



California

CITY OF OCEANSIDE

MAYOR AND COUNCIL WORKSHOP

TUESDAY, APRIL 7, 2009

ADJOURNED MEETING 4:00 PM COUNCIL CHAMBERS

**4:00 PM - OCEANSIDE CITY COUNCIL
- WORKSHOP**

Mayor

Jim Wood

Deputy Mayor

Vacant

Councilmembers

Rocky Chavez

Jack Feller

Jerry Kern

Esther Sanchez

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Felien

City Manager

Peter A. Weiss

City Attorney

John P. Mullen

The adjourned meeting of the Oceanside City Council was called to order at 4:02 PM, Tuesday, April 7, 2009.

4:00 PM - ROLL CALL

Present were Mayor Wood and Councilmembers Chavez, Feller, Kern, and Sanchez. Also present was City Clerk Wayne. Councilmember Kern led the Pledge of Allegiance.

WORKSHOP ITEMS:

- 1. Planning Commissioner Applicant Interviews and Council Appointment of 1 Commissioner**

CITY CLERK WAYNE said this meeting is to conduct applicant interviews for 1 vacancy on the Planning Commission with a term expiring April 15, 2013. Council has received the staff report and the back-up material. The same process will be used as has been used for the last 10+ years; the questions to be asked are the same. We have not heard from Council to change any of the questions. So hearing no any changes to the process, we will proceed with the interviews. Again, we have 5 applicants since 1 applicant withdrew. Council has been given the worksheet showing the order of interviews.

Gary Doyle, 5013 Bella Collina Street, has lived in Oceanside for 6 years. He is originally from Los Angeles; moved to San Diego in the late 1970's for work; moved out of state for another job; and, then moved back. He is retired and living in the Rancho del Oro area. He is married and has 2 grown children.

Question 1: Why do you want to be a Planning Commissioners?

After retiring he wrote/published books and articles and would like to become involved in the community. His background includes 30 years in commercial real estate working for 2 major shopping center development companies, the Ernest Hahn Company and The Taubman Company in Detroit.

Question 2: Describe the background and experiences that make you a desirable candidate.

He assumes that Council has read his resume, which indicates that he ran the property management divisions for both the Hahn Company and The Taubman Company, employing large numbers of people and having a great deal of responsibility for operating the properties which included interaction and interface with city government. In his last position, he worked very closely with the Planning Department of the City of Phoenix to redo a shopping center that he was managing. He was the local person in charge to talk with the City Planning Department and the community.

Question 3: Are you related to or do you have any type of work or affiliation with anyone on the Planning Commission?

No. However, his wife serves on the Manufactured Home Fair Practices Commission.

Councilmember Kern's question: what experience would he bring to the Planning Commission that would demonstrate an understanding of potential impacts—both positive and negative, of land development, particularly in economics, environment, aesthetics, public services, transportation, water.

Mr. Doyle responded that his work experience is directly related to all of that, from redevelopment of properties to working with development people and the cities in which his company developed regional shopping centers. We built 50 shopping centers with the Hahn Company and 30 with The Taubman Company, which required interaction at all those levels. From a development standpoint though, he likes to consider himself as having a little more renaissance outlook, recognizing that there are a lot of stakeholders in anything that one does. So, it is important to balance all of the interests, still make decisions along the way and balance everybody's interests and not exclude one for the other.

Councilmember Sanchez's question: What are his thoughts about planning and sustainability in light of current water issues.

Mr. Doyle responded they are going to be difficult. He is not totally familiar with Oceanside's situation or North County, but water is a commodity that is not available as a large resource depending on snow, court cases, etc. As it relates to planning, you would have to take that into consideration. Obviously, projects that require huge amounts of water would have to be looked into more than a project that would not require that. But from a development and planning standpoint, water is a difficult thing to deal with these days.

Mayor Wood's question: Approximately how many hours has he given to the City prior to this application?

Mr. Doyle: None.

Councilmember Chavez's question: What role does he believe art should determine in reviewing projects before the Planning Commission:

Mr. Doyle: It is also part of his background so public art is important done in a proper and affordable way. From a planning standpoint, he has seen a lot of projects that have been successful in integrating art. He has also seen some that have not done it very successfully. But, generally speaking, something that adds value to a project would be important to consider.

Councilmember Feller's question: Realizing that you, as a Planning Commissioner, would be quasi-legislative and you will make decisions in front of many people, do you believe that decision should be taken lightly or are you making a valuable decision and do you believe the Council's call for review process should be taken lightly.

Mr. Doyle: Many things in life are political; he does not think the Planning Commission should be. Council is the political body, and if a Planning Commission decision is made that Council wants to review, that is within their purview. In terms of taking everybody's interest into account, that is central to what the Planning Commission should be doing, not overly representing development, community, or City interests. Although, certainly the projects have to have an economic impact on the City, and the Planning Commission should take that into account. So, there is a balance of all of those different stakeholders in the process. He does not have any problem making decisions once having heard all of the input. He would have no problem answering a negative decision in the face of 100 people, if that was the right decision to make in his mind.

John (Jay) A. Scrivener, 2593 Fire Mountain Drive, is a 25-year resident of Oceanside. He wants to go directly to the questions.

Question 1 response: He has watched the City develop. He has opinions and an understanding about how the City develops and some of its needs and would like to be able to contribute to the future growth of the City.

Question 2 response: His degree is in Economics from the University of California, Santa Barbara; he has been a general contractor for 35 years and has started and run companies from 2 people to 250 people. He has processed over 1,500 projects through planning commissions across the country in the telecommunications business, so he has an understanding of the process. He has an abiding interest in the City's success.

Question 3 response: no

In response to Councilmember Kern's question: He has a deep understanding of the business community, which he was a member of, not in Oceanside, but throughout Southern California. He understands the needs of people going through different jurisdictions and how they need to get their businesses processed through the planning process to be able to successfully implant that business in a community. His economics background gives him a deep understanding of the needs of the community and how it could best be served by either approving or disapproving projects as they come through.

Response to Councilmember Sanchez's question: As a country, state, and City we will have to adopt some standards that are going to lessen the use of water in the City. When the economy readjusts itself and we develop again on a large-scale basis, developers will be more accountable for their water usage. It is a critical thing for any development process that gets approved that developers address the water issue directly by the usage of each potential household.

Response to Mayor Wood's question: The hours he has given to the City are marginally through the Art Commission with his wife. His volunteerism is through Canine Companions for Independence, and that is where he spends a majority of his time.

Response to Councilmember Chavez's question: Public and art do not necessarily go together. He would defer to people with a greater understanding of public art. The examples he has seen, particularly the egregious ones like in Carlsbad, make him shy away from public art. But art as a process, such as the Oceanside Days of Art, etc. is a different story. He very much approves of that kind of art and thinks it should be part of the fabric of the City. His projects, telecommunications towers, had to be masked in certain ways. But, regarding the planning process, he does not have a good opinion on that.

Response to Councilmember Feller's question: In an absolute sense, there

should be an appeal process, but the appeal process should recognize the importance of the Planning Commission and the City Council and differentiate between the 2. It should not be an automatic flip to Council every time someone doesn't get the project they want. There needs to be a tempering of that. In this City there seems to be a lot of projects that get reviewed by Council after they come out from the Planning Commission. The process needs to be tempered.

Jennifer Leonard, 2446 Carriage Circle, has lived in Oceanside for 5 years. She has a daughter attending MiraCosta. She is retired from real estate and went back to school and just got accepted at UCSD for urban studies and planning.

Question 1 response: Everyone should serve their community, and serving as a Planning Commissioner would be great experience as an urban studies major. She would like to have a voice in the development of Oceanside.

Question 2 response: For 2 years she has served on her Homeowners Association Board. One year she was the Architectural Chair and the other year the President. She has a total of 8 years working in architectural offices. She is a licensed real estate agent and has 7 years of knowledge of land transactions-- retail and residential.

Question 3 response: no

Response to Councilmember Kern's question: As far as experience goes, she is licensed to sell real estate, has completed probably 45 transactions in San Diego County and is familiar with meetings with the Planning Department. In studying for her degree, she has taken environmental geology and biology. She understands how important watershed management is. She is very concerned about the environment but understands that development impacts can be positive, such as bringing jobs to the community. She is concerned with the economics of that as well.

Response to Councilmember Sanchez's question: There is such a thing as sustainable development. For example, a hospital can be built to reclaim their water to use on their landscape. We can manage that and have to keep that in mind but we cannot stop growing.

Response to Mayor Wood's question: None

Response to Councilmember Chavez's question: All new buildings should be architecturally interesting. As far as art itself, it would be nice to expose the community to new artists and give artists a forum for their work. But, if you are going to build a big, new project it should be architecturally interesting for the people who have to live and work there.

Response to Councilmember Feller's question: Decisions should always be subject to review, and she does not take her decision-making lightly. In fact, going back to school has really reminded her of how much she does not know. She wants to make educated decisions and looks forward to hearing the pros and cons of future development projects. She takes it seriously.

Joshua Bouck, 425 South Nevada Street, #B, is a real estate broker and works for The Jacques Company. He also does marketing for A-Team Contractors, Inc. in Oceanside. His degree is from Biola University, and he graduated in 2006. He loves the City and wants to be on the Planning Commission because there is nowhere else he would rather be, no other City that he loves more. He grew up in Modesto and went to school in Los Angeles. His father is a pastor, and they made a lot of mission trips to Mexico, traveling through Oceanside. After college, he made his way down here and does not plan on leaving.

Question 1 response: He wants to be part of the City's growth and the future of the City. He is the youngest applicant and would like to be part of the growth and the

new generation. He is energetic and positive and would like to put in a lot of time and heart into this commission. He is very patriotic and loves America.

Question 2 response: Growing up, he did a lot of traveling to other countries and has seen how the planning and organization can affect the quality of life. After college he worked as a Project Engineer in construction management and was involved with the soils engineers and getting approvals. That gave him a lot of understanding about what goes on in the City.

Question 3 response: No. He has been going to the Elks Lodge and Rotary Club to try to meet everybody he can. He saw Councilmembers at the Rotary Club last month.

Response to Councilmember Kern's question: During college he worked in the summer for his aunt and uncle who are project managers for Rand Corporation in Santa Monica. They built a new headquarters right by the pier. They had a problem with the soil, and it cost them a lot of money to take it out. During that process he was working as a laborer and learned a lot. He understands, especially in a coastal community, about having the proper maintenance and disposal systems in place for a construction project. He is also a real estate broker and is going through REO homes and giving bids to clean up the places.

Response to Councilmember Sanchez's question: His parents lived in Tracy, which is near the aqueduct that brings all the water down from Northern California to San Diego. Water is going to be an issue for Southern California, and we are never going to lack population. The numbers show that we are going to continue to grow, and that is something that we need to address. He always wanted to find a way to use the ocean water. There are systems that can use ocean water, but they are expensive right now. The ocean is sustainable and will never go away. So, that is one of his thoughts - doing research and finding out how Oceanside can be at the forefront of that research.

Response to Mayor Wood's question: He worked for A-Team Contractors who is also A-Team Ministries. They use profits from their corporation to reach out and mentor kids around town coming out of rehab, coming off drugs and trying to get them into rehab, to take them on mission trips. He is part of the planning. You might see a lot of guys down by the pier on the weekends late at night doing a lot of evangelism. But more than just religion, it is the positive effects they can have on a young man's life. He is really connected with Green Oakes Ranch in Vista, and they do monthly programs to fix up houses to touch lives and try to impact people. He also goes to North Coast Church and is involved. His father is a pastor at North Coast Church and works with single parents.

Response to Councilmember Chavez's question: Art enhances the quality of life. We do not want to have bland buildings. That is why we use paint so we have a colorful life, and that affects subconsciously your attitude and your mind. At City Hall there is a lot of nice art, fountains, and the sound of water. That should be a big thing in Oceanside. In planning things, you want to most definitely address the economic issues, environmental issues, and also bring in art.

Response to Councilmember Feller's question: Everything that the Planning Commission considers should be brought to Council because they are the elected officials. Council represents the people, and the Planning Commission serves as an advisory committee to Council. So anything that the Planning Commission does, they would do as if they were going to make it legislative without Council's review. But, the Planning Commission would present all evidence and factual information to Council of why this is a good decision. And, then the City Council would use their best judgment to make the decisions.

Dick Parker, 4377 Albatross Way, is a land surveyor with over 30 years experience in land development in North San Diego County with both public and private employment. He has completed 8 years serving on the Oceanside Planning Commission,

and during that time he has missed only 1 meeting. He has always read the entire staff report and environmental documents and visited every site. He was appointed Vice Chair for 2 of those 8 years. He follows the appeal of all Planning Commission decisions to get an understanding of the majority of the City Council views. The City Council should set land use policy. He never lost sight that he served all of the people of the City and that they deserve his respect. He feels a responsibility to do all he can to make the participants in any public hearing feel that fairness has been achieved.

Question 1 response: It is a very exciting time, and the Planning Commission is comprised of talented individuals. They have interesting things in the workplan; he is on 3 ad hoc committees, and is very interested in proceeding with this work and coming up with a very constructive plan.

Question 2 response: He has had years of experience and stayed in the North County area for over 30 years. He has a working knowledge that can be valuable and put to good use by the City.

Question 3 response: no

Response to Councilmember Kern's question: His versatile work record in public and private employment allows him to be able to look through the perspective of both sides and all issues.

Response to Councilmember Sanchez's question: The water solution will be very difficult. Consideration should be given to stopping the issuance of permits if water is not available. There are a lot of issues involved with this, and sometimes it is out of the local governments' control to solve some of these major problems.

Response to Mayor Wood's question: He has spent approximately 1,000 hours logging drawings for the records retrieval system. He has served thousands of hours on the Planning Commission and other commissions he has been on.

Response to Councilmember Chavez's question: He is not sure that the decision of public art rests with the Planning Commission. However, art contributes to the vitality and diversity of the community. The community benefits greatly from a good artistic plan.

Response to Councilmember Feller's question: There is a regular method that should be followed per the Code, and that is what he would support.

Mr. Parker thinks a great deal of the City. He moved here in 1957, and it has changed considerably. He will continue to serve Oceanside in some manner, even if he is not successful in his bid for the Planning Commission.

CITY CLERK WAYNE announced the conclusion of the interviews.

MAYOR WOOD said any of the applicants would be fine. However, he supports Dick Parker who is a steady hand at the helm of the Planning Commission. He votes his own mind and what he thinks best. He is the guy that follows the Code to the letter of the law. He actually votes in some situations against what Mayor Wood would not like to see because Mr. Parker thinks it is what is proper for the policy and guidelines. It is important to realize how much Mr. Parker has given to the community, including his over 1,000 hours of support to the Engineering Department. Mr. Parker needs to keep that steady hand on a community like this. All the applicants are probably qualified. Mr. Parker will follow the guidelines and the rules.

MAYOR WOOD moved to appoint Dick Parker [to the Planning Commission to a term of April 16, 2009 to April 15, 2013].

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER CHAVEZ asked what process is going to be followed to make an appointment.

MAYOR WOOD noted that there is a motion on the floor. The past practice has changed a little bit. We went from making a motion in the past to this. The last time around, Council discussed their top 3 or 4 applicants. It varies and fluctuates. Council's policy is not set in stone, and a Councilmember can make a motion.

COUNCILMEMBER SANCHEZ stated that over the years she has attended Planning Commission hearings, and Mr. Parker is always very thorough. Of the 5 applicants, Mr. Parker is the most qualified. The Planning Commission has now a rhythm and they are coming into their own. In response to Councilmember Feller's question whether a decision of the Planning Commission should be called for review, we have an appeal process so to say "no" would be against Council's rules. Most of the decisions that the Planning Commission makes are well thought out. There are times when there are policy issues, and that is when the elected Council needs to step in. No Planning Commissioners that she knows of have invited a call for review. Mr. Parker is the most qualified.

Motion failed 2-3, Kern, Chavez and Feller - no.

COUNCILMEMBER CHAVEZ said the Planning Commission should be representative of government and the population of the City. We also need to look at the needs of the Commission. It is diverse as far as gender but definitely not by age. It is enlightening to see a young person come forward, obviously intelligent, who has worked in the field of construction. Imagine 60 years from now, he will probably have more than 1,000 volunteer hours. Look at how much he has volunteered. Plus, he has a world perspective after touring to all of those countries.

COUNCILMEMBER CHAVEZ moved that Joshua Bouck be appointed to the Planning Commission.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ said that Mr. Bouck was the least qualified; the most promise but not to get right in to being a Planning Commissioner. When he responded to the questions, it was almost as if he studied and was not coming from any sort of depth at all. It was almost as if somebody gave him some suggestions for looking things up and then this is what you say.

COUNCILMEMBER KERN agrees that Mr. Bouck is just not there yet with experience. He did study and understands what is going on. We are hitting some pretty trying times and learning on the job is not the appropriate place right now for a Planning Commissioner.

COUNCILMEMBER FELLER said Mr. Bouck's enthusiasm is just what we need. He is the only one that really had a solution about sustainability for water. He has worked pretty hard and is the youngest applicant by far. He could be a strong commissioner in a period of time; he noted that we had to learn to be Councilmembers.

MAYOR WOOD listed Mr. Bouck last because of his youth. Mr. Bouck might find himself in conflict in the future with his employment and having to abstain from voting because he is involved in the construction field. The other thing about the education and religious experience, Mr. Bouck and his father stand on the corner downtown and pass out the literature, so he is actively involved and is very religious. They are in the same group that had conflict at the corner a couple of times with some of the businesses. So, Mayor Wood was not quite sure that Mr. Bouck was ready yet, but he might be in the future.

Motion failed 2-3, Wood, Sanchez and Kern - no.

MAYOR WOOD moved to appoint Jennifer Leonard to the Planning Commission.

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER CHAVEZ said that Ms. Leonard is OK, but he will be making a motion to appoint Jay Scrivener.

COUNCILMEMBER KERN cannot support Ms. Leonard because she is coming to this position wanting experience, like this is another class for her. Her answers to the questions were like it was a class project.

COUNCILMEMBER SANCHEZ did not feel that way and said Ms. Leonard has had years in real estate and is willing to learn more. Going back to school is a hard decision for someone who is in their 40's. She will support Ms. Leonard.

Motion failed 2-3, Kern, Chavez and Feller - no.

COUNCILMEMBER CHAVEZ moved that Jay Scrivener be appointed to the Planning Commission [to a term of April 16, 2009 to April 15, 2013].

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELLER has heard many times on the dais that sometimes people have served too long on commissions and it is time to give somebody else a chance. We heard an awful lot from Mr. Scrivener over Eternal Hills and their concerns, which was almost a NIMBY type of thing. He would probably take that into consideration. He likes Mr. Scrivener's statement about his business background allowing him to understand and balance the wishes of applicants with the rights and needs of the residents of the City. There has to be a balance, and it cannot be always about the residents; it has to be about the business that is trying to do something. Otherwise you will have none. So, he will support Mr. Scrivener.

COUNCILMEMBER KERN was going to put Mr. Scrivener's name forward and feels he is the best qualified. Someone who runs 1,500 projects through a planning process knows how the process works. Unfortunately, Joshua Bouck does not understand the process. Mr. Scrivener understands that we are going to have to adopt water standards in the future, etc. He understands planning, development, and the process. That is why he will support Mr. Scrivener.

MAYOR WOOD commented that this is the best group of applicants for the Planning Commission that Council has had for a long time. He still believes that Mr. Parker is the most qualified applicant.

COUNCILMEMBER SANCHEZ thought the best qualified was Mr. Parker and the second best qualified would be Mr. Scrivener.

Motion was approved 5-0.

2. **Public Communications on City Council Matters (Off-Agenda Items) – None**

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April 7, 2009

Mayor and Council Workshop

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council at 5:09 PM on Tuesday, April 7, 2009. [The next regularly scheduled meeting is on Wednesday, April 8, 2009 at 4:00 PM.]

ACCEPTED:

Barbara Riegel Wayne
City Clerk, City of Oceanside