



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

JOINT CITY COUNCIL/ARTS COMMISSION WORKSHOP

March 25, 2009

4:00 p.m.

ADJOURNED MEETING

Oceanside Museum of Art

704 Pier View Way

Mayor

Jim Wood

Deputy Mayor

Vacant

Councilmembers

Jerome Kern

Jack Feller

Esther Sanchez

Rocky Chavez

City Clerk

Barbara Riegel Wayne

The adjourned joint meeting of the Oceanside City Council and Arts Commission was called to order by Councilmember Chavez at 5:01 PM, Wednesday, March 25, 2009. [Start of meeting delayed due to the length of the 2:00 PM Council meeting.]

PLEDGE OF ALLEGIANCE – no flag available

COUNCIL ROLL CALL

Present were Councilmembers Chavez, Feller and Kern. Mayor Wood was sick and Councilmember Sanchez was absent. Also present were City Clerk Wayne, City Manager Peter Weiss and City Attorney John Mullen. As liaison to the Arts Commission, Councilmember Chavez chaired the meeting.

ARTS COMMISSION ROLL CALL

Present were Chair Carolyn Mickelson, and Commissioners Chuck Lowery, Rex Martin, James Pahl, Karen Williams-Graham, Dana Smith, Corrine Perez-Garcia, Absent were Jane Dancison and Lisa Hamel.

WORKSHOP ITEMS:

1. **Discussion regarding the value of a creative community and the role of the Arts Commission**
 - A) Introduction by Councilmember Rocky Chavez – gave introduction
 - B) Report by Carolyn Mickelson, Arts Commission Chair, and Chuck Lowery, Arts Commission Member

CHAIR MICKELSON stated they would first show a video of Hatchfest and then present a powerpoint presentation.

The video was shown.

She then read the City's visioning statement. She gave a powerpoint

presentation, stating human creativity is the ultimate economic resource. The ability to come up with new ideas and better ways of doing things is ultimately what raises productivity and thus, living standards. She reviewed that the creative community includes scientists, engineers, artists, musicians, designers and other professionals. The wealth generated by this sector is astounding. The creative community accounts for nearly half of all wage income in the U.S.; that is \$1.7 trillion, or as much as the manufacturing and service sectors combined. There is a clear connection between the economic health of a city and the appeal that a city has to creative individuals.

We need to think of creativity as a common goal. It is something essential and must always be renewed and maintained, or it will slip away. Research shows that each dollar spent on the arts generates \$7 in non-art spending. The arts are a magnet for large corporations and an effective economic catalyst for the vitalization of urban centers. She gave examples such as Tampa, Florida and New York City as explained. The arts are a necessary component in the creation of vibrant places where people want to live.

COMMISSIONER LOWERY noted that Oceanside's Arts Commission has been focusing on encouraging and promoting the development and enjoyment of performing and visual arts. Our efforts have been transforming the urban environment with dance and permanent sculpture installations and having everyday objects like bicycle racks and utility boxes become canvases for the artistic community. We've shepherded projects from the newly painted wall in the harbor, to mime workshops at the Brooks Theatre, to our successful first annual sculpture competition, and to our joint partnership with Parks & Recreation to bring free concerts to our citizens.

In 2009, we added some new expressions, such as Vortex Plastique – an exhibition of sculpture and photographs of and about plastic, with collaboration by MiraCosta College, the Museum of Art, and the Arts Commission. In addition, the Commission intends to bring children (ages 8-14) to Architects in the Making, as described.

The Arts Commission is advisory to the Council, one that helps influence generations to come, and we have three initiatives. Hatchfest is a non-profit organization whose mission is to encourage economic development, enthusiasm and an economic renaissance.

Our own charrettes process would include an Art, Technology & Environment District. This District is envisioned as a place where innovation and creativity converge and contribute to the business, commerce and identity of Oceanside. This mixed-use area along Cleveland, between Wisconsin and Oceanside Blvd., will serve residents and act as a visitor and tourist magnet. It will allow the arts to be woven into the fabric of the community. Additionally, "green" industry, environment and other design are seen as the economic future.

Innovation extends beyond current thinking and resources. Exposure to progressive developers can also expand what's possible on the horizon. ArtSpace is the nation's leading nonprofit developer of affordable space for artists through new construction and adaptive reuse of existing buildings. Having Oceanside be known as a place that fosters the cultural and performing arts requires that we all work cooperatively.

General discussion was held. Councilmember Kern stated his support for art and moving art forward. He endorses these ideas and the partnerships with the Arts Commission.

COUNCILMEMBER FELLER endorses this but questions how it will all get paid for. There are exciting things, and he knows this is part of what defines a community and that it drives economics; however, he questioned the direction.

Regarding funding, **CHAIR MICKELSON** stated that ArtSpace, etc., are developers that come into an area and concentrate on the arts. A creative idea they had in Arizona was they found a foundry that was making sculptures, and this creativity turned into an events and people draw, which then drew in other businesses that developed into a whole center with arts-oriented businesses. The idea is you can take

existing buildings/areas and ArtSpace would buy warehouse space or an old building, fix it up and turn it around and rent it to artists for artists' lofts. When the artists move in, the area begins to gentrify, and then the artists can no longer afford to live/work there. So they keep the rents low so the artists can remain there and become a tourist draw. That helps with the economic tax base. She discussed the Museum of Art and how it was a catalyst for change and was a draw for Biogen IDEC and the quality of life for their employees.

COMMISSIONER PAHL further reviewed the events that helped to drive forward the Museum of Art. There were studies of successful cities, and those cities that are so dynamic in drawing huge successful corporations and especially young people are the cities invested in the arts and highly recognized as being very tolerant of young people with different ideas and lifestyles. They are cities that are attracted to young people because they offer alternative music styles and offer a degree of acceptance. The arts help people see things through another person's eyes and help them become more tolerant and more excited about the cultural mosaic. Regarding the question of who will pay for this, a lot of this is a mental mindset for celebrating a community.

COUNCILMEMBER CHAVEZ stated an issue raised is regarding the zoning in the art technology area and changing the zoning to allow the uses for those people who have the resources to invest so that the area can develop and start feeding and paying for itself.

COUNCILMEMBER FELLER questioned that, in the presentation the Arts Commission is declaring an art center area on Cleveland between Wisconsin and Oceanside Blvd., it would be a zoning overlay to allow something outside the box. Those are all property owners there that may or may not want to change.

CHAIR MICKELSON responded that there are many different forms of art, and a community should co-exist because we need the vitality of all groups and businesses. The idea is to create an area by zoning to attract people to that area. She reviewed Hatchfest and what it does for the arts and a community. People want and need the arts in their lives. We are a very diverse culture, which is one of our great strengths.

COUNCILMEMBER CHAVEZ noted that a lot of people are expressing the same concerns as Councilmember Feller.

COMMISSIONER LOWERY stated that the identity that the Arts Commission has is that we are clearly promoting the economy of Oceanside, and we are doing it as economically as we can. The idea is to bring new business into the City and to bring people into the City for whatever business/event. The question is how we are going to pay for that. He looks at that constantly. He has asked for private business support for the arts programs, so we are creating sponsorships for events, etc. We have a lot of availability for funds, and we have a lot of interest in what we are doing. He would like to see it continue to go forward.

Public input

DAVID MICKELSON talked about the importance of good design, good art and an art-friendly community. If you want to attract business people and people of means and culture and taste and distinction, then you need to create an environment where they feel it is a place they want to come and spend money and recreate and live and work, then it has to be the vision.

Public input concluded

COMMISSIONER MARTIN pointed out that the Arts Commission is fiscally responsible with their budget. They are very careful of every request they receive and have a draft requiring any requests for funding be in writing with specific criteria so we are very careful that it is for Oceanside, etc. We spend the taxpayer money very carefully.

COUNCILMEMBER CHAVEZ noted that, out of the Art Talk effort and the issue of a venue, he talked with the City Manager, and we are going to try to bring to the Council next month the idea of an open air gallery every Sunday at the Civic Center

fountains. It will be called the Sunday Art Zone and would go down art alley for only people with original art - no food, etc. It would be strictly original art with artists with business licenses. At Art Talk one of the biggest items was a venue to show their art. No staff is required; it would be laissez faire type. It would be a test to see if it works or not. This is all conceptual right now, but the idea is to not use any staff time.

CHAIR MICKELSON reviewed all the activities/events going on. People really want the arts. We have some real opportunities.

COUNCILMEMBER KERN stated that we need to empower creativity and to do it through land use and zoning, perhaps an overlay zoning. We cannot force people to change so if they don't want to change, let them stay. Then some who come in can have the art element, etc.

COMMISSIONER WILLIAMS-GRAHAM reviewed the importance of the Arts Commission. We need to be vital and operate with the arts.

2. **Public Communication on City Council Matters (off-agenda items) - None**

ADJOURNMENT

Councilmember Chavez adjourned this meeting to a Council workshop on Tuesday, March 31 at 4:00 PM. This meeting of the City Council was adjourned at 5:57 PM, March 25, 2009.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
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

APRIL 1, 2009

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**
Vacant

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

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

Treasurer
Gary Felien

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

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

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

4:00 P.M. – ROLL CALL

Having been previously appointed by Mayor Wood for today's meeting, Interim Deputy Mayor Sanchez called this regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) to order at 4:00 PM, April 1, 2009. Present were Interim Deputy Mayor Sanchez and Councilmembers Feller, Chavez and Kern. Also present were City Clerk Wayne, City Attorney Mullen and City Manager Weiss.

CITY ATTORNEY MULLEN titled the items to be heard in closed session: 2, 3 and 4A and 4B.

[Closed session and recess were held from 4:01 – 5:00 PM.]

CITY COUNCIL, HDB, and CDC CLOSED SESSION ITEMS

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

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

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

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

No closed session was held.

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

Property: Property bounded by Pacific Street, Myers Street, Seagaze Drive, and Civic Center Drive (APN 147-261-01 through 12; 147-076-1, 2, 3, 10, 11, 12); Negotiating Parties: SD Malkin Properties; Negotiator for the City: Jane McVey, Economic and Community Development Director, Delmar Williams and Paul Marra; Under Negotiations: Terms of Disposition Agreement and Lease

Discussed; there was no reportable action.

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9(a))
Ritter et al. v. City of Oceanside, Superior Court Case No. GIN055645

Discussed; there was no reportable action.

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

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

- A. City Attorney
- B. City Manager

Discussed; there was no reportable action.

5:00 PM – ROLL CALL

The meeting was reconvened at 5:03 PM. Mayor Wood was absent. Also present were City Clerk Wayne, City Manager Weiss, and City Attorney Mullen.

INTERIM DEPUTY MAYOR SANCHEZ read a statement from the Mayor apologizing for not being able to attend this meeting; at this time he is conferring with the Department of Homeland Security Secretary, Deputy Secretary of State and U.S. Deputy Attorney General in regard to the situation along the U.S./Mexican border. Mayors and Board of Supervisors will be receiving a briefing on the situation and voicing their concerns during this roundtable meeting; he will report back next week.

INVOCATION – Pastor Carl Souza

PLEDGE OF ALLEGIANCE – Members of Pop Warner

PROCLAMATIONS AND PRESENTATIONS

Presentation – “Pet of the Month” presented by Julie Bank, Executive Director of the North County Humane Society & SPCA

Presentation – Introduction of Dr. Francisco Rodriguez, the new president of MiraCosta College

Presentation – Ironman Triathlon

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award—El Camino Wildcats

Presentations were made.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in closed session. (see Items 2-4 above for those reports).

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*

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

PoliceWatch.org, (no name given), stated the reason he comes here all the time is because there is no place to go for the justice system to have a public forum. He understands a lot of the things he asks for and civil rights activists ask for cities/counties cannot change because they are State and Federal laws. He has spoken to many homeless people, and police demean these people. He further spoke on police brutality and a corrupt court system. If we had electronic monitoring, we could save millions.

FRANK ZIMMERMAN, 1614 Hicks Street, coaches soccer, and expressed concern with Mance Buchanon Park right now with some things going on there on the weekends/use of the park that is alarming. The Soccer Club of Oceanside is hopefully going to move there and start playing games this summer, and the fields are perfect, or at least they were. What we have now in unsupervised times is that people are playing organized games there to the tune of 3-4 adult organized games and he is not sure who it is. We have a Soccer Club of over 2,000 young boys and girls who have been told by us to stay away from the park out of respect for our agreement with the City. It is amazing what is going on at the park, and we are trying to take pictures and document it. He wanted to call it to Council's attention because he is concerned they will inherit these fields that are then in less than perfect condition and then we will need to close during peak usage time. It is a revenue generator, and we want to hold a tournament there this summer that we think will bring in \$500,000 - \$750,000 to this community. He is concerned that these unpermitted users on the weekend will require maintenance concerns.

COUNCILMEMBER FELLER broached the subject with the City Manager some weeks ago, and he has seen it in 3 different parks where this is happening.

The item was referred to staff to address.

Changes to the Agenda:

CITY CLERK WAYNE reported on changes to the agenda as follows: on the Consent Calendar, items 10 and 11 are being removed from the agenda entirely. Under General Items, Item 18 that has also been removed from the agenda.

CONSENT CALENDAR ITEMS [Items 7- 9, 12-14]

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.

The following Consent Calendar items were submitted for approval:

7. 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 February 4, 2009, 4:00 p.m. Regular Meeting and the March 4, 2009, Regular Meeting
8. 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)
9. City Council: Approval of a purchase order in the amount of \$117,152 to G/M Business Interiors of San Diego for the purchase and installation of Herman Miller furniture for the El Corazon Senior Center, and authorization for the Financial Services Director, or designee, to execute the purchase order
10. **Removed from the agenda**
[City Council: Approval of a Developer Deposit Agreement with McMillin Commercial with an initial deposit of \$10,000 for technical review work for the four-acre Oceanside portion of the site located on Haymar Drive just west of College Boulevard, on issues such as traffic and biological buffers from El Salto Falls, related to a project proposed in Carlsbad at the former rock quarry located south of SR 78 and west of College Boulevard and the Quarry Creek Shopping Center; and authorization for the City Manager to execute the agreement]
11. **Removed from the agenda**
[City Council: Approval of a staffing and processing agreement with Hanson Aggregates Pacific Southwest, Inc., for the Amended Hanson Reclamation Plan for work previously done at the former rock quarry located south of SR 78 and west of College Boulevard, and authorization for the City Manager to execute the agreement]
12. City Council: Adoption of resolutions initiating the proceedings for the FY 2009-10 annual renewal of the Oceanside Lighting District, Assessment District No. 2-1991, and setting a public hearing for May 13, 2009, at 6:00 p.m.

--**Resolution No. 09-R0165-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2009-2010 renewal of the Oceanside Lighting District, Assessment District No. 2-1991";
--**Resolution No. 09-R0166-1**, "... approving the City Engineer's report regarding the 2009-2010 Fiscal Year renewal of the Oceanside Lighting District, Assessment District No. 2-1991";
--**Resolution No. 09-R0167-1**, "...declaring its intention to levy and collect assessments within the Oceanside Lighting District, Assessment District No. 2-1991, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments"
13. City Council: Adoption of resolutions initiating the proceedings for renewal of the City's eleven Landscape Maintenance Assessment Districts for FY 2009-10, and setting a public hearing for May 13, 2009, at 6:00 p.m. for the Del Oro Hills, Douglas Park, Guajome Ridge, Mar Lado Highlands, Peacock Hills, Mission Meadows, Rancho Hermosa, Santa Fe Mesa, Sunburst Homes, Sunset Hills, and Vista Del Rio Landscape Maintenance Districts

Del Oro Hills

- Resolution No. 09-R0168-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987";
--**Resolution No. 09-R0169-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987";
--**Resolution No. 09-R0170-1**, "...declaring its intention to levy and collect assessments for fiscal year 2009-2010 within the Del Oro Hills Landscape Maintenance District, Assessment District No. 1-1987 and setting a public hearing on the proposed assessments".

Douglas Park

--**Resolution No. 09-R0171-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Douglas Park Landscape Maintenance District, Assessment District 5-1981";

--**Resolution No. 09-R0172-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Douglas Park Landscape Maintenance District, Assessment District 5-1981";

--**Resolution No. 09-R0173-1**, "...declaring its intention to levy and collect assessments for fiscal year 2009-2010 within the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981 and setting a public hearing on the proposed assessments".

Guajome Ridge

--**Resolution No. 09-R0174-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989";

--**Resolution No. 09-R0175-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989";

--**Resolution No. 09-R0176-1**, "...declaring its intention to levy and collect assessments for fiscal year 2009-2010 within the Guajome Ridge Landscape Maintenance District, Assessment District No. 1-1989 and setting a public hearing on the proposed assessments".

Mar Lado Highlands

--**Resolution No. 09-R0177-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988";

--**Resolution No. 09-R0178-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Mar Lado Highlands Landscape Maintenance District, Assessment District No. 1-1988";

--**Resolution No. 09-R0179-1**, "...declaring its intention to levy and collect assessments within the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Peacock Hills

--**Resolution No. 09-R0180-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Peacock Hills Landscape Maintenance District, Assessment District 1-1977";

--**Resolution No. 09-R0181-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Peacock Hills Landscape Maintenance District, Assessment District No. 1-1977";

--**Resolution No. 09-R0182-1**, "...declaring its intention to levy and collect assessments within the Peacock Hills Landscape Maintenance District, Assessment District 1-1977, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Mission Meadows

--**Resolution No. 09-R0183-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Mission Meadows Landscape Maintenance District, Assessment District 2-1979";

--**Resolution No. 09-R0184-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Mission Meadows Landscape Maintenance District, Assessment District No. 2-1979";

--**Resolution No. 09-R0185-1**, "...declaring its intention to levy and collect assessments within the Mission Meadows Landscape Maintenance District, Assessment District 2-1979, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Rancho Hermosa

--**Resolution No. 09-R0186-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982";

--**Resolution No. 09-R0187-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Rancho Hermosa Landscape Maintenance District, Assessment District No. 3-1982";

--**Resolution No. 09-R0188-1**, "...declaring its intention to levy and collect assessments within the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Santa Fe Mesa

--**Resolution No. 09-R0189-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987";

--**Resolution No. 09-R0190-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987";

--**Resolution No. 09-R0191-1**, "...declaring its intention to levy and collect assessments within the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Sunburst Homes

--**Resolution No. 09-R0192-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980";

--**Resolution No. 09-R0193-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980";

--**Resolution No. 09-R0194-1**, "...declaring its intention to levy and collect assessments within the Sunburst Homes Landscape Maintenance District, Assessment District 1-1980, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Sunset Hills

--**Resolution No. 09-R0195-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Sunset Hills Landscape Maintenance District, Assessment District 2-1981";

--**Resolution No. 09-R0196-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982";

--**Resolution No. 09-R0197-1**, "...declaring its intention to levy and collect assessments within the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

Vista Del Rio

--**Resolution No. 09-R0198-1**, "...directing the City Engineer to prepare a report on the fiscal year 2009-2010 renewal of the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001";

--**Resolution No. 09-R0199-1**, "...approving the City Engineer's 2009-2010 fiscal year report on the Vista Del Rio Landscape Maintenance District, Assessment District No. 1-2001";

--**Resolution No. 09-R0200-1**, "...declaring its intention to levy and collect assessments within the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001, for fiscal year 2009-2010 and setting a public hearing on the proposed assessments".

14. **City Council: Adoption of Resolution No. 09-R0201-1, "...establishing certain traffic controls within the City of Oceanside (angle parking at 312 and 314 Fowles Street)"**

COUNCILMEMBER CHAVEZ moved approval of the Consent Calendar [Items 7-9, 12-14].

COUNCILMEMBER KERN seconded the motion

Motion was approved 4-0; Mayor Wood was absent.

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.

18. **Removed from the agenda**

[Council: Approval of the Telecommunications Committee FY 2008-09 Workplan]

19. **City Council: Approval of the Transportation Commission FY 2008-2010 Workplan**

- A) Introduction by Paul Pace, Transportation Operations Engineer – introduction made
- B) Report by

DAN HILDERBRAND, Commission Chair, presented the Workplan, noting that the structure of the Commission is that we do have our Airport Subcommittee, which currently oversees the airport operations. As the airport operations move to the new airport operator, the Subcommittee will need to adopt different patterns regarding the airport.

Under goals and tasks, we promote the traffic safety programs along with reviewing the City's Transportation Plan and regional programs and focus on the citizens' interests in traffic safety. Our specific goals and tasks/responsibilities include traffic operations and transportation planning. The Commission reviews the citizens' requests for traffic controls/calming, etc. The traffic signal coordination is a vitally important aspect.

Under public relations, staff and the Commission encourage information sharing with the public. The pedestrian safety program is important as the downtown is redeveloped with the increase in public transit in and around the City. The schools are also an integral part with the Safe Route to School program. The Commission has also had a part in the red light camera enforcement/locations. It does foster safer intersections, and it does reduce or eliminate certain hazardous types of accidents. Our Commission has a lot of faith in the red light camera program, as does the police department.

For transportation planning, under Specific Goals and Tasks, are the thoroughfare and signal fees, Citywide Circulation Element, the Regional Arterial System and the Management Plan. The Commission is also staying updated on the status of the Highway 76, I-5 and other interchange and widening projects. The Railroad Quiet Zones are an important item in the downtown area where residential areas are adversely affected. The Commission looks forward to new studies and new information. The increasing population of our seniors requires the Commission to be more vigilant towards their needs and mobility habits. Our Commission is also updated regularly with North County Transit District changes/needs.

Again, the airport is becoming a new and dynamic situation as the lease becomes operational, and the Airport Subcommittee will meet as needed to review and maintain oversight of the property.

Regarding training, he will be asking staff to schedule training with the Commission and new members as needed.

COUNCILMEMBER KERN questioned the funding for the Safe Route to School program.

MR. PACE responded the City applies for those funds in coordination with the school district for the State funds.

COUNCILMEMBER FELLER questioned how the Transportation Commission fit with any other groups at the Mayor's meeting with Commission chairs.

MR. HILDERBRAND felt there is some room for consolidation. If the Transportation Commission can take on any or meld with any other commission, they would be willing to do it. Also the Transportation Commission can do things to save some staff time, etc.

Following further discussion, **COMMISSIONER FELLER** moved approval of the Workplan.

COMMISSIONER KERN seconded the motion.

Motion was approved 4-0; Mayor Wood was absent.

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.

25. **City Council: Adoption of Ordinance No. 09-OR0205-1, "... amending the Zoning District Map from Residential Estate-B to Open Space, Public and Semipublic to Open Space, Residential Estate-B to Public and Semipublic, Industrial Park to Open Space, General Industrial to Public and Semipublic, Public and Semipublic to General Industrial, Open Space to General Industrial, General Industrial to Open Space, Limited Industrial to Open Space for ten properties located north of SR-76, east of Canyon Drive, northwest of Benet Road, and south of Camp Pendleton – Gallant and Cassan Zone Amendment (ZA-5-07) (City of Oceanside – Applicant" (introduced 3/18/09, 5-0 vote)**

Following the reading of the title, **COUNCILMEMBER KERN** moved approval of the adoption of the Ordinance.

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 4-0; Mayor Wood was absent.

[Recess was held from 5:50 – 6:02 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.

15. **CDC: Adoption of a resolution approving the 2009-2010 Annual and 2005-2010 Five-Year Public Housing Agency Plans, and authorization for the Community Development Commission Chairperson to submit the plan to the U.S. Department of Housing and Urban Development with the inclusion of changes made to the PHA Plans as a result of public comments and execute all related documents**
- A) Vice Chairperson opens public hearing – hearing opened
 - B) Vice Chairperson requests disclosure of Commissioner and constituent contacts and correspondence – disclosures reported
 - C) Secretary presents correspondence and/or petitions – none
 - D) Testimony, beginning with

ANGIE HANIFIN, Housing Program Manager, stated the item is the Public Housing Agency Plan for 2009-2010 and the 5-year plan for 2005-2010. The City operates the federally funded Section 8 Housing Choice Voucher program, which is a rental assistance program. We assist more than 1,500 households in the City to pay their rent. The average monthly subsidy is about \$800, so it is a significant subsidy and is completely funded by Federal funds.

About 24% of our households are headed by a senior; about 45% of the households are headed by a person with disabilities. An additional 45% are families with children, and there is some overlap among those. We currently have more than 4,000 applications on our waiting list, and it varies from year to year. She has seen as low as a 1-year wait up to a 7-year wait over the years. The only way we are able to assist new families is if someone drops from the program.

The HUD regulations governing the program require that we publish the Public Housing Agency Plan. This is the 5th year of the current 5-year cycle. HUD implemented this requirement about 10 years ago, and we are administratively required to bring this forward for approval. We are also required to have a 45-day public comment period which ended on March 17.

There were minor changes to the PHA plan as mentioned in the staff report; there was nothing significant. Another requirement is that a resident advisory board participate in the preparation of the plan. Four participants in our Section 8 program volunteered to serve. They met on 2 occasions and did not recommend any changes in the plan; however, one member recommended that staff provide information to our participants in case the properties they are residing in are subject to a foreclosure. Staff is working with a tenant advocate group and Legal Aid to try to provide resources.

The Housing Commission unanimously recommended approval to the CDC of the plan.

Staff is recommending that the CDC adopt a resolution approving submission of the 2009-2010 Annual Public Housing Agency Plan, as well as the 2005-2010 5-year plan, to HUD with the inclusion of any changes made as a result of any public comments.

With no public input received, the hearing was closed.

COUNCILMEMBER CHAVEZ moved approval of the staff recommendations and adoption of the resolution [**Resolution No. 09-R0202-3**, "... (CA 132) approving the streamlined annual Public Housing Agency (PHA) Plan for the PHA fiscal year beginning July 1, 2009 and authorizing the Community Development Commission Chairman to submit the PHA Plan to the U.S. Department of Housing and Urban Development (HUD) and execute all related documents."

COUNCILMEMBER KERN seconded the motion. He questioned if there was reimbursement to the City for administering this program.

MS. HANIFIN stated it is all federal funds that are used for the administration. Following discussion regarding stimulus money (not available for this program), **motion was approved 4-0**; Mayor Wood was absent.

16. **City Council: Approval of a five-year franchise agreement with Oceanside Transportation Services, LLC, dba Yellow Cab of Oceanside, to operate taxicabs in the City of Oceanside with revenue to the City consisting of a one-time \$500 franchise fee, plus annual revenue ranging from \$1,900 with 30 operational taxicabs to \$4,000 with the maximum of 65 taxicabs; and authorization for the City Manager to execute the franchise agreement**
- A) Interim Deputy Mayor opens public hearing – hearing opened
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – disclosures reported
 - C) City Clerk presents correspondence and/or petitions - none
 - D) Testimony, beginning with

SHERI BROWN, Revenue Manager, stated this item is requesting approval of a 5-year franchise agreement with Oceanside Transportation Services dba Yellow Cab of Oceanside to operate taxicabs. This company has been operating in Oceanside for many years under different ownerships. The current ownership is set to expire their first 5-year franchise agreement so they put in a request for another one for a maximum of 65 taxicabs. During the past 5-year agreement they relocated from the redevelopment area to a more appropriate location off Industry Street. They were also authorized by Council to increase the number of permits from 32 to 65. This increase gave them the ability to respond to any increases in service demands. They also worked with the Parks and Recreation division to establish the senior taxicab program, which has helped our citizens.

During this time the franchise agreement calls for them to meet certain service standards and to provide reports on those. During the 5-year period they have consistently exceeded the service standards in the agreement and have had minimal complaints reported to the City.

This operator was the sole authorized operator from 2000-2008. In July 2008 a second provider was authorized; however, they have only pulled a few permits, so Yellow Cab of Oceanside remains our main provider of taxicab services in Oceanside. Not entering into another agreement would effectively shut down the services being provided and would eliminate the choice of citizens to pick between service providers. Staff is recommending approval of a 5-year franchise agreement.

With no public input received, the hearing as closed.

COUNCILMEMBER FELLER questioned the service standards reporting.

MS. BROWN responded they have computerized reports, and they send us the summary of those on a quarterly basis.

COUNCILMEMBER FELLER stated there are a lot of cabs running through this City that are not licensed. How are we enforcing this? Also, are both companies in conformance with the standards?

MS. BROWN responded they check into items as they are reported. If anything is reported, then Code Enforcement or the Police Department responds to it. Also, she is receiving reports from the other provider as well.

INTERIM DEPUTY MAYOR (IDM) SANCHEZ reviewed a new law enacted that allows for enforcement by cities for violations which would include even taking the phone numbers away for violations.

COUNCILMEMBER FELLER moved approval of staff's recommendations [and Document No. 09-D0203-1].

COUNCILMEMBER KERN seconded the motion. He noted that in looking up the address for yellow cab, he went on line and put in "Yellow Cab of Oceanside" and it came up with 24/7 Yellow Cab as the first entry. He recalls "Yellow Cab" was the only one authorized to use that name so how does that get fixed.

MS. BROWN has been addressing that with the other company, and they have been making changes so that they are not showing up anymore when you search under "Yellow Cab." The site that she has been working with the operator on has been YellowPages.com. Yesterday it was brought to her attention that Google searches were showing 24/7 Yellow, and the operator has since shut down his web site so that those are not showing up anymore. So when doing searches on those search engines on any web site, 24/7 Yellow is no longer appearing.

Motion was approved 4-0; Mayor Wood was absent.

17. **Councilmember-called hearing to consider the Planning Commission's approval of a Tentative Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), Variance (V-7-05), and Mitigated Negative Declaration to allow a two-lot subdivision and the development of six freestanding three-and four-story condominium buildings totaling 277,442 square feet with a maximum height not to exceed 53 feet, for a senior residential care facility consisting of 180 condominium units with on-site recreation and care facilities provided on the 6.71-acre site located south of Highway 76, west of Melrose Drive, at the terminus of the Depot Road – Clublife Senior Living Center – Applicant: Spring Creek Commercial Ventures, LLC**
- A) Interim Deputy Mayor opens public hearing – hearing opened
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – disclosures reported
 - C) City Clerk presents correspondence and/or petitions – correspondence received
 - D) Testimony, beginning with

JULIANA von HACHT, Associate Planner, gave the staff report, stating the project consists of a 2-lot subdivision and the creation of 180 condominium units, construction of 6 buildings for the provision of general residential care services to people age 55 and older, and a variance on height for construction of a retaining wall to allow a 7.3 foot height. The Planning Commission unanimously adopted the Mitigated Negative Declaration (MND) and approved the project.

Subsequently the project was called for review [by Councilmember Sanchez]. She reviewed the issues called for review and the responses/findings to each, [as listed in the staff report]:

--Issue: the project is not consistent with the neighborhood. Finding: In the surrounding area it is mostly residential parcels directly adjacent to the site, along with the Home Depot. The project site has access off Depot Road. It is a long, narrow lot and is circuitous to reach, but it is suitable for a residential care facility as laid out. It provides a transition between the Home Depot and the surrounding residents like the Casitas which is just to the south. Visually it provides a buffer

--Issue: the project is too massive in height, bulk and density; Finding: she reviewed how the elevations of the buildings evolved—Building 2 from 4 stories to 3 stories meeting the height requirements of the residential district, and much more features added; the community center building with new architectural features and amenities and pool. The residential care facility does meet the development standards of the 2 districts that are on the property. The way the buildings have been changed and laid out reduces the overall bulk of the buildings and improves the site design.

--Issue: the project does not comply with the requirements of our Scenic Park and Equestrian overlays. Findings: displayed was the project site, and the Home Depot Road cul-de-sac on the site is where the project entrance is located. The Scenic Park requirements are to not obstruct views of the park—this site is too far away to affect views of Guajome Park. Other requirements deal with the use of natural materials/colors as proposed. In the Equestrian overlay, the requirement in a commercial district is to provide an equestrian trail on the public street, which is included on the cul-de-sac and was constructed when Rancho Rose was completed. Therefore, the project does comply with both overlays.

--Issue: the project does not meet the Council's policy with respect to sustainability. Findings: Per the applicant, there is a proposal to have between 45 – 55 people employed at the care facility. Per our Economic Development staff, ClubLife provides a service to our aging population; 25% today are over age 55 and would be eligible to live here; however, they felt the site was rather constrained and does not have easy access from a major arterial road, and the site could be developed with either low-end retail or maybe office buildings, which could also result in similar bulk and mass as this project.

--Issue: the impacts of this urban design on the environment. Findings: she looked at the Initial Study and noted that the impacts that are mitigated are noise; payment of in-lieu fees for traffic impacts; and no impacts to aesthetics, scenic views, scenic resources, and the project does not create a source of glare. When the MND [Mitigated Negative Declaration] was distributed, the project was still 4 stories but the applicant further reduced the height so it is not a significant impact.

--Issue: this residential/commercial hybrid project is not consistent with the neighborhood's zoning and land use. Findings: she displayed 2 tables as shown to the Planning Commission regarding the development standards and that the applicant satisfies both the CN-SP-EQ development regulations with the variance for the wall – the wall is located between the ClubLife buildings and Home Depot and will only be visible to people on the ClubLife property. The project also meets or exceeds all of the residential, scenic park, equestrian overlay districts development requirements.

--Issue: this project is not consistent with the neighborhood's zoning and land use. Findings: yes, it satisfies all the development standards for the districts in which the property is located, and it complies with the use standards for a residential care facility, including the requirement that the residents be 55 and older. It satisfies the subdivision policies from the Community Development goals of the Land Use Element.

Therefore, staff recommends that the Council affirm the Planning Commission's decision, adopt the MND, and approve the proposed project based on the findings presented.

Applicant

ANN GUNTER, Lightfoot Planning Group, a registered lobbyist under the City's regulations, is representing Spring Creek Commercial Ventures and the ClubLife project. We have been working on this project for a number of years. We first started working on this property as part of the Casitas property, which is located at the end of Old Ranch Road, and the entire property was developed and subdivided at the same time. Casitas started around 2002, and this property was actually graded as part of that Casitas project. The open space area within the creek and in the area to the southwest was set aside as part of that overall property, and a portion of the habitat area is on this property and is in a conservation easement.

This site sits a little below the Home Depot, and multi-family is adjacent, with single family beyond in the broader Jeffries Ranch Community. A key issue when we started working on this property was what the right kind of use was for the site with the split zoning. The majority of the site is designated for commercial uses. We wanted a use that was a good transition between those uses. We looked at many uses. None actually worked on the site, and the economics were not there to support such uses. The residential care use seemed like a good transitional use between the commercial use of the Home Depot and the multi-family. The use is allowed in both of the existing zones with a conditional use permit. Using computer slides, she depicted the area in the commercial and residential zones.

The residential aspect of a senior use is similar in intensity to the surrounding multi-family uses, which helps with the transition. She displayed some benefits of senior communities. The ClubLife concept was pioneered by the applicant; it is an alternative to some of the more traditional continuing care retirement community concepts where there is a large buy-in fee and then a monthly fee. It is different from a traditional seniors all-rental project with a package of services. It provides an option for seniors where they can buy their unit along with a package and full range of services. So the

residents get the benefit of real estate without the maintenance burden of a single family home. A large part of the life style choice is the amenity package with a 3-story central community building where all the activities happen with the dining room, etc. There is also an on-site wellness clinic, with nursing and security staff.

Parking on the site is predominantly in an underground garage that extends through all of the buildings and is accessed through elevators up into each one of the residential buildings. There is also surface parking for guests, as well as space for the on-site van service that is provided.

The project design evolved through substantial work with both the staff and the community, as further highlighted, starting with a 204 unit project, etc. Following neighborhood meetings and much discussion, the applicant has modified the project to the one before you now. She showed the architecture of the buildings and briefly reviewed the landscape plan with a variety of active and passive recreation areas. It responds to both environmental and fire regulations and incorporates storm water basins in the design as a visual amenity. The Planning Commission also ensured the use of low-water use and native plants with specific conditions for low water usage.

We think this is a well thought out project and is better because of the input over the last 4-5 years. We were pleased to have the Planning Commission's unanimous approval, and we ask for Council's support.

Public Input

WANDA MOORE, 395 Canyonside Way, questioned if this project could not only be for those over 55 but also for disabled people under age 55. She questioned transportation.

JIMMY KNOTT, 127 Sheri Lane, is concerned because the site is away from many things that seniors would need and places to go. People with medical situations would be impacting this neighborhood, so what about medical care. Places like this eventually change and becomes a board and care unless there is a definite contract.

JOAN BRUBAKER, 1606 Hackamore, felt this site has a lot of problems with multiple zoning, the size, the restricted access, and the desirability of the site. The Casitas condominiums have up to 32 units in foreclosure. The same thing could happen with this project; perhaps they wouldn't sell enough units, or people would die or give it to their children as a rental, or it could go into a rental site. You only need one person over 55 buying the unit and then they could do what they want. If it becomes rentals/leases, the concern is the extra cars. Also the building closest to Highway 76 will be built on fill dirt.

MARGARET MALIK, 1611 Hackamore Road, stated her big complaint is the height and whether it will go to rentals. She is concerned with the 2 bedrooms. She is way over 55 and has kids showing up at her doorstep, and she does not want that in this project. The big fear if Vista Unified School District wants the other parcel of land to build their stadium is driving with high school kids. She wants every building reduced by one story.

Rebuttal

MS. GUNTER will try to answer the questions. Regarding whether disabled can live in these units and 55 and older, the 55 is a State restriction and also is a requirement for the use permit for this use in the commercial zone—it must be a seniors project which, under the City's ordinance, is considered 55. We are not aware of any exemptions for disabled, but if it is in effect, the applicant would comply with the regulations. Her understanding is that it needs to be seniors.

In practice the applicant has several of these facilities. While this is an ownership product, there is a good track record of things like CCRCs that have similar packages of amenities. While 55 is the age limit, the experience in the field is that people moving into these units tend to be people in their 70s who don't want home

maintenance. About half of the up and coming seniors will stay in their own homes and the other half will have an interest in moving into something with a package of amenities, and this project gives them that option. This is not meant for those of us at or near 55 that are active and still living in our home, driving, etc. The attraction of this is the camaraderie, availability of both nursing and security services, as well as central dining, weekly housekeeping, and a lifestyle where you do not have to manage your own facility.

Regarding bus and transit access, as mentioned earlier this facility will have an on-site van service, which is typical in a community like this. It is used for those who don't wish to drive. It is a major amenity in a community like this.

Regarding the concern on whether this will become a rental unit, this has been discussed with the community, etc. This use is a very specific use under the City's ordinance and is being granted with a use permit; it cannot just turn into a rental project. Along with this concept is a large stack of documents that are approved through the Department of Real Estate that live as CC & Rs on the property. The way this is structured is that the community building/parcel is owned by the applicant, and they retain ownership of that and are actively involved in management and providing those services. When someone purchases a unit, they are also agreeing to pay the monthly service fee that supports the services that are then provided. There is no option of buying a unit and not paying that service fee. If someone were to buy the unit and needed to move on, they have the option to sell that unit. Who they sell to must be a qualified resident and must meet the criteria to pay the monthly service fee, etc. It could not be sold or rented on the open market. The management entity retains approval authority over whomever lives in that unit, and they ensure that all the rules and regulations are complied with.

There is not much concern on the applicant's part that this project will fail. The number of seniors coming up who need housing is immense. In this current economic environment with banks not lending money, the only people they are talking to are people doing seniors projects because they know that demand is huge. There isn't a way to convert this project—there is not adequate parking to convert it to a standard project. If something were to happen years from now, it would first have to come back for any review/approval and it would likely require massive remodeling or demolition and reconstruction. This product is not flexible to turn into something else.

Regarding the building being built on the fill dirt, all of the fill and grading done with the Casitas project was done under the observation of geotechnical engineers and structural engineers and was placed appropriately. The additional grading being done by this project will also be subject to all those rules/regulations and reviewed further to remain stable.

Regarding the height, she has talked about the concessions and changes made to the project. With the package of services and amenities, there is an economic balance. If there aren't enough units to support those services, the project doesn't function and the costs become unreasonable. We feel we are at the point where we have the lowest number of units to meet the economic needs in the marketplace and provide the package of services appropriate for this site. We do comply with the height regulations and the development standards in both zones. We think it is an appropriate use and a good transition between the existing commercial and residential.

Regarding the comment about access, the access road and cul-de-sac turnaround was redesigned to make sure it could accommodate the largest hook and ladder truck that the City has so that they could access all stories.

The public hearing was closed.

Further responding, **MS. von HACHT** affirmed that it is general residential care; it is not an apartment building project. The land use could not at a later date be converted to apartments. It would need to come back to a public hearing for any other use. There is a bus service proposed as part of the project. Regarding the fill dirt, in looking at the Initial Study there were no mitigation measures regarding geotechnical issues—they are less than significant. Also, the City recently purchased a new fire truck,

and this project was specifically redesigned to accommodate the turnaround of that truck, as well as to allow for staging along the long driveway so that vehicles could also pass on one side.

CITY ATTORNEY MULLEN pointed out that there is a specific condition that prohibits conversion of the land use [Condition 101].

COUNCILMEMBER FELLER noted the Planning Commission approved this 7-0. Was there significant opposition at the Planning Commission?

MS. von HACHT responded that there were about 4 people who spoke. The Commission did add a condition to the project that each unit have a water meter to measure the consumption within each unit.

COUNCILMEMBER FELLER noticed that they have 58% of the lot in landscaping. This is an abuse of the [call for review] process. This was approved unanimously by the Planning Commission and has cost thousands of dollars to bring this forward. He moved staff's recommendations to affirm the Planning Commission's approval [and adopt **Resolution No. 09-R0204-1**, "...supporting Planning Commission Resolution No. 2009-P04 adopting a Mitigated Negative Declaration and Resolution No. 2009-P05 approving Tentative Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05) and Variance (V-7-05) to subdivide an existing 6.71-acre lot into two lots, create 180 condominium units, construct six buildings, allow general residential care, and allow a variance from retaining wall height limitations of Section 3040 of the Zoning Ordinance on vacant land located at the western terminus of the Depot Road (Spring Creek Commercial Ventures, LLC – Applicant)"].

COUNCILMEMBER KERN seconded the motion. These people are off-peak drivers, and with the start times of the high school and traffic, he wanted that clarified.

JERRY HITTLEMAN, City Planner, stated the senior population has the luxury of driving at off-peak hours and if the high school is operating, we are confident we won't have morning or afternoon peak hour traffic that would be significant.

COUNCILMEMBER KERN felt this project would not have any significant impact compared to the high school. There would be no impacts with the staggered times.

MR. HITTLEMAN stated that is correct. With office use, for instance, it could impact traffic with peak traffic.

COUNCILMEMBER KERN suggested staggering the employee work hours different from that of the high school hours.

MS. von HACHT noted the proposed assisted living facility will include 332 beds and is forecast to generate approximately 996 trips per day with 70 peak hour trips in the morning and 70 in the evening.

COUNCILMEMBER KERN felt we would probably see a lot more of these in the future. Americans over 50 years of age represent 40% of our population. The demand for assisted living will go up.

COUNCILMEMBER CHAVEZ wished to hear why this was called for review before speaking.

INTERIM DEPUTY MAYOR SANCHEZ stated she had attended the Planning Commission hearing and the public meeting in the community. Most attending the public meeting did not like the bulk. This does not comply with the equestrian overlay; there were requests for horse trails as mitigation for this project. That did not occur nor did the connection. The hybrid ownership at \$250,000 is interesting, but if you went beyond a certain level of care, then you had to leave, and she was not clear on that. It is too far for special services way out there; concerns about the high water usage; the project would probably be good in an urban setting. If it was located downtown, it

would be phenomenal. This is 180 units but 332 beds which she did not understand. She was unclear on the parking spaces. People felt they could accept this project if it was at least lowered to 3 stories which was not done.

COUNCILMEMBER CHAVEZ supports senior living and housing and resources and supports the right of seniors to choose if they want to be in an urban or semi-rural setting. Currently there are senior accommodations downtown off Mission. Regarding the level of care and the comment about requiring someone to move, my aunt lives in one, which is very nice with many amenities and nursing facilities. These facilities offer a good variety of options. He thanked those investing in the City in this type of housing. Once Melrose goes through, an important aspect of that will make it shorter to get to Tri-City hospital. So by the time this project is completed, hopefully we will see Melrose going forward.

Motion was approved 3-1, with Interim Deputy Mayor Sanchez voting no and Mayor Wood was absent.

MAYOR AND/OR COUNCILMEMBER ITEMS – None

CITY COUNCIL REPORTS

20. **Mayor Jim Wood** – absent

21. **Councilmember Rocky Chavez** – reported on attending events over the weekend. He was stopped a number of times by residents, and there are 4 items that have a lot of misinformation. One is that we have \$5,000,000 that developers could pay that would impact the budget. He met with the Finance Director, and there is no \$5,000,000 out there so that is an incorrect number.

Another is the misinformation that Council desires to get rid of rent control – he has never heard that from any Councilmember. Another issue is that the privatization of the senior center would cost the seniors –that is also not factual. Yesterday at a Council workshop we asked the City Manager to discuss that at an upcoming meeting so the public could be informed about this. Another question is the use of reserves and that the City had hundreds of millions of dollars in reserves that we could use – we do not have such a huge reserve. We are in an economic situation where we do not know where it will end. At this time our City Manager and Finance Director have strongly recommended that we do not use the limited reserves that we do have until we actually see how the economy is going.

22. **Councilmember Jack Feller** – reported on events held and upcoming. Also regarding using our reserves, there is no critical emergency so we should not consider that at this time. The City was awarded a grant of \$400,000 to combat gang violence. He will have a new grandchild on April 14.

23. **Councilmember Jerome M. Kern** – attended Supervisor Bill Horn's State of the North County, and it was a lot about the economy. It is all bad news right now so the idea of holding onto our reserves as long as possible is something we need to think about. Regarding the idea of worrying about whether we privatize the senior center, we are in a lot better shape than cities like Vista which just laid off 14 people. We are doing a pretty good job so if we are arguing about whether to privatize vs. closing it, that is good news. He reported on events held and upcoming.

24. **Councilmember Esther Sanchez** – stated Council had a budget workshop last Wednesday, and she had asked a lot of questions before the workshop meeting. One item was no general fund funding of the mobile home rent control ordinance, so no funding for enforcement. The \$5,000,000 had to do with Development Services which is currently being subsidized by the general fund to the tune of \$5,000,000: \$3,000,000 for Planning, \$1,000,000 for Engineering and \$1,000,000 for Building. These are departments that are supposed to be cost neutral.

Regarding \$4,000,000, Mr. Knott said it was interest off the investment portfolio; \$42,000,000 is the amount of reserves. Privatizing the senior center, closing 3 lifeguard towers, deleting 2 police officers, 1 firefighter, 1 dispatcher, and 1 emergency vehicle were considered.

She reported on receiving an email from a resident – John Hack. She was very happy to receive that. He had just found out there was a public meeting on the West Coast basing of the MV22 – Osprey. The meeting was in San Clemente, and she attended the meeting; it is still controversial. The meeting was on the draft EIS. When she asked why the City was never contacted, they said it was in the paper, and they have been working on this for 8 years. We did not receive any communications about this. The comment period ends this Friday. There are a total of 10 aircraft they would like to bring. One alternative is to have all 10 at Miramar; and other alternatives are using Camp Pendleton and Yuma.

COUNCILMEMBER CHAVEZ questioned if she was saying she is against the Osprey coming to Camp Pendleton.

INTERIM DEPUTY MAYOR SANCHEZ responded that this is a chance for the residents to comment. The airspace does go over Oceanside, and individuals are concerned. The aircraft is a separate issue from the FAA. If there are any public safety issues for our residents, we need to comment. She has not read the document.

ADJOURNMENT

Interim Deputy Mayor Sanchez adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors to a Mayor/Council Workshop on April 7, 2009, at 4:00 pm. This April 1, 2009 meeting was adjourned at 7:34 pm.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside