



California

# CITY OF OCEANSIDE

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

MAY 5, 2010

REGULAR MEETING                      3:00 PM                      COUNCIL CHAMBERS

3:00 PM - **OCEANSIDE CITY COUNCIL (COUNCIL),  
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND  
COMMUNITY DEVELOPMENT COMMISSION (CDC)  
- REGULAR BUSINESS**

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

**Mayor  
HDB President  
CDC Chair**  
Jim Wood

**Deputy Mayor  
HDB Vice President  
CDC Vice Chair**  
Vacant

**Councilmembers  
HDB Directors  
CDC Commissioners**  
Esther Sanchez  
Jack Feller  
Jerome M. Kern  
Vacant

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

**Treasurer**  
Gary Felien

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 3:00 PM, May 5, 2010.

**3:00 PM - ROLL CALL**

Present were Mayor Wood and Councilmembers Kern and Feller. Councilmember Sanchez was absent. Also present were City Clerk Wayne, City Manager Weiss, and Assistant City Attorney Hamilton.

Assistant City Attorney Hamilton titled the following items to be heard in closed session: 1.

[Recess was called at 3:01 PM awaiting the arrival of Councilmember Sanchez (held up in traffic) and Closed Session and recess were held from 3:30 PM to 4:00 PM]

**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

**Discussed; no reportable action**

**4:00 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 4:01 PM. Present were Mayor Wood and Councilmembers Feller, Kern and Sanchez. Also present were City Clerk Wayne, City Manager Weiss and Assistant City Attorney Hamilton.

**CLOSED SESSION REPORT**

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

**ASSISTANT CITY ATTORNEY HAMILTON** reported on the items discussed in closed session. (See Item 1 above for the report).

**Change to the agenda**

**CITY CLERK WAYNE** announced that Item 7 has been continued to the meeting of May 26<sup>th</sup>.

**CONSENT CALENDAR ITEMS** [Items 3-14]

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.

The following Consent items were submitted for approval:

**CITY CLERK WAYNE** announced there was a request to speak on Item 12.

3. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council for the March 7, 2007, 4:00 p.m. Regular Meeting
4. 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)
5. City Council: Approval of Amendment 1 [**Document No. 10-D0322-1**] to the Professional Services Agreement with York International Corporation, a Johnson Controls Company of San Diego in the amount of \$348,481 for the purchase and installation of Metasys Building Automation Control System and accessory heating and ventilating equipment that completed the HVAC replacement program for the City Hall South Building, adding to the scope of work the purchase and installation of the Control System and accessories to complete the HVAC replacement program for the Library and

City Hall North and East buildings and tying the entire Civic Center HVAC network into one centralized control system; and authorization for the City Manager to execute the amendment

6. City Council: Approval of Amendment 1 [**Document No. 10-D0323-1**] to the Memorandum of Understanding between the San Diego County Copermittees of the San Diego County National Pollutant Discharge Elimination System Municipal Permit Order No. R9-2007-001, which establishes the shared program responsibilities of each party with respect to compliance with the Permit regulations for the five-year cycle of the permit; and authorize the Mayor to execute the amendment to the MOU
7. [City Council: Approval of an Amended and Restated Water Purchase Agreement between the City of Oceanside and Poseidon Resources (Channelside) LLC of San Diego in an amount not to exceed the City's cost of water supplied by the San Diego County Water Authority and the subsidies received by the City from the Metropolitan Water District of Southern California and the San Diego County Water Authority for the purchase of desalinated water, revised to meet the requirements of the San Diego County Water Authority's (SDCWA) connection agreement and to coordinate maintenance and plant shutdowns with maintenance undertaken by the buyer or the SDCWA; authorization for the City Manager to execute the agreement in its current form or as may be modified, after approval by the City Attorney; and adoption of a resolution with California Environmental Quality Act findings related to the project]  
**This item was continued to the May 26 meeting**
8. City Council: Approval of a professional services agreement [**Document No. 10-D0324-1**] in the total amount of \$152,190 to Lance, Soll & Lunghard, LLP, of Murrieta for the performance of the annual audit of City Financial Records for the Fiscal Years ended 2010, 2011, and 2012; and authorization for the City Manager to execute the agreement
9. City Council: Approval of a budget transfer in the amount of \$17,015.30 from the Police Department 2008-09 Carry Forward Operating Budget to the Fleet Management 2008-09 Carry Forward Operating Budget to pay for the conversion of a van for use by crisis negotiators
10. City Council: Adoption of **Resolution No. 10-R0325-1**, "...authorizing amendments to the Supplemental Law Enforcement Services Grant Fund FY 2009-2010 (COPS 2009), Edward Byrne Memorial Justice Assistance Grant 2008 (JAG 2008), and the Edward Byrne Memorial Justice Assistance 2009 Block Grant", authorizing changes in appropriations of the COPS 2009 (Citizens' Option for Public Safety), Supplemental Law Enforcement Services Fund (SLESF) and associated changes to the expenditure plan; authorizing changes to the expenditure plan for the Edward Byrne Memorial Justice Assistance Grant 2008 (JAG) and the JAG 2009 Block Grant; and authorizing execution of necessary documents
11. City Council: Adoption of **Resolution No. 10-R0326-1**, "...establishing certain traffic controls within the City of Oceanside", establishing a disabled parking space on North Harbor Drive at "Y" Dock
12. **Removed from Consent Calendar for discussion – public request**
13. City Council: Adoption of resolutions initiating the proceedings for renewal of the City's eleven Landscape Maintenance Assessment Districts for FY 2010-11, and setting a public hearing for June 23, 2010, at 6:00 p.m. for the Del Oro Hills, Douglas Park, Guajome Ridge, Mar Lado Highlands, Peacock Hills, Mission Meadows, Rancho Hermosa, Santa Fe Mesa, Sunburst Homes, Sunset Hills, and Vista Del Rio Landscape Maintenance Districts, as follows

**Del Oro Hills**

**Resolution No. 10-R0330-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987"

**Resolution No. 10-R0331-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987"

**Resolution No. 10-R0332-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Del Oro Hills Landscape Maintenance District, Assessment District No. 1-1987 and setting a public hearing on the proposed assessment"

**Douglas Park**

**Resolution No. 10-R0333-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Douglas Park Landscape Maintenance District, Assessment District 5-1981"

**Resolution No. 10-R0334-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Douglas Park Landscape Maintenance District, Assessment District 5-1981"

**Resolution No. 10-R0335-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981 and setting a public hearing on the proposed assessment"

**Guajome Ridge**

**Resolution No. 10-R0336-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989"

**Resolution No. 10-R0337-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989"

**Resolution No. 10-R0338-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Guajome Ridge Landscape Maintenance District, Assessment District No. 1-1989 and setting a public hearing on the proposed assessment"

**Mar Lado Highlands**

**Resolution No. 10-R0339-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988"

**Resolution No. 10-R0340-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988"

**Resolution No. 10-R0341-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Mar Lado Highlands Landscape Maintenance District, Assessment District No. 1-1988 and setting a public hearing on the proposed assessment"

**Peacock Hills**

**Resolution No. 10-R0342-1**, "...directing the City Engineer to prepare a report

on the Fiscal Year 2010-2011 renewal of the Peacock Hills Landscape Maintenance District, Assessment District 1-1977"

**Resolution No. 10-R0343-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Peacock Hills Landscape Maintenance District, Assessment District 1-1977"

**Resolution No. 10-R0344-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Peacock Hills Landscape Maintenance District, Assessment District No. 1-1977 and setting a public hearing on the proposed assessment"

**Mission Meadows**

**Resolution No. 10-R0345-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Mission Meadows Landscape Maintenance District, Assessment District 2-1979"

**Resolution No. 10-R0346-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Mission Meadows Landscape Maintenance District, Assessment District 2-1979"

**Resolution No. 10-R0347-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Mission Meadows Landscape Maintenance District, Assessment District No. 2-1979 and setting a public hearing on the proposed assessment"

**Rancho Hermosa**

**Resolution No. 10-R0348-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982"

**Resolution No. 10-R0349-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982"

**Resolution No. 10-R0350-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Rancho Hermosa Landscape Maintenance District, Assessment District No. 3-1982 and setting a public hearing on the proposed assessment"

**Santa Fe Mesa**

**Resolution No. 10-R0351-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987"

**Resolution No. 10-R0352-1**, "...approving the City Engineer's 2010-2011 Fiscal Year Report on the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987"

**Resolution No. 10-R0353-1**, "...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987 and setting a public hearing on the proposed assessment"

**Sunburst Homes**

**Resolution No. 10-R0354-1**, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Sunburst Homes Landscape Maintenance

District, Assessment District 1-1980”

**Resolution No. 10-R0355-1**, “...approving the City Engineer’s 2010-2011 Fiscal Year Report on the Sunburst Homes Landscape Maintenance District, Assessment District 1-1980”

**Resolution No. 10-R0356-1**, “...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980 and setting a public hearing on the proposed assessment”

**Sunset Hills**

**Resolution No. 10-R0357-1**, “...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Sunset Hills Landscape Maintenance District, Assessment District 2-1982”

**Resolution No. 10-R0358-1**, “...approving the City Engineer’s 2010-2011 Fiscal Year Report on the Sunset Hills Landscape Maintenance District, Assessment District 2-1982”

**Resolution No. 10-R0359-1**, “...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982 and setting a public hearing on the proposed assessment”

**Vista Del Rio**

**Resolution No. 10-R0360-1**, “...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001”

**Resolution No. 10-R0361-1**, “...approving the City Engineer’s 2010-2011 Fiscal Year Report on the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001”

**Resolution No. 10-R0362-1**, “...declaring its intention to levy and collect assessments for Fiscal Year 2010-2011 within the Vista Del Rio Landscape Maintenance District, Assessment District No. 1-2001 and setting a public hearing on the proposed assessment”

14. City Council: Adoption of **Resolution No. 10-R0363-1**, “...amending the regular meeting schedule for calendar year 2010 to add Tuesday, July 6, 2010 at 4:00 PM”, amending the 2010 meeting schedule for regular meetings of the City Council by adding the meeting date/time of July 6, 2010, at 4:00 p.m. to declare the results of the June 8, 2010, Special Municipal Election and have the oath given to the new Councilmember

**COUNCILMEMBER KERN moved** for approval of [Consent Calendar Items 3-6, 8-11 and 13-14].

**MAYOR WOOD seconded** the motion.

**Motion was approved 4-0.**

**GENERAL ITEMS**

15. **City Council: Adoption of a resolution initiating proceedings for the formation of the Oceanside Citywide Lighting District 2010-1 and the levy and collection of assessments related thereto for FY 2010-11; and adoption of a resolution declaring the intention to form the Citywide Lighting District 2010-1, calling for a property owner balloting on the matter of new assessments; and setting**

**a public hearing for June 30, 2010**

**DOUG EDDOW**, Real Property Manager, stated staff is asking Council to adopt a resolution to initiate proceedings to form the overlay Oceanside Lighting District 2010-1, to declare its intention to form the lighting district, call for a property owner's ballot and set the public hearing.

Oceanside Lighting District 2-1991, the original district citywide, was formed in 1991 and incorporated a number of prior districts across the City and consolidated them into one district. The revenues collected via the assessments were used to pay for the operation, maintenance and debt service of the street lights, as well as the traffic control lights in the City. Over the years the expenses have been increasing but the revenue has remained steady because there were no increases in the assessments. In the initial years the Reserve Fund was enough to cover the deficit but in 2000/2001 the Council approved the General Fund to pay for about \$410,000 of the public works/maintenance portion of the traffic controls systems. The District continued to run at a deficit and in 2003/2004 the Council approved the transfer of gas tax funds in the amount of \$390,000 to help cover the ongoing deficit.

In light of the City's current budget situation, by formation of this overlay District over the existing District, it's possible that the City can realize about \$410,000 in General Fund savings and another \$390,000 in gas tax savings by having the Lighting District become self-sufficient with this Oceanside Lighting District 2010-1. The current average assessment for a single-family dwelling is about \$15.80. If this ballot process moves forward to approve an assessment, it is divided into 2 sections: you can choose to pay for a portion of the deficit by replacing the gas tax funds that would be an additional \$6.64, raising the total to \$22.40, up from \$15.80; or if the entire deficit was to be paid for by this overlay Lighting District, the increase in assessment would be \$12.94, which would raise the total assessment to \$28.74. In the event that the District continues to run at a deficit, Council will have to make a decision as to whether or not to cut operation and maintenance costs associated with it, which could include turning off some street lights in given areas.

**CITY MANAGER WEISS** reiterated that the dollars that Mr. Eddow is talking about are on an annual basis, so it would be approximately \$28.00 per year. An issue did come up with regard to the street lights in Rancho Del Oro. The current citywide Lighting District does provide funding for the energy costs and the routine maintenance costs associated with the lighting. It does not include funding for the replacement of any of those street lights. We are working separately through the Attorney's office with the attorneys for the homeowners association and their management company to address that particular issue in Rancho Del Oro.

Public Input

**JIMMY KNOTT**, 127 Sherri Lane, noticed that the mobile home parks are not listed on this. In the mobile home parks, we are required by State law to provide our own lighting. We should be exempt from this. This could also develop into an administrative cash cow, like our water and sewer department. We have a lot of outside City users/visitors but there is no provision in this for them to assist in paying for the lighting. That should be looked into.

Other utilities have commissions for oversight but there is no commission for this utility structure.

**NADINE SCOTT**, 550 Hoover Street, feels like this will pit neighborhood against neighborhood; the City will charge her so other neighborhoods can get their lighting fixed. She likes the method of assessing neighborhoods for their lighting districts and their landscape districts as you have in the past. A citywide assessment is absurd. Is she then paying for the tacky lights that hang over Sunset Market; she is sure that is part of what this goes to.

Again we've hired a consultant to tell us how to run the City. That has to end. Yes costs are going up. She believes we need to go to new developers to help cover these rehabs instead of always coming to the residents.

Public input concluded

**CITY MANAGER WEISS** stated we already have a citywide Lighting District [2-1991] and in regards to Mr. Knott's comments, there are different assessments for those that are on private streets versus the public streets. There is a detailed engineer's report that we are obligated by law to provide and produce in order to even get to this point.

The issue before Council is do you want to go to the public and have them vote on whether or not they want to assess themselves for not just the street lights on all of the streets, but also traffic signal energy bills as well. Although agenda Item 12 was pulled, there is additional information there with regard to what the dollars all go to and the most significant outlay for the District is energy costs associated with the existing street lights and traffic signals.

We are asking Council to initiate the proceedings to go to the residents to see if they are willing to pay more. As Mr. Eddow mentioned, the option would be to continue to subsidize the Lighting District for street lights and traffic signals. Developers do pay to put them in but it is the residents' obligation to pay for the ongoing utility maintenance and energy costs.

**COUNCILMEMBER KERN** thinks if you are against this then you can convince your neighbors to vote against it. He asked Mr. Eddow if the mobile home parks are one parcel so it would be \$28.00 per year for the entire park.

**MANAGER EDDOW** responded he believes it is one parcel, whoever the legal owner is.

**COUNCILMEMBER KERN** stated mobile home owners do benefit from the lights as soon as they come outside the park and drive down the street or walk their dog in the evening. He can't see how we would charge visitors and not mobile home parks.

He **moved** for approval [of adoption of **Resolution No. 10-R0364-1**, "...declaring its intention to form the Oceanside Citywide Lighting District 1020-1; and to conduct a property owner balloting on the matter of new assessments related thereto commencing with fiscal year 2010/2011", and adoption of **Resolution No. 10-R0365-1**, "... initiating proceedings for the formation of the Oceanside Citywide Lighting District 2010-1; and the levy and collection of assessments related thereto commencing with fiscal year 2010/2011"].

**COUNCILMEMBER FELLER** **seconded** the motion. He would like to know the process publicly about how we go about this.

**CITY CLERK WAYNE** believes Mr. Eddow has hired a consultant to do all of the assessing but the balloting would come into the City. We haven't actually talked about it with them, but typically we would get the balloting.

**COUNCILMEMBER FELLER** understands that you want to do this pretty quickly, is that right?

**CITY CLERK WAYNE** responded the public hearing is set for June 30<sup>th</sup>.

**CITY MANAGER WEISS** explained that Council would open the public hearing, we would have an opportunity to count the ballots that would have been submitted by them and the City Clerk would report the results of that. If the number of no votes

exceeds the number of yes votes, then you do not have the ability to implement the assessment.

**COUNCILMEMBER FELLER** asked if this is simply a mail ballot and it's going to be sent out relatively soon.

**CITY MANAGER WEISS** responded yes. He believes the intention is to send them out next week should Council approve this item.

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

**CITY MANAGER/CITY ATTORNEY ITEMS**

16. **Recommendation to suspend the current process to develop an RFP for solid waste hauling services and 1) initiate exclusive negotiations with Waste Management for a new, long-term solid waste contract that will maximize benefits to the City; 2) authorize the City Manager to select a consultant of his choosing to negotiate on the City's behalf, and 3) complete negotiations on base terms and conditions and report back to the Council in 90 days.**

**CITY MANAGER WEISS** stated at the last Council meeting there was direction from Council to bring this item back for your consideration. If you recall at the time the Council considered the issue with Waste Management, one of the motions was to essentially do what's before you today. The primary difference is at that time there was an issue of moving forward with the Request for Proposal (RFP) process for the competitive bidding for the hauling contract. At this point we are recommending that process be suspended. Should Council approve this item this evening, we would notify the 5 consultants that did submit proposals for that particular process that the process has been suspended. We have prepared a brief RFP that will be sent to those same 5 firms asking them to submit their qualifications in regards to their background and abilities to negotiate contracts. Should Council approve it, that item should go out by the close of business tomorrow to those same 5 firms. We will be expecting, similar to what Council did with the hotel project, to contract with a negotiator that would represent the City. They would also identify service levels that need to be changed or improved, as well as identify potential changes that are coming from the State over the next few years.

As soon as we have the ability to select that consultant, and we're projecting that will be no later than the second week of June, then we would report to Council within 90 days from that period to give the consultant time to come forward with their negotiations on the base terms and conditions.

[Recess was held from 4:20 PM to 4:26 PM]

Public input

**THOMAS DEMPSEY**, 3641 Esplanade Street, would like to recommend that we require the City Manager to report the yearly value that Waste Management has made from the sale of recyclable materials collected from all Oceanside rate payers that participate in the City recyclable program. The public should know about this because it's their money; they put it out on the curb and it's collected. A few years ago we talked about giving citizens on a fixed income a break. He would request that Council give those people a break.

**JIMMY KNOTT**, 127 Sherri Lane, stated Waste Management is very solvent. They made some record profits last quarter; \$182,000,000 on the revenue of \$2,093,000,000. He believes Oceanside should consider handling their own recycling and he used Phoenix, Arizona, as an example of a city that does that.

The seniors within the mobile home communities have been asking for

dumpsters that are small enough for them. Phoenix has small dumpsters available to accommodate that request. He also commented on allowing senior and low-income discounts for their waste charges. The City Attorney says that is not permissible although dozens of other cities and their City Attorneys say yes.

**KEN RYAN**, Waste Management, counts serving the residents of Oceanside a privilege. The vote tonight is about sitting down and talking, which never hurt anybody.

**LARRY BARRY**, 3973 Brown Street, stated all of the facts are in, all of the accounting has been done and he thinks this is a good deal. Some of the people that work at Waste Management live in his neighborhood. These are good people who have been here for a long time that will lose their jobs if we lose this contract. He believes we need to get this signed, sealed and delivered and stop the nonsense. There is money in this for the City and with the Governor taking Redevelopment Funds from the City we are broke. The days of discounts are over for now. We all need to chip in and work our way out of this economy. Let's get this done.

Public input concluded

**COUNCILMEMBER SANCHEZ** stated this is very similar to a motion she made a couple of months ago. The difference is that this motion seeks to suspend the procurement process during discussions and also we're now very close to the July deadline for giving Waste Management their 2-year Notice of Intent to go out for bid, in case we are unable to come up with an agreement. While she is hopeful and cautiously confident that we can negotiate a win-win, she wants to insure that we are all negotiating in good faith and she would also like the public to feel we are heading in a positive direction. In order to support this motion, she would like to insure that there are no time delays. She would like the City Manager to work with the consultant he used before when we were advised of Waste Management's offer previously to extend the contract. We are now looking for a long-term contract. She would also like this matter to be brought to Council at the first meeting in June for a status report. Time is of the essence.

She **moved** that we suspend the current process to develop an RFP for solid waste hauling services and 1) initiate exclusive negotiations with Waste Management for a new, long-term solid waste contract that will maximize benefits to the City; 2) authorize the City Manager to contract with Sloan Vazquez to negotiate on the City's behalf [**Document No. 10-D036A-1**], and 3) complete negotiations on base terms and conditions and report back to the Council in 90 days with a status update at the first meeting in June.

**MAYOR WOOD seconded** the motion. He would like to move this forward as quickly as possible. We got some good advice from the consultant we used previously. Waste Management has been a good neighbor and has been involved in the community. This is business and they are trying to get the best contract for Waste Management but Council's job is to get the best possible agreement for the citizens of Oceanside, regarding all of the issues. In these tough times we need to move forward and get this done.

**COUNCILMEMBER KERN** asked when the clock starts on the 90 days.

Based on what has been said, **CITY MANAGER WEISS** responded it would start today. Between now and 5:30 he would make contact with Joe Sloan and get some information from and to him and try to get something worked out by Monday morning to get them started.

**COUNCILMEMBER FELLER** hopes we can negotiate the \$1,000,000 in this as well. If we negotiate anything above that he suggested it be directed to rate stabilization above \$1,000,000. Many things can be negotiated. He noted that Phoenix is approximately twice the size of Oceanside. He thinks we as Councilmembers and

Integrated Waste Commissioners should be restricted to zero contact with the consultant. This is strictly between Mr. Weiss, Mr. Mullen and Mr. Sloan. He doesn't want contact between a Commissioner and a friend at Sloan Vazquez or them contacting Council. We need to be out of this completely. He will be thoroughly disappointed if anybody is in contact with this. He will support this but there is no room for Council to be involved in the negotiations.

**MAYOR WOOD** thinks the stabilization fees, etc., is something we have to find out after we have a contract, if we have a contract.

**COUNCILMEMBER SANCHEZ** feels that we need to give as much input as possible because we are talking about a long-term contract. She was hoping to meet with every single Commissioner and get their ideas about what they'd like to see and then give that to our City Attorney or City Manager. She thinks we need to be able to advise what we would like see in the contract and then they determine what possible scenarios we can have. There was an ad hoc committee that has been coming up with a list. These are things that need to be communicated in order to make sure that these negotiations are successful. We don't need to have this brought up later; we need to do this in the beginning. She doesn't think it will take much time and we could have that information within a week. She doesn't think it does us any good to limit it to 3 people and their thinking of what the needs are for the citizens of Oceanside. As Councilmembers we are in constant contact and represent our citizens. They are very interested in knowing what will be included in this contract. They are also very interested in how much it's going to get us in terms of possible franchise fees and other things. We should at least be able to give that input to the City Attorney and/or City Manager.

**COUNCILMEMBER FELLER** doesn't care if you tell the City Manager what you would like. He doesn't want any contact from this dais to consultants. We should have no part in this negotiation. He disagrees 100%.

**COUNCILMEMBER KERN** thinks we can find some middle ground on this. If there's a list that they have that's available and they get that to the City Manager by next Wednesday morning, then start the clock next Wednesday. That's their deadline and starts the 90 days. If they don't have it to him by 5:00 p.m. next Tuesday evening then no further contact. Wednesday morning the clock starts, negotiations go dark and the Manager will have the information from the committee and from us if we want to put in our two cents worth and then after that no contact. Does that work?

**MAYOR WOOD** thinks that since Councilmember Sanchez sits as the liaison for the Integrated Waste Commission that if they have requests that they would like to pass on to the City Manager, that would generally be her job to pass that on. He agrees that after the negotiations start, we generally allow the negotiators to do it. We all agree and understand that, but she wanted to not circumvent the Integrated Waste Commission with their recommendations. He agrees with that.

**Motion was approved 4-0.**

**Item removed from Consent Calendar for discussion**

12. **City Council: Adoption of resolutions initiating the proceedings for the FY 2010-11 annual renewal of the Oceanside Lighting District, Assessment District No. 2-1991, and setting a public hearing for June 23, 2010, at 6:00 p.m.**

**JIMMY KNOTT**, 127 Sherri Lane, had submitted his request because he thought this would be heard concurrent with Item 15.

**MAYOR WOOD** moved approval [for adoption of **Resolution No. 10-R0327-**

1, "...directing the City Engineer to prepare a report on the Fiscal Year 2010-2011 renewal of the Oceanside Lighting District, Assessment District No. 2-1991"; **Resolution No. 10-R0328-1**, "...approving the City Engineer's report regarding the 2010-2011 Fiscal Year renewal of the Oceanside Lighting District, Assessment District 2-1991"; and **Resolution No. 10-R0329-1**, "...declaring its intention to levy and collect assessments within the Oceanside Lighting District Assessment District No. 2-1991, for Fiscal year 2010-2011 and setting a public hearing on the proposed assessments" for June 23, 2010, at 6:00 p.m.

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 4-0.**

**CITY COUNCIL REPORTS**

- 17. **Mayor Jim Wood** – no report
- 18. **Councilmember Jack Feller** – no report
- 19. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** stated last week he visited Veridian [formerly Allied Swiss], which is a specialty metal tubing precision engineering build-to-print manufacturer. They had to turn down \$1,000,000 worth of business 2 weeks ago because they don't have enough people to do the job. They have 23 openings. There are some bright spots out there in the economy.

- 20. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** announced the following:

Beach Break Café had a groundbreaking this last week. They are hoping to open in 7-9 months.

[Recess was called from 4:48 PM to 5:30 PM]

The meeting reconvened at 5:32 PM. All Councilmembers were present. Also present were City Clerk Wayne, City Manager Weiss and Assistant City Attorney Hamilton.

**5:30 PM - INVOCATION** – Pastor Carl Souza

**PLEDGE OF ALLEGIANCE** – Boy Scout Troop 709

**PROCLAMATIONS AND PRESENTATIONS**

Presentation – "Pet of the Month" presented by Elkie Wills, San Diego Humane Society & SPCA North Campus Office

Proclamation – Poppy Days, May 9-15, 2010

Proclamation – League of Women Voters 90th Anniversary

Presentation – Mayor's Youth Sports Recognition and Appreciation Award – Oceanside Girls Softball Association "Inter League Champions – 14 U"

Off Agenda – City Manager Weiss introduced Cari Dale, Oceanside's new Utilities Director

**Presentations were made**

**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.

23. **City Council: Approval of the 2010-2015 Consolidated Plan for Housing and Community Development; approval of the FY 2010-11 Action Plan of the 2010-2015 Consolidated Plan; approval of a revised FY 2010-2011 Community Development Block Grant Program budget; and authorization to submit the 2010-2015 Consolidated Plan and FY 2010-11 Action Plan to the U.S. Department of Housing and Urban Development**
- 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, stated this is the final time on this item. In March Council approved the tentative budget before we knew our allocation from Housing and Urban Development (HUD) for the Community Development Block Grant (CDBG) program next year. He came back once after that and gave a presentation on goals and objectives.

There are no significant changes from what Council saw before. He pointed out it mentions some revisions to the budget. In March we said if the allocation from HUD for the CDBG was a relatively minor amount, we would simply redistribute it among the various social service agencies that are supported. We came back with more than the 5% increase that we had expected. We reallocated funds in the budget primarily to 2 sources: 1) resource center budgets to insure we could continue full staffing and operation, especially of the resource centers in Crown Heights and the Eastside as part of our Neighborhood Revitalization Strategy Area Project, and 2) we increased the budget for Code Enforcement activities from not quite \$200,000 to a total for next year of \$255,000. This is not the addition of support for more Code Enforcement officers. This increased budget will allow the support costs for our 2 officers, plus the total cost of our graffiti eradication program, the eraser vehicle. For information we have arrested 6 taggers within the last 6 months. As prosecution goes forward there is the possibility of restitution for the total costs of eradication. It also covers the cost of our graffiti tracker program that enables us to apprehend offenders. We are also putting in the cost for neighborhood clean-ups, which are an eligible cost under CDBG programs so we can continue to support the neighborhood clean-up activities that neighborhood based organizations, community organization, etc., are already doing. This insures that there can be supplies, material and actual Code officers out there.

There are no other changes from what you had before. This is ready to go to HUD, after your approval. They have 45 days to review it and make any changes or comments. Otherwise, everything will go into effect on July 1, 2010.

No public input – public hearing closed

**COUNCILMEMBER FELLER** asked why No. 6 in the staff report for Contingency/Unallocated goes from \$30,136 to \$123,796.

**MR. LUNDBLAD** responded this came about when we put in everything, because of the increase, we did have these remaining unallocated funds. We've already allocated up to the 15% cap for our public services so we can't give it out to any of those organizations. We did not this year ask for any capital projects from either the City or community-based organizations, so at this point the money will remain available for possible reallocation by the Council for projects that may come up during the year. It would have to be for capital projects or for projects related to the Neighborhood Revitalization Strategy Area. We do not intend to use any of it for additional administrative costs and we cannot use it for any additional public services.

**COUNCILMEMBER FELLER** asked if we lose it if it's not spent.

**MR. LUNDBLAD** replied no. HUD uses a timeliness formula that every May they show how much we have on credit in the U.S. Treasury and we are not supposed to have more than 125% of our most recent allocation available to us. We've actually always stayed down in the 100-110%, mostly because we have some projects for which we've allocated funds but they have not as yet been spent. One example is we have \$100,000 set aside for work at the Brooks Street Pool, that's going to go forward next year. We've obligated it but we haven't spent it. We don't lose it unless we don't show a timely use of funds. We have been pretty good about keeping up with the use of funds. It also provides a cushion so that if something comes up during the year, we could use it for that.

**COUNCILMEMBER FELLER** moved approval of staff's recommendations [which includes the 2010-2015 Consolidated Plan [**Document No. 10-D0366-1**] for Housing and Community Development; the FY 2010-11 Action Plan [**Document No. 10-D0367-1**] of the 2010-2015 Consolidated Plan; and the revised FY 2010-2011 Community Development Block Grant Program budget [**Document No. 10-D0368-1**]; and authorization to submit the 2010-2015 Consolidated Plan and FY 2010-11 Action Plan to the U.S. Department of Housing and Urban Development.

**COUNCILMEMBER SANCHEZ** seconded the motion.

**Motion was approved 4-0.**

#### **INTRODUCTION AND ADOPTION OF ORDINANCES**

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

24. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside establishing a program for recovery of fees for emergency services** (introduced 4/21/10, 3-1 vote, Feller-no)

#### Public input

**JIMMY KNOTT**, 127 Sherri Lane, thinks the public needs to know the charges even though they are published online. The fees might prohibit people from calling for emergency services. The breakdown in types of service was a little confusing. He believes that if you can't afford to pay for emergency services, there has to be a way it can be mitigated.

#### Public input concluded

**CITY MANAGER WEISS** stated in the documents themselves, on Page 2, it's very clear that the claim costs shall be billed to the insurance carrier providing insurance coverage for the incident. There is no intent here to bill the actual individual.

**COUNCILMEMBER FELLER** is not going to support this. He thinks it's a form of double billing and has the potential for increases in insurance rates for individuals.

**COUNCILMEMBER SANCHEZ** moved adoption of the ordinance.

**MAYOR WOOD** seconded the motion.

After reading the title of **Ordinance No. 10-OR0369-1**, "...establishing a program for recovery of fees for emergency services", the **motion was approved 3-1**; Feller – no.

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

No action will be taken by the City Council/HDB/CDC on matters in this category unless it is determined that an emergency exists or that there is a need to take action that became known subsequent to the posting of the agenda.

**Advance written request to reserve time to speak:** None

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

**JIMMY KNOTT**, 127 Sherri Lane, provided information on a City of Belmont study where they did a canvas of about 60 different cities. There are 44 different cities listed that offer some form of discount to seniors, disabled or low-income individuals. There were standards for income, disability, etc. There are people living on \$700 per month in this City. He would like to see the City set up standards for discounts for seniors, disabled or low-income individuals. He knows that Proposition 218 is out there, but if these cities found a way to do it, why can't Oceanside.

**THOMAS DEMPSEY**, 3641 Esplanade Street, urged registered voters to vote no on the proposed Charter on June 8, 2010.

**NADINE SCOTT**, 550 Hoover Street, spoke against the City Charter, Proposition K, and the process. Not one of us in this City had an opportunity to participate in that.

Charter is a document that changes what the City does and how they operate. She and Dixie Bales are co-chairs of [citizensagainstcharter.com](http://citizensagainstcharter.com).

She further reflected a flyer is being mailed that's filled with lies and untruths. It says the Charter will save the City inordinately huge amounts of money. That is not true.

Charter cities can much more easily assess the citizens for the costs of things. She urged everyone to oppose Proposition K on the June 8<sup>th</sup> ballot.

**JOHN DOWELL**, 542 Brooks Street, is a write-in candidate for the open seat on the Council. There is a controversy written about in the paper regarding the Longboarder Café being replaced with a convenience store in a place without enough parking in an area that doesn't need a convenience store. Council will have the opportunity to turn that down.

Council is divided and constantly bickering. There are a lot of negative feelings and the feeling that Council can't get things done, which is why we have a special election to fill the empty seat for a short period of time. Last week you voted on an item regarding the finances of the City, which is going bankrupt and all we were doing was going to require some of the City workers to comply with the same standard that the Council and other workers comply with regarding funding their retirement pensions. It would have saved money and it would have helped. One of the Councilmembers voted no because he didn't like how somebody else voted on some other issue. He thinks there must be some special interest involved in this. It seems the special interests are influencing what's going on in this City way too much. That has to change.

**WENDY BUCK & NICOLA BYSOUTH**, Del Mar Fairgrounds, announced that the San Diego County Fair is starting June 11<sup>th</sup> and runs through July 5<sup>th</sup>. They listed some of the events taking place during the Fair.

**CAROLE MAY**, 1021 South Clementine Street, represents the Oceanside Elks

May 5, 2010

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Council, HDB and CDC

Lodge and the Oceanside Bicycle Safety Committee. She announced the Bicycle Safety Rodeo on May 8<sup>th</sup> at the Show Palace parking lot. She spoke about the events at the Rodeo.

**MICHAEL BULLOCK**, 1800 Bayberry Drive, talked about issues with Proposition 16 on the ballot for June 8<sup>th</sup>; PG&E's State ballot initiative to amend the State Constitution so that an agreement under Community Choice Aggregate (CCA) law to contract for electricity could only be done if the City had an election and won a 2/3 vote. He requests that you put this item on the agenda of your next meeting to oppose Proposition 16.

**JERRY SALYER**, 3667 Harvard Drive, spoke against the City Charter and the way it was placed on the ballot. This City Charter had no input.

**POLICEWATCH.ORG** commented on alleged corruption in the police department and on the Council. He also commented on being able to use swear words when he speaks. He asked why we give people who are living in their cars tickets.

#### **ADJOURNMENT**

**MAYOR WOOD** adjourned this meeting to a workshop on Tuesday, May 25, 2010, at 4:00 p.m. The joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board was adjourned at 6:43 PM on May 5, 2010.

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



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  
**Discussed; no reportable action**
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) County of San Diego v. City et al., Superior Court Case No. GIN036570  
**Informational update; no reportable action**
  - B) Brazelton v. City, Superior Court Case No. 37-2008-00100888-CU-OE-NC  
**Informational update; no reportable action**

**ADDENDUM ITEM**

- 2.5 **LITIGATION OR OTHER ADVERSARY PROCEEDING (E.G., ADMINISTRATIVE HEARING, ARBITRATION) (SECTION 54956.9)**  
CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (SECTION 54956.9(c))  
  
Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case  
  
**Council, in closed session by a 4-0 vote, directed the City Attorney to file a nuisance abatement action against the owner of property at 1302 Breeze St.**
3. **CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)**  
Property: approximately 7 acres at the intersection of Rancho del Oro Drive and Ocean Ranch Boulevard (APN 160-572-10 and portion of APN 162-082-43); Negotiating Parties: City of Oceanside and Ivey Ranch Development Company; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: price and terms for the acquisition and/or exchange of real property by the City  
**Discussed; no reportable action**

[Closed session and recess were held from 3:03 PM to 4:00 PM]

**4:00 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 4:07 PM. Present were Mayor Wood and Councilmembers Feller, Kern and Sanchez. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in closed session. (See Items 1, 2A, 2B, Addendum 2.5 and 3 above for those reports).

**Change to the agenda**

**CITY CLERK WAYNE** announced that Item 13 has been removed from the agenda as so noted.

**CONSENT CALENDAR ITEMS** [Items 5-12 and 14-17]

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** announced there was a request to speak on Item 7.

The following Consent Calendar items were submitted for approval:

5. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council for the following meetings:
  - April 8, 2009, 4:00 p.m. Regular Meeting
  - January 6, 2010, 3:00 p.m. Regular Meeting
  - January 20, 2010, 3:00 p.m. Regular Meeting
6. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. **Removed from the Consent Calendar for discussion – public request**
8. City Council/Harbor: Approval of the plans and specifications for the construction of the Oceanside Harbor Aquatics Center and Harbor Lot 11B Restroom projects, and authorization for the City Engineer to call for bids
9. City Council: Approval of a purchase order in an amount not to exceed \$319,400 to Emergency Vehicle Group of Anaheim for two new ambulances for the Fire Department; approval of a purchase order in an amount not to exceed \$23,850 to Long Beach BMW for one BMW motorcycle for the Police Department; and authorization for the Financial Services Director, or designee, to execute the purchase orders
10. City Council: Approval of Amendment 1 in the amount of \$61,100 to the Professional Services Agreement [**Document No. 10-D0403-1**] with Rancho Del Oro Landscape & Maintenance, Inc., of Oceanside for the landscape maintenance of City-owned slopes along Rancho del Oro Drive between Mesa Drive and Oceanside Boulevard, adding to the scope of work landscape development of the City-owned slopes from Rancho del Oro Drive along the new El Corazon Senior Center driveway; and authorization for the City Manager to execute the amendment
11. City Council: Approval of Amendment 3 [**Document No. 10-D0404-1**] in the amount of \$66,000 to the professional services agreement with CPSG, Inc., dba Partners Consulting, for financial system software upgrades, training, and software, adding to the scope of work technical infrastructure management and project management to assist with the migration from Bank of America to Union Bank; and authorization for the City Manager to execute the amendment
12. City Council: Approval of Amendment 5 [**Document No. 10-D0405-1**] in the amount of \$98,808 to the professional services agreement with Rick Engineering Company for engineering services for the Loma Alta Creek Detention Basin Project at El Camino Real, adding to the scope of work geotechnical observation and special testing services for the project; and authorization for the City Manager to execute the amendment
13. **Removed from the agenda**  
City Council: Approval of an Amended and Restated Water Purchase Agreement between the City of Oceanside and Poseidon Resources (Channelside) LLC of San Diego

in an amount not to exceed the City's cost of water supplied by the San Diego County Water Authority and the subsidies received by the City from the Metropolitan Water District of Southern California and the San Diego County Water Authority for the purchase of desalinated water, revised to meet the requirements of the San Diego County Water Authority's (SDCWA) connection agreement and to coordinate maintenance and plant shutdowns with maintenance undertaken by the buyer or the SDCWA; authorization for the City Manager to execute the agreement in its current form or as may be modified, after approval by the City Attorney; and adoption of a resolution with California Environmental Quality Act findings related to the project

14. City Council: Approval of a professional services agreement [**Document No. 10-D0406-1**] with Oceanside Marine Centre in the amount of \$71,561.38 for the completion of necessary repairs for a division rescue vessel; approval of a budget transfer in the amount of \$71,561.38 from the Fire Department Temporary/Part-time Employee account to the Repairs and Maintenance account to fund the agreement; and authorization for the City Manager to execute the agreement
15. City Council: Approval of a three-year vehicle lease agreement [**Document No. 10-D0407-1**] with Enterprise Leasing in the total amount of \$83,465 for the lease of six used vehicles to replace six existing unmarked police cars that have reached or exceeded their service life, and authorization for the City Manager to execute the agreement
16. City Council: Acceptance of improvements constructed by Roy Allan Slurry Seal, Inc., of Santa Fe Springs for the Annual Slurry Seal FY 2009-2010 project; and authorization for the City Clerk to file a Notice of Completion [**Document No. 10-D0408-1**] with the San Diego County Recorder
17. City Council: Authorization to award a contract [**Document No. 10-D0409-1**] in the amount of \$358,486 to Palm Engineering Construction Co., Inc., of San Diego for the FY 2009-2010 Citywide Sidewalk Repair project for concrete-related repairs throughout the City, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

**COUNCILMEMBER SANCHEZ moved** for approval of the balance of [Consent Calendar Items 5, 6, 8-12 and 14-17].

**COUNCILMEMBER KERN seconded** the motion.

**Motion was approved 4-0.**

#### **GENERAL ITEMS**

18. **City Council: Adoption of a resolution establishing temporary road closures, no-parking areas, and traffic flow plans between the hours of 4:00 a.m., July 3, 2010, and Midnight, July 4, 2010, within the area bounded by The Strand to the west, Coast Highway to the east, Oceanside Boulevard to the south, and Harbor Drive to the north, to facilitate the movement of pedestrian and vehicular traffic and enhance public safety during the Fourth of July festivities**

**CITY MANAGER WEISS** stated this is similar to last year's item where we brought the plan for the 4<sup>th</sup> of July. This addresses in similar fashion the way we addressed the traffic and control issues as last year. We are anticipating, given the timing of the 4<sup>th</sup> of July, additional crowds. However, one of the benefits of having a reduced beach size is that we will be having reduced crowds on the beach this year.

The activities this year are going to be somewhat limited. We are not going to be having the same type of activities in Betty's Lot that we had in the past, nor in Tyson Lot. We are looking at additional enforcement efforts and actions as they relate to the

entire downtown area. We did receive, over the last few years, several suggestions and complaints about how to handle traffic for residents and visitors into the area. Those issues have been addressed in this particular plan. Based on the success we've had over the last several years and what we expect this year again, we ask Council's approval for the resolution for the temporary road closures and parking and traffic control plans.

No public input

**COUNCILMEMBER KERN moved approval** [and adoption of **Resolution No. 10-R0410-1**, "...approving temporary road closure, parking, and traffic plans for July 4, 2010, in the beachfront area"].

**COUNCILMEMBER SANCHEZ seconded** the motion.

**COUNCILMEMBER FELLER** asked if the closure will be effective from July 3<sup>rd</sup> to midnight on the 4<sup>th</sup>. Has that happened before.

**CITY MANAGER WEISS** replied the reason for that is that this year the 4<sup>th</sup> of July falls on a Sunday and we are expecting some additional activity which is why we are closing it Saturday evening in anticipation of that Sunday. Monday is the actual work holiday so we're looking at additional precautions just that evening. We have had in the past - he believes 2 years ago - the first night we closed in the evening. We will still be allowing resident and guest activity to proceed into the area.

There are going to be different activities because we are having the parade on the 3<sup>rd</sup> so there will be some additional issues on the 3<sup>rd</sup>. The intent was to close it in the morning of the 4<sup>th</sup>.

**COUNCILMEMBER FELLER** read from the staff report synopsis where it says between the hours of 4:00 a.m. on July 3<sup>rd</sup> and midnight on July 4<sup>th</sup>, but in another area of the report it says something different?

**CITY MANAGER WEISS** believes it is supposed to be 4:00 a.m. on July 4<sup>th</sup>. The resolution has 4:00 a.m. on July 4<sup>th</sup>.

**Motion was approved 4-0.**

**CITY MANAGER WEISS** noted we will be doing an outreach in regards to all of the lots and the parking for the downtown, so we will be noticing the residents and will have ads in the newspaper. Some of the parking lots will close on the 3<sup>rd</sup> but we will make sure we include in our outreach and the signage all of the language that needs to be done.

**COUNCILMEMBER SANCHEZ** asked for a detailed presentation at the Council meeting before of what's going to happen.

**CITY MANAGER WEISS** could arrange that for the June 30<sup>th</sup> meeting.

19. **CDC: Approval of the Residential Design Guidelines for the Redevelopment Project Area** *(continued from April 21, 2010)*

**SHAN BABICK**, Associate Planner, stated back in 2007, the Community Development Commission (CDC) directed staff to create new residential guidelines for residential projects located in the Redevelopment Project Area. Staff and the City's consultant met several times with local architects, developers, Redevelopment Advisory Committee (RAC) members and interested citizens to solicit their input.

The purpose of the Residential Design Guidelines is to provide a framework for the design of future residential infill projects within the Redevelopment Project Area.

Some of the goals for the residential development located in the Redevelopment Project Area are to promote well designed and visually pleasing higher density residential development, provide a basis for making fair and consistent land-use decisions and to encourage development with minimal efforts to the environment through the use of sustainable materials, low water landscaping, recyclable materials and reduction of construction techniques associated with global warming. In addition, to encourage and/or employ smart growth design or the new planning buzz word - sustainable design.

We believe that the Residential Design Guidelines for the Redevelopment Project Area provide excellent direction for developing of the infill project in relation to height, massing, size, scale, landscape and building orientation. In addition, on February 10, 2010, the RAC approved the Residential Design Guidelines on a 7-0 vote. Staff recommends that the CDC approve the Residential Design Guidelines for the Redevelopment Project Area.

**MARK BRODEUR**, PMC Consultants, 6020 Cornerstone Court, San Diego, stated as your downtown matures, change will occur and that change can be minimized to a great extent if a community gets out in front of the change and designs and creates planning documents that essentially provide a blueprint for infill development as it occurs. Having been a past Planning Commissioner, one of the most contentious types of hearings are when they have new residential development going into existing historic residential communities. Those people love their homes and have cared for them for years, some are even passed down through families.

As property values have increased and as your downtown has become more successful, there is a call for larger infill development, bigger than what occurred in the past. That new development, while it may be consistent with the zoning, can be completely inconsistent and incompatible with the existing residential neighborhoods. This document helps bring those 2 nexuses together and provides a clearer blueprint for new development to come in. The other thing it does is protect existing property owners by giving them the assuredness that they are not going to have the big monster home located next to them that is completely inconsistent with the neighborhood context.

These guidelines will also assist staff in developing specific recommendations to developers on how to make their project work. As an ex-Chairman of a Design Review Board, he would see developers stand at the podium and ask what exactly the Board wanted done. This booklet will tell them exactly what you want them to do. It also provides the developer or the new property owner with a level of reasonable expectation that his project is going to be approved in a reasonable amount of time. Often projects are sent back to the architect because the design they are presenting isn't going to make it.

Using computer slides, one of the goals is to provide quality housing that fits in with the context of existing residential neighborhoods. We want to make the sometimes subjective process of design review a bit fairer for all parties involved and we want to assist staff in making meaningful comments that will help the developer get through the process.

We want to encourage development with minimal effects on the environment using sustainable materials, low water landscaping, recyclable materials and other techniques associated with climate change.

A graphic depicted the project area served by the design guidelines and basically these are historically residential neighborhoods that occur in and around the downtown. Some of the neighborhoods are quite attractive and almost remind him of classic California beach residential living. Graphics showed examples of the various neighborhoods in the project area.

They wanted to make this a fairly simple document and focus on 4 areas. First

was basic site design: how a house goes on a lot, where the parking gets located, etc. Second is the building envelope, which is the thing that typically zoning deals with but developers are becoming very adept at filling that building envelope, much to the consternation of local residents because the house ends up looking like an apartment block. Finally, the outside of the building; the architectural style and the materials of the building.

Graphics depicted basic site designs and existing set-back patterns. We also looked at the places where single-family residential butts up against multi-family residential. That is always an area of conflict and they looked at how to minimize those impacts. Graphics were used to demonstrate more modern larger site designs as opposed to outdated designs. To be able to minimize driveways and provide open space and having also to design contemporary architecture being able to fit contextually in historic neighborhoods adjacent to alleys for pedestrians and bicyclists and including the natural amenities like mature trees and parkways. We have included illustrations for developers as a blueprint of how to get there.

In dealing with the building envelope graphics showed an apartment block with craftsman bungalows on both sides of it, which starts to degrade property values of adjacent properties. Graphics showed examples of how to do it and how not to do it; make a mass look more residential and more contextually suitable to a historic neighborhood and how to articulate that envelope by landscaping, set-backs and multi-story designs.

With respect to architectural style, we didn't want to dictate a particular architectural style. The neighborhoods are full of architectural styles and that's what makes them unique. The fact that we have up to 17 or 18 different architectural styles in our neighborhoods today is testament that we don't want to lock in 1 or 2 particular styles and say that's what you have to build in the future. True neighborhoods show a progression of architectural style from the early 1900's through today. We wanted to make sure the new architecture is respectful of some of the character-defining elements of some of those architectural styles and we have given the designer a full palette of those types of character-defining elements to allow them to pick and choose as they design the new structures for that area in the neighborhood. Graphics showed various architectural elements.

On design components we wanted sustainable materials used; to use pedestrian scale or human scale type of elements in the homes; smaller windows, not 2-story massing of windows or entryways, etc. We were able to do that by simply going around the neighborhoods and looking at the existing materials and consulting with the local architectural community on what types of elements they find are working the best and require less maintenance.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, wondered how this would merge with the Arts & Technology District concept.

Public input concluded

**MR. BABICK** stated the area that borders that on South Cleveland Street is already built. It's all residential and there are no vacant sites in that particular area. This is consistent with that type of development as far as breaking up the buildings and providing relief that we have designed into this document; it would be consistent with the type of design that they are envisioning for that area, as well as North Coast Highway and the Vision Plan. In some areas it is even more restrictive from a building design standpoint. We think it compliments it very well. That area in the Redevelopment Area is already built.

**CITY MANAGER WEISS** added that there is a workshop next week on the

Coast Highway Vision Plan and, due to staffing issues, that will be the final workshop. We will be suspending all additional work efforts for the time being. He is aware that the Planners that were dealing with the Coast Highway Vision Plan have reviewed these Residential Design Guidelines and have been working with some of the community members to incorporate similar themes into that overall Vision process. After next Monday that will be the end of that effort for now.

**COUNCILMEMBER SANCHEZ** thinks this goes a long way towards preserving the idea and the character of Oceanside. This maintains that character and yet lets it grow in terms of new designs and giving a heads up to developers and/or owners about what we'd like to see in Oceanside. She would suggest that on Page 2 of the draft guidelines where you talk about the goals, that you include "promote the goals of a livable city, including walkable community and bicycle friendly values and designs". She asked if we can add that.

**MR. BABICK** replied yes. Then we want to put this on our website with the Zoning Ordinance and have the documents right next to each other.

**COUNCILMEMBER SANCHEZ** has had the opportunity to attend a couple of international conferences on livable cities and it is really exciting. These are old notions but things that more and more people are talking about in terms of making cities where people want to live and bringing back the downtown as a place to live and work.

She **moved** for approval of the Residential Design Guidelines for the Redevelopment Project Area with the added language to Page 2 of "promote the goals of a livable city, including walkable community and bicycle friendly values and designs".

**COUNCILMEMBER KERN** **seconded** the motion.

**COUNCILMEMBER FELLER** stated that in the introduction it says provide quality housing for households of all economic levels within the City. What does that mean? We're only talking about downtown, right?

**MR. BABICK** replied that the Guidelines are only for the downtown but we can certainly be open if the rest of the City wants to be open to adopting these as well. It doesn't matter to staff what the project is, whether it's low income, moderate income or \$10,000,000 homes; the point is to have a good quality project no matter what the project is. This doesn't cover commercial; just residential, but no matter what the project type is, this insures that you get a quality design.

**COUNCILMEMBER FELLER** asked if the plan is for low-income housing somewhere in the downtown area.

**MR. BABICK** replied we would use these designs for low-income housing if someone chose to come here.

**COUNCILMEMBER FELLER** is not very supportive of this. He thinks 'shall' should be eliminated and 'should' or 'encourage' is better terminology with the people. He thinks we need more flexibility as was stated instead of more mandates. Less regulation is where he is headed with this, not more. He believes we should let a property owner try to work out his differences with the neighbors because it's the property owner's dream, not the City's.

We've got global warming mentioned a couple of times and he thinks references to global warming are ridiculous; if anything it's global cooling right now. He would suggest removing any such references from the Guidelines.

**Motion was approved 3-1; Feller – no.**

20. **City Council: Review of the Draft FY 2010-11 Capital Improvement Project**

**Program Budget**

**SCOTT SMITH**, City Engineer, presented the next fiscal year's Capital Improvement Project Budget. This is a general discussion item and we are looking forward to receiving comments. In the past there has been a concern that maybe there wasn't enough time to review the proposed program so that is why staff wanted to bring it forward and allow Council and the public to make comments. Next month will be the public hearing on this item.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, sent Council an email regarding an issue in the Capistrano neighborhood where there are no sidewalks. The children are forced to walk in the street, which causes concern that they will be injured. They wish a sidewalk or feature be put on this list as a future project.

Another thing was the detention basins along the Loma Alta Creek that were promised to the community to be completed by 2005. That has not been completed.

Finally, the Arts & Technology District could be a project that could be funded under the CIP. It could also have a citizen oversight committee. Citizens are here to help.

Public input concluded

**CITY MANAGER WEISS** received an email from Liz Altman who raised a number of issues. They will prepare responses to Mr. Knott's and Ms. Altman's issues and get Council copies of those. This item is for your overall discussion/direction in advance of the adoption on June 23<sup>rd</sup>. Any questions you'd like to see addressed, staff will prepare them for you well in advance of the final adoption.

**COUNCILMEMBER SANCHEZ** would like to do this via a workshop. There are some things that people would like to talk about and in a regular Council meeting it will be difficult to add or change a report. For example some of the projects on here have to do with the College widening and we've had a lot of input from the community about that. Most recently we are addressing issues having to do with the closure of Jeffries Ranch Road and trying to look at how we can have a secondary access to Highway 76 for the Jeffries Ranch community. There are several things that would be important to address with the community. She is talking an evening workshop around 6:00 PM. We're talking about millions of dollars and we haven't done that in quite a long time. It is very difficult to get this all done in a Council meeting and she thinks a workshop would afford Council more informally the ability to listen to the community and come up with some goals.

**MAYOR WOOD** would like to find out from the City Manager if that is possible or do we have a time constraint issue.

**CITY MANAGER WEISS** responded that Council has already appropriated money for a design study for alternatives for Jeffries Ranch. If you wanted to do a workshop, you would have to do it next Wednesday, June 2<sup>nd</sup>. You have a budget workshop scheduled for 4:00 and if you'd like, we could schedule a workshop at 6:00. You couldn't go past that because of the noticing requirements for the public hearing for the final adoption on the 23<sup>rd</sup>.

**COUNCILMEMBER SANCHEZ** thinks it is critical that we have a workshop to get the input from the public.

**MAYOR WOOD** knows this is a big item. He's had some phone calls on a couple of issues but they haven't been that overwhelming. If Council is in agreement, it is just one more meeting for people to provide input.

**CITY MANAGER WEISS** would prefer to get the input earlier than later, but the last thing Council wants to do is show up on the 23<sup>rd</sup> and have issues on the night of your adoption where it would preclude you from actually adopting the budget. If you feel that there is the need for additional public input, then he would recommend Council go ahead and do this at 6:00 p.m. next Wednesday.

**COUNCILMEMBER KERN** has something planned at 7:00 p.m. next Wednesday.

**COUNCILMEMBER SANCHEZ** doesn't want to just get information and input on these projects. She wants staff to be able to get input about other potential projects. She wants staff to be prepared to discuss other potential projects and perhaps even the elimination of some projects that maybe are not panning out.

**MAYOR WOOD** thinks the City Manager has a good idea of what Council is saying, so he can set that up on a Tuesday or Wednesday with or without Council.

Following discussion, **CITY MANAGER WEISS** concluded we will hold a staff-driven workshop on Tuesday at 6:00 p.m. and will still have the Council budget workshop on Wednesday at 4:00 p.m.

**COUNCILMEMBER FELLER** asked how long has this 2010-2011 budget been established.

**MR. SMITH** replied we have some new projects but we've been working on this budget for months. There are a lot of projects that have been in there from previous cycles.

**COUNCILMEMBER FELLER** asked if, as we look at this 5-year plan, this is the first year of that. This could be the 5<sup>th</sup> year of the 5 prior years and you are discussing projects here that have been in the pipeline for 5 years.

**MR. SMITH** replied that is correct.

**COUNCILMEMBER FELLER** commented if you're going to hold the workshop at this point it should be over any new projects that you may be discussing. He doesn't think it's necessary to rehash something that's been in the pipeline for 5 years.

**MAYOR WOOD** would like the City Manager to keep that in mind, but he doesn't want to limit somebody. He thinks this really came up recently because of a couple of issues, including Jeffries Ranch.

**COUNCILMEMBER SANCHEZ** stated there is also the College widening. There are a lot of things where we've gotten more input recently than years before. It's important to get that input and be flexible and see how we can change this.

**COUNCILMEMBER KERN** thinks we need to hear from the public on potential new projects. We look at things internally as to what we think the City needs. Hearing from the public regarding what they think the City needs would be beneficial. It may not make it in this CIP budget, but it may make it in the next cycle.

**MAYOR WOOD** thinks the City Manager understands.

**CITY MANAGER WEISS** is giving notification that staff will be hosting a workshop with the public for next Tuesday at 6:00 p.m. He believes the intent is not to go over everything that's in this document, but to solicit input for new projects or changed projects that are already listed. The CIP is on the City's website. If anyone has issues or questions about what's in there, we'll be prepared to address them. If

anyone has ideas for new projects, that will give us enough time to evaluate those projects. The workshop will probably be in the Community Rooms.

**Item removed from Consent Calendar for discussion**

7. **City Council: Approval of plans and specifications for the Country Club Lane Senior Center Room Addition project located at 455 Country Club Lane, and authorization for the City Engineer to call for bids – public request**

**JIMMY KNOTT**, 127 Sherri Lane, talked with staff beforehand and then had a chance to review this and found that some of the ideas didn't make it into the plans. The ideas would help cut costs, improve sustainability, help with energy conservation, meet with new State and Federal goals and guidelines and also help with a visual problem that the seniors are enduring at the existing senior center. That idea is to install solar panels, solar tubes and have lighter tiles. He would like for us to think about future possibilities for energy conservation and for future cost-cutting.

**COUNCILMEMBER SANCHEZ** stated that Mr. Knott had brought up the issue of the second senior center as potentially having a higher need for a kitchen or something. These are funds that we received through a special grant. Can we do that?

**MARGERY PIERCE**, Neighborhood Services Director, responded there is \$80,000 to accomplish this and it would not be eligible for use at the El Corazon Senior Center because of the Federal 62 and older requirement that we don't have at that center.

**COUNCILMEMBER SANCHEZ moved approval** [of plans and specifications for the Country Club Lane Senior Center Room Addition project located at 455 Country Club Lane, and authorization for the City Engineer to call for bids].

**COUNCILMEMBER KERN seconded** the motion.

**Motion was approved 4-0.**

**CITY COUNCIL REPORTS**

21. **Mayor Jim Wood** – no report.
22. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** announced the following events:

There is a Memorial Day service and mass at The Mission at 8:00 on Monday; Elks Lodge is having a Memorial Day service at 10:00 a.m.; and the Tournament of Champions, Little League All-Stars and girls softball are all going on in Oceanside.

23. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** announced the following:

He attended the North County Press Briefing yesterday. He is on the steering committee. He may be coming to Council soon to get some minor funding for anti-gang activities along Highway 78. This is a coordinated effort from North County law enforcement.

He attended the Oceanside Tourism Summit last week; and last Saturday he was at Operation Appreciation.

He commended the Carlsbad City Council for coming to grips with their pension problems. We need to do the same thing here or we will be in big trouble.

24. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** announced the following:

She attended the Oceanside High School Foundation Booster Club.

She attended the Planning Commission meeting this past Monday where the item was the Cavalier Mobile Home owner's application for lot splits of Cavalier Mobile Home Park. That was denied unanimously.

[Recess was called from 5:08 PM to 5:43 PM] – All Present

**5:30 PM - INVOCATION** – Pastor Carl Souza

**PLEDGE OF ALLEGIANCE** – youth from the Fil Am Cultural Association of North San Diego County

**PROCLAMATIONS AND PRESENTATIONS**

Off-Agenda – 9<sup>th</sup> Annual Filipino American Celebration event on June 12

Presentation – Update on Oceanside Charitable Foundation

Proclamation – San Diego Countywide CityFest 2010

Presentation – Water Awareness Poster Contest Winners

Presentation – Mayor's Youth Sports Recognition and Appreciation Award – Oceanside American Little League's "Royals"

**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.

26. **Advance written request to reserve time to speak:** 1 request.

**JOHN DOWELL**, 542 Brooks Street, qualified as a write-in candidate for the special election on June 8<sup>th</sup>. At the last session Councilmember Kern mentioned the City's financial difficulties and, specifically, the pension problem. This is the result of a broken system dominated by special interests, divided approaches, accumulated political power and voter apathy.

In general he offers a TEA solution – T for truth, E for ethics and A for accountability. One solution is to dilute the influence of special interest money and focus on what is best for all the citizens of Oceanside. You can do this by eliminating incumbency and also limiting the time and money spent on political campaigns. A big part of the solution is to get all citizens more interested in the political process and by getting more people involved in government, which is a consequence of eliminating incumbency.

He has spoken here before about government being dysfunctional in some areas such as fiscal management. It's fairly easy to find fault. It is more difficult to get involved and try to find solutions. He decided to try and do something about this and he went through the process of getting qualified to run for the open Council seat as a write-in candidate. He has participated in the candidate forums and seen what is involved in the local political campaign. However, he has just recently been informed that he will be deploying to Afghanistan in June and will be leaving for preparation next week, making the continuation of a political campaign not practical.

He believes the best way to solve the serious problems facing this City government is through radical action. Let us request that all members of the Council agree to step down in November and have a special election to enact a no-incumbency

policy, a term of 2 years instead of 4 years and elect a whole new City Council. This will contribute to the other critical element of the solution, which is increased citizen interest and participation in our government.

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

**THOMAS DEMPSEY**, 3641 Esplanade Street, urged all registered voters to vote no on the proposed Charter, Proposition K, on June 8, 2010.

**J.B. BARTON**, 1703 Vista Del Mar, Vista, provided information about the residents in Oceanside that go to Vista schools. He has been a science teacher in the Vista School District since 1975. One of their concerns recently is that schools are anticipating increased class sizes in the future. Today he is providing Council with a list of school rooms, some of which are in Vista and some in Oceanside. Under the jurisdiction of Oceanside, you have certain responsibilities to make sure your Fire Marshals do safety inspections, including occupancy levels, within the classrooms. He is hoping Council will ask the Fire Marshals or inspectors to come out to those schools in Oceanside and make those inspections so that those students at least operate in a safe atmosphere. He provided a list of classrooms in different school sites within Oceanside and also provided a safety handbook, which is under the California framework of curriculum.

**LARRY BARRY**, 3973 Brown Street, is outraged that there are citizens in Oceanside that have to eat dog/cat food. He is demanding that the North County Times and San Diego Union follow up and ask Shawn Mitchell if this is true because if it is, it's a failure of our community. He questions that statement.

Also, he is not happy with the police department. He thinks we need things corrected due to police issues in the media.

He feels Oceanside is spiraling down with respect to our schools and the grading report. We have to work together. We have to increase the property values of our homes and that's how we get the money to pay for our schools. Three years ago detached homes in Oceanside were well over \$500,000 each. Today they are about \$350,000. We have to increase the quality of life and that is going to come from people that want to move here, start their families and buy homes. They are going to do this if the schools are good. We have to have communication between the schools, the school district and the Mayor. In Del Rio, 85% of the kids are in the poverty level. For 70% of them English is a second language. We need to improve those situations. We have to transform that neighborhood so we have more tax paying people in Oceanside.

**NADINE SCOTT**, 550 Hoover Street, is the Co-Chair of [www.citizensagainstcharter.com](http://www.citizensagainstcharter.com). She and Dixie Bales have worked for the last several months to defeat the proposed Charter. Proposition K will give the 5 people on the Council ultimate power over the City and really take a lot of power away from the citizens. We've seen what happens with other Charter cities like Long Beach, San Diego and Los Angeles. Charters cost nothing but money to implement and to continue to stay fresh. She urged a no vote on Proposition K.

Don't forget to vote on June 8<sup>th</sup>. She urged everyone to vote for Chuck Lowery as he is against the Charter.

**JEFFREY DeMILLE**, 1105 Morse Street, is a lifelong resident of Oceanside, as are most of his family members. He has seen the City go through a lot of changes cosmetically and it looks great. He is dissatisfied by the way he has been treated by the police. He has been handicapped for the last 13 years with an amputation and he still cannot get their help. He is asking for Council's help in trying to solve that problem.

**JERRY SALYER**, 3667 Harvard Drive, is here tonight reluctantly to convince people to vote no on the Charter.

**JIMMY KNOTT**, 127 Sherri Lane, was encouraged to speak against the Charter and for Chuck Lowery. He encouraged everyone to become educated on these two issues – Proposition K and the Council candidates. There is the City's website, as well as pro and con websites and Council candidate websites, KOCT playbacks, etc. He feels there is no excuse for any of our voters not to be informed. He encouraged everyone to vote.

**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.

28. **City Council: Consideration of a resolution amending the City's development fee schedule by the addition of a \$50 fee to allow owners of single-family properties of less than 5,000 square feet of new landscape area to submit a short-form review application in lieu of a full landscape documentation package**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmembers reported contact with staff; Councilmember Sanchez reported no contact.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

**HARRY GROVE**, Associate Engineer, stated due to Assembly Bill (AB) 1881, which was passed by the California State Legislature, the City was required to adopt a water efficient landscape ordinance. The new bill requires all local agencies to implement this ordinance, which targets those development activities requiring a City permit. On April 21, 2010, Council introduced this ordinance [final reading and adoption – see Item 30].

Before AB 1881, the City did not require a landscape plan for single-family residences, as is still our policy. The new State legislation applies to development activities requiring a City permit. A waiver option for a short form is offered to assist the single-family property owner with a landscape area of 5,000 square feet or less who has triggered the need for a City permit. This short form consists of the bare minimum information needed to satisfy the requirements while helping the single-family property owner avoid a costly full landscape documentation package. Staff recommends approval to amend the City's development fee schedule to add a \$50 fee for processing this short form.

No public input – Public hearing closed

**COUNCILMEMBER SANCHEZ moved approval** [and adoption of **Resolution No. 10-R0411-1**, "...amending the fee schedule for planning, engineering and recreation services to add a short form landscape fee".

**COUNCILMEMBER KERN seconded** the motion. He asked if someone has a 5,000 square foot backyard and they landscape it on their own, are they supposed to come and get a permit.

**MR. GROVE** responded no. If you were to add an addition to your home, whatever the landscape area that is affected, if it's under 5,000 square feet, you would not need to do a full landscape documentation package. Since it requires a permit through the City, it would be triggered under AB 1881.

**SCOTT SMITH**, City Engineer, elaborated if the work you are doing requires a permit then you will be subject to this, but if you are just out landscaping your

backyard, no.

**Motion was approved 4-0.**

**29. City Council: Consideration of a resolution adopting the TransNet Local Street Improvement Program of Projects for Fiscal Years 2011 through 2015**

- 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, SANDAG and public.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

**GARY KELLISON**, Senior Civil Engineer, wanted to draw a distinction between the City's Capital Improvement Program (CIP) and the TransNet Program of Projects. The CIP is the City's spending plan; no money can be spent on a project unless it's in the CIP. The TransNet Program of Projects specifies what funds the City can draw from SANDAG and we cannot draw money for projects, whether we have spent money beforehand or not, until it appears on the Program of Projects. SANDAG has, in terms of the 2004 TransNet proposition which is approved, set in a number of requirements. They require cities that participate in TransNet to readopt this every year, which is why it's before Council.

He knows individual Councilmembers have interests in individual projects so he thought it would be useful if he spoke to some of the projects and why they are in the proposed Program of Projects and why maybe one project is not at this moment. One project that is not is the study for a second entrance off of Highway 76 into Jeffries Ranch. It is the full intention of staff to get that connection into the TransNet Program of Projects so we can draw money and be reimbursed for the studies to make that connection happen. Because the TransNet program is a regional program, SANDAG staff requires an approximate 6-month lead time to model the air quality impacts of anything that adds any capacity enhancements anywhere in the County, which includes an entrance to a neighborhood. Council's direction to include the study happened beyond the deadline for City staff to submit the program to SANDAG staff so they could begin their quality modeling. SANDAG is still doing the air quality work and their timeline is adoption by the SANDAG Board in September for all of the resolutions that each member city submits to them by June 30<sup>th</sup>.

However, there is a definite out. The City can spend out of its own TransNet money that we've previously drawn to complete the study and we can follow up with the next TransNet amendment opportunity to formally add that connection into the TransNet Program.

Other projects that are listed before Council in the TransNet Program include Melrose Drive - \$25,000 which will allow the City to obtain reimbursement for money that we spent out of the TransNet Program for completing the Environmental Impact Report (EIR) process. It's the same thing for the College Boulevard widening, College Boulevard Bridge widening over the San Luis Rey River. The previous CIP budget includes monies to do some technical studies like including a nominal amount in the TransNet Program of Projects that allows staff to submit a reimbursement request in the next year for the City to recapture that money that we already spent.

The majority of the money in the TransNet Program of Projects is actually related to street maintenance, which includes \$1,700,000 for street and sidewalk repairs, \$3,000,000 for the street overlay program and \$450,000 for the ongoing traffic management center that's under construction right now at City Hall.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, believes one thing that needs to be added back on the list is a rail system that at one time was to be considered for transportation of items produced from our Oceanside Ranch area into the rail system going from San Diego to Los Angeles for transport worldwide. North County Transit District (NCTD) decided to make that rail system a commuter line, which limited the availability and capability for the rail system to carry items produced. We now have a major motor vehicle producer in the Ranch area and other producers all along the system that could be invigorating the whole Ranch area, but only if a good transportation system is available. He would like this to be considered by SANDAG and added on to the TransNet Program of Projects as it would invigorate our economy in the City and elsewhere.

**MARGARET MALIK**, 1611 Hackamore Road, requested that the \$75,000 that Council awarded to be used for the study of Jeffries Ranch be put on the list. The residents want a traffic light put at Jeffries Ranch Road. They have clocked it and the distance from Jeffries Ranch Road to Melrose is shorter than the distance from College to the shopping center and the produce company is getting a free traffic light. She doesn't understand that.

**DANA CORSO**, 5838 Ranchview Road, is speaking on behalf of 500+ people who have signed a petition that are opposed to the closure of Jeffries Ranch Road. We are hoping to get Jeffries Ranch Road open again and with a traffic light there. We hope that Council will take the TransNet funds and put some money aside for Jeffries Ranch Road.

It is mandatory that we have a secondary entrance. People are waiting a long time to get out of Jeffries Ranch on Melrose and if there is a fire or an evacuation we will be trapped there. The safety issue is huge. There are public safety officers that live in Jeffries Ranch that have signed the petition and agree that Jeffries Ranch Road shouldn't be closed. If it is closed it is very important to get a secondary access out.

Public input concluded

**CITY MANAGER WEISS** stated with regard to the issues that were raised about the funding for the study, the Council's action to move forward with that study also allocated the money. So whether it's on this list now or not, that money has been allocated to the study and we are moving forward with the selection of the consultants to initiate that study.

Mayor Wood closed the public hearing.

**COUNCILMEMBER SANCHEZ** stated this item is very closely related to Item 20 that we heard earlier this evening, where we had staff ask for Council input on review of the draft CIP budget and we decided to have a workshop and get input from the public since we are talking about projects for fiscal years 2011-2015. She feels this should be added into the workshop. You have to have it on the CIP in order to even be going forward for funding from TransNet. She is asking that this item be continued to the workshop and then brought back once we get the CIP finalized and it sounds like there's a definite timeline on when that has to be finalized. We need to have this input from the public. We are talking about millions of dollars.

She **moved** that this be continued to the staff workshop on Tuesday, June 1, 2010, and have it come back to Council with the same timelines as the CIP.

**MAYOR WOOD seconded** the motion.

**CITY MANAGER WEISS** would then add this resolution to Council's June 23<sup>rd</sup> meeting as well if that is your direction.

**MAYOR WOOD** stated the reason he seconded this is that potentially from

SANDAG money can be spent from this budget, moved to another one and then later on reimbursed for it. He wants to have a lot of people in our community be able to discuss it with staff and let staff explain what's going on.

**COUNCILMEMBER KERN** is confused because the City Manager just explained that the vote last time already authorized the money for the feasibility study [for Jeffries Ranch] so what are we going to take to a workshop then – that we've already voted on it and take another look at it? The money is allocated to do the feasibility study. He is ready to vote on this now.

**COUNCILMEMBER SANCHEZ** explained that especially for the Jeffries Ranch community, we have dropped the ball and, for whatever reasons, Caltrans has been able to point to things that we have not done timely or have left out. She does not want to do that again. She would like to see the CIP actually include language and that be adopted before we do this so that it's very clear. We also were talking about other possible projects. This is a 5-year plan and she would like the community to have the opportunity to give their input on this plan that millions of tax-payer dollars are going towards.

There are some things that we've learned, i.e. the College Boulevard widening that perhaps needs to be tweaked. There are some other things that are on these lists and/or that we need to also consider. She doesn't want to submit this to SANDAG and have them come back and say it should have been included in the CIP at the time of approval. We have heard this from Caltrans over and over again. She does not want to make any more mistakes or leave anything out. Delaying it briefly to cross the t's and dot the i's is what the residents deserve.

**COUNCILMEMBER KERN** thinks we are talking apples and footballs here. We're having a workshop on the CIP next Tuesday. This item is the TransNet local street improvement programs for projects. The money that we were talking about for Jeffries Ranch Road is already folded into that from a previous vote. He is ready to vote on this tonight. The CIP is next Tuesday night and that will come to Council at the end of next month. The only concern he heard was the Jeffries Ranch Road feasibility study, even though it's not listed here, it is actually funded because of Council's vote. The rest of the CIP budget for all of those projects that you talked about is going to be at the staff workshop next Tuesday. He can't support the motion as it is on the floor. The CIP workshop next week is fine and whatever projects you want in or out will come back to Council.

**CITY MANAGER WEISS** stated this particular item won't be on the workshop, but a number of the projects that are listed here are in the CIP and will be discussed. If it's the Council's issue, we can simply bring this item back on June 23<sup>rd</sup> after you adopt the CIP and just add more items to your June 23<sup>rd</sup> meeting. The workshop on Tuesday will not impact the projects that are listed on this particular list for 2011 for the TransNet funding. However, they may affect some of the projects in out years. Council will have the ability in the future to amend the RTIP; we will be expected to do so moving forward. We will make adjustments in the CIP document to clearly show the Jeffries Ranch project. If it makes it easier for everyone involved we can just bring this back to Council on June 23<sup>rd</sup>.

**MAYOR WOOD** asked the maker of the motion if she minds if this is continued to another date.

**COUNCILMEMBER SANCHEZ** responded that's fine. That was basically her request to continue it.

**MAYOR WOOD** agrees with that so we don't need a vote.

**COUNCILMEMBER FELLER** stated in Item 20 that we already discussed, it says a study for alternate SR76 connection to the Jeffries Ranch community was added

to the CIP budget on April 21<sup>st</sup> but is not included in the TransNet item on today's public hearing agenda. Instead the Council will have an opportunity to add that project to the TransNet program with an amendment later this year. It says the staff is going to have a professional services contract in the next month.

**CITY MANAGER WEISS** stated the 23<sup>rd</sup> meeting is a fairly large agenda. Council will have the budget adoption, CIP adoption, Redevelopment budget adoptions, etc. It's just easier to bring this back on the 23<sup>rd</sup> and that way Council will have the opportunity to be able to make a recommendation.

**MAYOR WOOD** stated the reason it's been brought up is that all of us have been through the situation with Jeffries Ranch and Highway 76. He had a good understanding there was going to be a right-in and right-out. That turned out not to be the case, and he never knew anything about a traffic light being put in at the produce center and not at Jeffries Ranch. He thinks there are some changes there that kind of slipped in so we want to make sure we don't have a problem. He thinks Councilmember Sanchez was trying to be safe on this one and make sure we have time to discuss it because we are all getting calls on this. This is being continued and we won't vote on it tonight. That seems like a reasonable compromise.

**SCOTT SMITH**, City Engineer, wanted to make it clear that when we bring this back the list of projects is not going to be changing. That's done through an amendment process, so it's going to look very similar to what you have now.

**Item continued to the June 23 meeting** (for public input at the staff workshop on June 1 at 6 pm – CIP)

**INTRODUCTION AND ADOPTION OF ORDINANCES**

The City Council/HDB/CDC has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that full reading of ordinances may be waived. After the City Attorney has read the titles, the City Council/HDB/CDC may introduce or adopt the ordinances below in a single vote. There will be no discussion of the items unless requested by members of the City Council/HDB/CDC or the public.

- 30. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside, California, amending Chapter 37 of the Oceanside City Code by adding a new Article VII pertaining to water efficient landscaping** *(introduced 4/21/10, 4-0 vote)*

After reading the title of the ordinance, **COUNCILMEMBER KERN** moved adoption [of **Ordinance No. 10-OR0412-1**, "...amending Chapter 37 of the Oceanside City Code by adding a new Article VII pertaining to water efficient landscaping"].

**MAYOR WOOD** seconded the motion.

**Motion was approved 4-0.**

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:23 PM on May 26, 2010, to Wednesday, June 2, 2010, at 4:00 p.m.

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside