



California

# CITY OF OCEANSIDE

## MAYOR AND COUNCIL WORKSHOP

MARCH 24, 2010

ADJOURNED MEETING                      4:00 PM                      COUNCIL CHAMBERS

**Mayor**

Jim Wood

**Deputy Mayor**

Vacant

**Councilmembers**

Jack Feller  
Esther Sanchez  
Jerry Kern

**City Clerk**

Barbara Riegel Wayne

**Treasurer**

Gary Felien

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**City Manager**

Peter Weiss

**City Attorney**

John Mullen

The adjourned meeting of the Oceanside City Council was called to order at 4:00 PM, Wednesday, March 24, 2010.

**PLEDGE OF ALLEGIANCE** – Jimmy Knott

**ROLL CALL**

Present were Mayor Wood, Councilmembers Kern, Sanchez and Feller. Also present was City Clerk Wayne.

**WORKSHOP ITEM**

1. **Planning Commissioner Applicant Interviews and Council Appointment of 3 commissioners**

**CITY CLERK WAYNE** announced this is the time for the interviews for the Planning Commission. As noted in our report, we have appointments for 3 vacancies, terms expiring on April 15<sup>th</sup>. We have 6 to be interviewed in the following order [as drawn by lots]: 1) Dennis Martinek, 2) Claudia Troisi, 3) Joshua Bouck, 4) Benjamin Simmons, 5) Brian Klea, and 6) Louise Balma.

Mayor and Council know the procedure we have followed in the past. We have the same 3 standard questions we've been asking for years. If there are any changes, now is the time to talk about it; otherwise it will be the normal procedure [same questions and time frames].

**MAYOR WOOD** questioned if there were any Council questions, they would be the same for all applicants, and **CITY CLERK WAYNE** responded yes.

[No changes discussed]

**Dennis Martinek**, 1537 Sleeping Indian Road, has been on the Planning Commission for the last 4 years. He is a retired professor of business, economics and urban planning, most recently at Cal State San Marcos. His common thread in his

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MEETING BY CITY COUNCIL

teaching and his thinking is related to decision making. He treats decision making in broad terms. He likes the way the economists do it, which is to consider costs and consider benefits. He takes that approach in the decisions he's made on the Planning Commission and in his life. Of the projects that they get on the Planning Commission, rarely do they get one that is all positive. There is usually some negative to it, and he always tries to weigh both.

Standard Question 1: Why do you want to continue being a Planning Commissioner?

Mr. Martinek has moved to that part of his life where he is involved and looks forward to public service. He has the opportunity since he is retired and doesn't have to worry about making a living. The Planning Commission is related to what he has studied. He has his Doctorate in urban planning. His Masters is in economics, and his Bachelors is in business finance. He finds that the Planning Commission works well in terms of his past experiences. He's also had 3 different businesses, and still has 2. That also ties in. He feels that balances him out where he considers the business aspect of projects, in addition to maybe the theoretical or neighborhood specifics.

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

Mr. Martinek already explained his education. He has experience serving on the Regional Task Force for the Homeless in San Diego County, which he did for 12 years. He is presently serving on the Stakeholder's Working Group of SANDAG as an alternate, working on the 2050 Transportation Plan. The experience he's had on the Planning Commission and in the City, having lived here for 30 years, has helped. He's familiar with what direction the City is trying to go, and it's not always an easy balancing act. It's very enjoyable.

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

Mr. Martinek: No.

Councilmember Kern's Question: In the past we've done a lot of visioning of Oceanside Boulevard and Coast Highway. How do you see the vision plans in relationship to the regulations that we have?

Mr. Martinek thinks maybe some changes are going to be required in the regulations, obviously some of the zoning, but he thinks they are consistent. Most visioning goes through a process where you're going to have to make changes in your regulations; changes in the zoning.

**COUNCILMEMBER SANCHEZ** thanked him for the work that he's done with the Commission.

Mayor Wood and Councilmember Sanchez had no questions.

**COUNCILMEMBER FELLER** asked how long he served on the Planning Commission before.

Mr. Martinek served 4 years in the early 1990's and 2½ years in the 1980's. He's served in all 3 decades of our litany.

Councilmember Feller's Question: What do you believe is the single catalyst that will move Oceanside forward and how.

Mr. Martinek thinks the visioning we are going through is really an important part of it. It's critical to know where you're going. Planning entails that visioning process. We have to bring the City together in working toward increasing business activity; that

really is critical, but we've got to do that in a way where we can save our neighborhoods. Things should work together. We should be able to have a strong business community that works to better the environment for the neighborhoods, and the neighborhoods should work to support their business community. He can see us working together and making good progress if we can somehow maintain that vision and maybe allow those visions to guide us.

**COUNCILMEMBER FELLER** was really looking for more of a single catalyst. Is there anything that you see as a single catalyst?

Mr. Martinek stated we need money. It's always significant to make things better for everyone, and that will happen. We're in one of the worst environments that he remembers; we will move out of that slowly. He looks forward to seeing the businesses, especially along Oceanside Boulevard and Coast Highway, fill up again and the vacancy signs going away.

In closing, he has really enjoyed being on the Planning Commission. The group that we have right now has really worked well together. We are diverse in our points of view and representation of the City. He considers himself a generalist in terms of not necessarily being neighborhood specific, although he is involved in neighborhood areas. He's been enjoying it and hopes to continue on.

**Claudia Troisi**, 224 South Ditmar, #2E, is currently the Chair of the Planning Commission. She has been on the Commission for 3½ years and has spent the last 2 years as Chair. She has been working in the real estate industry for the last 25 years and has specialized in master planned communities as part of her background. She is very interested in this particular position because she brings a lot to the position itself. She has an extensive background in development, tenant improvements, sales and financing. She was in charge of profit and loss for 20+ years for master planned communities to not only entitle them, but to plan them and to actually build them.

Standard Question 1 response: She wants to continue on the Planning Commission for 3 reasons. One, she has seen in the last 3½ years that a very high percentage of what they look at are policy issues. Probably about 70% to 75% of what has come before them are policy decisions, and the other 25% to 30% are design issues. She has a very strong background in policy. She enjoys the work and would like to continue it. Second, she works well with the other members of the Planning Commission. We have a very congenial group. Lastly, she loves the work and would like to continue it.

Standard Question 2 response: She has been in the industry for over 25 years. As a person who specializes in entitlements and master planned communities, she had to work on ADT's, had to deal with traffic and parking, understanding the economics between commercial and residential, understanding what mixed use does to outlying areas, and what does bringing in new commercial do to the existing commercial. It wasn't all about houses; it was a great deal about density and what density does. That's a lot of what they do on the Planning Commission. She loves the work. We've had a pretty big schedule for the last few years both in terms of our work plan as a Commission, as well as the work we've done as individuals.

Standard Question 3 response: No.

Response to Councilmember Kern's question: Ms. Troisi sees that we have a vision that has been worked on diligently by staff and has had a lot of community input. The community is pretty passionate about it. We haven't gotten all the way yet with that plan, and the disjoint is that we don't have the rules and regulations in place to implement the vision as is currently shown in the Vision Plan booklet itself. A great example of that was the item that we heard 2 weeks ago, which was the West Coast Wheel & Tire. That is just a poster child of the issues that will be before us in the next couple of years, until the rules and the policies get put into place, so the implementation

of the Vision Plan can be as smooth as the Vision Plan currently shows.

Councilmember Sanchez and Mayor Wood had no questions.

Response to Councilmember Feller's question: Ms. Troisi would have to say that to bring money into a City requires a degree of stability for the people who are investing their money, whether you come as a property owner or as an investor to develop something. Therefore, consistency is important. It doesn't have to be the decision they are looking for, but consistency in approach is a big step.

Also, as a physical example to anybody on the outside looking in, one of the most promising things that she's seen thus far since she's been around is the Coast Highway Vision Plan. The amount of work that's gone into that, the level of detail, the logic that goes into some of the decisions that have been outlined in that proposal are very well thought out and would be pretty easy for somebody who's engaged in the business to follow. For that to go forward would be a big plus for the City.

In closing, she loves the work and would very much like to be re-appointed.

Joshua Bouck, 4955 Luna Drive, was here last year. He's been in Oceanside for about 2½ years. He's a graduate of Biola University in La Mirada. After college he worked as a project engineer in construction management in Los Angeles. He came here 2½ years ago and loves it. He has a lot of pride in Oceanside and wants to be part of the community and serve. He wants to be on this Planning Commission and in the future get more involved in the City process.

Things have changed since last year when he was here and told you about his education and his real estate broker career. Since that point he has purchased a home in Oceanside and has been through the Fire Academy at Palomar. He is pursuing firefighting here as well. That's something in his future. He is here again because he sees the opportunity to serve and learn.

Question 1 response: Mr. Bouck wants to take part in some of the decisions in the City, as well as use that to learn and in the future be more involved in City politics. He sees this as a great opportunity. There are not a lot of young people applying for this, and he would like to encourage other young people in his peer group to be involved in different commissions or different volunteer opportunities around the City.

Question 2 response: Mr. Bouck stated that part of the role of the Commission is to review zoning and also the master plan of the City and work as a go-between for Council and the public. They are here to review and make recommendations. He's had a little bit of experience as a project engineer between the architect, building owner and the subcontractors. It's all about information. He learned a whole lot through that process. Now, going into firefighting he's learned a lot about requirements and mechanics just to have building safety. Safety is probably the number one thing about being in the community and on the Planning Commission, knowing the different regulations that are necessary.

He's had quite a lot of experience traveling and interacted with many diverse cultures. Each year he goes with his church to a country abroad. He just got back from Uganda. He's interacted with many different cultures, and he would bring that with him because we have a diverse community.

Question 3 response: No.

Response to Councilmember Kern's question: Mr. Bouck believes the vision is to grow and promote positive growth within the City with the downtown development and reconciling that with the documentation on the regulations. Anytime there is growth there are challenges: environmental, economic and also the vision of the people within the community. There are people that want to see Oceanside grow and develop and

people that want to keep that small-town community feel. We have one of the most unique feels and communities in coastal California. He knows there has been a lot of talk about putting in these larger hotels on Mission, and there are a lot of things to consider in order to bring that home.

Councilmember Sanchez and Mayor Wood had no questions.

Response to Councilmember Feller's question: Mr. Bouck thinks the single best catalyst to move Oceanside forward is just chemistry and agreement between Council and the community on what needs to happen and what they want to happen. A lot of times with different viewpoints, it slows up a bill or a proposal just because there are different viewpoints. That would probably be the single biggest thing that would keep Oceanside from progressing. You also need to consider that in order for Oceanside to progress, everybody has to believe in what it can become and what the future holds. We have a pretty big influence by Camp Pendleton and are known for that in San Diego County. That's special because we have a lot of veterans that come back because this is the greatest place to live. We need to cater to that but also make people who aren't in the military feel like this is a great place where they can fit in as well.

In closing, he knows there are 3 returning applicants for the Commission, and they're all great applicants. He got to speak with them in the back. The things he brings are a positive attitude, desire to serve and a willingness to learn.

**CITY CLERK WAYNE** announced that Benjamin Simmons did not show up - absent.

**Brian Klea**, 5195 Via Mindanao, wanted to thank you; he did receive his letter today that confirmed his appointment to the Utilities Commission. He would like for Council to hear him out and then decide where they would best like to place him. He is happy to serve on either Commission, wherever Council thinks his talents fit their needs the best.

He and his wife moved from Los Angeles to Oceanside in 2001. We bought a house in the Loma Del Rio neighborhood near the back gate of Camp Pendleton and have never looked back. They intend to be life-long residents and are planning to raise a family shortly in this community. He would really like to serve to insure that the City remains that special city it has been since they moved here. He wants it to be a special place for their children, as well as for their grandchildren.

What really struck him about the City was how well it is planned. When he bought his house, it was surrounded by tomato fields and shrubbery. It was built out in development but there were still green spaces and parks planned. He would like to help contribute to the continual planning of the City.

Response to Question 1: Mr. Klea would like the opportunity to serve; that's his main motivation. He is financially and emotionally vested in this City. We purchased a rental home here as well as their primary residence. He and his wife see themselves living out their days here in Oceanside, and he would like to contribute to make this city as good a city as it can possibly be. His background and Bachelor's Degree are in biology, and his Master's Degree is in business administration. He thinks he has a unique perspective to see things from both an environmental and scientific point of view, as well as from a business perspective.

Response to Question 2: Mr. Klea is currently involved in pharmaceuticals so a good part of what he does on a daily basis is interpret clinical trials to try to separate truth from fiction. That gives him a logical perspective to look at different sides and really get down to the truth of the matter. The diversity of his educational background would make him an asset because he knows that everybody likes to see green around their homes, and yet the City needs a solid tax base in order to continue to function and provide utilities and services for the City. As a fresh face, he could come in with a more

unique perspective.

Response to Question 3: No.

Response to Councilmember Kern's question: Mr. Klea has taken a look at some of the documents regarding Loma Del Rio, South Oceanside and the development of Coast Highway. Beyond that, as far as the question of whether we are on the right track and are we moving forward, he would have to take a closer look at what is going on in the Commission to give an honest opinion.

Councilmember Sanchez and Mayor Wood had no questions.

Response to Councilmember Feller's question: Mr. Klea believes that we need to be a destination where people not only want to live but want to come and conduct commerce. He believes that's going to require a balance of both green space and business. Frankly, without a solid tax base in place, we're not going to move forward as a city, vis-à-vis a true competition versus Carlsbad, San Marcos and other cities. There are many small coastal towns where people can choose to spend their tax dollars and housing dollars.

**COUNCILMEMBER FELLER** was looking for a single thing and wants to know if Mr. Klea can give just a single thing that will move the City forward.

Mr. Klea responded it would be business.

In closing, he would just like to offer himself to Council either as a new member of the Planning Commission or in his appointment as a Utilities Commission member. He looks forward to the opportunity to serve on either.

**Louise Balma**, 745 Sleeping Indian Road, respectfully asked for Council's reappointment to the Planning Commission for another 4 years. She had served prior to that on the Economic Development Commission (EDC) for 8 years. It was great learning about the economics of our City. She learned a lot. She currently serves as a Board member on the California Surf Museum Board. She worked and did all of the architecture and planning for that. She is into bringing the vibrant, cultural aspect to downtown for our citizens and visitors to enjoy.

She and her husband also have a business in the Airport Industrial Park, which they have had for 28 years, so she understands the ins and outs of that area and also small businesses. She is a licensed architect in the State and her passion is building, architecture and design. She has been a resident for 16 years and is a California native.

Response to Question 1: Ms. Balma thinks public service is a way to give back to their City and is important. She jumped on the bandwagon 12 years ago, and she hasn't stopped since. It's great; you learn a lot; and you meet a lot of great people. Anybody who has a little extra time should do the same.

Response to Question 2: She is a small business owner and an architect and has EDC experience. She lives in the South Morro Hills area.

Response to Question 3: No.

Response to Councilmember Kern's question: Ms. Balma said the Commission just had a situation that came up not too long ago with a business that wasn't in the Vision. They ended up figuring that it wasn't such a bad thing, with where he was positioned and went with the business. We want the Vision, but how do you implement a vision onto businesses that might not be able to move right now or build what we want them to build. We have to wait for this amazing developer that's going to buy up all of these pieces of property and consolidate it. That's when we can actually get our Vision, when it's a bigger piece of land that can actually be made into what we want.

To ask this one small business man to change his life, when he doesn't have a lot of money, was kind of hard. She thinks the Vision has to be more about when a larger guy comes along that can buy up a lot of pieces of land that we can actually put it down on paper the correct way. Beach Break Café may have their loan now, so they are going to move on. That's going to be part of their Vision.

Councilmember Sanchez and Mayor Wood had no questions.

Response to Councilmember Feller's question: Ms. Balma thinks the people have to get behind whatever the dream is. Without the people's vision, you're not going to move anybody, and you've got to have a lot of money. She would say people buying in with a lot of cash will get it moving. If you don't have the backing of the community and the people to do whatever the plan is, you're not going to go anywhere because you're going to be fighting. If you have that plus the money of the developers to come together, then you're going to make the dream happen.

**CITY CLERK WAYNE** announced that concludes the interviews. Council is looking at 3 appointments. Terms are expiring April 15<sup>th</sup> so you're looking at 3 appointments to terms that will end April 15, 2014.

**COUNCILMEMBER SANCHEZ** thanked everyone for applying for the 3 positions. More people applied, and then 5 courageously stepped forward and completed the interview.

To Joshua Bouck, she really appreciates his coming back. She would like to see him on another commission first. She encouraged him to apply for the Transportation Commission or EDC.

To Brian Klea, his is a positive force. She would like to see him serve on the Utilities Commission first and perhaps then come back to apply for the Planning Commission.

To the 3 veterans that are seeking reappointment, she has to say that these 3 – Commissioners Balma, Martinek and Troisi – each one gives so much to the Planning Commission in terms of background and expertise in different ways.

Commissioner Martinek is uniquely qualified for the Planning Commission.

Commissioner Troisi adds something to this Commission that she thinks is critical as well.

Commissioner Balma is a catalyst because she has done so much for the City.

She **moved** to reappoint Commissioners Balma, Martinek and Troisi.

**MAYOR WOOD seconded** the motion.

**COUNCILMEMBER KERN** agrees with that. For Brian, right now the most critical need is the Utilities Commission. We're one person short still, even after the appointment and with his biology background that would be really helpful to have.

**COUNCILMEMBER FELLER** stated the answer is money. Brian and Josh are great additions to the community as young people. He could only hope they keep the interest that's necessary to last for years in this City that really does care about the people. Brian will be a great addition to the Utilities Commission. He hopes Josh can find a niche.

Regarding agreeing with the 3 Planning Commissioners; he probably disagrees with all of them about many things. He thinks his question was directed at money and how that money is going to move Oceanside forward. You have to figure out ways to

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make that work. Whether it's one large developer or investor that wants to buy a block of properties and make it work that way, it's going to take money to do it. We have the greatest opportunity, even though it's the worst time right now.

**Motion was approved 4-0.**

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

**ADJOURNMENT**

**MAYOR WOOD** adjourned this Council meeting at 4:52 PM, March 24, 2010. [The next regularly scheduled meeting is at 3:00 p.m. on April 7, 2010.]

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



**CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS**

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

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

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

**No closed session was held.**

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

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

A) United States, The States of California, et al. v. J-M Manufacturing Company, Inc., et al. U.S. District Court Case No. ED CV06-0055-GW

**In closed session Council, by a 4-0 vote, authorized the City to intervene as a plaintiff in this action.**

B) Randy Judd v. City of Oceanside, et al., Superior Court Case No. 37-2008-00058817-CU-WT-NC

**Discussed; there was no action taken.**

**4:00 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 4:05 PM. Present were Mayor Wood and Councilmembers Feller, Kern and Sanchez. Also present were City Clerk Wayne, City Manager Weiss, City Treasurer Felien and City Attorney Mullen.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in closed session. (See Items 1, 2A and 2B above for those reports).

**CONSENT CALENDAR ITEMS** [Items 4-19]

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

**CITY CLERK WAYNE** removed Item 13 due to a request from the public to speak.

**COUNCILMEMBER KERN** requested Item 15 be pulled for discussion.

The following Consent items were submitted for approval:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the February 24, 2010, 3:00 p.m. Regular Meeting

5. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
6. City Council: Approval of plans and specifications for the construction of the Oceanside Civic Center Library Renovation project; authorization for the City Engineer to call for bids; and approval of budget transfers in amounts totaling \$578,327 from various accounts to the project account
7. City Council: Approval of Closing Change Order 3 [**Document No. 10-D0268-1**] in the amount of \$20,292.71 to Orion Construction, Incorporated, for the La Salina Wastewater Treatment Plant Upgrades – Phase I project, for additional repairs requested by the City, and authorization for the City Engineer to execute the change order; and acceptance of the improvements constructed by Orion for the project, and authorization for the City Clerk to file the Notice of Completion [**Document No. 10-D0269-1**] with the San Diego County Recorder
8. City Council: Approval of Closing Change Order 7 [**Document No. 10-D0270-1**] in the amount of \$48,305.72 to Cass Construction, Inc., for the Peacock Hills Service Area Pressure Regulating Station project, for adjustments to final quantities installed, minor changes and City-requested work, and authorization for the City Engineer to execute the change order; and acceptance of the improvements constructed by Cass Construction for the project, and authorization for the City Clerk to file the Notice of Completion [**Document No. 10-D0271-1**] with the San Diego County Recorder
9. City Council: Approval of an increase in the amount of \$17,160.80 to an existing purchase order to Hidden Valley Pump Systems of Valley Center, for a total authorized amount of \$56,600.19, for extra work required to complete the repair of Mission Basin Desalting Facility Well #1, and authorization for the Financial Services Director, or designee, to execute the purchase order increase
10. City Council: Approval of Amendment 1 [**Document No. 10-D0272-1**] in the amount of \$53,693 to the Professional Services Agreement with GeoPacifica, Inc., of Oceanside for geotechnical services for the Loma Alta Creek Detention Basin at El Camino Real project, for additional engineering analysis; and authorization for the City Manager to execute the amendment
11. City Council: Approval of Amendment 2 [**Document No. 10-D0273-1**] in the amount of \$80,000 to the professional services agreement with Harris & Associates for construction management services for the Pacific Street Bridge Over the San Luis Rey River project, for post-construction services associated with as-built drawings, final project reports and invoicing; approval of a professional services agreement [**Document No. 10-D0274-1**] in the amount of \$63,700 with Chambers Group, Inc., for mitigation monitoring and reporting for the project; and authorization for the City Manager to execute the amendment and agreement
12. City Council: Approval of a two-year agreement [**Document No. 10-D0275-1**] with Powerclean [David L. Ausmus] of Escondido in the amount of \$175,543 for pressure-washing services in various locations Citywide, and authorization for the City Manager to execute the agreement
13. **Removed from the Consent Calendar for discussion – Public Request**
14. City Council/CDC: Approval of a Purchase and Sale Agreement [Land Sales Contract] [**Document Nos. 10-D0276-1, and 10-D0277-3**] for the purchase of City-owned real property commonly referred to as the Eastside Community Garden, located in the 400 Block of Weitzel Street, APN 147-230-58, by the Community Development Commission for a purchase price of \$621,000 for the future development of an affordable multifamily housing project; adoption of joint **Resolution No. 10-R0278-1 and 10-D0279-3**, "...approving the use of a Land Sales Contract for the purchase of

City-owned real property for affordable multi-family housing"; approval of a budget appropriation in the amount of \$121,000 for the down payment on the purchase; and authorization for the Mayor and Executive Director to execute the agreement and related instruments [**Document No. 10-R0280-3 - Promissory note, and Document No. 10-D0281-1 – Deed**]

15. **Removed from the Consent Calendar for discussion**
16. City Council: Adoption of **Resolution No. 10-R0282-1**, "...authorizing acceptance of the Supplemental Services Grant Funds FY 2010-2011," awarded to the City of Oceanside by the State of California via the County of San Diego Auditor and Controller to supplement existing frontline law enforcement services, approving the expenditure plan, appropriating the funds to the Police Department, and authorizing the City Manager or designee to execute grant documents
17. City Council: Adoption of **Resolution No. 10-R0283-1**, "...approving the expenditure plan for "Brulte" Interest Funds," in the amount of \$10,149.53; appropriating the funds to the Police Department for the purchase of equipment; and authorizing the City Manager or designee to execute documents related to this allocation
18. City Council: Adoption of **Resolution No. 10-R0284-1**, "...approving a Memoranda of Understanding (MOU) with the City of Vista for traffic signal maintenance and cost-sharing (Emerald Drive/North Avenue and Olive Drive, and Vista Way/Thunder Drive)" [**Document Nos. 10-D0285-1 – Vista Way/Thunder Drive and 10-D0286-1 – Emerald Drive/North Avenue and Olive Drive**]
19. City Council: Authorization to award a contract [**Document No. 10-D0287-1**] in the amount of \$143,095.43 to DLS Builders of Orange, California, for the Transportation Monitoring Center Remodel project located at the west end of City Hall South, 1st floor, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents; and approval of a purchase order in the amount of \$55,000 to Henricksen of Minneapolis, Minnesota, for furniture, fixtures, and equipment for the project, and authorization for the Financial Services Director, or designee, to execute the agreement

**COUNCILMEMBER SANCHEZ** moved approval of the balance of the [Consent Calendar Items 4-12, 14 and 16-19].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 4-0.**

**GENERAL ITEMS – None**

Mayor Wood determined to hear Item 21 at this time.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

21. **Request by Councilmember Kern to send a letter from the entire City Council to the Metropolitan Water District of Southern California requesting that they forgo water rate increases through cost-containment and budget reductions, for discussion and Council action**

**COUNCILMEMBER KERN** drafted a letter that is in the back-up material that he would like to send to the Metropolitan Water District of Southern California (MWD). They are in the middle of their rate assessment for next year. Right now he is hearing that it's about a 12½% rate increase, that we would have to pass through to our rate-payers. He is requesting that Council send this letter up to MWD asking them to lower their costs and get their costs under control. The letter was posted on the City website. The letter asks MWD to look at their rate structures and what they are spending their

money on, to re-evaluate that and have some cost savings in place before they decide to put a rate increase onto the rest of the rate-payers of Southern California.

He **moved** to have Council endorse this letter so it can be sent off to MWD now because they are setting their rates at the present time, and they will probably have that done within the next 6-8 weeks. We will get the notification sometime in the summer, and we'll have to set our Proposition 218 hearing for sometime in September or October for a rate increase in January.

**COUNCILMEMBER FELLER** **seconded** the motion to send the letter. It is important to push as hard as we can. We should have an elected official representing us on the San Diego County Water Authority (SDCWA) and ultimately maybe even having a representative from Oceanside on MWD. Carlsbad Mayor Bud Lewis is retiring, and he's one of those people. It's very important that we do everything we can to let MWD know that we're not happy, as well as the SDCWA. We need to all pull together in this dysfunctional State.

**COUNCILMEMBER SANCHEZ** has been voting against the increases for quite some time, and the majority consisting of Councilmembers Kern, Feller and Chavez, have been voting for them. It is interesting to see this letter; however, our tradition is to each send a letter. She philosophically has problems with this letter. She will vote against the motion and send her own letter.

**COUNCILMEMBER FELLER** stated the point was brought up that we have had people voting against rate increases, but that's to the detriment of the community. It really would have been a disaster to our bond rating and the ability to fund upgrades in our system. Nobody wants to pass a water rate increase. If we had all voted against the water rate increase, we would probably have a B rating instead of the great rating that we continue to enjoy, and we'll be able to bond in the future when it's necessary.

**COUNCILMEMBER KERN** reiterated that the rate increases that we passed were the pass-through rates from MWD. They are going to come with another rate increase, probably by the end of the year, that Council will have to pass through, otherwise, we are in jeopardy of hurting our bond rating. They are the only game in town; they are the only people we can buy water from. We're going to have to pay that bill regardless of whether we pass that rate on to the rate-payers or not. Eventually we will be broke. The only option we have is to pass those pass-through charges onto the rate-payer.

He is asking in this letter to have MWD look at their issues and how they structure their rates and costs and then lower those costs so the rate increase won't be as much. He is asking MWD to step up. They are almost a shadow government with no accountability. The member agencies now have to hold them accountable. The only way to do that is to let them know that we are watching them and by sending letters like this when the idea of rate increases come along. He is disappointed that Councilmember Sanchez doesn't want to send that message to MWD. He will send the letter under his own signature and maybe Councilmember Feller and Mayor Wood, if he votes for it. We need to do something now. We can't wait until September and then rail against the machine because of the rates that are coming from MWD. Now is the time to take action.

Tomorrow in Spring Valley the SDCWA is having their Board retreat. He is attending that retreat so we have somebody in the room that understands what's going on with SDCWA.

**COUNCILMEMBER SANCHEZ** has been fighting this for quite some time, and this is grandstanding. We should have been doing this ages ago. We have been sending letters. This letter is nothing new.

**MAYOR WOOD** thinks there is merit in the suggestion of a letter. He agrees it

has been way overdue with MWD. We have a member that represents us at the SDCWA. He has resigned, and there is an open seat. MWD is the one passing on the pass-through rate increases, not SDCWA. We just did a double-digit increase, and they want to do another one.

He thinks a letter is most appropriate. He is not happy with the verbiage in the draft letter for a couple of reasons. Sometimes it's appropriate to go into details on how other agencies should run themselves; no more than he would want a letter from them telling him how to run the City. He agrees with Councilmember Sanchez and would like to send his own personal letter to MWD. He thinks the more letters they get makes a bigger impact than just one letter from the whole Council. That way he can have his own verbiage and hopes the rest of the Council does the same. He agrees 100% that MWD deserves a letter from all of us asking them not to do this to our citizens anymore. Water is important; it is probably the most valuable item in southern California, and MWD deserves a hand slap. We will be picking somebody for the SDCWA to represent Oceanside, but he thought it would be wise to wait until we have the final Councilmember on board before we argue or tie 2-2. Councilmember Kern has the right to represent himself, but he does not represent the City; he advised him to be cautious in that sense. We should all write our own letters.

**Motion failed 2-2;** Wood and Sanchez – no.

Mayor Wood determined to hear Item 13 at this time.

**Items removed from Consent Calendar for discussion**

13. **City Council: Approval of a professional services agreement with Financial Consulting Solutions Group, Inc., of San Francisco in the amount of \$67,830 for the City of Oceanside Water Utilities Department Efficiency Study project, and authorization for the City Manager to execute the agreement**

**LLOYD PROSSER**, 1618 Kurtz Street, felt compelled to speak on this, but finds himself in an unusual situation because, as a past and public employee, he was on the receiving end of a number of these efficiency-type studies. As a consultant for the last 12 years, he has done a number of these. He would like Council to consider, prior to voting on this and spending \$68,000 of rate-payer's funds in these tough economic times, that studies of this nature are typically top-down. It starts with the Council and goes all the way down to the lowest levels of the Water Utility organization. That being the case, it doesn't seem wise to start this study with a Councilmember seat vacant and, more important, the Water Utilities Director permanent position being vacant at this time.

The staff report says it will take about 6 months to complete the study. Is it realistic to expect that any recommendation coming from this study can be implemented in time to make a meaningful difference in any rate increase or mitigate any rate increase toward the end of this calendar year?

The City Manager has directed all department directors to reduce their budgets by 20%, except for the public safety departments. Is it logical to place an additional burden of this study on the Water Utilities Department when they are working to meet the City Manager's request and address the challenges of making internal adjustments as a result of the 20% budget cut?

The last rate increase, as previously stated, was predominantly the result of rate increases from SDCWA and MWD. Wouldn't it make more sense to spend the necessary time and effort to mitigate against rate increases by directly encouraging those 2 agencies to make a serious effort at being more efficient and reduce their costs?

As a citizen and as a Council candidate, he hopes Council will consider these questions before they make their final decision.

**JIMMY KNOTT**, 127 Sherri Lane, concurs with Mr. Prosser. This is not the time for this study as communicated to Council and the Water Utilities Department via emails. The Utilities Commission, after extensive debate, recommended that Council not do this. This should not go forward until we have a new Director in place. Once that new Director is in place for a period of time, then that Director could make the recommendation to you if it is needed. Right now we don't want the rate-payers to take on this additional burden.

Regarding consultants and studies, he believes we can do a lot of this in-house and with the volunteers who serve our City. We should see if we have professionals within our community that would be willing to help.

**CITY MANAGER WEISS** addressed several of the issues briefly. If you recall, the direction to conduct the study was provided by Council during the last rate increase process. This was something that Council directed to occur - that we conduct an outside study, similar to what was done for Development Services Department, in anticipation of having such a study done or underway prior to the next rate increase. We do know, based on information we're getting, that there will be another rate increase that's coming from MWD through SDCWA. That, depending on what number between 10-14%, will be next January. The study and the timing of it won't be completed prior to the net rate increase. As Mr. Prosser had indicated, with the pass-through that we are going to get from those agencies, it would be more effective to deal with those agencies and convince them to relook at how they charge member agencies for their water.

Given the significant rate increase last year and what we're seeing and getting out of SDCWA, it appears that there are going to be ongoing rate increases over the next few years, which are much higher than what we would need to do to insure our own local supply.

We have made an offer for the permanent Director position and we are looking at possibly the first week of May as the start date for that new employee.

**COUNCILMEMBER FELLER** would like to hear from Mr. Wasserman.

**LAUREN WASSERMAN**, Interim Water Utilities Director, stated we are following up with direction from the Council given back in November at the time Council was considering rate increases. The proposed study as proposed by Financial Consulting Solutions (FCS) Group has some specific areas for review. They will be looking at the operational processes, the management and leadership structure of the organization, the decision-making process, communication reporting relationships and current staffing levels.

He thinks it's important to have an outsider, someone who does not have a vested interest as a member of the department or the staff, take an objective look at the organization. Hopefully, the study would be able to identify the most effective management structure and opportunities to reduce costs either through reorganization, operational changes or through better use of technology. The consultant we are recommending has a long-standing relationship with the City; while not in looking at the organizational aspects, they've done some work on our fee studies in the past. They also have significant experience with other departments throughout the State and can offer the experience that they've gained from working with those departments and suggestions on how we can do things better. The firm was involved in our Master Plan study for Water Utilities, as well as the rates.

In response to Mr. Prosser's comment, we are not a General Fund department and, as such, we have not made the same level of cuts that have been requested of the other departments at this time. He's sure they will have to deal with those issues but not in this particular sequence with the other departments.

**ROB GRANTHAM**, FCS Group, 225 Bush Street, San Francisco, stated this is really a top-down look at Water Utilities. One of the critical issues in terms of finances for any utility is cost of service. Often when we talk about cost of service, we are looking at the cost for commercial versus residential. For the end user the question is are we efficient and effective? That's what this project is about.

There are 3 levels of users: Council, staff of the department and the public at large. It's an interactive process, working with the staff to gather the best information and letting staff and Council be a part of the decision-making process.

In terms of management structures, we look at business lines/functional lines, and how to efficiently provide this service of water, wastewater and storm water.

Why would you bring in an outsider is for an unbiased approach. The other reason is in terms of expertise. We have done about 1,600 utility financial and organizational studies. In terms of the professional experience they bring for this project in particular, his colleagues have tremendous credentials as reviewed. We are also bringing in the Eisenhalt Group, etc.

We look at, in terms of cost of service, trying to be able to convey what is the most effective way to deliver water and wastewater services to the public. If ultimately we do go to the rate increase with MWD's increases, we need to have an honest conversation with the public in terms of this being really the cost of serving you.

**COUNCILMEMBER FELLER** stated the perception of anybody studying, whether internal or a consultant, is always a little misleading. He thinks we would take more of a hit if we had staff doing their own evaluation. He is in favor of consultants that are proven to look at the ways we can possibly be more efficient.

He thinks that this is about 3 months premature. He would like to see this come to Council in July so that when MWD decides to raise the rate, you will be able to pass on the information you're getting from MWD and SDCWA that are part of this study. At the same time we'll have a full Council that will put that information in front of MWD. We're going to do it individually with letters this time, but as we go forward a united voice to deal with them would be important. He'd like the Director to be here as well.

He **moved** to put this off until the first meeting in July.

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

**COUNCILMEMBER KERN** stated there is no time like the present. We need to go forward with this. We are looking at a 6-month process. The new director will get the benefit of having this study done about 4 or 5 months into the start of their career with Oceanside.

Council directed the department to start looking at efficiencies. The letter we discussed earlier was asking MWD to look at efficiencies. He is not asking MWD to do anything that we are not willing to do. We need to actually figure out how we can lower our cost of service. We need to do it now.

In response to Mr. Prosser's question about the timing and the 6-month implementation, it may not help totally this time, but there is going to be another rate increase from MWD next year. We need to start looking at our inefficiencies now. He hopes Mr. Prosser joins Council in July. He knows about water and would make a great appointment to the SDCWA.

He is in favor of going forward with this now so we have this study in place. He believes Council wants the same thing, and it's just how we get there that is where we have our differences. It's important that this is in place just as the new Director has become familiar with the departments and people.

He thanked Interim Director Wasserman for all of the time he has put into the City.

He **moved** to approve staff's recommendation [for approval of a professional services agreement with Financial Consulting Solutions Group, Inc.].

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

**COUNCILMEMBER SANCHEZ** doesn't support this because the staff report actually indicates that the Utilities Commission has looked at this twice, and the last time they unanimously rejected this. Chair Brian Boyle indicated that this is not the proper time. There is also a sense that there should be some direction first. There should be some discussion of priorities, probably by the Commission itself, with recommendations to the Council.

Looking at Page 3 of the staff report, the Utilities Commission rejected staff's recommendation on March 16<sup>th</sup>. Their decision was based on not having enough information regarding each proposer's experience and understanding of the expected project results. She read the letter from FCS Group and it suggested that we need to justify increases in rates. This is kind of backwards. She and the Mayor had voted against doing this in the first place.

She believes that we could do some efficiency studies, but just like what happened with Development Services, there were so many issues. Council was not united in terms of what the goals were. We gave away the store to the developer community, and she is concerned that in this case what we're trying to do is learn how to justify increased rates to our rate-payers. She's not interested in doing that. She wants to find out what we as a community are going to do working together and then look into the consultant.

**MAYOR WOOD** had talked to staff and several people a while back, and he agreed that a study needs to be done. He is a little concerned about the timing of it with our finances. With future rates coming, it's good to have us do a study that shows we're down to the bare bones, doing everything properly and that we're saving all the costs we can. That way we have a better outlook to look at MWD and say we've made our cuts and done our studies, now you do the same thing. That is important. He was very supportive of this, and since then he has had calls and contacts. This is all about money and timing. He agrees with Councilmember Feller that maybe some other time. July may be too soon. There are priorities and we need to come back at a later date.

[No consensus on any action]

Mayor Wood determined to hear Item 20 at this time.

**MAYOR AND/OR COUNCILMEMBER ITEMS – Continued**

**20. Request by Councilmember Kern to discuss the relocation of four fire rings immediately north of the pier, and provide direction to staff**

**COUNCILMEMBER KERN** brought this forward in response to the neighbors' concerns about the smoke entering their units. One of the things we have to do as a City is to provide health and safety to our residents. It's becoming a health issue and, to a certain point, a safety issue just north of the pier. He doesn't want to remove the fire rings. Keeping recreation abilities open for Oceanside is very important, but he would like to see relocation of these 4 fire rings north of the pier. He will leave it up to the Harbor District to determine what those locations may be.

Public input

The following people spoke in favor of relocating the 4 fire rings north of the pier due to health issues of the condo residents and pollutants from the items burned:

**ANN BERRYMAN**, 400 North The Strand

**TAMARA KARLSSON**, 400 North The Strand #37

**ALAN STANGER**, 400 North The Strand #34

**EZIO MORICI**, 400 North The Strand #4

**JILL STANGER**, 400 North The Strand #34

**DANIEL SAIN**, 400 North The Strand #10

**BILL WILSON**, 400 North The Strand #15

**GAIL DIETERICH**, 400 North The Strand #33

The following person also spoke:

**CAROLYN KRAMMER**, 904 Leonard Avenue, representing Citizens for the Preservation of Parks and Beaches, wouldn't have a problem if the fire pits were located in front of the Community Center so they are not in front of these units. However, they serve a need on the north side of the pier; it's a part of the beach experience for everybody to enjoy.

**COUNCILMEMBER KERN** is not in favor of removing the fire rings. Council has a balancing act that they must do. There is health and safety but also recreational opportunities for the people of Oceanside. He is asking to relocate those 4 fire rings. We move them all the time because of the tides. He is asking Council to give direction to staff to relocate the fire rings where they deem more appropriate, away from these people's units, either to the harbor or to the south of the pier. He wants to keep the same number of fire rings so the same recreational opportunities are there for everybody. We need to try and balance both of these.

He understands from a memo from Frank Quan that it will probably require a Coastal Permit, so that would be part of Council's direction. He **moved** to direct staff to look into moving these 4 fire rings north of the pier to a more healthy location and to process the Coastal Permit required to do that.

**COUNCILMEMBER FELLER** **seconded** the motion. He is concerned that if we move these permanently, then we will be opening up the floodgates all the way up the coast. He has some reservation about seconding this because it's important that people have access to the ocean. We don't have any beach down there anyway so it's pretty much taken for granted that there isn't going to be as much enjoyment along the sand in that particular area through the summer, unless we get more sand.

We don't have any places south of the pier, other than the area to Seagaze, where there are fire rings. There is no room on the south side of the pier. This is going to be a dilemma for future Councils if we remove these from this area. He is willing to relocate them to another area at this time, knowing that once 600 North The Strand gets word of it, and then the Blue Whale, etc., pretty soon we'll be inundated. He knows the rings were there when they built San Miguel.

**MAYOR WOOD** stated some residents came to his office to discuss this issue. He was cautious about it, but understanding. When the issue came up, it was about enforcement. Not only are they burning wood, they were throwing everything in there including somebody's old couch. He was worried about the toxic fumes with some of the

stuff they were burning. We also know they took some of the hot coals and half burned down the bathroom area facility. A lot of these are tourists; they don't understand or follow regulations.

He had said he would make contact with the police department and Code Enforcement regarding some of the late hour fires and what they are throwing in the fires. He had also recommended that some of the residents go to the Harbors and Beaches Committee and have them make a recommendation to Council, so we didn't look like we circumvented the committee. That was a while back.

Councilmember Feller hit it right on the head, do he wanted to take the enforcement approach because it's very hard for Council to take the rings away since it is a long time past practice. We are a tourism town, and one of the busiest areas is north and south of the pier because it's near bathrooms, water, facilities, etc. It's also close to parking. He was leery that pushing this forward would set a precedent that we would regret, not just in Oceanside but all the way up and down the California beaches. The City Manager and other people have looked into whether we would have a problem with the Coastal Commission if we tried to remove the fire rings. He understands there would be a problem. He doesn't want to get into litigation or problems with the Coastal Commission, and he doesn't want to set a precedent for anywhere else.

We have to be cautious on this one. He is willing to do whatever Council can to make it safer and more livable with the quality of life issue; however, he sees some bumpy roads ahead of us. He asked the City Manager if he had checked with the Coastal Commission on this issue.

**CITY MANAGER WEISS** thinks that if we were to remove them, it would be a serious issue. He doesn't believe we have the ability to remove them. It's possible that staff could look at some options as to where they are placed. We would still need to keep 4 of them north of the pier, but it's possible that we can look at possibly moving them every 30 days or so to not necessarily impact just one community but to spread the burden.

Everyone recognized there is a benefit to having the fire rings. We need to keep them available to the general public, but possibly there is a way. If Council would like, staff could meet with the concerned residents and bring it back through the Harbor and Beaches Advisory Committee to the Council. He doesn't know that we can do it in time for what's happening now, but hopefully within the next 45-60 days they may be able to have some type of an option, short of removing them entirely.

**MAYOR WOOD** stated he is leery to get something started with the Coastal Commission because if they come back with an answer that we don't like, it's permanent. That's why we are trying to work around it. The motion made by Councilmember Kern was to let staff study it and try to come up with a solution with Harbors and Beaches, Code Enforcement and the police department. He would prefer that people who are burning items not allowed be cited.

He asked for Councilmember Sanchez's comments as she is on the Coastal Commission.

**COUNCILMEMBER SANCHEZ** will address this as a Councilmember and noted that staff has contacted Coastal Commission staff, who are very reluctant to recommend approval of this. She was born and raised in Oceanside, and the barbeques and fires are part of the experience. That beach, just north and south of the pier, has always been the most popular part of the beach. Thousands of people come every year. Those fire rings have been there for many years and predate San Miguel.

She lived at San Miguel for 4 years, from 2004 to 2008, and when she first moved in in the fall she was surprised that most of the units were part-time living areas/vacation rentals and hardly anybody was there. It seems like there may be 3

months out of the year when there is a lot of people/activity. She never smelled anything because it was really far to the fire rings. She smelled the barbecue pits from the neighbors.

She sent out an email and got dozens of replies questioning why Council even had this on the agenda. When she saw this coming, she spent some time driving around that area at different times in the evening and saw nothing related to toxic. She saw regular fires and didn't smell anything. In fact, the wind wasn't even going that way. In her mind she doesn't see a problem.

This is in the public space, around the public parking lot and in front of the Community Center. She had thought the fire rings were scattered around in front of San Miguel condo units, and even then she would have not wanted to relocate them. Now, the rings are in front of very public areas. There's a bathroom in front of San Miguel and a volleyball net, a water shed, a picnic table, etc. Thousands of people come to the beach, and we hope they will continue to come. She cannot support this because the fire rings have always been there, and she doesn't see the problem. Finally, this is considered more of a statewide resource. The Coastal Commission staff has indicated they would not be supporting it.

**MAYOR WOOD** asked if this has gone through the Harbors and Beaches Committee.

**FRANK QUAN**, Harbor and Beaches Coordinator, does not believe it has.

**MAYOR WOOD** is trying not to get the Coastal Commission involved in this. He would like to support something from the staff level, but he would like to see it come up from Harbors and Beaches Committee with a recommendation to Council. Staff might be able to come up with something. He asked if this should go to the Committee first and have a recommendation, or should it come from Council and have staff work on it.

**MR. QUAN** replied either way. We have a committee meeting on April 22<sup>nd</sup> and could bring it up there. We could put it on the agenda next week and then talk about it at the Harbor and Beaches Advisory Committee.

**MAYOR WOOD** agrees something needs to be done, but he doesn't want to get into a battle with the Coastal Commission. He wants to support having this reviewed and changed and make sure we go through the appropriate channels. Maybe that can be done with a lot of citizen involvement. He thinks maybe it should go to Committee and then come to Council.

**COUNCILMEMBER KERN** stated this didn't fall out of the blue. He is responding to the neighborhood that had a problem, and that's why it came up to this level. The neighbors sought him out to bring this forward so they would have a chance to air this. He thinks there is a problem down there. He was there last summer, and at times you couldn't breathe. This is a problem we have to address.

Those fire rings have not been there forever. When he was down there in the early 1960s, they had swings and merry-go-rounds, and those fire rings were not north of the pier at that time. They come and go; we move them around. Things aren't going to stay the same forever. He is quite surprised that the Air Pollution Control District doesn't shut them all down; the idea of open burning in Southern California is probably going to go away within the next few years anyway. He thinks we have some consensus here that we will direct it back to Harbor and Beaches to try to work out a solution.

**MAYOR WOOD** asked if part of the motion and second would be trying to find a solution through staff and Harbors and Beaches Committee and come back with a solution that could be tolerated by Council and the Coastal Commission. He doesn't think we'll get rid of them, but maybe just move them.

**COUNCILMEMBER KERN** doesn't want to remove the rings; just relocate them to a place where they affect fewer people.

He **amended** his **motion** to direct the issue back to staff and the Harbor and Beaches Committee to try and work out a solution and bring it back to Council.

**COUNCILMEMBER FELLER** thinks if we're going to have a problem with the Coastal Commission, we should get it to them as soon as possible. He doesn't agree that we should go forward to Harbors and Beaches at this point. This has already come to Council because the people that live in San Miguel have stated they would like these relocated. We have already said this may not even be permanent. This is an opportunity for us to relocate these rings, and if the Coastal Commission wants to be the bad guy, then let them. He is not going to change his second (for the amended motion).

**MAYOR WOOD** stated we don't have a second on the amended motion. He advised the people in the audience to make an appointment with Mr. Quan and recommend going to the Harbors and Beaches Committee, which makes recommendations back to Council, and we'll get more public input and have people from the Coastal Commission.

**DON HADLEY**, Consulting Assistant, Harbors and Beaches, thinks some of the discussions that staff has had with Coastal Commission staff was based on the removal of the fire rings. He would like staff to have an opportunity to go back and have a discussion with Coastal staff based on relocation of those 4 rings, and if that is satisfactory with Coastal staff, we can develop an appropriate modification of that. This may be relatively simple. We can still take it to the Harbor and Beaches Advisory Committee, but he thinks by continuing the dialogue with Coastal Commission staff and getting a definition of where they stand on the issue might streamline this a little bit so we can move a little bit faster. We can have that conversation with them, and we can develop some alternatives. We can take it back to the Harbor and Beaches Advisory Committee and get their input on it and report back to Council in either open session or, once we get a resolution and significant buyoff from the Advisory Committee, we could do that via pass-thru.

**CITY CLERK WAYNE** read the **motion**, as seconded, was basically direction to staff to relocate the fire rings to a more appropriate location away from these units, and to process a Coastal Permit if necessary. That is the basics of the motion that was seconded.

**COUNCILMEMBER FELLER** stated if that's the motion, he **seconds** it.

**COUNCILMEMBER SANCHEZ** noted the Coastal Commission is considered a quasi-judicial board. Its role is to apply the Coastal Act and to review local Coastal Permits, appeals and things of that nature. This is considered a coastal access issue. It is part and parcel of the Coastal Act.

She knows what was there before; there were motels and an RV park. It has always been a very busy part of the beach, and it will continue to be so. She doesn't see the problem. She has lived there with the windows open, and she did not have a problem.

**Motion was approved 3-1;** Councilmember Sanchez – no.

[Recess was held from 5:30 PM to 5:54 PM.]

**MAYOR WOOD** wanted to clarify that on Item 20 he thought we had dealings with the Coastal Commission and didn't catch that if necessary we'd file a permit with the Coastal Commission. That is the last thing he wants to do. If that comes up, he wouldn't support it because it locks us in. Everything else involving dealing with the Coastal Commission and with staff to rectify the problem is fine. He doesn't want to go

forward with a motion to go to the Coastal Commission.

**COUNCILMEMBER SANCHEZ** requested a point of order. What was the motion? Is the motion going to change with what the Mayor just indicated?

**CITY CLERK WAYNE** replied the motion will remain as it stands, but that will be part of the record.

**MAYOR WOOD** just wants to make sure it goes to staff and then comes back to Council and does not support going to the Coastal Commission.

**5:30 PM**

**INVOCATION** – Pastor Carl Souza

**PLEDGE OF ALLEGIANCE** – Vietnam Veterans

**PROCLAMATIONS AND PRESENTATIONS**

Presentation – “Pet of the Month” presented by Elkie Wills, San Diego Humane Society  
SPCA, North Campus

Proclamation – Oceanside Public Library’s Big Read 2010 featuring The Things They  
Carried

Proclamation – Fair Housing Month, April 2010

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award—Oceanside  
Valley Little League Girls softball team

**Presentations were made.**

**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.

27. **Advance written request to reserve time to speak:** Request by Mr. Newt Danford

**CITY CLERK WAYNE** reported that Mr. Danford withdrew his request as he feels his concerns are being addressed by staff.

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

**FABIO MARCHI**, 3460 Marron Road, is here to request that Councilmember Sanchez recuse herself. He stated that at the March 23<sup>rd</sup> Council meeting, Councilmember Sanchez made derogatory and defamatory remarks against him and his business. In one instance, she stated that he did not know what he was doing and still doesn’t know, referring to his current building project and his qualifications. He believes Councilmember Sanchez’s comments were completely out of place, improper and wrong. She publicly stated that she had phone conversations with him telling him what he should do in his personal life. For example, in one conversation, she told him that he should not run for the Supervisor office because Jim Wood was going to run. She also made racial slurs. He believes that by making such disparaging and malicious comments about him, Councilmember Sanchez has damaged his reputation and affected him personally and emotionally. It is evident that Councilmember Sanchez cannot maintain an objective and impartial attitude when dealing with him or his building project. He cannot jeopardize his financial livelihood and career by being the subject of the personal bias and prejudice of an Oceanside elected official who has decision-making power over this project. She has created a clear conflict of interest, and therefore he is requesting that Councilmember Sanchez be immediately and permanently recused from any future meetings between Council and himself regarding his current building project and any future dealings he might have with the City.

**THOMAS DEMPSEY**, 3641 Esplanade Street, urged the public to vote no on the

proposed charter and referenced *North County Times* articles.

**SHELSEA OCHOA**, 1648 Hunsaker Street, works for a community service and performance group called Up With People. We have been around since the 1960s. We travel the world. Right now there are 90 of us from 20 different countries. We spend about a week in each city, do community service to impact the local community and perform our show. We stay with local host families. It's a service and leadership program for the young adults in our program.

She reviewed upcoming performances and community involvement.

We are looking for host families, sponsors, etc. The message of their show is to build global bridges of understanding, as well as to inspire people into action in their own community.

**JIMMY KNOTT**, 127 Sherri Lane, announced that on April 13<sup>th</sup> there will be a presentation by the Oceanside Police Department at the Senior Citizens' Commission meeting to discuss crime trends against seniors. Also, seniors aged 60 and older who are low- and moderate-income can get help getting their taxes done.

On Easter Sunday there was an earthquake that should be a wake-up call. He urged everyone to start preparing for disasters and tsunamis.

**JOAN BRUBAKER**, 1606 Hackamore Road, spoke on the Jeffries Ranch Road closure by Caltrans for the widening of Highway 76, which she agrees is sorely needed. Early on there were many meetings and she attended 3. At each of these meetings Caltrans representatives and Mark Phelen, the Project Manager, agreed that there would be a right-in and a right-out for Jeffries Ranch. However, she found out that Jeffries Ranch Road was to be closed. That leaves us with only one exit, and we have over 850 people. That's not going to fly. The Fire Chief assured her not to worry because they have an auxiliary road and will have a gate that will be locked.

She believes the reason for closing the exits is to further the lengthening of Melrose. That's needed to fulfill a campaign promise that was made over 3 years ago. She asked about reinstating Secretariat on the circulation plan. She knows it has been deleted and is in a primitive area, but she urged the City and Caltrans to share the mitigation costs for putting in Secretariat and then have Jeffries Ranch extended to hook up with it.

**MARGARET MALIK**, 1611 Hackamore Road, also went to many meetings regarding Jeffries Ranch Road and heard the promises. She did not read the EIR. We had a very large meeting a couple of weeks ago, and over 200 people showed up. Of those about 8 people wanted Jeffries Ranch closed. We would like a right-in/right-out, which is what Mark Phelen had promised us.

She talked to all of the Councilmembers today and was told that there is another alternative. She really doesn't want to see Melrose pushed down our throats. She would like Council to discuss this in public so people in our area know exactly where Council stands. If not a right-in/right-out, then take Jeffries Ranch through to Secretariat and not Spur.

The City Manager was at the meeting, and he even sent out a memo that Caltrans was closing it in August. She would really like support from Council.

**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.

29. **City Council: Presentation of the draft 2010-2015 Consolidated Plan for**

**Housing and Community Development for review and comment**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

**JOHN LUNDBLAD**, Management Analyst, Housing and Neighborhood Services, stated this is the required public hearing under the regulations for the Department of Housing and Urban Development (HUD) for the development of the Consolidated 5-year Plan that governs use of federal, state and local funds. We have 3 national objectives for a Community Development Block Grant (CDBG), the HOME Investment Partnership Program and others from HUD: to provide decent housing, to provide a suitable living environment and to promote enhanced economic opportunity. In order to do that, the Consolidated Plan sets forth local objectives, the strategies by which we want to address those objectives, and annually, at Council's decision, the specific activities that you choose to fund that will one way or another address these national objectives.

With the 5-year plan there are requirements for 2 public hearings to gain information and public comment. One of those was held before the Housing Commission in March. We have also gone to the Community Relations Commission, and tomorrow night we will go to the Parks and Recreation Commission for more public comment. There is no action tonight. It is simply a time for receiving any public comment on the objectives or strategies for fulfillment of the Consolidated Plan.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, asked about assistance for people who have parents/grandparents that suffer from Alzheimer's. As a person becomes elderly, they have a problem with keeping their own home. He recommended addressing this as a housing issue.

Also, due to the current economic climate, there are a lot of people going to their families for help after being laid off. However, we have a new City Code that limits the number of people that can be housed within a home. Families should not have to say no to their family members in need. This housing issue needs to be addressed.

With no one else wishing to speak, Mayor Wood closed the public hearing.

**COUNCILMEMBER FELLER** referenced number 9, where it says facilitate and support the conversion of mobile home parks to ownership by a non-profit. Do we consider that low priority even though there is no financial assistance involved with this?

**MR. LUNDBLAD** responded the reason it's low priority is simply the limited financial assistance. That's one of the major factors in determining how important something is. It's not so much its importance in terms of being an objective, but whether we can come to Council and say we think this is very important but we don't have any money to do it. There are some limited State funds available for this, so we will probably be moving it up from a low to a medium priority. Also, we have not had any requests from any of the resident associations to try to effect such a change. It is not something that City staff would initiate except by request from a resident association in one of the parks and with the availability of funding outside of the General Fund.

In further response, **MARGERY PIERCE**, Neighborhood Services Director, replied that it's been an objective of the Council for a number of years to assist mobile home park residents with either purchasing their mobile home parks or to assist a nonprofit that would come in and buy it. When a nonprofit buys, it's similar to an acquisition of an apartment, where the City would likely issue bonds. We've kept it as a priority because it could happen at some time. However, we haven't been successful

with the conversion of mobile home parks to either resident ownership or nonprofit ownership because the mobile home park owners have not been willing to sell the parks.

**COUNCILMEMBER FELLER** stated if it's not something we see us doing and it's going to cost us money and it's about home ownership, he's not sure how it fits.

**DIRECTOR PIERCE** replied we leave it in because there is funding that we could access if the opportunity were to arise. Otherwise, if it's something that the Council wanted to do, we'd have to come in and amend, through a public hearing process, the Consolidated Plan to include this. It doesn't hurt for us to include it.

[Information only item for comment/input]

30. **CDC: Adoption of a resolution approving the 2010-2015 Five-Year and 2010-2011 Annual Public Housing Agency Plans, and authorizing the Community Development Commission Chairperson to submit the plans 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) Chairperson opens public hearing – hearing was opened.
- B) Chairperson requests disclosure of Commissioner and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff.
- C) Secretary presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

**ANGIE HANIFIN**, Housing Program Manager, Neighborhood Services Department, stated this is an annual requirement for the CDC, as we receive funding for the Section 8 Rental Assistance Program from HUD. This item is approval of the 5-year 2010-2015 Public Housing Agency (PHA) Plan and the 2010-2011 Annual Plan.

We have a little over 4,000 names on the Section 8 waiting list right now. We have over a 5-year wait for assistance. That is largely because we have not received any new funding for new participants since 2002. There have been very few opportunities to apply for new vouchers over that time-frame and, as the economy has worsened, we obviously have more people applying for assistance. We did apply for some new vouchers to assist 50 families who are receiving services through Child Protective Services, and we expect to hear back on that in approximately June or July of this year. With funding we are able to assist about 1,500 households in Oceanside with the program, including seniors, persons with disabilities and families with children.

The HUD regulations require that a public hearing be held after a 45-day comment period, and this serves as that public hearing. On February 23, 2010, the Housing Commission unanimously recommended that the CDC adopt a resolution approving the Plan.

In addition, we are required to set up a Resident Advisory Board made up of program participants, and we did meet with that Resident Advisory Board on 3 occasions earlier this year.

With no one wishing to speak, the Mayor closed the public hearing.

**COUNCILMEMBER FELLER** moved approval [and adoption of **Resolution No. 10-R0288-3**, "... approving the 2010-2015 Five-Year and 2010-2011 Annual Public Housing Agency (PHA) Plans, for the PHA fiscal year beginning July 1, 2010, 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.

**Motion was approved 4-0.**

**Item removed from Consent Calendar for discussion – continued**

15. **City Council: Approval of a budget appropriation in the amount of \$23,559 from the General Fund Unallocated Fund balance reserves to the City Clerk Department Election budget to cover the total cost of the December 8, 2009, Special Municipal Election of \$506,559**

**LARRY BARRY**, 3973 Brown Street, thinks this election divided our City, and we've lost a lot of respect for our police and fire unions. He is all for people having the right to work and assemble, but the unions have taken over. He feels we need to change that. We are paying more in pensions because of the unions.

He disagrees with the payment for the election, but we have to pay it. It is \$500,000 that could have gone to better things.

**COUNCILMEMBER KERN** wanted people to realize that the recall cost \$506,000. That's \$506,000 that we have lost. He is not going to support this item because it's a waste of \$506,000.

**COUNCILMEMBER FELLER** wanted to say that he doesn't support this either, but we have to pay our bills.

**COUNCILMEMBER SANCHEZ** stated this is not all about the unions. It does not impact the unions.

**MAYOR WOOD** commented that recalls, once the signatures are there, go forward.

**COUNCILMEMBER SANCHEZ moved** for approval [of a budget appropriation in the amount of \$23,559 from the General Fund Unallocated Fund balance reserves to the City Clerk Department Election budget to cover the total cost of the December 8, 2009, Special Municipal Election of \$506,559].

**MAYOR WOOD seconded** the motion.

**Motion was approved 3-1;** Councilmember Kern – no.

**INTRODUCTION AND ADOPTION OF ORDINANCES** – None

**CITY COUNCIL REPORTS**

22. **Mayor Jim Wood**

**MAYOR WOOD** hopes everyone enjoyed their Easter and Passover holiday.

23. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** announced the following:

Laurel Elementary inducted 3 people into their Hall of Fame; New Venture Church had a great Easter sunrise service; there is a farewell reception for Skip Paul at the Oceanside Museum of Arts on April 11<sup>th</sup>.

Earlier in this meeting we approved about \$750,000 in projects, and if we were a Charter City we could have saved \$75,000 to \$100,000 of that.

24. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** announced that a group of citizens got together after hearing we weren't going to have a parade this year and decided to raise the money to put on the parade. The City cannot contribute because we don't have the money. They are looking for volunteers and participation.

He will be attending the San Diego County Water Authority Board retreat tomorrow so we can be in the loop.

25. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** announced the following:

An event on Camp Pendleton where top brass gave accolades to Integrated Waste Commissioner Charles Bradshaw, who makes over \$1,000,000 per year for the base with his recycling program.

There was a community meeting pulled together quickly on March 25<sup>th</sup> because Council received calls from residents of Jeffries Ranch, which is over 1,000 homes with only 2 entrances off Highway 76. The calls came in that Caltrans had bulldozed their sign and taken out their landscaping with no notice. Council and City staff had no notice either.

They made calls to Caltrans and got a memo outlining what had happened and stating that back in the 1990s there had been some discussion about closing Jeffries Ranch Road. Many things have changed since then. There is a high school across the street and an elementary school. Caltrans admitted that having a high school there was not part of the original plan. During her time on Council, Secretariat was deleted, which had been in the circulation element to connect with Highway 76; apparently it was part of the plan to delete Jeffries Ranch Road and have access off Secretariat. That was deleted about 4 years ago, and our staff told Council and the community that as they deleted it, they would maintain Jeffries Ranch Road but restrict it to a right turn in/right turn out.

This community was supportive of the widening of Highway 76. It was not supposed to be a controversial issue. We found out in Caltrans memo that they were scheduling complete closure of Jeffries Ranch Road in August. It also said that we were in negotiations and they had agreed to restudy that closure and perhaps maintain the right turn in/right turn out. Since August is close, she worked with the community to have a meeting and invite the regional director from Caltrans to come and speak to the residents.

Over 200 people attended. Caltrans spoke and said that they were looking at restudying it. They never mentioned anything about a 2-year temporary closure. Our City Manager came forward and said he just found out that temporary closure means 2 years, and everybody was surprised. We are having a bad experience with Caltrans; they have said one thing and done another. We need to continue to try and work with Caltrans.

We need to really watch this project so we don't miss any more opportunities. She is very concerned about this widening and how it's going to impact residents and businesses. She is concerned that Caltrans seems to believe that if they have already done something, there is no way to stop it. This just isn't right.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:35 PM on April 7, 2010. [The next regularly scheduled meeting is Wednesday, April 21, 2010, at 3:00 p.m].

April 7, 2010

Joint Meeting Minutes  
Council, HDB and CDC

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside