



California

# CITY OF OCEANSIDE

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

NOVEMBER 3, 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**

**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  
Charles Lowery

**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

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

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, November 3, 2010.

**3:00 PM - ROLL CALL**

Present were Mayor Wood and Councilmembers Kern, Sanchez and Feller. Councilmember Lowery arrived at 3:03 PM. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in closed session: 1 - OFMA, 2A, 2B and 2C.

[Closed Session and recess were held from 3:01 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 OFMA; no reportable action**

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

A) Property: City-owned property bounded by El Camino Real, Oceanside Boulevard, Rancho del Oro Drive and Mesa Drive (APN 162-082-04, 05, 06, 08, 09 and 43); Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: terms and conditions for a potential lease of the Property, and the exchange of a portion of the Property with Ivey Ranch Development Company

**Discussed; no reportable action**

B) Property: Middle Pond and adjacent City-owned land lying south of Alex Road and west of Foussat Road; Negotiating Parties: City of Oceanside and Tsunami Skydivers, Inc.; Negotiator for the City: William F. Marquis, Senior Property Agent; Under Negotiations: price and terms of Property Use Agreement

**Discussed; no reportable action**

C) Property: 1.82 acres at intersection of North Pacific Street and Harbor Drive South (portion of APN 143-010-31); Negotiating Parties: City of Oceanside and Marina Del Mar Homeowner's Association; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for an extension of the current lease

**Discussed; no reportable action**

**4:00 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 4:05 PM. Present were Mayor Wood and Councilmembers Feller, Kern, Lowery 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 and 2C above].

**CONSENT CALENDAR ITEMS** [Items 4-8]

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.

**COUNCILMEMBER LOWERY** requested Items 7 and 8 be pulled for discussion.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:  
August 25, 2010, 3:00 p.m. Regular Meeting  
August 31, 2010, 4:00 p.m. Adjourned City Council Meeting
5. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
6. City Council: Approval of plans and specifications for the Lake Boulevard and Waring Road Radar Feedback Signs project, and authorization for the City Engineer to call for bids
7. **Removed from Consent Calendar for discussion – Councilmember**
8. **Removed from Consent Calendar for discussion – Councilmember**

**COUNCILMEMBER SANCHEZ** moved approval [of Consent Calendar Items 4-6].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**Items removed from Consent Calendar for discussion**

7. **City Council: Approval of a professional services agreement with [Pixelpushers, Inc., dba] Civica Software of Newport Beach, California, in the amount of \$56,200 for the redesign, development and implementation of a new City web site, and authorization for the City Manager to execute the agreement**

**COUNCILMEMBER LOWERY** stated this is an agreement for \$56,000 to rework the City's web site, which clearly needs work but he doesn't know that we can afford this money.

**MICHAEL SHERWOOD**, Chief Information Officer, stated this is an outsource agreement to send the City's web site to a third party developer to redesign and bring the web site under current standards. The current site is roughly 5 years old. This company would provide us with software tools and assistance in building a new web site that meets current and future requirements for the next 5 to 7 years. The majority of the work that would be done by this company would be completely done outside of the City. Departments would then be able to input data and function as a City web site.

**COUNCILMEMBER LOWERY** asked how long until it's in motion.

**MR. SHERWOOD** responded if approved tonight the process would start next week with internal meetings with departments. The launch of the new web site would probably take about 5 to 6 months – around May/June.

**COUNCILMEMBER LOWERY** asked if it will actually be user friendly.

**MR. SHERWOOD** responded the new site will be ADA compliant. It will work with Apple computers, regular PC's and a different variety of web browsers. Currently we only design for Microsoft Internet Explorer and no other browsers. This would be more open to all platforms.

**COUNCILMEMBER SANCHEZ** moved approval [of the professional services agreement (**Document No. 10-D0819-1**).

**COUNCILMEMBER LOWERY** seconded the motion.

**Motion was approved 5-0.**

Mayor Wood determined to hear Item 10 at this time.

#### **GENERAL ITEMS**

10. **CDC: Authorization to award a contract in the amount of \$1,369,915.80 to TC Construction Company, Inc., of Santee for the Downtown Storm Drain and Infrastructure Improvements Project, and authorization for the Executive Director to execute the agreement upon receipt of all supporting documents**

**GABOR PAKOZDI**, Associate Engineer, stated this project will further a commitment by the City to the hotel developments. With the \$1,369,916 bid, TC Construction was the lowest out of 8 contractors that bid on this project on September 30<sup>th</sup>. Previously staff conducted a pre-qualification screening of interested contractors. Out of the 25 contractors submitting documentation, 11 were found to be qualified to bid as general contractors. The highest bid received for the project was \$2,800,000. Including contingencies, technical support and administrative costs, we estimate the total construction cost of the project at \$1,869,000.

To moderate the construction impact as much as possible staff and the contractor will jointly host a neighborhood meeting before issuance of a Notice to Proceed. Also the contractor's standard traffic control will be augmented by signage placed at strategic locations that will alert the motorists, bicycles and pedestrian traffic of construction zones or detours ahead and will provide contact phone numbers and web site information. Information about the project's status will be available on the City's web site.

**COUNCILMEMBER SANCHEZ** moved approval for award of contract (**Document No. 10-D0822-3**).

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 4-1;** Councilmember Lowery – no.

Mayor Wood determined to hear Item 9 at this time.

9. **City Council: Approval of an amended and restated professional services agreement with JMM Diversified, Inc., dba Moody's Excavating of Bonsall, for the continued operation of a clean-fill material processing site at El Corazon for a 15-year term in support of the El Corazon reclamation plan, with revenue to the City based on a percentage of disposal fees and product revenues, and authorization for the City Manager to execute the agreement**

**GARY GURLEY**, Public Works Division Manager, stated the agreement in front of Council is a mirror to the agreement Council approved last year with Agri-Service to continue the green waste processing site. This would continue our recycling efforts and the reclamation of El Corazon. The agreement will allow Moody's to continue to

collect and allow the public to dispose of environmentally acceptable material. That material would be concrete, asphalt, clean-fill dirt, rocks, etc. We do not accept any type of hazardous material, metal, organic materials or solid waste. Moody's takes that material and crushes and screens it and they produce alternative products like class 2 base or other useable materials.

In conjunction with Agri-Service, they create various types of amended soil that's available to the public for sale. In addition to this, Moody's is charged with implementing the State mandated reclamation plan for their 51-acre tailing pond site. Moody's takes material that's unsuitable for recycling and puts it in the hole. They also do extensive earth movement and sculpting around the site to implement the plan. To date, they've put in about half of the 1,500,000 cubic yards of material that's required to fill and cap the site.

For rent Moody's will pay 15% of the disposal fees, plus 5% of all of their product sales over \$125,000. The indirect consideration we receive is we will continue to dump at that site up to 2,000 cubic yards of City generated material and we can pull out \$125,000 worth of material that they produce. In addition, Moody's will provide up to \$150,000 of earth work around the El Corazon site, outside of the area they are required to go in and remediate. We estimate we will get about \$260,000 the first year in rent, with about \$200,000 of in-lieu value. Even in today's economy, which is what we based our projections on, we're looking at a total of almost \$4,000,000 in rent we would collect over the term and about \$3,000,000 of in-lieu charges. If the economy gets better, those figures will all go up.

Moody's is responsible for all of the costs associated with this with no cost to the City. They are required to do the monthly testing on the material that comes in and any other site testing that we require as a result of coming in and any materials they've accepted. The combination of Moody's and Agri-Service accounts for about 75% of all of our diverted waste. Moody's accounts for about 40% and Agri-Service about 35%. As in the Agri-Service agreement, if the El Corazon plan is initiated and we need to, we can relocate them either to another suitable site on El Corazon or somewhere else in the City.

Staff recommends Council approve the agreement.

**CITY MANAGER WEISS** stated between Agri-Service and Moody's they contribute a significant amount to the City's diversion of its solid waste products. In this particular case, the majority of the materials brought to Moody's is actually recycled. At some point in time when El Corazon does start to develop, it would be incumbent upon us to look for another type of site for Moody's and continue that construction and demolition material recycling. Right now this is one of the only North County sites that takes in construction, demolition and debris material. This is a significant resource for the City and the North County region.

#### Public input

**LARRY BARRY**, 3973 Brown Street, asked if this is the waste from recycled material that they pick through before they start filling in the hole. El Corazon is slated to be a public park at some point. Are we going to know what's in the ground there for future development? He asked if there are documents that are going to tell us the topography of the land and what it's going to look like 10 or 20 years from now.

#### Public input concluded

**CITY MANAGER WEISS** responded the El Corazon Specific Plan document shows in detail all of the different ponds. The water area is no longer there; it's completely capped. However, there are no permanent structures that are going to be built on this particular piece of property. That tailing pond was a pond called

Freshwater Pond. There will be the ability to put fields and passive uses on it, but the Specific Plan doesn't contemplate any buildings going on there. The material that's in there, at some point in time when fields get put on there, there would have to be a soil cap put on to avoid the rock that's in there.

**COUNCILMEMBER SANCHEZ** stated business is a jewel for Oceanside and is well thought of in the County and is consistent with our green waste facility. It is the single largest contributor to the City's waste diversion rate. The Integrated Waste Commission has discussed this and they are also very supportive.

She **moved** approval [amended and restated professional services agreement (**Document No. 10-D0821-1**) with JMM Diversified, Inc., dba Moody's Excavating].

**COUNCILMEMBER FELLER** **seconded** the motion.

**COUNCILMEMBER LOWERY** noted it says that the City could receive in excess of \$3,900,000 in rent and additional benefits of over \$3,000,000, for a total compensation of over \$6,900,000. This is income to the City over the 15-year term of this. He asked to define the word 'could' and if the variable is based upon how much activity there is going on and how much materials are coming into the facility.

**MR. GURLEY** responded yes.

**COUNCILMEMBER LOWERY** asked if \$6,900,000 seems like a realistic number based on current needs.

**MR. GURLEY** responded yes. We based it on the last 2 years and not the high of when the economy was booming. We would anticipate those would be the minimal numbers we would bring in.

**COUNCILMEMBER FELLER** clarified that there isn't any wood going in this; this is strictly rock, sand, broken-up concrete, etc.

**MR. GURLEY** responded yes. All of the wood goes to Agri-Service. There is no metal either. The screener separates the metal and it gets recycled. Everything that goes in the hole is environmentally acceptable material.

**COUNCILMEMBER FELLER** toured the site about 8-9 years ago and he's thinking that sooner or later it's going to be a little more stable; but not enough for buildings. How many acres is the site?

**MR. GURLEY** responded 51 acres; they have just the pond and they still have to move around in the pond because things still sink.

**COUNCILMEMBER KERN** asked if the diversion rate percentages of 40% and 35% is based on tonnage or volume.

**MR. GURLEY** responded these are actually based on the old method of figuring it out. The new rates will be based just straight on the tonnage and the per capita.

**CITY MANAGER WEISS** stated the numbers you are seeing are based on weight. Obviously concrete weighs more than trash you would put out.

**COUNCILMEMBER KERN** stated we are going to get reimbursed or paid back by them grading property. Are we ever going to run out of land to grade to get that money back or account for that?

**MR. GURLEY** responded not in our lifetimes. Once we got to the elevation of Oceanside Boulevard, we may want to think about quitting. That's when we would ask

them to move dirt for us to support some other project and we've guaranteed the price per cubic yard or foot that we needed to get cleaned or done. Today we're saving probably 30 cents a yard on grading and hopefully that will go up as time goes on.

**COUNCILMEMBER KERN** knows we got some material out of there for our land outfall.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS**

11. **Request by Mayor Wood to change the name of the Benet Bridge to the "Cassan Bridge" in honor of the late Jack Cassan; and direction to staff to return to Council as soon as feasible with a resolution implementing the name change**

**MAYOR WOOD** put this item on the agenda because of a time issue. After Mr. Cassan passed away, his wife is planning to move out of the area. Normally this would go through Parks and Recreation and the subcommittee for naming of items such as parks, bridges, etc. Everybody on Council and most of staff know that Mr. Cassan was well known not only for his love of antique cars, but when there was a need for a bridge he did it himself. The permit came later.

Mr. Cassan was born in Pomona and was a World War II veteran. He had lived in Oceanside since 1929. He was a Planning Commissioner from 1986 to 1990. Most people in town know him personally and have dealt with him. He usually supplied antique cars to Councilmembers for parades. He was involved in the Great American Road Race at least 10 times and in 1985 he Mr. Woodland won the race in a 1914 Dodge painted like an Oceanside police car. He has been a benefactor for a lot of things. He owned Cassan's Auto Wrecking and is widely remembered in Oceanside.

In 1981 when the crossing washed out from the San Luis Rey River that linked his property and the Abbey to the north side of the river to the rest of the Oceanside area, Mr. Cassan took the situation into his own hands and with friends built a bridge out of railroad flat cars. That bridge was replaced in 1997 with the bridge that goes across now known as Benet Road Bridge. Prior to that it was known as Cassan's Crossing. He offered to Council that we change the name of that bridge to Cassan's Bridge.

We would send this to staff to arrange for the name changing. If we do it, Mrs. Cassan indicated she would be here for that.

**CITY CLERK WAYNE** stated Mr. Cassan was a friend to all who knew him. He loved the airport and that's where he built his house, which he has given to the Abbey. He did good work and was quite a leader behind the scenes. He was very philanthropic and gave a lot of money to a lot of worthy causes. He was the one in the early days that brought economic development to that area. It's appropriate that this bridge be named for Jack Cassan because that was his bridge.

Public input

**LARRY BARRY**, 3973 Brown Street, asked the significance of the name Benet and are we stepping on somebody's toes with this.

Public input concluded

**CITY MANAGER WEISS** doesn't believe we are changing the street name, just the bridge name. The name Benet is in reference to the Benedictine Monks.

**COUNCILMEMBER LOWERY** asked what the actual name of the bridge would be.

**MAYOR WOOD** stated the Jack Cassan Bridge.

**COUNCILMEMBER KERN** asked how we are going to designate this. Are we going to put up a monument? He's sure there are people in the community that would want to donate to some type of monument sign so when you cross the bridge people know they are driving across the Cassan Bridge.

**CITY MANAGER WEISS** stated the only other bridge we have named after someone is the Murray Bridge. The monument was a tribute after the fact. Initially there is just the resolution naming the bridge. If there is an interest by Council or the community to do some sort of tribute then we would do that after the fact.

**COUNCILMEMBER KERN** stated when we get to that point, we'll see if we can raise the funds so it won't be taxpayer dollars for that.

**COUNCILMEMBER FELLER** thinks we should note it in a couple of places on the bridge if possible. His suggestion for the name would be Jack Cassan Bridge. He **moved** to direct staff to change the name of the Benet Bridge to Jack Cassan Bridge.

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

**Motion was approved 5-0.**

12. **Request by Councilmember Lowery for an update on the Library renovation project and Library closure schedule**

**COUNCILMEMBER LOWERY** is currently the Council liaison to the Library and he asked the Library Director to take him on a tour so he could see what was going to be done during the remodel. It's going to be closed for a number of weeks. The renovation is sorely needed. The Library is probably our most used foot traffic area in the Civic Center and it shows. The Library is an important element in our community and one of the things it does is educate people about literacy.

**DEBORAH POLICH**, Library Director, stated it's been long in the planning, but we're finally able to begin the construction process. It's going to involve re-carpeting and putting new flooring in the Library. In order to get a project of this size done, it's going to take some time. We are going to be closing the Library on November 22<sup>nd</sup> and it's expected to take until February 14<sup>th</sup>. That's a long time for people to be without their Library. As noted, we have nearly 1,000 people a day coming in that building. We've tried to devise a plan that will help ease the pain for that time period. We will be opening a small annex in the Community Rooms adjacent to the Library where people can come in and pick up their materials, browse for new things, request books and drop off materials. It will be small but it will still provide service. We will open that on November 29<sup>th</sup> and it will be open from 10:00 to 4:00 Monday through Friday.

In addition, we are expanding the hours at the Mission Branch Library, which will be open 7 days a week. We will open on Saturday using staff that would normally be here. We will also open on Monday and Tuesday mornings. We will also have 2 additional bookmobile stops in this area; one on Monday afternoons at Joe Balderrama Park, and the other on Thursday afternoons at the Boys & Girls Club. We hope that with those 3 approaches people will be able to continue to get what they need while we go through the construction process.

We will have new flooring, a new mural in the children's room, a donor recognition wall in the entryway and new furniture. Many of these things are being paid for by the Friends of the Library and the Oceanside Public Library Foundation, in

addition to the construction funds that the City provided.

Mayor Wood determined to hear Item 14 at this time.

14. **Request by Mayor Wood for presentation on the San Luis Rey Cogen Facility by Director of Water Utilities Department, Cari Dale**

**MAYOR WOOD** stated we have a facility that is historical for the County open in Oceanside. Staff and the Council have been involved in issues, especially looking at clean air, green/carbon footprint. This facility gives back to the taxpayers in all areas, not just because of the cost and the money that we're getting free.

**CARI DALE**, Water Utilities Director, stated last Wednesday was the 1-year commemoration event at the San Luis Rey Cogeneration Facility.

Before we had the cogeneration facility we had methane being produced as a by-product of waste water treatment. That's still occurring but before the cogeneration it was disposed of by flaring it into the atmosphere and the three stacks at the facility burned the methane into the atmosphere. The waste water treatment process today, as well as before the generation, produced 3,000 tons of methane gas. At the time, energy costs at the treatment plant were upwards of \$500,000.

After cogeneration we have a nice 560 kilowatt (kw) lean burn gas engine and generator. It's a clean burning engine that takes the biogas and converts it into energy for use at the plant. This generator is capable of producing 700 kw of power for use on the plant. It reduces air permit issues and reduces acid emissions. It also reduces the City's carbon footprint and the greenhouse gas emissions by 50%. Operating this facility equates to removing 616 cars annually from our roads.

We did this by entering into a public/private partnership that did not cost the City a dime. We partnered with CalPower, Combined Heat and Power (CHP) Clean Energy (who funded the project) and with the Center for Sustainable Energy. With this partnership the partners assume the risk of the operations, as well as the maintenance of the facility, so no City staff has to operate the facility. The City supplies the biogas and purchases the energy at a reduced cost. We save approximately \$250,000 annually.

CalPower, CHP Clean Energy and the Center for Sustainable Energy also paid for the one-year commemorative event. The City did not spend a dime to build this facility. She showed pictures of the inside of the facility. This is a win-win for everyone involved. The facility helps the City be green, helps save the utility a lot of money and helps the City meet greenhouse gas reduction goals.

**MAYOR WOOD** stated this is the future for other cities. We are the example for the rest of the County.

Public input

**LARRY BARRY**, 3973 Brown Street, stated this technology has been around for about 30 years and it should have been used more. It depends on prices rising and falling. He asked if it's a fixed rate for buying back the electricity. Nothing is free so they are obviously making a profit on this. He asked if there is a termination to the lease; do we have that facility when the lease is over and who financed this. He suspects they are also selling it to SDG&E when they can. He also asked what the replacement cost of this is.

One of the things about biofuels is there are a lot of burps and filtering that has to be done and it can create a lot of problems. Mira Mesa Landfill is also using this technology and it works great.

Public input concluded

**COUNCILMEMBER LOWERY** stated it says on a slide that the process creates over 3,000 tons of methane gas. Does that mean there is some kind of weight or is that a volume?

**DIRECTOR DALE** responded her understanding is that's the volume of the gas. It is an annual number.

**COUNCILMEMBER LOWERY** confirmed that we are not putting out 3,000 tons of methane gas a year by using this facility.

**DIRECTOR DALE** responded it's reduced by quite a bit. She's not sure if it's 3,000 or not.

**COUNCILMEMBER LOWERY** stated this is actually a return on an investment that didn't cost us anything so we're saving money by having this operation and you are just informing us that this is another good element in the City.

**DIRECTOR DALE** responded correct. It's very similar to the power purchase agreement that was executed a few months ago for solar at this site. So this is the first of 2 projects like this that we will have in the future.

**CITY MANAGER WEISS** stated there was a picture showing the 3 smoke stacks at the facility and that's what those used to be. They would flare those so the gas would burn off and now the gas is being contained, going through those engines and creating energy that goes back to the plant. The owners of the plant are actually selling that energy.

**CITY ATTORNEY MULLEN** stated Council did approve this in a public meeting of the Council over a year ago. All of the details that Mr. Barry asked about are reflected in that agreement.

15. **Request by Councilmember Kern to provide a presentation, and request to authorize one-time funding in the amount of \$5,000 to implement the Office of Juvenile Justice and Delinquency Prevention Comprehensive Gang Model (OJJDP) referred to as the North County Comprehensive Gang Initiative**

**COUNCILMEMBER KERN** stated the North County Comprehensive Gang Model is designed to plan and implement the OJJDP program. Even though this is a regionwide initiative and effort, we all recognize that individual neighborhoods have different needs. He asked for the presentation.

**KATHY VALDEZ**, Community Outreach Program Manager, City of Vista, stated we have been working on gang issues for the last several years. In 2007 we helped convene a North County Regional Gang Summit and shortly after started the North County Gang Prevention and Intervention Committee, which is an informal group of providers, law enforcement, school personnel and municipalities who come together to talk about issues. In March of 2009 we, along with 3 other representatives from North County, attended a very intensive training on the OJJDP model. We brought it back to that committee who embraced it and asked us to try and get people across the region to embrace and implement it.

Gangs have evolved and changed over the years, particularly over the last 5-10 years. Current issues we're facing are a migration of gang members from other communities, use of the internet to actively recruit gang members, membership crossing ethnic boundaries, more involvement with prostitution/human trafficking, recruiting at a younger age and using teenagers to commit crimes.

**ANTHONY CEJA**, San Diego County Office of Education, stated within this model there are 5 strategies:

- Community mobilization – involving local citizens, sponsoring community-wide and youth-oriented activities, encouraging and sponsoring community education programs on gang prevention and identification, encouraging law enforcement officers to serve more in that community policing model and engaging residents and the faith community.
- Opportunities provision – specifically to provide educational and training employment programs for young people connected with gangs.
- Social intervention – reaching out to the kids involved in gangs. In the training we saw that there were many aspects of prevention in all the cities along the Highway 78 corridor such as before/after school programs, but there was very little being done to actually reach out to the gang members to provide some social intervention.
- Suppression – includes close supervision of gang members and the monitoring of these gang youth by agencies in the criminal justice system.
- Organizational change and development – the development and implementation of policies and procedures that result in the most effective use of available and potential resources.

The key components of this model are:

- Comprehensive gang assessment – it collects gang crime data, including community demographics, law enforcement data, school and student data (including suspension/expulsion data). It collects surveys and has focus groups around community perceptions of gangs in the area. It also has interviews with gang members and former gang members. It also looks at what current resources are available.
- Steering Committee – one of the things that were stressed was that the membership of the Steering Committee be made up of the decision-makers of that area, i.e. Mayors, Supervisors, primary law enforcement agencies, etc. We are asking them to meet quarterly and see how they can support the local efforts, especially along the Highway 78 corridor that are going on now. They determine policies and priorities, develop policies that govern how different strategies interact, formalize the participation of information sharing of the key agencies, develop by-laws and Memorandums of Understanding, mediate between key agencies and they insure fiscal accountability and sustainability.
- Lead agency – serves typically as the fiscal agent and are not the owners of the program. They typically are also the ones that hire the Project Director.
- Project Director – needs to be a full-time person who focuses on this effort. They coordinate between the key agencies, insure open lines of communication are defined, coordinate meetings, participate in local collaborative projects, coordinate and monitor the ongoing data collection and evaluation and provide ongoing progress reports to the Steering Committee.
- Research partner – is SANDAG (San Diego Association of Governments) at present. They assist the Assessment Work Group in all phases of the data collection, the analysis and interpretation of that data, the preparation of the Assessment Report and provide data presentations to the Steering Committee.
- Intervention team – is made up of different agency representatives, including community based organizations, mental health, people involved in job training, schools, probation, police departments, etc. Part of their short-term goal is to create an individualized case management plan for

each of the young people they are targeting, engaging gang members and directing services. Long-term goals are to assist gang members in transitioning out of the gang life style and to reduce overall gang-related crime.

- Street outreach – made up of staff that are paid and volunteer and reach out to the youth in gangs in the community. They link gang members to available services, advocate for their needs, provide a model of positive social behavior and provide crisis response directly to gang members and their families.

**MS. VALDEZ** stated the regional initiative wants to build on what's already been happening because we have a lot of success in North County with law enforcement, utilization of gang injunctions, the North County Gang Task Force, the Edward Burn Grant that provides suppression across the region and law enforcement gang enforcement teams. There are also the North County Gang Prevention and Intervention Committee, the North County Gang Commission and local initiatives.

The goal of the regional effort is that all of the cities will implement the 5 strategies. Many of us are implementing parts of it but may not be doing all 5. The hope is that everyone implements all 5, but that the local initiatives will be those groups that are deciding how the strategies will be implemented. The local initiatives are going to know what the specific needs are of the neighborhood and what programs will be most appropriate for that particular neighborhood. This is designed to support the local initiatives. Hopefully the information from those initiatives will come to the Steering Committee.

**MR. CEJA** stated the model calls for the Steering Committee to exist to target a certain neighborhood. What we found along the Highway 78 corridor was that it was impossible to have decision-makers meet in a Steering Committee format for each one of the neighborhoods that have been impacted by gangs throughout the region. So we created a hybrid and individualized it to this area of North County. We felt that we could bring together some of the decision-makers and that with a regional approach the Steering Committee would be to support, enhance and expand the local efforts. For example, the Project Director would be responsible to make sure they know what is going on in each of the communities that they would be representing. They would be reporting to the Steering Committee the different needs.

There are many grant opportunities that are federal, State and private that we could apply for on a regional basis. This is a unique effort for the Highway 78 corridor. In our estimation and experience, we felt that this national model would fit best in this hybrid, individualized project.

**MS. VALDEZ** stated everyone will benefit. Whether they are able to apply for regional grants or for individual agencies, they are going to have the benefit of the information that's collected during the assessments, the successes of the programs being implemented and the sharing of information.

#### Public input

**LARRY BARRY**, 3973 Brown Street, stated \$5,000 doesn't seem like a lot for a one-time deal. It seems like it's a buy-in to do something but he's not sure what we're going to get from the money. He asked if the money goes to administrative costs and if there is an office somewhere. He asked how many people are working in this organization. In the presentation there was law enforcement, gangs and administrative but you forget the people who live in the neighborhoods and how this will affect them. The best solution is for law enforcement to push the gang members out of the neighborhoods. A lot of these gang members are now 40 years old and have no skills to work with. How do the taxpayers see where their money went and what we will get in return?

Public input concluded

**MS. VALDEZ** responded the \$5,000 is for administrative time. Currently the initiative has been run by Mr. Ceja, herself, Donald Stump of North County Lifeline, a representative from Supervisor Horn's office, and a representative from the Sheriff's Department. It has basically been an add-on to everyone's job. What this needs and requires is someone who can focus on the initiative, get the meetings set up, insure communication and work with communities and local initiatives. The idea is that the Project Director that is hired would be going to all of these meetings in the individual neighborhoods to find out what's going on and bring the information back to the Steering Committee. There is no office currently. This is a collaborative effort with each city putting in \$5,000 to help support the staff person. Supervisor Horn's office has contributed \$25,000 for the assessment which is being done by SANDAG and also 211 who is doing the resource analysis. The benefit to the City and your individual agencies is all of the data and information will be available to help make grants stronger. Many grants require collaboration.

**COUNCILMEMBER SANCHEZ** feels a lot of time was spent presenting a program that already exists here. We are already working collaboratively with all the different jurisdictions. This is more like a top-down versus a ground up. Ms. Valdez and Mr. Ceja described a national model that they want to add another layer of government to, which is not necessary. We've got efforts by volunteers and social service organizations that don't expect to get paid. It seems to add insult to their great efforts that you would be coming in with your hands open. You have not demonstrated any benefit to our community at all. She sees potential for taking away our ability to attract funds. She feels that this is heading towards a grant or justification for a grant, which would trump our ability to get our own funding. She can't support this because we already have a collaborative. The things that were talked about we are already doing or have done.

She noted that this is a duplication of resources and takes away the authority from the grass roots and the local level. No one asked us what we are doing or what we need. There was no demonstrated benefit to Oceanside. This is a waste of taxpayer dollars and we are beyond what is being proposed here. We have personal relationships with these families and we are trying to reach out to these children and provide alternatives. This is kind of an insult.

**COUNCILMEMBER FELLER** stated the thing we're trying to stress here is the Highway 78 corridor. We want to be able to relate from one community to another. If it's \$5,000 to help us do that, it's probably important. Mr. Ceja has presented to hundreds of kids and adults at schools, showing them what they are facing and what to look for. He and Ms. Valdez are truly trying to help solve this problem for the North County corridor. He sat in on a meeting at the beginning of this and Councilmember Kern has been to subsequent meetings. The District Attorney and the Sheriff were there. This isn't going to take anything away from what we're doing within the City.

He **moved** approval of funding \$5,000 to implement this strategy/project in North County.

**COUNCILMEMBER KERN** seconded the motion.

**COUNCILMEMBER LOWERY** asked if the Councilmembers who are interested in this could actually fund it from their discretionary funds.

**COUNCILMEMBER KERN** identified 4 different funds that have money in them that we can apply to. It's up to the City Manager to find those funds if this is approved. Some if it is seized assets of \$120,000, private grants of \$30,000, community donations of \$10,000 and non-appropriated funding, which was the Waste Management of about

\$400,000. There are funds available in different areas but he does not want to direct the City Manager as to which fund he would like to pull that out of.

**MAYOR WOOD** would like to have more information. He doesn't want to step on our own feet for other funding for sources we have. We have a table that non-profits, school boards, police, etc. all sit at under the umbrella of Oceanside to do all of this. He doesn't want to hurt that potential. \$5,000 is a small amount to the City but he doesn't want to hinder the City's projects. He asked the Chief for input.

**FRANK McCOY**, Chief of Police, stated his perspective is that this project is in its infancy stages. He can't tell Council it's the best thing or a terrible thing. The Police Department has been a participant at the meetings and we are looking to do anything we can in a proactive effort to try to stem gang issues in our community. We have a number of projects that we are involved in that lend to preventing gang activity in our City. He has not personally attended these meetings but from the information that has been shared with him it is a collaborative effort to stem gang issues on the Highway 78 corridor. We are trying to see if this is something good that we want to jump into, but it's too early for him to give a recommendation.

Anything that this collaborative does would not stop our efforts in moving forward. We have a CalGRIP (California Gang Reduction, Intervention and Prevention) grant that we're working on that goes through March of next year and we are applying for another CalGRIP grant that will take us out another 2 years. The efforts that this group is putting together will not interfere with any efforts that we're currently doing. We will still belong to the North County Gang Task Force and have our gang officers out there 7 days a week to work on gang issues in our community. We're going to do everything we can on the suppression effort and put people responsible for crimes in jail. We haven't stopped what we're doing. This group's efforts will not interfere.

**Motion failed 2-2;** Councilmembers Sanchez and Lowery – no; Mayor Wood abstained (wanting more information).

#### **CITY ATTORNEY ITEM**

16. **City Council: Adoption of a resolution in support of the senior status of the City's senior communities, pursuant to Council action on September 22, 2010**

**CITY ATTORNEY MULLEN** stated on September 22, 2010, Council gave direction for staff to come back with a resolution in support of the City's senior communities, in particular Costa Serena. That resolution is in the packet. The resolution specifically notes that the senior status of Costa Serena was challenged in a recent court case, *Costa Serena Owners Coalition v. Costa Serena Architectural Committee*. In that case the Appellate Court found that the Coalition's challenge to the 1986, 1987 and 1999 amendments to the Declaration of Restrictions for the community was not timely filed. The Court of Appeal also held that the Declaration of Restrictions, extending the senior status, was validly extended. That decision is now final and this resolution reflects that the City strongly supports the senior status of all of the City's existing senior communities and that, as a result of the litigation, the City regards the Costa Serena community as a senior community through their validly extended Declaration of Restrictions.

No public input

**COUNCILMEMBER FELLER** moved for adoption [of **Resolution No. 10-R0823-1**, "...in support of the senior status of the City's senior communities"].

**COUNCILMEMBER SANCHEZ** seconded the motion. She had asked that this be brought forward because of all the information that we're still receiving from unscrupulous people who are trying to make a quick dollar off of our seniors and leave

them with the inability to enjoy and/or live as they wish per their own rules. She hopes this will help and the word gets out that we do not appreciate these efforts. We do support our senior communities and we will continue to do so.

**Motion was approved 5-0**

[Recess was held from 5:31 PM to 5:52 PM]

**5:30 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 5:52 PM with all Councilmembers present. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

**INVOCATION** – Pastor Carl Souza

**PLEDGE OF ALLEGIANCE** – Pop Warner team members

**PROCLAMATIONS AND PRESENTATIONS**

Proclamation – Veterans Appreciation Week – November 7-13  
Presentation – Mayor's Youth Sports Recognition and Appreciation Award – Pop Warner's Lightning Pirates  
Off agenda – Lions White Cane Days – November 12-14

**6:00 PM – 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.

**MAYOR WOOD** has had a request from a couple of Councilmembers to continue Item 24 to December 8, 2010, regarding the water/waste water rates. Council has requested more information from the Metropolitan Water District (MWD) and the San Diego County Water Authority (SDCWA). It's an important issue to a lot of people.

He **moved** to continue Item 24 to the December 8, 2010, Council meeting.

**COUNCILMEMBER SANCHEZ** **seconded** the motion.

**CITY ATTORNEY MULLEN** noted that should the Council desire to continue this item, if there is anyone here who has a protest they can file it with the City Clerk right now or they can file it on the continued day, assuming the Council moves it to a future day. The protest period would remain open until there is a public hearing.

**COUNCILMEMBER KERN** asked the reason for continuing this. A lot of work has been done for the Proposition 218 hearing. How do we let people know that instead of tonight it's going to be heard on December 8<sup>th</sup>.

**CITY CLERK WAYNE** responded if Council takes the action by motion to continue the item, you're continuing it to a specific date and time of December 8, 2010, at 6:00 PM. Assuming that all of those here to speak tonight hear that continuation, they will know to come back.

**COUNCILMEMBER KERN** noted that these rates are supposed to be implemented on January 1<sup>st</sup> so can we still meet that deadline. If this goes forward, what would the implementation date be?

**CITY ATTORNEY MULLEN** stated you'd have an introduction of an ordinance and then an adoption. The ordinance would be effective 30 days thereafter. It would

not be effective January 1<sup>st</sup>.

**COUNCILMEMBER KERN** stated our increase from MWD comes January 1<sup>st</sup>. We'll be paying a higher rate as of January 1<sup>st</sup> and won't be able to recover those funds until February or later. That's a month that we're going to be paying MWD out of a reserve account, is that what's going to happen? We did this last year and we actually had to catch up for the month or two that we missed. How is that going to help us.

**CITY MANAGER WEISS** responded we would still be paying MWD regardless. The reality in this case is that Council could not raise rates higher to recover that money; that would just be a loss because you have already advertised the rates that we're proposing. You can go lower but you can't go higher.

**COUNCILMEMBER KERN** can't support this continuation because this is money out of the fund that we will never be able to recover. This is throwing money away and giving a check to MWD with no way to recover the costs.

**COUNCILMEMBER FELLER** noted many people are present for this hearing tonight and he is not in favor of a continuance.

**COUNCILMEMBER SANCHEZ** stated a Councilmember did ask to have this continued and it sounds like it would make a difference in the vote.

**CITY CLERK WAYNE** clarified that the motion is to continue this hearing to December 8, 2010, at 6:00 PM. The public will also have a chance during this period and at that hearing to present a letter of protest. The protest stays open until that time.

**Motion was approved 3-2; Councilmember Kern and Feller – no.**

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

**13. Request by Mayor Wood for presentation of SANDAG's 2050 Regional Transportation Plan by Anne Steinberger, SANDAG Marketing Manager**

**ANNE STEINBERGER**, SANDAG Marketing Manager, stated Mayor Wood asked that we come and present the latest (abbreviated) version of the Regional Transportation Plan (RTP) and the 4 network scenarios that are under consideration.

Regarding the goals of the 2050 RTP, the SANDAG Board has been working on this since spring of 2009 and have been incrementally addressing various issues as it is being developed. The goals guiding that process are reliability, mobility, system preservation and safety, social equity, healthy environment and a prosperous economy. The entire RTP is being developed with those goals in mind.

One of the first steps in developing the RTP is developing a regional growth forecast. We were here last year with the regional growth forecast presentation and it was adopted by the Board for planning this year so we could look into 2050 to match the population, housing and jobs growth to our transportation network. We also now, in the development of this RTP, are the first Metropolitan Planning Organization (MPO) that is developing it under the Senate Bill 375 legislative mandates so, all of those issues are under consideration as we develop the Plan.

In September the California Air Resources Board (CARB) is charged with setting targets for the various regions and our target that CARB adopted is a 7% reduction in 2020 and a 13% reduction in 2035. The RTP has to have the programs and policies in place to meet these goals.

Another part of the RTP that is part of SB 375 is developing a sustainable community strategy that looks at how we connect our land use and transportation

across the region to meet these greenhouse gas reduction targets; what each of the cities are going to do to have their land use plans coordinate with the system to reduce greenhouse gas emissions. It also takes into account other options for reducing greenhouse gas emissions, which is basically taking cars off the road. It looks at how telecommuting, carpooling, vanpooling and transit plays into this.

As we develop the network, we take a look at all of the elements of transportation. It isn't just cars and buses; it's also the rail services, how it connects to the airport, do we provide opportunities for bicycles and pedestrians on the transportation network and how does the network provide for efficient and goods movement in the region. We put that all together and developed an unconstrained multimodal network that looks at how we put all of those pieces of the transportation puzzle together without thinking about cost. We do what we have to do to meet the transportation needs of the future. We developed what we call an unconstrained network. The initial estimate for this unconstrained network is \$145,000,000,000.

Another element we are considering as part of the RTP is improving transit in the region. The SANDAG Board, working with the transit agencies, developed an Urban Area Transit Strategy that looks at the opportunities for increasing transit, walking and biking in the urbanized areas of the region, concentrates our transit services in the urban areas and looks at how we can improve transit in peak periods. Again, this is with the goal of reducing greenhouse gas emissions and vehicle miles traveled and increasing the share of regional trips made on transit.

Part of the \$145,000,000,000 is a transit network that shows how high-speed and commuter rail would work in the region, Coaster rail, the light rail transit, the red trolleys, express light rail transit, bus rapid transit, etc. We're looking at Rapid Bus and are considering street cars for shuttle circulators in metropolitan/urban areas. A slide showed the overlay on the unconstrained transit network where we would coordinate with existing local bus services to increase the frequency. These were all presented to the Board in the summer.

A slide showed the unconstrained highway network that takes a look at how we improve our highway system with more managed and high occupancy vehicle (HOV) lanes; how do we expand and enhance the efficiency of our general purpose lanes and where do we incorporate toll lanes into the system. How do we enhance with operational improvements and make the system work better. Some bottlenecks just need some operational improvements and that will make the travel flow better during rush hour. A slide showed proposed improvements throughout the highway region with elements.

**MAYOR WOOD** stated the SANDAG Board has reviewed this and as you can see from these charts it's very complicated. Some of this has to be cut out of the unconstrained. We have to make a decision on that.

**MS. STEINBERGER** stated the unconstrained network is \$145,000,000,000, but we're going to have to figure out how to reduce that amount to what we know we will have going forward into 2050, which is \$100,000,000,000 to \$110,000,000,000 for our transportation network.

We are now working with a draft RTP Transit Emphasis. Our technical team has taken a look at what kinds of scenarios we can build for \$110,000,000,000. One of them is called the Transit Emphasis. All of the 4 scenarios that she is going to go through now have highway improvements and transit improvements but we're trying to distinguish by where there might be more improvements identified. The 2050 Transit Emphasis includes the high-speed rail, the trolley system, the Coaster system and the Sprinter system that we have right now.

The Rail/Freight Emphasis still has transit and highway but focuses on

addressing some of the goods movement issues that we want to get out of our transportation system. This includes many of the new rail services from the unconstrained network that we saw earlier and since the new rail services are more expensive, that does mean that we would reduce some of the transit services in this scenario that are on the system. The highway improvements would provide the connectors and the system on the highways to move the freight in and through the County.

The Highway Emphasis still has a lot of transit and a lot of the system from the unconstrained network but focuses on some key highway improvements, such as the high-speed bus rapid transit that will move in the managed lanes that are recommended in this scenario. It has the most aggressive approach to adding highway capacity.

The Fusion scenario is another option. In June, SANDAG conducted a regionwide statistically valid public opinion survey to ask people what their regional transportation priorities were and what should policymakers consider when planning for our transportation system. Based on that feedback, we did a fusion between our Transit and Highway Emphasis' to come up with the Fusion scenario. The public opinion was very strong in favor of transit and highways. This looks at a balanced approach with the transit and highway dollars. It does include some light rail investments, so some of the transit system services in the urban areas aren't as extensive because of the costs for the infrastructure for light rail. It also provides a number of HOV and managed lanes on the highway system so we can have the bus rapid transit move people.

There are projects that are common to all scenarios [slide: Transit Network Scenarios]. There are some existing and baseline projects, which are the Coaster, Sprinter and the trolley, so connections are made to those. Other baseline projects that have already been identified in the TransNet half cent sales tax program are included, which are the Mid-Coast Trolley extension from Old Town to University of California San Diego and over to University Town Center; a mid-city rapid bus line to go from San Diego State University through the mid-city area along El Cajon Boulevard and then south on Park Boulevard to downtown San Diego; and the South Bay Bus Rapid Transit, another project from the TransNet program that provides bus rapid transit service from the south to the north. It also assumes and includes the Blue and Orange Line enhancements that are under way in the South County in the MTS service areas and other rapid bus projects in some of the arterials to get more east/west movement going.

A slide showed how we are going to have to make some choices between our major capital investments. There are 3 items that will be under consideration by the SANDAG Board. Staff is taking a look at a downtown trolley tunnel. In order to improve service downtown San Diego using the trolley system, there would be a need for a trolley tunnel to get it off the streets. There is a Kearny Mesa guideway under consideration on Highway 163 in the Kearny Mesa area that would provide some dedicated guideway and grade separation. We're not looking at managed or HOV lanes for Highway 163, but how can we better make enhancements to the system to provide a guideway through Kearny Mesa and into downtown San Diego.

The other option that is a major capital investment where choices will have to be made is with the University Town Center (UTC) Coaster station and tunnel. This is a deep tunnel under UTC that would provide access in that area and cut time off of that route around Mira Mar to get to downtown San Diego on the Coaster. This scenario and these major investments are new light rail transit projects. Again, transportation and infrastructure investments to build light rail transit are big capital expenses that will be considered as we move forward with these scenarios. A slide showed a table that showed what these trade-offs might be in transit investments by Network.

We are also looking at policy options to support the transit network. This is going to the SANDAG Board on Friday. SANDAG did a white paper on what policy options would be needed to support this robust transit network that is being considered.

We found that parking, land use and funding for transit are 3 of the issues that have to be considered by policymakers, as well as looking at transit fares, transit services and facilities. There have been some meetings held with the City's Planning and Public Works Directors at SANDAG with the stakeholders working group and then a public meeting to get input on what kind of policy options could be considered by the jurisdictions and what as a region could be done. That will be presented to the Board as well.

A graphic was used to show the process and timeline. We've done our revenue projections and developed the revenue constraint network and the sustainable communities strategy scenario; how that fits into the networks. We're reporting to the Board how the performance measures work across these 4 scenarios to provide the information as the Board steps through the decision-making process.

The next step will be for the Board to select one preferred network and scenario to move forward into the draft RTP that will be released next year and for staff and the technical team to do an Environmental Impact Report (EIR) on. The Board, in the coming weeks, will be hearing more information from us. The Board has asked for more details and analysis on the performance measures and how the scenarios work so the Board can make a decision on a preferred scenario to put it into the draft document and then we can go out for a public review period. The plan right now is for the draft RTP and the EIR to be released in the spring for a public comment period and then be brought back to the Board so the RTP can be approved in the fall of 2011. [Information at [www.sandag.org/2050rtp](http://www.sandag.org/2050rtp)]

**MAYOR WOOD** had Ms. Steinberger come up to this meeting because we're spending \$110,000,000,000 on transportation in the San Diego region. There are several scenarios out there and we wanted the public to see what they are. The one that benefits North County the most is the Highway Plan where there is more money and more projects in North County. There is a plan for the high speed rail, which comes down Interstate 15 and cuts toward the coast to get to San Diego. Those projects are still on the drawing board and we'll see if they actually come to fruition.

When we start talking about rail lines, we're talking about light rail – trolley, Coaster, Sprinter – and we will need land for parking. We have to provide parking spaces to get people on mass transit. Also the trestles through all the rail lines - we want to double-track it, but to do that we have to replace all of the trestles, which are very old and would cost a fortune. There is also the environmental impact on all of the rivers and waterways that they cross over, etc.

#### Public input

**JIMMY KNOTT**, 127 Sherri Lane, is happy to hear that this plan has a big emphasis on heavy rail and the movement of goods, which will alter the plans we've had for Highways 76 and 78. This will take a lot of pressure off regarding gridlock. We could feed a lot of goods and services to the north and south in a quicker manner, which will serve the business community a lot better. That is great.

There has been a downsizing of the service offered over the years by North County Transit District (NCTD) by 60%-70%. We need to reassess how we are going to fill-in and what the alternatives are.

#### Public input concluded

**COUNCILMEMBER FELLER** questioned Del Mar's excitement about double-tracking. We can't be everything to everybody or this wouldn't be a \$145,000,000,000 deal; it would be more like in the trillions. He asked if this 2050 RTP considers local projects like the extension of Melrose Avenue or the interchange at Rancho del Oro.

**MS. STEINBERGER** responded the local streets and roads are a part of it. She

doesn't know all of the specifics. She can get that information.

**COUNCILMEMBER FELLER** would like that information.

**MAYOR WOOD** stated this was item for information purposes. He wants to make sure we don't get short-changed in this. He hears a lot of complaints about transportation.

**6:00 PM – PUBLIC HEARING ITEMS – (Cont'd)**

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. **CDC: Adoption of a resolution denying Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002) for a pawn shop located at 205 North Coast Highway – Coast Jewelry and More – Applicant: David Mueller**

- A) Chairperson opens public hearing – hearing was opened.
- B) Chairperson requests disclosure of Commissioner and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff, public and applicant.
- C) Secretary presents correspondence and/or petitions – copies of emails received by Council.
- D) Testimony, beginning with:

**KATHY BAKER**, Redevelopment Manager, stated this item is the consideration of a Conditional Use Permit (CUP) and a Regular Coastal Permit (RCP) for a pawn shop located at 205 North Coast Highway. A photo of the building was shown. The building has been vacant for a number of years.

Staff has reviewed the application and the reason the CUP is required is because the applicant wants to do a resale of a variety of items, which would include jewelry, photographic equipment, etc., but they are also looking to sell jewelry and a number of other items. It would be a combination of new items and resale items. The Police Department has reviewed the operational characteristics of the pawn shop and determined that they could not support the use due to a number of problems associated with the increase in crime associated with pawn shops in general. Crime statistics indicated that in 2009 criminal activity at pawn shops generated 14 arrests and resulted in a seizure or location of \$90,000 worth of stolen merchandise. In addition, for this calendar year the Police Department has made 7 arrests and recovered about \$21,000 worth of stolen merchandise. For that reason and a host of others, the Police Department is not supporting this application at this time; therefore, staff is also not supporting the application.

A brochure was passed out that has letters of endorsements. The applicant is proposing to completely renovate the façade. A graphic showed 2 alternatives for renovation. Staff believes the project does not meet the intent of the Redevelopment Plan and the goals and has potential adverse effects in the surrounding neighborhood. Staff is recommending denial of the CUP and RCP.

Applicant

**TOM MISSETT**, 1870 Key Largo Road, Vista, stated normally he would not be here supporting putting a pawn shop in downtown Oceanside. However, this is not just a pawn shop. The CUP is required for the pawn part of it, but it is jewelry, etc., with a pawn department.

These applicants are outstanding. They intend to be a big part of the community.

Unfortunately, Dave Mueller had a family situation tonight and could not attend. They intend to invest anywhere from \$1,500,000 to \$2,000,000 in Oceanside. They bought the building and have 3 other operations that have exemplary references. They are very active in their communities from restoring old landmark homes to being involved in civic and charitable events. Jason Lambert will be the manager of the store and has an extensive background in martial arts. The Mayor of Carlsbad sent in a recommendation.

We would do well to approve their application as they are going to be a big part of our City. With a CUP, they can be shut down at any time if they aren't doing what they are supposed to.

Public input

**JERRY RUGG**, 301 Mission Avenue, Oceanside Terraces, stated the pictures are nice but he struggles to believe that a pawn shop is going to enhance the quality of life where I live in downtown Oceanside. No matter what you call it, it's a pawn shop. Being pro-business is good when it's good for the community. A pawn shop is not a good business for downtown.

**GEORGE KERPANI**, 315 South Nevada Street, lived in Anchorage some years ago and there were a lot of pawn shops downtown, which caused a lot of criminal problems there. This is not what he would like the tourists coming to downtown Oceanside to see. He is an advocate for tourism and for the future outlook of Oceanside he doesn't believe a pawn shop would be suitable.

**JIMMY KNOTT**, 127 Sherri Lane, supports this use. The TV shows have shined a new light on pawn shops and have made them more respectable. We should take a second look at this.

**SAMANTHA EWING**, 1821 South Freeman, thinks it is the applicant's right to open up a pawn shop. He is planning on bringing \$1,500,000 to \$2,000,000 to the City and we need the money.

Public input concluded

Applicant rebuttal

**MR. MISSETT** urged Council to see the exception to the rule in this case and grant the application.

Mayor Wood closed the public hearing.

**COUNCILMEMBER SANCHEZ** met twice with staff, which included the Police Chief, and understands staff's recommendation for denial. When she first heard about the project, she heard it as a pure pawn shop and she was against that in the Redevelopment Area. We are moving in a positive direction in that area. She then met the owner of the building/applicant and was impressed that he has made this investment in Oceanside and shown a commitment to the community. In talking to staff she felt what we don't want is proliferation of a certain kind of pawn shop. We want to keep it higher end and this will also have retail sales of merchandise.

This is a CUP, so she proposed that we approve it with conditions. Some of the conditions we talked about were at least 50% retail sales of new merchandise, hours of operation from 9:00 a.m. to 9:00 p.m., complete cooperation with the Police Department, possibly a fee to cover police monitoring and a time period for the CUP (i.e. 10 years). With that, we could avoid any of the negatives and welcome a business. She was impressed by the quality of ownership and the references provided that showed how well their other businesses are operated and received. She believes the applicant stated he would accept those conditions.

**JASON LAMBERT**, Store Manager, stated they would accept those conditions as discussed.

**COUNCILMEMBER SANCHEZ** moved approval [granting the Conditional Use Permit (RCUP-10-00002) and Regular Coastal Permit (RRP-10-00002)] with the conditions discussed.

**COUNCILMEMBER KERN** seconded the motion with the exception that they come back in 5 years for renewal of the CUP. A 5-year time period would give everybody the opportunity to evaluate what is going on there.

**MR. LAMBERT** responded we are willing to do a 10 or 5 year CUP. We know that our operation is impeccable and we have no problem with that.

**COUNCILMEMBER SANCHEZ** amended her motion to a 5-year renewal of the CUP.

**CITY MANAGER WEISS** stated Council has given us general direction on conditions, but we will be bringing more than those back to you. There will be additional conditions that will be imposed and will come back to Council for a formal adoption.

**CITY ATTORNEY MULLEN** reiterated we would need to have a comprehensive set of conditions for this type of business and can include the conditions that were mentioned. We will bring the resolution back with all the applicable conditions.

**COUNCILMEMBER KERN** went to the Redevelopment Advisory Committee (RAC) meeting and 2 of the members were adamantly opposed to this. The 3 other members got hung up on the name 'pawn'. They liked the building, the look and the operation but they couldn't get past the idea of 'pawn'. There is a changing attitude towards pawn shops, just as there is about tattoo parlors. We need to give them a chance and the 5 years will get them up and running. If there are problems, we will hear about it and at the end of those 5-years we won't renew the CUP.

**COUNCILMEMBER LOWERY** asked if the crime statistics cited earlier were for Oceanside and does our City have problems with this type of operation.

**FRANK McCOY**, Chief of Police, responded the statistics that were provide to Council are from pawn shops in our community. We opposed this and still oppose this. There is a second-hand store directly across the street from this location and we have 21 other second-hand stores in our community. We do not recommend Council move forward with this project.

**COUNCILMEMBER LOWERY** reviewed this project and found that it is a heavily regulated industry that we have already in Oceanside. There is a letter from the City of San Bernardino Economic Development Agency that says this applicant has operated in their city for 11 years with zero incidents. That represents a willingness to comply with the regulations rather than trying to get away with the lowest common denominator situations. If we give them the conditions offered and they accept them, along with the State laws that regulate this type of operation, we should consider bringing them into Oceanside. In addition, they will produce sales tax revenue for our City. Those are actual real dollars that will come into the City and they will produce local jobs. Those are 2 significant reasons to bring them in. Visually, what they propose is much more acceptable than what is there now. This could provide incentives for other businesses to see what they can do. He supports this with the conditions.

**COUNCILMEMBER FELLER** stated the back-up states they get pawn contracts for 4 months and then they can get 4 months more. What kind of percentage is on

those contracts?

**MR. LAMBERT** responded the percentages are dictated on how much is loaned out. The average is about 10-12%.

**COUNCILMEMBER FELLER** asked what the applicant is going to do with the upstairs.

**MR. LAMBERT** responded the upstairs will be for storage. There won't be public up there.

**COUNCILMEMBER FELLER** met with the applicants, David and Jason, and he told them he is against this. This is not a slap against them; they look like a clean operation, but he is not happy about any service that has pawn, massage or tattoo activities in nature. The applicant has a lot of references saying they are great people and he doesn't doubt that, but it won't be long before we hear from another one.

**MAYOR WOOD** worked in a pawn shop when he was 14 and learned a lot. He found out working there that a lot of people use pawn shops as a form of banking. They get short on their check and pawn things that are valuable to them and they want them back. As a police officer later on, he found that there is a stigma about pawn shops, depending on the location, type of pawn shop and ownership. There is nothing more strict about selling or pawning property than the State regulations on pawn shops. The average crook doesn't take their stuff to a pawn shop if they're smart because they know they have to give positive identification and a thumb/finger print that is turned in daily to local law enforcement to be put into the system.

Pawn shops were a little different back in the old days in downtown with bars, tattoo parlors and fights. Oceanside has matured and changed. This is a jewelry store with the added word 'other'. The word pawn is not on there. All of the other jewelry stores around here take in used jewelry and gold. The pawn shops are more strict and we would probably find more stolen merchandise than in the other stores because they don't report it. The applicants are fixing up an old building and have bought the property. He is not concerned about the pawn aspect. He will support it because he has heard that these are wonderful people. He doesn't want a lot of pawn shops in Oceanside and we are going to limit them.

**Motion was approved 4-1; Councilmember Feller – no.**

**Items pulled from the Consent Calendar for discussion – Continued**

8. **City Council: Authorization to award a contract in the amount of \$827,858.60 to TC Construction Company, Inc., of Santee for the Annual Slurry Seal FY 2010-2011 project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

**COUNCILMEMBER LOWERY** stated this annual slurry seal needs to be done. There is a list of 42 different locations throughout the City where they will seal the surface of the street and repair the gutters. However, based on the opinions of the residents he's talked to in the last several weeks, they don't think we have the money to be able to afford this. He is concerned about spending close to \$1,000,000 on this kind of project. He is concerned about spending money even on essentials. These are things that need to be done but we can't actually afford to do it at this time.

**CITY MANAGER WEISS** stated this is funded through a combination of both gas tax and TransNet maintenance funds that we have to allocate to street maintenance. The slurry seal is more of a preventative maintenance program. We also do an annual overlay program, which is a rehabilitation program. We currently do not fund our street maintenance at a level that will take care of all of the various problems

we're having. There are more potholes and street damage than we can get to. The longer we defer maintenance, the more costly it would be. This money is specifically allocated for those reasons; we cannot use gas tax funds for anything other than street maintenance or related improvements. The TransNet money that's allocated to maintenance we have to use for street maintenance purposes. This is not money that would be available for any other use other than maintenance purposes.

**COUNCILMEMBER SANCHEZ** moved approval [including award of contract (Document No. 10-D0820-1)].

**MAYOR WOOD** seconded the motion.

**COUNCILMEMBER SANCHEZ** stated it is important to maintain the streets; otherwise it will cost us more.

**COUNCILMEMBER KERN** wanted to let people know the biggest enemy of streets is water and this seals keeps the water out. If we don't do this, we will be back in a few years trying to fix a pothole or replacing the whole street. He knows of at least one street that has never had a slurry seal and it is beyond salvaging now. The more we can do on maintenance and not defer maintenance; it will be cheaper for the City in the long run.

**COUNCILMEMBER LOWERY** agrees with the concept of high-quality maintenance versus deferred maintenance. Deferred maintenance is not a good formula, but he got about 30 pieces of mail in the last 4 weeks about spending money. He opposes this because philosophically the community is being told that it's bad to spend money on anything and it's hypocritical. He opposes spending money on anything like this right now because the short-term impact will be that we have less money to spend on something else. We need to be careful about what we're doing. We cannot afford to spend money on something like this so let's not do it.

**COUNCILMEMBER FELLER** asked what happens to the money if we don't spend it on this.

**CITY MANAGER WEISS** responded the gas tax money would be used for operating costs because we can use that for our own street crews. The TransNet money, if we don't use it, would be given back.

**Motion was approved 4-1;** Councilmember Lowery – no.

#### **CITY COUNCIL REPORTS**

17. **Mayor Jim Wood**

**MAYOR WOOD** congratulated the winners of the November 2, 2010, election, Mr. Kern and Mr. Felien. He commended Councilmember Lowery for all he has accomplished and wished him well.

Last weekend was the Day of the Dead at the Mission.

Frank Grana's wife, Sandy, lost her battle with cancer. Frank is an employee of the City and Sandy was very involved in our community.

18. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** expressed his condolences to Frank Grana.

Tomorrow is his and Bunnie's anniversary.

Council all received a letter from Michelle Castellano regarding Mellano & Company asking that the Mayor and Councilmember Sanchez retract a couple of statements and he requested they read it and retract those statements made at a Council meeting recently.

19. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** went to the Solana Beach Council meeting last week to apologize for a remark he made and to tell them that Oceanside has taken no official position on the sale of the Del Mar Fairgrounds to the City of Del Mar. There was a letter sent by the Mayor, but he is one of 5 people on the dais and it got misinterpreted in the newspaper that Oceanside took an official position on that sale. He will be talking to one of the Indian tribes on Monday and will be talking to one of the Del Mar Councilmembers. He hopes to bring them here in January to make the presentation they made to Solana Beach. He has a lot of questions and doesn't know if this is a good or bad thing.

He thanked everyone for re-electing him for another 4 years. He recognized Councilmembers Lowery's contribution to the Council and congratulated Gary Felien.

**GARY FELIEN** thanked everyone who participated in the electoral process.

20. **Councilmember Chuck Lowery**

**COUNCILMEMBER LOWERY** thinks the recent election reflects that there will always be in-fighting on the Council and that they are not interested in working together. He has demonstrated in his short time that he is interested in working together on projects and that it's important to respect the citizens no matter where they live or how much money they have. The elections showed a propensity for ignoring the needs of the residents and the City and giving in to the needs of the large developers, who spent many thousands of dollars on this election. There were brochures and lies in the information. We have a rough ride coming in the next 4 years and he advised people to watch carefully the Council meetings because with the Charter in place and the new Council majority, we are going to be taken to the cleaners. He thanked everyone who helped him on this election.

21. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** did read the letter from Ms. Castellano and was surprised at the tone and the content. She apologized that they didn't hear what she was saying. She has no bad feelings about the Morro Hills community and thinks it is a wonderful agricultural community. We've been talking about ways of making it more economically feasible and keeping the character.

**MAYOR WOOD** received the letter from Ms. Castellano and didn't understand it because they said he offended them or their family when he indicated the youth were getting more educated and didn't want to get into the agricultural aspect of it. He gave a history of Morro Hills and it wasn't meant to offend their families. He was saying that a lot of Japanese land growers in this area and their families were getting out of agriculture because they didn't like it, the cost of water and the avocado growth around the world. He meant everybody and not just one family. He apologized if he offended anyone as that was never his intention.

**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**

**SAMANTHA EWING**, 1821 South Freeman, stated she left a message for the Mayor who forwarded it to the Housing Authority and Margery Pierce can't do anything about her problem. She has worked 6 years as a contractor for Camp Pendleton and 2 years for the Department of Defense and now she is off on disability. She went to the Social Security office and was given \$200. Thankfully she is on HUD. When she went to the AFDC (Aid for Families with Dependent Children) office they denied her food stamps. What upset her is that her family has been in the City this long and she can't get any help. She asked where she can go while she is waiting for her retro-active disability check on December 1<sup>st</sup>. She is a taxpayer and she uses North County Transit District. She asked Council where she can get resources now.

**JIMMY KNOTT**, 127 Sherri Lane, thinks it would help the public and Councilmembers if agendas would explain where funds are coming from on items on the agenda.

He commented about Sacagawea and her son and there is nothing named after him in our City.

**LARRY BARRY**, 3973 Brown Street, stated that we are going to be moving Council meetings back to 5:00 PM. The meetings going on for 5 or 6 hours are ridiculous. We need to keep our recesses and breaks short. Mayor Wood had said he wanted to reduce the speech times of Councilmembers and that would help move the meetings along.

**GEORGEO KERPANI**, 315 South Nevada Street, decorated the Pier and Harbor Bridge last year for the holidays and wants to do something similar this year. He requested donations to help make that happen.

**INTRODUCTION AND ADOPTION OF ORDINANCES - None**

**ADJOURNMENT**

After a moment of silence in memory of Frank Grana's wife, Sandra, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:04 PM on November 3, 2010 [The next regularly scheduled meeting is at 3:00 PM on Wednesday, November 10, 2010].

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



California

# CITY OF OCEANSIDE

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

NOVEMBER 10, 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**

**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  
Charles Lowery

**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 3:01 PM, November 10, 2010.

**3:00 PM - ROLL CALL**

Present were Mayor Wood and Councilmembers Kern, Lowery and Feller. Councilmember Sanchez arrived at 3:02 PM. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following item to be heard in closed session: 1.

[Closed Session and recess were held from 3:02 to 4:00 PM]

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

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

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

**OPOA, OPMA and OFMA were discussed; no reportable action**

**4:00 PM – ROLL CALL**

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

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the item discussed in Closed Session: [See Item 1 above].

**CONSENT CALENDAR ITEMS** [Items 3-10]

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 Calendar items were submitted for approval:

- 3. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the September 1, 2010, 4:00 p.m. Adjourned Council/CDC 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 a budget transfer in the amount of \$250,000 from the Harbor Unrestricted Funds Account to the Police Department’s Harbor Transfer-in Account to pay for budgeted Harbor Police operational expenses, and approval of an increase in the amount of \$250,000 to the Police Harbor business unit’s operation expense budget to match approved “Operation Stonegarden” revenues
- 6. City Council: Approval of a budget appropriation in the amount of \$41,715.10 from the General Fund Miscellaneous Revenue Account to the Police Department Capital Outlay Account for the purchase of an evidence tracking system software upgrade for use at the Evidence Storage Facility
- 7. City Council: Acceptance of improvements constructed by Palm Engineering Construction, Inc., of San Diego for the Citywide Sidewalk Repair FY 2009-10 project for the replacement of damaged sidewalk and other concrete-related items throughout the City, and authorization for the City Clerk to file the Notice of Completion [**Document No. 10-**

**D0829-1]** with the San Diego County Recorder

8. City Council: Adoption of **Resolution No. 10-R0830-1**. "...authorizing application to the TransNet Senior Mini Grant program in the amount of \$244,000, committing match funds in the amount of \$61,000, stating the assurance of the City of Oceanside to complete the project and authorizing the City Manager to accept awarded funds and execute all documents pertaining to the grant" – in the fiscal year 2012-13 budget.
9. City Council: Adoption of **Resolution No. 10-R0831-1**, "...authorizing acceptance of the State of California, Office of Traffic Safety 'Next Generation - Click It or Ticket' grant 2010", accepting \$6,218.88 in grant funds awarded to the City of Oceanside for the "Next Generation – Click It or Ticket Grant" Program, approving the grant budget; appropriating the funds to the Police Department, and authorizing the City Manager, or designee, to execute grant documents
10. City Council: Authorization to award a contract **[Document No. 10-D0832-1]** in the amount \$3,062,686 to Granite Construction of Watsonville, California, for the Annual Overlay Project FY 2010-11 located on various streets within the City; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

**COUNCILMEMBER KERN moved** approval [of Consent Calendar Items 3-10].

**COUNCILMEMBER SANCHEZ seconded** the motion.

**Motion was approved 5-0.**

#### GENERAL ITEMS

11. **City Council: Declaration of City-owned parcel of land as surplus property (4.86 total gross acres) located at the northeast corner of Rancho del Oro Drive and Oceanside Boulevard – portion of APN 162-082-45 - that is no longer needed for public use; and approval to issue a Request for Proposals for the sale or lease of the property**

**CURTIS JACKSON**, Property Agent, is requesting that Council declare as surplus property the City-owned vacant parcel that is 4.86 acres at the northeast corner of Rancho del Oro and Oceanside Boulevard. Currently the property is vacant and in a rough-graded condition. It is zoned light industrial. The property was originally acquired in 1997 as part of a larger parcel of land for different public purposes ranging from habitat mitigation to right-of-way expansion on Rancho del Oro. During the construction of Rancho del Oro, staff at the time determined that a pad could be created with the excess dirt. Currently this property is no longer needed for the improvement of any right-of-ways, habitat mitigation or facilities for the City.

Once the property is declared surplus, it will be presented to various government agencies in order to determine if there is any interest by those agencies. If no interest is shown by those agencies, the property may be made available to the public for purchase or lease. Potential revenue from the sale of this property could be anywhere from \$1,500,000 to \$2,500,000. If we were to lease it, we could potentially expect rents in the range of \$7,500 to \$15,000 per month. Additionally, the property currently requires annual maintenance for weed abatement so that would be a cost-savings to the City.

Staff is requesting Council declare this property a surplus; let staff present it to various public agencies; and then put out a Request for Proposal (RFP) for the sale or lease of the property.

Public input

**NADINE SCOTT**, 550 Hoover Street, is always averse to selling off City assets and is suspicious as to why this piece is being surplus. She is concerned because this was mitigation land for the Rancho del Oro project and nowhere in the staff report does it indicate where it's being replaced.

Public input concluded

**CITY MANAGER WEISS** responded the mitigation land that was set aside is east of this particular parcel and goes up the canyon behind it. The mitigation for the various projects, not just the road project but also for the detention basins, is actually east and heading toward the north of that. The reason it is being surplus now is because that parcel was graded within the last few years and was not part of the Council's declaration several years ago for surplus property. We have had several people interested in it but we don't have the ability to just pick someone. If Council wants to do something with that property, short of a civic use, we would need to do some form of a public process to allow people to come in and propose on it.

**COUNCILMEMBER SANCHEZ** stated in the staff report it discussed once a property is declared surplus, it will be presented to various governmental agencies in order to determine if there is any interest by those agencies. If no interest is shown by those agencies, the property may be made available to the public to purchase or lease. Would that have to happen if an internal department in the City was interested or would that be something that could happen before a declaration of surplus?

**CITY MANAGER WEISS** responded if the Council wanted to use that parcel for City purposes, we would not have to declare it surplus.

**COUNCILMEMBER SANCHEZ** asked if there would be a problem if this was continued for 90 days before we decide to declare it surplus.

**MR. JACKSON** responded no.

**COUNCILMEMBER SANCHEZ moved** to consider bringing this back in 90 days because we need to consider a place for a public/private partnership for an animal shelter facility. She would like this to be available for analysis. It might lead to an appropriate site.

**MAYOR WOOD seconded** the motion for discussion.

**COUNCILMEMBER KERN** didn't second the motion because we can accomplish what Councilmember Sanchez wants without modifying it too much. Maybe we can make that waiver a 90-day period before we issue the RFP. That gives everyone a chance to do that without coming back to the Council to authorize an RFP after 90 days. We can say we have 90 days and if nothing comes up internally or with another public agency then we issue the RFP. Can that be done?

**CITY ATTORNEY MULLEN** responded under the statute that we're operating under, the other agencies have 60 days to respond to determine if they are interested in the property. There are 2 actions that Council is approving. One is the declaration that it's surplus and the other is approving the RFP. Council could give direction to withhold issuance of the RFP until staff reports back in 90 days.

**COUNCILMEMBER KERN** stated that way we don't have to come back and go over this again. We just make it a 90-day process. If something comes forward, then it will come back to us anyway.

**CITY ATTORNEY MULLEN** responded that's correct, but Council would be declaring it surplus today under the action you'd be taking.

**COUNCILMEMBER KERN** agreed and asked if we could amend the motion as such.

**COUNCILMEMBER SANCHEZ** would accept that amendment if 90 days would be sufficient for staff.

**DOUG EDDOW**, Property Manager, responded 90 days would be a suitable time for us to determine whether or not it's a more viable site for an animal shelter. We have identified a site for an animal shelter, but that would work.

**CITY MANAGER WEISS** cautioned that because we have been talking to other cities about a joint venture, the size of the facility may change. The 90 days may not be enough time to come to a conclusion with those cities and he would hate to start the RFP process and build expectations then say no because we're going to do a broader facility. We are meeting with those other cities next week and we may have some better answers. If we did 120 days that would be an extra month and that is more comfortable.

**COUNCILMEMBER SANCHEZ** amended the motion to declare the property surplus but that the RFP's not go out for 120 days in order to see if it can be used for another City-related purpose.

**MAYOR WOOD** seconded the amended motion. He wants a facility for the future. We have to get involved with other cities. He is not sure that this is a good location because of the surrounding houses.

**COUNCILMEMBER FELLER** asked how large the acreage is where the shelter is now.

**MR. EDDOW** responded the current location is approximately 1.8 acres. The gross size of this parcel is twice as large but the net size is closer to 3 acres for the type of pad you can put there.

**CITY ATTORNEY MULLEN** stated if another public agency expresses an interest, they have a 60-day window to negotiate a mutually satisfactory purchase price. That would have to be approved by the Council.

**Motion was approved 5-0.**

12. **City Council: Review of City of Oceanside's comments on the environmental documents regarding the Interstate 5 widening project, and direction to staff**

**CITY MANAGER WEISS** explained that Council's action today is to review the comments and authorize staff to transmit them to Caltrans. The comments that will be transmitted include comments from our consultants, the public and staff. If anyone is going to make additional comments, they would need to transmit them directly to Caltrans. There is a link on the City's website to do that or they can go to the Caltrans site as well.

**MAYOR WOOD** clarified that this is not the appropriate forum to address comments.

**DAVID DiPIERRO**, City Traffic Engineer, stated earlier this summer the draft Environmental Impact Report (EIR) for the 1-5 North Coast Corridor Project was released for public review. Staff, along with our consultant team, has reviewed the documents and we are now ready to submit our comments to Caltrans.

Exhibit 1 attached as part of the staff report consists of comments that our consultants have reviewed in regards to traffic, environmental, noise, air quality and

hydrology. On September 30<sup>th</sup> a public workshop was held in Oceanside where comments from the public were received and are shown as Exhibit 2 in the staff report. In addition, comments from the City staff are attached as Exhibit 3.

Some of our general comments included the lack of alternatives studied in Oceanside. When Caltrans came a few months ago and presented their study, they were showing a no-build, a buffer alternative with 8+4 lanes or 10+4 lanes, and a barrier alternative with 8+4 lanes and 10+4 lanes. This is what they were studying throughout the whole corridor from San Diego to Oceanside. In Oceanside, in the EIR, they are basically just studying the no-build or the buffer alternative with the 8+4. Any new parks will require the City to maintain. When they gave their presentations they were showing a couple of locations in the City where possibly there would be opportunities to install pocket parks. Again, in doing so the question must be asked of who will maintain these once they are built and it will probably be the City.

It does not address mitigation for local City streets. Traffic that is traveling eastbound on Vista Way today now has access to I-5 North with a loop ramp. As part of this project, they are removing the loop ramp and there are approximately 400 vehicles that use it every day. They probably want to do this because of the weave from traffic coming southbound on I-5 who get off to east on Highway 78 and you have a weave conflict, which is a very short distance. However, with the 400 trips there is no mention of how the trips will be handled or where they will be diverted. There are other locations throughout the City where there would be possible mitigation needed and there is nothing that's been said in the EIR about how to handle that. The question that must be asked as part of the Highway 78/I-5 interchange improvement is if they decide to build the fly-over for I-5 southbound traffic that want to access Highway 78 east, that weave conflict would not be an issue anymore. Is there really a need to remove that loop ramp? We're asking for further studies for something like that.

It doesn't address how traffic will be mitigated during construction. If we were to do the 8+4 buffer alternative, all of the bridges that cross over I-5 are to be taken down and reconstructed. He used a graphic to show one example of a situation where the Neptune Bridge accesses the residential development on the east side of I-5 and that's their only access, so careful consideration needs to be given once they go into the construction phase of how they are going to mitigate for construction.

Additional studies need to be conducted to justify the Direct Access Ramp (DAR) at Oceanside Boulevard. Currently in the study they are showing the DAR at Oceanside Boulevard, but again, there are potential impacts on City streets. We reviewed one of their studies a few years ago and we had mentioned that at the intersections of Oceanside Boulevard and Crouch and Oceanside Boulevard and Industry some mitigation measures need to be made. At this point we haven't seen anything in writing where they said that could happen, as well as what might happen on Oceanside Boulevard itself. In the Circulation Element today we show it as a 4-lane major road. In addition, we have the golf course there and if they were to construct this, there would probably be some realignment of the golf holes that would need to take place. Nothing is mentioned about that.

Regarding minimal impact to the visual corridor, a graphic showed the sound walls south of Oceanside Boulevard along I-5 on both sides. We want to make sure that where they are building sound walls that we try to keep a visual corridor intact. There was also mention about the reflection of noise off the sound walls, which was not addressed.

Finally, there is the pedestrian underpass versus the overpass at the Capistrano neighborhood. A graphic showed how they are proposing to build the undercrossing or reconstruct it under I-5. There is no mention of installing an overpass at this location versus an underpass. In our Coast Highway Vision Plan we had recommended an overpass at this location, so we are asking them to take a second look at that.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, stated the report doesn't address the impact on Loma Alta Creek and the manufactured home communities. He took exception to the term 'trailer park' as a legal term to reference RV's, not mobile homes. They are purposely doing this because they are looking for mitigation land for environmental offsets. Also, a graphic showed where a wall was to be erected with a 15 foot to a 15 yard error zone. If that happens, people will not be able to get into their mobile homes and those homes will be wiped out.

**NADINE SCOTT**, 550 Hoover Street, Loma Alta neighborhood, thinks the freeway is big enough and loud enough and they need to do more sound studies in that area to ever consider widening it or doing sound walls. Other than that, it is a good report and she urged Council to support it and send it to Caltrans.

**MIKE BULLOCK**, 1800 Bayberry Drive, stated the postcard notification that Caltrans and SANDAG sent out on the I-5 expansion called it an "HOV managed lane project". It said nothing suggesting that there is a widening, an expansion, added lanes or even that it was a construction project. He listed groups opposing the widening. I-5 town hall meetings have been held in Solana Beach, Encinitas, Oceanside and Carlsbad. The only person to support the project in any of these meetings was Matt Hall at the Carlsbad meeting. The widening will not cure congestion. More lanes encourage longer trips. They also encourage governments and developers to build more sprawl instead of smart growth. Better transit and reducing subsidies to driving and parking can end congestion.

In 2009, the North County Times reported that the Chair of the California Transportation Commission wrote that the gas tax, which is our best road-use fee, currently contributes nothing to road construction and only provides half of the money needed annually for repairs. The government has no right to subsidize my driving, especially with sales tax money. TransNet money is sales tax. When it comes to transit, bicycles, walking, schools, libraries and food stamps then government subsidy is fine. But when it comes to middle and high income drivers, subsidy is shameful.

**JOSEPH NEVINS**, 2014 Mountain Vista Way, stated his biggest concern is the air quality. We've noted that since the expansion of I-805/I-5 that the air quality is impacted in Rancho Santa Fe, Fairbanks Ranch and Carmel Valley. Where before there was never any concern, there now are numerous days when the air quality is becoming a problem. This expansion will, according to Matt Hall, bring the truck traffic level up 6 to 7 times. That would increase the amount of emissions 6 to 7 times from what we currently have. It will also be 60 to 70 times as much as if we were to ship freight by rail. That is only the trucks. This amount of excessive emissions will carry well beyond Oceanside into the cities of Vista and San Marcos and possibly even into Escondido.

What studies have been done to determine the health effects and the cost of those health effects due to the poor health of the residents? He mentioned the impact on tourism and property values. He prepared a list of questions for SANDAG and submitted those to the City Clerk. Shouldn't we spend a fraction of the money to put in more efficient rail transportation? Most of our problems are caused by people who drive through from Los Angeles to the border.

**DONNA MCGINTY**, 2405 Mesa Drive, doesn't think most new cars put out exhaust fumes anymore. Even buses are on natural gas. If they do then the exhaust emission control officers in the State aren't doing their job of getting them off the road. One of the biggest money-savers we could come up with in dealing with this is approaching corporate America to encourage and allow their commuting employees to work from home. That would take probably 4,000 cars a day off the road in front of her house.

Public input concluded

**COUNCILMEMBER SANCHEZ** is happy that we decided to retain consultants to assist us in getting these comments in by the deadline. She noted that there does not appear to be any justification for the DAR, and it is probably the most expensive piece for Oceanside. The comments from staff and the consultants are that for the amount of money that would be spent in Oceanside, the benefits are minimal at best. Our residents deserve more. The idea is to move our residents back and forth. More thought needs to be put into how best to accomplish that for our residents as well as for the region. There was a statement made in the report that talked about mitigation for the 25 years of building this project; that there was no mitigation for our residents during that construction time.

**MR. DiPIERRO** responded in the report it talks about a transportation management plan that would be developed in the future. In that plan is where they would go into the details about how the traffic control plans would be set up and the construction, etc.

**JOE FOUST**, Austin-Foust Associates, Traffic/Transportation Consultant, stated with regard to mitigation during construction, the EIR says there will be a transportation plan and asks that we trust it will be taken care of. However, the experience he had in Orange County with the widening of the I-5 was that it took 10-12 years to accomplish that and this project is 20+ years. Each of those widening projects lasted 4-5 years in stages. The initial plan had the same mitigation that you are facing here. The cities got together and brought that to the attention of Caltrans and that resulted in a substantial increase in the amount of the budget that was used to provide 'interim mitigation' or traffic improvements during that 5-6 year period for each of the projects that was undergoing construction. Imagine closing a bridge or having it down for several years; that would cause a lot of diversion of traffic. A substantial budget was established to create this local circulation improvement and they each lasted 5-6 years. Some of them remain in place today, so it became semi-permanent mitigation. He believes what staff is saying is that those mitigation measures to comply with the California Environmental Quality Act (CEQA) need to be identified up front. It's fine to say they will do it, but we want to know what it is they are going to do.

**COUNCILMEMBER SANCHEZ** hopes we don't give up on that because this is not the end.

**MR. FOUST** thinks it's important to not give up because it did not happen in Orange County with bringing it to their attention at one meeting. You have to constantly birddog that and bring it back up.

**COUNCILMEMBER SANCHEZ** stated the reason for siting a DAR on Oceanside Boulevard is not clear in the EIR. Is there a need at all for a DAR at that location?

**CITY MANAGER WEISS** has had several discussions with the Traffic Engineer and the City Engineer and his opinion is that we do not need a DAR at that location. We've come to the conclusion that we'd be better off with one more toward Camp Pendleton to serve a higher population that would need it.

In regards to the construction mitigation, he had a conversation with Caltrans representatives on the construction phasing and, for example, they are aware at the Mission Avenue overcrossing I-5 that it cannot be closed. For emergency access they would look at building half a new structure at a time. However, when you get to the Nevada Street crossing of I-5 it serves one residential development. That structure cannot be built half at a time because it's only one lane in each direction. So those are the things we need to have some concern about because as you look at the overcrossings even at Brooks Street, because of the nature and the width of that

structure it's kind of hard to demolish half at a time and rebuild it.

Those are the types of mitigation measures we are looking at; not even from the standpoint of the overall traffic volume on I-5, but what are the local impacts. If you took one of those structures out for 3-4 years, there would be some significant impacts to the local transportation network. That's one of the reasons for these comments. As the consultant mentioned, those are important to discuss because it certainly would drive the cost of the project up, particularly with Oceanside where we're going to be near the end of the construction phase, and there are only so many billions to go around. We want to make sure that as this project moves forward, if it goes in its current state, that they look at all of the impacts, including those construction impacts, that have the ability to drive that project cost significantly higher.

**COUNCILMEMBER SANCHEZ** stated with the experience that we've had with the widening of Highway 76 for one residential development, she wants to address these early on versus after the fact. After the fact we will have very little recourse. The questions about air quality and sound, the report notes that there needs to be further studies of that and she agrees. It would be important to her that we maintain, as closely as possible, our current levels and not create urban flight from homes that happen to be close to I-5. She would hate to lower the property value of these homes.

When we start having these construction problems and you don't have the surety of what time you're going to arrive places, more people will be using transit and there will be demand for more hours and surety. We may need more plans for where people will park if they start using transit. Those may be the kinds of things that we also need to look at at this point. If it was up to her, she would be interested in spending more dollars on transit and encouraging more people to use it. If we make it more convenient than more people will use it. She also mentioned options of moving/changing the HOV lanes during certain hours, etc.

She **moved** that we forward our comments (the staff report, with staff, consultant and public comments) to Caltrans for the EIR.

**COUNCILMEMBER LOWER** seconded the motion.

**COUNCILMEMBER KERN** found some of the comments interesting regarding good and evil subsidies. If you talk about subsidies, mass transit is subsidized heavily; in San Diego it is almost \$14 per passenger mile. I-5 is one part of the solution. Cars are getting better regarding emissions. In 25 years there will probably be a 50/50 split between electric and gasoline cars, if not more. Air quality will improve as technology improves. What will not improve is where our jobs are located. Those people that live in Oceanside (with only .62 jobs per household) are still leaving town to find a job. Until we start bringing jobs to Oceanside so people can live and work in the same community, you're going to have the problem of how they commute. That's the big picture of how we address all of those issues.

The rail corridor is important but the improvements to the rail corridor are going to be just as controversial and long-term as widening or expanding I-5. What people have to remember is that the expansion of I-5 was part of TransNet 2, and that passed by 70%. The people want I-5 improved. The voters have spoken and they want it built. He supports sending our comments to Caltrans and having them take them into account. There are going to be problems because with every construction project there are problems, but over a period of time they will mitigate and handle that. The closing date for this is November 22<sup>nd</sup> and we're probably a year out before we get a response to those comments.

**CITY ATTORNEY MULLEN** stated there's a possibility that the document could be revised and if text is added, which he suspects it will be, there's going to be a period of recirculation at a minimum. There may be an opportunity to review those changes to

the document at that time.

**COUNCILMEMBER KERN** stated we're probably in a 2-year process just for the EIR from this point forward. Things will not happen quickly and the public will have their opportunity to comment again.

**COUNCILMEMBER LOWERY** agrees with what the other Councilmembers are saying. He asked if the document he has is just the questions that the staff and consultants have come up with based on the document that Caltrans provided. It's page after page of questions. Are the consultants providing more than just the questions for the \$80,000.

**MR. DiPIERRO** responded what Council has is what the consultants have provided us to submit to Caltrans. Those are the questions that are being asked after they've done their detailed studies of the EIR. We did include the public comments too that we got during the workshop or any emails that we've received.

**COUNCILMEMBER LOWERY** asked if someone like Mr. Nevins, who asked a question about air quality or air pollution, has questions where does he go with that question.

**MR. DiPIERRO** responded since we haven't submitted the report yet, we could add them as public comment attachments or, as the City Manager said earlier, they could submit them directly to Caltrans.

**COUNCILMEMBER SANCHEZ** recalls that there was someone who asked specifically about air quality because she was with the American Lung Association and believes that question has been included.

One thing that was alluded to in the report was I-5/Highway 78. She still doesn't understand how you can widen the road and not address fixing that intersection. She is unclear as to how we're going to do that, the mitigation in terms of Buena Vista Lagoon and why does the fix have to be after the widening.

**MR. DiPIERRO** responded that the I-5 EIR is out today for review. As far as Highway 78 goes, there's a working group that's looking at Escondido to Oceanside. We're studying that right now as a preliminary study to see where we go into the project study report for Caltrans.

**COUNCILMEMBER SANCHEZ** asked shouldn't they have been on the same timeframe. She heard that somewhere south of us they were combining projects.

**MR. DiPIERRO** stated as part of the I-5/Highway 78 interchange project, that's a whole separate study in itself, too; there are almost 3 different studies going on. In his discussions with Caltrans, the I-5 project is starting in San Diego and working its way north. So by the time it gets up to Oceanside, which is possibly 25 years from now, all of the studies will probably be completed for the interchange at I-5/Highway 78. What Caltrans is telling him is that we could probably build both projects at the same time.

**COUNCILMEMBER SANCHEZ** had understood that by then there would be no money for that.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS**

13. **Request by Councilmember Sanchez to establish a "blue ribbon" ad hoc citizens committee for purposes of identifying and establishing an alternative to meet the City's animal control and animal shelter needs; direction to staff**

**COUNCILMEMBER SANCHEZ** stated shortly after the San Diego Humane Society incorporated our North County Humane Society we began to receive calls from our residents and others regarding our animal shelter and animal control services. She also started to hear from staff some of the difficulties that we were having in terms of even having our animal control contract renegotiated. There were discrepancies in terms of costs and we were having a difficult time getting information regarding monies from the City and how they were going to be used. In the end, there was some resistance from San Diego Humane Society, who admittedly had never done an animal control contract before.

What occurred during these past few months was the San Diego Humane Society saying they were terminating our animal control contract and our staff trying to come up with alternatives and realizing that we didn't have any alternatives. This was the only provider and that one provider was reluctant to work with our City. We have an aging facility and we have lost control of our animal control/animal shelter contract and needs. Staff has been talking to other jurisdictions and looking at alternatives, including perhaps having another provider for animal control. It's become clear that we need to have a partnership with the public. She has had an opportunity to meet with several members of the community and she sees a willingness, desire and excitement coming from the community to work with the City in addressing our needs for animal control/animal shelter. It's a good business decision to come up with a viable alternative.

In that regard she has asked Kris Nelson to do a presentation in the hopes of establishing a citizen's blue ribbon committee that would have the expertise, know-how and experience in raising the kind of capital that would need to be raised. Because we're also looking at possibly a regional program, it doesn't have to only include Oceanside residents. This should be through the City Manager's office so he can review and work with the committee and periodically report to Council. Perhaps 9 members.

**MS. KRIS NELSON**, 2593 Fire Mountain, stated in 20 months we could be without an animal shelter. Tonight we are asking Council to approve the formation of a committee that will explore alternatives to our current animal control contract. She has been in contact with professionals throughout San Diego who are committed to help Oceanside build a new shelter. She listed those in the County she has been in touch with.

She would be happy to work with staff to create a committee whose members include people with professional experience in animal sheltering, as well as individuals who are grant writers and fund raisers. If we don't form this committee, we need to at least make a tacit agreement to work together to create a new shelter that will house the animals and provide space for animal control. There is no time to waste.

**COUNCILMEMBER SANCHEZ moved** to create an ad hoc citizen's committee that would work with staff. It's important to have this close relationship with staff because we need to identify property. The citizens in the meantime could form the foundation non-profit to begin to solicit funding for this important endeavor.

**COUNCILMEMBER LOWERY seconded** the motion.

**MAYOR WOOD** is in support of this. We need to address the issue for the future. We also need to work with what we have right now before we move forward. Generally appointments to committees and subcommittees go through the Mayor's office. He is not worried about that; he just wants to make sure the City Manager is on board.

**CITY MANAGER WEISS** stated if the Council chooses to appoint a committee we would staff it appropriately.

**MAYOR WOOD** would like to see those names go to staff and then come back to Council to be approved.

**COUNCILMEMBER KERN** would like to continue this for 30 days and come back with a clear definition of goals, objectives, members and how it all fits together, timelines, etc. He asked how we plan on selecting the members. Will they be Mayor appointments with Council confirmation or will each Councilmember get to select a certain number of members? We just need a clear picture.

**MS. NELSON** agrees. The people she named are not going to be on the committee. They are an advisory board and will help us all they can, but they will not be part of the committee. The committee would be fluid so she is not sure of the necessity to appoint certain people. We need more time to talk about this.

**COUNCILMEMBER KERN** believes we need someone to steer this. We need a group that brings in construction and planning people, etc. We need to move quickly.

**COUNCILMEMBER SANCHEZ** wants to continue this and give direction to staff to come up with criteria for what they would like to see. Mr. Eddow has been meeting with other cities and looking at potential sites.

**CITY MANAGER WEISS** doesn't think we need to form an official committee. There is obviously a core group of people who are interested in this and are going to pursue it. Initially we would be willing to provide meeting space and staff to work with a core group that doesn't at this point need to be appointed by the Council. If we get to a point where we are working with other cities formally, we may need to do something different. There is a core group and if they have an idea and go into fund raising and want to form a separate 501(c)3, then we would work with them to help them do that.

**COUNCILMEMBER SANCHEZ** thinks if they were actually recognized as a short-term ad hoc committee, they might be perceived with authority to be able to go out and raise the capital needed. Ms. Nelson has spoken to people who have done that and those people should be involved in helping us create a nice shelter here. How do we get this done effectively and efficiently so that we don't get in their way. The qualifications and what they bring to the committee is more important than any political decision, which it might be if each Councilmember picks a few members.

**MAYOR WOOD** thinks it would be wise to have the City staff and the City Manager meet with all of these people officially and talk. Then the City Manager can come back to Council and advise whether this should become an official appointed group or remain non-official. He would like to have a little more information on this. There is more work to this than just trying to help the animals. Let's move forward and send this to staff.

#### Public input

**ELAINE GODZAK**, 4753 Marblehead Bay Drive, supports the formation of the committee. It will undoubtedly allow the City the opportunity to control costs much more effectively because you will know exactly where every nickel of expense is coming from, which is not the case now. We will be able to operate with transparency with regard to animal control and animal sheltering. It will allow us to do fact-based decision making and have an integrated system of programs and projects, using the enthusiasm and interest of concerned citizens who love animals and who want companion animals to have a fair chance at a normal life. She urged Council's support for formation of this committee.

**JOSHUA HELMLE**, 5067 Palmera Drive, stated Councilmember Sanchez's motion is what we need. We have less than 20 months to get things in place and that

starts tonight by forming an official committee to look at animal sheltering and control going forward for the City. He was a former board member of the North County Humane Society and the Integrated Waste Commission so he knows how the committees work. We need to make this an official committee because we're going to need that kind of clout to make this dream happen.

Five years ago he met with Mayor Wood about the condition of the shelter at that time and said the City needs to get involved. The truth was that the City at that time didn't have any political clout or legal claim to mandate any changes in that facility. That's why this idea of a public/private partnership is vital. The City has to work in concert with activists in the community to fulfill our legal responsibility to handle animal control, etc. He knows we can run a facility more efficiently/much cheaper than the previous facility was run.

Public input concluded

**COUNCILMEMBER FELLER** stated we need 30 more days to figure out the answers to our questions on this committee and how it will work.

**COUNCILMEMBER SANCHEZ** stated our animal control contract is almost \$1,000,000 per year. She **amended** the **motion** to direct staff to bring this back in 30 days and that we form a City committee that would be assisted by staff, who would determine the size of the committee based on the number of applications put forth. There still needs to be a vetting as to how you get on the committee. Those names can be brought back to Council in a month for appointment. That way you have a level of authority.

**COUNCILMEMBER LOWERY** seconded the **amended** motion.

**Motion was approved 5-0.**

[Recess was called from 5:30 to 5:49 PM]

**5:30 PM – ROLL CALL**

Mayor Wood reconvened the meeting at 5:49 PM with all Councilmembers present. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

**INVOCATION** – Pastor Carl Souza

**PLEDGE OF ALLEGIANCE** – team members

**PROCLAMATIONS AND PRESENTATIONS**

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

Presentation – Oceanside SUN 2010 Slide Show

Proclamation – National American Indian Heritage Month

Presentation – Mayor's Youth Sports Recognition and Appreciation Award – Soccer Club  
GU 19

**Changes to the agenda**

**CITY CLERK WAYNE** announced that Item 21, which is the adoption of the ordinances, has been removed from the agenda because the Council continued the public hearing to December 8, 2010.

**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

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

**JIMMY KNOTT**, 127 Sherri Lane, has been asked by people since the election about the vacancy of the Treasurer's office. He sees 3 options. Council can take applications and make an appointment; hold a special election; or convert the office to an appointed staff position. He prefers the public have a voice and a vote, but in these times the expense would be too great for the City. He proposed that Council direct the City Manager, City Attorney and the City Clerk to prepare for appointment as soon as possible.

**JOAN BRUBAKER**, 1606 Hackamore Road, has experienced a few changes in her Jeffries Ranch neighborhood in the last year. There was vandalism to a sign recently and she called the City at 4:30 in the afternoon to repair it. By 12:00 the next day it was repaired. She complimented the street sign department.

**LES GEORGE**, 1520 Valencia Street, slip renter, has been working with the police department for the last 12 months regarding some concerns he had over public safety. The Chief of Police has offered to come down on Saturday, November 13<sup>th</sup>, at the Oceanside Marina Suites to meet with the boaters. Councilmembers are also members of the Harbor District and make decisions in our Harbor. He would like to see the Councilmembers there to help address the boater's concerns and make it a safe harbor and beaches.

**MARISA DIAZ-WAIAN**, 513 South Nevada Street, represents the Seaside Preservation Movement with other community members. Residents and community members of the Seaside neighborhood, which extends from Seagaze Drive to Oceanside Boulevard east of Coast Highway and west of I-5, have sent to Council approximately 75 signed letters expressing their concerns. In addition, each Planning Commissioner should have received the same letters. The letters are meant to let Council know that residents are genuinely concerned and to provide a basic idea of what our concerns include; namely character and integrity of the neighborhood.

With regard to our position, this attribution concerns issues related to mass and height, but is not limited to these. What we hope to accomplish includes the goals of establishing a dialogue with Council, continuing a dialogue with Council and addressing the concerns of Seaside residents. We are actively collaborating to provide Council with some concrete and exact descriptions of our concerns in order to affect a more productive discussion. Given the related but separate height variance discussions that are currently taking place regarding structures along portions of the Coastal Zone under the 1986 Zoning Ordinances, we realize that precision on our end is important. We would like to be able to come to Council with some possible solutions or requests that would efficiently mitigate the concerns of Seaside residents while remaining sensitive to the rights of homeowners, the economic climate and the prosperity of the City.

**CHARLENE KIRCHEVALL**, 533 South Nevada Street, is also representing the Seaside Preservation Movement. On September 24, 2010, a demolition order was authorized for a single-story cottage style home located at 522 South Ditmar, which is centrally located in the Seaside community as designated in the Coast Highway Vision and Strategic Plan. Pictures and emails were sent to each Councilmember last week. The proposed project, while within the current Building Code, provides an example of some of the concerns Seaside residents share as a whole, based on various factors related, but not limited to mass, obstructed views, access to fresh air, sunlight, etc. This is especially impactful on homes that do not sit on a graduated plane of elevation.

These concerns do not sit solely with the proposed project but radiate throughout the Seaside community and the general trend of development that has been taking place in the neighborhood. Let us enrich this heritage by way of encouraging and promoting the character of this unique place. Other coastal cities have accomplished this sort of preservation and those cities remain prosperous on a number of levels. We look forward to working with Council on solutions that might benefit our Seaside community and the City.

**GEORGEO KERPANI**, 315 South Nevada Street, asked that the citizens support the animal control item and shelter mentioned earlier. He asked for donations for additional Christmas lights at the Pier and the Harbor Bridge.

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

- 14. **Mayor Wood: Appointments to or motions for removal from some or all of the City’s Advisory Groups, and appointment of Deputy Mayor**

**ECONOMIC DEVELOPMENT COMMISSION**

**Term Expires**

Appoint Ward O’Doherty as Reg: Banking/Financial Services  
(Replacing Larry Hatter)

9/26/2013

**INTEGRATED WASTE COMMISSION**

Appoint Nadine Scott as Regular  
(Replacing Shelby Jacobs)

7/1/2013

Remove Steven Peck as Alternate II

**DEPUTY MAYOR**

Esther Sanchez

**MAYOR WOOD moved** for approval of the above listed appointments. We have quite a few committees and commissions for people to get involved with in the City. After the last selection he’s down to very few applications. He encouraged citizens to get involved by applying to serve on a committee or commission.

**COUNCILMEMBER LOWERY seconded** the motion.

**COUNCILMEMBER KERN** doesn’t mind the appointment of Nadine Scott as a regular to Integrated Waste, but there are a lot of vacant spots there so we can also leave Shelby Jacobs there. He can’t support Mr. O’Doherty replacing Larry Hatter on the Economic Development Commission. Larry Hatter has vast knowledge and experience here in Oceanside and many ties with the business community really benefit the EDC. The Deputy Mayor position should wait to be appointed until after the Council changes.

**COUNCILMEMBER SANCHEZ** accepts the position and supports this motion.

**COUNCILMEMBER FELLER** stated if it plays out, that means Councilmember Sanchez has been Deputy Mayor for a 4<sup>th</sup> time. Councilmember Kern has not been Deputy Mayor and I’ve been Deputy Mayor once 9 years ago. Also, there are vacancies on Integrated Waste so Nadine could fill a vacant position and we could keep Shelby Jacobson, who is literally a rocket scientist. What do we gain by taking out 2 people that are already integrated in. It looks too much like manipulation of the Waste Commission. Also, Larry Hatter has served this community for a long time. He does not agree with any of this. This is a vindictive manner in which we are carrying out these appointments.

**COUNCILMEMBER LOWERY** is happy to see that Ward O’Doherty applied to be on the Economic Development Commission because he has a career as a banking

and financial services person and that brings new skills into that Commission. He knows from going to the meetings that the people there are frustrated with a lot of inaction that they've had to meet with. They are always drumming up business and Mr. O'Doherty would be good at that. We need that energy.

He is also excited about Councilmember Sanchez being appointed Deputy Mayor. He supports the motion.

**Motion was approved 3-2;** Councilmembers Kern and Feller – no.

**6:00 PM – PUBLIC HEARING ITEMS - None**

**CITY COUNCIL REPORTS**

15. **Mayor Jim Wood**

**MAYOR WOOD** is glad people got involved and voted in the last election. He wished Councilmember Lowery the best in his future in this final Council meeting. He thanked him for his service and friendship.

He went to Carlsbad and presented a plaque to Daisy Young who is 100 years old. The Veteran's Association of North County celebration of Veteran's Day is tomorrow at 1617 Mission Avenue, the old Oceanside Police Department. The City's Third Annual Christmas Tree Lighting ceremony will be on December 2, 2010, in front of the Regal Center Plaza at 401 Mission Avenue. He attended the 1-year anniversary for the Holiday Inn by Harbor Drive.

He wished everyone a safe and happy Thanksgiving.

16. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** attended the Marine Corps birthday pageant on Camp Pendleton. He attended the house blessing on North River Road for Habitat for Humanity. Oceanview Cemetery had a clean-up on Saturday. We had a business visitation at Federal Heath Sign in Oceanside, who does \$100,000,000 a year.

17. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** attended the San Diego Veteran of the Year recognition luncheon last Friday. Our Oceanside Veteran of the Year, Tom Garcia, was recognized and was a finalist for Veteran of the County. Interfaith was recognized as our Veteran's Organization of the Year. He also attended the business visit to Federal Heath Signs. The Turkey Trot is Thanksgiving morning.

December 2<sup>nd</sup> is the swearing in of Mr. Felien as a Councilmember as well as himself.

18. **Councilmember Chuck Lowery**

**COUNCILMEMBER LOWERY** thanked the citizens of Oceanside for their ongoing support.

19. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** acknowledged Councilmember Lowery's contribution to the Council over the last 4 months.

She attended the American Indian Chamber of Commerce meeting. She attended a recycling conference at the University of San Diego and the new Integrated Waste

Commissioner, Nancy Straus, gave a presentation. Ms. Strauss is an Oceanside resident. She also attended a regional meeting regarding getting more green businesses to North County. San Diego has the most green businesses and jobs in the State.

**INTRODUCTION AND ADOPTION OF ORDINANCES**

21. **[City Council: Adoption of an ordinance of the City of Oceanside amending Oceanside City Code Chapter 29, establishing sewer user rate increases; and adoption of an ordinance of the City of Oceanside amending Oceanside City Code Chapter 37, establishing water user rate and external water provider charge increases – assuming these ordinances are successfully introduced on November 3, 2010]**

The November 3rd public hearing to introduce these ordinances was continued to December 8th, so this item is removed from the agenda.

**Off Agenda**

**FRANCOIS KAZERSKI**, 275 North El Camino Real #8, stated there are more than 10,000 military veterans buried in Riverside and he is asking for support for a military shuttle to drive these families from San Diego to Riverside.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:06 PM on November 10, 2010 [The next regularly scheduled meeting is at 10:00 AM on Thursday, December 2, 2010].

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside