



California

ITEM NO. 6

CITY OF OCEANSIDE

JOINT MINUTES OF THE: CITY COUNCIL

SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION

NOVEMBER 1, 2006

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

**4:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL),
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND
COMMUNITY DEVELOPMENT COMMISSION (CDC)
- REGULAR BUSINESS**

**Mayor
HDB President
CDC Chair**
Jim Wood

**Deputy Mayor
HDB Vice President
CDC Vice Chair**
Shari Mackin

**Councilmembers
HDB Directors
CDC Commissioners**
Rocky Chavez
Jack Feller
Esther Sanchez

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

Treasurer
Rosemary Jones

**Interim:
City Manager
HDB Chief Executive Officer
CDC Executive Director**
Barry E. Martin

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:01 PM, November 1, 2006 by Mayor Wood.

4:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Mackin and Councilmembers Feller and Chavez. Councilmember Sanchez was absent. Also present were Assistant City Clerk Holly Trobaugh, Interim City Manager Martin and City Attorney Mullen.

COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

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

CITY ATTORNEY MULLEN titled the following agenda item to be heard in closed session: Item 2.5 on the agenda addendum and Item 2 [Item 1 was not heard.] Closed Session and recess were held from 4:02 PM to 5:03 PM. [See the report out on

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MEETING BY CITY COUNCIL**

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these items at 5:00 PM, Item 3.]

5:00 PM

MAYOR WOOD reconvened the meeting at 5:03 PM. All Councilmembers were present. Also present were Assistant City Clerk Holly Trobaugh, City Treasurer Jones, Interim City Manager Martin and City Attorney Mullen. Pastor Stephen Miraflor, with The Life Church, gave the Invocation. Michaela Rene Gonzalez led the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

- Presentation – "Pet of the Month"

JULIE BANK, Executive Director of the North County Humane Society & SPCA, brought the "Pet of the Month," a dog named Sugar that needed adoption

- Presentation by Steve Campbell of SDG&E of a check in the amount of \$10,219 to the City of Oceanside for the Oceanside Transit Center Parking Structure for its energy savings under the "Savings by Design" Program
- Proclamation – White Cane Days – November 3-5, 2006 – Oceanside Sea Lions accepted the proclamation
- Proclamation – Wounded Warrior Day – November 10, 2006 – Major Gregory Feleppa and Gunnery Sgt. Mel Greer accepted the proclamation

Changes to the agenda - **Assistant City Clerk Trobaugh** reported that Item 20 on the Consent Calendar has been pulled off the agenda by staff. Item 25 has been continued to the November 15 meeting.

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

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

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

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

No closed session was held on this item.

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

PUBLIC EMPLOYEE APPOINTMENT

- A) City Manager

There was no reportable action.

ADDENDUM ITEM:

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

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

Catalina Mobile Estates v. City, Superior Court Case No. GIN048748

There was no reportable action.

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**

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

LARRY BARRY, 3973 Brown Street, has a problem with how the City pays its bills and makes commitments, in particular the Malkin deal that went from \$9,000,000 to \$27,000,000. He is confused about these numbers and what Councilmember Mackin has stated recently about costs. We are spending so much money, and it appears there is no concept of what things cost. We need to reign in on the prices and hold everyone accountable.

NADINE SCOTT, 550 Hoover Street, an activist and lawyer, lives in the Loma Alta Neighborhood. She has examined records, and Deputy Mayor Mackin has not gone twice over her credit card budget.

She wanted the public to know about a dangerous situation the City is getting into, i.e. allowing Robertson's concrete plant on Industry Street adjacent to Fire Mountain and the Loma Alta neighborhood. Hundreds of dirty trucks will travel on Oceanside Boulevard and El Camino Real, endangering the safety and quality of life of citizens and businesses. Robertson's has been run out of the cities of Vista and San Marcos, and they have a long list of violations wherever they locate: air, water, stormwater pollution, etc. We need to stop Robertson's from coming to Oceanside. She requested Council to immediately call a moratorium on all heavy industrial uses on the Oceanside Boulevard corridor.

BRENDA SOUZA, 3621 Vista Campana South, has already voted. She has worked in city and state politics and understands it. She reported on the full-page ad running in the newspaper, noting that it was paid for by the airport, which owes the City money. She feels it is so unfair when the City Council itself gangs up on one person on the Council and makes them look bad. She hopes they will take the high road when running for election. For all who have not voted, either vote or do not complain.

KAY PARKER, 4377 Albatross Way, serves as the City's representative on KOCT's Board of Directors. She wanted to announce KOCT's fundraiser on November 11 at the Outback [restaurant]. She further reviewed KOCT's work through telecommunications to bring families together with their military members serving in Iraq.

JIMMY KNOTT, 124 Sherri Lane, stated the number 1 citizen complaint these days is election pollution. One problem is the sign war, to the point of trash and visual pollution. Also are the phone calls and childish actions with campaign signs. This Council can strengthen campaign spending limits and election controls. He asked this Council to immediately start by establishing a committee and tightening our local controls. He suggested starting with a \$10,000 limit for campaigns for all political action committees.

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KATE KING, 901 San Juan Place, stated that in 1999 she purchased a house in Francine Villas based on what she could afford. The first time she had a family gathering, they were appalled. The community was very blighted and had 3 fatal shootings. Since those 7 years they have worked hard to change their community. She reported how they tried to get help from City offices and were at a stalemate. No one wanted to hear their problem. She reported how Councilmember Mackin stepped in and helped advocate for them.

HEATHER RAWLINGS-HUTCHINSON, 1018 San Juan Street, from the Francine Villas/Capistrano community, wanted to thank Councilmember Mackin, her Aide and City staff for their time and energy to help make their neighborhood a better, safer place. There has been a history of base traffic, crime, drugs, transients, etc. Emails and calls to this Council had no results. Shari Mackin's involvement got their neighborhood the attention it deserved, and they are now an organized group working together to make their area a better place to live.

SHELLEY HAYES CARON, Marron Adobe, Carlsbad, provided a quick update. The Buena Vista Creek valley is 95% funded; they are under \$300,000 with 7 weeks left. To help save the valley, people can contact Preserve Calavera on the web site.

She quoted from Thomas Jefferson and reported on Shari Mackin's quality characteristics, which is why she endorses and supports her for re-election. Please vote.

LISA HAMILTON, 323 South Ditmar Street, is speaking as an individual about the neighborhood that OCNA represents. Today and yesterday the City cut down another big old tree. The trees really characterize old Oceanside and the neighborhood in which she lives. When the City replaces them, she hopes they think carefully about canopy trees that fit into the neighborhood, and not just palm trees. She urged replacement with larger trees than sprouts.

RUSS CUNNINGHAM, 405 South Myers Street #3, commented about a statewide measure that has significant consequences for Oceanside. He asked everyone to oppose Proposition 90, which seeks to strip local government of its ability to regulate land use and development in the public interest by the use of eminent domain. He is a planner/developer.

BILL SANFORD, 2725 MacDonald Street, Loma Alta community, wanted to report that many are opposed to Robertson's opening any sort of plant in the Loma Alta Creek area. There are already 3 concrete plants within that corridor. The residents are starting petitions against this use. Oceanside Boulevard is targeted for a Smart Growth initiative to make it more pleasant for the City. He is against the project.

In response to Councilmember Sanchez, **CITY ATTORNEY MULLEN** reported that Deputy Mayor Mackin called this project forward for review. The hearing has yet to be scheduled.

DAVE SHORE, 828 Malibu Point Way, did not feel this was an appropriate forum for campaigning, but since there have been speakers supporting candidates, he supports Rocky Chavez and Jerry Kern for the Council election next week. He lives next to the firing range, and when they were shooting at the range, he emailed this Council on various occasions. Unfortunately only one person has ever responded, and that was Rocky. Regardless of political differences, he would think each Councilmember would want to help. He further reported on Rocky's and Jerry Kern's attributes.

CONSENT CALENDAR ITEMS [Items 5-21]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of

any Consent Calendar items unless requested by members of the City Council/HDB/CDC or the public through submittal of Request to Speak form prior to the commencement of this agenda item.

With Item 20 removed from the agenda by staff, **DEPUTY MAYOR MACKIN** removed Items 5 and 7 from the Consent Calendar for discussion.

The following Consent Calendar was submitted:

5. **Removed from Consent Calendar for discussion**
6. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. **Removed from Consent Calendar for discussion**
8. City Council: Approval of Change Order 1 [**Document No. 06-D0631-1**] in the amount of \$162,867 to the public works agreement with Erreca, Inc., for the College Boulevard Median Storm Drain project, for additional work to stabilize the soil, and authorization for the Public Works Director to execute the change order
9. City Council: Approval to grant an easement [**Document No. 06-D0632-1**] to San Diego Gas and Electric Company for relocated underground utilities associated with the Oceanside Museum of Art expansion within the Civic Center Complex at no cost to the City, and authorization for the Mayor to execute the deed
10. CDC: Approval of a loan application in the amount of \$225,000 under the Rental Rehabilitation Program
11. CDC: Approval to allocate \$3,500 from the Mortgage Revenue Bond Trust Fund to the Interfaith Shelter Network for case management of homeless families housed in the 2006-2007 North County Coastal rotational shelter program
12. City Council: Approval of a one-year professional services agreement [**Document No. 06-D0633-1**] with Environmental Compliance Inspection Services of Rancho Santa Margarita in an amount not to exceed \$100,956 for inspection programs for commercial kitchen grease source control installations and grease source control best management practices, and authorization for the City Manager to execute the agreement
13. City Council: Approval of a professional services agreement [**Document No. 06-D0634-1**] with Cornerstone Building Group in an amount not to exceed \$98,088 for the installation of synthetic turf in parkway areas in the Libby Lake Neighborhood as part of the Oceanside SUN 2006 project, and authorization for the City Manager to execute the agreement
14. City Council: Approval of a one-year professional services agreement [**Document No. 06-D0635-1**] with Avanti Consulting of Alta Loma, California, in an amount not to exceed \$75,000 for grant writing and grant management services, and authorization for the City Manager to execute the agreement
15. City Council: Approval of a one-year professional services agreement [**Document No. 06-D0636-1**] with Maris Imaging Solutions, LLC, of Carlsbad in the amount of \$75,629.43 for technical support, software licensing and upgrades, scanner maintenance, and additional read-only licensing for users of the City's Document Imaging System; and authorization for the City Manager to execute the agreement
16. City Council: Adoption of **Resolution No. 06-R0637-1**, "...declaring a temporary shelter crisis and suspending the Zoning Ordinance requirement to allow churches to shelter up to 50 persons from December 1, 2006 through April 15, 2007 without obtaining a conditional use permit"

17. City Council: Adoption of **Resolution No. 06-R0638-1** "...establishing certain traffic controls within the City of Oceanside (All-way Stop controls at Grant Street and Minnesota Avenue)"
18. City Council: Adoption of **Resolution No. 06-R0639-1** "...establishing certain traffic controls within the City of Oceanside (All-way Stop controls at Summerhill Drive and Banyonwood Drive)"
19. City Council: Adoption of **Resolution No. 06-R0640-1** "...establishing certain traffic controls within the City of Oceanside (All-way Stop controls on Tremont Street at Pier View Way and Civic Center Drive)" at the intersections of Tremont Street and Pier View Way, and Tremont Street and Civic Center Drive
20. [City Council: Authorization to award a contract in an amount not to exceed \$2,086,300 to SEMA Construction of Lake Forest for the construction of the Raw Water Pipeline for the Wells 10 and 11 project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents; and approval of a professional services agreement with RBF Consulting of San Diego in an amount not to exceed \$305,370 for construction management and inspection services related to the project, and authorization for the City Manager to execute the agreement]

This item was removed from the agenda by staff.

21. City Council: Authorization to award a contract [**Document No. 06-D0641-1**] in an amount not to exceed \$1,035,694 to Ross A. Guy & Son, Inc., of Fallbrook for the construction of the Loretta Street Waterline Replacement project; authorization for the City Manager to execute the agreement upon receipt of all supporting documents; approval of a professional services agreement [**Document No. 06-D0642-1**] with Infrastructure Engineering Corporation of Oceanside in an amount not to exceed \$117,190 for construction management and inspection services related to the project; and authorization for the City Manager to execute the agreement

COUNCILMEMBER CHAVEZ moved approval of the balance of the Consent Calendar [Items 6, 8-19, and 21]. **COUNCILMEMBER SANCHEZ** seconded the motion; motion was **approved 5-0**.

5. **City Council/CDC/Harbor: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:**

DEPUTY MAYOR MACKIN wished to bifurcate the motion. **COUNCILMEMBER FELLER** moved to accept the minutes as shown; motion was **seconded** with the votes as shown below:

- April 18, 2001, 10:00 a.m., Adjourned Meeting of the City Council
- May 23, 2001, 2:00 p.m., Adjourned Meeting of the City Council
- June 27, 2001, 2:00 p.m., Adjourned Meeting of the City Council
- July 11, 2001, 2:00 p.m., Adjourned Joint Meeting

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

- May 23, 2006, 4:00 p.m., Adjourned Meeting of the City Council

Motion was **approved 5-0**.

7. **City Council: Approval of plans and specifications for the construction of building and site improvements for the El Corazon Senior Center, and authorization for the Public Works Director to call for bids**

DEPUTY MAYOR MACKIN wanted to bring to the public's attention that the senior center is moving right along. She **moved** approval. **COUNCILMEMBER CHAVEZ** **seconded** the motion; motion was **approved 5-0**.

6:00 P.M. – PUBLIC HEARINGS -- None

GENERAL ITEMS

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

22. **City Council: Adoption of a resolution approving a collaborative grant project with Mission Resource Conservation District for the extension of the San Luis Rey River Trail and Habitat Restoration within the adjacent riverbed; approval of a professional services agreement with RRM Design of San Luis Obispo in an amount not to exceed \$156,926 for environmental, final design, and final engineering services; approval of a budget transfer in the amount of \$72,000 from the Parks Improvement Fund 598 Unallocated Fund Balance to the project; and authorization for the City Manager to execute the agreement**

NATHAN MERTZ, Parks Development Coordinator, gave the staff report, reporting on a unique partnership the City will enter into with receiving a Proposition 50 River Parkways grant. This grant is a unique circumstance and is a 2-fold item in which the City is enhancing wetlands in conjunction with development of recreational facilities. The City and the Mission Resource Conservation District (MRCD) have a partnership on this grant. The \$595,000 grant awarded to the City is for actual construction of the bike path, and another \$500,000 awarded to the MRCD is for habitat restoration. MRCD will be the grant administrator for this project.

The other portion of the action is approval of a design contract for the actual environmental and preparation of plans and specifications for the river trail extension from College Boulevard to North Santa Fe. He displayed a drawing of the potential alignment of the bike path, going through the neighborhood. To the north of that neighborhood is where MRCD will be removing arundo. That is the final extension of the bike path to North Santa Fe.

[No public input]

DEPUTY MAYOR MACKIN **moved** approval [of staff's recommendations including **Resolution No. 06-R0643-1** "...approving a collaborative grant project with Mission Resource Conservation District for the extension of the San Luis Rey River Trail and habitat restoration in the adjacent riverbed," and **Document No. 06-D0644-1** for the professional services agreement with RRM Design]; **COUNCILMEMBER SANCHEZ** **seconded** the motion.

COUNCILMEMBER FELLER asked for clarification of the amounts; the staff report says up to \$595,000 towards the extension and \$517,000 for the environmental.

MR. MERTZ responded that it is \$595,000 for the actual trail construction, and then \$517,000 for the work the MRCD would do within the riverbed itself. This will make more grant money available, with some matching funds from SANDAG Transnet alternative transportation grants and additional RCP grants.

COUNCILMEMBER FELLER asked how far the \$595,000 would go on this project.

MR. MERTZ responded that the \$595,000 probably would improve the whole trail surface itself. If the City had to replace fencing along the trail or add additional fencing to protect the riverbed, etc., it could exceed that budget. Otherwise, the \$595,000 would

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provide 1.7 miles, from College to North Santa Fe. Extending further to Melrose would be later. This is also in partnership with the County of San Diego.

COUNCILMEMBER SANCHEZ did attend a meeting in Bonsall, and the goal is to go to I-15 and beyond. This is exciting.

DEPUTY MAYOR MACKIN stated they are looking to open up some neighborhoods to the trails, which is great. The future funding will include that.

COUNCILMEMBER FELLER noted the backup material says the western end of the trail begins at the intersection of Neptune and Cleveland. It intersects at Pacific Street. He also questioned when this project would be completed.

MR. MERTZ responded that it intersects at both locations. Also, this money has to be spent by the summer of 2008.

JASON GIESSOW, Project Manager for Mission Resource Conservation District, stated this is a great application that they were able to put together. It takes the 2 components of the arundo eradication with riparian enhancement, improvement of the flows, and the reduction of the arundo biomass and converting that back into native habitat, and also the bike trails with the scenic components and the public access and hooking up to the County regional park. The RCD has worked through the entire watershed. This is a great program, and this is one component of about 3 additional funding sources they have pulled together to do arundo eradication. Within 3-5 years they should have almost all the arundo eradicated above College. It will be up to the City to continue working with the Corps of Engineers to maintain from College to I-5.

MAYOR WOOD added that there is a plan for the County Board of Supervisors to carry it from this point through Bonsall, etc.

MR. GIESSOW affirmed that the County is pulling together more open space properties around Bonsall and are pulling together their river parkway.

MAYOR WOOD commented on this wonderful project especially with the blue bikes available.

Motion was **approved 5-0**.

[Recess was held from 6:16 to 6:27 PM.]

23. **City Council: Review of the City-sponsored airport-related economic study conducted by Keyser Marston Associates of San Diego, the impact of the Regional Airport Authority's land use planning requirements, and the legal issues associated with alternate land uses of airport property; and direction to staff**

PETER WEISS, Public Works Director, would provide an overview, along with the various studies on the airport, and include the economic analysis associated with the airport, an assessment of the current condition of the airport, and 2 build-out scenarios: one being to build out the south side, and the other being the build-out of the overall airport in accordance with the Airport Master Plan.

The staff report includes an analysis of the San Diego Regional Airport Authority's draft plan on the land uses surrounding the airport and the development potential. It also includes a legal assessment of potential actions necessary to comply with the FAA grant assurances, along with a potential alternate use scenario of the airport.

The action staff is requesting tonight is to make a commitment to continue to operate the airport over a 15-20 year period, which includes moving forward to build out

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the south side of the airport. Also requested is direction to look at development opportunities on the north side of the airport, which includes property allocated for airport use but also includes roughly 25 acres of other City-owned property on the north side of the airport, from the Deutsch plant to Foussat Road.

Although staff is asking for that direction, Council is not in a position to make any final decisions. Any implementing decisions will have to come back to Council at a future time with funding sources, etc.

GARY GURLEY, Senior Property Agent, through a computer presentation, displayed an aerial of the airport and surrounding property and reviewed the 14.7 acres the City purchased in partnership with the FAA, which is now only about 12 acres with the Alex Road project. The middle pond and property to the east are owned by the City, with no restrictions on that piece of land.

City consultant **PAUL MARRA**, with Keyser Marston and Associates, stated the objectives of their study were to: 1) look at the revenue potential from the airport in its current situation through build-out of the entire master plan; and 2) to compare that to the potential land value of the airport property and the other City property for alternate uses if the airport were to be closed.

He reviewed the steps they went through, including reviewing planning documents, the Airport Master Plan, and the expenses of the current operations that include the newest hangars and the rent increases. Next they focused on alternate uses for the property: residential, retail, office and industrial, as well as available market support for those uses. They extensively looked at land value for those uses. They also ran residual land value models for different types of land use. When they arrived at a conclusion in terms of land value supported by development for other uses, they compared that to the costs for closing the airport.

By computer, he displayed a summary demand matrix, which showed their bottom line judgments when they considered this location within the City with the potential availability of about 50 acres of property and their overall assessment of whether the market was weak, moderate or strong to absorb these types of land use in a near-term [0-5 years] or mid-term [5-15 years] time period. Their general view was that the strongest land uses in the City have been residential—master plans and industrial—business parks have been absorbing the most land in the City, and that is likely to continue in the near term. Although there is a setback in the residential market in 2006-07, those are still among the stronger land uses. The office market is relatively small – about 1% of the whole region's office market. The City has about 400,000 square feet of office space, and over 6,000,000 square feet of industrial space. They felt those would be the dominant uses if the property is developed for another purpose.

He then reviewed the two scenarios:

The residential has the assumption that the site could be made available for a range of multi-family housing with some supporting retail. In today's market, based on comparable land, their view was that finished pads ready for development to be sold to builders might be \$20-\$25 per foot of developable land area. But then there are subtractions that bring it down to what it is worth today if the City were to close the airport and have it developed for residential use, i.e. the costs to prepare the property, the amount for circulation and open space, the absorption time frame is that it would not be available for development until about 2011, and the airport closure costs. That brings it to a much smaller number of \$4-\$6 per foot of land. That cannot be compared to other land values in the community because of those items just described.

The employment scenario (i.e. business park, etc. with supporting retail) was offered as a contrast to the residential scenario. On the retail, they assumed the project on the drive-in property would be going forward (which is independent of whether the airport stays, expands or closes), and part of the reason the retail was not strong is because they

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think that 900,000 square feet is a lot of retail space. So they saw this [airport] property more as a residential or employment site.

In their findings, land for business park and office uses is not valued as highly as land for multi-family residential. Therefore, they assumed \$10-\$15 per foot of developable land area, and then made similar subtractions as previously done to prepare the site, etc. To take the land from where it is today and go through the process of closing the airport, arriving at a land value of \$10-\$15 for the finished pad would not be feasible. So an all-employment scenario, with today's information, does not appear feasible. It would need a blend with residential or should favor the residential scenario.

Their analysis of the full master plan, on a present value basis, was that there is a \$12,000,000 total value, which is fairly comparable to the high of the residential scenario.

MR. GURLEY reported that 3 scenarios were considered for keeping the airport: 1) existing conditions which remain at the airport -- which is to do nothing and continue to operate as is; 2) south side of the airport build out; and 3) build out to the master plan.

Scenario 1 has revenues at \$473,000 (full rent), expenses (including all City fees -- including the 2% cost on all revenue generated) at \$376,000, general fund loan payback of \$18,000 (which would take about 19 years), and the state loan expense at \$79,000. Valuation in today's dollars is about \$597,000 based on a 25-year model.

Scenario 2 on the south side shows a revenue at build out of \$1,178,000 the first year. Build out would take about 3 years from approval. The expenses include: \$526,000, plus the existing state loan at \$79,000, with a new state loan of \$492,000. The payback of the general fund loan is \$55,000 (starting at build-out). Any monies the City would provide to get to this build-out are accounted for and included in the general fund payback. In today's dollars, based on a 25-year capitalized value, it equates to about a \$4,000,000 to the City.

Scenario 3 is to build out to the master plan, with revenues at \$2,952,000; expenses at \$1,103,000; a state loan at \$1,116,000; the existing state loan at \$79,000 and general fund loan payback at \$63,000. Build-out would take about 6 years, phasing it in. In today's dollars with a 25-year capitalized value, it is about a value of \$12,000,000.

They also explored developing the north side with commercial. The 12 acres is essentially what is left of the 14.7 acres of Deutsch property the City purchased. There are about 10 acres of City-owned property available. Conservatively, there would be about 215,000 square feet of buildable space. Regarding development costs, land acquisition costs of \$6,717,000 would be the cost to relieve the debts with the FAA at fair market value, etc. Site improvement costs for a finished pad are \$5,031,000. Therefore, total development costs are around \$11,748,000. Developing without general fund money would require a loan, assuming a 7% interest rate for 15 years, which is approximately a \$1,290,000 annual payback. At build-out (approximately 4 years), ground lease revenues are estimated at \$1,383,000, with a debt service of \$1,290,000. This totals a new cash flow of \$93,000. Anticipating the City's share of sales tax revenue at \$1,118,000, the total revenue would be \$1,211,000. With a 25-year capitalized value, the net present value of the total annual revenues is estimated at \$18,530,000.

MR. WEISS noted that Council has considerable information in their backup material, along with the detailed study that was presented before the Keyser Marston study. What is being presented is a compromise position which allows for the airport to remain and be self-supporting with the build-out of the south side. It also allows the City and the general fund to capture some development opportunities on City-owned land on the north side of the airport, a good portion of which is not encumbered by the airport at all.

It needs to be clear that the revenue generated by the airport, within the enterprise fund, stays with the airport. The City does charge its enterprise funds a 2% administration

in-lieu fee. That would still exist. However, if the airport were making \$1,000,000 a year and over a 25-year period the top value projection was \$12,000,000, that money would be retained and stay with the airport for further improvements. With the compromise position, there is a balance—it allows the City, with some of its property, to actually realize some potential for the general fund, and the airport stays self-sufficient.

An option not presented this evening is that recently the County Board of Supervisors had indicated an interest in acquiring the airport. A letter from Supervisor Bill Horn asked for information and background so that the County can further research the options. Staff will make that information available to the County. At the time the County makes any offer, etc., staff would certainly bring that to Council for discussion. Staff has no detailed assessment on this item.

Staff recommends that Council provide direction to: continue to operate the airport for a minimum of 15-20 years; move forward in taking the necessary steps in building out the south side; pursue alternate development potentials on the north side of the airport, including the 14.7 acre Deutsch property (only 12 acres realistically), as well as the pond and the other City-owned property; and those plans should be developed in such a way that all of the different obligations, including state and FAA loans, would be satisfied over a 15-20 year period.

COUNCILMEMBER CHAVEZ stated the second recommendation of staff as displayed says 'authorize build-out of the south side of the airport.' He asked whether that meant staff would attempt to secure funding to do that and bring it back to Council for a decision.

MR. WEISS stated that is correct; staff would start that process. Staff would contact the State and initiate all steps necessary to seek additional State loans, and all actions would have to be approved by Council.

COUNCILMEMBER CHAVEZ wanted that clarified since that was his request under agenda Item 24. If this goes forward, he will pull Item 24 off the agenda.

COUNCILMEMBER FELLER questioned the actual closure costs and remediation, i.e. tearing out the runways, etc.

MR. GURLEY estimated around \$3,500,000, with a full EIR, tear up, disposal, etc.

NADINE SCOTT, 550 Hoover Street, changed her mind about the airport. Due to the tactics during this election, the airport group does not have a good intent. Their intent is to continue polluting the ground as well. She can now never support anything that the airport group would support. She advocating that they keep what is there and have the pilots pay for the pollution and continue to look at alternative land uses.

PAT ELLINGER, 4452 Old River Street, felt the airport needs to stay open for the next 15 years. Otherwise legal fees will eat the City alive. The airport may be a jewel, but it is in the wrong setting in the valley below the Prince of Peace Abbey, homes, etc. Noisy airports do not help surrounding property values increase. This airport is not a necessity, with Palomar airport close by. Do not make the airport any bigger. He suggested developing the property on the north side; eliminating any flight school; restricting access to only pilots with hangars/tie downs at the airport, etc.

JIMMY KNOTT, 124 Sherri Lane, felt in 15-20 years this will be one of the last land banks available. There are land buffers for aircraft safety/landing. There are conflicts with any use such as a Costco. This needs a great deal of study. He proposed a 4-step process with a committee similar to the El Corazon Committee, establishment of an airport governing commission, establishment of a formal air force police, and solicitation of funding.

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ROGER BEDARD, 706 Chimney Rock Drive, is a former naval aviator on aircraft carriers and loves airplanes. However, he does not love airports. They make noise over his house. He reiterated that the enterprise fund keeps that money, and none of that money is available to the City fund.

RON STEWART, 3259 Canyon View Drive, is President of Citizens for a Better Oceanside (CBO), which is a group that has evolved over the years and historically wanted to close the airport. Due to the City's obligations, they support the recommendations for build-out of the south side and development of alternative uses on the north side; they support the compromise position. He appreciated the clarification from staff regarding the revenue and enterprise fund issues.

ARTHA ZAHNISER, 4548 Royal Oak Drive, was involved as an owner in CBM Flight Service, and they had a lease of the airport in 1966 until they sold their interest in the business in 1971. The reason they sold in 1971 is because they had built the business and the airport facility to the point that they could grow no larger. They really needed a part of the property on the north side for additional hangars, tie-downs, etc., but it was not available because the flood control project was not yet installed. They built it up and brought in new aircraft as a dealership. They sold aircraft to television stars, owners of large manufacturers in San Clemente, large resort owners locally, etc. which was a lot of money. Aircraft pilots are a very responsible group in general and are very law abiding. The aircraft they fly costs them a lot of money to buy and maintain. It takes many hours to get their license, and the FAA is good about disciplining any infractions. The people that live around the airport knew that the airport was there when they bought the houses. The property on the north side is needed for airport expansion. The property on the south side was taken away when Highway 76 came through. They had a maintenance hangar and a large storage hangar, but that is now gone. A coffee shop/restaurant should be considered there. Businesses that support the airport would be best on the north side; not a commercial project.

KEN LEIGHTON, 1109 South Nevada Street, appreciates the value of a well managed civic airport. Just as the harbor has a waiting list for slips, the airport has a waiting list for hangars. Oceanside is blessed by owning 2 facilities that command a huge consumer demand. He dropped \$40,000+ on a start-up business that opened in the valley in January and named it Airspace Studios. The presence of the airport shows we are a well rounded, upscale and diverse City. The airport has been plagued with mismanagement and no leadership for years.

REVEREND CHARLES WRIGHT, 650 Benet Hill Road, stated the Prince of Peace Abbey has been at its present location since 1958, before the airport was in this location. In his 45 years there he has heard every plane. Some pilots are considerate, and the best airport manager was Joe Deggendorf. If the issue is more parking places for planes, that is not threatening to them. What is threatening are planes coming from other airports, and lately helicopters have also started using the airport for training. The greatest burden to the Abbey is the missed approach or VOR, when planes come from the north, get to the instrument along the coast, turn in towards the airport at a reduced power, and then glide toward the runway until right above their chapel, when they kick back into full power. They have been told there will never be a control tower. After a plane takes off, there is no way to control it unless it is based at the airport.

LARRY BARRY, 3973 Brown Street, looks at this as a business. If it is not making money, then do not do it. If it makes money for the City and is good for the residents, then make it work. Back during City Manager Wilson's time, he had a business plan on how this would work. Council should look at this as a business that will work. People are willing to pay good money, and the pilots need this. Invest the grants and money into the airport and do not run it as a lame duck.

BEN MEYERS, 5119 Via Malaguena, President of the Oceanside Airport Association (OAA), stated they are serious about flying and being safe and about the airport. They have been passionate about the airport issue for a long time because the airport has been

in limbo. Airports are needed. They are a big deal for the future, and he requested Council to continue to look at this airport in a more favorable way, to be a world class city. They are grateful for the good news staff brought forward tonight in which the study shows that there is a path to develop the south side of the airport. They believe that is a wise and prudent thing to do. Also, the north side is very important to the master plan and very important to making the airport large enough to handle the traffic that will be here in the future. We are seeing the beginning of light-sport aircraft at around \$35,000-\$40,000. They encourage Council to not let the north side land, which is encumbered by the FAA, or to move in any position beyond where it is until Council really decides that they wish to develop it. OAA would be in favor of that and excited about its future. The airport is a huge asset to our City and encourages all the right decisions to keep it that way.

HERB CARLSON, 26126 Paseo Marbella, San Juan Capistrano, appreciates this City and the airport. When he goes to his business, which is out of the area, it is a 45-minute flight or a 3-5 hour drive by car. The 747 pilot did not start in a 747, but started at an airport like this, and a pilot needs to keep current. We need airports for training. This airport is in a great location. Not all City services do positive cash flow—the parks, etc. do not. The airport is a viable operation, and it needs to be developed further with additional hangars and tie downs to service the needs. He requested developing the airport as planned.

KARL HIGGINS, 1517 Roma Drive, Vista, a registered lobbyist, is here tonight on behalf of his client, a national membership organization—the Aircraft Owners and Pilots Association (AOPA). He wished to offer a compromise. A letter dated September 6 to the Mayor of Bakersfield, which is in a similar situation as Oceanside in terms of an interest in potentially closing and reusing the property for non-airport related uses, from the FAA explained in detail why they denied that non-aviation use. A Costco would not be a related use. The FAA would also deny a request to close the Oceanside airport. Staff noted that any funds from the airport operation are restricted enterprise funds. He offered a compromise, i.e. consider an opportunity to discuss with the County of San Diego, which owns and operates 8 other airports, a way to explore the sale of the airport to the County that would generate a general fund payment to Oceanside. The net present value of that would far exceed the tax dollars that would be generated by such a use as Costco.

He asked Council to direct staff to include the County option to build out phase 1 and 2 of the master plan. There are federal grants available up to 95% for the capital improvement plan for construction of hangars in phase 1 and 2. There is also a \$150,000 general operations grant that the City could receive annually from the FAA, and those grants can go back 2 years plus the current year, so there is an opportunity to pick up about \$500,000 in federal funding immediately for help with the airport. They would also encourage Council to private-sector RFP the operation of the airport. They offered their help and expertise.

MARY SCOTT, 621 Sunset Drive, stated they moved to this home in 1952, long before this airport. The airport was on Oceanside Boulevard at the time. Then one day there were planes flying over her house. This airport has interrupted her life.

JERRY KERN, 4597 Big Sur Street, has been a long-time ardent supporter of the airport. He is encouraged by hearing about building out the south side. We have struggled a long time to get to this point. He encourages everyone to move forward with the south side to get it built. Regarding the north side, it will be very difficult to do a non-aviation use, and that will be years. According to Mr. Gurley, by the time the south side is completed in about 3 years, a decision can then be made about the north side. He really hopes this starts moving quickly; the airport has been neglected too long.

RONALD COZAD, 3918 Valle Del Sol, Bonsall, is a user of the airport. Tonight is an excellent illustration of why it is so difficult to get anywhere on this issue. The report tonight shows that the build-out to the master plan has an estimated revenue of \$12,000,000, which is a tremendous benefit to the City and the airport. The difference is if the City develops the north side, then there is a Costco which is not consistent with good

airport operations, and money flows to the City. It is obvious that the motivation of the City, with a Costco built on property purchased for the airport, is that the City wants the money a Costco generates. Mr. Higgins made a proposal for County operation. If this Council can explore it with an open mind and without emotion, there is a way that this City and the County can benefit, and that the airport would remain a solid asset.

[Public input concluded]

COUNCILMEMBER SANCHEZ reviewed this issue from 5+ years ago. The Council at that time was supportive of the airport and attempted to address the issues of the community. They also attempted to come up with a solution that would benefit airport users and the community. The Council had a list of things to address the community's concerns. Council was told that once a plane took off, it was an FAA matter, and the City had no business to control what happens in the air. Some residents and the Abbey were there before the airport. What we have now is a discussion about the airport and property that has never been occupied by the airport; property that is closer to residential uses.

She discussed uses closer to homes such as quiet zones with the railroads. This is also similar to the shooting range closer to homes. We have these items to deal with as an urban city. She had been working with staff to come up with some kind of a compromise. We do not want to impose on any one resident more than any other. Every person who resides in the City has a right to quiet enjoyment of their property.

We have agonized over this for the last 6 years with a battle brewing. She believes that a compromise is in order. Setting aside what has been said on both sides, we need to see if we can make things work for our residents and our tourists.

She **moved** to continue to operate the airport for the 15 years; that Council authorize the build out of the south side of the airport on condition that the City further consider developing the north side of the airport including the airport property and the City property adjacent to Foussat Road; that the City establish a plan to satisfy the FAA and the state grants and loan obligations over the 15-year period; and that the City come up with a realistic neighbor plan, i.e. a better plan for residents to be able to lodge a complaint. If it is someone leasing, the City can take action, meaning that the City develop a plan and a notice procedure, with an opportunity to be heard, and that ultimately, if the problem is not resolved, they could terminate the lease. In other words, the City would try to resolve both issues, not just airport use but how it is used. She challenged everyone to help the City ensure that people be able to enjoy their property as well.

COUNCILMEMBER CHAVEZ seconded the motion. In talking to the pilots, he felt they understand about being a good neighbor, and no one has a problem with that. This has been a very emotional and divisive issue, so we solve this one step at a time, which would be the south side build-out. There is history here, and it was not just a hobby airport. It had to have economic, educational, and tourist-related items which the master plan addresses. He is happy to see this get to this point. As for with use, regardless of motorcycles, loud boom box stereos in cars going through neighborhoods, etc., if people are not respectful, then the City needs to deal with it. He agrees with Councilmember Sanchez that a compromise is appropriate. The direction to the staff as he understands it is to authorize the build-out of the south side of the airport and to secure the funding for the hangars, and that it will come back at a later time.

He cautioned that when the City goes to option 3, developing the property on the north side, and if there is the opportunity to sell it and someone offered \$35,000,000 towards the general fund, he would consider it, because we need funding for public safety, recreation, etc. Also, there are only 2 access ways for all the houses on the north side of the river, and a lot of traffic would come with a large-box use. There needs to be concern about response times, traffic and getting people in and out.

To clarify the motion, **COUNCILMEMBER SANCHEZ** restated her motion.

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COUNCILMEMBER CHAVEZ, as second, felt the community and the staff should develop the words for the good neighbor policy plan. There may be other items they would like included.

COUNCILMEMBER SANCHEZ would call it a 'good neighbor plan'. As maker of the motion, she concurred to that.

COUNCILMEMBER FELLER questioned what the FAA said about the City using 2.7 acres for Alex Road.

MR. GURLEY responded that Alex Road was consistent with the development plan for the airport. He was required to get access to that portion; and it was an airport-related project.

COUNCILMEMBER FELLER questioned whether, besides the 2%, any other monies can be generated in any way for the airport and used for the general fund, such as road maintenance around the airport, gas tax, sales tax on airplanes, bike and car rentals, etc.

MR. WEISS responded that if there were commercial operations, there would be opportunities for leases that would potentially go to the general fund. But in general, the airport enterprise revenues stay with the airport, unless the City can demonstrate that there are other costs, say police and fire services, etc., that are necessary and applicable to support the airport. Then the City would need to do a cost accounting to raise that 2%. So the money coming out of an enterprise fund would have to be directly proportional to the services.

COUNCILMEMBER FELLER suggested Council also include that in this review as part of being able to generate money for the general fund. He wants to explore those possibilities.

MR. MULLEN clarified that, if the City did have leases for commercial-related activities, those would in all likelihood go into the enterprise fund, not into the general fund. For example, many of the leases at Brown Field in San Diego are for commercial-related leases for airport uses, and most of those lease revenues stay within that airport enterprise fund. He can review all those issues further if desired.

COUNCILMEMBER FELLER would like that reviewed. He asked what the City's chances are of getting commercial through, such as a Costco, near the airport.

MR. WEISS believed there was a reasonable chance of success for that. There is serious interest from a commercial developer in that regard. Council has directed staff to have discussions with representatives of that developer, which are occurring. As you recall, several years ago Council directed staff to solicit proposals for the development of the 7 acres adjacent to Foussat Road. Although there was interest, with the cost at that time of providing the property with utility services and based on the amount of revenue that could be generate, it was not feasible. So that effort was abandoned. However, the issue of developing that property has occurred before. The change now is looking at a larger site, which seems to be more attractive financially to make the costs for the infrastructure balance with the cost of developing.

COUNCILMEMBER FELLER questioned if state and federal loans can be repaid early with excess revenue.

MR. WEISS responded yes, they can be paid off early with excess revenues. All the charts displayed tonight were based on loans at a 15-year period.

COUNCILMEMBER FELLER questioned when the airport moved from Oceanside Boulevard to this location.

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MR. GURLEY stated there has been an airport in the valley (that was to the southwest of the current location) since the 1930s. It was relocated in 1962 to its current location. So there has been an airport in that general vicinity since the 1930s.

DEPUTY MAYOR MACKIN is glad to see this compromise, since it has been a heavily debated issue. The City is sales tax hungry. We desperately need sales tax revenues. The City is the third lowest in the region. With commercial development in the area, we will finally be able to support the services that our citizens desire.

MAYOR WOOD stated this item has been bitter and personal and is important to both sides. This Council has received a lot of blame for the airport. However, it has been around for about 75 years, and no one has done anything about it until now. After 75 years worth of neglect, here it is. He spoke of issues he heard during his first campaign for Council. The conflict turned into even more after the election, and it was about his concern, which is that the airport is an enterprise fund. The citizens will not reap any benefits from it. It does not go to the general fund to pay for any services. Several years ago some wanted to sell the airport and put commercial on that land, which would give jobs to citizens. It would be a tax base, and it would be a win-win situation compared to the airport.

He never said yes or no to the airport. He asked for a reuse analysis, for someone to advise him on the best use of the property. That is 2-fold: the land of the airport is worth a lot of money as other than an airport use, but, as explained, there are legal costs to shut the airport down. There are also many underlying issues. All he asked for was someone to tell him what the land is worth and what the best use is for it, along with any legal ramifications. Not that we want to close it, but if the City did, they need to know what it will cost in time, money and effort in getting sued.

This is the first time he received a reply from staff explaining some of the problems and options. It still does not fix the problem with the people on the side of the hill regarding the noise. We had no results in dealing with the FAA. The airport people did not have much luck dealing with the out-of-town people using the airport for touch and go.

No matter what we do with the airport, there has to be a good neighbor policy that deals with the people who violate the flight plan, the noise, the path, etc. Many pilots are not from the area, which is a big issue because FAA says the City has no rights once the planes are in the air. Something has to happen to protect the homeowners on the hill.

The study was to address all the legal ramifications and issues. What he wanted for the citizens is not only that Council make a legal, good decision about the airport, but that the public know there are options: keep the airport; or sell it to either the County or anyone else to build, create jobs and have money return to the general fund. Presently, no money goes to the general fund. That is why he asked for this information, to make an informed decision. The CBO (Citizens for Better Oceanside) said they are willing to compromise. That means the airport people will have to step up and address those concerns/issues. Otherwise the complaints will continue. He is not against this, but the problem needs to be fixed.

Again, the dollars would not come to the City's general fund. In 20 years another Council will have to decide, and the land might be worth much more with Highway 76 finished. The decisions are difficult. He gave a sigh of relief when Councilmember Feller had said he would put it on the ballot in November. However that did not happen, and ballot box planning is not the best way to make decisions. On the other hand, it would have let the public decide on the airport. The money issues are part of public safety, personnel, streets, water, etc. That does not come from the airport, but rather the general fund. The FAA pushed to say the public is in favor of the airport, but it is outside people telling us what to do with our money. Council gets a lot of pressure from outside sources.

So he has a lot of issues on this. He wants to see that FAA, OAA, and other airport associations are on board to enforce regulations to fix the neighboring communities' issues.

The last option is the County's offer. Maybe the County wants to buy the airport and keep and run the airport. He wants to hear what they have to say. If they can put a whole bunch of money in our general fund by buying the airport, he wants to hear it. He still wants to wait to make sure of some enforcement tools to help.

Motion was **approved 4-1**, with Mayor Wood voting no.

[Recess was held from 8:06 to 8:17 PM.]

MAYOR AND/OR COUNCILMEMBER ITEMS

24. [Request by Councilmember Chavez to secure funding to complete the hangars located on the south side of the municipal airport, and direction to staff]

This item was pulled by Councilmember Chavez (due to direction given on Item 23).

25. [Request by Councilmember Sanchez to discuss adoption of The Mills Act for the City of Oceanside, and direction to staff]

Councilmember Sanchez continued this item to November 15, 2006.

26. **Request by Deputy Mayor Mackin for an update by staff on neighborhood traffic-calming issues, and direction to staff**

DEPUTY MAYOR MACKIN brought this forward to make sure the public knew how hard staff was working to take care of the traffic calming in the neighborhoods. Staff will give us an update.

PETER WEISS, Public Works Director, gave a brief overview of the status of neighborhood traffic calming. A memo was provided to outline some of the priorities that staff is working on. Staff awarded a contract to install speed humps in 3 neighborhoods: Sherbourne Drive between Thunder and Marvin; Coco Palms between El Camino Real and Cherrystone; and Carey Road between Mission and Canyon. Construction should start within the next several weeks.

In addition, staff has a major project along Oceanside Boulevard in the Peacock Hills area that includes some pedestrian enhancement improvements, including flashing beacons and some in-road lighting for crosswalks that will be pedestrian activated. They will be going out to bid and hopefully return to Council in January/February to award a construction contract for that work to begin. As part of that, there was a commitment previously made to add a flashing beacon on Vista Way at Horne Street. Because the project for Oceanside Boulevard has the same type of flashing beacon, staff modified the contract and included the Vista Way beacon for pedestrian traffic under the same contract.

Since April, staff has had an additional 130 requests from neighborhood groups for traffic calming. Of those, staff has responded to approximately 70 requests and has completed some of those. They have a part-time person working on this. They are also presently filling a position, with that person spending half their time on the traffic-calming program. So as staff moves forward, they will be able to focus more attention on it and catch up.

In addition, they are looking at revising the City's neighborhood traffic action plan, which will deal with all the neighborhood traffic calming programs. Staff is moving forward and trying to address neighborhood issues as best they can.

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MAYOR WOOD asked what the number 1 complaint is regarding traffic.

MR. WEISS responded that the largest complaint was 2-fold: speeding cars in the neighborhoods, and then from others it is going too slow on the major arterials.

COUNCILMEMBER SANCHEZ questioned the timing for the Oceanside Boulevard pedestrian improvements in the Peacock Hills area.

MR. WEISS hoped to bring that contract back in December and to start construction in January.

COUNCILMEMBER SANCHEZ questioned the adaptive-timing signals and if that would also be done for El Camino Real as well as College Boulevard.

MR. WEISS stated the initial project is for College Boulevard and will include El Camino Real.

COUNCILMEMBER FELLER questioned the prognosis for traffic flow with the adaptive signals.

MR. WEISS cannot presently give a definitive answer. They have hired a consultant to do an assessment of College Boulevard, and that study has not yet been completed. They will discuss this at the next Council meeting.

COUNCILMEMBER FELLER read an article in the *North County Times* about North County's road projects being ranked, and there is not one Oceanside project on the list. He would hope the City could be part of this, he noted that projects will be ranked at SANDAG (and CalTrans) on Friday. It also falls in line with the corridor study between Oceanside and Carlsbad and SANDAG that Oceanside fell out of. To walk away from it when there is an opportunity to split the cost is not in the best interest of the City because the purpose of the study is to identify and analyze the impacts of potential changes to the existing and proposed circulation system, land use plans with smart growth, etc. Both cities were considering changes to their general plans that could affect circulation patterns, traffic congestion, etc. We are shortsighted in not participating in this and the North County Parkway Plan. He hopes someone will be attending the SANDAG meeting this week because no one attended in October to speak for our citizens.

DEPUTY MAYOR MACKIN appreciated Mr. Weiss' update, and her direction would be to continue forward and get the neighborhoods taken care of. Everything is on track at SANDAG, and the City's representation is there. Any meeting she has not attended, she has requested that her alternate attend.

MAYOR WOOD, as the alternate, stated that, when he has the time without other issues, he will try to attend. If there is an important issue, either representative will make appropriate contacts. He realizes it is an important issue for the region, and they do cover it and talk to people.

COUNCILMEMBER SANCHEZ stated the people have been asking the status of these traffic calming projects. We fell behind because of a situation when our traffic engineer left with projects needing review. The City is looking for a replacement for Mr. Watanabe. Mr. Weiss has gone in to handle these items and make them happen.

Regarding the corridor study, it is SANDAG's veiled attempt to make us go through an approval process for Carlsbad's high density development on the south side of Highway 78 that would have impacted our City tremendously. As she understands, the Sherman property is in the process of being sold. Once that happens, there will be a completely different story on Highway 78 and Carlsbad's attempts to build the high density smart growth at the risk of Oceanside. She asked why Oceanside should spend thousands of dollars on a study that is not in the best interest of Oceanside. When the Sherman property is purchased and preserved for all time, it will close out the loop for Carlsbad to

build this high density. She is glad the City did not go forward on that. The City is doing its circulation update. This alleged corridor study was to help with our Circulation Element, but it did not get done. The City's Circulation Element will be done long before theirs is even started.

As to the North County Parkway program, she understands that the Deputy Mayor has only been on NCTD and SANDAG for one year. These were projects in the works, and they had EIRs long before.

DEPUTY MAYOR MACKIN thanked staff for their work.

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

Mayor Wood moved to approve the following nominations:

	<u>Term Expires</u>
<u>COMMUNITY RELATIONS COMMISSION</u>	
Appoint Joseph W. Gibbs as Regular (Replacing Gabriel Weiner)	7/1/2009
Reappoint Owen Daley as Regular	7/1/2009
<u>ECONOMIC DEVELOPMENT COMMISSION</u>	
Appoint David Kemp as Alternate II – Education Rep. (Replacing Eileen Kraskouskas)	9/26/2008
Appoint Gregory A. Spencer as Regular – Service Industry/ Hotel/Tourism Rep. (Replacing Dimitrije Isakovich)	9/26/2009
<u>HISTORICAL PRESERVATION ADVISORY COMMISSION</u>	
Appoint Andrew Guatelli as Regular – Member at Large (Replacing Richard Webb)	7/1/2008
<u>INTEGRATED WASTE COMMISSION</u>	
Appoint Sharon Clack as Regular (Replacing Joan Brown)	7/1/2009
<u>PARKS & RECREATION COMMISSION</u>	
Appoint David P. Kerton as Regular (Replacing John Clayton Iske)	7/1/2009
<u>POLICE & FIRE COMMISSION</u>	
Appoint Marion Guynn as Alternate II (Replacing Leon James Page)	8/1/2008
<u>REDEVELOPMENT ADVISORY COMMITTEE</u>	
Reappoint Carolyn Krammer as Regular – Real Estate Professional	7/1/2009
Appoint Richard H. Bartlett as Regular – Project Area Owner/Occupant (Replacing Fayrene Erickson)	7/1/2008
Reappoint Gregory Force as Regular – General City Resident	7/1/2009
<u>REHABILITATION LOAN REVIEW COMMITTEE</u>	
Appoint John R. Todd as Regular (Replacing Clarence Wilson)	5/24/2007
<u>TELECOMMUNICATIONS COMMITTEE</u>	
Reappoint Jimmy H. Knott, III as Regular	9/27/2009
Reappoint Philip R. Mann as Regular	9/27/2009
Reappoint Joseph Weiner as Regular	9/27/2009

TRANSPORTATION COMMISSION

Appoint Frank M. Jones as Regular
(Replacing Curtis Frank Wright)

7/1/2007

YOUTH COMMISSION

Appoint Loretta Ames as Adult Non-Voting Advisor
(Replacing Claudette Otero Vaughn)

9/20/2007

COUNCILMEMBER CHAVEZ seconded the motion; motion approved 5-0.

CITY COUNCIL REPORTS

28. **Mayor Jim Wood** -- stated he appreciates the public input. It is election time. Last week the 15th anniversary celebration for our Sister City Fuji, Japan was held. It was a great event. He attended the Young Marines Ball as the speaker. Also, the KOCT fundraiser is Saturday, November 11.
29. **Deputy Mayor Shari Mackin** -- wanted to share great news regarding SANDAG's new freedom senior transportation funding. The federal fiscal year 2006 allotment to this program is \$605,000 for the entire San Diego County urbanized region. Staff will be applying for funds for 2 senior transportation programs: the senior taxi program, as well as a proposed volunteer driver program. Also, she is pleased to see the aesthetic improvements to the SDG&E substation at Crouch and Canyon are coming to fruition.

INTERIM CITY MANAGER MARTIN advised that by December it should be completed. The grant funding expired this year.

DEPUTY MAYOR MACKIN displayed a DASANI blue bike, one of 20 the City received for public use. The kick off was October 21 as reviewed. She hosted a workshop on October 20 for the non-motorized transportation pilot program with representatives from SANDAG, Rails to Trails, etc. attending. They discussed Oceanside possibly taking the lead on a non-motorized transportation pilot program. She expressed our interest in receiving funding for trails in Oceanside, i.e. El Corazon trail system, the Buena Vista Lagoon system, as well as the San Luis Rey River trail. It appears Oceanside will be considered the lead on this project. As a result of the workshop and the blue bikes, the City will be in the Rails to Trails magazine.

She further reported on attending the Susan G. Komen cropping fundraiser.

30. **Councilmember Rocky Chavez** -- reviewed events he attended: Boys & Girls Nite Out; an Eagle Scout promotion; NAACP Blue and Gold Gala; the Libby Lake HOA meeting where they were looking at the new transfer center. He was the speaker at Camp Pendleton for Park and Central Michigan graduation, where his last child graduated with a degree in computer science, so all the kids are now out of college.

As the representative to the Library, he reviewed programs at the Library. He reviewed the 13th annual fair at Joe Balderamma Park and the memorial. He attended Palmquist School's fall carnival, the Senior Expo with a recognition for James McCargo, and the Camp Fire Halloween Party. He announced a new business in town—Love Boat Sushi. He also attended the groundbreaking of the Pacific Street Bridge.

31. **Councilmember Jack Feller** -- wanted to wish his grandson Nathan a happy 9th birthday. He attended the Boys & Girls Nite Out fundraiser honoring Randall Godinet. The Veterans Day program will be at the Elks Lodge and he encouraged attendance. He announced a new restaurant--Lone Star BBQ.
31. **Councilmember Esther Sanchez** -- also attended the Boys & Girls Nite Out event to honor Randall's 11-year service to the Club and our at-risk youth and the Joe Balderamma

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Fall Fair. She spoke at the Elder Abuse Program put together by Detective Steve Regalado, and she would like the City go forward on a resolution/goal to end elder abuse. She is holding town hall meetings showing slides of the progress in the City; and met with Congressman Issa and residents of Oceana regarding a solar for seniors item.

She has been meeting once a month for over a year with members of the community on anti-gang initiatives and working together and coordinating efforts to bring resources to the at-risk youth. She wished to thank Lieutenant Tom Aguigui and Lieutenant Tom Jones for their work.

INTRODUCTION AND ADOPTION OF ORDINANCES -- None

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 9:14 PM on November 1, 2006. [The next regularly scheduled meeting is at 4:00 p.m. on Wednesday, November 15, 2006.]

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside



CITY OF OCEANSIDE

MINUTES OF THE:

CITY COUNCIL

MONDAY, FEBRUARY 12, 2007

SPECIAL MEETING 6:00 PM Melba Bishop Rec. Center

Mayor

Jim Wood

Deputy Mayor

Rocky Chavez

Councilmembers

Jack Feller

Jerome M. Kern

Esther Sanchez

City Clerk

Barbara Riegel Wayne

City Treasurer

Rosemary Jones

The special meeting of the Oceanside City Council was called to order by Mayor Wood at 6:06 PM, Monday, February 12, 2007, at the Melba Bishop Recreation Center located at 5306 North River Rd. The pledge of allegiance was led by Mayor Wood.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez, and Councilmembers Feller, Sanchez and Kern. Also present were City Clerk Wayne, Deputy City Manager Michelle Skaggs Lawrence and City Attorney John Mullen.

WORKSHOP ITEM:

1. Back Gate Neighborhood Meeting

A) **Mayor Wood** welcomed everyone to this meeting for the purpose of hearing from the community on their concerns, issues, and any suggestions to help. There has been a tragedy with the shooting fatality of an officer in this area. The City is here to try to address issues and concerns of the neighborhoods. The City has been addressing the gang problems and has put a lot of money, time and effort into it, along with various local, county, state and federal agencies. They know there is a problem. To empower the community, he encouraged everyone to call, email, or contact staff or Council with concerns and ideas. The City is concerned about safety, and everyone needs to help address these issues.

A priority is to address the gang problems. These problems exist across the U.S., not just in Oceanside. The City is working with state and federal agencies to also assist, including help with funding. Some councilmembers have been out in this community meeting/talking with community members/leaders to work on this issue. That is not enough though. It comes down to the fact that we all need to work together, including the schools, police, communities, neighborhoods and outside agencies like nonprofits that want to be involved. We are trying to bring them all under one umbrella, which is being worked on, and finances are involved.

After the tragedy, he admits he does not know what goes through the minds of some of the youth to commit a crime like this and not think about the consequences. The suspects have been arrested, but that may not change the attitudes. Parents of gang members need to understand the consequences. We need to send a strong message on every level that it will not be tolerated. Not only can the children be

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MEETING BY CITY COUNCIL**

arrested, but the parents could suffer with asset seizures, and they could lose their homes, etc.

We have staff present to answer some of your questions. The entire Council is present to hear the communities' concerns, issues and ideas. Everyone is concerned, and we all want to fix this problem. We cannot fix the problem today, but the input is needed to help address the issues.

B) Frank McCoy, Police Chief, reviewed the tragic death of a police officer and thanked the community for their support. He then discussed what the police department does about gang activity. At this time there are 10 officers that are assigned strictly to work gangs: 1 Sergeant, 4 gang detectives, 1 officer assigned to the North County Gang Task Force, and 3 uniformed gang officers. Recently they added an additional person, so there are 4 uniformed gang officers for 6 days a week coverage. He will be looking to ask Council for 2 additional gang officers in their next budget, for 7 days a week coverage.

In addition, they have 4 gang injunctions that help combat gang activity. The police department responds to gang activity very quickly. Although they realize there is a problem, in reality gang crime is down from 2005 in our City. The City is changing dramatically; it is growing tremendously. Gangs have been around for many years. He can promise that the police department will be very vigilant and very aggressive in the suppression of gang crimes. They may not be able to stop them from committing a crime, but they can certainly make sure that if they do, they will go to jail. He knows there is still more work to do to continue to be aggressive.

The City Manager gave him authority to move up the hiring of 6 new police officers in April instead of July. They are working with all of the other agencies and resources towards the common goal of dealing with this problem. They need help in prevention. They need churches and everyone in the City to get proactively involved to keep kids out of gangs, whether it is through sports, etc. The kids need something to do. Our society is making kids at-risk kids because both parents have to work, etc. They do not have the parent for attention/intervention. We all need to help.

C) Margery Pierce, Neighborhood Services Director, reviewed the available programming for youth and teens.

D) John Mullen, City Attorney, reviewed legal consequences of gang involvement. It is the District Attorney's (DA) Office that handles criminal prosecutions that arise out of arrests made by the police department. His office works closely with the police department in providing day-to-day advice on legal questions. They also work with the Neighborhood Services Department.

There are many less publicized tools available to local governments to deal with criminal nuisance conduct, not just gang related but a wide variety of criminal conduct. Some of those tools have been utilized in Oceanside with great success. To touch upon a few, there are gang injunctions existing now for not just the gangs but for many of the gang members. Those injunctions prohibit gang members from associating with each other or with any other known gang member within a specified geographical area. He reviewed the process the DA uses for these injunctions. The injunctions prohibit conduct which may, in and of itself not be illegal, but there are a number of conditions imposed including curfews, no gang clothes, etc. A gang member could be sentenced to 6 months in jail for a single violation. They could also be fined \$1,000 per violation. The gang injunctions are perpetual; they remain in place until the court sets them aside. The DA looks at these on a regular basis and updates them as needed.

Another benefit from gang injunctions is that the police department has authority to arrest individual members for violating the injunction and book them into jail. If there is a criminal violation of the injunction, the DA could also have additional tools to fight gang related activity.

There are 2 other civil tools available to the City to fight gang-related conduct. One is drug/nuisance abatement actions, which is allowed by the Health and Safety Code for a building involved in storing, manufacturing, or selling of drugs on a repeated basis. The City could have the authority to file another civil injunction action to prevent

that building from being used in that manner. Both the DA and the City Attorney's office have the ability to file drug abatement actions, and they have done so in the past. They are typically preceded by a notice to the property owner that they intend to file an action in Superior Court to obtain an injunction. Many times that prompts the property owner into making changes to the activities that are occurring on the property. The court has the authority under drug abatement laws to order the closure of a building/premises for up to one year following a trial on a drug abatement action. In addition, the court may impose a civil penalty against the property owner for up to \$25,000.

These are some of the tools available. The DA's office handles the criminal aspects of gang-related conduct, but the City Attorney's Office also has tools available, including shutting down properties where criminal gang-related or drug-related activities are occurring.

E) **Public Communications** on this item

Jack Baldwin, 5046 Los Morros Way, President of Stonemark at Los Morros Homeowner's Association, also represents a couple of the other homeowners associations (hoa) in this area. He submitted to the Council today, via email, a Problem Statement which he addressed. He knows a lot of their issues have been spoken of by the Mayor and Council. He feels a lot more needs to be done.

Larry Barry, 3973 Brown Street, has had it with our gang problems, the police department, and the people in Oceanside. This is a community problem. We cannot look to the police to solve our problems. It has to be us, the people and neighborhoods and the parents looking at the kids. Somebody has to help the kids. The police are doing their jobs, but the community is not. It is an embarrassment to have 2 cops killed in Oceanside. There are kids going down the wrong path, and no one is there for them.

Tom Taylor, 4876 Cardiff Bay Drive, understands that in San Diego when one gang member does something, they go after the other gang members, in other words, those that put him up to it. If a gang member kills someone as gang initiation, it makes the rest of the gang liable as well. The City should look into that.

Mr. Mullen responded that the gang prosecutor in San Diego also works in Vista, so whatever strategies the DA has in San Diego usually is available here as well.

Mr. Taylor questioned if the gang members that put another member up to it are also being subpoenaed as an accessory to the fact.

Chief McCoy could not talk about the specifics of the case, but the DA's office has been very involved from the start of this case. Anyone responsible that can receive criminal charges will receive them in this case.

Ron Hinton, 5173 Andrew Jackson, stated people are putting their lives on the line every day to protect us. He knew both police officers before they were killed. As a neighborhood watch block captain, he helped the officer by taking photos of gang members in their colors and gave information about where they live. He gave it to the officer, and a week later the officer was dead. A police Sergeant told him they cannot get racial, but until they do, they cannot solve the problem. Until police can deal with it openly, we will be terrorized because the gang goal is to take over and drive others out.

Karen Burton, 5046 Los Morros Way, questioned the City Attorney's comments about taking a house.

Mr. Mullen responded that it is extremely rare that property is forfeited to the government. There are remedies set forth in the statutes. There are a host of federal drug forfeiture laws, and a city can only seek forfeiture of property in limited circumstances.

Ms. Burton felt that to not use those tools available does not make sense. If someone shot another person, the City should go after that home, etc. She has only lived here for 1½ years but sees the problems. She questioned the results of earlier meetings held in this area as indicated by the Mayor.

Councilmember Sanchez responded that about a year ago they had meetings in the back gate area, etc. They had hoped the storefront police facility would have been staffed, but that did not happen. They are now wanting it staffed. She heard the HOA representative state it should be staffed 24 hours a day, not with senior volunteers, but with police officers. Resources are needed. She wished to also hear from the people north of the San Luis Rey River.

Reverend Gene Cooper, 4001 Pala Road, has lived here over 45 years and has heard a lot about what we should do with the gang situation. He believes there is a lack of communication that crosses all lines. A mission is needed to know where we stand. He discussed the mindset of kids. There are a lot of parents falling down on the job. He would put his trust in the police and communicate with them and the city attorney to set up the foundation to deal with this situation. Not seeing any community groups attending, he felt a group should be established to communicate with the city and come together to deal with this.

Chief McCoy, in response, stated they need neighbors involved in their neighborhoods and to stay in communication with the team police officer assigned to the neighborhood.

Karin Coburn, 777 Aldea Drive, is concerned that gang officers are working only 6 days a week. What about the 7th day? She is concerned with the safety of the police officers, and she does not feel enough is being done to address the gangs. She recommended that all 6 new officers be assigned to the gang unit to take care of this problem. These officers are needed to protect us. The gang officers should go out in pairs. With officers on sick leave and vacations, etc., that probably means only one-half the officers working.

Gregory Weir, 5410 Parrolette Court, stated he spent 2 combat tours in Iraq, and sometimes our streets are just as dangerous. He has had 2 incidents with gang members. He is heavily involved in Little League and getting kids in sports. We have 1,100+ gang members in the community. His property values have gone down. He implored the City Attorney and the DA to get these people out of the community and get the kids active in sports, etc.

Debra Howard, 5142 Andrew Jackson Street, addressed their neighborhood watch. They recently moved into this neighborhood, and no one came to their home to announce any neighborhood watch or any meetings. The block captain never introduced himself. She learned of Ron Hinton through You2, where he placed pictures of her 11-year old son along with other kids and listed them as gang members. My son has never been part of a gang. They are from a small town in Georgia. Ron Hinton has labeled him as a gang member on the internet, where he is exposed to all types of people. This could also interfere with his future. She is very concerned about this. She would be happy to be part of the neighborhood watch. She questioned how many frivolous arrests the police have made from Ron Hinton's calls. Ron is videotaping for his own enjoyment, and she is disappointed. She asked the police to be more circumspect in their responses. She was hurt to see her son and other kids sitting on the sidewalk with OPD having them in temporary custody. She is also concerned about the gangs. For years she worked as a chief deputy foreman in her County, so she knows what it is.

Charles Clendening, 893 Arvita Court, questioned if the Council would consider renaming Gold Drive and East Parker to Zepetella and Bessant. Gang members may not want to live on streets named after an officer. These gangs have long been organized. Does that fall under federal jurisdiction?

Mayor Wood stated they have contacted all of the local, state and federal agencies to assist in this problem. Two of the federal guidelines for asset seizures, etc. are usually done by the federal government. He also reviewed the process for renaming streets. Anyone tonight who wishes to discuss their issues further, Councilmembers and staff will be available after this meeting for that purpose.

Lydia Lesar, no address, is currently working in the PASS Program at Oceanside High School. She wanted to plug this program, which stands for Promoting Achievement and Student Success. In working with at-risk students and gang members

in the school, she sees the lack of role models, people with whom these children can identify. There is a lack of family and someone to look up to and be like.

A group of 5 residents on Andrew Jackson, Polk, etc. spoke about their concern with their kids placed on the internet. What happens when their kids are seen on the internet, and they come after them. Our kids cannot even go outside and play because he [Ron Hinton] calls the police. No one in their neighborhood is complaining but him. This family harassment is affecting their lives. Just because they are Mexicans does not make them gang members. He has put their house, their address and their family on the internet and is calling them gang members. Mr. Hinton is jeopardizing their families, and he is a neighborhood watch commander. He is harassing the kids, etc. They told of an incident where Mr. Hinton had the cops raid their house. He videotapes their houses. They pleaded for help to make him stop.

Mayor Wood requested they call the City Attorney's Office and meet on this matter.

Joan Brown, 511 Rodkledge Street, stated she does not see people here who should be involved. She has seen articles, etc. on federal gang meetings and how they are getting guns and drugs. She stated there are many ice cream trucks, and more every week. They go up and down alleys, which seems suspicious. It is something to think about. She is out on weekends and sees things going on but does not see any police. She is afraid of retaliation. There are about 4 produce trucks now. On Saturday night there will be other trucks selling anything from shoes, etc. She belongs to Oceanside Coastal Neighborhood Association, and the apartment managers wanted them to check on the produce trucks because they think other things are being sold.

Mayor Wood thanked everyone for their input. If anyone wishes to further discuss concerns/ideas but cannot stay after this meeting, please pass on the information to any one of us or call, etc.

ADJOURNMENT

MAYOR WOOD adjourned this Special meeting of the Oceanside City Council at 7:47 PM, February 12, 2007.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside