



California

CITY OF OCEANSIDE

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

OCTOBER 6, 2010

REGULAR MEETING 3:00 PM COUNCIL CHAMBERS

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

**Mayor
HDB President
CDC Chair**
Jim Wood

**Deputy Mayor
HDB Vice President
CDC Vice Chair**
Vacant

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

**City Clerk
HDB Secretary
CDC Secretary**
Barbara Riegel Wayne

Treasurer
Gary Felien

**City Manager
HDB Chief Executive Officer
CDC Executive Director**
Peter Weiss

**City Attorney
HDB General Counsel
CDC General Counsel**
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 3:02 PM, October 6, 2010.

3:00 PM - ROLL CALL

Present were Mayor Wood and Councilmembers Kern, Lowery and Feller. Councilmember Sanchez arrived at 3:05. Also present were City Clerk Wayne, City Manager Weiss, and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session: Items 2A(1), 2A(2), 2A(3) and 2B. [Item 1 was not heard]

[Closed Session and recess were held from 3:02 to 4:00 PM]

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

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

No closed session held.

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

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

- 1. Plaza Camino Real v. City, Superior Court Case No. 37-2008-00102065-CU-WM-NC

In closed session by a vote of 4-1, Sanchez no, the Council approved a settlement agreement [Document No. 10-D0749-1] with the plaintiffs in which they are abandoning their appeal; no expenditure of any City funds.

- 2. People v. Chen, Superior Court Case No. 37-2010-00059987-CU-OR-NC

In closed session by a 5-0 vote Council authorized the City Attorney to file a nuisance abatement action against Neng Guin Chen re: property at 419, 421 and 423 N. Tremont St.

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

Discussed; no reportable action

B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9(b))

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: one case

Discussed; no reportable action

4:00 PM – ROLL CALL

Mayor Wood convened the meeting at 4:04 PM. Present were Mayor Wood and Councilmembers Feller, Kern, Lowery and Sanchez. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: Items 2A(1), 2A(2), 2A(3) and 2B. See items above for reports. [Item 1 was not heard]

CONSENT CALENDAR ITEMS [Items 4-8]

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

COUNCILMEMBER LOWERY expressed concern about Item 7 as he was not able to see the vehicle and it is quite expensive.

FRANK McCOY, Chief of Police, explained that the vehicle being replaced is 6 years old and although it has relatively low mileage, the salt water at the Harbor erodes certain things over time and that is the case with this vehicle. The cost of the new vehicle also reflects all of the equipment that has to be replaced due to erosion and the size difference in the older and newer Expeditions. The new vehicle is necessary in his opinion. We do need to get this vehicle in service soon.

COUNCILMEMBER LOWERY was satisfied with Chief McCoy's explanation.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the April 28, 2010, 4:00 p.m. Adjourned Meeting
5. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
6. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials and services in amounts over \$50,000 from various Water Utilities Department funds for a total of \$2,110,107, authorization for the Water Utilities Department to use the reverse auction process to obtain annual purchase orders for chemicals in a not-to-exceed total of \$974,242; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
7. City Council: Approval of a purchase order in an amount not to exceed \$32,854 to Downtown Ford of Sacramento for one new 2011 Ford Expedition 4x4 flex-fuel Police vehicle for the Oceanside Police Harbor Division to replace a vehicle that has exceeded its service life; and authorization for the Financial Services Director, or designee, to execute the purchase order
8. City Council: Approval of the FY 2010-12 Work Plan for the Community Relations Commission

COUNCILMEMBER SANCHEZ moved approval [of Consent Calendar Items 4-8].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS - None

MAYOR AND/OR COUNCILMEMBER ITEMS

9. **Request by Councilmember Sanchez to direct staff to provide the required 10-day public notice for a public hearing to be held at the Council's October 20 meeting, regarding Council adoption of cost recovery fire inspection fees; direction to staff**

COUNCILMEMBER SANCHEZ stated for some time now our City Manager has directed all departments to come up with plans for cost recovery, which some departments have implemented. In April the Fire Chief brought forward this cost recovery item having to do with inspection fees. At the time Council did not go forward, but she is bringing this forward because it is an important issue. The agenda back in April included a staff report that is included in today's material as well. That report talks about a cost-savings of \$200,000 per year.

She **moved** to direct staff to provide the required 10-day public notice for a public hearing to be held at the Council's October 20th meeting, regarding Council adoption of the cost recovery fire inspection fees discussed in that staff report.

MAYOR WOOD seconded the motion for discussion. Do we have time to get this done.

CITY MANAGER WEISS responded yes. If Council takes this action tonight then we've already started the notice process for the public hearing and it would be on the Council's October 20th agenda.

Public input

LARRY BARRY, 3973 Brown Street, would like to have some input from the community regarding this public hearing. He is against this because it's another fee to the businesses.

Public input concluded

COUNCILMEMBER SANCHEZ stated the City Manager recommended that we go forward on this and it doesn't have anything to do with single-family residential inspection fees.

CITY MANAGER WEISS stated part of this was a cost recovery effort because we do provide inspections for certain multi-family and non-residential units and those inspections are required to be held. Currently we are subsidizing those with General Funds. This would be a cost recovery for the services we are providing for a specific group of non-single family residents.

COUNCILMEMBER SANCHEZ is concerned that the General Fund is subsidizing this and has been for quite some time. This notice is to let people know ahead of time about this hearing.

COUNCILMEMBER KERN can't support this. We gave away \$543,000 at our last Council meeting to the fire contract and now we're going to go back and raise fees on businesses and property owners. This is not the time. We need to stop the spending before we start raising fees. We first need to control our own spending.

COUNCILMEMBER LOWERY stated when he had his bakery the Fire Department would come and do occasional inspections and he paid for those. This is not for businesses; it's for hotels, motels, apartments, vacation timeshares and condominiums of 3 units or more. The cost is clearly a bargain if we are able to save a life or prevent a fire. We need high quality inspection on these properties to actually make the buildings safe. Even though buildings are inspected before they are released for habitation, residents always make modifications and plug things in. He supports scheduling this item.

COUNCILMEMBER FELLER asked if we could have the individual fire stations conduct the inspections for their areas.

DARRYL HEBERT, Fire Chief, responded absolutely. We are currently looking at all kinds of different avenues of meeting the inspections throughout the City, including

engine company inspections as well as hiring non-safety, non-sworn inspectors to do that work.

COUNCILMEMBER FELLER doesn't think this is something he can support because it would be a fee. The City just increased our responsibility by \$543,000 for a year and this looks like a way to get \$200,000 of it back.

COUNCILMEMBER KERN stated last time he checked motels and hotels are businesses. In light of the Chief saying that they are looking for an alternate way, before we rush into setting a public hearing for fee increases, we should give the Fire Department 90 days to figure out a plan that is an alternative and bring it back.

He doesn't think raising the fees or keeping the fees the same will affect the quality of the inspections. The inspectors will do a quality job whether we raise the fees or not.

MAYOR WOOD is concerned about public safety. When Councilmembers bring up \$543,000 for increases for fire protection and the fire contract, he will continue to remind everyone that those Councilmembers were willing to waive a \$30,000,000 contract for waste. Also, the press has done a poor job of explaining that even with the pay raise for the Fire Department, they will still be 6th or 7th in the County for overall benefits.

COUNCILMEMBER SANCHEZ stated the firefighters, in their contract, gave up \$1,100,000 in benefits and paying towards their PERS.

She did go to the Fire Chief and asked him whether or not he thought this was a good time to do this and he said yes. The City Manager also said yes. This is an equity issue. We're making kids pay for lighting at sports fields. Everybody is having to do cost recovery. There is no good reason to avoid doing it across the board.

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

10. **Request by Councilmember Kern for the City of Oceanside to go on record in support of Genentech and oppose Proposition 24; and for a letter of opposition to be sent to our State Legislative Representatives**

Public input

CHARLES FINN, 2955 Cottingham Street, is speaking as a resident and on behalf of the teachers of the Oceanside Teacher's Association. The State is in a financial mess and has been for years. Our children have borne the brunt of it. Oceanside schools have been devastated. The Oceanside Unified School District, one of the City's larger employers, has been forced to lay off hundreds of teachers and staff every year for the past 7 years. Worse than the loss of jobs, our children have been put into overcrowded classrooms that are in short supply of critical materials and personnel. In the midst of this crisis, Councilmember Kern wants this Council to officially tell us that giving tax cuts to mega corporations is more important than funding our children's education and our schools. We pay our taxes on time year after year. Why should big companies get corporate welfare while our children suffer? He urged Council to say no to this proposal and support Proposition 24.

PEGGY DORNISH, 6873 Carnation Drive, Carlsbad, is President of the North Coast League of Women Voters and is opposed to Councilmember Kern's request for the City to declare opposition to Proposition 24. Their position on this matter is to support fair equitable sharing of the tax burden.

These tax breaks benefit primarily large multi-state corporations and appear to have gone to highly profitable mega businesses. These measures don't require the businesses which claim them to demonstrate whether any jobs have been created by

these tax breaks. Without the passage of Proposition 24, these tax breaks will continue to force even deeper cuts in vital funding for public schools, healthcare and public safety. The legislative analysts estimate that repeal of these special interest tax cuts will result in increased State revenue of \$1,300,000,000 per year by 2012. She urged Council to vote against Councilmember Kern's item and support Proposition 24.

ADRIANNE HAKES, 1630 Lopez Street, is a member of the Oceanside Unified School District (OUSD) but is speaking as a private citizen. The OUSD has cut \$52,000,000 in the last few years. We laid off teachers who were hired in 2000 and staff has reduced work hours. The class sizes have risen. It's time to stop the cuts to education. She urged Council to vote against this item and support Proposition 24.

OSCAR URTEAGA, San Diego resident, is representing the Stop the Jobs Tax Coalition, which is a large statewide bipartisan organization that is made up of Chambers of Commerce, taxpayer associations, small business groups and individual small businesses. We are asking Council to support Councilmember Kern's motion to oppose Proposition 24. He passed out a packet of information about Proposition 24 and highlighted that 22 of the State's largest newspapers are opposing Proposition 24, which would tax new job creation and send more jobs out of California. It attacks small businesses and stifles job growth in some of California's most promising industries, such as high tech, clean tech and bio tech. One of the major employers in Oceanside is Genentech, who would be affected by this. All of us want more money going to schools and the General Fund for vital public services such as public safety, education, etc. Our State unemployment rate is the highest it's been since the Great Depression and higher than almost every other state. At a time when nearly 2,000,000 Californians are out of work, Proposition 24 taxes new job creation and hits California employers and small businesses with higher taxes.

Many businesses across the State, large and small, would be impacted. According to the California Franchise Tax Board, 122,000 businesses could be impacted. It would also result in \$1,800,000,000 in lost tax revenue annually. His organization opposes Proposition 24 and asks that Council do the same.

COUNCILMEMBER LOWERY asked if Mr. Urteaga is in a paid position giving us this information today. He asked if No on 24 is paying him.

MR. URTEAGA responded yes.

LARRY BARRY, 3973 Brown Street, is in support of Councilmember Kern's item. He does business with Genentech, who employs many people with good, high quality jobs. Because of the bad economy and all of the layoffs, our schools get hit first. Genentech is creating jobs and cancer drugs that may save lives. The problem with the School Board isn't money, it's the education of our kids. We can have well educated kids but if we don't have jobs for them, we're going to have massive unemployment. Genentech gives money to the schools and does things for our community.

Public input concluded

COUNCILMEMBER KERN brought this forward because Genentech is an important part of our community. Two years ago as part of the compromise between Democrats and Republicans that allowed that year's budget to go forward, an agreement was reached for targeted tax breaks that would help California businesses as the recession deepened. Those tax breaks allowed companies based in several states, but operating in California, the flexibility to choose whether they will be taxed on sales, property or payroll. This allows companies hammered by the recession and experiencing losses to get refunds for up to 2 years previous. This also allows the companies with tax credits to share them with affiliate companies or subsidiaries within the State.

The deal was signed off by both parties and the Governor. Now the proponents of Proposition 24 want to go back on that deal and those proponents are the public

employee unions for the State. That's who is sponsoring the ads. They want to repeal those tax breaks and incentives to remain in California. They say eliminating those breaks would raise about \$1,300,000,000 in taxes over the next year, which in these tough times sounds like a good thing on the surface. In the long term there is a cost. The State budget gap is \$20,000,000,000, not just the \$1,300,000,000 that they are hoping to recover. The State has added over 30,000 employees in the last 5 years. OUSD is laying off employees but the State has added 30,000. That's the problem; not private business.

Breaking this deal is a good reason to be against Proposition 24; it was a deal struck to keep businesses here. But a better reason is jobs. Every politician and resident in Oceanside and the State realizes that creating private sector jobs is the number one goal in California right now; not public sector jobs. Now is not the time to burden California companies with over \$1,000,000,000 in additional taxes. They will either have to pass it on to us or they could close and leave. Proposition 24 is a job killer, just when California is trying to bring down a 12% unemployment rate.

The California Teachers Association (CTA) is behind the opposition to this. They're mad that school budgets have been slashed severely and he understands that, being a former teacher. But lashing out at California's private employers is not the right way to get the State's economy going again. Locally, our largest employer and private property tax payer is Genentech. Proposition 24 would severely damage their ability to remain in California, let alone Oceanside. These are jobs and this is a tax base that supports our schools and services. Every Oceanside teacher should be voting no on Proposition 24 to support local employers that support them. Teachers should be voting no to support their students who would like to find a job and stay in California after they graduate. The enrollment at OUSD is declining as people leave the area to find jobs. We need to keep these students here.

There are as many firms that left the State in the first 6 months of 2010 than all of 2009. We are on the downhill side of this and we need to stop this trend. He is asking his colleagues and everyone to sign on to that form to say no on Proposition 24 and support our local businesses. He is not asking for a formal resolution from the Council. We need to stop this and support private businesses. He urged Council to join him in sending a letter to our State legislature and to vote no on 24.

COUNCILMEMBER LOWERY stated it's clearly important that we support our businesses here and throughout the State. Genentech is a very involved member of our business community and are an essential part of our local economy. It is important to listen to our educators and our businesses at the same time. No matter what Council does this evening, he urged people to make the choice on how they want to vote on it. He asked the City Manager for input having attended a Genentech-sponsored event.

CITY MANAGER WEISS attended a Genentech sponsored event in San Francisco and a summary is in Council's packet. He stated as it relates to this particular proposition there was limited discussion with Genentech. Their primary focus was on the new drugs they are developing and potential expansions of some of the facilities within California. The meeting was with every city that has manufacturing/R&D or office buildings in their jurisdiction. They indicated that if Proposition 24 were to pass, it was unlikely they would expand their business in any cities in California and given the opportunity they would leave. They asked for a letter to be sent. Most of the rest of the discussion was about local issues that were facing them and the drug manufacturing and development they were pursuing.

COUNCILMEMBER SANCHEZ doesn't think that there is a question as to whether the City has supported Genentech in a big way. Oceanside agreed to several good things for the company to entice them to be in Oceanside. For example, Oceanside built the brine line at the City's expense. There were a number of incentives that were provided by the City to get Idec, which is now Genentech, to Oceanside.

When she participated in the site visit with Economic Development Commissioners she learned that Idec in Oceanside had decided to mechanize and, therefore, were not planning on increasing employees; new hires. In fact they had gone down. The big thing was that they were continuing with the trials. They were given the go-ahead that this was still a very profitable plant and if we were not going to be looking towards getting new jobs in Oceanside, it was still a good relationship to have.

We have also heard from the Teacher's Association, as well as the League of Women Voters, who have had the opportunity to look deeply into this. This is a tax break, not a tax increase, to one sector in California. She has a difficult time with this because we're all suffering and would love to have a tax break.

She did some research last night in order to see what in Oceanside or statewide would convince her that this should happen or should we keep the status quo, which is to vote yes on Proposition 24. The bottom line was there was no clear information as to whether or not jobs would be created. There is no promise. There are kids that are suffering because they are in classrooms with over 40 kids. If these kids do not get an education, it is reflected in the crime and homelessness rate and other things that are negative. While she respects Genentech and what they are doing in Oceanside, she doesn't believe that is a job-creating mechanism for us. She doesn't have any assurances that it will create jobs elsewhere in the State. She can't support this. Perhaps when things are fixed in Sacramento, then there could be tax breaks for more than just one sector in our community.

We've gotten an education on the pros and cons of Proposition 24 and each voter should decide on their own where they stand on this.

COUNCILMEMBER FELLER has spent a lot of years involved with the schools and their needs and his support of the young people in our schools. Businesses have to be inspired to be able to donate to those causes. We can be sure that there will not be any jobs created if this passes. He's already on the list as a supporter of No on 24 and believes we need to put a value on our businesses. If we vote yes on Proposition 24, it will be hard to inspire businesses to continue supporting the community in any way. Businesses are having a tough time and this is probably the tip of the iceberg if this passes. He thinks we are shooting ourselves in the foot if we do not support the No on Proposition 24 position.

MAYOR WOOD is not sure either Proposition 23 or 24 need to be before Council. They are both important, but who is he to tell people how to vote. It's only opinions that are being given. These are 2 interesting propositions because there are a lot of powerful people on both sides of each one. He is concerned about our businesses here in California, too.

He would like to abstain on both of these because it's not for him to tell people how to vote. He will vote on them because he has an opinion on both of them. No matter how anyone on the dais votes tonight, it's up to each person to vote on what they believe.

COUNCILMEMBER KERN wanted to just bring this forward and have people understand and he was asking his colleagues to sign a letter. He agrees we should take no formal position as a Council or a City, but it is important and he wanted everybody to understand what this proposition means to the citizens. He agrees with the Mayor that we should not take formal positions on any State proposition. We can and do state positions on Senate and Assembly Bills, but this is something that goes to the vote of the people. He wants everyone to be aware of what this proposition means to Oceanside. With that, his item is complete.

MAYOR WOOD stated not very often does Council take a role in saying we support or deny propositions. We get asked by other cities to join in, but it's up to the voters to make those decisions.

11. **Request by Councilmember Sanchez to adopt a resolution opposing State Proposition 23, an initiative to suspend AB 32, and instead supporting the implementation of AB 32, the Global Warming Solutions Act of 2006; for a letter of opposition to be sent to our State Legislative Representatives; and direction to staff**

COUNCILMEMBER SANCHEZ stated the Mayor made statements about how the Council primarily does not take a position on propositions and she believes that as well. She looks to the electorate to do the right thing. However, every now and then there is something that ends up on the ballot that is an extraordinary situation. She has done this once before with a resolution against Proposition 98, which was going to kill rent control for mobile home parks. While that was a statewide election, it was going to impact us greatly in Oceanside. This is the same thing. Proposition 23 has been funded by 2 oil companies in Texas to undo something that was done by the State's residents and representatives - AB 32. She asked one of the businesses to do a presentation as to why it is critical for our City to take a position on Proposition 23. She was approached by several residents of Oceanside, as well as Councilmembers from other cities in the County, to take this extraordinary step and take a position as a Council on Proposition 23.

TROY HINDS, SPG Solar with offices in Rancho del Oro, stated SPG Solar has been around since 2001. Part of the instrumental growth of the company has been a direct result of AB 32 and the choice of California to adopt clean energy standards and agree to buy some of its energy from renewable energy. In 2006 we opened our Oceanside office and we are the second largest solar energy developer in California and in the top 10 in the United States. We have projects outside of the U.S. as well. We are an electrical contracting company. We are a California company and are not owned by an Asian panel manufacturer or a start-up from European unions. We represent the heart of the renewable energy industry in California. The jobs we incorporate go from labor, temp labor, finance, sales and CEO's.

He grew up in a family of builders and he was first introduced to solar when he saw a panel on a building. He has worked at SPG Solar since 2007. As part of AB 32 his company has a business relationship with San Diego Gas & Electric to help them reduce their carbon emissions and meet the Renewable Portfolio Standards.

California's clean energy standards and AB 32 were among the main reasons SPG Solar has created a sustainable and profitable business. Proposition 23, in his opinion, will seek to undercut the policies meant to create job growth and leadership in the industry. With every project we develop, we create jobs. With every megawatt we sell a minimum of 30 jobs are accounted for. Since he started with the company in 2007 the number of Oceanside office employees have grown by 257%. He's seen business partnerships develop and start-up companies as a result of his projects. By reducing energy and reducing costs, it enables companies to reduce future layoffs of teachers and employees.

Public input

DIANE NYGAARD, 5020 Nighthawk Way, represents Preserve Calaveras. A few weeks ago we voted to oppose State Proposition 23. We did that because we believe the damage from passing it will be great. As a conservation organization we are primarily concerned about the possibly irreversible damage to our air and water from our reliance on fossil fuels. A recent survey of 1,200 registered voters by the San Diego Foundation found that 72% of us think that San Diego needs to take the lead in greenhouse gas reduction. The research also found there are 40,000 jobs in the County in green technology. North County has over 200 green technology businesses. All of these are in jeopardy if we roll back this environmental protection.

Recently it was announced that Bill and Linda Gates donated \$35,000,000 to our

community colleges because they are concerned about reducing our unemployment rate; community college is the greatest place in the country to quickly retrain our workforce. The 2 areas they find where jobs are growing are health and green technology. We can be leader, create a sustainable economy, reduce our employment, protect our air and water; but we can't do that with Proposition 23. She urged Council to oppose Proposition 23.

DAN HENDRICKSON, 1106 Fourth Street, Coronado, is representing his company Mayberry Energy and is on the Board of Directors of the Southern California Sustainability Alliance. He is concerned that we have a well-crafted, on track AB 32, which is about to get some teeth for those who are polluters and rewards for those who have been early adopters of anti-pollution measures. Opposing this is a group of Texas oil companies that have less than 20,000 employees in the State and in the green job sector we have approximately 400,000 green jobs that are emerging because of AB 32 and the progressive attitude on the part of the State to encourage green energy. The way Proposition 23 is worded, if and when we get to 5.5% unemployment for 4 quarters, then we go back to putting the teeth and carrot in this. From what he's heard, that is going to be 6-10 years downstream. During that period of time the capital that has been waiting to invest will find other opportunities overseas. He strongly recommends voting against Proposition 23.

ANN TOLCH, 4240 Cobalt Drive, La Mesa, is a member of the Leadership Board for the American Lung Association of California and also serves on the Navy League Coronado Board of Directors and the Sustainability Alliance of Southern California. There are actually 500,000 jobs that have already been created in anticipation of AB 32 being active. Proposition 23 was approved for the November ballot because 2 out-of-state oil companies spent \$1,600,000 to purchase enough signatures to get on that ballot.

She listed the organizations that oppose Proposition 23. There are no cities that support Proposition 23 in our region. The American Lung Association opposes Proposition 23 because 91% of our California families live in counties with failing air quality grades due to fossil fuel use. This air pollution kills 19,000 Californians annually, results in 9,400 hospitalizations and 300,000 respiratory illnesses. It most significantly affects our children as they are the most active and their lungs are still developing.

Our dependence on the Middle East – a region of the world that hates us - for fossil fuels puts us in a very precarious position. She is hoping that Council will stand up to protect our future and our safety.

JIM BROWN, Encinitas resident, but lived on North Myers when he was in the Marine Corps. Ray Mabus, who is Secretary of the Navy, said he would like to have 50% of the power generated for the Marine Corps and the Navy come from renewable energy no later than 2020. The Air Force has fully committed itself to having 100% biofuel certification for its entire fleet of planes by 2011. They want it certified that they can run on biofuel or jet fuel. With all of the new technologies available today, why would we still be shipping in oil. We need to say no on Proposition 23 so we can use all of these sources of energy and make this a stronger country.

MIKE BULLOCK, 1800 Bayberry Drive, is a retired satellite systems engineer. There is a false premise with Proposition 23 that AB 32 somehow reduces jobs. The Texas oil companies want us to think that. He read an editorial from George P. Schultz of the Sacramento Bee that Proposition 23 seeks to derail our future and called clean power technologies both an economic and environmental necessity. Mr. Schultz further wrote that in the United States we face 3 major energy issues; our economy is disrupted by periodically spiking oil prices, our national security is threatened by dependence on uncertain sources of oil and by the flow of funds to oil producing countries that do not wish us well. Indirectly, potential terrorist groups are also funded and strengthened. Our climate is threatened by the destructive impact of global warming caused by the accumulation of CO2 from the burning of fossil fuels.

He urged Council to have Oceanside join the growing list of governments opposed to Proposition 23.

PEGGY DORNISH, 6873 Carnation Drive, Carlsbad, President of the League of Women Voters, stated they urge Council to take a stand against Proposition 23 as voiced by the comments presented. Council now has the opportunity to demonstrate leadership to sustain a clean and healthy environment in the North Coast area.

GEORGE McNEIL, 2153 Anda Lucia Way, opposes Proposition 23. It's a health issue. The oil companies, Valero and Tesoro, who are funding this proposition with over \$4,500,000, are trying to connect the proposition to jobs rather than pollution. However, all independent analysts find that this proposition will have little effect on jobs. Proposition 23 will have an effect on our air quality because if we do not continue to work to improve our environment, the gains we have made will rapidly disappear. Tesoro is the 26th worst polluting company in the United States. Valero is the 28th. Proposition 23 is about these Texas oil companies increasing profits at the expense of our cleaner air. Tesoro has 2 gas stations in Oceanside, on Douglas and Old Grove Road, under the Shell brand name. Valero has one station on Mission Avenue. If they do not care about our quality of life, should we buy gas from them?

He has a respiratory condition so he follows clean air issues very closely. The For the sake of our seniors, children, grandchildren and those with respiratory issues, he urged Council to vote for this resolution and against Proposition 23.

SHEILA KADAH, 5301 Village Drive, stated Proposition 23 would increase air pollution, which is a major threat to public health and unhealthy people cost money. As we all know, necessity is the mother of invention so if we make clean technology a necessity, it will create clean jobs and we'll have healthier people. She urged a no vote on Proposition 23.

LANE SHARMAN, 1260 Santa Luisa Drive, Solana Beach, stated No on Proposition 23 is good governance and protects health and public safety. AB 32 is a balanced law.

LARRY BARRY, 3973 Brown Street, encouraged people to read the Proposition rather than just believe what they hear. The whole incentive on AB 32, which was voted by our elected officers, is giving the vote to the people. He has solar panels on his house. We all want to do our best for the environment. He expressed his opinions about global warming being attributed to Wall Street and big money.

JUDY JONES, 713 Calle Contenta, San Clemente, is running for State Assembly, which includes this district, and feels a major issue in this election is how we create jobs and how we incentivize companies in the State. The people sponsoring Proposition 23 are trying to frighten you that you will be out of work and out of gas. She doesn't believe that's true. California has been a leader in environmental technology for a long time. We are the State that invented the catalytic converter. Since AB 32 was signed into law, we have had more than \$2,000,000,000 worth of private capital investments in this State with new companies and these new companies are threatening to leave. There are some in San Diego that say if this proposition passes, they are moving to Massachusetts, which will be more environmentally friendly if we pass Proposition 23. She urged a vote against Proposition 23.

DON CHRISTIANSEN, 3715 Longview Drive, Carlsbad, encouraged people that cite reports regarding Proposition 23 to see if they are peer reviewed and to do their due diligence.

He read from a *New York Times* article that stated fossil fuel is the number one thing we import to Afghanistan and guarding that fuel is keeping the troops from doing what they were sent there to do. The greater reliance on renewable energy improved

national security because fossil fuels often come from unstable regions and scarce supplies and create a potential source of international conflict.

He often hears people complain that solar and renewable energy are subsidized. Many people do not realize that the exceptionally profitable and very established fossil fuel companies are subsidized many more times by taxpayer dollars than the emerging renewable energy industry. A few weeks ago the International Energy Agency said worldwide fossil fuel has received \$550,000,000,000 in subsidies a year, 12 times what alternatives such as wind and solar get.

JIMMY KNOTT, 127 Sherri Lane, urged Council to vote no on Proposition 23. He would like to see us be off the grid by 2020. We should follow the example of Camp Pendleton, i.e. solar street lights, etc. We know where oil dependency will lead and it's not good. We could develop sustainable renewable resources and use recyclables and waste to produce biofuels, which would create new jobs and businesses in Oceanside. The first step is to oppose Proposition 23.

Due to the time, Mayor Wood trailed this item until after presentations.

[Recess was held from 5:45 PM to 5:58 PM]

Council reconvened at 5:59 PM with all members present.

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

PLEDGE OF ALLEGIANCE – Marco Flores

PROCLAMATIONS AND PRESENTATIONS

Presentation – Update on the Oceanside Charitable Foundation – John Todd
Presentation – Mayor's Youth Sports Recognition and Appreciation Award – Soccer Club
– girls under 10
Off Agenda – Pet of the Month

Presentations were made

Mayor Wood determined to continue with Item 11 at this time.

COUNCILMEMBER SANCHEZ stated the public brought up the fact that AB 32 has created 500,000 jobs and that Proposition 23 on the ballot would lead to flight of valuable capital in California. Also brought up are the health risks, sustainability issues and Camp Pendleton's vow to be 50% sustainable in the near future. If we don't take a position on Proposition 23, we will lose jobs and businesses in Oceanside. Proposition 23 is funded by outside interests.

She **moved** to adopt the resolution [**Resolution No. 10-R00750-1**, "...opposing State Proposition 23, an initiative to suspend Assembly Bill 32, and instead support the implementation of Assembly Bill 32, the Global Warming Solutions Act of 2006"], and for a letter of opposition to be sent to our State Legislative representatives.

COUNCILMEMBER LOWERY **seconded** the motion.

As stated previously, **COUNCILMEMBER KERN** is going to abstain on this. The City shouldn't take a position on propositions. The mission was accomplished this evening with the airing of arguments. People at home understand what Proposition 23 is and he will leave it up to them to make up their own minds.

COUNCILMEMBER FELLER will also be abstaining. He likes what the Mayor said earlier about not taking positions on these items. There is extremism on both sides of this issue and hopes people see that.

COUNCILMEMBER LOWERY stated that it's very important that the citizens vote. This is an opportunity for individuals to vote and have their voices heard and it does count. There is so much confusion with the propositions. As a Council we can make decisions that affect the City. It's important for us to have a continued job base in the solar industry and in energy conservation. All of those things are good for the planet and good for the people.

MAYOR WOOD doesn't think it's his position to tell people how to vote on these propositions. He gets a lot of input on a daily basis from the local and State levels. He will make his own decision and doesn't think people should base their votes on how anyone else votes. He urged the public to pay attention to the propositions on the ballot as they have major impact on us on a daily basis. They are confusing so people should do their best to get the facts and make their own decisions. Council should not tell you how to vote.

Motion was approved 3-0; Councilmembers Kern and Feller – abstained.

Mayor Wood noted that each individual Councilmember writes their own letters they think are appropriate, including any ballot initiative to our representatives, etc.

6:00 P.M. – PUBLIC HEARING ITEMS

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

19. **City Council/Harbor: Adoption of a resolution setting fees in the City of Oceanside Harbor, specifically, the Oceanside Harbor Slip Rental Fee Schedule, including increases; and the Oceanside Harbor Miscellaneous Fee Schedule, including, among others, impound, transfer, slip waiting list, dinghy rack, and storage locker fees**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor and Councilmembers reported contact with public and staff.
- C) City Clerk presents correspondence and/or petitions – received copies of email addressed to City Council.
- D) Testimony, beginning with:

FRANK QUAN, Harbor and Beaches Coordinator, stated in 2009 the staff began a Harbor Financial Planning Study to project revenues and expenditures for the next 20 years. We worked with the firm Keyser Marston, who has done similar work for the City and for other harbors. It was identified that in the next 20 years our operating budget will have a cumulative \$3,400,000 shortfall and our Capital Improvement Program (CIP) will have a \$21,300,000 shortfall.

Using computer graphics he showed the revenue the Harbor receives: 71% is slip rental related (guest fees, slip fees, etc.), 19% is leases, 7% is parking lots, and 3% is investment income. The revenues pay for operations and capital improvements. Our operating expenditures are between \$5,400,000 and \$5,900,000 annually. In 3 of the last 5 years there have been shortfalls of between \$90,000 and \$230,000.

The CIP does major repairs to the Harbor's buildings, docks, parking lots, sidewalks, rip-rap (the big rocks that line the shore) and related utilities (sewer lines, electricity, etc.). The Harbor was built in the early 1960's. Some of the infrastructure has been replaced and some of it is still there. The total cost for our CIP over the next 20 years is \$23,800,000.

When we looked at the projections with the consultant our initial response was

to recommend an across-the-board slip increase, either in increments or all at once. We came up with a couple of different options. We then went to the Harbor & Beaches Advisory Committee and asked them to appoint an ad hoc committee to look at the projections and work with staff. The ad hoc committee recommended a tiered rate structure. Under the tiered structure the current slip permits will continue to be charged their current rate, plus an increase based on the Consumer Price Index (CPI) every 2 years. This is the same structure that's been in place since the rates were last raised in 2003.

New slip permits, issued on or after January 1, 2011, would be charged the market rate. We surveyed non-hotel and non-yacht club owned marinas in San Diego Bay, Mission Bay and Dana Point. Currently the rates are at \$10.10 and \$11.30 and this would raise them to between \$13.50 and \$17.30 per foot per month. The majority of our slips, almost 700 out of the 887, will be charged at the \$13.50 or \$15.00 per foot. We also average a 10% turnover every year. These rates would be adjusted every 2 years.

This plan provides a modest impact on the existing slip renters and reasonable costs for future slip renters. It puts the District in a solid financial position for the next 20 years and was developed and recommended by the Harbor & Beaches Advisory Committee, where it was unanimously accepted.

We are also recommending adjustments in the Miscellaneous Fee Schedule. These fees were last adjusted in 2003 and are for waiting lists, key deposits, dinghy rack fees, guest fees, etc. Some of these fees were adjusted for cost recovery and some were adjusted after surveying other marinas.

There are 2 new recommended fees. One is 25¢ for 5 minutes of water at the wash down area. The meter that services that area used 785,000 gallons of water last year and cost us \$2,616 so we installed meters that are not hooked up yet. We feel the 25¢ for 5 minutes will pay for the water and the maintenance for the coin meters. Our Clean Water people think there will be less pollutants washed into the storm drain if less water is used.

The second new fee is an Oceanside Police Department administrative cost recovery fee of \$165. It's the same amount that is charged for impounded vehicles in the rest of the City and would only be charged to registered or documented vessels, not dinghies. The total projected revenue from the adjustments over the next 20 years is a little over \$30,000,000.

At the last slip rate public hearing in April of 2009 staff was directed to provide a solid foundation of CIP needs, identify projected operating costs and work with the Harbor & Beaches Advisory Committee to identify the appropriate plan. The proposed rate structure provides adequate funds for operations, the CIP and the reserve fund for unanticipated needs.

Public input

SCOTT TOWNSEND, 1540 Harbor Drive North, lives on his boat in the Harbor and is a member of the Harbor & Beaches Advisory Board and sat on the ad hoc committee. We did run some ideas up the flagpole and he favors passing this proposal because it's a fiscally responsible decision. We have infrastructure that needs to be addressed and there is very little impact to current slip renters, which was a major concern. He urged adoption.

RICHARD TRUSTY, 360 Benevente Drive, represents the slip renters and sits on the Harbor & Beaches Advisory Committee. He thought this was going to be tabled for a little bit. When staff brought this to us, we didn't think during these economic times that it was an appropriate thing to do. That was across the board. The ad hoc committee came up with the tiered rate and he still doesn't agree with it. The City is

the landlord for the Harbor so if there is infrastructure that has to be corrected, then the City is responsible for correcting that for the tenant; the tenant being the Harbor District. The Harbor Patrol is now part of the Police Department so there is intermingling. Right now is not the time to raise rents. If an existing slip renter puts their son on the lease then it falls under the new tier and that's not fair.

ERNIE MORGAN, 1540 Harbor Drive North #A-18, lives on his boat in the Harbor (37 years) and was a little shocked to find that we are at this juncture again so soon since the last time. He encouraged Council to seek answers and wisdom in prayer.

PEGGY ASHBY, 1540 Harbor Drive North #N-13, has been a slip renter in the Harbor for 10 years. In 2009 they became live-aboards and we oppose the rate increase based on comparisons to other harbors. Oceanside does not have near the amenities that other harbors who charge that amount have. When the City starts talking about a \$3,400,000 shortfall, she questions why we are moving ahead with an Aquatics Center that's going to be pushing \$5,000,000. She urged Council to consider not raising rates. She asked how the tiered rate would affect them if they transferred slips as they are on a waiting list right now to do that.

RON PITKIN, 510 North Clementine, lives in the Harbor (P-13) and has been a live-aboard for 3 years. He is hearing rip-rap again. Since he's been in the Harbor he hasn't seen one of the rocks erode. What you are asking the slip renters to do is pay for amenities and upgrades that are in the future. Most businesses pay for the future and then charge it. The new \$650,000 bathroom is going to benefit the campers; it isn't on his side of the Harbor. Pay for it first and then ask us; we'll be more receptive.

CRAMER JACKSON, 1826 Burroughs Street, stated a tax is a tax, no matter what you call it. A 20% increase on his boat slip doesn't provide him with a swimming pool or room service on his boat. He's been down at the San Diego marinas and knows what they are getting for their rates. If you want to compare marinas you have to have the same amenities to compare with. He was there the last time they changed the rip-rap and all they did was dig it up and put it back on the side. He's never seen them change the rip-rap anywhere in the San Diego marinas. He is not in favor of a 20% increase to the slip renters.

LIZ RHEA, 4962 Gabrieliene Avenue, is a member of the Harbor & Beaches Advisory Committee and was on the ad hoc committee. This is 20 years of capital improvements to the Harbor and we need to fund that? It's not just the rip-rap. As everybody knows the bathrooms are lousy and there are a lot of things going against us. That's why we came up with the idea of a tiered system, to protect the slip renters who are there now; and she is one of them. If the new people who come into the Harbor get a reasonable rate increase, it will help to build the new bathrooms and the other things on our wish list. She is in favor of the raise to the new people. That's what they do when you come aboard as a new renter, your rents will be higher than existing renters.

DENNIS SCHWANDER, 5042 Nighthawk Way, has a boat in the Harbor. There was only a 3% investment income shown on the computer graphic and sometimes when he sends in his check it doesn't get cashed for 15 days or more. The Harbor needs to get that money into the City quicker so it can be invested. He likes the small Harbor. He grew up in Orange County and knows what it costs at Dana Point Harbor and other harbors. Our Harbor will never have the amenities of those other harbors so we should not be charging the same amount. Mr. Quan mentioned the last increase being in 2003, but he knows they get a CPI increase; he's paying the increased rate. He was grandfathered in and bought a boat that is oversized for his slip. The Harbor Department wants him to move his boat, but now he is worried that moving his boat will put him in the new rate tiered structure even though it's not his choice to move. He is perfectly happy where he is.

JERRY McARDLE, 1540 Harbor Drive North, his son and he have lived aboard

on H dock almost 15 years. If these fees go into effect with live aboard, etc., his rent will increase 33% in one year and in a City that has rent control, the trailer park owners aren't going to be happy with that. Anybody that's on a list should be grandfathered in, whether they've been waiting 6 months or 10 years. A lot of repairs to the Harbor are paid for by the Army Corps of Engineers and the State Boating and Waterways. The City gets grants from them to do a lot of that stuff. He would like Council to take a harder look at this before passing this resolution.

JIM JENKINS, 1429 Calle Marvella, is a member of the Harbor & Beaches Advisory Committee. The ad hoc committee worked hard at looking at other options and different methods. We agree that there are renovations that need to be done. The rates shouldn't be in comparison to other marinas because they offer so much more than we ever will. We do need rate increases to continue. The tiered rate is just an option to reward long-time renters. The permit structure is a big issue. If there is a direct change to your permit, it will knock those existing slip renters into Tier 2, which means they will automatically get a higher rate. He knows of 2 people in the Harbor that are getting married soon and they will be adding their new spouses to their documents and their permit. With that permit change they automatically get knocked into the Tier 2 program at the higher rates, which is a marriage penalty. If someone puts one of their children on their permit or documentation so they can keep it in the family after their death, then it's a change and they get knocked up to Tier 2, so that is a death penalty. There are a lot of grey areas that need to be looked into. Corporations look at trimming their fat before they hit customers with higher rates and fees. We need to look at the big picture and make sure we've looked at every option available. He is not against what is proposed but do it in smaller proportions and not such big impacts. We together will come up with better solutions.

WAYNE HILL, 1540 Harbor Drive North, has been a live-aboard in the Harbor for 18 years and supports the tiered program as it helps long-term renters. Most of the boaters in the Harbor didn't know last year that there was a Harbor & Beaches Advisory Committee. Out of 900 boaters, most didn't know the Committee existed. We were hoping for a work group. He has issues with some of the things proposed. For instance, when he got remarried, he had to pay a transfer fee to add his wife to the slip and it was several hundred dollars. He has never heard of someone paying a transfer fee to add a family member. He would like that to be readdressed. Transfer fees make sense when you sell a boat but not adding family on to something already there. When Councilmembers were discussing the fire contract recently they asked that we don't compare ourselves with other cities and we can't compare our Harbor to others. He spoke about the issue that his 15-year-old son could not be added so could not be grandfathered in when he turns 18.

KEVIN BYRNE, 4444 Point Vicente, sits on the Harbor & Beaches Advisory Committee and supports the proposal. This Harbor was originally built 50 years ago and is an aging infrastructure. As time goes by these civil works don't get cheaper to build out. We need to assure that we have adequate funding 20 years from now so we can incrementally keep the quality of the Harbor at least as it is today at a minimum. The proposed tier structure for rate increases is very fair and will go a long way into assuring that we have these funds.

DAVID STONG, 5154 Wisteria Drive, spoke previously to Mr. Quan about the commercial fishing fees. They pay a significantly reduced or discounted slip rental fee and no one seems to know why. Some people think years ago the City received money because we had a commercial fleet, but Mr. Quan said that hasn't been the case since he can remember. Why is he being asked to subsidize the commercial fishing fleet. They should pay their fair share and the rest of us can pay a little bit less. There might be a part of the puzzle he doesn't know about but he is willing to hear an explanation. Earlier it was mentioned that corporations trim fat and, being a banker, he knows that the first thing businesses do in tough times is look at their overhead and expenses. There are 2 sentences in the report by Keyser Marston that address the expenses, but there is no analysis, justification or discussion as to whether those expenses can be

reduced or managed. Expenses need to be looked at first. 29% administration strikes him as being high for a business organization. This 33%-90% increase in this economy is just too much. Maybe there is an increase that does make sense but this is too much.

DAN FELZER, 1540 Harbor Drive North #102, has lived on his boat for over 10 years. This presentation on the 20-year plan raises more questions than it answers. This is our money that you are spending; not the City's or the Harbor's. You are asking the Harbor taxpayers to fund a bathroom on the beach that's going to cost \$685,000. Why do slip renters have to pay for a bathroom or an Aquatics Center since we're not using it.

He asked what the amount of the 3% income from investments is, so how much investment capital do we have? He went on the web site to view the Comprehensive Financial Report and there was only 2008. The budgets tell us nothing, they are somebody's idea of what it should be. We need a few more answers before you start hitting us with these high slip and transfer fees.

CHEYENNE ATHEN, youth, lives in the harbor and stated before we get giant increases in our rent, the bathrooms need to be fixed because our bathroom only has one shower that works. We've called and left messages about it for the last 2 months. A bathroom on the beach doesn't help us when our bathroom doesn't work.

BERNARD TINANT, P.O. Box 2212, Borrego Springs, has a live-aboard slip in the Harbor and isn't necessarily against this resolution because he understands capital improvements have to be paid somehow. In the resolution on Page 2, lines 6-8, it states a slip renter who sells their vessel and wishes to retain their slip may do so provided they purchase another vessel within 90 days. It implies that the existing slip permit will stay in effect. What it doesn't state is that if you buy a bigger boat, you're going to pay the new slip rental fees.

Every 2 years the slip fees are going to go up for everyone since they are based on the CPI. If it gets to the point where people can no longer afford the size boat they have and need to downsize and move to another slip, then the new fees will now apply to the smaller boat negating any cost savings. If the intent of the resolution is to shield existing slip renters from new fees, the language needs to be more specific in all the situations where that would apply.

BOB ROBISON, Bonita, Oregon, stated Oceanside is a tourist town and the Harbor is the reason why. To penalize the people in the Harbor because they own boats then you are shooting yourselves in the foot. The east coast used to have lots of boat builders but the government decided to tax them with a luxury sales tax and it put almost all the boat builders out of business which lowered the government's income.

GEORGE RHEA, 4962 Gabrieliene Avenue, has a boat on Y dock that they've had for over 10 years. All of us want Council to realize that when you say you are going to raise our rates \$3.00 and think it doesn't sound like much, add that up per foot for a boat and it is astronomical. The Harbor is an Enterprise Fund which means that it's self-sufficient and all of the money that's generated stays within the Harbor District, but it doesn't do that. We see our maintenance people working on the pier and our Harbor Police are seen at the pier, etc. They are needed in the harbor. This tier rate works but the one problem is the permit transfer fee. There should be a provision where if you show an official document, i.e. marriage license, birth certificate, death certificate, etc., you shouldn't have to pay anything to add/delete that person to your slip. He urged Council to not vote on this tonight and work on it more.

JOE KRAMER, 1419 Belmont Park Road, rents a slip in the Harbor and opposes the resolution because of the market study and he doesn't know that it's giving a fair analysis of what's out there. He reviewed rates within San Diego harbors and explained the differences. The hotels in Oceanside don't base their rates on what the Marriott is charging in San Diego or Dana Point. The market analysis needs more work. We need

to base the rate on the geography of what we have; a remote Harbor away from other things. It's 24 miles to the next nearest place to get fuel outside of our Harbor. That's why we are currently one of the cheapest harbors on the coast.

PATRICIA GADBOIS, lives in Orange County and has a boat on J Dock. When she first came to the Harbor 13 years ago, it took 9 officers to patrol the Harbor 24/7. Each one of those officers was trained to dive, be firemen and gather evidence in a marine environment. Now officers are coming into the Harbor with none of that special training. There are lifeguards who are filling in but there still seems to be a public safety vacuum. It seems that the services that boaters are getting have been greatly diluted and public safety is a tremendous issue.

DAVID ALBERT, 603 Seagaze Drive #306, has lived on I Dock for the last 16 years. We are treated like a Golden Goose. When the City coffers are hungry, they come to the slip renters. There are other harbor users using maintenance resources, etc. A tiered system is good. He was shocked at the 4.3 raise. His income has gone down 70% because he is a real estate broker. He volunteers as the Port Captain at the Oceanside Yacht Club and he gets calls from people who are boaters in the slip at the Harbor check-in area hailing 16 (emergency channel) and they cannot get a response from the Harbor office. They are trying to get a slip but no one is there.

JOHN ALVAREZ, 1540 Harbor Drive North, has been a live-aboard for 17 years and has had a small business in the Harbor for 16 years. Most of these people are hard-working and don't have the luxury of putting in overtime and getting paid for it as we are self-employed. He's been through the rip-rap, which was a 90-day program (at low tide) that turned into 9 months and the bridge, etc., causing him financial problems. He understands that Oceanside has an 8.75% sales tax and he read that the City gets about 1% of that back. He wants to know where the Harbor's share of that is. The Harbor generates a lot of money. He is curious about what the Harbor pays for labor, pension, wages and overtime. The revenues are not going to pick up next year, etc. There needs to be cuts and then we'll pay our fair share.

LES GEORGE, 1520 Valencia Street, has been in the Harbor for about 30 years and owns a small business in Oceanside and he opposes the increases because of the fees on the side. A lot of these fees have been recommended by staff with no justification as to why you have to be penalized to get married or divorced, etc. We've already outsourced our Police Department and a lot of boaters have great issues about losing the expertise we had in the Harbor. He is going to work with the Chief to protect our boaters and the citizens who come into Oceanside. We spent \$500,000 on 2 boats that are sitting in the Harbor and most of the time aren't used. We have a lot of things that need to be addressed but what we don't need to do right now is jump into a fee increase. The tier program is a good idea if you are coming into the harbor but it penalizes many who have been here a long time. If we want to continue to be a business-friendly and visitor-friendly City, we need to provide protection and a great environment to come to.

BETTY HOMA, 1540 Harbor Drive, lives on Y Dock and was at the last meeting where we talked about fees. She brought up the impact fees and no one knew what happened to them. She still would like to know where the millions of dollars in impact fees are. This was supposed to be used for the Harbor. We shouldn't even be here tonight because the impact fees should have covered this. What happened?

Public input concluded

Mayor Wood closed the public hearing.

CITY MANAGER WEISS believes all of the Harbor officers that were assigned to the Harbor before the merger are still assigned to the Harbor.

MR. QUAN stated there are 2 rip-rap jobs on the CIP list. They are both very

expensive jobs. The rip-rap in those 2 areas has not been touched since the early 1960's. What happens is it sloughs down and slowly starts to move toward the water. It needs to be dug out and the slope needs to be regraded and it's a very expensive operation.

If you move a boat, you do need to get a new permit.

We do use grants from the Department of Boating and Waterways. The launch ramp was built with grants and our pump-aheads are paid for with grants, but we can't rely on those for long-term repair. Right now the Department of Boating and Waterways is not giving out grants.

For the over 30 years he has worked for the Harbor he has heard the rumors that the federal government gives the Harbor money for commercial fishing, but he's never been able to track down the source of that rumor or find out if it's true. He doesn't see any money coming in from the federal government for commercial fishing. On our tiered rate plan our commercial fishing industry had died off so much that we've discontinued the discounted rate.

The 29% administration cost includes the debt service. We have some outstanding loans to the Department of Boating and Waterways for emergency repairs back in the 1980's and early 1990's.

Pier 32 is a beautiful marina, but it's also an hour or two transit from Point Loma. If you have a boat at Pier 32 you have to take your boat all the way up to Point Loma to get out to the ocean. Oceanside, from the furthest corner in the Harbor, is 10 to 15 minutes to the ocean.

He can look into impact fees. He's not really sure what Mrs. Homa is referring to.

A slip swap to another slip does not generate a new permit. Under the tiered rate structure you would be paying whatever you are paying on that permit.

COUNCILMEMBER SANCHEZ asked why staff picked the 3 marinas they picked to compare and determine a market rate for this two-tiered system.

MR. QUAN responded they actually picked several marinas that were non-hotel. They didn't pick the Marriott, Hyatt or the San Diego Yacht Club. San Diego Yacht Club has a very low per foot rate but they make it up on their membership fees. At the Marriott you can get room service. We surveyed non-hotel and non-yacht club owned marinas. We didn't geographically separate those. Mission Bay does not allow live-aboard boaters. It's very hard to compare apples to apples in a marina setting. We don't have a pool or exercise room but we give the boaters free electricity. A lot of marinas sub meter their electricity. We used a formula that we've used in the past. We did our best.

COUNCILMEMBER SANCHEZ stated it is an Enterprise Fund issue. We have the Harbor and it needs to pay for itself. The Harbor has definite and specific needs and we have been advised that the best way to achieve and get projects done is to have the money up front and not be bonding out. We've heard that we need to be more efficient and effective with tax dollars and the user fees. Council is cognizant of goals that we have of doing things as efficiently and effectively as possible without costing anyone more than it has to. This is not a private business; private business would be adding profit margin. We are talking about real costs and projections.

Council tasked the Harbor & Beaches Advisory Committee to come up with a plan and we knew it was going to be some kind of fees. We didn't like the fees that were proposed before and we thought they were onerous. She had hoped that the Harbor & Beaches Advisory Committee would work with the slip owners and come to an

agreement as to how to achieve this. It sounds like several people didn't know what was going on. The City's web site does include the minutes, notices for meetings and what's going to be discussed at the meetings, including the Harbor & Beaches Advisory Committee. She is puzzled about that and concerned about the potential lack of notice to the public.

Her first reaction to the two-tier was that she doesn't believe in creating 2 classes of people. However, in the long run she believed in the people on the Harbor & Beaches Advisory Committee to come up with something equitable to everyone. We have a 5-year waiting list and no vacancies. The average turnover is about 100 per year. She reluctantly believes that we need to go forward with this. She would like to see this effective on July 1st instead of January 1st. She also thinks we should allow for the transfer from husband to wife because it's a community property issue. She doesn't understand the issues about transferring to someone who is underage. The issues that were raised by the current slip owners had to do with the transfer issues between family and the lack of notice. We tried to do even more notice.

Addressing the question of adding a minor to the permit, **DON HADLEY**, Consulting Assistant, responded that because the permit gets signed by everybody listed on the permit, it is a legal and binding document and having a minor sign it is unenforceable.

CITY ATTORNEY MULLEN stated this is in the nature of a lease and a minor can't enter into a contract with a governmental agency and be bound by the terms of that agreement.

MR. HADLEY stated that typically he has seen family trusts being created that address the slip, the boat, etc., for down the road when maybe someone passes away and the minor becomes an adult. As it is now all signers must have the ability to be an adult and sign the document.

COUNCILMEMBER SANCHEZ doesn't know if there is something in the law where you can't contract because you're a minor, but the intent is to include you in the contract because you are a close relative.

CITY ATTORNEY MULLEN stated we could move for approval of this rate structure with the modifications that it isn't effective until July 1, 2011, and that it allows transfers between immediate family members without triggering the higher rate. We could then make modifications to the resolution to put that into effect if that were the policy decision of the Council. He clarified that we are talking about transfers to an adult child. If you made a transfer to an immediate family member who is an adult child, then you could include that in the resolution if that were the will of the Council.

COUNCILMEMBER SANCHEZ asked if that would have a significant impact on your projections in terms of revenue.

MR. HADLEY responded no.

[Recess was called from 7:44 PM to 7:52 PM]

During the break it appears there are more questions so **COUNCILMEMBER SANCHEZ** proposed that Council direct staff to have a neighborhood meeting to discuss these issues. We need to raise a certain amount of money during a certain period of time to insure that the maintenance, operating costs and capital improvements get done in the most efficient and effective way possible.

She **moved** to return the matter back to staff for a neighborhood meeting to discuss these issues and come back with a refining of the recommendations.

MAYOR WOOD seconded the motion.

COUNCILMEMBER KERN thinks it should be a Harbor & Beaches meeting with staff and then bring those recommendations through Harbor & Beaches back to Council, instead of just having a community meeting and relaying it directly from the community to Council. It sounds like the real sticking point is the transfer fees between family members (spouse and children) so we need to work that out. The City Attorney's office would have to work out what constitutes an immediate family member. People realize the Harbor needs improvements and how we fund that. He would like to see it go before Harbor & Beaches in November or December and then bring it back to Council within 90 days so we can move forward.

CITY MANAGER WEISS heard concerns that the community was not directly involved. We do neighborhood and community meetings for other projects and it would make sense for us to go back to that community in a less formal setting and then bring that to Harbor & Beaches, and include the Committee in that meeting as well. We have a proposal and now everyone can look at this and decide what little tweaks need to happen and bring those forward. Staff's goal would be to bring it back in fairly short order.

COUNCILMEMBER KERN stated we can't keep kicking this down the road. Everybody knows the shape of the bathrooms and everything else down there.

COUNCILMEMBER FELLER asked staff to please fix that little girl's bathroom who spoke earlier. He did say we should be charging the tenants rates that cover the costs plus setting aside the rainy day fund. At the end of this 20 years are we going to end up with zero money or will we have spent money as we went along to get to zero.

MR. QUAN responded at the end of 20 years we projected about 5% contingency; close to \$10,000,000.

COUNCILMEMBER FELLER asked what live-aboards receive for their rent.

MR. QUAN responded they use the services more. A normal slip renter will be on their boat a couple of days a week so they will use the sewage, water, electricity, etc. for a portion of the week where a live-aboard uses it every day. Everybody receives free electricity, water and showers.

COUNCILMEMBER FELLER concurs with the proof of immediate descendants. In a letter we received from Kitty May she stated if you have lots of extra money you are willing to spend, you can jump to the head of the line and get a slip immediately. Even though Oceanside Harbor owns the slip, boat owners who sell a boat can transfer the slip rights with the boat and make a huge amount of money off of the City's assets by inflating the value of the boat. If the taxpayers knew that public property was being sold for private profit would they be outraged. A transferrable slip is a good selling point for an owner but is it fair to make a significant amount of money off the sale of something you do not own and is it right for someone who has plenty of money to get a slip at-will while scores of people patiently wait.

The waiting list fees bother him. Some of those are 3-10 years and we're talking about raising that to \$100, is that correct?

MR. QUAN responded the annual renewal will go down \$25, which is a 33% reduction. The initial fee goes up from \$75 to \$100 but the renewal goes from \$75 to \$50. We have to give people a reasonable amount of time to respond to our telephone calls. We will have an empty slip and call somebody and we have to give them a week or so and if they don't want it we have to go to another person, etc. Before we started charging a fee for that, we'd have a slip open for a month or two, so we were losing that revenue. This keeps people on the list that really want to be on the list.

COUNCILMEMBER FELLER stated Kitty May has this spot on as far as the way

we transfer slips and if we are going to charge them a fee to stay on that list, they should also be given a fair shot at getting a slip. It appears the person with the most money has the best deal.

What have the slip rents been over the last 10 years? He would like to see a graph of some sort at the meeting coming forward. He doesn't see this as too much of an impact for current slip renters. He asked about the investment capital.

MR. HADLEY responded what funds are in our allocated reserve funds goes into the City's investment pool until it is needed to be withdrawn for an expenditure and that current rate of return is 3%

CITY MANAGER WEISS stated the unallocated balance in the Harbor Fund right now is \$6,200,000. That does not include any allocations that you've recently made as of year-end June 30th.

MR. HADLEY stated the Harbor made \$120,000 in investment revenue for 2010.

COUNCILMEMBER FELLER assumes staff would like to have this resolved in time to talk about the budget for 2011-2012 or sooner.

CITY MANAGER WEISS stated this action will have no effect on the City's General Fund budget.

COUNCILMEMBER FELLER stated there was a claim that we are using Harbor funds for other parts of the beach and that didn't get answered.

MR. QUAN responded we do occasionally send maintenance staff to the beach or the Pier and then we charge their time to the General Fund. If we take a maintenance worker who is normally assigned to the Harbor and he goes down to the Pier for a special event or other reason, we charge his time to the Pier account.

COUNCILMEMBER FELLER asked if we charge the Harbor Fund if we send the Fire Department or Public Works down there.

MR. QUAN responded no.

COUNCILMEMBER LOWERY stated the entire City paid to build the Harbor and we were assessed on our property taxes for years. A lot of people received no direct benefit from that. The Harbor is a gift to the whole City and hopefully we can work something out that most are happy with. He suggested that anyone who intends to come to the community meeting come prepared with some suggestions so we can move forward with what people would like. Most of what we have tonight is what staff and the consultant came up with and isn't so much what the community would like. Staff has done a ton of work on this project and we have a sufficient amount of data to look at what they are suggesting.

MAYOR WOOD understands that with the economy the way it is no one wants to see any increases in anything. However, sometimes you also see the necessity. The Harbor is a tourist draw. Some of the assets down at the water deteriorate quicker than everywhere else. We are trying to make it painless in trying to keep a future and a budget. Having \$6,500,000 in the reserve account is quite a small amount for a Harbor that size. We've lost a lot of funds in the City as well. He would love to hear some positive input at these meetings and suggestions on how we pay for these things. Nobody wants a rate increase. The Harbor & Beaches Advisory Committee didn't have an easy job but they came up with an interesting approach that lets new people pay for a little bit of the stuff. He doesn't like tier systems normally but it was a way to address this problem.

Motion to direct staff to return to the Harbor & Beaches Committee and the community for refinement; and reschedule a public hearing in a timely manner; **Motion was approved 5-0.**

20. **City Council/Harbor/CDC: Adoption of resolutions approving amendments to the Local Conflict of Interest Codes for the City of Oceanside, Oceanside Small Craft Harbor District and Oceanside Community Development Commission**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff. Councilmember Kern reported no contact.
- C) City Clerk presents correspondence and/or petitions – 1 email which Council received.
- D) Testimony, beginning with:

JOHN MULLEN, City Attorney, stated this is the bi-annual amendment to the City's Local Conflict of Interest Code. The Political Reform Act requires the City to adopt a Local Conflict of Interest Code and that document serves as the legal instrument to require public officials in the City and designated employees to disclose their financial interests. Each agency must review its Conflict of Interest Code every 2 years and account for changed circumstances. We must identify new positions and remove deleted positions, as well as make modifications to the disclosure categories to the extent they're needed.

The Local Conflict of Interest Code consists of the adoption of Fair Political Practices Commission (FPPC) Regulation 18730. That regulation identifies when Statements of Economic Interests are due, describes what types of interests must be disclosed and imposes various disqualification provisions. The Local Conflict of Interest Code also includes a list of designated positions set forth in the Appendix to the Local Conflict of Interest, and within that Appendix we identify what types of investments must be disclosed by the designated officials and employees of the City.

Tonight's amendment focuses solely on the Appendix to the Local Conflict of Interest Code. It adds in the new positions that are subject to disclosure and deletes those positions that no longer exist. Only those employees or officials that make or participate in the making of a governmental decision are designated. To make a governmental decision means to vote on a matter, approve a budget, to adopt policy, make purchasing decisions or enter into a contract according to FPPC regulations. Participating in the making of a governmental decision means to negotiate the terms of a contract, write specifications for a bid or to make staff recommendation to a decision-maker of the governing body.

The FPPC advises local agencies not to designate members of boards and commissions that are solely advisory or to designate those employees whose positions are clerical, manual or ministerial.

The Appendix is before Council showing the changes. He has identified the added positions and deleted those positions that no longer exist and has identified the disclosure obligations for the new positions. A few corrections however, are needed: on Page 4 of the Appendix there are no disclosure categories that were identified for the positions of Financial Analyst and Harbor & Beaches Coordinator; those should have included a Category 2 so we will add that assuming the Council approves the resolution. Also, the Project Area Committee (PAC) no longer exists, so that should be stricken as well. Finally, it is his advice to remove the Integrated Waste Commission as that was not part of the 2006-2008 Appendix. It was added subject to further research. He has completed that research and determined it's purely advisory and should be removed.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated the City Code gives the right to the Integrated Waste Commission to look at the finances that are involved so he asked why they are being removed.

CITY ATTORNEY MULLEN responded they have actually never been included in the Appendix. We last adopted our Local Conflict of Interest Code in 2006 and that Commission has never been included. We did a review in 2008 and there were no material changes that were required so we did not bring that forward to Council. Though he did initially place it on Integrated Waste, it was based on a misunderstanding that the Commission was involved in the negotiation of the agreement with Waste Management. That is not the case so since they are purely advisory, and the FPPC advises that purely advisory commissions not be required to disclose, that's his recommendation.

HOLLY HARGETT, 1220 Vista Way, is curious why the Telecommunications Committee isn't added into this group. They did recently approve and vote on the wireless draft ordinance.

CITY ATTORNEY MULLEN responded that's a commission that is simply advisory to the City Council.

Public input concluded

COUNCILMEMBER SANCHEZ moved that the City Council, Harbor District Board of Directors and the Community Development Commission adopt the resolutions [**Resolution No. 10-R0751-1 (Council)**, "...approving and adopting amendments to the Appendix of the City of Oceanside's Local Conflict of Interest Code", **Resolution No. 10-R0752-2 (HDB)** "...approving and adopting amendments to the Appendix of the City of Oceanside's Local Conflict of Interest Code", and **Resolution No. 10-R0753-3 (CDC)** "...approving and adopting amendments to the Appendix of the City of Oceanside's Local Conflict of Interest Code"], as amended by City Attorney Mullen.

COUNCILMEMBER LOWERY seconded the motion.

Motion was approved 5-0

Mayor Wood determined to hear Item 12 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

12. Mayor Wood: Appointments to, or motions for removal from, some or all of the City's Citizen Advisory Groups

<u>ARTS COMMISSION</u>	<u>TERM EXPIRES</u>
Move Phillip Needleman to Regular (Replacing Chuck Lowery)	7/1/13
Move Jane Dancison to Regular (Replacing Carolyn Mickelson)	7/1/13
Appoint Natasha Bonilla Martinez to Regular: OMA Rep. (Replacing Skip Paul)	7/1/11
Reappoint Dana Smith to Regular: MiraCosta College Rep.	7/1/13
Reappoint Karen Williams-Graham to Regular	7/1/13
Appoint Marilyn Huerta to Alternate I (Replacing Jane Dancison)	7/1/11
Appoint Gregory Snaer to Alternate II (Replacing Phillip Needleman)	7/1/12
<u>BUILDING AUTHORITY</u>	
Appoint Maria Pollack to Regular (Replacing Ann Speraw)	11/13/12

TERM EXPIRES**COMMUNITY RELATIONS COMMISSION**

Appoint Gary Knox as Regular (Replacing Zack Beck)	7/1/12
Appoint Jack Shirley as Regular (Replacing John Dise)	7/1/13
Appoint James Stumpfel as Regular (Replacing Joe Stone)	7/1/11
Appoint Amy Forsythe as Regular (Replacing Tevesi Faapouli)	7/1/13

ECONOMIC DEVELOPMENT COMMISSION

Appoint Man Lai Tam as Regular: Community at Large	9/26/12
Move Thomas Nunan to Reg: Manufacturer (Replacing Kevin Stotmeister)	9/26/12

EL CORAZON COMMISSION

Per Resolution No. 09-R0712-1 term of membership is determined by a draw of lots at the first regularly scheduled meeting.

Appoint Diane Nygaard as Reg: Previous ECOC Member
 Appoint Margaret Hernandez as Reg: Previous ECOC Member
 Appoint Jerry Salyer as Reg: Previous ECOC Member
 Appoint Joan Bockman as Reg: Previous ECOC Member
 Appoint Vanessa Webster as Regular
 Appoint Hugh LaBounty as Regular
 Appoint Sharon Dudzinski as Regular
 Appoint Elaine Barton as Regular
 Appoint Ruth Szabados as Regular
 Appoint Tina Ortiz as Regular

HOUSING COMMISSION

Reappoint Sandy Saiz as Regular	7/1/13
Reappoint Jacquelyne Camp as Regular	7/1/13
Appoint Robert Mikulay as Regular (Replacing Kathleen Christy)	7/1/13

INTEGRATED WASTE COMMISSION

Appoint Stephnie Clark to Regular (Replacing B. Belknap)	7/1/11
Appoint Erin Morin as Regular (Replacing Joseph Gallagher)	7/1/13
Appoint Nancy Strauss as Regular (Replacing C. Bradshaw)	7/1/12

LIBRARY BOARD OF TRUSTEES

Reappoint Mary Jean Paxton to Regular	12/31/12
Appoint Kathleen Christy as Regular (Replacing Art Mandelbaum)	12/31/12

MANUFACTURED HOME FAIR PRACTICES COMMISSION

Reappoint George McNeil as Regular	8/22/13
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PARKS AND RECREATION COMMISSION

Reappoint Angela Stonebraker as Regular	7/1/13
Appoint Jerry Anderson as Regular (Replacing Vacant)	7/1/11

<u>POLICE AND FIRE COMMISSION</u>	<u>TERM EXPIRES</u>
Appoint Ken Crossman as Regular (Replacing Jack Goslin)	8/1/13
Appoint Gene LaRue Jr. to Regular (Replacing Donald McKinney)	8/1/11
<u>REDEVELOPMENT ADVISORY COMMITTEE</u>	
Reappoint Robert Gleisberg as Reg: Chamber Rep.	7/1/13
Reappoint Richard Wright as Reg: Main Street Rep.	7/1/13
<u>REHABILITATION LOAN REVIEW COMMITTEE</u>	
Reappoint John Todd as Regular	5/24/13
<u>SENIOR COMMISSION</u>	
Appoint Patricia Ayers to Alternate I (Replacing Vacant)	2/10/11
<u>TELECOMMUNICATIONS COMMITTEE</u>	
Appoint Holly Hargett as Regular (Replacing Joseph Weiner)	9/27/12
Appoint Sharon Newbery as Regular (Replacing Vacant)	9/27/13

MAYOR WOOD moved to accept these nominations to committees and commissions.

COUNCILMEMBER SANCHEZ seconded the motion.

No public input

COUNCILMEMBER KERN stated on EDC those are slotted positions and Kevin Stotmeister is a manufacturer. Tom Nunan is a great guy but he was not in manufacturing; he was in the service industry. He can't support this unless we have the manufacturer on EDC because it is critically important to have somebody on EDC that can talk to other manufacturers, keep them in town and attract more to Oceanside. When we have slotted positions specifically set up, we should keep those within that realm of the people who are actually in those businesses because they speak a different language than the rest of us. He is fine with the other nominations.

COUNCILMEMBER FELLER was going to bring up that same point so he doesn't support that change. On the El Corazon Commission, the Chairman has been taken completely off the list and he doesn't understand that. He was there and participated for at least 2 or 3 years. We have more positions to fill and Integrated Waste is down from 4 appointments to 3. Art Mandelbaum did reapply for Library Board of Trustees and you are replacing him and he has a great deal of history. Don McKinney still had a year left on his appointment on the Police and Fire Commission. He doesn't understand how we eliminated all of those people who have a lot of years on their committees and commissions. Without some explanation he can't approve those.

MAYOR WOOD went through a long list of people and there were a lot of applications and this is what he came up with. He requested more people put their applications in because there are other openings. If he doesn't get an application from people that are interested and have that cleared through the Police Department, he can't even nominate someone. As to the other questions, this is a decision he made after talking with several people. He did not see an application from Mr. Mandelbaum.

COUNCILMEMBER FELLER disagreed. We have a stack of applications.

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

INTRODUCTION AND ADOPTION OF ORDINANCES - None

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

18. Communications from the public regarding items not on this

J.C. PLAYFORD, 1251 Olive Street, Ramona, asked for the exact amount of drugs and money that's missing out of the Oceanside Police Department. He commented on a woman police officer exposing herself and taking pictures in uniform and showing it to other officers and asked how far up in rank the pictures went. He has requested in writing the number of police officers who have had DUI's in the Oceanside Police Department. He got back zero but he knows more than 5 who have had them and he filmed 2 of them. He cited an incident number that he requested people look into. There is a lack of leadership.

CITY COUNCIL REPORTS

13. Mayor Jim Wood

MAYOR WOOD attended Harbor Days and he liked the changes that were made this year. Frances Vendermeyer turned 100 years old. Harry Homer and Russ LaPorter passed away. The Senior Citizen Expo Fair is October 9th.

14. Councilmember Jack Feller

COUNCILMEMBER FELLER attended the Civitan installation dinner. He attended a couple of business visitations: BDS Tactical Gear and Quantum Learning Center. Oceanside High School is having their grand reopening of the field on Friday night. Dick Coppens passed away. This afternoon was the funeral for Harold Deibert. Homer "Skip" Skillion passed away; he was 107 years old.

15. Councilmember Jerome Kern

COUNCILMEMBER KERN also attended Harbor Days as logistics chair and the new format worked well.

16. Councilmember Charles Lowery

COUNCILMEMBER LOWERY attended the McAuliffe Elementary School's Second Annual Walk to School Event today. The Boys and Girls Club is having their 23rd Annual Night Out Comedy Night on October 21st. The Arts Commission has a new brochure called the Oceanside Harbor Arts Walk.

A lot of people turned out for the Interstate 5 widening discussion. Because there have been so many requests to find out more about this, they extended the public comment period to November 22nd.

17. Councilmember Esther Sanchez

COUNCILMEMBER SANCHEZ attended the Harbor & Beaches Advisory Committee. October 15th is the Oceanside High School Homecoming Alumni Reception. October 16th is the Oceanside High School Hall of Fame. Starting Wednesday, October 13th the Coastal Commission will be meeting in Council Chambers and will continue through Friday. The Interstate 5 widening was well attended and much more information is still needed.

October 6, 2010

Joint Meeting Minutes
Council, HDB and CDC

ADJOURNMENT

Following a moment of silence for the people who passed away, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:44 PM on October 6, 2010. [The next regular meeting is Wednesday, October 20, 2010, at 3:00 p.m.].

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside