



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

December 12, 2001

ADJOURNED MEETING 10:00 AM COUNCIL CHAMBERS

<p>Mayor Terry Johnson</p> <p>Councilmembers Jack Feller Carol McCauley Esther Sanchez</p>	<p>Deputy Mayor Betty Harding</p> <p>City Clerk Barbara Riegel Wayne</p> <p>City Treasurer Rosemary Jones</p>
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The adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 10:00 AM, December 12, 2001, for the purpose of a workshop. The Pledge of Allegiance was led by Deputy Mayor Harding.

ROLL CALL

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

WORKSHOP ITEM

1. **Update of the City Council Policy Manual**

MAYOR JOHNSON announced that this is a workshop to address the City Council Policy Manual and the recommendations. Everything that will be discussed today and at future Council Workshops, if necessary, is a policy call by the City Council. He agrees with some of the recommendations and others he does not.

MICHELLE SKAGGS-LAWRENCE, Assistant to the City Manager, reviewed that at the meeting of May 2, 2001, Council established an ad hoc committee to review the Council Policy Manual. Deputy Mayor Harding and Councilmember McCauley served on that committee. The City Clerk, City Attorney and City Manager's offices provided staff support on the policy manual.

The Policy Manual is approximately 20 years old, and some policies are even older. Unfortunately, over the past 8 years the manual has not been updated as frequently as necessary. As a result, there were a variety of policy manuals floating around in various stages and not complete. Therefore, the committee decided to review the entire document to ascertain which policies and versions of policies were still on the books so that they could recommend changes. The committee is suggesting 11 new policies for Council to consider.

One of the major changes in this version of the manual is that it is no longer divided into sections specifically for the Community Development Commission, the Harbor District and the City Council. Combining the 3 sub-manuals should eliminate redundancy and duplications. For simplicity, the committee decided it would be better to reissue the entire Policy Manual and have Council approve the new manual, including those policies that the committee is not recommending Council make any changes to, and to essentially rescind the old manual. This will ensure that everyone has the most updated and recent

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information. The ad hoc committee is recommending that Council approve the Policy Manual as provided, and the people who assisted with the manual are present should Council have any questions.

MAYOR JOHNSON stated the main achievement at the retreat last May was that Council agreed to seek consensus to do what is best for the City to move it forward. Those who have been around awhile look at today's City and agree that it is much better than it was 4 or 9 years ago. There are some major issues on which the Councilmembers do not agree, but within the past 12 months the Council has reached consensus, which means agreement. If the City Council had reached consensus in the 1980s, the north end of Coast Highway, from Neptune to the river, would have been developed into a wonderful visitor-serving area. When Council does not reach consensus, the City does not move forward because of divisiveness and neighborhoods pitted against each other. Over the next 12 months, issues that Council decides upon will greatly affect and give direction to the quality of life in Oceanside. The Council is here to seek consensus and not cause dissension.

COUNCILMEMBER McCAULEY stated that when the ad hoc committee started working on the Policy Manual, many changes were made that were discussed and agreed to prior to this seated Council; they were just never ratified. The manual should not become a controversial item. Changes are made because of specific situations, incidents or individuals.

The manual presented today is just a draft. When Councilmember Sanchez first came on the Council, the 2 of them had discussed that, once elected into public office, there is no schematic that explains how to operate or what to do. This policy manual is intended to be somewhat of a schematic for the few areas that can be standardized.

Many changes were made specifically to assist staff and to create an equal playing field for all 5 Councilmembers. One of Councilmember McCauley's greatest weaknesses is that she likes to jump out and do something and forgets to ask the rest of Council or staff if they are interested in working on the suggested items. This manual truly is intended to help each of the Councilmembers and is not intended to be a gag or muzzle, nor is it directed at any one individual. These policies come out of situations as they arise since they cannot be foreseen or planned for.

Regarding the nomination and appointment of the next Deputy Mayor, **MAYOR JOHNSON** announced that it is important that everyone serve as Deputy Mayor for one year, and everyone will get that opportunity. The next Deputy Mayor will be someone with whom the Mayor has the ability to work with completely without worrying about other issues that he may be in disagreement with.

In an effort toward consensus, and to keep moving the City forward in a positive manner as agreed at the Council Retreat, he will be making the nomination of Deputy Mayor and Council Liaisons with the concurrence of Council.

Additionally, if those at the dais and in the public feel certain issues are so controversial that they cannot speak in a professional and dignified manner, he will recess the meeting. If necessary, he is prepared to adjourn this meeting. He also reminded Council that they have a closed session meeting at noon, so they have less than 2 hours to address the issues today. A follow-up workshop may be necessary to review the manual in its entirety.

COUNCILMEMBER SANCHEZ asked for clarification on Policy 100-07 regarding City Council/CDC/Harbor Board Agenda Items. It states, "...It is a policy of City Council that the City Clerk is instructed to set and notice evening public hearings upon the occurrence of any of the following..." One of which is the receipt of a petition signed by 10 affected neighborhood residents. She understood that this was already in the ordinance, which makes the policy redundant. However, she could not locate this in the ordinance.

MS. SKAGGS-LAWRENCE did not recognize the 10-resident issue being identified in the ordinance. However, setting public hearings is covered in Chapter 2 of the Code. The committee recommended deleting policy 100-07 because the policy was from 1982 when

the Council had daytime meetings, and the public hearings were during the day. If 10 affected residents wanted to speak on the item, this policy allowed them to request that the hearing be moved to an evening session. In 1982, a nighttime hearing was something out of the ordinary. Since Council now has evening meetings, the policy is no longer necessary because all of the public hearings are in the evening.

COUNCILMEMBER SANCHEZ interpreted the policy to state that upon receipt of a petition, the public could request an item to be placed on the agenda for a public hearing. She asked if there is another policy that addresses the public's right to get on the agenda other than this section.

MAYOR JOHNSON stated that as policymakers, Council has the right to hire and fire the City Manager and the City Attorney. The City has one city attorney, who is highly qualified and respected. Based on the City Attorney's legal opinion of the policy, the Mayor will support the policy as stated.

As mentioned earlier, no one in these chambers is trying to muzzle anyone. It needs to be clear that the manual is very outdated, and the Council is seeking to clarify it. The Mayor hoped the press would sufficiently report the goal of the Council, which is to clean up the Policy Manual. This manual is a guideline for the City policymakers to follow.

CITY ATTORNEY DUANE BENNETT supported Ms. Skaggs-Lawrence's statement. There have been misinterpretations and misunderstandings. The policy, in its import, was to deal with the issue whereby staff or Council formerly set public hearings during the daytime. When the Council used to meet in the daytime, they would have public hearings. If there were affected residents or people who were affected by those public hearings and could not attend during the daytime, they could petition to have that hearing moved to the evening so that they could be present. That was the purpose.

The public has no right to set a public hearing before the Council. Oceanside City Code 2.1.37 defines how hearings are to be set. The City Council has to set public hearings when required by law or when Council thinks there are matters that need to be heard through the concept and under the legal framework that is stated in the ordinance as to public hearings.

The way the public can get a matter onto the agenda is by standing before Council at any point in time and requesting Council to set an item for a future Council meeting to hear the matter. Anyone can request that an issue be agendaized for a future meeting, and it could be any number of people; it does not require 10 people. Council could then agree to place that matter on a future agenda. The public can also write a letter to the City Manager or any Councilmember stating the issue that needs to be discussed, and the City Manager, Councilmember or staff can place the matter on the agenda. But the conception that the public has a right to establish and dictate to the Council when they have to have public hearings is just a misnomer and is inconsistent with the ordinance. No California law provides the public that right. The public does have the right to speak at every Council meeting. They also have the right to request Council to put something on the agenda. But if 10 members of the public could come to the Council at any time, and demand that a subject be heard, the public could control Council's entire agenda and time process. There would be no other time for the government to function. So that policy was merely intended to shift public hearings that were already set by Council or staff to the evening when it was convenient for staff. Now that the meetings are already in the evening, there is no longer a need for this provision.

In regard to the Mayor's comments regarding consensus, **COUNCILMEMBER SANCHEZ** was curious how her votes had been for the past 12 months, so she went through the votes. She discovered that she voted "yes" 92% of the time. In support of the Mayor's statement, she agrees that Council has been in consensus this year. Her "no" votes were scattered 4-1 and 3-2. Some months, she had 0 or 2 "no" votes in the entire month when there were 3 Council meetings. She confirmed that they have, in fact, been working as a consensus Council.

To clarify, at the beginning of this year Council committed to a process for selecting

the new Deputy Mayor. After reviewing the minutes from the Council meetings from December 1999 and January 2000, she read statements from Councilmembers (3 of whom are still serving on Council) stating that politics should not have anything to do with who becomes the Deputy Mayor and that the fairest process would be rotation. So at the beginning of this year there was a commitment to this process. At this time, with respect to Deputy Mayor, she has been looking forward to serving as Deputy Mayor for next year and has re-arranged her schedule and life to make time for this. Her job has become more flexible than last year, and she is confident that she will be able to articulate the majority opinion of Council. Every day, her job in court is to persuade the court as the defender. However, at any time, she could switch to the prosecutor's side and make their arguments as well. That is the system that they have; it is adversarial. You can see both sides and that is how they all look at the law – that both sides have the opportunity to represent their side as persuasively as possible.

She feels comfortable with the Mayor and gets along with him. Some issues that arose this year were also discussed during the campaign. At no time did those issues affect her ability or her support of this person who ran for Mayor; she supported him in a big way for the mayor's position. So nothing has changed with respect to that. The positions she articulated this year are the same positions she articulated during the campaign. In fact, there were overlaps in statements that they each made to certain communities. Both she and the Mayor have a similar history with the City and people whom they know and work with. So there is no issue there.

She reiterated that only 8% of her votes had been "no" and some of those "no" votes may have been because she did not have enough information. As a first-year Councilmember, she spends a lot of time doing her own research and requesting documents for review. Yet, this is a large city, and sometimes government is not always efficient. Sometimes it takes a long time to get documents, even documents produced a year ago.

She requested that Council go through the manual, policy by policy, or at least where there has been a change. She also suggested hearing from the [ad hoc committee] members on the reasons for those changes.

DEPUTY MAYOR HARDING stated the manual contains a lot more than just the appointment of Deputy Mayor and Council policy. For example, the section on Utilities and Planning had to be revised because it was so old. The manual is important to Council and their Legislative Aides because it explains how the business of the City is run.

At least a couple of months ago, they sent out a first draft of the manual to all the Councilmembers while the ad hoc committee was still meeting so that comments and concerns could be brought to the committee prior to meeting with Council. The committee did not receive comments back from anyone except the Mayor. These policy changes are not a new thing to the Councilmembers. The other Councilmembers have been updated all along the way throughout the process of updating the manual so that the committee could be flexible in what they were proposing to be changed in the manual.

She was happy to hear that Councilmember Sanchez has a new work schedule, since they are both on a very important zoning ad hoc committee, and they have not been meeting for a while. Councilmember Sanchez attended one-half hour of the 1st meeting and has not attended any of the other 6 meetings. This placed the zoning committee at a great disadvantage since there were 3 Planning Commissioners, staff and there were suppose to be 2 Councilmembers. Councilmembers should be very serious when they say their schedules are flexible. The Deputy Mayor's schedule can rarely be planned ahead for even 2 hours; someone gets ill or 2 things occur at once, etc. Sometimes, the Deputy Mayor cannot give 2 days notice that they have some place to be. Since the City is so very active at times, the Deputy Mayor sometimes gets 1½ hours notice. This year, because there is so much going on, the Mayor and the Deputy Mayor have often been at 2 different meetings at the same time.

The manual is large. The draft is not written in stone, so anything can be changed. Deputy Mayor Harding encouraged Council to vote on the manual so they can move on.

She is happy to abide by anything that the majority of this Council wants.

As previously mentioned, each Councilmember has had the proposed changes for a couple of months. This is the 3rd draft Council has received. She suggests that they not discuss every change, but only concerns about a change. Some of the changes are just changes to sentence structure. She encouraged Council to bypass those issues they agree upon, and discuss those items they have questions or concerns about.

PUBLIC INPUT

JEAN KUJAWA, 4914 Glenhaven Drive, stated that this is not the time to be making changes to the way the Council conducts business, especially since the City has a major election in less than a year.

She thanked the Mayor for the consideration he has shown regarding the Victoria Estates Development and hopes to see more of his leadership regarding major issues facing the City. She suggested: new representation on the North County Transit District (NCTD) board, a better method of making appointments to various commissions to gather input from every location within the City; public funds to be distributed to all locations of the City, and the beachfront to become another Seaport Village that could also support a resort hotel. Council has neglected certain sections of the City. The rotation system for the appointment of Deputy Mayor should remain to avoid any preferential charges directed at the Mayor. Victoria Estates held a workshop and took into consideration all of the residents of the area. Everyone in attendance left very satisfied with the items of concern. That is the way the City should be working.

SUSIE COKER, 2126 Sorrento Drive, thinks consensus is a good thing for the Council. However, shutting up the people who do not agree with the Council is not the American way. The majority of the Council may feel one way about an issue, but their opinions may not cover the opinions of all the residents of Oceanside. Regarding Policy 100-07, on June 6, 2001, 300 people were at City Hall with 1,700 names on a petition to request a public hearing. She stood at the podium for 15 minutes waiting to speak but felt that the Mayor kept her from speaking by having Peter Weiss address issues. Taking away Policy 100-07 leaves the public with no avenues to be heard. She asked what happened to the right of access to the government. Policy 100-02 states that 2 weeks notice would prevent a Councilmember from placing a matter on the agenda without the approval of the Council, thereby requiring a vote as to whether the item will even be allowed to be calendared. They do not want a Council that is in pure agreement. The citizens need Councilmembers who will represent them.

Regarding the appointment of the Deputy Mayor, they should be able to rely on Council's word, and changing a policy midstream is obvious that the Council is making a very public, negative and punitive statement towards Esther Sanchez. The rotation idea is the most fair for the position of Deputy Mayor. One year ago Esther Sanchez publicly received the second rotation position; give her a chance. She is the one political figure in this group who has not been corrupted by backroom politics and secretive agendas. The citizens only have one Councilmember who will listen to their concerns and look at them objectively, and Esther Sanchez is that person who represents a large portion of the City's population.

CAROLYN KRAMMER, 904 Leonard Avenue, discussed Policy 100-42, regarding the appointment of Deputy Mayor. To refresh memories, only two years ago 3 of the current Councilmembers created a policy that they are now trying to change. She referenced the minutes of that meeting, where Councilmember Johnson agreed with continuing with the rotation because it has worked. Councilmember Harding preferred the idea of an automatic rotation, adding that all 5 Councilmembers feel such appointments are fair. When the time comes to rotate, the next person on the list would go into that position, and the new Councilmembers would go in alphabetically. The newspapers, public and Council would not have to worry about it because it is the fairest and most non-political way to do this. Councilmember McCauley agreed that the rotation should be automatic so Council does not have to discuss this issue again. Councilmember Johnson felt it is fair to have a rotation for the ceremonial title of Deputy Mayor, which is all it is. Other than having

a title in front of your name, the person really does not do anything. He believed a resolution should be passed that every year it is an automatic rotation to the next person in line. Councilmember Harding felt it was not a big deal. This Council needs to put something into place so that it will be automatic that the next person will become Deputy Mayor on whichever date chosen. Then the Council business can be the primary concern.

Those statements were read from the minutes dated January 5, 2000. Ms. Krammer feels this is political. The Council has a fair system in place and should stick with it.

MARGIE MONROY, 749 B. Magnolia Avenue, Carlsbad, represents the League of Women Voters of North Coast San Diego County, which has a very active Oceanside unit. The League of Women Voters is a non-partisan, political organization whose main interest is that citizens have a right and a duty to become informed on their government and the things that are happening. She notices a disturbing trend in these recommendations. In almost every case, Council is cutting down the amount of time the citizens can speak and making it harder to get on the agenda by having a longer lead time. This makes it very hard for anyone to address emerging issues. It should be comfortable for citizens to attend the Council meetings. The League is concerned about the issue of citizen input. The worst that can happen during citizen input is that someone will stand up and criticize what the Council is doing. The people have a right to free speech. All it takes is a majority of 3 to deal with whatever issue they are addressing. Let the public speak.

She also wanted to discuss the ability to prevent Councilmembers from putting items on the agenda unless a majority of Council favors those items. They have representative government. Consensus means the sense of the group, and it is difficult to accomplish. One cannot gauge the sense of the group unless everybody has the opportunity to speak or to put an item on the agenda. If a Councilmember is prevented from putting items on the agenda in a representative government, that Councilmember's constituents are also deprived of a public voice. She knows that is not what the Council wants to do. She hoped this would not get passed the way it presently is proposed. Council should give it careful thought and then make a decision that will protect the citizens' rights to participate in government. Oceanside is wonderful because it has so many people who are interested in the community. Give them all a chance to talk.

JENNIFER ORROCK, 3791 Cherrystone, carries the 4-way test for Rotary to help determine how she should conduct business, how to conduct life and how to raise her children. It is a very good way to lead life and to determine what is true and what is just.

What she has just heard has compelled her to speak. What she heard from Councilmember Sanchez is that she is a fighter for her constituents; however, Ms. Orrock has called her office but has never received a return phone call from her or her Aide. On the other hand, she has received return phone calls from all other Councilmembers and the Mayor.

Also, Ms. Orrock was disenchanted to notice that Councilmember Sanchez was not present at a study session in the Sister Cities conference room in February 2001. She and another individual were present along with staff and Council. She was amazed to see how well staff and Council worked together at that meeting as they showed their priorities based on what they told the voters they would accomplish while in office.

COUNCILMEMBER SANCHEZ requested a point of personal privilege to respond to Ms. Orrock. She was concerned that Ms. Orrock had not received returned calls and planned to discuss that with her Aide. However, she would contact Ms. Orrock upon completion of this meeting.

There was an issue as to whether or not that session Ms. Orrock referred to fulfilled the requirements of the Brown Act, and Councilmember Sanchez did not want to be in violation of the Brown Act. In fact, Council has changed its policy since then.

MAYOR JOHNSON added that when Ms. Coker was speaking, he had not asked for a point of personal privilege; however, he would like to speak with Ms. Coker at any

time to address the issues that are important to her and her community, etc.

LOU FENTON, 921 Hillcrest Place, wished to address policy 100-02 and policy 100-07. He is skeptical about the reasons for making the changes to the Policy Manual, specifically policy 100-02, which restricts Councilmembers' ability to put items on the agenda. He feels it is a way of sweeping dissent under the carpet and doing so without having to deal with the issues. Council will not always be able to reach consensus; that is not the most important issue. The most important thing is to hear people's grievances, and this is the place to do it. If Council achieves consensus, that is good. He also does not agree with the City Attorney on Policy 100-07. This entire country is based on the concept of popular sovereignty, which means the people are sovereign. They live in a constitutional republic, and the people have delegated certain powers to the government. However, at any time they can withdraw that delegation of powers and assume the powers again themselves. That is why this policy change is wrong. It turns the government upside down, making the government the master instead of the people. The people of this Country are sovereign. Otherwise, this would be a dictatorship.

RUTH GANS, 4918 Delos Way, stated she only saw the newspaper article today about this meeting. With more notice, more people would have shown up too. She sees part of this process as a gag to keep the populous from speaking out. The right to petition government was well established in the 1700s when the government was first formed. She does not understand why all these policy changes are coming up right now. It seems there is a purpose behind the policy changes because they are too drastic, and she does not see a need at this particular point. She asked Council to study the comments made. Her daughter served as a Legislative Aide. At that time, her purpose was to assist the representative of the government. She was working just to relieve the pressure from the elected official. The purpose of the Aide is to do the legwork and research. Council should not curtail what Aides can do since they are so important to the Councilmembers. The right of the public to appear should not be gagged in any way. The proposed policy manual changes are drastic, and she does not want to see it happen.

MAYOR JOHNSON noted there are a number of items being proposed today that he will not support. The Policy Manual presented today contains recommendations that Council can either vote for or against. There seems to be a few items that really press people's buttons today and probably will in the future. He asked for the City Attorney to once again clarify the item he previously presented.

CITY ATTORNEY BENNETT wished all to understand that this is his profession; this is what he is trained to do. The redaction of the policy [Policy 100-07] does not inhibit the public's right to address the Council, or to petition the government. The public still has as much right now to petition the government with or without the policy. This policy was meant to set the scheduling of previously scheduled public hearings. The United States Constitution, the California Constitution and the Brown Act give the public the right to always address its government and its legislative bodies. That is a sovereign right that the public will not lose; and they certainly could not lose it by a City Council Policy Manual that does not have the import of law. However, what that policy was meant to do was just shift the time. The public hearings that had been scheduled by the City is to allow a shift in the timeframes. So the hearings that would have been previously scheduled at 1:00 pm can be moved to 7:00 pm if 10 members of the public petition the government to move the time. That is all it was meant to do. So for that particular policy, it is just a misnomer to believe that it is taking away some right that they have to address the Council; it is being read incorrectly. The public has as much right to address the Council with or without that policy. That policy is irrelevant to the public's right to petition Council or the government. That is simply an erroneous argument.

WILLIE LITTLE, 3201 Mesa Drive, expressed concern over Policy Numbers 100-02, 100-07, 100-14 and 100-42. He questioned the City Attorney on whether or not Policy 100-02 was in direct conflict with *Robert's Rules of Order*. He wanted Policy 100-07 to be rewritten since many people are misinterpreting what the deletion of this policy would do. Regarding policy 100-14, [City Council Travel Policy] that talks about travel and reimbursements, he understands that there may be some vehicle purchases involved in this policy. If so, he asked why the City Council and the Mayor would need vehicles paid for

with tax dollars. He calculated approximately \$40,000 to \$50,000 a year in vehicle expenses, including insurance. He questioned why the City would need to have vehicles for the Councilmembers and the Mayor when the taxpayers are struggling. He requested that policy be rewritten, with the vehicles taken out.

Regarding Policy 100-42, which is the appointment of the Deputy Mayor, some years back they went through the same thing with 3 of the present Councilmembers. At the time, they were in consensus that it was wrong, and then all of a sudden, it becomes right. When it benefits some Councilmembers it is right, and when it does not benefit them, it is wrong. The policy should cover everyone from the same position. Regarding the Council being in consensus, if every Councilmember votes the same way all the time, why is it necessary to have the other 4 Councilmembers. It is one thing to try to reach consensus, but when it is not attainable, Council needs to be open to that. If the City wants 100% consensus all the time, then the taxpayers worry.

MAYOR JOHNSON called a point of personal privilege, recognizing the focus on Policy 100-42 regarding the Mayor of Oceanside making a nomination for the Deputy Mayor. This year Betty Harding has served very well as Deputy Mayor. Everyone on Council has done and will do a good job as Deputy Mayor for the City.

Reviewing the past practices for the appointment process, for those who do not remember, he recalled that the prior Mayor was trying to do something that the Council at that time felt was inappropriate: he wanted to appoint Colleen O'Hara to Deputy Mayor for a second consecutive year and admitted his purpose was so that she would be in a better position to run for Mayor in the 2000 election. The Council at that time believed that what former Mayor Lyon was doing was very political and seemingly inappropriate.

Mayor Johnson has 3 years remaining in his present term. He does not play the political games and prides himself on being a fair and honest person. When it comes time to discuss and vote on these issues, he will support 100-42. He also stated already that, over the next 12 months, it will be a very critical time for Oceanside, and he will be looking forward to working with the Deputy Mayor just as well, if not better than he has done this year with Deputy Mayor Harding. In December of next year, Council will have another Deputy Mayor. Every Councilmember will have the opportunity to serve as Deputy Mayor. There is no question about that. Deputy Mayor is a ceremonial title, but when people are working together in whatever capacity, one wants to be able to do the best job he or she can with those individuals. One may work better with some people at a certain time now or later.

The Mayor has 12 policies he will not be ready to vote on today because Council needs to discuss them more fully at another workshop. The Mayor then asked the City Attorney to address Policy 100-02.

CITY ATTORNEY BENNETT addressed Mr. Little's question regarding legal infringement on *Robert's Rules of Order*. Robert's Rules are procedural guidelines that may or may not be adopted by any particular legislative or governing body. The guidelines do not carry the import of law so there is no legal impediment for Policy 100-02. It is a policy issue for the Council to decide how they choose to deal with these policy items.

The Policy Manual is Council's attempt to govern itself, and if the Councilmembers do not agree with that procedure for placing items on the agenda, then Council should vote it down. Robert's Rules do not have legal import as to the way the Council functions. The Brown Act and the Council's procedural policy manual, codified under Chapter 2 of the Oceanside City Code, govern the way Council operates.

DON LEET, 3852 Cambridge Court, stated that City Manager Jepsen does a fine job because he knows how to delegate. He also appreciates that City Attorney Bennett does not speak in legalese, so the public is able to understand him. Each member of the Council is very bright. However, he feels that Councilmembers act one way prior to getting elected and another way once elected. That bothers him. He also thinks there should be a policy made that any Councilmembers that belong to organizations that represent a particular segment of society should drop out of these organizations or not be actively

involved while a councilmember. He is particularly talking about racial segments of society, which bothers him a lot.

GEORGE McNEIL, 2153 Anda Lucia Way, stated that Policy 100-02 is a dangerous policy. Each Councilmember has a right to represent people, and each has a right to bring items before the Council. To require 3 votes to include an item on the agenda that one Councilmember would like to discuss is very dangerous because it allows 3 people to control the whole situation. Policy 100-32 [Citizen Testimony at City Council/CDC/Harbor Board Meetings, Council Workshops and Council Study Sessions] cuts down the time each speaker is allowed. To cut down the amount of time takes the people out of the process, which is not a good idea. Regarding Policy 100-42, he agrees Mayor Johnson is a fair man, but Mayor Johnson will not be in office forever. They need to look beyond this Council and consider future Councils. There could be a situation like before, where the Mayor's appointments would not be appropriate. That would cause a conflict on Council, which is a problem. If you look at it so that the Mayor really does not have an input, it is ceremonial, and it is not a big deal. But if you make it as the Mayor's appointment, it becomes a big deal. Mr. McNeil does not question this Council's choices, but he is hesitant about future choices. Accepting this policy creates a problem where there is currently no problem.

[There were no further requests to speak from the public]

COUNCILMEMBER SANCHEZ wished to respond to Deputy Mayor Harding's earlier statements. She has had a dilemma with respect to being able to respond to this. In fact, she approached Deputy Mayor Harding to discuss this but then realized that would be a Brown Act violation, which the City Attorney confirmed. She did not have questions per se but had concerns and wanted dialog, but it would have been a Brown Act violation.

The last version of the Policy Manual that Councilmembers received was dated November 16 and contained copies of the changes. As a new Councilmember, she did not know what was in the current policy manual. She had a very outdated policy manual that was missing pages. She had requested a copy of the current policy manual but did not receive it until after November 16. Normally, when changes are being recommended, new text is in italics and text to be deleted has a line through it. That was not done with the reason that there was not the staff time it would take. Therefore, she had to physically compare the proposed manual to the old one, which took quite some time. She had a lot of comments on the proposed manual.

Regarding the zoning committee, her schedule has changed and is now very flexible. She does remember a couple of meetings for which there was a short notice of 24 hours that she did not receive because of e-mail issues she was having. That will not happen again. She appreciated the comments Deputy Mayor Harding made about Councilmember Sanchez impeding the progress of the committee. She did call frequently to find out when the committee wanted to meet again, but there were several illnesses in a row among the members of the committee, so she stopped asking. She looks forward to continuing on that ad hoc committee with Deputy Mayor Harding.

COUNCILMEMBER MCCAULEY responded to some of the comments made. Ms. Krammer read from old minutes when Council was discussing the ceremonial duties of the Deputy Mayor. When Mayor Lyon was in office, the Deputy Mayor's position was strictly ceremonial because Mayor Lyon never shared any of the duties with the Deputy Mayor. Mayor Johnson is the opposite. He is open to sharing responsibilities and wants to make sure that all the bases are covered. If he cannot be in 2 places at once, he asks the Deputy Mayor to be there. At this point she does not believe the position is ceremonial, other than that many of the events are ceremonies.

The ad hoc committee wrestled with item 100-02 which is why Council is having this workshop to go through the draft. Mayor Johnson and Deputy Mayor Harding both suggested that Council take those items that raised questions and deal with them separately at a different workshop, and adopt the items as they go through the manual.

On Policy 100-32, which deals with the time that speakers can speak on an item, they are not reducing the time; it is the same time that has been used for over a year. The

change in that particular policy is actually adding speaking time to a study session. The speaking time at a study session was limited to 2 minutes. Councilmember Sanchez wanted to allow for people to be able to speak at study sessions; however, study sessions are designed for Council's benefit. The 5 Councilmembers cannot sit down to discuss anything together because it is a violation of the Brown Act if 3 or more Councilmembers get together. Therefore, they are allowing 2 minutes to give the public the opportunity to comment. Most study sessions have been on regional issues, or it is educational for the Council.

Regarding the appointment of the Deputy Mayor, some people have suggested it is a political move or that it is intended to be punitive. It is a valid concern, and the only response that she can offer is an honest scenario. From what she is saying today, Councilmember Sanchez may not follow the same thought that she initially portrayed to the rest of the Council. Shortly after this new Council was seated, they had a "team-building" session at Marty's Valley Inn. During the team-building session, one of the first things that Councilmember Sanchez did was to ask that the word "team" be removed because she did not consider herself part of a team. She also said that she would never say "we" because she does not represent this Council and will never represent this Council. So, with that type of philosophy, it would be difficult for the Mayor to take someone who feels that way back to Washington, DC to lobby for things that Councilmember Sanchez is opposed to. It is, in fact, her right to be opposed to them. She was elected by a certain segment of the population because of her opposition to some of the things that are going on in the City. When it was made clear to everyone else that she would not work with Council in this way, it was difficult.

There is no reason Council cannot work as a team. It does not mean they have to agree on everything. She would never ask Councilmember Sanchez to change her views. She represents the people she represents, and that is her right and why she was elected. However, it did make for a very difficult situation for this Council on lobbying issues and presenting things to the general public, the region, the State and the federal government. The comments spoken by Councilmember Sanchez today are different from her previous comments. Those previous comments set an issue for the Mayor and this Council very early on.

As Councilmember Sanchez pointed out, the Council does vote alike a great deal of the time. The issues that she opposes and which she ran for office on come out in a 3-2 or 4-1 vote for the most part. Therefore, this Council is not as controversial as it has been portrayed as being, other than on those specific issues.

As members of the policy manual ad hoc committee, she and Deputy Mayor Harding struggled to create a solution for that kind of scenario. She believes that it is the Mayor's right to choose who the Deputy Mayor will be. The policy also states that no one can serve as Deputy Mayor for 2 consecutive years. As the Mayor said, everyone will have their opportunity to be Deputy Mayor.

She recommended that Council find and adopt the items they agree on before discussing the items on which they disagree, since time is limited.

COUNCILMEMBER SANCHEZ took a point of personal privilege. She wished the issues that Councilmember McCauley just mentioned had been brought up soon after the session in April. She never said she could "never say 'we'". As a professional, she would not have made a statement like that. She ran for office knowing who likely would be on the Council and knowing they would have different ideas and commitments than her own. Something she said must have been taken out of context. At the team-building session, she did say that Councilmembers should be able to feel comfortable not always voting 5-0. She reiterated that 92% of the time this past year, Council has voted 5-0 or 4-0.

The "team" idea was for Council to agree on everything. The end result of that topic was to use the word "consensus" rather than "team". The premise that Council had to vote 5-0 on everything is one that she could not subscribe to; that is not why she ran for office. Oceanside is a City of 167,000 people. The fact that Council may disagree occasionally is normal. The fact that individuals run for office because they do not agree with certain

positions is a normal reason to run. She would not have run for office if everything were perfect.

There is absolutely nothing that would stop her from being able to articulate the majority opinion of this Council. She has been a lawyer for the past 15 years, and that is what lawyers do. They take whatever position they are asked to take as long as nothing is impeding them legally or ethically. That is her training to be able to argue both sides of an issue.

There is a number of changes recommended in the manual, with 15 to 20 sections that she is concerned about. Policy 100-02 is one of those concerns. As Attorney Bennett stated, policy is not legally binding. This Policy Manual is just as binding as *Robert's Rules of Order* or parliamentary procedure. Policies are simply rules that the body decides to abide by to be able to go forward as an organization or as a board. She has been a parliamentarian, and parliamentary procedure and *Robert's Rules of Order* were set out so that minority opinions could be presented to the body. They are there to provide an opportunity for the minority opinion to argue and present their case and perhaps sway the majority opinion, thereby creating a different opinion or combining ideas for a new opinion.

The times that a body relies on a policy manual, *Robert's Rules of Order* or parliamentary procedure is when there are heated issues and the body permits everyone the opportunity to speak in an orderly meeting. These are procedural rules, not politics. The politics come in at the time of the vote.

The last policy changes were made a number of years ago, so this will hopefully not be an annual event. These policy changes should not be reliant upon a certain person. *Robert's Rules of Order* has existed over centuries, and they have worked. A lot of the policies listed in the policy manual have a basis in parliamentary procedure or *Robert's Rules of Order*. The Council should not create another political situation by making it difficult for any one of the Councilmembers to get something onto the agenda. This past year has been a learning process for her. She hopes that Council can come to a decision without having the rules politicized.

MAYOR JOHNSON has lived in Oceanside for a long time and has watched a number of Councils operate and conduct the business of the City before he began serving the City in 1992. His biased opinion is that this is the least political City Council that he has seen or had the pleasure to work with. There are always politics involved with being an elected official. But as far as the sheer, raw politics, the present Council is the least political Council he has seen.

After the Council retreat, he and Councilmember Sanchez met one-on-one on a Sunday morning for about 3 hours on a number of issues. He shared with her his failures/mistakes and how he tries to learn from others who have made similar mistakes. They have come along similar paths and have similar dreams and aspirations for the City. There is no question that this Council does more things together seeking consensus, 5-0, 4-0 or 4-1, than it does 3-2. Votes that are 3-2 can be seen as a very divisive, combative group of officials, but this Council is not that. He has been on councils and seen councils before him that worked that way. That is why the City lost a number of businesses to other cities. During their conversation, he shared with Councilmember Sanchez his concerns regarding Manchester. For over 2 years he nearly single-handedly fought to get the Manchester project off the beach. When Bill Morrow convened a meeting in his office in Carlsbad and asked Council what it would take to reach a consensus and support the project, he gave in on some issues, as did Manchester. The outcome was Manchester came off the beach. For some that is acceptable, but for some it is not. One cannot always win every issue and every battle. Once the vote is made, it has to be let go, regardless of who won or lost, to allow the process to continue.

The Rancho Del Oro (RDO) Interchange is another divisive issue. RDO will never be expanded to 6 lanes as long as he is Mayor. He is pushing to get more stop signs there to slow the traffic down. He is very supportive of an interchange that will bring in more business to the City and allow people to maneuver around the City better. It is not just a neighborhood issue; it is a citywide issue. The press tends to focus in on the negative

issues, and the City has had 2 very high profile items over the past several years: the Manchester project and the Rancho Del Oro Interchange. The press presents the image that the Council is pitted against one another, and that is wrong. If the press were to focus more on the good things in the City, Council would not be worried about who is going to be the next Deputy Mayor or the amount of time someone has to speak at each meeting.

Mayor Johnson requested that Council pull the following items from the manual for a future workshop:

- 100-02 City Council/CDC/Harbor Board Agenda Item
- 100-10 Appointments to Commissions, Boards and Committees
- 100-14 City Council Travel Policy
- 100-15 Approval of Travel and Other Expenses
- 100-16 Legislative Action Process
- 100-20 City Councilmembers' Requests for Information
- 100-25 Non-Interference in Administrative Affairs
- 100-34 Procedures for Reports Requested by Councilmembers at City Council Meetings
- 100-35 Legislative Aides
- 100-43 Funding Requests from an Oceanside Sister City
- 100-44 City E-mail Usage and Electronic Records Retention
- 100-46 Access to Public Buildings
- 100-48 Staff Support to City Commissions, Boards and Committees

These policies were the Mayor's concerns from the first time he saw the manual. They need to be considered at a future workshop.

COUNCILMEMBER M^CCAULEY wanted to clarify what could have been Councilmember Sanchez's impression of the workshop, which could be some of the problem. At that workshop or any other workshop, this Council never said they wanted people on Council who would vote 5-0. Each one of the Councilmembers has said what Mr. Little stated earlier: if a Council is always going to vote 5-0, there is no need for a Council because one person could do it all. That is not what the team-building workshop was about. She and the Deputy Mayor worked on creating the policy manual, so she has no items to pull and is interested in what everyone else has to say.

DEPUTY MAYOR HARDING addressed an e-mail she had just read this morning from Councilmember Sanchez. She believes there are misunderstandings: one example is "...the new policy also attempts to restrict the right to travel by saying only 2 Councilmembers can be out of town at the same time," but that is not what it says. It really says that there will not be 3 Councilmembers flying in a plane, etc., which they have done before. So, as example, if a plane goes down, there would still be a Council quorum to conduct the business of the city. So, if there were a disaster, the business of the city would go on. The ad hoc committee discovered that every city they contacted has such a restriction. This policy provides a quorum to conduct the business of the City at any given time. The policy in question does not limit all Councilmembers from going out of town at the same time; it just means more than 2 cannot go together by the same mode of transportation. Perhaps that language should be clarified.

COUNCILMEMBER FELLER had 5 of the same items to pull for workshop discussion.

He did not recognize the significance of Councilmember Sanchez saying she "voted yes 92% of the time". Consensus is important, but if a Councilmember has an issue that he/she feels strongly about, they vote the other way. He does not see the importance of such numbers. The number only represents how a Councilmember voted, not the reason why he/she voted that way. Usually, Council has reached a consensus.

COUNCILMEMBER SANCHEZ explained that she counted her votes because she was hearing that perhaps Council was divisive and the majority of the votes were 4-1. She knew that was not true, so she counted her votes and it was a 92% unanimous vote.

Regarding the list of items pulled for further workshop discussion, she did not

understand why item 100-12 is being deleted and would like the item placed on the list.

She had a question regarding Item 100-28, specifically the part having to do with "...shall not purchase, rent, lease or otherwise acquire or utilize any City facility which precludes participation by disabled persons." It is important to keep that section in the policy manual, so she asked why the proposal was to delete that.

Item 100-31 ["Allocation of Funds for City Council, Legislative Aide, City Clerk and City Treasurer Litigation Expenses"] references litigation expenses, and there is a danger in the way it is worded as an attempt to limit the liability of elected officials or their aides. There is probably some legal opinion given on that which she would like to hear in further discussion.

Item 100-36 is the City policy for using recycled paper and for recycling. She questioned why this is being deleted. It is important for the public to know the City has this policy.

She also wanted to discuss item 100-42, which is the selection of the Deputy Mayor. So, she requested that, along with those the Mayor listed, items 100-12, 100-28, 100-31, 100-36 and 100-42 also be discussed, recognizing it might be an easy explanation as to why these are being changed.

MAYOR JOHNSON was in favor of the policies just listed. He requested that staff address 100-31, 100-36, 100-12 and 100-28. Mayor Johnson has already addressed 100-42.

ATTORNEY BENNETT stated that 100-31 deals with the settlement authority of the City Attorney, as well as the City Attorney's responsibilities when elected officials are involved in litigation. Several months ago the City Council increased the authority of the City Attorney to settle cases for amounts up to \$35,000. That adjustment was made in connection with the City Manager's contract authority being increased and the authority to increase settlement of worker's compensation claims of up to \$50,000. That request was made, and Council approved it because of the trend of litigation. The City Attorney needs the ability to expedite and end litigation in an early stage, particularly where settlements are required in a prompt manner. In analyzing legal trends, they determined and ascertained that because of the delays getting back to Council in certain cases or putting matters on the agenda for Council approval, the litigation edge was slipping. By the time they brought the matters to Council for their approval/consent, the litigation expenses had risen. Therefore, the recommendation was made, and Council agreed to increase the City Attorney's settlement authority from \$5,000 to \$35,000. His professional and personal standpoint is that it has worked well.

The other aspect of the policy dealing with elected officials litigation expenses arose in the context of the last City Council where there was a Political Reform Act issue, a conflict of interest issue, present. The City Attorney was requested to perform research and perhaps hire experts to ascertain/understand the implications of the Political Reform Act issue for this particular Councilmember. There had not been any policy that addressed how the City Attorney was to handle that. This is actually a safety valve for the City Attorney because when a Councilmember has a litigation-related expense or, for example, some expense that is going to be incurred through the City Attorney's office without the other Councilmembers knowing, it puts the City Attorney in an awkward position. That is, a Councilmember is asking for a conflict of interest analysis for which the City Attorney needs to retain some experts to figure it out. That puts the City Attorney in an awkward position, absent approval by the full City Council.

In that particular case, this policy was not in place, so the City Attorney proceeded to retain the experts. By the time the matter was brought back to the full City Council, the City Attorney had already proceeded. Although the Council was aware this was being done, the Council did not ratify it up front. The City Attorney did nothing improper, but there was no policy to control the process at that time. Therefore, this policy was added to ensure that Council authorizes those expenses prior to them being incurred to avoid that sort of situation in the future.

COUNCILMEMBER SANCHEZ clarified that her question is that the policy does not seem to lay out the procedure for how an expense would be legitimate in the course and scope, etc. Because it is not in there, it almost sounds like it is a political decision by Council rather than a legal decision of whether it is in the course and scope.

It says, "...No funds will be allocated for individual City Councilmembers, Legislative Aides, City Clerk or City Treasurer for litigation expenses without prior approval of the City Council at an open meeting or closed session depending upon the recommendation of the City Attorney." That is good about the recommendation from the City Attorney, but it does not say what the Council should base their decision on, which would be more legal than political.

MAYOR JOHNSON noted the need to conclude this meeting shortly due to Council's scheduled closed session at noon.

CITY ATTORNEY BENNETT responded that the safety valve there for making sure it is legal was the last sentence which states, "...depending upon the recommendation of the City Attorney," which should always be a legal recommendation and not a political one.

Further responding to Councilmember Sanchez, **MS. SKAGGS-LAWRENCE** advised that the ad hoc committee recommended deleting item 100-12 because the content of the information was already addressed in Policy 100-20, ["City Councilmembers' Request for Information"], therefore making 100-12 redundant.

Item 100-28 references handicapped access in City-utilized facilities. This policy was clearly superceded by the Americans with Disabilities Act (ADA), the California Fair Employment Act and State law. The recommendation of the ad hoc committee is that this policy is not needed because it is already memorialized elsewhere.

Policy 100-36 was put into place in 1989, and the City had a policy for use of recycled paper at City Hall. At that time, recycling issues were hot and recycled products cost more than they generally do now, so this was a big issue for Council. The committee felt this was no longer that big of an issue because now that it is more plentiful and available, the City almost consistently buys recycled paper. It would not hurt to keep this policy on the books if the Council so chose.

MAYOR JOHNSON moved that Council adopt the City Council Policy Manual as proposed, except for the following items

- 100-02 City Council/CDC/Harbor Board Agenda Items
- 100-10 Appointments to Commissions, Boards and Committees
- 100-14 City Council Travel Policy
- 100-15 Approval of Travel and Other Expenses
- 100-16 Legislative Action Process
- 100-20 City Councilmembers' Requests for Information
- 100-25 Non-Interference in Administrative Affairs
- 100-34 Procedures for Reports Requested by Councilmembers at City Council Meetings
- 100-35 Legislative Aides
- 100-43 Funding Requests from an Oceanside Sister City
- 100-44 City e-mail Usage and Electronic Records Retention
- 100-46 Access to Public Buildings
- 100-48 Staff Support to City Commissions, Boards and Committees

Council can pull those items and schedule them for a future workshop for additional discussion and action.

Following discussion, **COUNCILMEMBER McCAULEY seconded** the motion.

COUNCILMEMBER SANCHEZ noted the remaining policy that she questions and requests that the Council discuss is item 100-42, regarding the selection of Deputy Mayor. Council has had problems with this in the past. She has read the language from January

2000 when the majority on this Council did not want this to be a political decision and wanted it to be automatic. It has been stated that each person will be Deputy Mayor. Council has a system in place, to which they committed at the beginning of the year. She has made her commitments that she is held to, and that is her flexibility with her job. There is no reason why she could not make the time for this.

She can present the majority opinion and already made plans to travel to Sacramento and Washington, DC. She certainly can and does discuss matters with the Mayor and has been very supportive. In fact she was the biggest supporter out there knocking on doors and speaking to a lot of people about the Mayor, especially the year or two before he was elected Mayor. There does not appear to be a reason why Council would want to deviate from the fairest system possible, which is a rotation. The City would be making a very positive statement by fulfilling the promise previously set forth in the beginning. If there have been some issues in the minds of the people, hopefully they have been cleared up.

Council should make it an annual rotation without discussion year after year. Otherwise, Council will have this same discussion for years after this. Council moved in the right direction in January, and they should continue in that direction. Council should keep the promise it made to the public that the appointment would be automatic. She asked to consider including item 100-42 in the list of items to discuss.

When he was elected a year ago, **COUNCILMEMBER FELLER** made the commitment to free all of his time necessary for City Council. He did that when he was elected. He believed in the Mayor's appointments with the approval of the Council for every commission, committee and any type of appointment. He does not see the need to further discuss item 100-42. He is the only other person who would rightfully be involved with this. Otherwise, Councilmember McCauley would be Deputy Mayor during a campaign season, which is one of the things Council should try to avoid. Maybe the policy needs to be reworded to reflect that. He supports the motion.

MAYOR JOHNSON asked Council to keep in mind that the ceremonial title of Deputy Mayor will be held for one year by everyone. Whoever serves next will serve for one year. Next December the next person will receive the title of Deputy Mayor. Every person in Council is highly qualified to serve as Deputy Mayor, and quite honestly, as Mayor. Anyone can run a meeting and can go out and represent the City in a very dignified and professional way. What Council is trying to do is to reach consensus on a policy manual to give Council some guidelines on how to best serve the people of Oceanside. This is not about trying to restrict freedom of speech, nor is it trying to close off a neighborhood or anything else. This is about serving the people.

Motion was **approved 4-1** with Councilmember Sanchez voting no.

ADJOURNMENT

MAYOR JOHNSON adjourned this meeting of the Oceanside City Council at 11:54 AM, December 12, 2001, to a 12:00 PM Closed Session on this date.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside

5:00 PM

MAYOR WOOD reconvened the meeting at 5:02 PM. All Councilmembers were present. Also present were City Clerk Wayne, City Treasurer Jones, Interim City Manager Martin and City Attorney Mullen. Master Gunnery Sergeant Duane Siegmann gave the Invocation. The Color Guard of the "Young Marines" presented the colors, with Private 1st Class Morgan Guidotti leading the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

• **Presentation – "Pet of the Month"**

JULIE BANK, Executive Director of the North County Humane Society & SPCA, brought the "Pet of the Month" – Maggie and noted that October is Adopt A Pet month.

• **Presentation – Employee Service Awards**

The following employees received awards for their years of service as shown:

Delia B. Juncal	Public Works	9/07/1986
Timothy M. Sotola	Community Development	9/29/1986
Kim M. Hoff	Public Works	8/13/1986
Kenneth W. Orr	Public Works	8/13/1986
Michael C. Wood	Police	8/24/1986
Sylvia G. O'Brien	Police	8/30/1981

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN gave the following report on the items previously discussed in Closed Session:

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

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

The item was discussed; there was no reportable action.

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

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

A) TG Oceanside v City, Superior Court Case No. GIN043886

The item was discussed; there was no reportable action.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

No action will be taken by the Council/HDB/CDC on matters in this category unless it is

determined that an emergency exists or that there is a need to take action that became known subsequent to the posting of the agenda.

Advance written request to reserve time to speak: None

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

JUNE KRISTOPOVICH, 727 Rivertree Drive, expressed her concern with the Airport Association's political involvement and the airport's poor safety record. Also, at a candidate's forum, Deputy Mayor Mackin boasted that Council had successfully cleared the forest from the San Luis Rey River, but that is not the case -- it is still totally blocked. Accidents continue to happen at the airport, with pilots refusing to obey the safety rules. She is sick of politicians willing to sell their souls for a seat on the council.

THOMAS DEMPSEY, 3641 Esplanade Street, referenced newspaper articles regarding City money spent on consultants and traffic controls installed at various locations. He expressed his concerns with the increased traffic at College and Lake Boulevards and surrounding areas. The City is spending the money elsewhere, as public safety is disregarded in the Lake Boulevard area. He reviewed locations he feels need a traffic signal now.

POLICEWATCH.ORG, [no name or address given], a man stated he attended all of Police Chief Frank McCoy's neighborhood meetings. He expressed his displeasure with the meetings and the responses from the Chief. He believes there are major accountability issues in the Police Department. He wants all disciplinary police records made public record, as has been the case in other major professions for years, and wants electronic monitoring of all police/suspect interactions.

FRANK PENDLETON, P.O. Box 21, referenced the project Council approved a couple of weeks ago for the transit center and condominiums. He reminded Council this is Mesa Margarita, the worst part of town, i.e. gang territory. This needed to be sent back to staff and the Planning Commission for a full report from Police and Fire. All that is needed is to go to WalMart and take the existing 2-foot wall and move it back 30 inches, then widen the sidewalk, and it will work perfect. There is never more than about 4 buses on average, and traffic is not a problem. There was \$100,000 put on the table for this project. He asked if this is quid pro quo.

SHELLEY HAYES CARON, Marron Adobe, gave a progress report on the 134 acres on Highway 78 from the golf driving range east to College Boulevard. A contract was made, and the trust for public land is moving forward with the acquisition of that property. The Wildlife Agency, the Coastal Conservancy and the Fish and Game put up \$8,000,000, leaving a shortfall of \$1,500,000. They started the community fundraising in July, and since that time they are now under \$500,000 of the goal, with the deadline of December 23. She reviewed the upcoming events.

CITY CLERK WAYNE announced that since Item 18 has now been removed from the agenda, she would also call those requests to speak on Item 18 at this time, should they wish to speak under non-agendized items. Since Mr. Knott his requests for both, policy indicates only one 3-minute time per individual under non-agendized items.

JIMMY KNOTT, 124 Sherri Lane, wished to appeal to the City Attorney for a ruling on this since he wished to keep his 3 minutes under Item 4 as well as his 3 minutes under Item 18.

CITY ATTORNEY MULLEN responded that since item 18 has been removed from the agenda, there is no right to 3 minutes to speak on Item 18. It is at the discretion of the Mayor to grant that additional time or not.

MAYOR WOOD would grant the additional 3 minutes because Mr. Knott represents other people in the community, but he is not setting a precedent with this.

JIMMY KNOTT stated that, on items not on the agenda, separate from Item 18, he spoke on a pending economic crisis the City will be facing within 10-15 years regarding developer fees. There is only a limited amount of developable land and, with the population growth, there will be a precipitous drop along with the amount of development. The City's infrastructure funding, etc., will also drop at that time. They have not adequately prepared within the budget to handle that. He believes they need to start doing something to start preparing. He referenced the SANDAG 2030 booklets and the City's general plan and the set asides, etc., as a source for this information. If the City does not prepare, property taxes and service fees will skyrocket, or they will have to start slashing services and personnel. He urged serious consideration of the matter.

As granted by the Mayor for an additional 3 minutes, JIMMY KNOTT addressed Item 18, which was removed from the agenda, and spoke on 2 items brought up to him. First is the safety of children with the transfer station as approved. He asked where the shelters are for the children at other bus locations. Oceanside Unified School District (OUSD) stopped their bus service, and the Oceanside City Council did not demand OUSD to set up adequate shelters, which is negligence on both agencies' part. So the students at this new transit center will benefit, and all other students will suffer. Regarding security, he urged Council to request the security records from NCTD and OPD for the current transit center and the existing transfer stations. Council would be shocked. There are gangs, drug deals, rapes and murders that have occurred. The security patrols push these elements into the surrounding neighborhoods; they do not apprehend them. This will happen with this transfer station.

CONSENT CALENDAR ITEMS [Items 5-12]

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.

CITY CLERK WAYNE removed Item 7 from the Consent Calendar for discussion due to the receipt of Requests to Speak.

COUNCILMEMBER MACKIN removed Item 12 from the Consent Calendar for discussion.

The following Consent Calendar was submitted for approval:

5. City Council: Approval of Minutes of the City Council of the August 30, 2006, 5:00 p.m. Adjourned Meeting
6. 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)
7. **Removed from consent calendar for discussion**
8. City Council: Approval of plans and specifications for the FY 2006-07 Citywide Sidewalk Repair project and authorize the Public Works Director to call for bids

9. City Council: Approval to accept \$100,000 in grant funds from the U.S. Department of Health and Human Services awarded to the City of Oceanside for homeless and runaway youth services, and approval to budget these funds to the Neighborhood Services Department; and approval of a one-year agreement [**Document No. 06-D0600-1**] with the YMCA of San Diego County in the amount of \$96,471 for operation of the Oz North Coast Shelter for homeless and runaway youth, and authorization for the City Manager to execute the agreement
10. City Council: Acceptance of the improvements constructed by Koch Armstrong General Engineering, Inc., of Lakeside for the Citywide Sidewalk Repair FY 2005-06 project, and authorization for the City Clerk to file the Notice of Completion [**Document No. 06-D0601-1**] with the San Diego County Recorder
11. City Council: Acceptance of the improvements constructed by All American Asphalt of Corona for the Annual Slurry Seal FY 2005-06 project, and authorization for the City Clerk to file the Notice of Completion [**Document No. 06-D0602-1**] with the San Diego County Recorder
12. **Removed from the consent calendar for discussion**

COUNCILMEMBER CHAVEZ moved to approve the balance of the Consent Calendar items, excepting Items 7 and 12. **DEPUTY MAYOR MACKIN seconded** the motion; motion was **approved 5-0**.

7. **City Council: Approval of plans and specifications for the Mance Buchanon Park Improvements project, and authorization for the Public Works Director to call for bids**

Public Input

FRANK ZIMMERMAN, 4350 Milano Way, Director of Coaching for the Soccer Club of Oceanside, stated the Club is exploding with many kids, but going from one site to other sites is difficult. They are really excited about being able to have everyone at one place, and this will give them that chance. A family with a 5 year old and a 15 year old in 2 of the different programs can all be at one site. It is all about the kids and involving them in healthy activities. He thanked Council.

CODY RUSSELL is here with fellow soccer players from the Soccer Club of Oceanside and hoped the City will approve the Soccer Club to receive the fields for soccer use.

COUNCILMEMBER CHAVEZ moved approval of this item. He noted that this project is a joint partnership with OUSD, so it is a good example of spreading the taxpayer dollars to provide the best environment and quality of life.

DEPUTY MAYOR MACKIN seconded the motion; motion was **approved 5-0**.

12. **City Council: Adoption of Resolution No. 06-R0603-1 "...approving the Final Map for St. Cloud," a 15-lot, 349-unit residential condominium project located on 34.955 acres on the southwest corner of Mesa Drive and Old Grove Road, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder**

DEPUTY MAYOR MACKIN stated this was commercial/industrial land that was rezoned to residential to support 349 condominiums. She was not on the Council when this was approved and, therefore, will not be voting on this.

COUNCILMEMBER CHAVEZ moved approval, and **COUNCILMEMBER FELLER seconded** the motion. Motion was **approved 3-1**, with Councilmember Sanchez voting no, and Deputy Mayor Mackin abstaining.

MAYOR WOOD brought forward Item 16 to be heard at this time.

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.

16. **City Council: Approval to accept the donation of 20 TREK® Dasani® Blue Bikes™ and lockers from the Coca-Cola Company (total value \$64,000), for the promotion of active lifestyles and use of community trails**

SHANNON SELLINGER, Parks & Recreation Senior Management Analyst, reviewed the Dasani Blue Bike program that is sponsored by Dasani, a Coca Cola company, along with Trek Bikes and the Rails-to-Trails Conservancy. With this program they would receive 20 Trek cruiser bikes for use by the community. This program is free of charge, and the City has no financial obligation. This is a very positive program, and Oceanside is the first city in California to receive these bikes. Rails-to-Trails, partnering with Trek Bikes, is trying to create a trail system that can link all over the U.S.

Staff would like to launch this program and the acceptance of the bikes with an event on October 21, the 1st annual Oceanside Family Bike Day.

DEPUTY MAYOR MACKIN moved approval. The City Attorney did review the maintenance contract which was important to her. Often when they receive a gift, they end up with a cost. She asked staff to elaborate.

MS. SELLINGER responded that staff has addressed every possible pitfall that this program could have to make sure that the program is able to be self-sustaining over a long period of time. Dasani has been very generous in providing an annual stipend to the program so that the City is able to maintain the bikes. There is a \$500 stipend for parts and general wear and tear maintenance plus a \$1,500 stipend, so it is a total of \$2,000 annually. The \$1,500 stipend is for heavier maintenance as well as possible replacement of the bikes if they cannot be fixed. So this money will be given to a local bike shop, and they will come and do monthly maintenance.

DEPUTY MAYOR MACKIN thanked those involved in bringing this program forward and briefly reviewed an effort for a non-motorized transportation pilot project in 2010. Also, it is her hope that NCTD will be able to facilitate lockers at the transit center so that visitors can also benefit from the bike program.

In response to Councilmember Feller, **MS. SELLINGER** can see no down side. They researched several cities that are implementing the program at this time and, surprisingly, there were no vandals and no thefts. It is a great program.

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

6:00 P.M. – PUBLIC HEARING ITEMS [Items 13-14]

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.

13. **Harbor: Consideration of a resolution approving Development Plan (D-2-06) and Regular Coastal Permit (RC-3-06) for the construction of the Harbor Aquatics Center on "Parcel F" south of the Harbor Boat Launch ramps, and replacement of existing public restroom facilities on "Lot 11B" at the northern end of Harbor Beach within the Oceanside Small Craft Harbor Precise Plan area; project sites are located within Subdistrict 6D of the "D" Downtown District and are situated within the Townsite Neighborhood and the Coastal Zone – Harbor Aquatics Center – Applicant: City of Oceanside**

MAYOR WOOD opened the public hearing and asked for disclosure of constituent contacts and correspondence. All Councilmembers disclosed contacts.

AMY VOLZKE, Acting Principal Planner, gave the staff report, stating this involves the development of 2 sites within the Oceanside Small Craft Harbor area: Parcel F located at the terminus of Harbor Drive South and Lot 11B, which is currently developed with a restroom facility. The Harbor Aquatic Center site is bounded by the Harbor to the east, by Pacific Street to the west, by a condominium project to the south, and by the boat launch area to the north of the site.

The sites are located within the Coastal Zone Subdistrict 6D outside the Redevelopment Area boundaries. The General Plan and Local Coastal Plan (LCP) designation for both properties are H (Harbor). Permitted uses include boating and harbor dependent support services. The development proposal involves construction of a 6,546 square foot aquatics center, a 7,296 square foot storage facility, 33 parking stalls and a 680 square foot restroom.

Parcel F is currently used for dry storage of outrigger canoes and for storage of maintenance vehicles and trash dumpsters. Views of the area were depicted by computer slides. For the existing adjoining condominium project, the bulk of that structure is located approximately 95 feet from the southerly property line of the future aquatics center site. On the condominium property line, an office and meeting structure exist, with the upper floor occupied by the manager's unit on the property. On Lot 11B, the condition of the existing structure would require its removal and replacement with an updated facility.

The proposed site plan, as displayed, showed a community center as the main building on the north side of the site, and the maintenance and service facility would occupy the southerly portion. It incorporates 33 parking stalls between the 2 main structures and will allow for generous landscape buffers along the harbor side and the Pacific Street frontage. A minimum of 7 feet of landscaping will also be provided between the maintenance facility and the adjoining residential uses.

Views of the proposed structure were displayed, along with the elevations showing 3 doors allowing for access for outrigger canoes. The upper floor of the aquatics complex will consist of a meeting room. The floor plans and elevations were further displayed with the architecture being contemporary in style. The floor plan for the maintenance/storage facility utilizes a "U" configuration, and the floor plan for the restroom facility was displayed with elevations.

The proposed colors and materials incorporate the tilt-up concrete accents, horizontal wood siding, with colors and samples of the materials. Staff has determined that these proposed harbor-serving facilities are considered a priority use and are permitted in the LCP and in Subdistrict 6D. The project represents a high-quality community recreational serving facility within the Harbor Precise Plan. The community aquatics center and support storage and restroom facilities will serve the community, improve existing facilities and will be compatible with surrounding land uses. Therefore, staff recommends approval of the Mitigated Negative Declaration, the Coastal Permit and the Development Plan for the project, and recommends that the Harbor Board adopt the resolution based on the findings and subject to the conditions included in the resolution.

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DON HADLEY, Director of Harbor and Beaches, stated they are excited about this project for many reasons, including working with the outrigger clubs to provide a good facility for them to operate out of with their growing membership. They are also excited about the community room, and a variety of groups will be interested in using it. The project will also provide maintenance and storage that will be the same use, but when the equipment is not being used, it will not be sitting outside looking unsightly. It will be housed.

GARY KELLISON, Senior Civil Engineer, stated that right now the project is nearing completion of its final design and final plan check. Staff anticipates it will be ready to return to Council for the final plans and specifications and authorize the call for bids the first of January, with construction starting around springtime. The project will require slightly over a year to complete overall, which means the facility will be up and running before summer of 2008.

Public Input

CAROLYN KRAMMER, representing the Citizens for Parks and Beaches, stated they really look forward to this project. It does not take away parking or pave a beach; it is a great service to the community. The surfers, campers and day users will love to see that new bathroom. This is a great project.

BOB BONES, a member of Makana Ke Kai Outrigger Canoe Club, wanted to thank Council and staff for this project on behalf of the Club.

SUSAN NEMETH, with the outriggers, wanted to say thank you and ask if there was anything they could do to help expedite this.

BILL WILSON, President of Makana Ke Kai Outrigger, Encinitas resident, is delighted to see this. Outrigger activity is a very ocean-minded, legacy sport with a cultural foundation. With this at Oceanside is great.

With no one else wishing to speak, the public hearing was closed.

DEPUTY MAYOR MACKIN moved approval [and adoption of **Resolution No. 06-R0604-2**, ". . . A Resolution of the Harbor Board of Directors adopting a Mitigated Negative Declaration and approving a Development Plan (D-2-06) and Regular Coastal Permit (RC-3-06) for the construction of the Harbor Aquatics Center on "Parcel F" south of the Harbor boat launch ramps and replacement of existing public restroom facilities on "Lot 11B" at the northern end of Harbor beach within the Oceanside Small Craft Harbor Precise Plan Area – Applicant: City of Oceanside"]. **COUNCILMEMBER SANCHEZ** seconded the motion.

COUNCILMEMBER FELLER stated the Arts Commission asked about sprucing up the doors that are aimed at the parking lot.

MR. KELLISON responded that, as the doors stand now, they are framed above with decorative lattice/trellises. There may be a possibility of doing little murals or something. Because of the intensity of the landscaping and the level of architectural enhancement provided, it was suggested as a stand-alone project contributing in artistic enhancement.

COUNCILMEMBER FELLER wanted to make sure their interests are considered. He asked whether the parking spaces in this project are paid parking.

DIRECTOR HADLEY responded that the concept of this parking is for the users of the facility, and on any given day, those users could be different. In talking with outrigger groups, they are discussing initiating a permit system. The members could purchase permits, much like the beach parking passes. That would give them regular access to use the facility to paddle. If there is a community facility rental for a special event, the clubs

would be notified that, during those special events, the permits would not be valid because it would be used for the community meeting. That is how they intend to manage it. All the maintenance staff will not park their personal vehicles at this site. This is not an area for free parking, but rather by permit only.

COUNCILMEMBER FELLER questioned how the construction of this would work with the construction of the bridge.

MR. KELLISON stated it would be concurrent construction. The bridge contractor is obligated to keep access to the harbor open non-stop for through traffic, which will allow access for the contractor building the aquatics center. Fortunately, the public does not presently use this site, and it is a self-contained site.

COUNCILMEMBER SANCHEZ stated this is a very exciting project, which was started around 5 years ago. If a community member wanted to take advantage of this, would they reserve through the Harbor office.

DIRECTOR HADLEY responded it would be through the Harbor office. Room capacity was discussed, and they would work with the event sponsor on the lots that would be available for parking, etc.

COUNCILMEMBER SANCHEZ also questioned the art component, feeling she would like to have a public arts piece there, not just a doorway.

DEPUTY MAYOR MACKIN agreed with the public art component; any project should have a public art component. Regarding the rental of this facility, she asked if they could be conditioned with a tram service. During construction of the Pacific Street Bridge, it is her understanding that the City is required to have tram service to bring people from the parking lot to the Cape Code Village.

DIRECTOR HADLEY stated there is a shuttle service; it is currently working 5 days a week in the summer and 2 days a week during the off-season, although there will be changes to that due to the changing needs. That was staff's desire. In conditioning a special event, he is not sure there is that need because it is problematic.

DEPUTY MAYOR MACKIN was wondering if the shuttle at the pier area could also be utilized for a special event to keep less traffic in the harbor.

Following further discussion of rental conditions, etc., motion was **approved 5-0**.

[Recess was held from 6:42 to 6:56 pm]

14. **CDC: Consideration of a resolution approving a Tentative Parcel Map (P-205-06), Conditional Use Permit (C-205-06), Development Plan (D-209-06), Variation (V-205-06) and Regular Coastal Permit (RC-211-06) for the construction of a four-unit residential condominium project located at 313 South Myers Street – Sombrilla Condominiums – Applicant: Matt Sumek**

MAYOR WOOD opened the public hearing and asked for disclosure of constituent contacts and correspondence. All councilmembers disclosed contacts.

Shan Babick, Associate Planner, stated tonight they are considering a new parcel map, development plan, and regular coastal permit for a project that was approved by this body in December 2004. The applicant is requesting relief from 2 conditions that were placed on the previous project. Typically with these projects, the map has not been recorded so a revision is done to the tentative map, development plan, etc. Unfortunately, they recorded the parcel map, and therefore, staff had to assign the project new application numbers.

What the applicant is requesting for this 4-unit condominium, which is actually under construction, is to defer the undergrounding of the overhead utilities. Deferral does not mean a waiver but rather they pay a fee—which is approximately \$300 per linear foot, which is often cheaper than to construct the undergrounding of the utilities. So that would be a modification to one of the existing conditions to defer the undergrounding.

The second condition has to do with Myers Street. There is a standard boilerplate condition requiring the widening of Myers Street approximately 5 feet. When the original application was before CDC, the Engineering Department did not put this condition in. Myers Street at this site is a one-way street going north. The boilerplate condition that was included was: 40-feet wide, 60 feet of right of way, which is the typical residential subdivision condition but is not the case here. Myers Street is 30 feet wide at this location, with parking allowed on both sides of the street, although it is one way. So the applicant is requesting elimination of this condition.

Those are the applicant's requests.

APPLICANT

MATT SUMEK, applicant/developer, stated they took over the property approximately 6 months ago. They were aware of the situation, but during their due diligence period, they worked closely with staff to look at these issues. Their findings were such that to underground the particular pole would require them to place 2 poles, one at either end of the property line. What that creates is the elimination of one pole and the installation of 2 temporary poles. The in-lieu fee money could be placed into a pool to eventually underground blocks at a time. Also, one of the poles falls directly in front of a garage door if they placed the 2 new temporary poles at the property lines. It also contains fiber optics. In order to go underground for that 50 feet, they would have to go one mile in either direction to get slack to go down for the fiber optics, which would be a significant undertaking at a significant cost.

Regarding the street widening, it does not make sense for this streetscape. This project has turned over numerous times to various developers who could not get financing, etc., but they are moving forward and have never asked for a variance.

PUBLIC INPUT

JIMMY KNOTT, 124 Sherri Lane, wished to critique the presentation and wanted more photos and additional information presented, since the only evidence presented is one photograph, which is unclear.

With no further public input, **MAYOR WOOD** closed the public hearing.

DEPUTY MAYOR MACKIN stated she was not on this body when this project was approved. On page 5 of the resolution and in the staff report, it stated the conditional use permit was to exceed the base density. She was really surprised to see that it provides for 75% of the project's required parking. She understands she cannot go back and change things but asked why the developer was only required to provide 75% of the parking.

MR. BABICK noted there is confusion in the reading of that item. What the Zoning Ordinance states is that they have to provide all the parking, which in this case is 8 parking spaces. However, in the Redevelopment area, 75% has to be in an enclosed garage. So that may be the confusion. In this case, 2 spaces could be out in the open, but the remainder has to be in an enclosed garage.

DEPUTY MAYOR MACKIN questioned the number of bedrooms in this project.

MR. SUMEK responded they have 6 parking spaces in a subterranean garage and 2 in an at-grade garage in the alley. There will be a total of 8 bedrooms in the project, 2 per unit.

COUNCILMEMBER FELLER questioned if this project had changed in the 2 years, other than this request.

MR. BABICK responded that it had not changed.

COUNCILMEMBER FELLER moved approval [and adoption of **Resolution No. 06-R0605-3**, "...approving a tentative parcel map, development plan, conditional use permit, variation and regular coastal permit for the construction of a 4-unit residential condominium project located at 313 South Myers Street – Applicant: Matt Sumek"], since CDC saw all this 2 years ago.

COUNCILMEMBER CHAVEZ seconded the motion. He spent some time with the staff looking at this, and this is really catching up on administration. He was at the project today watching the construction. This is a clean-up item.

Motion was **approved 4-0**, with Deputy Mayor Mackin abstaining.

GENERAL ITEMS (continued)

15. **City Council: Approval of the Planning Commission FY 2006-07 Workplan**

DENNIS MARTINEK, Planning Commission Chair, said a few words about the Commission, which is a group of competent, hard working individuals. He reviewed the skills and knowledge of those on the Commission. They respect each other's opinions. They also recognize the importance of integrating the expertise of the planning and engineering staff into their decisions and listen to them closely. They also realize the neighbors affected by the proposed projects are the true experts in the consideration of the impacts. As the eyes and ears of the community, they listen closely to their concerns and try to eliminate/reduce the problems related to a project. They try to evaluate the long-term pros and cons of the projects as they relate to all of Oceanside's citizens. They try to advise the Council with this long-term approach in mind.

The proposed workplan addresses 7 issues, and he highlighted the following:

- Review SANDAG's growth projections to the year 2030
- Review of guidelines for determining substantial conformance
- Provide the public with more information about urban planning and design; and establish a speaker's forum, with a minimum budget for transportation/lodging to experts
- A subcommittee and staff are to evaluate and establish criteria that help determine excellence in development design
- Study mixed-use development, since the current guidelines are inadequate in encouraging quality development. The subcommittee will establish criteria/definitions that could be used in non-urban areas, etc.
- Review of legal and ethical standards of the planning profession, with the goal of adopting a code of conduct to guide their actions.

COUNCILMEMBER SANCHEZ thanked them for their work and vision. With this list of items, it is recognized they are a changing city and are being faced with issues that do not have a resolution with their current rules, such as the parking requirements, road widths and traffic slowing, etc. She does not see on the list a suggestion that Council meet with the Planning Commission in a workshop setting to discuss ideas on what they would like to see in Oceanside.

MR. MARTINEK stated the Commission would enjoy meeting with the Council, and it would be meaningful to get a perspective on different topics the Commission has been faced with to get that immediate feedback. They understood there was a problem with time with the Council.

COUNCILMEMBER SANCHEZ moved approval of the workplan. **DEPUTY MAYOR MACKIN** seconded the motion.

COUNCILMEMBER CHAVEZ stated Council has been talking about the meeting with the Commission since he has been on Council. He also wanted to add the Economic Development Commission to that meeting. He is intrigued by the design excellence criteria and mixed-use. He asked if there is anything they are working on regarding heights and views.

MR. MARTINEK had no knowledge of it at this point. It has not been on any proposed agenda of theirs. It is an issue they evaluate as each project comes in, but they have not looked at any view-type ordinance.

MR. HITTLEMAN stated that, under the first item under goals, they will certainly look at heights and projections above the height limits. However, there is no specific task to take on a potential view ordinance. That is something staff was directed to work on.

COUNCILMEMBER CHAVEZ stated that, when staff completes that work, he would like the Planning Commission's comments on it, especially in the design excellence criteria. He really thinks there is a lot of good education going in the different commissions, and he would ask staff or the Chair to take it upon themselves that, when they receive books/materials that discuss the issue of design excellence or mixed use, that they share that information with the Council. He would like to share in the same education that the Commissioners are receiving.

MR. MARTINEK responded that they have boxes of material that the subcommittee has gathered, and they will be glad to forward those on to you.

COUNCILMEMBER FELLER asked to keep in mind the people who know what is going on are the professionals – city staff, and they need to give them a lot of credit for all the work that has been done. Until new policies are established, he hoped there is no tenancy to put off projects because the policies have not changed. He did not want people held up waiting for a policy. If they come forward, they deserve the rules in play at the time.

MR. MARTINEK agreed.

DEPUTY MAYOR MACKIN had raised issues regarding views, and the group that came forward was talking about trees. There is no mention of concrete-blocking views, correct?

MR. HITTLEMAN responded that is correct.

DEPUTY MAYOR MACKIN felt it was a shame that the only thing being considered is green tree views and not buildings. She wanted a view ordinance that includes buildings. She hoped she could get Council's support in the future for other view ordinances rather than just trees.

MAYOR WOOD stated the Commission has a talented group of people who do not always agree, same as Council. They understand all the input from various sources. One issue he had concerns about is that it is very hard to deny projects that they may not like but that meet all the requirements of the City. It behooves the Council to perhaps change policies to not be forced to guess at things. Council has addressed many issues of height and density and mixed use, and it really is not in black and white. That allows each individual councilmember/commissioner to play within varying ranges. That makes it tough for Council since the report is 'they did everything as required by policy and procedure', and yet Councilmembers may have wished to deny it for another reason. He believes the meeting with Council and the Commission and staff needs to be done to help them all, including Economic Development.

MR. MARTINEK felt the meetings would be very meaningful.

DEPUTY MAYOR MACKIN stated she did not see in the workplan the item of character and surrounding communities; there needs to be a big focus on that. She agreed a combination meeting would be good.

Motion was **approved 5-0**.

MAYOR AND/OR COUNCILMEMBER ITEMS

17. **Request by Deputy Mayor Mackin for City Council support of a resolution expressing interest in implementing another regional beach sand project, and direction to staff**

DEPUTY MAYOR MACKIN asked Mr. Duncan to speak.

RAY DUNCAN, Lifeguard Manager with the Department of Harbor and Beaches, stated that Deputy Mayor Mackin, along with the City Attorney, has prepared a resolution for Council's approval to let SANDAG know they are in support of another regional sand project. There is no money involved in this. It is only to show the support and direct staff to work with SANDAG so that they can accept as much good, clean sand as possible, as they did in 2001. SANDAG is still looking for a way to fund this, and they are just asking for the support from the various cities for another regional sand project.

DEPUTY MAYOR MACKIN was appointed to the Shoreline Preservation Committee with SANDAG. Pam Slater and Ann Kulchin brought this item forward and asked that this come forward to the cities. There is no request for funding. The Harbor and Beaches Committee supports this, and they ask Council to show its support.

Public Input

JIMMY KNOTT, 124 Sheri Lane, fully endorsed this movement; however, he reminded the Council that, when their representatives visited back east, that Councilmember Sanchez brought back information from the Federal government that they wanted to start easing out of this. They wanted cities to become self reliant and foot their own bill. This is a good first step, but that is a challenge with SANDAG. That information should be shared with SANDAG to see what can be done.

DEPUTY MAYOR MACKIN responded that they are talking about 2 different things, harbor dredging vs. sand replenishment.

DON HADLEY, Director of Harbor and Beaches, stated the harbor dredging occurs annually, and the City has been very active in trying to make that continue each and every year. They go back to Washington, D.C. to meet with their delegation there to make that happen. They have had about a 40% reduction in funding in this upcoming year. Part of the dredging is the sand replenishment project, with sand placed in the area of Tyson Street. The Army Corps of Engineers' budget (which provides the dredging/sand replenishment projects) is significantly impacted by 2 things: the devastation of the storms that occurred in the southeast and overseas deployment and infrastructure civil works projects in Iraq. So money is tight, and things change every year.

DEPUTY MAYOR MACKIN noted that their harbor is different from others in that they also share the mouth of the harbor with Camp Pendleton, so that it is not just a leisure harbor. Therefore, they have the ability to really look for the funding since it is a shared use. Their odds of getting funding are much greater than other harbors. She also wanted to note that the City of Solana Beach just passed a measure that would increase the TOT and that would go specifically into sand replenishment. Carlsbad has a business improvement district where there is funding set aside for that.

She **moved** approval of the resolution [**Resolution No. 06-R0606-1**, "...expressing interest in implementing another regional beach sand project"]. **COUNCILMEMBER SANCHEZ seconded** the motion.

COUNCILMEMBER FELLER heard in the presentation that no funding would be required; however, in the resolution, Item 3 says "That the City, while not presently committing itself to a specific financial contribution, acknowledges that some level of financial contribution may be necessary in the near future and is prepared to give serious consideration to participating in funding and/or lobbying for such funds as needed." He questioned this financial obligation, and queried how much the City contributed last time.

DIRECTOR HADLEY responded that, until a project is developed and until there is a price to look at what funding options are available, such as countywide grants, etc., the cost is unknown. Once that information is available, staff would bring that forward to Council for direction. This resolution is only saying the City is open to this. In the last project, the City had no financial obligation because it was a very unusual event when the Navy was dredging San Diego Bay. That was over \$20,000,000. Once SANDAG found out about the dredging, there was a lot of work to have that sand moved to the cities, etc. The only cost was staff impacts.

In response to past theory of the southerly drift of the cell, i.e. that the sand drifts south, he noted it does predominately drift south, but there is significant south to north drift as well. There is no empirical data that supports that the sand leaving Oceanside beaches goes any further south than the north end of Carlsbad. What goes south and sticks on the southern coast probably deflects and, if anything, goes into the canyon. Regardless of the jetties, the major starve of the jetty was the Camp Pendleton jetty. They have managed to recoup somewhat, but it still has impacted the southerly beaches. It has helped to get the dredged sand placed on the beach. They are going forward under Council direction to develop a sand project. If they can find regular projects to the size they had through SANDAG, it would significantly help their beaches in the future.

COUNCILMEMBER SANCHEZ stated that there is a movement to begin having harbors not rely on federal funding. The City's contingent made the strong points that because of Camp Pendleton's actions, they were directly impacted, and if the dredging does not happen, it will cause deaths. This item is a great idea, but they need to continue to advise their representatives that Oceanside's harbor is in a special position in that the actions of Camp Pendleton directly impact this harbor.

COUNCILMEMBER CHAVEZ further provided history that the harbor land originally belonged mainly to the Marine Corps, and the City brokered a deal with the Marine Corps. It was a partnership between Camp Pendleton and the City.

Motion was **approved 5-0**.

- [18. **Request by Councilmember Sanchez for a motion to rescind, repeal, cancel or otherwise nullify prior Council action regarding the Transit Center project, pursuant to City Code 2.1.36.(b) and direction to staff to schedule a new public hearing item]**

As noted earlier, Councilmember Sanchez removed this item from the agenda.

19. **Mayor Wood: Appointments to, or motions to remove from, some or all of the City's Citizen Advisory Groups**

MAYOR WOOD noted that Councilmembers received a copy of his appointments list, and he **moved approval** [of the following appointments:

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	<u>Term Expires</u>
<u>ARTS COMMISSION</u>	
Reappoint Penny Hill as Regular	7/1/2009
Move Mariarosa Marshall from Alternate II to Regular (replacing Linda Kallas)	7/1/2009
Appoint Lynn Weston as Alternate II (replacing Mariarosa Marshall)	7/1/2008
<u>HISTORICAL PRESERVATION ADVISORY COMMISSION</u>	
Reappoint Lynn Shoger as Regular – Architect	7/1/2009
<u>HOUSING COMMISSION</u>	
Reappoint Geraldine Cooper as Regular	7/1/2009
<u>INTEGRATED WASTE COMMISSION</u>	
Reappoint Charles Bradshaw as Regular	7/1/2009
<u>POLICE & FIRE COMMISSION</u>	
Reappoint Lynn Allen Briley as Regular	8/1/2009
Move Wallace Carlson from Alternate I to Regular (replacing Ryan Keim)	8/1/2008
Reappoint Louis Keiner as Regular	8/1/2009
<u>UTILITIES COMMISSION</u>	
Move Harry Homer from Alternate I to Regular (replacing William Bruinsma)	7/1/2009
<u>YOUTH COMMISSION</u>	
Reappoint Shaneekwa Ware as Regular – Student	9/20/2008
Reappoint Rhiona Ward as Regular – Student	9/20/2008
Reappoint Kevin Cleary as Regular – Student	9/20/2008]

COUNCILMEMBER CHAVEZ seconded the motion. Motion was **approved 5-0**.

CITY COUNCIL REPORTS

20. **Mayor Jim Wood -- MAYOR WOOD** reported on: the El Corazon Senior Center tile fundraiser kick-off; the Henry's Market at the northwest corner of Highway 76 and College Boulevard will have its grand opening on October 11. He also attended many other events.
21. **Deputy Mayor Mackin -- DEPUTY MAYOR MACKIN** made a statement that, as a first-time Councilmember, getting things done for the citizens was foremost to her. She tried to put 2 years of service into one. As a new Councilmember, she wanted to get up to speed as quickly as possible to serve the citizens better and to bring more dollars to Oceanside. She has made some mistakes, and she apologized. It is not her intent to cause grief to anyone. She has worked with the City Attorney and Finance Director to make sure that mistakes like this never happen again, and she promised it would not.

[Deputy Mayor Mackin left the dais at 7:55 PM]

22. **Councilmember Rocky Chavez -- COUNCILMEMBER CHAVEZ** commented on the Oceanside Museum of Art's groundbreaking project; he displayed photos of various events, including the Airport Association's event, and his tours of City Hall for various groups. Also, on October 11 he has agendized the quiet safety zones. On October 18 he agendized the airport – to build out the south side of the airport. On November 1, there will be a status report on the senior overlay of manufactured homes parks presented.

23. **Councilmember Jack Feller -- COUNCILMEMBER FELLER** wanted to ask Deputy Mayor Mackin why she was absent for the SANDAG vote on the Sprinter project request for additional access to commercial paper. That was a big part of bringing dollars to the Sprinter project.

[Deputy Mayor Mackin returned to the dais at 8:03 PM]

DEPUTY MAYOR MACKIN advised that she had received the news of Charlie Peck's passing, which was very upsetting.

COUNCILMEMBER FELLER stated now that the off-leash dog park is open, they should put more effort into regulating the regular parks, since dogs running free [and owners not cleaning up after their dogs] is a violation of the City's rules. Also, in thinking about the El Corazon tile fundraiser, he felt the City should document the names on the pier and their location in case there is ever any damage to the pier.

He recently received a copy of the latest credit card report of Council use, and putting that together with the fact there are 200+ credit cards issued in the City, they need to rethink how credit cards are used. Most companies only have a couple of high-level credit cards. The City has nearly 20% of the staff with credit cards, and that is totally not acceptable. He would ask that the Council allow him to bring forward an item to get an explanation of the need. His suggestion is that they reduce down to a very few cards, etc. He suggested that this City be a credit card-free city. It might be discovered that there are other uses that need to be investigated.

24. **Councilmember Esther Sanchez – COUNCILMEMBER SANCHEZ** did understand that an item was coming back by the City Attorney, Finance Director and City Manager on rules as a result of the Frank Watanabe/Cindy Watson investigation, having to do with how funds are approved internally within departments. If Councilmember Feller can wait until they hear from them, she hopes to discuss it all at once.

CITY ATTORNEY MULLEN responded that he is working on revisions to Chapter 28 of the purchasing ordinance. In addition, they are working on modifications to the existing expense reimbursement policies, and that will soon be coming to Council.

COUNCILMEMBER FELLER is not trying to discuss this now. But he feels they need to eliminate credit cards.

COUNCILMEMBER SANCHEZ stated she did not accept a credit card when she first became a Councilmember. For the first 5 years she had no credit card because it was on the reimbursement method. Then in the last year, she was told she had to have the credit card because it was on a different monitoring system. She would like to hear from staff on this. Because of the investigation, they have these higher goals for ensuring the public on how the funds are spent.

She reported having her first town hall meeting last night, and a concern of those present had to do with trust and confidence in government because of the scandal. There was satisfaction expressed that those responsible were no longer here. But there were misunderstandings of who the City had in terms of qualifications and whether they have the kind of staff leadership that is really getting the job done. She explained to them that they do with the new City Attorney, Police Chief, etc. She also told them of the status of recruitment for the City Manager position. Council expects to review candidates on November 1. She further reviewed other staffing positions. She assured the public that there is leadership in place at the management level.

She has been working with staff about a 15-year plan for the airport. This was all to come to Council at the same time as the study. She feels it would be premature to bring that forward until the study is completed. She hoped Councilmember Chavez would agree to have everything brought forward at one time.

October 4, 2006

Joint Meeting Minutes
Council, HDB and CDC

INTRODUCTION AND ADOPTION OF ORDINANCES -- None

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:22 PM on October 4, 2006. [Next meeting: October 11 at 4:00 PM]

APPROVED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside