-R grants come to us as non-competitive and as part of the same allocation we get as CDBG. The CDBG-R, the energy efficiency and conservation block grants are determined by a formula, and these are non-competitive but very restrictive. There are others we can apply for, but those are very competitive.

MAYOR WOOD questioned if there was any other stimulus for the future that would cover the kitchen for the second senior center.

MR. LUNDBLAD responded there is a potential. We are watching all of the Recovery Act programs.

Motion was approved 5-0.

- 10. **City Council: Adoption of a resolution correcting the COPS2008 State Supplemental Law Enforcement grant funds Expenditure Plan and approving the adjusted expenditure plan for required review by the County Supplemental Law Enforcement Oversight Committee (SLEOC); and approval to amend the appropriated budget**

- A) Mayor opens public hearing – hearing opened
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – disclosures with staff only; Wood & Sanchez – no contact
- C) City Clerk presents correspondence and/or petitions -- none
- D) Testimony, beginning with

FRANK McCOY, Police Chief, reported that this is to clean up a clerical error on our part. When we first brought this proposal to Council, our staff report listed how the COPS money would be spent, and there were a couple of items that had 'to be determined' on the cost. We have since determined what those funds would be spent on, and we ask that Council approve Exhibit A and amend Exhibit B.

To clarify, the staff report shows 5 different charts. The first chart states attachment A/exhibit A and he asked that Council refer to this first chart as Attachment A and the second chart as Attachment B and the third chart as Attachment C. Following that is a resolution, and after the resolution are 2 additional charts: Exhibit A and Exhibit B. He asked Council to adopt the resolution amending the allocations in our COPS 2008 grant State Supplemental Law Enforcement services fund awarded by the State via the County, approving what was originally submitted to the County and approving an adjusted expenditure plan required for subsequent review by the County of San Diego Supplemental Law Enforcement Oversight Committee (SLEOC), and approve the associated budget adjustments.

Since implementation of this grant, there were some changes made from the Exhibit A to Exhibit B. Some changes included a reduction in what we anticipated as investment income, which was lower than anticipated because of the economy, and we combined some other areas: from our shot guns and AR-14s into one area, and some hourly extra help was added.

Public input – none. Hearing closed.

- E) Recommendation – adopt the resolution, and approve the amendment to the appropriated budget

COUNCILMEMBER SANCHEZ moved to adopt the resolution [**Resolution No. 09-R0335-1**, "authorizing an adjustment of the State of California COPS2008 Supplemental Law Enforcement Services Funds"] and amendments.

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

[Recess was held from 6:34 – 6:45 pm]

- 8. **City Council: Introduction of an ordinance for Zone Amendment (ZA-1-08); adoption of a resolution certifying the Final Environmental Impact Report (FEIR); adoption of a resolution for General Plan Amendment (GPA-1-08) for the El Corazon Specific Plan, including amendments to the Rancho Del Oro Specific Plan and Ocean Ranch Master Development Plan to remove the project from these planning areas located on a 465-acre site at the northeast corner of Oceanside Boulevard and El Camino Real; and consideration of Planning Commission's recommendation to add up to 300 residential units – El Corazon Specific Plan – Applicant: City of Oceanside**

- A) Mayor opens public hearing – hearing opened
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – multiple disclosures reported by all.
- C) City Clerk presents correspondence and/or petitions – copies of correspondence as presented to the Council
- D) Testimony, beginning with

JERRY HITTLEMAN, City Planner, stated we are pleased after a long haul to bring this project to Council. The recommended actions to approve the plan are:

- 1) certify the EIR—there are some unmitigable impacts which will need overriding findings as noted in the staff report. Under the EIR Council will have the option to select the project or one of the alternatives
- 2) approve the Specific Plan—which includes General Plan and Zone amendments
- 3) approve amendments to the Rancho del Oro (RDO) Specific Plan and Ocean Ranch

Master Development Plan to remove the project from these planning areas.

TYRONE MATTHEWS, El Corazon Oversight Committee Chair, stated it has been roughly 13 years since we started this process of soliciting the community's input on what they wanted to see at this El Corazon site. In 1995 the first vision plan for this project was developed. The first El Corazon Planning Committee was established in June 2003, headed by Hugh LaBounty. As chair, he thanked all those on this second committee for all the good things coming out. The first committee had a lot of consensus building, which allowed all to have their opinions heard. We then arrived at a better solution, which was the total of everyone's input. He too used the consensus paradigm, and speed bumps never occurred. We had a number of people on the second committee who had served on the first committee, so it was just a matter of getting the new members up to speed on the consensus building process.

During the period of 2003-2005 there was significant input from the community on their desires for the site. To solicit input, questionnaires were put into the water bills, and we received hundreds; all responses were cataloged and reviewed by the first committee. We then had all the uses ranked and evaluated by an economic analysis because the overarching concern of that initial committee was to ensure that whatever was developed at the site could be used to fund ongoing uses of the site. We are always mindful of the fact that the general fund is limited, and we were trying to create the smallest input on it as we could with this project, albeit a very expensive one.

In August 2005 Chair LaBounty presented the conceptual master plan, which Council adopted and which called for the formation of my committee—the Oversight Committee; in November of 2005 that committee was established.

From 2005-2008 we again reached out to the public to get their involvement on the look and feel of the site, and the consultants at RRM played an instrumental role in helping the ECOC to fully understand what our vision would look like and in implementing it by virtue of the plan in the most effective way possible.

September 18, 2008 we came up with our Specific Plan and Draft EIR process. This was a very extensive review because the Plan is very detailed in terms of uses, with a great deal of attention to the look and feel of the site. We wanted a refuge, a place where all our residents could get away—to feel like they were away in the park. On November 6 the comment period closed with not a lot of comments.

On April 20, 2009 the Specific Plan and the DEIR were presented to the Planning Commission; the EIR contained 3 alternatives regarding additional uses at the site, one of which included a residential component and which was adopted. He met with some Councilmembers to clarify what our committee's position was on that, and it is reflected in the EIR. We wanted to include the option for the City to move in that direction should they decide to do so. It was not intended to advocate one way or another; we simply believed it was our obligation to address it as an alternative.

Our residents wanted a park, a getaway with a number of outdoor uses. So the Specific Plan sets forth a number of different activities, including sports fields and open space, etc. The commercial development at the park was intended to generate revenue to pay for some of those activities at the park; parks are expensive and require a great deal of maintenance. They can be a huge obligation on a municipality's general fund, so the commercial development was to provide much needed commercial activity to generate jobs, taxes and revenue for the City. The El Corazon site would be somewhat of its own ecosystem regarding the finances.

JAMI WILLIAMS, RRM consultant, talked about the specific details in the Specific Plan. The Master Plan created a great stage for moving forward the concepts and ideas. The Specific Plan is how it all comes together, how it works. It states a clear vision and helps put together some guidelines, development standards, allowable uses, and all the components that will help implement it over the next few years.

The components of the Specific Plan contain land uses, urban design concepts,

architectural design guidelines—building forms and massing and character, the circulation and parking system, streetscapes and public improvements. A primary goal of the project was to integrate some sustainable policies, such as conserving natural resources, and designing different components to not only support sustainable policies but help direct new development on those uses acceptable to create that quality of life. Using computer graphics, she displayed an illustrative plan and explained the general areas, with the bulk being parkland—the athletic fields, playgrounds, trail system, habitat area, and a village center with an opportunity for larger office and retail spaces at the corner to support the park. The land use districts were displayed with park spaces at about 212 acres; the Oceanside Boulevard commercial at Rancho del Oro (RDO) is about 25 acres; the village commercial is about 19 acres; there are 2 hotel sites up at the RDO and Mesa area and combined are about 11 acres; and then a number of civic uses—senior center, community cultural center, library and aquatic center.

Also displayed and explained was the circulation plan for ease of access. An interesting feature is the pedestrian promenade concept, which is a large trail/path that is about 20 feet wide and is tree lined with benches and decorative lighting, and it somewhat bisects the center of the park. The park itself [212 acres] has been divided up into 9 districts for a couple of reasons: to accomplish some bite size pieces; each has adequate parking, etc., so there is not one large parking lot. The parks themselves could be implemented over time since this is probably a 20-year plan, so it could be done in phases. The uses range from passive picnic areas, ponds, trails, and then active sports fields.

The habitat area is fairly extensive [164 acres] and includes hiking trails, a docent center, etc. The trail system is phased with an opportunity to open some trails early in the process. Other civic uses as an option could be a public safety center, an aquatic center, a skate park and a green waste facility.

The village commercial area [19 acres] is a unique area that could help to co-mingle with the park uses. It is an area that could be for small restaurants; it is intended to be smaller in scale where you could meander through it.

Oceanside Boulevard commercial [25 acres] could be used for more regional uses that could be associated with the park but could be opportunities for office and commercial space. Also depicted were the 2 hotel sites [11 acres], with the upper location proposed as more of a destination hotel; whereas the lower one is more of a regional hotel.

The Specific Plan sets the rules/regulations for the plan. It defines the building heights, setbacks, parking requirements, etc.

BETTY DEHONEY, HDR consultant, stated the Environmental Impact Report (EIR) was extensively scoped, and the notice of preparation was circulated September 5, 2006, providing the agency and public the opportunity to provide input on what issues should be addressed in the EIR. Eight comment letters were received, and those comments were incorporated and addressed in the EIR. The DEIR was circulated for 45 days as required by the California Environmental Quality Act (CEQA) [September 18 thru November 6, 2008]. 18 comment letters were received, and those issues were addressed including biological resources, construction related impacts, traffic impact analysis, hazardous materials issues, future environmental review for the green waste facility, planning related comments regarding public transit, cultural resources and tribal coordination, noise and air quality and recreational skatepark issues.

Based on those comments, there were minor changes to the EIR, and they represent clarifications or additions based on the DEIR comment letters and advisory committee input. The changes were not of the magnitude to warrant recirculation of the DEIR. The document changes included addition of project level trails analysis for phase 1 trails, air quality issues of additional mitigation measures added to reduce PM10 construction emissions and carbon monoxide operational emissions. Additional mitigation measures were added based on comments from the U.S. Fish and Wildlife Service and the Department of Fish and Game; there were additions for cultural resources that documented the City coordination with the San Luis Rey Band of Mission Indians, with requirements for a Pre-Excavation Agreement and incorporation of interpretive elements detailing Native

American culture into the proposed park.

Regarding utilities and service systems, there were water demands under current approved land uses, and it should be recognized that with the water situation, the proposed plan represents a 16% reduction over the demand if the project was developed under the existing land uses.

The EIR conclusions included no impacts associated with agricultural resources, mineral resources, population and housing, and recreation. Less than significant impacts were identified for aesthetics, land use, hazards, public services, utilities and service systems.

The EIR did conclude that there were significant and mitigated impacts of biological resources – mitigation with the City's Multiple Habitat Conservation Plan (MHCP) for biological resources, and included comprehensive construction monitoring for worker education, biological monitoring, etc. Cultural resources are mitigable with a pre-excavation agreement with the San Luis Rey Band and archeological monitoring during excavation, and paleontological monitoring in sensitive areas.

Significant and mitigated impacts included geological resources with warning signs in areas of unstable soil conditions. Future development must be engineered to address liquefaction and unstable expansive soils issues. Regarding hydrology/water quality, plans must ensure the conditions are not degraded from existing conditions. Regarding noise, that future development meets 65 dBA noise standards. Regarding air quality, some are significant and unmitigated, which included some construction emissions, operational emissions associated with individual phases and long-term emissions and greenhouse gas emissions. We want to make sure to recognize that there were extensive mitigation measures identified that reduced the level of emissions but not to a level below significance.

Regarding traffic impacts, some were significant and unmitigated, showing the segments identified and the intersections. There are substantial mitigation measures for the traffic impacts, including additional lanes at intersections, signal timing improvements, funding for regional improvements including SR 78 and I-5, and transportation demand management strategies to reduce the trip generation measures.

The EIR evaluated 3 alternatives: First is the no project alternative, which retains the existing land use; Alternative 2 is the preferred project as shown plus 300 units of vertical mixed use as recommended by the Planning Commission; and Alternative 3 would be the preferred project plus 100,000 square feet of office space, which would replace approximately 10 acres of habitat. She displayed a summary of the impacts associated with each alternative.

CITY PLANNER HITTLEMAN reiterated staff recommends approval of the project. Under CEQA, Council will need to certify the EIR, then approve the Specific Plan--General Plan and Zone amendments, and approve to remove the project from the RDO Specific Plan and Ocean Ranch Master Plan.

Public input

DAVID KERTON, 4350 Milano Way, Vice President of Soccer Club of Oceanside, commented on the need for soccer fields. Our club currently serves over 2,300 children in our City each year. We are very excited about the project and soccer fields and the economic impact. He asked Council to approve the Alternative 2 plan.

LUIS CASILLAS, 520 Mesa Breeze Way, also representing the Club, is here in support of Alternative 2. This would greatly benefit other sports as well.

DIANE NYGAARD, member of the original and current committee, stated this is a wonderful night after all the years of effort brought to fruition. We are past the vision and taking the first step now towards building this. We recognize there has been some controversy around the housing issue, and we assure you that if Council should chose that

alternative, we will make sure that whatever housing would go on that site is fully integrated with the rest of the park plan. Let's get started.

JOAN BRUBAKER, 1606 Hackamore, is excited to see we may have a park in the future. Regarding the 300 residential units, upon more information it will probably work out fine, but she hopes there is not too much commercial development. The composting does have disadvantages with air and she knows we need it. Don't bring in heavy industry.

MARGARET MALEK, committee member, 1611 Hackamore, hopes Council will approve this plan. Her family has been active in soccer, swimming, refereeing, etc. This will bring money to our City.

BEN SCOTT, 516 South Horne Street, stated hallelujah for this. He hopes to have a dog park here also. He would ask that the new senior center be named in honor of Ed McCullough, or a second choice would be Betty Harding.

JEANNIE SANCHEZ, with fellow team members – under 15 years -- Oceanside Breakers, stated we really want this plan to go through. Right now there is a lot of pressure whether to do drugs or get into things, and soccer gives us a way out of it and the pressures. It is a way to get out and have fun. This park would help us with the need for fields and help us grow as a community and team.

GARY MYERS, 3928 San Pablo Avenue, represents the Rancho Hermosa HOA, stated at the Planning Commission meeting we all supported this plan; it fits Oceanside's needs. It will bring millions of dollars into the City. He asked Council to dedicate this parkland as parkland and not for use by any other corrosive, destructive land use industry.

GEORGE McNEIL, 2153 Anda Lucia Way, was on both the committees, and it has been a long haul and very worthwhile. It is a great plan, and it is time to get started.

HUGH LaBOUNTY, 2351 Cartegna, Chair of the original committee, stated his feeling tonight is one of getting close to closure. He spent 3 years working with the committee members who were appointed by Councilmembers, and the Council committed itself to stay away from our business. As you get to your agenda item on whether there should be continuity of a citizen's committee, as Council considers the next phase of this—the implementation phase where we have to go out and raise money, and he thinks we can raise money- that Council give serious consideration to citizen involvement in the full implementation stage.

BOB THOMAS, in Poway, was the Parks & Recreation Director (13 years) in Poway in 1993 when the Poway sports park was developed, and it is operated by Poway Sportsplex, who he is now with. In January 2010 the second sports park in the County will open in Santee, and we will also operate that park. It has been a great project for Poway and is also a revenue generator into the Poway general fund. We will watch for the RFQ. We have experience and think this is a great area. We also do planning from an operational perspective to make sure the project is functional. Congratulations.

With no further input, the public hearing was closed.

COUNCILMEMBER CHAVEZ stated this is a celebration and thanked all who were involved. He **moved approval** for:

-- certification of the EIR [with findings and adoption of **Resolution No.09-R0332-1**, "...certifying the Final Environmental Impact Report for the El Corazon Specific Plan"] for the project

--General Plan Amendment/zone amendment for the El Corazon Specific Plan [and adoption of **Resolution No. 09-R0333-1**, "... Approving a General Plan Amendment (GPA-1-08) for certain real property located northeast of the intersection of El Camino Real and Oceanside Boulevard – El Corazon Specific Plan General Plan Amendment (GPA-1-08)"] for Alternative 2 [and **introduction of ordinance**, as titled: "...amending the Zoning District Map from Rancho del Oro Specific Plan and Light Industrial (IL) to El Corazon

Specific Plan for property located northeast of the intersection of Oceanside Boulevard and El Camino Real"]; and

--amendments to the Rancho del Oro Specific Plan and Ocean Ranch Master Development Plan to remove the project from these planning areas.

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER SANCHEZ stated this is wonderful and thanked all those that worked on this and the vision and made us keep our promises to the community.

COUNCILMEMBER KERN stated he was on the committee for awhile. He thanked those who worked on this—it was long, hard hours and consensus was reached. He seconded the motion even though he is not 100% thrilled with some of this. The 300 units is not just housing; it is a transit-oriented project perhaps with office space with the multi-use of the parking, etc. We have to be careful about what mixed use really is; it is not like 250 units and a 7-11 on the corner—that is not mixed use. These things need to truly be mixed use, truly 'village' and perhaps commercial downstairs and office on the second floor, etc. In 10 years some buildings may not be on the drawing board. Living in a park setting will probably be the most highly desirable residential units around.

How solid is this plan? For instance we talk about 11 acres for a hotel, and what if they needed 12 acres, etc. Or if the hotel is not viable, can that then be changed, etc.

MR. HITTLEMAN responded that it is a Specific Plan so it is on more of a General Plan level. We do not have strict boundary lines so we can accommodate minor amendments. We also have a land use matrix within the specific plan, which allows a wide range of uses. In the hotel district, for instance, commercial and office is allowed. Some are allowed by right and others are with a use permit. We have some flexibility.

COUNCILMEMBER FELLER hopes we can make this happen sooner than later. Some will take some time. It is a big step tonight to approve this. He thanked all those who had the foresight to accept this property in 1994 and those who worked on this plan.

We went over things with the committee such as the possibility of solar on the roofs of civic buildings, RV parking for tournaments, and why 150 rooms and could it absorb more to accommodate tournaments, etc.

He has questions on park uses. In the EIR on page 2-2, it says along Mesa Drive is a mobile home park, and he questioned that.

MR. HITTLEMAN thought they were referring to the Oceana neighborhood so that is a mistake.

COUNCILMEMBER FELLER stated in the EIR it has 150 acres contiguous to Mesa Drive and El Camino Real, and then on page 43-28 it is crossed out, etc., but in the specific plan and RFQ it talks about 164 acres.

MR. HITTLEMAN responded that under our Subarea Plan, which is our draft habitat plan, we are looking for a minimum of 150 acres, but the lines can be somewhat fluid.

COUNCILMEMBER FELLER is looking for amendments later on to the plan regarding the driveway area opposite Evergreen Nursery, which is park 9 space below the ballfields. That area is east of where 14 acres would be along Oceanside Boulevard, and there is potential there for perhaps an amphitheater or maybe some office; however, that would take an amendment at a later date. He is excited about the project with soccer fields and football fields, etc. We need unity to push this project forward. It is important to do it right, and it will take a lot of time and money.

MAYOR WOOD noted that agenda Item 11 also pertains to this. He also thanked the people who worked on this and reviewed some history of the project. This area has

been saved for our citizens and youth in the middle of the City for our future, with all the amenities.

Motion was approved 5-0.

[Recess was held from 8:07 – 8:13 PM]

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.

11. **City Council: Authorization to issue a Request for Qualifications to identify qualified parties interested in the development of El Corazon, including any changes necessitated by the Council's potential selection of the EIR Alternative II; and provide direction to staff regarding the future role of the El Corazon Oversight Committee (ECOC) or similar organization**

DOUG EDDOW, Real Property Manager, stated this item comes in 2 parts, including the RFQ to solicit interested parties in the development of El Corazon to move the project forward. He reviewed the 6 areas that require some type of development: the 212 acres of park and recreation; the 164 acres of habitat area; 34 acres of civic service areas, which includes the Senior Center; Green Waste Facility; the 11 acres of hotel on 2 sites; and 2 commercial areas: village commercial at 19 acres and Oceanside Boulevard commercial at 25 acres, and the housing element can go on either of these. The RFQ has a number of objectives. One is to move this forward as quickly as possible with the least public cost. The RFQ allows a number of people interested in a project to give us ideas how to move this forward, both development-wise and financially. We are looking for qualifications of parties that are interested and can give us something in the way of development or financing.

There are different ways the City can get involved with parties interested in El Corazon. One is to hire a master developer who will oversee the entire development of the project, including the residential projects and the recreational areas. The City could get involved in a joint venture or some other type of development partnership. The City could also elect to pick a development team consisting of a land developer, recreational developer, recreational facilities user, commercial developer and residential developer. The City can also act as a master developer and would control working with individual developers of retail, office, commercial, recreational; they could work with tenants; users of the park. Or they can pick a team from all the parties interested in submitting an RFQ. In other words, they might like someone who is just interested in developing land but would marry them with someone interested in building the residential element. We are giving them roughly 120 days to submit their RFQ. It is a very detailed request, which includes experience, history of similar projects, litigation history, whether they need or are requesting public assistance in the projects they want to build at the park, etc. Once we receive those RFQs, staff will review/analyze them, maybe bring in consultants, conduct some interviews, etc. We would then come back to the Council with a Request for Proposal (RFP), which requires more detail regarding development and financing. We would also bring a shorter list of qualified candidates. What we are looking for at this time is a proposal to get qualified candidates, not necessarily a detailed version of what they are going to build or how they are going to finance it.

MICHELLE SKAGGS LAWRENCE, Deputy City Manager, stated that staff is also seeking direction from Council on how they want to proceed with the El Corazon Oversight Committee. In 2003 Council established the Planning Committee, and their mandate was to complete the master plan, which they did and Council approved in 2005. Also in 2005, Council replaced the El Corazon Planning Committee with the Oversight Committee. Council at that time had the opportunity to each select 2 individuals to sit on a 10-member committee. At that time the El Corazon Oversight Committee (ECOC) was given 3 broad mandates: 1) continue soliciting public input, 2) complete the Specific Plan and 3) facilitate the completion of the Environmental Impact Report (EIR). After Council's action tonight,

clearly the committee did a wonderful job in completing its mandate. However, the committee feels very strongly about having a continued community oversight presence, as evidenced by Chapter 5: Implementation in the Specific Plan. They feel strongly about wanting to continue in this effort.

In light of the advisory group restructuring that is going on, as well as the fact that Council just approved the EIR and Specific Plan, staff thought it would be prudent to see how Council would like to proceed with the committee. You have a number of options. You could create a formalized commission with the standard bylaws. You could have a currently seated group take over some responsibility for El Corazon. You could create a 501(c)(3) with the purpose to do significant fundraising. Or Council could just defer the decision on the committee until the streamlining effort is done and perhaps until developer(s) are chosen.

So in terms of the staff recommendation, if the Council knows tonight that they want to continue with a dedicated advisory group function for El Corazon, we are recommending that you turn it into a commission. We would come back to you with all of the enabling documentation needed in order to make that happen. If you do not want a dedicated presence just for El Corazon, then we would ask you to consider their workplan complete this evening. If you are undecided, we recommend that you defer the decision until the streamlining issues are complete and perhaps until the RFQ process has been finalized.

In addition to direction on the committee, we would like your approval to issue the RFQ.

MAYOR WOOD clarified that we are moving forward with the advisory groups issue; we have 24 where most cities have 10-12. We are trying to do it for cost savings and referred it back to staff to either coordinate them, or join them to make smaller groups, etc. considering the financial issues. He asked if that was still going forward.

MS. LAWRENCE responded that is correct; she anticipates a report to Council in July or August per their direction.

MAYOR WOOD asked if the current ECOC is not governed by any rules/regulations.

MS. LAWRENCE said they are atypical by the way they were identified, and they do not have operating bylaws. Members are on board until they leave or until Council replaces them. They are different than any other standardized advisory group that Council has.

Public Input

DOROTHY McCORKLE, 4610 Bristlecone Street, stated the current ECOC worked for years for free, were dedicated to protecting El Corazon and obtained all the things that were wanted-- parkland and sports fields. They are the ones who should be evaluating the RFQs, not setting up a whole other bureaucracy again. Council needs to keep this committee going. The future role of the ECOC should be to continue its partnership with the City. They have made the commitments, proposed solutions, worked together, settled disputes, and listened to public input. Don't drop them now.

JOAN BRUBAKER, 1606 Hackamore, concurred. The committee has brought this whole thing together and now you want to turn it over to another commission. You are going to defeat your purpose and turn it all over to a bunch of developers and Council. Keep the committee as it is until you get to some more definite step. The only thing that looked reasonable was establishing a 501(c)(3) to get funds and work together to help develop the park. Keep it as it is.

DIANE NYGAARD, 5020 Nighthawk, hoped that tonight has shown the value of having a citizens oversight committee. We recognize that the work is certainly not done until everything that we have in that vision plan is actually built and in place. We spent a

lot of time, and whoever might be part of a citizens committee is going to spend hundreds of hours working specifically on this project. They are going to be the ones who make sure things are moving forward so Council doesn't have to worry about it every day. We know that whoever does that is going to go through the same kind of careful, methodical process that we have used to get to this point, whether it is evaluating a 501(c)(3) and how that might get us more funding, etc. It probably will not be exactly the same way it exists today, but it is very important to allow some time for a transition and work through what really makes sense, that we look at it in light of what overall changes are being made for committees, and that we don't do anything to slow down the progress that we've started.

GARY MYERS, 3928 San Pablo Avenue, stated he is retired from corporate business. When a corporation decides to bring in a new CEO or a new team, what usually happens is a mess takes place. You have an oversight committee that has years of input and knowledge into what the citizens want; developers--people from outside the City, don't. Keep the oversight committee in place; you can call them anything you want and give them rules and regulations, but these people have the knowledge. Leave it alone and let it work, and you won't have to worry about it.

MARGARET MALEK, 1611 Hackamore Road, agreed with Mr. Myers. We are a diverse lot on this committee. There have never been arguments; there has been no politics; it has always been what is best for the community first. There are some people who have been there from the very beginning that have a vision. She is afraid that if this goes over to someone else, they won't have the vision and will come in with a whole new attitude and make changes. It is important that at least several of the committee members stay intact. We won't be meeting as often and will not use as much staff time. We can cut back on the meetings, but it is important that the people who have this vision stay on.

DAVID KERTON, 4350 Milano Way, Vice President of Soccer Club of Oceanside, stated this group has been together a long time and has done a fantastic job. It would be a mistake to put a new driver at the wheel. They have detailed knowledge of the project, and it will take new people a long time to get up to speed. He recommended that the committee that is in place continue in some form in this project.

MAYOR WOOD clarified that he talked to staff about this with the RFQ aspect and questioned the status of the ECOC. There were no concerns about potentially keeping this committee; it was the legal aspects--whether we wanted the committee under guidelines, rules and regulations for the City to semi-protect them. It is like trying to keep a subcommittee going too long, which is when you get into trouble. He was also told that the main concern would be whether Council wanted to wrap this in with the current study of all the other committees/commissions and was not necessarily disbanding this group of people. Therefore, this was just making recommendations to the Council. He did not want to disband this group and start with a new one either, but on the other hand, staff is asking if we want to make this a committee or a commission, find out what the status will be, governing guidelines, etc. That is something the whole Council needs to discuss.

COUNCILMEMBER SANCHEZ moved that we issue the RFQ. We could not have gotten here without having a committee as dedicated. This is a huge project. There is, was and continues to be a lot to do. This could not be done by an existing commission; they already have their tasks. Her request is to continue with the committee. She does like the idea of becoming a nonprofit so that they can solicit for funding for El Corazon through grants and foundations, through federal, state or public/private foundations. She knew how hard the committee has worked, and asked that they continue serving by being this committee. The members should come up with some rules and how to address people wanting to move on. She felt they could come up with those kinds of recommendations and send them to the Council. She **so moved**.

MAYOR WOOD would like to bifurcate the 2 and address them separately. The first [the RFQ] and this committee. He would like to continue the committee item and for staff to come back, since they are already doing a study on committees/commissions. Nothing will change at the end, but it will give the ECOC time to talk to staff about legal ramifications that might come up for rules and regulations. No matter what we do when it comes back the second time, we still can vote whatever way we want. He would like to

give staff a little more time. It would just be back at another date and time.

COUNCILMEMBER SANCHEZ had spoken with the Deputy City Manager and thought that with this motion, they could come back with a recommendation having to do with the structure to be able to go on. In other words, this **motion** is direction to staff because staff was asking which form Council wants.

MAYOR WOOD would like more time for staff and the ECOC to discuss it. He was to meet with the Oversight Committee and missed it so he wanted more details and more time to talk about it. He wants the same group, whatever form it is under.

DEPUTY CITY MANAGER LAWRENCE stated we can do that. She would imagine the Committee stays in effect until Council changes it so we would continue to work.

COUNCILMEMBER CHAVEZ would like to bifurcate those items.

MAYOR WOOD concurred.

COUNCILMEMBER SANCHEZ concurred to bifurcate her **motion** [first to approve the RFQ.

COUNCILMEMBER CHAVEZ would **second** the RFQ.

COUNCILMEMBER FELLER stated as he mentioned earlier, our RFQ says 164 acres and the EIR does not for habitat. The figures do not match.

MR. EDDOW will verify that with the City Planner as to what we can and cannot say regarding habitat area that is specific.

The **portion of the motion** to approve the RFQ was **approved 5-0**.

MAYOR WOOD stated it is back to Councilmember Sanchez regarding the committee part of the motion.

COUNCILMEMBER SANCHEZ feels that it will need this committee to be able to go forward; they know the history and details of the documents, etc. The only thing she would like to see added is their ability to receive funding, and that would be the 501 (c). That is her **motion**.

MAYOR WOOD seconded the motion for discussion.

COUNCILMEMBER CHAVEZ stated the objective is to get the specific plan built, which everyone is excited about. Realistically we need to also understand that the time effort to build El Corazon will be many years. We need to reflect back on the issue of the committee—it was not just a group of people that came together to usher this entire project through since 2003. In fact 2 of the leaders are not even part of the committee anymore – George McNeil and Hugh LaBounty. In decisions, personalities should not be considered; there are a lot of good people out there involved in this, and it will take a lot to push this forward. From the beginning when we started this effort, he remembers talking to then City Manager Steve Jepsen and stating when we get this entire process done, then the next big issue will be implementation and then how we will fund it. The implementation we are going to do with the RFQ and those options. The funding is going to be difficult with many ideas. A good example of that is the Friends of the Library and the work they have done. He sees a similar Friends of El Corazon, a nonprofit established which is good, and that is the metric we need to see this continue.

So for that reason, it is his recommendations that we thank the group that has been involved in this, that we do the RFQs, and that the City get involved and form a group called the Friends of El Corazon; and many of these people can be involved in this, and it is totally appropriate that they be involved in the oversight and the brief and seeing everything else, just as the Friends of the Library do for the Library. What we don't need

to do is to grow government and other bureaucracies to oversee this. He wants the project built. It will take many years and a lot of support from the community, so hopefully we don't get wrapped around this particular group or this image of what we think of a committee because the reality is that many people have been a part of it.

MAYOR WOOD commented that is not what he was planning on. He thought it was bifurcated to send it back to staff to look into this, to have the ECOC deal with what would be the proper way to make sure this committee continues, and we would vote on it at a later time. He likes the 501(c) aspects, but it takes more than tonight's input to resolve this issue. He wanted the item continued back to staff to have them come back with input from the ECOC what they should and should not do regarding legal ramifications, etc. If it stays as the same group, that is fine, but he wanted to make sure we are covered as a City since we have a group with no governing body or guidelines to go on forever. He got sued a while back because we had an ad hoc committee, and it went on for more than a couple of days. We don't want that situation. Now we are trying to make a decision on short notice to fix this problem, and that is why this should be continued. He would like the original motion modified to say this is going back to staff and return at a later date after we have had more time to evaluate it.

[Recess was held from 8:50 – 8:58 PM]

COUNCILMEMBER SANCHEZ changed her motion to the recommendation as displayed on the screen: "...that a new commission be formed following all City procedures and dissolve the ECOC". So it is sending it back to the ECOC to come up with recommendations to the Council regarding the structure.

COUNCILMEMBER CHAVEZ seconded the motion for [the displayed] recommendation 1.

COUNCILMEMBER KERN read recommendation 1 that a new commission be formed following all City procedures and dissolve the ECOC. He probably would have preferred to wait until after the RFQ was started and have staff come back and figure out what we will do with 24 committees, and now we are adding a 25th. We aren't gaining ground in reducing the number of commissions. It seems like we keep growing government.

He has 2 perspectives: as a former member of the Committee and as a Councilmember. He was not part of the first committee—he came into it and he got up to speed fairly quickly. So the idea of keeping someone on forever just because they know the history is not a valid argument; we have a lot of bright people in the community, and there is enough documentation that new committee members could take over. He thought it was wise of the Council to go out and get a fresh group of people to take it to the next stage from the original committee. Also, as a Councilmember he has no appointments on the committee. When he first came on Council, the committee was already in place and doing a great job with their specific task. Now we are changing the task. When he was appointed it was clear that they were to do a task. That task is completed. He will go along with this now, but we should step back. He knows how hard the committee worked. He is thankful that the committee has taken ownership of this project, but as stated earlier, this is a 20+ year project and we need to figure out how we go on from here.

He will support this motion, but he would like staff to come back with a variety of recommendations of how we move forward from here. We have a lot of bright people who would like to serve on this committee.

MAYOR WOOD said he did talk with Diane Nygaard about this. Tyrone was not available. He really wanted this to go back to staff to talk with the ECOC. The reason is there needs to be some oversight with the Oversight Committee—guidelines, policies, procedures, etc. to what happens if someone leaves, who appoints them, etc.

COUNCILMEMBER FELLER stated the Redevelopment area is 375 acres downtown, and we have a RAC [Redevelopment Advisory Committee] that is appointed to oversee that, and it comes straight to us. We are probably slighting a lot of people on

Planning, Recreation, and Economic Development if there isn't review on this project as it goes forward. It is important to acknowledge everyone who has participated—each group was a specific group with a specific task—the first under Hugh LaBounty and the second under Tyrone Matthews. He will go along with the recommendation, but we have to consider what they have done and how long they want to participate. If there are others that want to participate, how do we appoint them; is it a 15-member committee again or 7 members; there's a lot to evaluate as this goes forward. This is new territory—465 acres. So he asked staff to do their best and come back.

MAYOR WOOD is glad we are sending this to be studied and come back because we cannot do it now.

Motion was approved 5-0.

12. **City Council: Consideration of the Draft Productivity Study of the Development Services Department prepared by Matrix Consulting Group**

GEORGE BUELL, Development Services Director, stated as Council may recall, about a year ago Council authorized the issuance of an RFP to initiate an efficiency study and a fee study. The Matrix Consulting Group was selected to do that work. The study is before you this evening. In this Volume 1 of the efficiency study there are 181 recommendations, which encompass virtually everything that the Development Services Department (DSD) does relative to planning, engineering, building, administrative and the technological functions. As we move on from here, what is being recommended this evening is not to implement all 181 recommendations, but it is to initiate a process. We are specifically looking at streamlining and simplification of the discretionary review process and to increase the number of permits issued over the counter, to improve our technology to issue permits on line.

GARY GOELITZ, Vice President with Matrix Consulting Group (MCG), is the principal author of the report before Council. This was done in 2 volumes; Council has Volume 1 tonight, which focuses on the efficiencies to be gained and proposed in the development review process. We looked at this process from 2 perspectives—efficiency and effectiveness.

In reviewing the Matrix Consulting Group and their work, they are doing a lot of development review studies across the country.

For this study, we used a strong public participation process that included interviews with all staff of the Development Services Department (DSD) and Fire Prevention Division. We also had a focus group and met with a number of developers/participants in that review process and neighbors, developers and general contractors, consulting engineers/planners. We met with the Economic Development Commission (EDC) and Planning Commission and interviewed members of the Council that wanted to meet with us.

The chapters in the report were reviewed. The major objectives of the study were: predictability, fair treatment, accurate and accessible information, timely processing, reasonable and fair costs, competent staff, and elegant regulations. The major themes were: streamlining—land entitlement permits, building permits, engineering permits; management accountability for managing permit processes—accountability through performance metrics and transparency through technology; use technology to better manage permit processes.

The specific recommendations: streamlining the process. By that we mean the Building Division should utilize a concurrent plan check process; not a sequential process as presently used. That should reduce the timing required for plan checking significantly. That they assume responsibility for distribution of those plans throughout all the divisions in all departments and not require the applicant to do that. That they reduce the number of divisions in departments that are routed building permit plans for plan check and try to keep as much of that in the division as possible; that they increase the proportion of building permits issued over the counter and with the acquisition of the automated permit

information system, start issuing permits over the internet. Best practices as regards to that is basically cities with automated permit information systems are issuing not less than 10% of their permits over the net, and cities with good over-the-counter operations are issuing as much as 90% of their building permits over the counter. That is the best practice that we are strongly encouraging the City to adopt.

In terms of the Planning Division, what we are trying to encourage is pushing authority for routine applications—land entitlement applications down to the planning division itself. He gave examples of cities and their practices, such as Los Altos Hills is taking residential landscape and lighting plans to their planning commission. The City of Riverside has shopping centers as permitted uses and do not go through the planning commission or division and just move right to the building permit. Every city has different philosophies. We are encouraging a philosophy here in which the City pushes routine applications down to the Planning Director for consideration and approval.

We are suggesting that the Building Division should revise and shorten the amount of time required for processing building permit plan applications. We looked at the actual time it takes to process applications, compared it to best practices, and we believe that with the proper amount of staffing, that staff can reduce the time significantly through the use of a concurrent building permit plan check process rather than sequential, and by reducing the number of divisions in departments to which they are routing building permit plans to. With these recommendations you can offer the best building permit plan check service in the County.

We are suggesting that the Planning and Subdivision sections adopt formal cycle time objectives for plan check permits—in essence to put out in public view how long they will take to process a conditional use permit (CUP), a final map, and an improvement plan. That the City hold those managers of the Building Division, Planning Division and Subdivision section accountable for meeting those objectives. And that you utilize your permit system to verify how well they are doing.

We are suggesting that a number of steps be taken to reduce the extent of incomplete submittals for land entitlement permit applications; frankly the percentage of these that are deemed incomplete are significant and high. In the process we recognize that it is a partnership between the applicant and City staff, and if either side does not fulfill the responsibility effectively, it will cause problems. This particular problem of incomplete submittals is causing the process time of CUPs, as example, to be as long as he has ever seen. We really need to get these to complete submittals as a higher proportion of your total applications. We are suggesting a number of actions to reduce those incomplete submittals—developing better application guides, education for the public/applicants/consulting engineering/planning, etc., and then start a policy where, by and large if they do not meet the major items of an application submittal, we reject it at the counter. First is the suggestion to try education and training and put guides out. After that you reject incomplete submittals.

We are also suggesting using technology more effectively. The City has made a major step forward with the acquisition of an automated permit information system. We would suggest that the City establish a policy that everyone who touches a permit in the City will use that system. Also, that the City acquire an interactive voice response (IVR) system so that if a contractor wants to schedule an appointment anytime, he can do that via the IVR. That we do a better job of integrating desktop GIS applications with the automated permit information system and provide the opportunity for the public to conduct on-line land entitlement permit and zoning searches with this GIS interface. We are suggesting that neighborhoods can subscribe to the automated permit information system so they can find out anytime someone in their neighborhood files for a building permit, a land entitlement permit or an engineering permit; the system would automatically notify them via the net.

DSD has other challenges with technology in that those technologies need to be raised significantly to better serve the Council and the public and that the Building Division require submittal of electronic plans prior to the issuance of the building permit, which will make the process easier.

Recommendations: We are recommending the Council direct staff to coordinate with the EDC and Planning Commission to initiate changes to appropriate documents to increase the number of building permits issued over the counter, continue to develop the automated permit system, and with transparency and public participation, simplify and streamline the land entitlement permitting processes by delegating authority for approval/disapproval to the City Planner.

Public input

ELLIE WALTON, 29850 Circle R Lane, referenced the City's vision and mission statement and core values as opposed to the Matrix study. The Matrix report slams the City for wasteful spending, lack of leadership/management, incompetence, etc. It is clear that Oceanside is operating at a below-average level compared to other cities as stated in the study.

FABIO MARCHI, Oceanside resident, stated he is a consequence of what the Matrix report is talking about. He is a contractor who has a single family home and he is trying to put in a 4-apartment building. It took me 4 years, and today I still do not know what will happen. It cost me \$60,000, and he does not know what will happen. This report is 400 pages to find out that the City is a screw up. The Planning Department staff does not know what they are doing; one day they tell you one thing, and the next day is a different thing. That causes delays and money, etc. This is ridiculous and is killing the micro-economy. Everyone with similar projects say they don't want to deal with Oceanside.

MICHAEL BYRON, 4702 Mahogany Drive, stated this Matrix report which we paid \$80,000 for says Oceanside falls far from the standard, and quoted from the report, which sounds like incompetence. He talked about the 'old boys' network and politics.

DAVID ZERNIK, 322 South Ditmar, stated he is a licensed civil engineer. He owns 2 acres of property that he has been trying to subdivide since 2002. He had submitted a development plan and went to a developers conference in 2002 and was told he could subdivide his lot from 1 lot into 9 lots. Subsequently he spent hundreds of hours and thousands of dollars preparing the plan. Upon resubmittal of the plan, he was then told he could only do 7 lots. So he had to throw away the thousands of dollars of work he had done. He carefully responded to each one of the plan check comments regarding the 7 lots costing much time and money, and then resubmitted it to the City. Now he is told he can only do 3 or 4 lots. He has had to submit this plan 9 times to the City, and each time the requirements change. He is trying to be constructive. He also experienced hours and money redoing the plans to get the Engineering Division to approve the plan, and it got approved; subsequent to that there were additional comments. It is so important that we have upfront plan check comments from the first submittal, and once those are made, then staff has to stick to that. It is impossible to develop property because the criteria for approval keeps changing as you go through the process.

BILL PARKS, 2376 Back Nine Street, stated the development process needs to be well defined, efficient and fair. The Matrix report with 180 suggestions makes a lot of sense of how the process could work better. The City needs to follow up on these.

BEATRICE SHUSHAN, 4868 Cardiff Bay Drive, has a small business. She has not personally had to deal with the Planning Commission, but she has spoken to a lot of people who have. By a huge majority the sense is a very negative one. Many say this is the hardest city in the County to do business in. The application process is complex and inconsistent. Much time and money is wasted for lack of a clear process to guide both business and City employees. You spent \$80,000 to investigate these problems. You could have reached the same conclusions for free by surveying businesses. We need accountability. She is happy to hear about the new automated process and consistency. On the other hand, in the study it suggests giving administrative approval to the City Planner alone. That would be dangerous. You cannot take democracy out of this process. We want to have our say.

MARGARET MALEK, 1611 Hackamore, went to one of the focus groups, and it was the biggest gripe session she has heard. She realizes there are things that need to be

done, but your divisions were torn apart. She realized some staff hasn't been trained and there are new department heads, but it cannot be as bad as they made it out to be. They want a rubber stamp for developers. She is not impressed with Riverside, etc. Before you implement everything, look at this. These department heads are new and some changes are needed, but there should be no rubber stamp.

MIMI DeMIRJIAN, 214 South Freeman Street, Oceanside Coastal Neighborhood Association (OCNA), stated a streamlined process that includes administrative approval could benefit all. The administrative approval process should be used as a guideline for what is acceptable to the City so those seeking permits do not have to waste time and money guessing what to do. The approved Oceanside Boulevard and Coast Highway visioning plans should be used as a basis for the administrative approval process and should be simple and straightforward for small remodels like garages, bedrooms and bathrooms. Anything larger, anything that could change the character of the neighborhood or the footprint of a building or home should be up for public review.

DIANE NYGAARD, 5020 Nighthawk, has had occasion to work on development projects in many cities in North County, and the issues in Oceanside are not all that unique; all are struggling with streamlining issues. Streamlining and coming up with fair, consistent things that are fair for the developers and the public should be part of the goal. It should not just be about being faster for developers but recognizing the community has an important role in the process as well. It was stated that this is the start of the next phase of this effort, and she hopes Council accepts this report as a starting point and have items come back to Council with a detailed plan and schedule—what they intend to implement, what won't be done, what is going to cost money and time, and hold staff accountable for that with progress reports and benchmarks and milestones to make it a fair and transparent process for everyone.

DOROTHY McCORKLE, 4610 Bristlecone Street, stated her business was advertising and then a marketing/research company. She has not seen the report, but it sounds like there was validity to the work done and unbiased. At a May Council meeting there were 30+ people present from the building industry who asked the City to modify the permit process to put people to work. If there are problems, this information might help put people to work.

Public input concluded

MAYOR WOOD stated some of the concerns and issues are valid. This has taken a while. When he first got on Council, he was aware of some of the problems. On occasions we went to the then City Manager with our concerns, and we told him we had more complaints over issues pertaining to building, planning and engineering than any other complaints. Even some of the major projects that we, the Council, wanted such as the Wyndham Hotel, their contractors and staff came to us and complained about how much trouble it is to work with the City. So we went to the City Manager to advise him since he is in charge of staff. Also developers were coming to Councilmembers to push their projects through, and we knew this was a problem.

To be fair, this was during the building boom and we might have been understaffed, but people were totally frustrated in dealing with the City and the procedures and policies. We need to address that. Some of it was very political. It has taken a long time to address this. We have a new City Manager and a new Development Services Director, Mr. Buell. We indicated we needed someone above those 3 units—engineering, building and planning, who could make those decisions, and we hired someone. He doesn't point a finger at any one person. He is not in charge of staff—that is the City Manager. We have made changes to try to address those issues. It doesn't mean we've done a satisfactory job, but we are trying. Tonight is a good example—he asked the staff to continue this item because he wanted more information. He had received a lot of calls indicating this appeared to favor the developers and not the citizens, and it takes the Council somewhat out of the loop on some of these projects. We would not see administrative appeals and wouldn't know about them. In the past there was an issue where contaminated soils was moved to an address and Council was not aware of it, and we complained and that had been an administrative appeal. We didn't like being out of the

loop.

He is concerned about taking Council out of the loop on some of these projects; the answer is probably yes but he needed more information. So we are here to try to make a decision with the information received. We need to change our ways and the consultant has a lot of good points, but he also had questions about other issues like taking Council out of the appeal process and/or the public.

This took a long time. He apologized that it took a long time ,but he would not apologize that we spent money to have an expert look at it, rather than staff. An expert was more appropriate. We have new people that are trying to address those concerns with the new City Manager and Development Services Director—who was told what those problems were what he needed to address. About that time the building industry died off with the economy and so did staff issues, and things aren't moving forward. We are trying to fix the problems.

COUNCILMEMBER SANCHEZ stated when she first ran for Council in 2000, she heard a lot of complaints. We have tried to move toward a better process. She was convinced that the best way to get a more streamlined process is to include the public at an early stage. This was sorely missing in the Matrix study in terms of a goal. She read the 223-page report, and she was surprised that this was left out. What bothered her about this study is how subjective it was. It did not start with a description of the departments but was a picture with new people who looked really green. They weren't from Oceanside, didn't know Oceanside or any of the neighborhoods, or have a sense of how important it is to involve the community. As a foundation, that should have somehow been included or acknowledged. So the historical perspective was not included.

It did not account for recent changes in personnel and the structure. Most of the report addressed comments generated by meetings with the developer community. She had suggested developers, as well as residents. What she heard back was that it was a dump on Oceanside fest. Each group had the same experience—they did not have an opportunity to give input from a resident's point of view. While she acknowledges that we have problems, she believes they were overstated. We are not as bad as all that.

Some of the things recommended—training, standardizing - she likes the idea of keeping the same plan checker throughout the process. She likes having one person in charge of all the departments making sure everything goes smoothly. She does not know how it will work in terms of concurrence. She likes the idea that concurrency would cut down on the time. Time is money, and everyone wants this to be the best process with the least amount of time and to result in the best project for the community. She would not want to see the standards lowered.

Perhaps MCG did not understand how our residents really like to go to meetings to make sure that the projects are in line with the community. We are at the built-out stage and are talking about infill projects. We are talking about the most challenged areas in the City, i.e. land deemed undevelopable, on slopes, etc. that neighborhoods want to know about.

Looking at the staff report, it indicates that DSD has already begun implementing many of MCG's recommendations. She had hoped she would know out of the 181 recommendations which ones were being implemented. This is one of the problems about letting people know what is going on—get it on the web site. Get it in writing. If it is not in writing, it is not a plan. Reading that a lot of this is being implemented, but she has no idea which parts, because some she has real concerns about. For example, getting rid of the Council and coming up with a professional board of appeals, our residents would not want that. They want to go to their Councilmember to explain why a project is or is not good.

We are here tonight because staff is asking for something they cannot do without our approval, and that is with respect to increasing the number and types of minor uses that can be approved as an administrative conditional use permit (ACUP) and increase the number and types of uses that can be approved as an administrative development plan.

These recommendations scare her to death.

Looking at Page 133, etc., we are talking about group residential, clubs and lodges, convalescent facilities, cultural institutions, day care, detention facilities, emergency shelters, etc. These would all change from permits required to administrative use permits required. So those would not be a Planning Commission or City Council hearing. She sees the possibilities of worse than what happens now. She wants to see streamlining, but this request before Council is premature. If you do all these things—the training, etc., and it also talks of cutting 12 people—streamlining where most is done on the internet or over the counter—she can't go along with this. This is not comprehensive or consistent. There are few objective criteria and benchmarking. There was nothing in this report that referred to cities and their practices. On the one hand there are statements that staff is not well trained or may not appear to know what they are doing, and yet the recommendations are made to provide greater authority to staff, to take it away from the Planning Commission and the City Council.

She recognizes we have problems. When she has met with staff and a person who was having problems, things are generally ironed out. She could not do that for Mr. Marchi; the credit line for many disappeared for projects. For someone new, it can be difficult. We can do better in terms of educating people. She agrees we should not be advocating for projects, which is a recommendation. Some things were good but others, without any safeguards for the public, which is what the Planning Commission and City Council provide, then the things that will happen are happening right now with an appearance with a conflict of interest. An example is we hire an engineering firm to do some of our work, and then you see them going behind the counter and then they become an applicant. We should safeguard and say anyone that wants to hire on for the City cannot do business here. We do that in other areas of the City, so why not for engineering, etc. We can do better to streamline but not get rid of the Council and Planning Commission as a reviewing board. She wants to know exactly what is being implemented and what the safeguards are.

After tonight we need to move on from here. Whatever discussion we have, we end this tonight and we talk about positive things that we do. She cannot support the recommendations.

At this time, regarding the 10:00 PM policy, **MAYOR WOOD** asked for a motion to continue or stop. He would like to continue.

COUNCILMEMBER CHAVEZ moved to continue on with the meeting but try to be concise.

COUNCILMEMBER KERN seconded the motion, but we will make this the last item of the night.

COUNCILMEMBER CHAVEZ would like his item heard which would be short.

COUNCILMEMBER KERN agreed.

There was consensus to continue.

COUNCILMEMBER KERN agreed with what was said. During his first week on Council, this was the first thing brought to his attention by a small project developer who said we were not the worst; it is La Quinta who has a slow growth resolution. We were the second. He has heard statements previously as stated tonight that 30 days into a project and they are waiting for approvals and everything is fine and then... 'oh by the way...' We've had it happen on projects, including the Surf Museum, etc. Regarding the \$80,000 for this study, this is an investment in the process. Everyone talks about evil developers, but the gentleman building a 4-unit project on his property makes him a developer, and he

just wants to get his project done, etc. We really need to clarify the process. The reason we did this is because we were all getting complaints. It is not Council's job to shepherd projects through planning, engineering and building.

He supports the recommendations. There is nothing in the report about denying the public's right to know. In fact they talked about putting stuff on the web site and automatic e-mail notification, so people will know more quickly about what is going on in their neighborhoods. So this improves notification to the public. Regarding the administrative appeal process, that can be appealed to the Planning Commission. This is not taking away the public's right to appeal. If they don't like the Planning Commission's decision, they can appeal it to the City Council. No one is taking that right away.

What we need to do is ,once they come to the counter and once they start their process, there needs to be clarity and certainty and no 'oh by the way' issues. Part of it is the technology that we will implement and the information online and the software; however, it does go back to customer service. Staff needs to feel that people walking in are investing in Oceanside, and they need to help them through the process; that is a partnership which we need to foster. Part will be changing the culture, and that we need to live up to our mission, vision, etc.

He **moved** to adopt these changes, move them forward and implement the, with staff to report back in 90 days on the progress of implementation. In 90 days we could have people provide input on how it has worked, etc.

COUNCILMEMBER CHAVEZ seconded the motion. He asked if Mr. Buell would like to respond/comment on items.

MR. BUELL responded that he would not respond to public comments. We recognize that there is clearly room for improvement. It is true this report is a snapshot in time, and that snapshot took place in roughly July/August 2008. Since that time, the preliminary findings from the focus groups came out with the employee surveys, etc. Those were released to Council as they became available. We realized there was a substantial amount of work to be done, and work began even before MCG came on board with the division managers and the interim director of DSD. We are committed to a process of continuous improvement.

Regarding the request and desire for early public input, that is something we also embrace. There is room for improvements, and through these recommendations we are not trying to circumvent public input. As an example of early public input, over the course of a couple of months as a result of a public inquiry, we have improved the web site so that projects and their status are more available. People can subscribe to certain regular distributions of information as to where projects are in the process. For example, the notices of applications, which is unique to Oceanside, go out to residents within the prescribed radius. We are not trying to hide anything, and to the extent we can put that out on the internet and e-mail it to those who desire, we are now doing that.

Regarding which of the 181 recommendations are being implemented, that is a good question, and we will come back with answers to that. The Board of Appeals that is described in the report under the Building Division's section is there for any sort of dispute over a building permitting issue or a construction issue, which does not have to do with a project entitlement phase. We are not looking to change or circumvent the appeals process that is described now in the Zoning Ordinance. So, if the City Planner makes a decision that someone takes exception with, it can be appealed to the Planning Commission and from there it can be appealed to the City Council. The same administrative remedies would exist in the Code. The Board of Appeals only applies to disputes on the building permitting and construction process.

On pages 133-137 there are a number of types of uses/activities identified as being recommended for administrative approvals. He will be the first to admit that what is shown in this report are not things he agrees with wholeheartedly. For example, hospitals should not be an administrative approval. It would probably require a full EIR and would require Planning Commission review, if not also the City Council. So what we see in the

report is the expression of a theme, and that is to look at the different types of activities/development that we might be able to push the decision-making further down into the organization. Instead of going to the full Planning Commission, what can be reviewed by the City Planner? We are looking at a Code amendment, and he envisions that process as being highly participatory with public and transparent, and we would look for input all along the way, and then with review by the Planning Commission and the City Council as is required in the Code to amend the Zoning Ordinance.

He agrees with the need to train staff and also to provide additional training for our Planning Commissioners. We are in the people business. Staff needs to remember we are working with people, and in some respects their livelihood is on the line, such as Mr. Marchi who has not done a project like this before; we can do a better job explaining to him up front what all the conditions of approval mean, even though he agreed to them in 2006 when the Planning Commission approved his project. In further discussion with him and over the course of the past 10 months, he has become aware that Mr. Marchi was not fully aware of what he was committing himself to. For example, upsizing a water line from 6" to 8", which seems relatively simple but is a big dollar item.

Regarding engineers working on both sides of the counter, we should be looking into that.

Regarding safeguarding the public, hopefully it was addressed in what he just described with respect to the process of exploring the Code and exploring the opportunity to streamline and simplify. That should address most of Councilmember Sanchez's comments.

COUNCILMEMBER CHAVEZ appreciated the clarifications. Good people in a bad process will fail. The employees are great servants, learning and trying to do well. It is incumbent upon the leadership to address the concerns, which is what we are doing with the MCG report - so that good people will be working in a good process and will be successful. Regarding the general public being involved, this report has been out for 10 weeks, and the study was a snapshot in time last summer. This report has been briefed to the Economic Development Commission and the Planning Commission. We, as Councilmembers, receive that information.

This MCG report has been a hot topic over 6 months with Council, so it is ready to go forward. He is comfortable with the comments by Mr. Buell. Often the first step is to recognize that there is a problem, and Mr. Buell is the leader who came in and identified the problem and is trying to fix it; he appreciated that.

COUNCILMEMBER FELLER questioned how many formal comments were received during the process which started last July/August from the public and staff.

MR. BUELL estimated around 20 or less.

COUNCILMEMBER FELLER stated that few people pass along any great customer service comments; however, if a person has a remotely bad experience with poor customer service, that person will tell many they know, so it is as Councilmember Chavez said—good people in a bad situation. Good people work here. This is about streamlining the process, making growth better and easier to deal with and in helping those such as we have heard from. He would like nothing more than to not have to deal with anyone about their project on the third floor. He has helped many; we have all been approached, and we should remain approachable. Staff's efforts have not gone unnoticed, and he is satisfied with the report. He is eager to hear of any issues going forward and which ones are being implemented.

He would like to see some of the stimulus measures as mentioned by Ms. McCorkle implemented going into the future because we have to stimulate this economy some way, and helping these people get through the process whether it is delaying to the certificate of occupancy some of their permits that don't cost us money upfront—that is what we need to do. He supports this and all the effort.

Since it is 10:35 PM, he **moved** to call for the question.

COUNCILMEMBER KERN seconded the call.

Before the vote, **CITY CLERK WAYNE** asked for clarification on the language of the motion and if the motion was referring to staff's recommendations or the Report.

COUNCILMEMBER KERN clarified his motion was for staff's recommendations and all those things in attachment 1 – nos. 1-5:

[Recommendation – direct staff to coordinate with the Economic Development Commission and Planning Commission to initiate changes to appropriate documents to:

1. Increase the number of building permits issued over the counter;
2. Continue to develop the automated permit system so that building permits can be issued online;
3. Simplify and streamline land entitlement permitting processes by delegating authority for approval or disapproval to the City Planner;
4. Increase the number and types of minor uses that can be approved as an Administration Conditional Use Permit; and
5. Increase the number and types of uses that can be approved as Administrative Development Plan]

COUNCILMEMBER CHAVEZ as second concurred.

Motion on the call was approved 3-2, Mayor Wood and Councilmember Sanchez – no.

On the main motion, motion was approved 3-2, Mayor Wood and Councilmember Sanchez – no.

14. **Request by Councilmember Chavez for direction to staff to research campaign finance regulations from municipal elections from other California cities, including but not limited to legal contribution limits and campaign signs in the public right-of-way, and report findings to Council**

COUNCILMEMBER CHAVEZ wanted to give direction to staff to do some work and come back at a workshop to present some things we can look at for campaign finance reform. His thought is if they could come back in a month, from the workshop we can consider what to look at and then come back and try to put a new ordinance in. He would like it done around August. The 5 areas he would give direction on are:

- potential contribution limits for candidates
- possible considerations of a corporate contribution ban to candidates
- independent committee disclosure requirements on a timely basis showing funds and in-kind contributions
- candidate reporting requirements more stringent than the Political Reform Act, specifically 6 months before an election, every 30 days; also that time frame of 6 months for every election for the independent committees also
- use of public right-of-ways for campaign signs not be allowed.

Those are the 5 things he would like staff to look at and come back at a workshop. He welcomed anyone else's ideas. His issue is looking at transparency and fairness to local politics across the board for the City.

He so **moved** direction to staff to look at these items and come back at a workshop within 30 days to get this taken care of by August.

No public input.

COUNCILMEMBER FELLER seconded the motion for discussion. He thinks those items are a good start. He would also like to see the City put into effect the sunshine laws to shine the light on who is getting and giving campaign donations, and campaign finance laws for every facet, as well as lobbying and ethics laws. We can compare with other municipalities and perhaps have an expert in this look at it. We want to promote the highest transparency and accountability.

COUNCILMEMBER CHAVEZ accepts those. The reason he would like to do this now is because we are over 1½ years from the election, and we can do it in a calm of the summer. Let's look at everything and any ideas.

MAYOR WOOD felt this was a joke as explained. We are trying to regulate the public and what and who to give to.

COUNCILMEMBER SANCHEZ said this was sad as explained. The issue is first amendment, and we have been there and looked at trying to do some campaign reform. Regarding signs, if you get rid of signs all together, that means the person who can only afford signs and cannot do mail will not be able to get their message out. We eliminated the median signs, we shortened the time to 30 days before an election [for signs in the right-of-way], and this is basically telling people who cannot afford to run that they cannot run now. This is outrageous having looked at others' campaign contributions, etc. She cannot support no signs.

Motion was approved 3-2, Mayor Wood and Councilmember Sanchez – no.

CITY COUNCIL REPORTS

16. **Mayor Jim Wood** – commented on graduations, Water Wise workshop, Filipino Cultural event, the children's involvement in the Library with the summer celebration kickoff, and Project Child Safe – free firearm safety kits.
17. **Councilmember Rocky Chavez** – due to the time, no report.
18. **Councilmember Jack Feller** – due to the time, no report.
19. **Councilmember Jerome M. Kern** – reported on the League of California Cities and one item is the 'Save your City' campaign that the League is pushing forward to help us save our 8% property tax take by the State. He will wait with the rest of the report.
20. **Councilmember Esther Sanchez** – due to the time, deferred her report to next week.

ADJOURNMENT

Mayor Wood adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 10:52 PM, June 3, 2009.

[The next regularly scheduled meeting is at 4:00 p.m. on Wednesday, June 10, 2009.]

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside