



## OCEANSIDE CITY COUNCIL MINUTES

MARCH 7, 2001

California

**ADJOURNED MEETING 10:00 AM MARTIN LUTHER KING COMMUNITY ROOM**

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

The adjourned meeting of the Oceanside City Council was called to order by Deputy Mayor Harding at 10:07 AM, March 7, 2001 for the purpose of a City Council Study Session. The Pledge of Allegiance was led by Deputy Mayor Harding.

**ROLL CALL**

Present were Deputy Mayor Betty Harding and Councilmembers Jack Feller and Carol McCauley. Councilmember Esther Sanchez arrived at 10:08 AM. Mayor Terry Johnson was absent [attending a Mayor's Conference]. Also present were City Clerk Barbara Riegel Wayne, City Manager Steve Jepsen and City Attorney Duane Bennett.

**STUDY SESSION ITEMS:**

The following items were discussed:

1. **Continued discussion of City Council priorities and issues**

**CITY MANAGER JEPSEN** stated this is a continuation of the process from the previous study sessions [February 28 and February 21]. Since Councilmember Sanchez was absent at the February 28 meeting, he asked that her input/points be assigned to the items listed, having expressed an interest in affordable housing, the Multiple Habitat Conservation Plan (MHCP), etc.

He explained that as Council gets into priorities, some items have a life on their own. They will be moving forward whether Council considers them a priority or not.

**COUNCILMEMBER McCAULEY** wanted to clarify these procedures to be followed. Councilmembers adjusted their schedules for the workshops. To have a Councilmember come in at the last minute to input their points seems to nullify or skew the process. She is glad Councilmember Sanchez can attend today, but for her to miss the last meeting and to be able to add input now is like voting after everyone else has voted. She is not comfortable with that procedure. When she is absent, she does not expect to be able to come back and add her input.

**DEPUTY MAYOR HARDING** stated that although she missed the first meeting [February 21], she got updated, but she agreed if someone misses a meeting, then they have no input.

**CITY MANAGER JEPSEN** stated that, although Mayor Johnson is absent today and to avoid him being able to reassess things after the fact, he was asked for his priorities beforehand, which they received. That process should have been used with Councilmember Sanchez. He asked for Council's direction.

**COUNCILMEMBER FELLER** stated it was okay with him for Mayor Johnson's input to be received ahead of time. He would not expect to have input after a meeting he did not attend.

**COUNCILMEMBER McCAULEY** agreed it was more acceptable if a councilmember's priorities were submitted beforehand if they were attending a City related function that is unavoidable.

**COUNCILMEMBER FELLER** felt going on vacation is not an adequate reason.

**COUNCILMEMBER SANCHEZ** did not think the list came up beforehand, so submitting her numbering priorities would have been difficult. She was free and ready to

be at the meeting but she was very uncomfortable holding the meeting in the Sister Cities room since she felt that was not an adequate public setting. She does not have any hidden agendas. There was nothing set up beforehand, and she was acting on what the City Manager told her. She represents the residents and not this Council.

Following further discussion, **MICHELLE SKAGGS LAWRENCE**, Assistant to the City Manager, stated the list has been displayed for Council review.

**COUNCILMEMBER SANCHEZ** stated she added affordable housing.

**COUNCILMEMBER McCAULEY** stated all councilmembers represent the citizens. She feels strongly about input after the fact. She further advised that since Councilmember Sanchez gave the highest 30 points, it negated the point system. Apparently there needs to be another study session on Council policy items as well.

**DEPUTY MAYOR HARDING** stated it is her opinion that the most fair way to handle this is to not accept Mayor Johnson's input ahead of time for today and to not accept Councilmember Sanchez' input from her missed meeting. All members will miss meetings from time to time, but it should be because of a family emergency, or City business, etc. She missed the first meeting [February 21] because of her husband's surgery. She would never expect to have input after the fact to a meeting she missed.

**CITY MANAGER JEPSEN** advised that Councilmember Sanchez did rely on his conservation with her. He understands Council is talking about working as a team and participating. He had seen this from the view that there would be a review of the priorities later on anyway. Staff was looking for a consensus position by Council. For example, he has not seen and does not know what Mayor Johnson's priorities are, but it would be nice to know all Councilmembers' priorities to proceed forward.

**DEPUTY MAYOR HARDING** felt since Mayor Johnson turned in his list previously and Councilmember Sanchez turned in items, that Council accept those now, but not in the future if a councilmember is not in attendance.

**COUNCILMEMBER McCAULEY** stated that the one item Councilmember Sanchez put in was not on the list, i.e. implement the MHCP. She suggested Council go with that but that the rankings be left where they were at the last meeting. She did not feel the revised rankings should be used.

**COUNCILMEMBER FELLER** did not understand Councilmember Sanchez' issue with meeting in the Sister Cities room. He did not see it as a deterrent to public attendance.

**MS. LAWRENCE** advised that those items totaling 20+ points would be the ones highlighted.

Following general discussion, **CITY MANAGER JEPSEN** reiterated that those top priority items would come back to Council as a separate study session.

Each Councilmember then ranked/prioritized the items as previously listed [by the process of placing dots: blue dot = 5 pts; orange dot = 3 pts; green dot = 1 pt]. [The ranking occurred from 10:51 – 11:02 AM]. As a result, the items listed were ranked as follows:

- 1<sup>st</sup> Tier: economic development 26 points
- maintain & improve police and fire 26 "
- recreation services 24 "
- enhance downtown parking 23 "
- increase neighborhood traffic mitigation 23 "
  
- 2<sup>nd</sup> Tier assess feasibility of charter city status 18 points
- tourism 15 "
- inclusionary/affordable housing 15 "

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3 <sup>rd</sup> Tier	3 <sup>rd</sup> branch library	12 points
	cultural arts	12 "
	expand special events	12 "
	beautification efforts	10 "
	review of General Plan	9 "
	gateway project	8 "

2. **Set agenda for Study Sessions April 4, 11 and 18, 2001**

**JOSE APONTE**, Acting Deputy City Manager, asked Council how they wished to proceed.

**COUNCILMEMBER McCAULEY** felt the process should continue with the study sessions since Council is still defining the priorities, and to take the highest priorities and work their way down the list.

**COUNCILMEMBER SANCHEZ** favored workshops for public input.

**COUNCILMEMBER FELLER** favored study sessions at this point since Council is not through refining its work to be ready for a workshop.

**DEPUTY MAYOR HARDING** agreed. Until the priorities are well defined, study sessions should be held for Council discussion.

**CITY MANAGER JEPSEN** summarized today's meeting and the high priority items to be brought back. He again pointed out the 2 ongoing items of the beach resort and the MHCP, as well as the repayment of debt, which is inescapable. He stated that efforts are underway for almost everything listed and others. Things like completing Loma Alta Creek have a life of their own and are considered ongoing projects.

**ADJOURNMENT**

**DEPUTY MAYOR HARDING** adjourned this adjourned meeting of the Oceanside City Council at 11:19 AM, March 7, 2001.

**ACCEPTED BY COUNCIL:**

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Barbara Riegel Wayne, CMC  
City Clerk, City of Oceanside



California

# CITY OF OCEANSIDE

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

DECEMBER 13, 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**  
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**Councilmembers  
HDB Directors  
CDC Commissioners**  
Rocky Chavez  
Jack Feller  
Esther Sanchez  
Jerome M. Kern

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

**Treasurer**  
Rosemary Jones

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**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, December 13, 2006 by Mayor Wood.

### **4:00 PM - ROLL CALL**

Present were Mayor Wood, and Councilmembers Feller, Chavez and Kern. Councilmember Sanchez was absent. Also present were City Clerk Wayne, 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 agendized items to be heard in closed session: Items 3-A, 3-B and 4-B. [See the report out on these items at 5:00 PM, Item 5.]

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

December 13, 2006

Joint Meeting Minutes  
Council, HDB and CDC

Closed Session and recess were held from 4:02 PM – 5:05 PM.

**5:00 PM**

**MAYOR WOOD** reconvened the meeting at 5:05 PM. All Councilmembers were present. Also present were City Clerk Wayne, Interim City Manager Martin and City Attorney Mullen. City Treasurer Jones arrived at 5:20 PM. Pastor Carl Souza gave the Invocation. Choirs of San Luis Rey Baptist Church and Second Missionary Baptist Church led the Pledge of Allegiance and performed an international medley.

**PROCLAMATIONS AND PRESENTATIONS - None**

Changes to the agenda: **CITY CLERK WAYNE** noted that Public Hearing Item 16 has been continued to the January 17, 2007 Council meeting at staff's request.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** gave the following report on 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

Title: City Manager]

No closed session was held on this item.

**3. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)**

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Country Club Apartments, 201 Country Club Lane, APN 148-291-03; Project: Affordable Housing; Negotiating Parties: City of Oceanside and Jorbon, LLC, Peter J. Jordan and Bonita H. Jordan; Negotiator for the City: William F. Marquis, Senior Property Agent; Under Negotiation: Price and terms for purchase of property and sales agreement

The item was discussed; there was no reportable action.

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Ivey Ranch Park (bounded by Rancho del Oro Drive, Mission Avenue and Highway 76); Negotiating Parties: City of Oceanside and Ivey Ranch Park Association, Inc.; Negotiator for the City: Douglas E. Eddow, Real Property Manager; Under Negotiations: Price and terms of a lease amendment regarding the use of the subject property

There was no discussion held on this item.

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

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

A) [Mission Vista Condominium Association v. Earth Systems Engineering Group, etc., et al., Superior Court Case No. GIC849929]

No closed session was held on this item.

B) Ritter v. City, Superior Court Case No. GIN055645

The item was discussed; 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.

6. **Advance written request to reserve time to speak:**

A) **Request by Rhonda Deni to speak regarding problem occurring as a result of day labor site at Melrose and Willowbrook**

**RHONDA DENI**, 101 Copperwood, addressed the day labor site located at North Santa Fe and Melrose. The City constructed a fence within the last 2 months, which initially helped decrease the number of day laborers loitering. Unfortunately they have come back. The problems created are traffic, loitering, littering and public urination, as further explained. She is with the Oceanside Citizens Brigade, consisting of about 30 people and formed in June, to address these sorts of problems in the City. They have been picking up the trash left behind by the day laborers, and they are tired of doing it. Day laborers are presently loitering directly in front of the residential community on Sagewood. The residents are afraid and uncomfortable and do not want to confront them for fear of retaliation, etc. The day laborers are stealing small items, etc.

B) **Request by Jeff Schwilk to speak regarding day laborer problem at Melrose and N. Santa Fe resulting in traffic issue, loitering, public nuisance, trash, public urinating**

Mr. Schwilk was absent. In his place **DAN NOVAL**, 101 Copperwood, retired Deputy Sheriff with Orange County and a 17-year resident of Oceanside, asked that the City begin to enforce local ordinances against loitering, specifically at the corners of Willowbrook and Melrose and Sagewood and Melrose. These locations have become day labor sites, where as many as 20-30 men congregate to seek work, many of which are probably in this country illegally. The law is being broken out there daily, along with traffic, litter and safety issues. They also may be camping in the green belt area. Aggressive enforcement is needed, and these areas need to be posted for no loitering as soon as possible.

**MAYOR WOOD** responded that public safety is certainly a concern. Staff is aware of the issues and is trying to address them.

**MR. MULLEN** noted there is an appeal pending at the 9<sup>th</sup> Circuit Court that is determining whether a day labor ordinance in the City of Redondo Beach is constitutional. That ordinance was struck down by the Federal District Court. So a decision will say whether such day labor laws are lawful or not. At this point, the opinion he is referring to allows the City to continue to enforce littering, trespass laws, etc. Loitering may present a problem, and there are some legal constraints to deal with. The City can continue to enforce traffic laws, littering, public urination and other issues. More stringent regulation has case law, and he could advise Council of by memo to point out some of the legal hurdles.

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

**NADINE SCOTT**, 550 Hoover Street, wished everyone a very Merry Christmas and a happy New Year.

**CONSENT CALENDAR ITEMS** [Items 8-15]

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.

**COUNCILMEMBER CHAVEZ** moved approval of the consent calendar as submitted [Items 8-15]. **COUNCILMEMBER FELLER** seconded the motion; motion was **approved 5-0** as follows:

8. 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 following meetings:  
December 12, 2001, 10:00 a.m., Adjourned Meeting of the City Council  
October 4, 2006, 4:00 p.m., Regular Meeting
9. 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)
10. City Council: Approval of plans and specifications for Maxson Landfill/Division Street Parking Lot and Roadway Improvements project, and authorization for the Public Works Director to call for bids
11. City Council: Approval of a purchase order in an amount not to exceed \$195,879 to Enterprise Car Sales of Vista for the purchase of 10 used undercover vehicles for the Police Department; authorization for the Financial Services Director, or designee, to execute the purchase order; and approval to adjust the Fleet Interfund charges to reflect the changes
12. City Council: Approval of Amendment 1 [**Document No. 06-D0690-1**] in an amount not to exceed \$4,740,992 to the professional services agreement with Solid Solutions of Garden Grove (formerly Irvine) for the hauling of biosolids from the San Luis Rey and La Salina Wastewater Treatment Plants to permitted land application sites in Arizona, extending the term of the agreement from December 2006 to December 2011; and authorization for the City Manager to execute the amendment
13. City Council: Acceptance of the improvements constructed by West Valley Construction Company, Inc., of San Jose, for the North Harbor Drive Force Main Replacement project, and authorization for the City Clerk to file the Notice of Completion [**Document No. 06-D0691-1**] with the San Diego County Recorder
14. City Council: Authorization to award a contract [**Document No. 06-D0692-1**] in the amount of \$176,714 to Charles Doherty Concrete of Oceanside for the FY 2006-07 Citywide Sidewalk Repair project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents and conduct a Bid Protest Hearing
15. Harbor: Authorization of a six-month slip sublease extension for Mr. Dan Cassina

**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.

**19. City Council/CDC: ~~Approval of~~ Authorizing moving forward with recommendations of the Downtown "D" District Ad Hoc Committee regarding proposed zone amendments and Local Coastal Plan amendments to the City Zoning Ordinance and the Redevelopment Zoning Ordinance, and direction to staff to conduct a public hearing to discuss the proposed changes to Articles 4, 12, and 41 of the City Zoning Ordinance and Redevelopment Project Area Zoning Ordinance**

**KATHY BAKER**, Redevelopment Manager, stated last year the CDC directed staff to work with an ad hoc committee to evaluate the allowable uses in the Redevelopment Project Area and to clean up the land use matrix, primarily Article 12 of the Zoning Ordinance. In 1991 several uses were eliminated from the Project Area. The goal of the ad hoc committee was to reevaluate these uses to determine whether some of these uses should be reconsidered.

The Committee is proposing several changes to Articles 4, 12, and 41 of the redevelopment Zoning Ordinance and a small part of Article 4 of the City Code. There have been numerous amendments processed over the years, which are actual attachments to the Zoning Ordinance, but they have never actually been incorporated into the document. Therefore, several of the changes to Article 12 are to incorporate some of these amendments that have already been previously approved and also to clean-up some language.

The whole intent of these changes was to make the document more user friendly. Previously, Schedule D of the Zoning Ordinance was very confusing due to a number of "L" designations to search through, etc. In addition, several changes were made to the definitions in Article 4 describing the different land uses. Some definitions were cleaned up, and some language was changed/added, such as a definition for an espresso stand, redefined grocery/specialty markets, live/work lofts, day spas, laundromat café. Also, they added some new visitor serving accommodation language.

The ad hoc committee also decided there should be an administrative use permit process that could give staff the ability on a project to add conditions at an administrative level, which would be much quicker than a regular use permit process.

If the Council/CDC agree to the proposed changes, staff would schedule a public hearing to discuss the proposed zone amendment, Local Coastal Plan (LCP) amendment to Article 4, 12 and 41 of the Redevelopment Zoning Ordinance, and a small portion of Article 4 of the City Code to incorporate the new visitor serving language.

This item was taken to the Redevelopment Advisory Committee (RAC) on December 11, and they basically agreed with all the proposed changes, with the exception that they thought the new visitor serving accommodations should not be included.

It is staff's recommendation that the Council/CDC approve the recommended changes by the "D" District ad hoc committee and direct staff to conduct a public hearing to accept the proposed changes. If Council desires to consider the RAC's opinion, staff could continue to look into those visitor-serving definitions.

Public Input

**SHARI MACKIN**, 1469 Moreno Street, stated that, as the councilmember who brought this item forward in October 2005, with Council consent, they formed a working group to examine and recommend updates to the uses within the redevelopment area. She would voice a grave concern regarding staff's recommendation to add the following uses, which were clearly not part of the original work plan: the use of integrated resorts, fractional time share units, and condo hotel units within the redevelopment district. These uses are all very controversial issues with the Coastal Commission. To date, the City that did receive an approval is now on appeal, and the City of Encinitas has withdrawn their hotel condo application due to all the controversy. As a community, we have worked hard

to come up with a hotel project that would meet Oceanside's present LCP and be welcomed by residents and visitors to the City. On Monday night the RAC voted 7-0 to oppose this language within the Coastal zone redevelopment district, especially Subdistrict 12. Heed their recommendation.

**COUNCILMEMBER SANCHEZ** stated we do not want to cause any delays or problems with the Coastal Commission in terms of the timeline for the hotel resort. Many have been looking at this for years now. She **moved** to eliminate integrated resorts, fractional time shares and condo hotel units from the staff's recommendation and move forward with the balance.

**Motion died** from lack of a second.

**MAYOR WOOD** questioned staff about these 3 items and whether the issue was an ad hoc committee concern.

**MS. BAKER** responded that these 3 items were identified during the ad hoc committee. They actually constructed specific language after she attended a Coastal Commission hearing where they heard input from the Coastal Commission regarding percents, etc. That is how they constructed the language. They discussed incorporating all of the changes due to the fact there were so many changes to Article 4 already. Currently neither the fractional time share nor the condo hotel issue is addressed. The proposed Westin hotel does have a fractional component in it, so they felt it was wise to incorporate a definition to cover that use. They have also been approached on doing condo hotels elsewhere in the City, which is why they were thinking of incorporating this language on a Citywide basis as well.

**MAYOR WOOD** does not recall this being an issue until tonight. In some meetings with S.D. Malkin, etc., these were concerns to be addressed. They were not sure about the Coastal Commission's response.

**MS. BAKER** stated that this is what the ad hoc committee recommended. Staff still has to bring back the LCP amendment and the zone amendment. If Council wishes, in the meantime staff could research the language and research further with the hotel developer and Coastal Commission staff to ensure that we are not doing anything to jeopardize the hotel.

**MAYOR WOOD** stated that is what he is concerned about.

**COUNCILMEMBER KERN** had contact with a property owner in the area about the designation of their property. The process is coming to a public hearing when Council can address all of this at one time, including the fractional and condo hotel, etc. at a public meeting.

**MS. BAKER** stated that is correct; it must go through a public hearing process and go through the public noticing. That is when each individual use can be debated.

**COUNCILMEMBER CHAVEZ** was on the ad hoc committee, and it is a good thing because it is dealing with change. When reviewing the restrictions in this redevelopment area, he said they were appropriate for a lot of good reasons at the time. But things have changed for the better in downtown, and the attempt of the ad hoc committee was to deal with these changes. There is an administrative issue to go through and some things that still need to be cleaned up. He would direct staff to proceed with public input, to insure meeting all of the concerns of the LCP amendment, and to clean this up after public hearings.

Also, it is important for the public to know we have gone through the hotel issues a number of times for over 30 years. This and the previous Council accomplished a compromise to build the hotel. We are up against a deadline for funding to actually build it. So no one on the dais, and he hoped the community, had any desire to stop the hotel. It is critical to redevelopment. From every meeting he has been in talking about the

Westin Hotel, it is full speed ahead to do this. This action is only administrative because things have changed in the redevelopment area.

So, he **moved** to direct staff to go back, meet with the public, secure some of the definition issues, deal with the Coastal Commission, and bring it back for Council approval.

**COUNCILMEMBER KERN** seconded the motion.

**COUNCILMEMBER FELLER** stated this has been a hotel project that everyone compromised on. It has been full speed ahead since the compromise was made, and this is not a new issue regarding time shares, etc. He does not know who would appeal something like this to derail this project after we have come this far.

**COUNCILMEMBER SANCHEZ** stated her grounds for opposing this. It sounds like there will be an appeal of this, and it will slow down the project. She personally does not like this and will probably take a position against it. Today is a sad day since we are breaking the unity we have had. She does not know why this is coming up now because it is now threatening a very delicate agreement that was reached by the community. In her mind, this is the beginning of the end. She urged the Council not to do this.

Having heard Council, **MS. BAKER** stated the issue sounds like it is the main hotel. The main issue for wanting to add these definitions is because there was no language in Article 4 that addressed them. This is a new market and fractional timeshare is a new product type on the market as is the "condotel" market. There might be another one 5 years from now that could be a condo fractional, etc., at which time we may be addressing that. By incorporating this into the ordinance, at least then the fractional is already in our Zoning Ordinance so it would not have to be addressed specifically with the Coastal Commission. Staff felt it was good to go ahead and incorporate it into the document.

**MAYOR WOOD** reiterated that this is going to the public for a review, and Council may change their mind. Each project would have to be scrutinized in the future.

**MS. BAKER** stated that is correct. This is just adding definitions to the Zoning Ordinance.

**CITY ATTORNEY MULLEN** stated there may be minor changes to the language presently before Council. For instance, Article 4 that defines use classifications is Citywide. There are a lot of changes proposed just for the redevelopment project area, and those changes do not apply Citywide.

Also for clarification, if Council gives this direction, staff will prepare an LCP amendment, and that cannot become effective until it is unconditionally certified by the Coastal Commission. So there will not be an appeal, per se, on the LCP amendment since it would not be effective until the Coastal Commission has considered it.

**MS. BAKER** stated that is correct.

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

Since it was not yet 6 PM, the Mayor called Items 27, 28 and 29 next.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

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

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

27. City Council/CDC: Adoption of **Ordinance No. 06-OR0697-1**, "...extending the time limit for the effectiveness of the Oceanside Downtown Redevelopment Plan and the time limit to pay indebtedness and receive property taxes pursuant to Health and Safety Code Section 33670 under the Oceanside Downtown Redevelopment Plan pursuant to Health and Safety Code Section 33333.6(e)(2)(C)" (Introduced 12/6/06, 5-0 vote)

**COUNCILMEMBER CHAVEZ** moved adoption of the ordinance;  
**COUNCILMEMBER FELLER** seconded the motion. Motion was **approved 5-0**.

28. City Council/CDC: Adoption of **Ordinance No. 06-OR0698-1**, "... eliminating the time limit for establishing loans, advances and other indebtedness to be repaid with tax increment revenues under the Oceanside Downtown Redevelopment Plan pursuant to Health and Safety Code Section 33333.6(e)(2)(B)" (Introduced 12/6/06, 5-0 vote)

**COUNCILMEMBER CHAVEZ** moved adoption of the ordinance;  
**COUNCILMEMBER FELLER** seconded the motion. Motion was **approved 5-0**.

29. City Council: Adoption of **Ordinance No. 06-OR0699-1**, "... establishing a Senior Mobile Home Park Overlay District, amending the official zoning map to designate certain properties to be within the Senior Mobile Home Park Overlay District, and amending the Oceanside Zoning Ordinance" (Introduced 12/6/06, 5-0 vote)

**COUNCILMEMBER CHAVEZ** moved adoption of the ordinance;  
**COUNCILMEMBER FELLER** seconded the motion. Motion was **approved 5-0**.

#### **CITY MANAGER ITEM**

21. **Consideration to set a City Council strategic planning session in early 2007, and direction to staff**

**INTERIM CITY MANAGER MARTIN** stated we are in transition, moving from one year to the next, we have a new Councilmember, and we are also looking to a new City Manager coming on board. He heard from some councilmembers that now might be a good time to put together a retreat whereby they could discuss plans for the future. He would like Council's direction.

**COUNCILMEMBER FELLER** is glad to see this come forward. He feels Council would benefit a lot, even if they did not have a City Manager in place. They could set some goals and priorities. A new City Manager would want that in place anyway. He suggested holding it within 30-45 days of the New Year. It does not need to be out of town; it could be at any number of places in town. We have not had a retreat or any team building in a couple of years, so this would be a great opportunity to start off a new year. It could even be a 2-session type format as further reviewed, etc.

**MAYOR WOOD** recalled the last time this was held. He would not want a shotgun monitor who kept pushing and wanted consensus; it was too aggressive. We should look at this.

**COUNCILMEMBER CHAVEZ** agreed both that it is time, and he would also like it local. 30-45 days is correct. He asked for items to read ahead to prepare for the strategic planning process. We should not be limited to one meeting; we may do a series of meetings. He also agreed it does not need to be driven. We need the ability to discuss and agree to disagree and talk—perhaps more a facilitator than a director. There should not be Blackberrys or cell phones inside the meeting to allow focus.

**COUNCILMEMBER KERN** clarified that this would perhaps be 2 stages. We have one session and have questions/directions for staff, then we come back later for another. He would agree to that.

**COUNCILMEMBER FELLER** concurred.

**MAYOR WOOD** believed the details could be set up by the City Manager. The suggestion is a good idea. He would not want to tie up a Saturday for staff. We can do it on a weekday.

**COUNCILMEMBER SANCHEZ** felt it could be done in one day. If held over several days, it would take out the public input, feeling they would not be part of the process.

**COUNCILMEMBER FELLER** would say that 2 days is probably the minimum. It gives the public more input and more understanding of the Council's parameters.

**MAYOR WOOD** concluded that the City Manager has heard Council's input.

[Recess was held from 5:58 – 6:07 PM]

#### **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.

16. **[City Council: Approval of a five-year professional services agreement with Accela, Inc., of Dublin, California, in the amount of \$1,463,087, for software lease/purchase and annual maintenance of a development management enterprise software system, the Accela Project; approval of the Municipal Lease-Purchase Agreement with Government Capital Corporation, a Texas corporation, to finance the lease/purchase of the software and five years of annual maintenance (at 2.99 percent interest); authorization for the City Manager to execute the agreements; approval of a loan in the amount of \$300,000 (at 5 percent interest) from General Fund Unallocated Fund Balance, which was available as of June 30, 2006, for hardware purchase, technical support, and project manager support, to be repaid over a five-year period; approval to add a provisional management analyst position to serve as the City's project manager funded through the loan; and adoption of a resolution adding a 6.2 percent surcharge to all permits and related development fees within Planning, Building, Engineering and Redevelopment]**

At staff's request, this hearing has been continued to the January 17, 2007 Council Meeting.

17. **City Council: Adoption of a resolution approving the issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority in a not-to-exceed amount of \$4,000,000 to finance the acquisition and rehabilitation of Cape Cod Villas, a 36-unit senior housing complex at 1710 Maxson Street to be owned and operated by Oceanside Housing Partners, LP, a California limited partnership – Cape Cod Villas – Applicant: Oceanside Housing Partners, LP**

The Mayor opened the public hearing and requested disclosure of constituent contacts. Councilmember Kern reported no contact. All others reported contact.

**David Manley**, Acting Neighborhood Services Division Manager, stated this item is a Tax Equity and Fiscal Responsibility Act (TEFRA) public hearing, requesting approval of a resolution to approve up to \$4,000,000 in multi-family revenue bonds by the California Statewide Communities Development Authority for the Cape Code Villas affordable housing project that the Council approved the financing for on November 15, 2006. This project will be developed by Southern California Housing Development Corporation. The revenue bonds will be a portion of that financing of the total \$6,710,000 project. This is basically an administrative action by the City Council. There is no bond indebtedness by the City; no fiscal impact to the City, but in order for the joint powers authority to issue the bonds, the governing agency where the project is located has to just approve the resolution authorizing the authority to issue the bonds. He asked Council to adopt the resolution.

Public Input – None

**MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER FELLER** moved approval [and adoption of **Resolution No. 06-R0693-1**, "...approving the issuance of multifamily housing revenue bonds by the California Statewide Communities Development Authority for Cape Cod Villas"].

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

**18. 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 Board, and Oceanside Community Development Commission**

**MAYOR WOOD** opened the public hearing and asked for Council disclosures of constituent contacts. Councilmembers Kern and Sanchez reported no contact. All others reported contact.

**CITY ATTORNEY MULLEN** stated the item is an amendment to our Conflict of Interest (COI) code. State law requires that we adopt a COI code as set forth in Government Code Section 87300, which requires several mandatory provisions. These include a listing of the positions within the agency which are involved in making or participate in the making of decisions which may foreseeably have a material effect on any financial interest. Also required are the specific types of investments, business positions, and interest in real property and sources of income, which must be reported by designated officials. There is also a requirement that each designated employee file a Statement of Economic Interests disclosing their business positions, interests in real property and sources of income. As allowed by State law, the City has adopted California Code of Regulation 18730, which sets forth in great detail the mandatory provisions of the COI code. Also under State law the City must adopt an appendix, which sets forth the positions that are subject to the COI code, and also designate the disclosure obligations for each of those designated employees.

Under State law the COI code must be amended every 2 years to account for changed circumstances within the agency to include new positions, etc. So these amendments simply delete old positions, and add new positions/titles and include disclosure obligations. The Harbor District and the CDC rely on the City's COI code, so there is a resolution for each agency.

Public Input – None

Mayor Wood closed the public hearing.

Following general discussion, **COUNCILMEMBER KERN** moved approval [and adoption of: **Council Resolution No. 06-R0694-1, Harbor Resolution No. 06-R0695-2, and CDC Resolution No. 06-R0696-3**, "...approving and adopting amendments to the appendix of the City of Oceanside's Local Conflict of Interest Code"].

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

**MAYOR AND/OR COUNCILMEMBER ITEMS**

**20. Mayor Wood: Annual review of Councilmember appointments to Boards, Commissions and Committees, and Deputy Mayor**

**MAYOR WOOD** stated this item is for Councilmember appointments. He distributed his list for all appointments. He would **move** approval of all, except to separate out NCTD and the SANDAG Board appointments [as follows:

**2007 Council Nominations**  
**City/Harbor/CDC Boards, Commissions and Committees**

City/Harbor/CDC Advisory Group	Liaison
Arts Commission	Chavez
Community Relations Commission	Feller
Economic Development Commission	Kern
Harbor & Beaches Advisory Committee	Feller
Housing Commission	Wood
Integrated Waste Commission	Sanchez
Library Board of Trustees	Chavez
Manufactured Home Fair Practices Commission	Sanchez
Historical Preservation Advisory Commission	Kern
Parks & Recreation Commission	Wood
Police & Fire Commission	Wood
Redevelopment Advisory Committee	Wood
Senior Citizens' Commission	Chavez
Telecommunications Committee	Sanchez
Transportation Commission	Feller
Utilities Commission	Sanchez
Youth Commission	Kern

Buena Vista Lagoon JPC	Sanchez	Kern	-
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Regional Boards and Committees	Primary	Alternate I	Alternate II
City/OUSD/VUSD Committee	Chavez	Kern	-
Healthy Cities	Feller	Kern	-
Multiple Habitat Conservation Plan Advisory Committee	Sanchez	Kern	-
League of California Cities – Executive Committee	Feller	Kern	-
League of California Cities – Legislative Delegates	Wood	Chavez	-
North County Dispatch – JPA/Fire	Wood	Feller	-
SANDAG–Shoreline Preservation Committee	Sanchez	Feller	-
2007 - Deputy Mayor	Chavez		

**COUNCILMEMBER CHAVEZ** seconded the motion.

**COUNCILMEMBER FELLER** stated he had asked about North County Dispatch.

**CITY ATTORNEY MULLEN** stated they contacted North County Dispatch today. The information they received is that there is a \$50 stipend per meeting with 4 meetings per year, which is a \$200 stipend and is under the \$250 personal financial effects test. So unless there were additional special meetings throughout the year, there is no requirement

to recuse oneself from that item. He cautioned that the City's representative should not take more than \$250 from that agency even if more is offered.

**COUNCILMEMBER FELLER** stated that in 2002 he was deputy mayor; in 2003 it was Councilmember Sanchez and in 2004 it was Councilmember Chavez, in 2005 Councilmember Sanchez, and 2006 Councilmember Mackin. Now the Mayor nominates Councilmember Chavez as deputy mayor in 2007. He is amazed that he has not been put back in the rotation. He would sure be willing to serve. In 2001 in the minutes Councilmember Sanchez said this should be an annual rotation without discussion, etc. At some point he would like to be deputy mayor.

**MAYOR WOOD** is available on any of these issues. On this item, it is nothing personal. It is something he thought about. Several times he worked closely with Councilmember Chavez, and they worked well together and got projects done quickly. He felt if he was not available at any time, Councilmember Chavez has shown that he is willing to take a project and run with it, could get his support and backing, and get the business of the City done.

**COUNCILMEMBER SANCHEZ** believed that there is a policy regarding the rotation and she assumed we were following that policy. Councilmember Feller is correct—it sounds like he would be back in the rotation. She knows they have been following Council policy for the last 6 years as she recalls, except for the time she got skipped. She would prefer that it be according to the rotation, because that is the most fair.

**MAYOR WOOD** stated he too was passed over in rotation by Mayor Johnson and Councilmember Feller. He understood it was a decision of the Mayor. He relied a lot on Councilmember Feller's strong support of Mayor Dick Lyon, who took this to issue with the Attorney General's Office and indicated the Mayor has the sole authority to make those appointments. He chose Councilmember Chavez because he can do the job, and they work well together.

**COUNCILMEMBER KERN** does not know about the rotation and past actions. If there is some policy in place, we should follow it. Basically he thinks it is the Mayor's call. If we start with Councilmember Chavez and start the rotation from this point forward, that would make sense. Then on the third year in, it would be Councilmember Kern's time, which is the year before the election. That is an appropriate time for a person to serve as Deputy Mayor in a non-election year on the third year in.

Another comment is the irony of appointing him as an alternate to the MHCP, with being the only hunter on Council.

**COUNCILMEMBER CHAVEZ** was not tracking the deputy mayor position and who had held it when. He is perfectly happy to wait his turn and perfectly happy to serve now. He will do anything the group desires.

**MAYOR WOOD** said he would think about this because of the comments of Councilmember Chavez. He explained his reasoning on why. If it is a major issue at this time, he would like to hear it. He was available for discussion on these issues.

**COUNCILMEMBER CHAVEZ** stated he and the Mayor discussed it, and he is willing to step down and allow Councilmember Feller to be the deputy mayor.

**MAYOR WOOD** would be willing to do the same.

**COUNCILMEMBER FELLER** said he is okay with it; he will be deputy mayor next year.

**MAYOR WOOD** would amend his list and make Councilmember Feller deputy mayor if that is the Council's desire.

**COUNCILMEMBER SANCHEZ** questioned the policy and the next person rotating up. She wished to point out a correction to the Buena Vista JPA. It is not an alternate position. There are actually 2 people assigned, and both have to go.

**CITY ATTORNEY MULLEN** was not aware of a rotational policy. He came across Policy 100-42, which he read, stating that the deputy mayor position would be appointed by the Mayor with the ratification of the City Council on an annual basis each December, etc. There may be something out there regarding rotational policy, but it is not in his policy manual.

**MAYOR WOOD** recalled that he had been next up in rotation in seniority by votes and was passed over. He was told back then that there is no policy, and the Mayor had the right to appoint. He did not challenge that because that is what he was told by the City Attorney. However, if it is to Councilmember Feller's liking, he is willing to give him that opportunity. He would make that motion amendment if there is a second.

There was no second to make that amendment.

**COUNCILMEMBER CHAVEZ** stated he would prefer that Councilmember Feller make the second, since it is his choice. If not, then he would go forward with the original motion.

**COUNCILMEMBER FELLER** advised he would not second the amendment. This was their choice for now, and he has no problem waiting until next year. He is interested in being in the rotation.

**MAYOR WOOD** advised that there is no rotation. Next year may be different. So with the information that there is no rotation, he asked if Mr. Feller wished to make the second and take that position.

**COUNCILMEMBER FELLER** advised no.

Motion was **approved 5-0**.

Regarding NCTD, **MAYOR WOOD** stated on his nominations he has himself and Councilmember Chavez.

**COUNCILMEMBER SANCHEZ** asked if there is a conflict of interest [in voting] because of the funding, those being considered cannot participate as she understands it.

**MR. MULLEN** advised that Council could bifurcate the vote on the primary position and the alternate position to allow separate voting and maximum participation.

**COUNCILMEMBER KERN** felt SANDAG was the most important regional board. Even though he is honored to be the primary on SANDAG, it is his feeling that the Mayor should be the SANDAG representative. He would be glad to serve as alternate, but he moved to put Councilmember Chavez as the NCTD Board and Mayor Wood as the alternate.

**MR. MULLEN** suggested taking one commission at a time for these 2 where there are financial conflicts of interest, limit the motions to the primary and then the alternate and the discussion as well, because a councilmember cannot participate in the discussion on an item where they have a conflict of interest.

**COUNCILMEMBER SANCHEZ** questioned who has the conflict and whether it is only the person that is recommended or anyone who would like to be considered.

**MR. MULLEN** responded that a councilmember cannot participate in the discussion if there is a conflict of interest. If someone wants to be considered for one of the positions, they ought not to make a motion for themselves, because if they have a conflict

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of interest, it is for the entirety of the item. So they should not make or second a motion or discussing it.

**MAYOR WOOD** called for the NCTD Board primary position.

**COUNCILMEMBER SANCHEZ** wished to clarify that if anyone wants to be considered they should leave the room.

**MR. MULLEN** responded he did not think leaving the room is required. They should not participate in the discussion or vote. To clarify further, if the nomination is to appoint someone, that person cannot participate in that discussion. He is saying that this would be the person prohibited from discussing it. If someone wishes to waive the stipend, they could participate, as per the Attorney General opinion from 2005 to the City of San Marcos. If they do not wish to waive the stipend, then, according to the FPPC Advice Letter, there is a conflict of interest with the ability to receive more than \$250 in a 12-month period. So if it is any councilmember's name that has been nominated, that councilmember should not participate in the motion, the second or the discussion. If another councilmember wants to vote no because they want the position themselves, they may not be precluded from voting on that vote, but they would be precluded on a subsequent vote if they were nominated.

**MAYOR WOOD** stated his concerns on these 2 are that we have a NCTD Board. He as the Mayor appoints to those, so if someone else is making a recommendation for the primary position, that is not our policy. It is the Mayor who makes the recommendations. So he sees a conflict there. This is a new law.

Following discussion, **MR. MULLEN** further explained how he reads the law. That is, the City of San Marcos received an opinion in 2005 that states that you can only vote on your own appointment if you agree to waive the stipend. If you do not wish to waive the stipend, then there is a potential conflict of interest. As to the appointment powers, as a general rule the Mayor holds the appointment power as set forth in City Council policies and as set forth in an Attorney General opinion in 1998 to Senator Craven, i.e. it is the mayor's sole power to appoint to regional boards in the absence of a statute that specifically provides otherwise.

SB 1703 was adopted in 2002 involving SANDAG. That State statute provided that the governing body of the local agency shall select their representatives. The question then becomes, by the use of the word select, is that a specific statute that abrogates the mayor's sole appointment authority. There are arguments on both sides. There is no Attorney General (AG) opinion that specifically addresses it, but there was an AG opinion in August 2006 that said if a state legislature wants to divest the mayor of his sole power to appoint, then they would typically use in statutes the language 'appoint' or 'select'. So the argument would be that SB 1703, by using the words – the governing body 'selects' the member– that it is authorization for other councilmembers to nominate and vote.

Council could request an AG opinion if they wished for clearer guidance. Those involved in the drafting of that legislation believed that is what they were doing. But the language is not explicitly clear. An AG opinion does take significant time. If the Mayor desired to serve on SANDAG, another could nominate him.

**MAYOR WOOD** thought they had clarified this the other day. Going by past history, Mayor Lyon took this issue to the AG's office. If it is this complex for all cities, then if no action is taken and it is not resolved, he asked what it reverts back to.

**MR. MULLEN** responded that it would be the existing status quo, except former Deputy Mayor Mackin who is not eligible to serve on SANDAG. The current alternate would continue to serve under SB 1703 until recalled.

**MAYOR WOOD** advised he is the alternate on both. He further explained his reasons for nominating Councilmember Kern as primary, Councilmember Chavez for

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Alternate 1 and Councilmember Sanchez for Alternate 2. Councilmember Kern is highly qualified to do that. That position deals with all other cities and the county. He found it was beneficial for a new person to go there, meet everyone, learn and be aggressive on representing the City. He was putting people on here who had the ability to attend because they do not have other job commitments, are retired, etc. As for NCTD, there are issues very important to the City because of the Sprinter, etc. As the Mayor, he thought it was a good position to take on that task and address this important issue. The last AG opinion to Mayor Lyon was that the mayor is the sole person to appoint to these boards. There is some conflict with this. Regarding NCTD appointments, it is the Mayor's authority to appoint. Either he can abstain from voting, or if it were a tie, it would revert back to him as the alternate anyway. He understands other councilmembers have the right to make a recommendation. He assumes it is to make a recommendation to the Mayor to appoint that person, not that they are appointing or superseding the Mayor.

For NCTD, for the primary seat, **COUNCILMEMBER KERN moved** to recommend to the Mayor that Councilmember Chavez be the primary on NCTD.

**MAYOR WOOD** could say he did not have a motion for himself even though he nominated himself as primary. So he can either stay with that, withdraw his name, etc.

**MR. MULLEN** clarified that the Mayor is not part of the motion.

**MAYOR WOOD** advised he does not accept that motion to put it forward.

**COUNCILMEMBER FELLER seconded** the motion.

**MR. MULLEN** advised that the vote would be on the recommendation.

**MAYOR WOOD** clarified that even if this motion passes, it is a recommendation.

**COUNCILMEMBER SANCHEZ** stated the Mayor's original intent was for him to be the primary, and Councilmember Chavez as secondary, and she could support that. Her statement is that she would be available for both the NCTD and SANDAG, and she would make every single meeting.

**COUNCILMEMBER FELLER** believed that even if it is a recommendation it becomes who is the primary and asked if that is correct.

**MR. MULLEN** indicated that is not how the motion was framed. It was framed as a recommendation to the Mayor. That is what we are voting on.

**Motion failed 2-2**, with Mayor Wood and Councilmember Sanchez voting no. [Councilmember Chavez was unable to vote per the conflict of interest as discussed].

[Recess was held from 6:57 – 7:04 PM]

**DEPUTY MAYOR CHAVEZ** reconvened the meeting [with Mayor Wood absent]. As discussed earlier, the Mayor does not have the ability to appoint, discuss or vote on any appointment involving him. Having the document he provided, and listening to the discussion at the dais, the salient point is that SANDAG is the most important. Councilmember Kern makes a good point in that it is seen as the senior regional position, and the Mayor should assume that. So, he **moved** to recommend that Mayor Wood be the primary appointee to SANDAG.

**COUNCILMEMBER KERN seconded** the motion.

**COUNCILMEMBER SANCHEZ** stated she would like to be considered for this position. She has been on Council for 6 years; her background is in urban studies; and she is also a lawyer and has independently had a relationship with some of the cities/government entities for quite some time, even before she was on Council. So she

would like to put her name out there. At an earlier time she had put her name out there but was not chosen. Last year she was not able to do it; this year she is able to do it.

Motion was **approved 4-0**, with Mayor Wood absent.

**DEPUTY MAYOR CHAVEZ** stated it is important to have the senior person on the dais representing the City on North County Transit District (NCTD). He **moved** to recommend that Mayor Wood be the City's primary representative to NCTD.

**COUNCILMEMBER KERN** **seconded** the motion; motion was **approved 4-0**, Mayor Wood absent [due to the conflict of interest discussion].

**DEPUTY MAYOR CHAVEZ** stated the Mayor will be returning now to deal with the issues of the alternate positions.

[Mayor Wood returned to the dais at 7:08 PM.]

**MAYOR WOOD** stated we would go through the alternate positions. While abstaining in the back room, he did hear the conversation about those interested in the positions. He heard Councilmember Sanchez say she would really be interested in the positions and was willing to take some drastic employment issues regarding them. He understands there has been a change in the Council, and the voting will be different.

For the alternates for SANDAG, **DEPUTY MAYOR CHAVEZ** **moved** to recommend Councilmember Kern to be alternate I at SANDAG. **COUNCILMEMBER FELLER** **seconded** the motion; motion was **approved 3-1**, with Councilmember Sanchez voting no and Councilmember Kern abstaining.

**COUNCILMEMBER KERN** **moved** that Councilmember Sanchez be the second alternate on SANDAG. **DEPUTY MAYOR CHAVEZ** **seconded** the motion.

**COUNCILMEMBER SANCHEZ** stated if it is going to be that remote and she would be told at the last second, she would not be able to serve.

**MAYOR WOOD** understood it is tough with a job. He therefore **moved** to appoint Councilmember Chavez as the second alternate. The **motion died** for lack of a second.

**COUNCILMEMBER KERN** **moved** that Councilmember Feller be the second alternate. **DEPUTY MAYOR CHAVEZ** **seconded** the motion. **Motion was approved 3-1**, with Councilmember Sanchez voting no and Councilmember Feller abstaining.

**MAYOR WOOD** **moved** to appoint Deputy Mayor Chavez as Alternate 1 to the NCTD Board; **COUNCILMEMBER KERN** **seconded** the motion. Motion was **approved 3-1**, with Councilmember Sanchez voting no and Deputy Mayor Chavez abstaining.

Regional Boards and Committees	Primary	Alternate I	Alternate II
North County Transit District – Board	Wood	Chavez	-

SANDAG – Board	Kern Wood	Chavez Kern	Sanchez Feller
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**CITY COUNCIL REPORTS**

- 22. **Mayor Jim Wood** -- has enjoyed all the holiday celebrations. He wished everyone a safe and Merry Christmas and happy holidays. He hopes 2007 will be a wonderful year for the City.

23. **Councilmember Rocky Chavez** – stated that yesterday at the Senior Commission there was a discussion on the Senior Taxi program. That funding ends at the end of this year. All the vouchers for this month are sold out. Staff is looking at funding for next year. He attended the San Diego North Economic Development Council awards this week, and Genentech was the winner for best businesses in the area. The partner for public entities winner was Tri City Hospital. He noted that his son would be getting married April 28 in Virginia. This is a special season. Peace on earth; goodwill to men and best wishes to everyone from his family.
24. **Councilmember Jack Feller** -- would like a staff presentation in the near future regarding the ordinances for the day laborers and the enforcement the City can and cannot do. He has driven out in that area, and it is a disaster. The City should be enforcing its rules. A report was received from Dave Manley regarding the Industry Street/Loma Alta Creek environmental enforcement project, which did a thorough investigation of all the businesses in the only heavy industrial area of the city. There are issues that need to be fixed. He did not think the City needed an ongoing heavy-handed enforcement to have these businesses do the right thing. What bothered him is that the report says that due to limited resources, responses to regular code enforcement complaints received from residents may be delayed as staffing reassignments are made. This heavy enforcement is slighting the rest of the City. There is graffiti and all kinds of things in the rest of the City that need consideration. So he would ask the City Manager to do the minimum requirement for staff to remain constant and consistent throughout the City on issues of enforcement. To all, Merry Christmas.
25. **Councilmember Jerome M. Kern** -- stated he is in his office most of the time doing a lot of reading. He also stated there are many events this season. He has been meeting with staff and is still learning the ropes to get up to speed. He wished everyone a Merry Christmas.
26. **Councilmember Esther Sanchez** ---- stated she is confused about Councilmember Feller's report, which seemed more of a direction in terms of policy. Anything having to do with policy should come to the whole body, so she would object to any changes unless it comes to the whole body. Code enforcement is not agendized, and we have no information. She wished everyone happy and safe holidays. She reviewed and read the memorial in the newspaper of the passing of Aurora Badillo – 78. She lived in Oceanside all her life. She was a great lady.

ADJOURNMENT

Following the drawing for the new seating arrangement, **MAYOR WOOD** adjourned this meeting to Sunday, December 17, 2006 at 1:00 PM for a closed session meeting. This meeting of December 13, 2006 was adjourned at 7:30 PM.

**ACCEPTED BY COUNCIL/HDB/CDC:**

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Barbara Riegel Wayne, CMC  
City Clerk, City of Oceanside