ITEM NO. 25

STAFF REPORT

CITY OF OCEANSIDE

DATE: August 13, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department
Housing and Code Enforcement Division

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 7 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE XII RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS, AND ADOPTION OF A RESOLUTION ESTABLISHING A SHOPPING CART CONTAINMENT PLAN PROCESSING FEE**

SYNOPSIS

Staff recommends that the City Council introduce an ordinance amending Chapter 7 of the Oceanside City Code by adding Article XII relating to the regulation and containment of shopping carts, and adoption of a resolution establishing a shopping cart containment plan processing fee.

BACKGROUND

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City. The accumulation of abandoned shopping carts on public or private property creates conditions that reduce property values, promoting blight and deterioration in the City. The issue of abandoned shopping carts is a concern that has been identified as an increasing problem by several neighborhood groups throughout the City. City staff also frequently responds to citizen complaints regarding stray shopping carts.

To address the problem of abandoned shopping carts, many businesses utilize the services of a shopping cart retrieval company. This company patrols the streets on a regular basis collecting abandoned shopping carts. This approach is not completely effective as abandoned shopping carts can be found throughout the City on a daily basis. Staff is currently aware of only a few Oceanside stores that have taken a proactive approach to the problem by installing anti-theft devices on their carts.

The purpose of adopting an ordinance is to ensure that measures are taken to deter the unauthorized removal of shopping carts and to facilitate the retrieval of abandoned shopping carts as permitted by State Law. Similar shopping cart containment and retrieval ordinances have been adopted in other California cities such as Buena Park, Anaheim, Glendale, Long Beach, La Mesa, Sacramento, and more recently Escondido.

The proposed ordinance was initially presented to the City Council at its June 11, 2008 meeting. The City Council provided direction to staff to meet with the store representatives in attendance to further refine the ordinance. Staff subsequently met with store representatives who provided invaluable input into the ordinance. The proposed Ordinance reflects this discussion by adding a City Code section to address cart theft, eliminating the reference to cart containment devices, and adding an allowance of ten abandoned carts per week before a cart containment plan is required. The store representatives who participated in this effort are satisfied with the changes to the proposed ordinance.

ANALYSIS

California Business and Professions Code section 22435 is the State Law that regulates shopping cart identification, removal, possession, impounding and retrieval. This Code only regulates shopping carts after they have been removed from the premises and limits a city's ability to effectively recover costs associated with cart retrieval. There are no provisions for cart containment; however, section 22435.8 of this Code allows a city to adopt a local ordinance which regulates the removal of shopping carts from the owner's premises as long as the ordinance does not conflict with provisions of the aforementioned State Law.

The major components of the proposed ordinance are:

1. Creates a City Code section to address the theft of shopping carts.
2. Requires all businesses to maintain a shopping cart retrieval service.
3. Requires signs on all business premises and all shopping carts which state that the removal of shopping carts from the premises is prohibited by law and which contain contact information of the shopping cart owner.
4. Requires only those businesses with a continual abandoned shopping cart problem, i.e. having more than ten abandoned shopping carts per week, to create and implement a shopping cart containment plan.

Code Enforcement staff will monitor compliance with the ordinance. Shopping carts retrieved by the City will be impounded per State Law requirements. Only those businesses with a continual abandoned shopping cart problem will be required to submit a shopping cart containment plan. A one-time plan processing, review, and inspection fee of $100 is required for each plan submittal. Additionally, individuals observed removing or found in possession of shopping carts off site of the premises to which the shopping carts belong will be subject to citation.

Code Enforcement staff will assist all business owners and managers in complying with the requirements of the ordinance. Copies of the proposed ordinance were sent out in advance to Oceanside stores that have been identified as providing shopping carts, the California Grocers Association, and the California Cart Retrieval Service Corporation.

FISCAL IMPACT

The program will require ten-percent (approximately four hours per week) of one current Code Enforcement Officer position be dedicated for an initial six-month period to handle shopping cart retrieval and enforcement throughout the City. This may result in a reduction in response to typical code enforcement issues. Ongoing enforcement will be conducted on a periodic basis. It is also estimated that the initial shopping cart containment plan processing fees will offset the administrative/clerical costs incurred for the first year of the program. No additional equipment is requested at this time. An existing truck assigned to the Code Enforcement Division will be used to impound any abandoned carts.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance amending Chapter 7 of the Oceanside City Code by adding Article XII relating to the regulation and containment of shopping carts, and adoption of a resolution establishing a shopping cart containment plan processing fee.

PREPARED BY:

David L. Manley
Neighborhood Services Division Manager

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Margery M. Pierce, Neighborhood Services Director

Attachments:
1. Proposed Ordinance
2. California Business and Professions Code § 22435
3. Cart Containment Plan Processing Fee Resolution

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 7 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE XII RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS

WHEREAS, the Oceanside City Council finds that abandoned shopping carts cause blighting conditions in our community;

WHEREAS, abandoned shopping carts detract from the aesthetics of streets, sidewalks, neighborhoods, and residences and tend to diminish property values;

WHEREAS, the abandonment of shopping carts is a public nuisance;

WHEREAS, abandoned shopping carts left in streets or on sidewalks are a danger to the safety and welfare of persons using public rights-of-way and interfere with pedestrian and vehicular travel;

WHEREAS, abandoned shopping carts are an attractive nuisance to children and may cause injury to children; and

WHEREAS, the Oceanside City Council desires to take into account the good faith efforts of stores in complying with the provisions of this Ordinance.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Article XII is hereby added and shall read as follows:

ARTICLE XII. REGULATION AND CONTAINMENT OF SHOPPING CARTS.

Section 7.102. Findings and purpose.

(a) The Oceanside City Council finds that abandoned shopping carts cause blighting conditions in our community. More specifically, abandoned shopping carts detract from the aesthetics of streets, sidewalks, neighborhoods, and residences and tend to diminish property values. The abandonment of shopping carts is a public nuisance. Left in streets or on sidewalks, abandoned shopping carts are a danger to the safety and welfare of persons using public rights-of-way and interfere with pedestrian and vehicular travel. Abandoned shopping carts are an attractive nuisance to children and may cause injury to children.

///

(b) The ordinance codified in this Article is enacted for the purpose of promoting the public health, safety, and general welfare of our citizens by requiring shopping cart owners to contain shopping carts on their own premises. This Article is not intended to be construed or applied in any manner inconsistent with California Business and Professions Code section 22435 et seq., or any other provisions of state law.

Section 7.103. Definitions.

In this Article, the following terms have meanings as set forth below:

Abandoned shopping cart shall mean a shopping cart which has been removed from the business premises without the consent of the shopping cart owner.

Premises shall mean the entire lot area maintained and managed by the shopping cart owner, including the building, parking lot, and adjacent walkways where shopping carts are permitted.

Shopping cart shall mean a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

Shopping cart containment plan or plan shall mean the document submitted by the owner pursuant to section 7.110 of this Article.

Shopping cart owner shall mean any person, entity, firm, business, corporation, partnership, company or similar entity, who in connection with the conduct of a business, makes shopping carts available for customer or public use within the boundaries of the business premises.

Shopping cart retrieval service shall mean a service operated by the shopping cart owner or an independent contract business that searches for, retrieves and/or restores abandoned shopping carts to the possession of the shopping cart owner.

Section 7.104. Enforcement.

Except as otherwise provided in this article, the provisions of this article shall be administered and enforced by the City Manager or his or her designees. The City Manager or his or her designees may enter onto private property to examine a shopping cart to obtain

information as to the owner of the shopping cart or to cause the removal of a shopping cart pursuant to the provisions of this Article.

Section 7.105. Applicability.

This Article shall apply to:

(a) All shopping cart owners that provide shopping carts for customer use.

(b) Any person in possession of a shopping cart off site of the premises of a business establishment pursuant to the provisions of section 7.113

Section 7.106. Shopping cart containment.

Every shopping cart owner who provides shopping carts for customer or public use shall contain and control all shopping carts within the boundaries of the premises, except as expressly provided for in Business and Professions Code section 22435.4.

Section 7.107. Shopping cart retrieval.

All shopping cart owners shall secure and continuously maintain a shopping cart retrieval service to retrieve abandoned shopping carts belonging to the shopping cart owner. All shopping cart owners shall provide evidence of the retrieval service as part of a required shopping cart containment plan submitted to the City pursuant to section 7.110 or at any other time upon the City's request.

Section 7.108. Mandatory signage on premises.

Shopping cart owners must post a sign in a conspicuous place on their premises within two (2) feet of all customer entrances and exits which states at a minimum:

Removal of shopping carts from the premises is prohibited by law.

B & P Code section 22435.2.

Section 7.109. Shopping cart identification.

Shopping cart owners shall permanently affix a sign to all shopping carts which contains the following information:

(a) The identity of the shopping cart owner, including business name and store number if applicable;

///

(b) A notification of the procedures for authorized removal of the shopping cart from the premises;

(c) A notification that unauthorized removal of the shopping cart from the premises, or unauthorized possession, is a violation of law; and

(d) A valid address and telephone number to enable the shopping cart to be returned to the shopping cart owner.

Section 7.110. Shopping cart containment plan.

If at any time more than ten (10) shopping carts within a one-week period are found abandoned, the shopping cart owner shall submit a shopping cart containment plan within thirty (30) days of notification by the City Manager or his or her designee. This plan, at a minimum, shall include:

(a) Identification of owner: The name, address, phone number, and store number of the business/owner. The plan must also include the address where the shopping carts are offered for use.

(b) Shopping cart inventory: The total number of shopping carts maintained in or on the premises.

(c) Mandatory signage: A complete description of all signs to be placed in or on the premises and the shopping carts pursuant to section 7.108 and section 7.109. These descriptions must include size, wording, and location where the signs are to be placed.

(d) Shopping cart containment measures: Shopping cart owners shall describe the specific measures to be implemented to prevent unauthorized removal of the shopping cart from the premises.

(e) Shopping cart retrieval: Description and identification of the shopping cart retrieval service maintained pursuant to section 7.107 of this Article. If an independent shopping cart retrieval service is used, a copy of the valid contract must be submitted. The owner may delete information relating to the cost of the contract or other personal information from the copy.

(f) The requirements of section 7.110 shall not apply to any business which provides less than ten (10) shopping carts for use by customers.

Section 7.111. Plan approval or denial.

(a) The shopping cart containment plan pursuant to Section 7.110 must be submitted to the City Manager within thirty (30) days after initial notification of the plan requirement. Each proposed plan shall be accompanied by a processing fee established by resolution of the City Council. No plan will be accepted without the processing fee. The City may approve or deny a plan and must notify the owner in writing of the decision. If approved, the plan shall be implemented by the owner within thirty (30) days from the date of approval.

(b) The City may revoke or deny a plan for any of the following reasons:

(1) The implementation of the plan would violate any City code, law or ordinance, or State or Federal law, statute or regulation;

(2) The plan fails to include all of the information required by section 7.110;

(3) The plan does not prevent the removal of shopping carts from the premises; or

(4) The plan omits facts, including special or unique conditions of the premises, which are required to be provided to ensure adequacy of the plan.

(c) If a plan is rejected by the City for incompleteness, or any of the reasons listed in subsections (b)(1) through (4) of this section, the City shall inform the owner in writing of the reasons for the rejection and any corrections which need to be made to the plan for it to be approved. The owner will have ten (10) days from the date of rejection to submit a corrected plan.

(d) If, at any time, the plan is ineffective as defined herein, the City may revoke the implemented plan and require the owner to submit a new plan for approval or denial by the City pursuant to the provisions set forth herein. A plan shall be deemed ineffective if shopping carts originating from a shopping cart owner's premises are found abandoned.

(e) If, at any time, the shopping cart owner wants to modify a plan approved by the City, the shopping cart owner shall submit the modified plan for approval or denial by the City pursuant to the provisions set forth herein.

(f) Any shopping cart owner in the City who fails to submit a complete plan, fails to implement an approved plan, fails to maintain a shopping cart retrieval service, fails to correct a

rejected plan, or maintains an ineffective plan in violation of this Article shall be subject to enforcement of these requirements as provided for in Chapter 1.

Section 7.112. Appeal of plan denial or revocation.

A shopping cart owner may appeal the imposition, denial, or revocation of a shopping cart containment plan. The appeal must be submitted in writing and filed within ten (10) calendar days upon receipt of the notice by the City informing a shopping cart owner of the imposition, denial, or revocation of a cart containment plan. Upon timely receipt of a written request for an appeal, the City Manager or his or her designee shall schedule a hearing which shall be held no later than thirty (30) calendar days after the receipt of the request for appeal. The City Manager or his or her designee shall serve by first-class mail a notice to the shopping cart owner at least ten (10) calendar days prior to the scheduled date of the hearing. At the hearing, the shopping cart owner shall be given the opportunity to present witnesses and relevant documentary evidence. The hearing will be conducted informally and the technical rules of evidence shall not apply. Any and all evidence which is deemed reliable, relevant and not unduly repetitious may be considered. The City shall provide the shopping cart owner with a written decision sustaining, reversing or modifying the shopping cart containment plan revocation or denial action within ten (10) calendar days after the hearing.

Section 7.113 Unauthorized removal or possession of a shopping cart.

It is unlawful for any person to do any of the following, if a shopping cart has a permanently affixed sign pursuant to section 7.109:

(a) To remove a shopping cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;

(b) To leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;

///

///

(c) To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof or to remove, obliterate, or alter serial numbers on a cart with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;

(d) To be in possession of any shopping cart while that cart is not located on the premises of a business establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart;

Section 7.114. Violations.

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Article.

SECTION 2. Severability.

If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional.

SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

///

///

///

///

///

///

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ____ day of _____, 2008, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside, California, held on the ____ day of _____, 2008, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

SMCA

_____
CITY ATTORNEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 7 OF THE OCEANSIDE CITY CODE BY ADDING ARTICLE XII RELATING TO THE REGULATION AND CONTAINMENT OF SHOPPING CARTS

ATTACHMENT 2

CALIFORNIA CODES
BUSINESS AND PROFESSIONS CODE
SECTIONS 22435-22435.8

22435. As used in this article:

(a) "Shopping cart" means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(b) "Laundry cart" means a basket which is mounted on wheels and used in a coin-operated laundry or drycleaning retail establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

(c) "Parking area" means a parking lot or other property provided by a retailer for use by a customer for parking an automobile or other vehicle.

22435.1. The provisions of Section **22435**.2 shall apply when a shopping cart or a laundry cart has a sign permanently affixed to it that identifies the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the cart from the premises; notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is a violation of state law; and lists a valid telephone number or address for returning the cart removed from the premises or parking area to the owner or retailer.

22435.2. It is unlawful to do any of the following acts, if a shopping cart or laundry cart has a permanently affixed sign as provided in Section **22435**.1:

(a) To remove a shopping cart or laundry cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(b) To be in possession of any shopping cart or laundry cart that has been removed from the premises or the parking area of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(c) To be in possession of any shopping cart or laundry cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(d) To leave or abandon a shopping cart or laundry cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(e) To alter, convert, or tamper with a shopping cart or laundry cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(f) To be in possession of any shopping cart or laundry cart while that cart is not located on the premises or parking lot of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

22435.3. Any person who violates any of the provisions of this article is guilty of a misdemeanor.

The provisions of this section are not intended to preclude the application of any other laws relating to prosecution for theft.

22435.4. This article shall not apply to the owner of a shopping cart or laundry cart or to a retailer, or to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or laundry cart or a retailer to be in possession of the shopping cart or laundry cart or to remove the shopping cart or laundry cart from the premises or the parking area of the retail establishment, or to do any of the acts specified in Section **22435**.2.

22435.5. (a) In any civil proceeding, any shopping cart or laundry cart which has a sign affixed to it pursuant to Section **22435**.1 shall establish a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign.

(b) In any criminal proceeding, it may be inferred that any shopping cart or laundry cart which has a sign affixed to it pursuant to Section **22435**.1 is the property of the person or business named in the sign and has not been abandoned by the person or business named in the sign.

22435.7. (a) The Legislature hereby finds that the retrieval by local government agencies of shopping carts specified in this section is in need of uniform statewide regulation and constitutes a matter of statewide concern that shall be governed solely by this section.

(b) A shopping cart that has a sign affixed to it in accordance with Section **22435**.1 may be impounded by a city, county, or city and county, provided both of the following conditions have been satisfied:

(1) The shopping cart is located outside the premises or parking area of a retail establishment. The parking area of a retail establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

(2) Except as provided in subdivision (i), the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the city, county, or city and county of the shopping cart's discovery and location.

(c) In instances where the location of a shopping cart will impede emergency services, a city, county, or city and county is authorized to immediately retrieve the shopping cart from public or private property.

(d) Any city, county, or city and county that impounds a shopping cart under the authority provided in subdivisions (b) and (c) is authorized to recover its actual costs for providing this service.

(e) Any shopping cart that is impounded by a city, county, or city and county pursuant to subdivisions (b) and (c) shall be held at a location that is both:

(1) Reasonably convenient to the owner of the shopping cart.

(2) Open for business at least six hours of each business day.

(f) A city, county, or city and county may fine the owner of a shopping cart in an amount not to exceed fifty dollars ($50) for each occurrence in excess of three during a specified six-month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.

(g) Any shopping cart not reclaimed from the city, county, or city and county within 30 days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the entity in possession of the shopping cart.

(h) This section shall not invalidate any contract entered into prior to June 30, 1996, between a city, county, or city and county and a person or business entity for the purpose of retrieving or impounding shopping carts.

(i) Notwithstanding paragraph (2) of subdivision (b), a city, county, or city and county may impound a shopping cart that otherwise meets the criteria set forth in paragraph (1) of subdivision (b) without complying with the three-day advance notice requirement provided that:

(1) The owner of the shopping cart, or his or her agent, is provided actual notice within 24 hours following the impound and that notice informs the owner, or his or her agent, as to the location where the shopping cart may be claimed.

(2) Any shopping cart so impounded shall be held at a location in compliance with subdivision (e).

(3) Any shopping cart reclaimed by the owner or his or her agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subdivision (d) or (f). Any cart reclaimed within the three-business-day period shall not be deemed an occurrence for purposes of subdivision (f).

(4) Any shopping cart not reclaimed by the owner or his or her agent, within three business days following the date of actual notice as provided pursuant to paragraph (1), shall be subject to any applicable fee or fine imposed pursuant to subdivision (d) or (f) commencing on the fourth business day following the date of the notice.

(5) Any shopping cart not reclaimed by the owner or his or her agent, within 30 days of receipt following the date of actual notice as provided pursuant to paragraph (1), may be sold or disposed of in accordance with subdivision (g).

22435.8. This article shall not invalidate an ordinance of, or be construed to prohibit the adoption of an ordinance by, a city, county, or city and county, which ordinance regulates or prohibits the removal of shopping carts or laundry carts from the premises or parking area of a retail establishment except to the extent any provision of such an ordinance expressly conflicts with any provision of this article.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ESTABLISHING A CART CONTAINMENT PLAN PROCESSING FEE PURSUANT TO SECTION 7.111(a) OF THE OCEANSIDE CITY CODE

WHEREAS, Section 7.110 of the Oceanside City Code requires businesses that provide shopping carts for customer or public use to submit a shopping cart containment plan if more than ten (10) shopping carts are found abandoned within a one-week period;

WHEREAS, Section 7.111(a) of the Oceanside City Code requires a plan processing fee for each required shopping cart containment plan submittal in an amount approved by resolution of the City Council; and

WHEREAS, the amount of the plan processing fee is necessary and appropriate to offset the costs associated with plan review, approval, and inspection by City staff.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows: One hundred ($100) dollars shall be the established shopping cart containment plan processing fee.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2008, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

SNCA

_____
City Attorney