



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

May 28, 2003

ADJOURNED MEETING 10:00 A.M. COUNCIL CHAMBERS

Mayor Terry Johnson	Deputy Mayor Esther Sanchez
Councilmembers Rocky Chavez Jack Feller Jim Wood	City Clerk Barbara Riegel Wayne City Treasurer Rosemary Jones

Mayor Johnson convened the meeting at 10:02 A.M. May 28, 2003 for the purpose of a Mayor and Council Workshop. Councilmember Chavez led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Johnson and Councilmembers Chavez, Feller, and Wood. Deputy Mayor Sanchez arrived at 10:04 AM. Also present were City Manager Steve Jepsen, City Attorney Anita Willis, and Assistant City Clerk Charles Hughes.

WORKSHOP ITEMS

1. **Consideration of the FY 2003-04 Budget**

CITY MANAGER JEPSEN said that he and Finance Director Carol Swindell would make this presentation. Carol Swindell will give an overview and direction. They will be giving the Council an introduction to the changes being proposed for the City's budget for next year and for the next 5 years as we look at what the City faces on the horizon. The largest 2 issues are still the dilemma at the State level over the vehicle license fees, with probably no resolution until later in the fall, and over the next 2 years there will be extraordinary cost increases in the PERS employee retirement benefit costs. Based on the losses in the PERS portfolio over the last 2 years, the cost is anticipated to go up \$1,000,000 next year over what is budgeted and then \$4,500,000 the following year.

[Deputy Mayor Sanchez arrived at 10:04 AM.]

CAROL SWINDELL, Financial Services Director, reported that she would give an overview of where the City stands at this time, with a budget development for the second year of the 2-year budget, which is fiscal year July 1, 2003 through 2004. Looking at the revenue trends, the revenue projections for the year ending June 30, 2003 appear to be on target, and that comes despite sluggish economy and troop deployments. There has been strong growth in the Vehicle License Fee (VLF) revenue and property tax revenues; those have been our 2 fastest growing revenue sources. We are projecting an overall increase for the next fiscal year, with the State Budget that is in place at this time, of 3½% overall. If the State cuts the Vehicle License Fee revenue, we will have to take more measures to adjust our budget accordingly.

Property taxes remain one of our strongest sources of revenue growth; we have seen strong growth in valuation as properties turn over and as the new development

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comes on line. The expectation in property tax revenue is \$19,000,000 this year, which is an 8.4% increase over last year. If that trend continues, it will help mitigate some of the decreases that we are seeing in other areas of our revenue. We are expecting a moderate growth in sales tax of 3%; the total revenue from sales tax is just under \$15,000,000. Sales tax represents 20% of our total revenue. As development continues to grow, we are projecting that the increases in sales tax will eventually grow to 5%, but again we will be monitoring the 5-year projections every year and giving Council updates accordingly.

One area where there is a downturn in revenue is in the permit and plan check, which are building related fees. Those combined are down 16% from last year. Another area where there has been a decline in revenue is on the investment earnings. The bond market is at a historical low, which is good if debt is being financed, but is not so good if money needs to be earned. The investment earnings are expected to come in at 30% under budget; we are expecting a total of \$1,800,000. In addition to the decline in interest rates, Council, several years ago implemented a plan to begin phasing the interest on the Utility Fund earnings back to the Utilities Fund. As of now, the cumulative shift from the General Fund to the Utilities Fund represents approximately \$1,300,000 on an annual basis. We will continue to shift money from the General Fund to the Utilities Fund on a phased basis. The Water Fund is retaining 95% of its interest, and that will go to 100% in 2004/2005. The Sewer Fund is retaining 45% and that will eventually go to 100% as well.

The VLF revenue is one of the faster growing revenue sources along with property tax revenue. We are expecting \$9,700,000 from this revenue source next year. That is 7½% increase over last year. The VLF is growing at 7% or more over the past several years. It is apportioned to cities based on their population and the total amount of VLF revenue that the State gets. It has been growing at a faster rate than our population growth as people throughout the State buy new cars and that baseline of value increases. We are proposing to budget the VLF revenue at what we are getting this year without any revenue growth for next year pending the outcome of the State budget. We will be taking into consideration in the fall any final modifications to the State budget that may impact us.

Looking at the expenditure side, we have budgeted for a 4% overall target for cost of living increases; in addition to that there are step increases built into the budget. We are seeing an impact in PERS. In addition, we had a 25% increase in the health insurance costs last year through the PERS program. Council agreed to increase the City's contribution to the employee's cost of health insurance. If that continues and there is another double-digit increase in the health insurance costs, which are what the predictions are now, we will need to fund another \$143,000, and that is without making any change to the City's contribution. We are looking at options for other sources of health insurance that might produce a lower increase. That is an area where we will get back to Council with additional information as we get it.

There are several unbudgeted commitments that are not reflected yet in the second year of the 2-year budget. We are expecting an estimated \$100,000 additional cost per year in maintenance for the 800 megahertz Radio System. There is an estimated \$325,000 per year for the San Luis Rey River maintenance. There is an estimated \$350,000 a year for the new Senior Center operation and \$123,000 in additional landscape maintenance commitment. This is just an overview of what is being built into the model.

The PERS rate increases are extraordinary for both this year and next year. If the PERS investment earnings trend does not change, we will continue to see increases in this area. The City of Oceanside is not alone; all cities in the State are seeing tremendous double-digit increases, particularly in the public safety area. The increases are driven by poor investment performance returns for PERS, as well as an increase in benefits. The public safety rate for just the City's employer share is proposed to increase by 52% for next year and 57% for the year after that. In addition, the Miscellaneous Plan, which includes all other employees, was super funded because of better than expected PERS investment returns. That is expected now to go from 0% to 5.9% for the City share alone in fiscal year 2004/05. While there will be a significant increase next year, the year after that will be even be more significant. These employer shares are in addition to the employee share, which the City now pays for all employees. PERS will release its final 2003/2004 rates in

October. In addition to that they are expected to release a hardship program for cities that will extend the amortization period for the unfunded liability from 20 years to 30 years, which should help to mitigate the costs, but there are some concerns that should be considered to decide what the City should do. The impact of the PERS rate increase is \$1,000,000 in additional City cost for the next fiscal year and another \$3,500,000 on top of that, which brings the cumulative total to \$4,500,000 for the 2 years.

She referred to a chart that had 5-year projections. The first line was the total expected revenue, and the second line was expenditures without any adjustments; the gap between those 2 numbers is expected to reach \$5,000,000 over the 5-year period, primarily because of the PERS rate increase. Mr. Jepsen will be giving information on proposed adjustments to the budget next year and beyond that will help to close the gap, but there will still be a gap of about \$2,300,000 that will need to be addressed, even with these adjustments. These projections assume that the City will continue to get VLF revenue; if that changes, then there will have to be further adjustments to the projections.

The last area to review is the projected reserves. Last year Council established certain reserves. Council had approved the City using the revenue in the Economic Stabilization Reserve if needed in order to address any State-funding shortfall. For this year, there is not any funding shortfall that would require us to use that reserve; however, if something changes as the State finalizes its budget, we may come back to Council to ask to use that reserve in order to allow enough time to thoughtfully respond to any needed modifications in the budget. We are adding a recommendation for a reserve for the Workers Compensation Fund of \$1,500,000. Last year we had an actuarial study done on our Workers Compensation Fund, and it showed that there was almost \$7,000,000 in unfunded liability for the Workers Compensation Reserve. The study recommended that a reserve of \$3,500,000 be set up. The \$1,500,000 plus \$500,000 that Council put in to go towards the reserve this year, along with the fund balance in Workers Comp, should get the City to approximately the \$3,500,000 level.

To give a timeline from now until the next 2-year cycle, Council is scheduled to adopt any changes to the second year of the 2-year budget by June 18, 2003. The State budget process will probably extend into the fall. As she mentioned earlier, we are expecting final 2004/2005 PERS rates, as well as any details on a hardship program in October, and we will be bring forward any additional modifications to Council once we get final information. We will also be updating Council as we get any additional information from the State and PERS.

COUNCILMEMBER FELLER said that one of the first statements made regarding PERS was that the investment was lost, and he asked if that is something that could be regained.

MS. SWINDELL responded that PERS projects their actuarial assumptions, assuming an 8¼% positive investment return. They have had losses that have been 6-7% for the last 2 years. Their losses as of December were over 5%. The market has improved somewhat, so we may see some mitigation of that. But they are heavily invested in equities, so when they do their projections, if they are assuming an 8¼% return and they lose 7%, then the impact on the projection is 15% because they have lost the positive return and have had a negative return on top of that. To answer the question, the investments are gone forever as of now, but as we get into the future, if the market improves, then there may be some change of rates accordingly.

COUNCILMEMBER FELLER questioned why the permit and plan check revenue is down 16%.

MS. SWINDELL replied that the best information we have is that we are seeing a lot of activity, but it is on a smaller scale, such as home improvement. There are several planned developments that are due to come on line, but we have not seen the impact of that revenue in the same way that it was last year. We are working with the Building and Planning Departments to get better information to build a more sophisticated model on projecting building and other related revenues, but at this time it is just based on the level

of activity and when projects come on line.

CITY MANAGER JEPSEN said that the report he is handing out is marked "draft"; we should have the numbers figured out by the end of the day. It has been difficult as we moved through this because of the moving targets and the uncertainty at the State level with regard to what will end up ultimately in the State's budget and of course the dilemma that is facing PERS. We are introducing the concepts today. We have another workshop on the budget tentatively scheduled for June 4 at 10:00 AM where there will be an opportunity for the public to come in and address any issues that they have with what is being proposed today. That will give time for them to digest the information. He apologized for getting the information to Council late but we are having problems dealing with the numbers and probably will until the end of the day.

He pointed out that this was just the introduction of the issues, and there is plenty of time for both the public and the Council to digest this information and to comment on it. He was going to go through the details of the proposals [using a powerpoint presentation]. Ms. Swindell mentioned some of the reductions that are a result of the Governor's proposed budget, but she did not go into detail. The only thing that impacts our General Fund is State mandate reimbursements and for meetings at \$100,000 per year are in the budget, and those funds will be lost. The \$143,000 a year that is for Public Library Funds reductions does impact the library; without having that grant money available, we are proposing that the library make up the difference. Other costs such as the Booking Fees are a loss--because of the high risk of Booking Fees, we have not been budgeted them for the last couple of years, so they are not a reduction in the budget although it is lost revenue. The Redevelopment Educational Resources Augmentation Fund (ERAF) shift is redevelopment funds. There is also the one-time money for the Parking Garage and on an ongoing basis the shift in transportation funds, which are used for street reconstruction and repair.

There are, for consideration, modifications to the base budget [03/04 = \$81,100,000] which is the budget that Council approved. The 2nd year was also approved at the same time the 2-year budget was approved. The 2nd year of that budget was \$81,100,000. The changes to the base budget are based on the revenue direction that was just given by the Finance Director; we expect an increase in revenues of \$536,000 over and above what was estimated for the 2nd year, which is balanced against the State takeaways. The projected budget revenues for the next fiscal year are \$436,000 more, and they are considerably more than that for the following year. Those figures have to be balanced against the expenditures. He will review the adjustments to the Base Budget in detail. The total revised budget will result in a savings next year of about \$1,500,000, if all of the recommendations are adopted. [On the powerpoint] the second year is actually a negative \$2,191,000. So even though there will be a surplus of \$1,500,000, if the recommendations for next year are adopted, the City will have to come up with \$2,200,000 to balance the budget for the following year.

These are the recommendations:

1. Continue City Manager authorization for overnight, out-of-City travel -- this will result in savings that have not been calculated.
2. Continue selective filling of non-essential vacancies -- he has some specific recommendations for holding positions that he will present.
3. Reduce the part-time benefited positions to half time or less -- there are 32 positions within the City; reduce them through attrition with some minor savings.
4. Place all capital budgets on hold pending review -- this will be done over the next 2½ weeks.
5. Review facility rental fees for cost recovery.

This is a minor portion of the budget. As we get into the budget, we will go through department by department so that the impacts of each of those areas can be seen. In the 2nd year of the budget (not the coming year) we are proposing the following departmental adjustments:

Public Works:

- to offset General Fund against Gas Tax to the extent that we are able to do that-- we still need to meet the maintenance of effort requirements;
- review residential street-tree maintenance the 2nd year;
- consolidate summer works programs at the Harbor and Beaches;
- 5 positions that are being recommended to be unfunded in next year's budget and thereafter. This means that the positions will show up in the budget but they will not be funded because they will not be filled; they will be held open: Administrative Analyst, Administrative Secretary, Senior Transportation Engineer, and 2 Public Works lead inspectors. [03/04 reductions = \$209,000; 04/05 reductions = \$478,000]

Building Department:

The revenues are down 16%. The services that are provided through the Building Department are based on the level of services that are generated and needed by the construction industry. We will adjust the service level to match the revenues up or down so that makes this revenue neutral.

Economic Development/Redevelopment Department:

Even though there are some opportunities for significant cost savings in this area, we should continue with the programs to the extent possible as we have been very successful in changing the picture and perspective with regards to property and sales tax dollars in the City, partially due to the work that is being done. There are some broker events that can be reduced [\$15,000]; consider eliminating the contract with the North County Convention/Visitors Bureau [\$15,000].

Planning Department:

--2 positions vacant for the last 2 years [Senior Planner and Associate Planner], and continue on an unfunded basis [03/04 =\$142,000; 04/05 = \$148,000].

Fire Department:

Although he sees it as a reapportionment of existing funds, he asked that Fire look at civilianization of the administration budget function and to review the academy costs in relationship to staffing/budget needs.

--1 Battalion Chief position--to hold open, in an unfunded capacity [03/04 = \$125,000; 04/05 = \$129,000]

Police Department:

--review the custody transport -- the costs have risen disproportionately, and it could be time to bring that back in-house;

--Shift contingency funds — they have \$72,000 in contingency funds, and he is shifting those funds under the City Manger's control;

--Communications Manager position -- the Council has already approved the changes necessary to hold open and eliminate this position by combining it with another administrative position in the Police Department [03/04 = \$68,000; 04/05 = \$71,000].

Harbor and Beaches: is one of the areas in the City where we have increased the funds the most over the past couple of years, primarily for lifeguard services on the beach.

--converting 5 part-time benefited Sergeants to 3 full-time positions [\$50,000 each year]

--consolidate summer work programs in both Harbor and Beaches and Public Works [\$45,000 each year];

--reduce part-time lifeguard hours but still focus on peak time of day (TOD) and days, which would result in a \$45,000 reduction [each year];

--elimination of a part-time clerical position [\$20,000/\$21,000] and leaving the Lifeguard Lieutenant position vacant [\$54,000/\$56,000]

These reductions would be a total savings of \$174,000 next year.

Parks and Recreation Department:

--outsource the management of the Sunshine Brooks Theater [\$20,000 each year];

--reduce General Fund support to Special Events by 25% [\$8,000 each year] -- this will be seen again under the Council budget where there are more funds and larger discretion;

--consolidate After-School Programs to the Recreation Centers -- the cutbacks that the school district proposed have eliminated the transportation for this program, and that was the key element to make this program work. This program was challenged with finding the additional \$98,000 to run the After-School Program at its current level, which would actually cost us \$270,000 if we were to continue it unchanged, assuming that there was transportation. The Recreation Department has come up with a good alternate by allowing these programs to be consolidated at the Recreation Centers; it will save us \$73,000 per year.

--find a private sponsor/operator for the downtown skate park -- the demand should lessen as we continue to build skate parks in outlying park areas;

--positions to be held open are Aquatics Specialist [\$51,000/\$53,000] and ¾ time Sport Recreation Specialist [\$27,000/\$28,000] .

The savings are significant at \$244,000 -- 03/04 and \$247,000 -- 04/05.

Library -- has been asked to come up with a way to make up the \$143,000 in lost funds; they have lost around \$250,000 over the past 2 years in public library funds, which is a State grant. The Library was challenged last year, and Council backfilled it with General Fund money. The Library was challenged to come up with fundraising and additional grants to offset the loss, but they are proposing to make up this year's reduction at the State level by:

--reducing computer operation to six days per week [\$22,000 -- 03/04]

--reducing support/reference services [\$83,000 -- 03/04]

--reducing purchase of books and materials [\$35,000 -- 03/04]

--2 positions vacant, Senior Librarian [\$59,000/\$62,000] and Librarian II [\$46,000/\$48,000]

Overall there would be a 5% reduction in library services. The total savings to the

General Fund would be \$105,000 03/04 and \$110,000 04/05.

Housing and Code Enforcement:

--reduce hours and management time at resource centers and consolidate services at the new Libby Lake Center, which will save \$40,000 [each year] but will also reduce the services and the time spent by the existing assistants at the community resource centers.

--2 Code Enforcement officers positions that will be unfunded and left vacant [\$142,000/\$146,000].

City Manager's Office:

--eliminate the State lobbying contract [\$25,000 each year]

--positions: hold open Deputy City Manager [\$138,000/\$143,000], Administrative Secretary [\$46,000/\$48,000] and .5 Public Information Officer — actually the whole PIO will be gone, but .5 was funded by Water.

Total savings of \$255,000 03/04 and \$264,000 04/05.

City Attorney's Office:

--positions: an Administrative Secretary position has been open for some time — that will remain unfilled and unfunded [\$46,000/\$48,000], and the Attorney position remains unfilled [\$124,000/\$129,000].

Total savings of \$170,000 03/04 and \$177,000 04/05.

City Council:

--reduce subsidies to Special Events 25%, which will require Council to carry a hard line with contributions to Special Events -- there is an \$80,000 budget, and the recommendation is that it be reduced \$20,000 [both years];

--in the 2nd year the recommendation is to eliminate support to Sister City events [\$6,000]. [Total savings - \$20,000 03/04 and \$26,000 04/05]

City Clerk's Office;

--reduce contract services by \$20,000 per year;

--hold open the Administrative Analyst position that is scheduled to retire [\$29,000/\$60,000]. [Total savings of \$49,000 03/04 and \$80,000 04/05]

City Treasurer's Office:

-- reduce contract services by \$15,000 in 03/04 and by \$25,000 in 04/05. They also got together with the Finance Director and are coordinating service functions so there is not a duplication of function.

Financial Services:

--consolidate citywide accounting functions and reduce at least .5 of a position in 04/05, which will save about \$30,000 per year;

--eliminate the retainer for financial advisor -- \$12,000 each year;

--positions: Administrative Services Director will retire this year [\$58,000 03/04 and

\$120,000 04/05].

The total department adjustments, if all of the departmental adjustments are added will result in \$1,928,000 in savings in 03/04 and \$2,275,000 in savings for 04/05.

In addition to those departmental savings, there are the internal departments that will have a variety of savings:

Information Technologies:

--reduce maintenance/software upgrades/support to community resource and computer centers [\$40,000 each year]

--reduce overtime [\$20,000 each year]

--provide intranet to OPD/COC via Cox capital grant [\$25,000 each year]

--review copier/printer needs by floor/building—consolidate and track [\$30,000 each year]

--enhance e-commerce ability [TBD]

--positions: Information Systems Specialist [\$55,000/\$57,000]

Total savings of \$170,000 03/04 and \$172,000 04/05.

Fleet:

--eliminate under-utilized vehicles,, they may be able to do a little better than this [\$75,000 each year]

--2 positions: Mechanic [\$57,000/\$59,000] and Fleet Manager [\$73,000/\$77,000]. Total savings of \$205,000 03/04 and \$211,000 04/05.

The last internal services function is:

Building Maintenance:

--review of the security contract for the Civic Center -- perhaps it is time to bring that in house [\$25,000/year]

--consolidate building maintenance and crafts sections in the 2nd year for an additional \$50,000 savings.

The total Internal Services adjustments are \$400,000 for year 1 and \$458,000 the following year. Unfortunately, they are not all General Fund savings, so we have applied that factor of .75 to show that the General Fund savings would be \$300,000 the 1st year and \$343,000 in 04/05.

The summary for General Fund reductions for Departmental adjustments and the Internal Services is at \$2,228,000 in reductions for 2003/04 and \$2,618,000 for 04/05.

In addition to the General Fund budget, [in the enterprise funds]:

Water Utilities:

--positions: hold open Purchasing Technician [\$41,000/\$43,000], Utility Inspector [\$44,000/\$46,000], GIS Specialist [\$52,000/\$54,000], .5 Public Information Officer [\$46,000/\$48,000].

Airport:

Council has already provided direction to increase the rents at the Municipal Airport to offset staffing costs in order to have full time staffing which will be revenue neutral.

The Committed Expenditure Adjustments are funds to which the City is committed that are built into the long-range projections:

Unfunded liabilities:

--PERS retirement-- is a huge cost [\$1,000,000 03/04 and \$4,500,000 04/05]

--PERS health care is going up significantly even though we do not have those numbers

--800 MHz Radio Operations [\$100,000/\$104,000]

--San Luis Rey River Maintenance — we expect the Corps of Engineers to turn that over to the City in 2004/05; we have not identified any funds for that maintenance [\$350,000 04/05]

--new Senior Center operations, and the amount [\$325,000 04/05] is based on a 12,000 square foot center; not the 30,000 square foot center that was presented earlier.

While the costs for next year are not that significant, they are extraordinary for the following year, primarily because of the PERS retirement cost [Totals \$1,100,000 for 03/04 and \$5,279,000 for 04/05].

The mid-year [committed expenditure] budget adjustments that Council made were:

--increasing the landscape maintenance contracts [\$123,000/\$128,000]

--pay adjustment for entry-level firefighters that was offset by an increase in ambulance fees

--Libby Lake Resource Center debt offset with CDBG funds [(\$100,000)/year]

The total for the mid-year adjustments is only \$23,000 per year on an ongoing basis.

Other budget considerations will be presented on June 18, 2003, along with the General Fund budget. Council will see a resolution and request to increase the solid waste and trash rate by 3.5%, which is a pass-through cost. This is the cost of service that is provided to Waste Management through the contract; if that is not done, the fund will go in the red this year and will have to be subsidized by General Fund funds. In addition to that, the resolution will say that the Cost of Living Allowance (COLA) be an automatic pass-through on an annual or semi-annual basis. The Lighting and Landscape Districts do not have rate increases proposed for 2003/04, but we do have one landscape district that is currently using its reserve funds and that will probably have to be brought back the following year for adjustments. Regarding Harbor/Slip fee increases, the Harbor Department will be recommending a 10% increase effective January 1, 2004. That proposal will be presented on June 18, 2003. They are also recommending that an increase be made automatic as a COLA increase consistent with the consumer price index (CPI); that would occur every 2 years. Business License Fees will also be coming back with a recommendation. The sunset on rate reductions is scheduled for July 1, 2003 unless an action is taken to change that; it will be coming back with a recommendation on June 18, 2003 as well.

Regarding discretionary funding, we still have about \$2,500,000 to make up for 2004/05 primarily because of the PERS cost. The Community Facilities General Fund contribution is the money that funds fire trucks and deferred maintenance for building and parks. That is funded to the tune of \$875,000 per year and also includes funding for landscaping and gateway enhancements. The non-public safety employees cost [COLA + benefits] has been budgeted at 4% a year for 2003 and 2004, and the model also included 2005. That is what is being budgeted for cost of living adjustments and benefits for the non-safety bargaining units. We would expect the safety bargaining units to achieve the maximum of their contract for Police and Fire, which would be 5% a year for the next 2 years. However, there is some discretion with the balance of City employees. The Enterprise Fund interest rates that will be 100% restored in 2004/2005 in Water — we are currently 95% restored in Water and will be 55% restored in sewer; the combination of those 2, even with the slow pace of interest rates at this time, approaches \$2,000,000.

DEPUTY MAYOR SANCHEZ questioned projects that are funded, such as the Chamber of Commerce, and others such as MainStreet.

CITY MANAGER JEPSEN responded we could bring those to Council at the next meeting. There are contract commitments for next year, even though most of the contracts allow an out; if an adjustment needs to be made, it can certainly be done. We have sufficient funds for those programs for next year but not for 2004/05. A decision needs to be made with regard to those going forward beyond the next fiscal year. They also have an animal control contract, which is substantial, but there is an obligation to do animal control. Staff will put a list together and bring it to Council on June 4th.

The intent was to get this information out and to come back to a Workshop on June 4th; allow the public to have input, as well as the bargaining units or anyone else that wants input on the budget proposed changes, moving forward for next year and then for 2004/2005.

PUBLIC INPUT

KAY PARKER, 4377 Albatross Way, indicated that she would like to speak to 3 items. She is speaking as an individual. Overall it is known that there have to be cuts, consolidations and economies, and every department needs to be means tested regarding the service that is being delivered to the public. The only thing the City has to offer is service. That is what the taxpayer pays for. She expects that overall the top priority would be on public safety -- police and fire and their ability to deliver and function and live in this City. That means the ability to afford to rent or purchase a home. There is a housing crisis in this City, and it is touching those people who are serving the community in an emergency. The next most important thing to fund is the streets to keep them in a safe condition because there are liability ramifications if they are not. She has some ideas on how to consolidate and cut some costs on Commissions and Committees, and she would be happy to talk to staff about that. She feels that it is important to maintain the commissions, but they are dedicated people who will find a way to cut costs and help to reduce the cost of maintaining the commissions. There are some that can be consolidated, but there are ways to cut the costs of supporting them. We do not have to have the Appreciation Lunch; we know we are appreciated and don't look for gratification; our gratification comes from knowing that we have helped our community. She would like to suggest that there absolutely be no cuts to the Legislative Aids for the Councilmembers; they are the connection to the voters and the public and provide a valuable service.

The main thing that she wants to talk about is that the Redevelopment Project Area owes approximately \$4,500,000 to the Housing Fund. During the 1980s it was permitted for a 20% set aside of the Redevelopment Project Area for low- to moderate-income housing be deferred; it was allowed by the State. That law has changed and the deferment is no longer allowed. We are on a schedule to repay that money, and the first year she has been reassured that there is \$70,000 to come back to the Housing Department and to begin the repayment schedule. She is asking that the repayment schedule be accelerated. She bases this on the fact that it is a benefit to the Redevelopment Project Area to reduce the debt liability, and at the same time she recalls

that there is no interest on that money and it has been deferred for several years. Because there is increased revenue from the Redevelopment Project Area, with the row homes, etc., please recognize that when this repayment schedule was set up, you were not harvesting that money and asset. You now have it and have an opportunity to increase the economic viability of the Project Area by reducing the debt.

On the Housing end, there is \$10,000,000 sitting there, but that will not buy but about 10 houses. She is also concerned about the attrition in law enforcement.

JIMMY KNOTT, 124 Sherri Lane, stated this is a reasonable proposal, but he sees that it is the best-case scenario. He questioned if there is a contingency plan for the worst-case scenario. Also, not considered was the potential impact of going from a 5-day work week to a 4-day work week for City government. The second thing is looking at early retirement enhancements. Regarding permits and plans, there is less than 19% of available land in the City, and those are not prime locations. That is part of the reason that the revenue source for permits and plans is going away. The skate park is adjacent to and is still associated with the Watkins development -- that may be going rapidly. What is the return that the City gets from the State Lobbying contract. We should look at consolidating Fire and Police as much as possible. A Citywide flood control district needs to be looked at, as well as an emergency communications district, which is unfunded at this time. These would benefit everybody, so everybody should equally contribute. Additional grants should be obtained; there are many grants that are available from private industry, these should be pursued.

Public Input Concluded

COUNCILMEMBER CHAVEZ requested that representatives from the unions be present at the next Workshop in June. They would add to the workshop and keep faith with the original agreements.

The second issue is to understand the numbers for PERS. He understands that PERS is tied to the economy, and since the economy has been bad for the past 2 years, there have not been the expectations that are desired. If the economy turns around, would the projections for PERS be as dire?

MS. SWINDELL responded that PERS is projecting from this point on, to continue to assume an 8¼% investment return, which has been about what the average has been. They have earned over the past 15 years a 9.4% average annual return, but the impact of the 2 and possible 3 years of reduction has been significant. If the market returns exceed that 8¼%, there may be some long-term improvement in rates. She did not think in the near future we can expect any improvement; in fact if things do not turn around quickly, we will continue to see an erosion of the rates.

COUNCILMEMBER CHAVEZ continued that in the area of revenue, he noticed that property taxes were at \$19,000,000 and sales taxes were \$14,700,000. There have been a lot of good things done to change the City as far as economic diversity, but looking back a couple of Council meetings, there was someone that presented a housing project that took over 3 years to get through to the Council. When he was talking with the people at IDEC, they told him they were able to do their project in 2 years, and that was major project. His question was, what changes can be made in the process within the City and the staff to streamline these projects to increase the tax flow and bring money into the City.

CITY MANAGER JEPSEN answered that it is certainly something that he is concerned about and felt like an effort had been made to streamline the process, although it concerns him when he hears that it has taken 2 or 3 years to get projects approved. Although there are examples of that, he does know that they have made concerted efforts to streamline and provide developers an opportunity for early reviews. We can continue to look at that and possibly consolidate some of the departments to make that more effective. There are regulations that are required, beyond the City's, which the developers have to meet. As we do infill areas and deal with areas that have sensitive habitat, that is going to

become more time consuming. Once you move into the coastal region, there are requirements of the Coastal Commission, and we have worked on projects there for several years. It is all part of the public process, and that is generally what is taking the time, not the time that it takes for the City to review the plans, turn them around and give them back to the developers. We will see what we can do internally, beyond what is being done.

COUNCILMEMBER CHAVEZ knew that the public process had to be considered, but they also need to look at some of the processes that take a long time to get through the City and then look at the IDEC process, which was so fast tracked. When the issues are resolved in the Redevelopment Area for the Beach Resort, hopefully that can be moved rapidly and not cause any unnecessary loss in tax revenue.

As he was looking through the charts he broke down the activities and services that were being recommended to be cut and the activities/services that were being reduced. Those being dropped are lobbying, tree maintenance and the North County Convention Bureau. The activities that were being reduced or cut back are resource centers, computer classes for the Library, purchasing of books for the Library, special events, and summer work programs. Beyond that it appears that people are being sliced out of areas; that means that the work is still going on but with limited/different people, which is okay because that is where the savings are. As we go to the next phase, we are looking at activities, processes within the activities, the resources with them and to redefine them to capture long-term savings. In summation, his concern is that we do look across the stovepipe because he noticed that the Geographical Information Services (GIS) was being cut, and he thinks that GIS is one of those projects that would go across departments to touch everyone in the City and help to move the City into the future. He realizes these are tough times but hopes that we do look across the stovepipes/activities and relate them to the money. We should also look into how many vehicles the City has; this could be where some savings would be.

CITY MANAGER JEPSEN responded to Councilmember Chavez's comments that the reduction in street tree maintenance is less than 10% of the program. It is actually a \$350,000 per year program. He also feels that the GIS program is important. There are 3 positions in the GIS program, one of which has never been filled, and he is simply asking that they continue to hold on that one position. In regard to the items that were presented, we did have goals as we considered these items. One of the main goals was to provide for continuation of front line services. Most of the positions that are being held are other than front line service provider positions. There are some, but there are a lot of management and executive positions that will be held and probably will never be filled again. It is difficult to select those things, and he thinks that what has been provided does continue the focus on public safety. They were not hit as hard as other departments. Possibly there are some areas for further scrutiny that is outside of the area of uniforms, but he feels that this presentation fairly reflects the priorities and services that have been given consideration by the Council. That is why he wants to get the information out to the public so that people can start looking at it. If they have some other ideas or some areas that they feel strongly about, he would encourage them to address Council on June 4.

COUNCILMEMBER CHAVEZ said that for the Planners being cut and in looking at the timelines, he was wondering what the impact would be. Maybe we are streamlining the process so it is good to let the Senior Planner go; you want to lean out an organization from the top because that is where the money is. His concern is that Planning is a very important area in redesigning the City, and that is an area that is being cut. We need to be investing and streamlining Economic Development, Planning and those entities that bring revenue into the City.

DEPUTY MAYOR SANCHEZ wanted to address the issue of streamlining approval projects. She recalls that when Mr. Gilbert came before them, he did indicate that there have been improvements in streamlining. The City does not have control over when a developer decides to actually submit their proposed plan to the Planning Department; they have a number of things that they have to do to comply with laws. She feels that the staff has done an excellent job in turning around proposals/plans. Her question is regarding proposed cuts. It sounded as if it would not be affecting current employees; in other

words we are not talking about actual lay offs.

CITY MANAGER JEPSEN answered affirmatively, and we would also hope that we could avoid that with the proposal that we will be presenting in 2004/2005.

DEPUTY MAYOR SANCEZ clarified that in terms of eliminating positions, this would be done by attrition and/or by not filling positions that are vacant.

CITY MANAGER JEPSEN responded that is correct.

DEPUTY MAYOR SANCHEZ continued that once we include the miscellaneous contracts, will everything that the City spends a penny on be before the Council once those contracts are brought forward?

CITY MANAGER JEPSEN believed so; he couldn't think of anything that was missed. We included the Enterprise Funds, although we are not giving them the same level of scrutiny that is given to the General Fund.

DEPUTY MAYOR SANCHEZ inquired about the revenues for the plan check. To what extent, if any, did either fee waivers or incentives that the City provided affect the revenues?

CITY MANAGER JEPSEN stated that the City Council had provided incentives to IDEC Pharmaceuticals, which will be recovered, and then some in property tax. An inspector who was dedicated to that project was also funded, which was \$100,000 for a year.

DEPUTY MAYOR SANCHEZ asked that in terms of those incentives is that what is being reflected in the budget that we have before us?

CITY MANAGER JEPSEN replied that the money would have come out of the Reserve Funds that was displayed earlier today, and it would have been in this year's current budget, not next years.

DEPUTY MAYOR SANCHEZ asked if there were any economic incentives that would be appearing for next year's budget?

CITY MANAGER JEPSEN reported that there are none at this time. If something were to be proposed that provided a positive return over an extended period of time similar to IDEC, it could be considered and brought before Council as a discretionary decision.

DEPUTY MAYOR SANCHEZ stated that in the last couple of years there have been some discussions about how to cut costs, especially when energy issues were addressed. There were some suggestions about looking towards solar, and there were to be some demonstration projects regarding lighting. Have any of these projects been successful?

CITY MANAGER JEPSEN responded no, the technology and the cost level of the technology worked for that brief period of time when the energy companies were taking advantage of everyone. When the cost dropped back down, the incentive to look at alternative energy also declined.

DEPUTY MAYOR SANCHEZ knew that there were some challenges on the horizons that would affect our budget. One of the proposals is for consolidation of fire services creating a regional fire service; this may cost us more or in the long run cost less. There have been some requests to address recycling issues, trying to cut costs in that sense. If there are other ways that can be looked at to do things differently, though it may take some time to realize savings, perhaps this is the time to look at those alternatives.

COUNCILMEMBER WOOD stated that we were expecting some budgetary cutbacks from the State and this seems to be a little lighter than expected which is a positive note. He knows that the important things in the City are economic development, a way to pay for all of these services, and quality of life, which is very important to the people who live in or want to live in the City. Along that same line, quality of life comes down to services that we provide to all of our citizens. This really comes down to the staff, which means employees. With part of this budget he is concerned that there are no cost increases for our labor force/employees. We have seen increases everywhere in their cost of living, medical costs, etc., everything goes up and they don't seem to quite meet the increases. We hear from all of our labor organizations about the cost increases and the cost of living in the Southern California area, so he is concerned that this has not been figured into the budget over the next few years. This town does not function without our labor force; those are the people who provide all of the wonderful services. That is something we need to consider, and somewhere down the line these factors are going to come into play. Mr. Knott mentioned something that he did not know the cost factor on -- 4 day work weeks. He asked for feedback from staff regarding any kind of savings that the 4-day week work schedule might have.

CITY MANAGER JEPSEN responded that the 4-day work week that most cities have implemented is what they call a 9/80, which would provide for 1 day off every 2 weeks -- usually a Friday. They have coordinated that so that they basically shut down non-essential public services on that extra day. The savings are actually pretty minimal for those communities, and typically they were negotiated at a time when the economic conditions were not favorable in the past. It appears that that could happen again. It is something that Council could consider; he sees it as a benefit to the employees. Although there is some loss to public service in the fact the City Hall is closed every other Friday, it is a way to give something back to the employees if you are not able to reward them financially.

He would like to address the cost increases for labor; the budget does include a 5% for public safety increase for the next 2 years. The budget for next year and the projections thereafter are 4% for non-safety. This does not address a concern that Councilmembers have with regard to the fact that Oceanside is not at the parity level with other cities with primarily police and fire services. When negotiations roll around at the end of 2004/2005, we will need to address how to close that gap. This gap or some increment of it needs to be addressed.

COUNCILMEMBER WOOD understood that at the end of the contract it is possible that the City would be looking at double digit pay raises for some of the employees, which could be a big cost factor. These are the people that make the City run. He is not quite sure that he understood the 4-day workweek -- does the City save money?

CITYMANAGER JEPSEN indicated that it does not save the City any money.

COUNCILMEMBER WOOD stated he was in Public Safety for many years, and he thinks that there is confusion when people say don't cut public safety, police and fire in particular. He thinks the concern is for the first responders -- the people in uniform. He thinks there are other things within their budget that can be addressed, whether it is staffing levels and/or equipment, cars/vehicles or whatever. He does not think that they should be left out of the concept; he does not want to address public safety at all, but all of the other departments in the City have to give their fair share and some more than their fair share. He thinks that there is some money there that could be addressed and not phase public safety or first responders. He would like that also considered.

COUNCILMEMBER FELLER understood this presentation was for basic information, and that they would see the whole thing on the 4th and the 18th.

He wanted to touch on incentives; if incentives are not offered to businesses they could go somewhere else. The benefit of issuing incentives is great.

In regards to reducing the hours of operation, it is known that if there is a 9-day every 2-week workweek, it reduces the number of hours that the people are working. There is also a 2-week non-paid plan at Christmas; many businesses do that, but he does not feel that it is right.

MAYOR JOHNSON questioned, other than the cities of La Mesa and Escondido, are there any other cities in the county that have alternating closures of Fridays.

CITY MANAGER JEPSEN responded that there were quite a few including Vista, Escondido, and Encinitas. A lot of cities implemented the practice during the downturn in the early 1990s.

DEPUTY MAYOR SANCHEZ said that in terms of the alternating Fridays, she knew that one of the concerns was providing service to people. She ended up at the DMV on the one Monday that it was closed because they were opening 1 Saturday a month. There was a long line of people frustrated and disgusted. It cuts both ways.

Her questions regarding the revenue shortfall in the plan check and inspections were more to get to the bottom of why they had dipped.

Whether she agrees or disagrees with incentives for builders, obviously the City is growing. There are more houses such as the Morro Hills Development, with 1,000 more homes coming in. That means more services. In the long run the population will be increased dramatically, and yet how does the City meet the needs for that growth. We have not addressed that at all at this workshop, and she thinks that is what we really need to do. At what point do we balance our growth with the ability to provide services. People do not want increases in their water bills because we have another 1,000 people moving in. How can growth pay for itself; that is the big issue to answer.

COUNCILMEMBER WOOD stated that the 4-day work week would be a way of giving something back to the employees; it would be a day off every 2 weeks, and that is something to consider other than the cost savings. He wants the public to understand that it does not affect police or fire; they have set hours with their contracts, which are either 3-12's or 4-10's. The 4-day work week will not affect the public safety arena.

2. **Public Communication on City Council Matters (Off Agenda Items)**

THOMAS J. DEMPSEY, 3641 Esplanade Street, stated that over the weekend he had been solicited to sell his home. He was given a handout listing 9 homes sold in his area from \$309,000 to \$360,000. In 1968 he paid \$19,000 for his home. Speaking about the blockade to school access 200 yards down Esplanade Street at College Boulevard, June 12, 2003 is the last day for this term at the Vista Calaveras School. Esplanade Street has been blockaded since September 1999. For years many lies have been told to keep the pedestrian access from being used as a public right-of-way at Esplanade Street and College Boulevard. There are no parks or recreation nearby for the neighborhood. Sunset Apartments has a tot lot and a pool and one entrance on College Boulevard.

He asked the Council to please put the pedestrian access on Esplanade Street at College Boulevard on the agenda prior to September 2003. Opening the pedestrian access for the school children will enable them and others to walk up College Boulevard without having to climb a block wall and fence at Esplanade Street. It is time for the City Council to resolve the pedestrian opening prior to the beginning of the new school term in September 2003 and not delay it until June 2004 for Carlsbad to maybe remove the street barricades from College Boulevard when McMillan may have completed College Boulevard with Cannon Road in Carlsbad.

JEAN KUJAWA, 4914 Glenhaven Drive, lives in the Vista School District. She mentioned the homes that are being built on Darwin Street and questioned how many homes it takes to get a recreational area. There will be more homes on Melrose Drive, and it seems that all recreational areas are in the Oceanside School District; after-school programs all function through the parks in the Oceanside School District. That has to stop

because the people in her area need to get something for their tax dollars; they are getting absolutely nothing. Why shouldn't we have the same quality of life as any other citizen living in Oceanside. El Corazon is the best place to put a Senior Center. She realizes the advantages, and if the Senior Center is put there, they won't need to worry about money; she will see that the money is there for the Senior Center. She will work and get the money because she knows that the money is there. Oceanside Boulevard has generated more money for the City than any other street, so it's time to give back.

All special interests groups should raise their own money to fund their special interest. They should go out and start fundraisers if they want special interests because she doesn't think that all of the people in Oceanside really appreciate the City's spending money on private interest groups.

JIMMY KNOTT, 124 Sherri Lane, requested that a letter be sent from Oceanside's City Council to Carlsbad's City Council to do something. Carlsbad put the barricades on the sidewalk. The one thing that the City of Oceanside has done is that the sidewalks are not blocked. It would not take that much to move those k-rails off the sidewalks. If Carlsbad is concerned, as Mayor Lewis has said, about vehicular traffic coming down the sidewalk, a couple of pylons strategically placed and offset could block that. With the Council recommendation this could be solved in a matter of hours.

ADJOURNMENT

MAYOR JOHNSON adjourned this Workshop to a Mayor and Council Workshop Wednesday morning 10:00 AM, June 4, 2003. This meeting was adjourned at 11:37 AM.

ACCEPTANCE BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

MARCH 19, 2008

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

4:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL), HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND COMMUNITY DEVELOPMENT COMMISSION (CDC) - REGULAR BUSINESS

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Rocky Chavez

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

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

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 at 4:01 PM, March 19, 2008 by Mayor Wood.

4:00 PM - ROLL CALL

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

CITY COUNCIL, HDB, and CDC CLOSED SESSION ITEMS

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

CITY ATTORNEY MULLEN titled the following agenda items to be heard in closed session: Item 2A(1), 2A(2), and 2B. [No closed session on Item 1.] See the report out on this item at 5:00 PM, Item 3.

Closed Session and recess were held from 4:03 to 5:00 PM.

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

5:00 P.M.

Mayor Wood reconvened the meeting at 5:01 PM. Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller, Sanchez and Kern. Also present were City Clerk Wayne, City Treasurer Jones, City Manager Weiss and City Attorney Mullen.

Pastor Carl Souza gave the Invocation. Oceanside Valley Little League members led the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

The following presentations were made:

- Presentation – Women’s Resource Center Spanish Language Website
- Presentation – Ironman Triathlon
- Presentation – Mayor’s Youth Sports Recognition and Appreciation Award – Oceanside Valley Little League/AAA Diamondbacks

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported out on the following items previously discussed in closed session:

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

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

No closed session was held.

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

A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9)

- 1. Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: one case (litigation threat by Mark Gilman)

Item was discussed; no reportable action to report under the Brown Act.

- 2. Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: one case

Item was discussed. Council, in closed session, authorized the filing of a petition with the Commission on State Mandates and a subsequent petition for writ of mandate in Superior Court with other co-permittees pursuant to the NPDES permit to seek recovery of certain expenses for the implementation of that permit [Document No. 08-D0110-1 (Memo of Agreement with our other co-permittees)]

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

Morgans v. City, Superior Court Case No. GIN048923

Item was discussed; no reportable action at this time.

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**

4. Communications from the public regarding items not on this agenda

GEORGEO KERPANI, 315 South Nevada Street, had his ATM account stolen. They stole his number. He cautioned others on the use of their number and gave prevention ideas.

CONSENT CALENDAR ITEMS [Item 5-16]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC or the public through submittal of Request to Speak form prior to the commencement of this agenda item.

The following consent calendar was submitted for approval:

5. 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:

April 8, 2003, 10:30 a.m. Adjourned Meeting of the City Council
April 30, 2003, 2:00 p.m. Adjourned Meeting of the City Council
August 8, 2007, 4:00 p.m. Regular Meeting
6. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. Council: Approval of a purchase order in the amount of \$110,000 to Escondido Asphalt of Escondido for the purchase of asphalt products for the Public Works Department; and authorization for the Financial Services Director, or designee, to execute the purchase order
8. Council: Approval of a purchase order in the amount of \$66,882 to Sancon Technologies, Inc., of Huntington Beach for the rehabilitation of approximately 588 feet of sewer pipeline along two railroad easements at South Pacific Street and Eaton Street, and authorization for the Financial Services Director, or designee, to execute the purchase order
9. Council: Approval of a purchase order in the amount of \$107,341 to San Diego Gas & Electric Company for construction of new underground gas and electric utility service lines and facilities for the El Corazon Senior Center, and authorization for the Financial Services Director, or designee, to execute the purchase order; and authorization for the City Clerk to record a utility easement [**Document No. 08-D0111-1**] with the San Diego County Recorder granting San Diego Gas & Electric Company the right to place the utility facilities on City property to serve the El Corazon Senior Center and future uses at El Corazon
10. Council: Approval of a professional services agreement [**Document No. 08-D0112-1**] with Siemens Water Technologies Corporation of La Mirada in the amount of \$215,277.27 for the manufacture, delivery, installation, and setup of a Granular Activated Carbon (GAC) System for Trichloropropane Removal at the Mission Basin Groundwater Purification Facility; approval of a 36-month lease agreement [**Document No. 08-D0113-1**] in the amount of \$893,874.96 for the use of the GAC System; and authorization for the City Manager to execute the agreements

11. Council: Approval of a three-year professional services agreement in an amount not to exceed \$124,544.16 to Mission Linen Supply of San Diego for uniform rental and cleaning services for various Water Utilities Department facilities, and authorization for the City Manager to execute the agreement [**Document No. 08-D0114-1**]
12. Council: Approval of budget appropriations in the amounts of \$52,687.44 from the Unallocated Park Fees 598 Fund and \$600,000 from the unallocated balance in the Drainage Fee account into the Mance Buchanon Park project account for project expenditures
13. Council: Acceptance of grant funds in the amount of \$96,054 from the San Diego County Air Pollution Control District awarded to the City of Oceanside to fund the retrofitting of diesel engines to meet clean air compliance standards, and approval to appropriate these funds to the Public Works Department; approval of a purchase order in an amount not to exceed \$195,000 to Ironman Parts and Services for the retrofitting of specific diesel engines; authorization for the Financial Services Department, or designee, to execute the purchase order; and authorization for the City Manager to execute grant documents [**Document No. 08-D0115-1**]
14. Council: Adoption of **Resolution No. 08-R0116-1**, "... establishing certain traffic controls within the City of Oceanside ("20 Minute Loading Zones")", a 24-hour a day 20-minute loading zone on the east side of Myers Street, beginning 38 feet north of and ending 100 feet north of the centerline of Pier View Way
15. Council: Adoption of **Resolution No. 08-R0117-1**, "...approving and implementing the Memorandum of Understanding between the City of Oceanside and the Oceanside Harbor Police Officers' Unit", effective January 1, 2008, through December 31, 2009 [**Document No. 08-D0118-1 – MOU**]
16. Council: Authorization to award a contract [**Document No. 08-D0119-1**] in the amount of \$2,367,000 to Orion Construction, Inc., of Vista for the La Salina Wastewater Treatment Plant Upgrades-Phase 1 project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents; approval of a professional services agreement [**Document No. 08-D0120-1**] with Infrastructure Engineering Corporation of Oceanside in the amount of \$355,530 for construction management and inspection services for the project, and authorization for the City Manager to execute the agreement; and approval of a budget appropriation in the amount of \$450,000 from the Wastewater Expansion Fund to complete the funding for the project

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar [Items 5-16] as submitted.

COUNCILMEMBER KERN seconded the motion.
Motion was approved 5-0.

GENERAL ITEMS

General Items are normally heard after any 6:00 p.m. Public Hearing Items. However, if time permits, some General Items may be heard prior to any 6:00 p.m. Public Hearing Items, following the Consent Calendar.

19. **Council: Authorization for staff to negotiate the terms and conditions of an agreement with Airport Property Ventures of Los Angeles for the development, design, construction and operation of facilities at Oceanside Municipal Airport**

COUNCILMEMBER KERN wished to pull this item and send it back to the Transportation Commission. There was some confusion at the Transportation Commission meeting last night regarding the airport. A couple of requests is that it be a 25-year proforma by both companies presenting and a 40-year run out; that both companies actually present at the Commission meeting and then forward their recommendations on to the next City Council meeting. He **moved** to remove this item from the agenda (and refer it back to the Transportation Commission).

DEPUTY MAYOR CHAVEZ seconded the motion.
Motion was approved 5-0.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

27. **Adoption of Ordinance No. 08-OR0123-1, "...amending Chapter 2, Article I, Section 2.1.64(d) of the Oceanside City Code regarding appointments to City Boards, Commissions or Committees",** regarding the mayor providing the name of nominees at least 72 hours before the meeting at which the appointment will be considered. (Introduced March 5, 2008, 5-0 vote)

Following the titling of the ordinance, **DEPUTY MAYOR CHAVEZ moved** approval [of the ordinance];
COUNCILMEMBER KERN seconded the motion.
Motion was approved 5-0.

21. **Council: Introduction of an ordinance amending Article 14, Section 14.1 of the Oceanside Traffic Code by the addition of subsections 81 to 85 to establish various speed limits on various City streets**

PAUL PACE, Transportation Operations Supervisor, stated this is introduction of an ordinance to establish speed limits on 5 different roadway segments, which are:

- Plaza Drive from College Boulevard to Thunder Drive recommended for a 35 MPH speed limit
- Foussat Road from Highway 76 to the Foussat bridge, recommended for a 40 MPH speed limit
- Foussat Road from the base of the bridge to Rivertree – for 35 MPH speed limit
- Corporate Center from Oceanside Blvd. to Ocean Ranch Blvd. – a 40 MPH speed limit
- Rancho del Oro Drive between Oceanside Blvd. to Mesa Drive – a 50 MPH speed limit

When we recommend speed limits for these streets, the California Vehicle Code requires that we do a traffic engineering and speed survey for these roadways. Staff has conducted this information, taken samples of the traffic, reviewed collision information and the roadway conditions and has come up with these recommended speeds. These have been reviewed under existing conditions.

In response to Councilmember Feller, Mr. Pace stated that in the future when any conditions change, staff can do other surveys and, if needed, change the speed limits.

In response to Councilmember Sanchez, he explained that this did go to the Transportation Commission. We will sign this area and work with people on these new speed limits.

COUNCILMEMBER KERN moved to introduce the ordinance, "...amending Article 14, Section 14.1 of the Oceanside Traffic Code by the addition of Subsections Eighty One (81) to Eighty Five (85) to establish various speed limits on various streets."

**DEPUTY MAYOR CHAVEZ seconded the motion.
Motion was approved 5-0.**

20. **Council/CDC/Harbor: Consideration of Amendment 2 in an amount not to exceed \$50,000 to the professional services agreement with MainStreet Oceanside, adding to the scope of work the provision of services and activities for July 4th, 2008; approval of additional expenses not to exceed \$50,000 for City-paid July 4th, 2008, services and activities in a total additional outlay not to exceed \$100,000, and authorization for the City Manager to execute the amendment, if desired**

KATHY BAKER, Redevelopment Manager, stated this is a follow-up item to the Council meeting of February 19. During that meeting, the Police Chief made several recommendations. Council agreed to fund the fireworks, and Redevelopment has already entered into a contract for both the barge and the pyrotechnics. Before Council tonight, as part of that recommendation, is for MainStreet to come up with a program of activities at various locations along The Strand so that those areas are occupied with either retail/food vendors or some kind of activities.

MainStreet put together a plan for the 4th of July that includes the vacant parking lots on the Strand, the Pier Plaza, the amphitheater, Seagaze Park and Tyson Park. MainStreet's proposal is broken into 4 categories, which include:

- entertainment [\$21,046]
- guest services [\$19,532]
- venue maintenance [\$41,549], and
- other [\$ 9,305]; totaling \$91,432].

The maintenance provides additional toilets and trash pickup because of the huge volumes of people. MainStreet has been supplementing additional trash pick-up, etc. It would include the cleaning afterwards, security and fencing. The 'other' category is signage, banners and advertising.

The item before Council is an amendment not to exceed \$50,000 to the existing MainStreet professional services contract, adding to their existing scope of work, and approval of additional expenses not to exceed \$50,000 for City paid services for a total City outlay not to exceed \$100,000. We are asking for Council direction on how to proceed.

Public Input

RICK WRIGHT, Board Chair of MainStreet Oceanside, noted there seems to be confusion about this issue. MainStreet has been in charge of the hospitality component for the last 5 years. The expenses presented tonight are similar to the expenses we have incurred putting on that hospitality component; the main difference being that at Council's workshop Council eliminated the revenue side of our activities; that is the revenue from the street fair and the carnival covered all the extra services that we provided. MainStreet is charged by Waste Management for the trash produced which they said was 5.6 tons of trash. We provided security services, trash pick-up, etc.

DICK BARTLETT, Board member of MainStreet Oceanside, wants to make clear that MainStreet is not being compensated; we are being reimbursed for the hard costs associated with what the City wants. This is driven primarily by police. To use Tyson Park as an example, the police said they would like the Park fenced, secure, have entertainment and have a controlled environment. We are talking hard costs only; not any of MainStreet's time/volunteer hours.

COUNCILMEMBER SANCHEZ noted that the report says we have already agreed to \$50,000 for the fireworks. Then it says they are asking for an additional \$100,000. She asked if this includes the 100 extra police officers we will hire for the day

from outside the Oceanside Police Department.

CITY MANAGER WEISS stated the staff costs, which include the additional officers that Chief McCoy had mentioned to you, are not part of this \$100,000. This money is for the hard costs associated with the vending opportunities, the entertainment, etc. So this is just to reimburse MainStreet for those expenses associated with the additional activities at Tyson Park, Betty's Lot, the amphitheater and the Pier Plaza areas.

COUNCILMEMBER SANCHEZ questioned whether any profits made by MainStreet would go into paying back the City for these expenses.

CITY MANAGER WEISS noted that MainStreet has estimated that only about \$13,000 will be generated, which is not significant. He believes that MainStreet in the past has had a multi-day event, and it may be possible for the City to work with them for next year to look at doing a multi-day event that would generate sufficient revenues to offset those costs.

COUNCILMEMBER SANCHEZ asked what costs we are talking about for this one day, including the extra personnel we will be hiring for the day and this \$150,000.

CITY MANAGER WEISS believed the number provided at Council's workshop was close to \$300,000 for staff costs, so with the additional amount, we are talking close to \$500,000 for the one day. A good portion of that will be spent anyway whether there are activities or not. We will have Police, Fire, Public Works and Harbor and Beaches Departments' staff on duty that day, so those costs will be expended by the City anyway.

COUNCILMEMBER FELLER reiterated that the staffing costs in the past have been similar to what we will expend this year, as confirmed by the City Manager. He noted that regarding collecting money, the Oceanside Jaycees have graciously accepted the fundraising effort for the fireworks to help cut these costs. He **moved** approval [of Amendment #2 to the MainStreet professional services agreement (**Document No. 08-D0122-1**)].

DEPUTY MAYOR CHAVEZ seconded the motion.

COUNCILMEMBER KERN noted that a request for contributions will go out in the water bill. This item is because we took away MainStreet's revenue source, so he did not think there would be any excess profits.

COUNCILMEMBER SANCHEZ noted her concern for the costs for one day. The additional police personnel and getting people from outside to come in is a new expenditure. She has real concerns about spending \$500,000 on one day. When we have to cut \$2,000,000 from next year's budget, this is not the time to spend this kind of money on a single day.

MAYOR WOOD would support this because we had a workshop on this item. He brought it up because of the safety of our citizens and the visitors to our town on the 4th of July in light of previous problems and certainly the cost factor. We seem to be the only beach community to the north that has this event for fireworks. It was for our citizens; however, we get people from Orange, Riverside, San Bernardino Counties, etc., and some of that cost is passed on to our citizens. There is concern about the financial situation with the State of California. This is an expensive day, but it seems to be a positive thing. We should not penalize MainStreet because of this, but we still need to review this after this next 4th of July to see if we are still interested, based on the event's safety and cost aspects.

Motion was approved 4-1, with Councilmember Sanchez voting no.

[Recess was held from 5:56 to 6:07 PM.]

6:00 P.M. – PUBLIC HEARING ITEMS

Public hearing items are “time-certain” and are heard beginning at 6:00 p.m. Due to the time-certain requirement, other items may be taken out of order on the agenda to accommodate the 6:00 p.m. public hearing schedule.

16. **[CDC: Consideration of a resolution approving Tentative Parcel Map (P-202-07), Development Plan (D-202-07), Variation (V-202-07) and Regular Coastal Permit (RC-203-07) for construction of a four-unit multifamily development located at 702 North The Strand – Applicants: Bob Sachs and Gideon Mann – This hearing, continued from Wednesday, March 5, 2008, is being pulled from the agenda, and will be re-noticed for a future meeting]**

This item was removed from the agenda [as noted]

18. **Council: Consideration of an appeal of the Planning Commission’s decision (Planning Commission Resolution No. 2008-P05) to deny Development Plan (D-7-07) and Conditional Use Permit (C-12-07), and a Councilmember Call for Review of the Planning Commission’s decision to adopt the Final Mitigated Negative Declaration (MND), both of which are associated with the proposed development of a concrete mix plant and materials handling operation, and the installation of a 12,000-gallon aboveground fuel tank located at 2847 Industry Street – Robertson’s Oceanside Concrete Mix Plant – Applicant/Appellant: Robertson’s**

- A) Mayor opens public hearing – hearing opened
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – disclosures reported
- C) City Clerk presents correspondence and/or petitions – much correspondence received
- D) Testimony, beginning with:

JERRY HITTLEMAN, City Planner, gave the staff report, stating this item is for a development plan, conditional use permit and a Mitigated Negative Declaration (MND) for this ready-mix plant. For background, the Planning Commission heard this item on January 28 and approved the MND by a 5-2 vote, but denied the project. There are 2 appeals before Council: the MND was appealed by a Councilmember, and the project was appealed by the applicant.

The project is located just north of Loma Alta Creek and the Sprinter railroad tracks along Industry Street at the end of Foussat. The site is 2.95 acres. The existing use is Oceanside Truss. The site has a General Plan and zoning designation of General Industrial, which does allow this type of plant. The conditional use permit (CUP) is only for the 12,000 gallon aboveground fuel tank. The proposal is to build a ready-mix batch plant. The hours of operation would be from 6:00 AM to 6:00 PM Monday through Saturday. Production would be about 120 trucks a day. There is on-site parking, and the CEQA document is an MND.

He further detailed the site location. The site is surrounded on 3 sides by heavy industrial zoning and uses. Regarding surrounding zoning, there is the Loma Alta neighborhood with some residential single family, commercial and some high density residential to the north along Oceanside Blvd. To the south there is the area recently designated as open space for the Eternal Hills project; some City-owned open space up a hill with topography; and the residential in the Fire Mountain neighborhood, which is approximately 250-500 feet away to the south.

The users directly adjacent to the site are Mastertech Automotive, which is directly north; Mission Linen Supply is to the west along with a vacant piece; Oceanside Truss is the project site; Palomar-Vulcan Materials facility is to the east; and to the north is an SDG&E lot, and the Waste Management recycling is almost directly north of the entrance. He displayed computer slides of the existing location with existing buildings;

using the outdoor site for outdoor storage; their operations go up to the creek with a slight bit of vegetation next to the creek and some riparian vegetation in Loma Alta Creek itself. He further reviewed pictures of surrounding industrial uses.

The site plan was displayed. To highlight buildings/features, it will have a 30-foot high materials storage building as shown, which would be approximately 9,400 square feet. The batch plant will be 40 feet; however, there are 2 concrete silos that will go up to about 65 feet. Both of these structures are enclosed; the batch plant actually has garage doors that will be closed when a truck goes in, for noise/air quality purposes. The facilities are enclosed in a building. He depicted the sales office location of about 1,000 square feet. Trucks will come in as shown off Industry Street and circulate around the building either to the aboveground storage tank for fueling or through the batch plant. There will be about 15 parking spaces for employee and truck parking and 2 spaces plus one handicapped space for employees in the sales office.

We do have a special condition placed on this project that will require this to be the point of sales for anything that comes out of this plant, any concrete that is produced here. So we will capture the sales tax and a way to ensure that through Condition 88 as listed in the draft resolution.

Other features are the Loma Alta Creek to the south, which is already in an easement, so it is protected. They will have a 50-foot biological buffer that will be totally planted with coastal sage scrub species. Then there will be another planting buffer that will be totally planted. We have a condition that requires full planting, which will add up to a 100-foot buffer for the project. This is important because it is actually required by the Loma Alta Creek Watershed Management Plan and our Subarea Plan. They also have a detention basin that will capture any runoff from the site. As a matter of fact, they have a detention basin around the entire site to capture any extra runoff during a storm event; even low flows will be captured here and will all be recycled through the plant. The only time any water will come off the plant into the creek will be during a storm somewhere around a 100-year flood event, and at that point everything will be wet. All the low-flow and any pollutants coming from the site will be captured. We are anticipating only typical parking lot pollutants, such as oil, gas, etc. It is an enclosed facility so we do not expect much dust, etc., but they will have a sweeper that will clean up the area to make sure that no sediments, etc., go into the creek. The cubic yardage of concrete per day is 1,200 cubic yards.

He displayed elevations of the plant: the batch plant is 40 feet high and shows the concrete silos; it will be enclosed with garage doors for the entry and exit for the trucks; elevations of the sales office and the materials storage building with all their trucks that deliver aggregate to the site come through garage doors, which will also be closed. There is an underground connection between the materials storage building and the batch plant, so no material will be seen aboveground as is seen next door at the Palomar facility. That is a big point for air quality: there will be no dust from that conveyor belt operation or when the concrete is loaded onto the trucks. That is one of the reasons why we did a MND for the project.

We looked at a number of issues addressed by the public through their correspondence and comments and also due to the appeals:

- Compatibility with surrounding uses land uses — there are industrial uses surrounding this property on 3 sides, and we feel it is compatible
- Consistency with Oceanside Boulevard Task Force Visioning [presented in November 2007] — staff looked at that carefully. Three things to consider are that staff has been working with Robertson's for about 3 years, which pre-dates the vision plan that came before Council last year. Also, when the vision project came forward, Council decided not to place an interim study designation on this site — this would have given staff and Council more power to implement the vision ahead of time. Also, the project is compatible with other, nicer industrial and commercial uses to the east; it will be totally enclosed, and around 50% of the site will be landscaped. It will fit in with the neighborhood. Part of the Task Force was to look at those industrial uses, and some to the east were found to be okay because they were well designed with nice landscaping and the streets looked good.

- Consistency with environmental laws/policies — we have the Loma Alta Creek Watershed Plan, and a 100-foot buffer is being implemented. We did a MND environmental report and looked at traffic, with no traffic on residential streets. There are traffic conditions to be implemented to increase the left-turn pocket on El Camino Real to help users coming north on El Camino Real turning into the site. We looked at improvements to traffic signals on Oceanside Blvd., not only will it benefit this project but also will benefit traffic in general. Regarding hydrology/water quality, we have the floodplain issue; the buildings are totally out of the floodway, which is where the fast water is running. They are in the floodplain and will meet FEMA regulations by being elevated one foot above that 100-foot floodplain, so we are confident that we addressed the flood issues.

Regarding air quality/noise — this is a totally enclosed facility; a noise report was prepared, and it meets our noise requirements of 60 decibels during the day and 55 decibels at night. For cultural resources — a pre-excavation agreement will be forged with the San Luis Rey Band of Mission Indians, and for any resources that come up during initial grading, they will be on site to monitor that and collect any artifacts. Biology — there are no impacts; no permits are required from any agencies for this project. They are actually adding coastal sage scrub to the site and other vegetation that will be compatible with the creek and the open space to the south. As a matter of fact, this is the first 100-foot buffer on Loma Alta Creek in conformance with that Plan.

He displayed a rendering of the project from Industry Street, which will be landscaped and have the appearance of a heavy commercial/industrial complex somewhat similar to Ocean Ranch. Further displayed was a view from the Fire Mountain area, which did not depict the full buffer.

In summary, the project conditions require establishment of a sales tax office, and this will be the point of sales tax for anything coming out of this plant. They are estimating about \$250,000 in sales taxes for this facility. It meets our General Plan and zoning; it is compatible with adjoining uses; it has the 100-foot buffer; they have met all the storm water requirements; staff feels all the findings can be made for approval of the project. Therefore, staff is recommending approval of the MND, the Development Plan and Conditional Use Permit.

DEPUTY MAYOR CHAVEZ noted staff referenced parking lot pollutants and he had heard that the cement for the parking lots were going to be a permeable cement.

MR. HITTLEMAN had not heard that it was pervious cement, but at least 50% of the site has pervious surfaces so it will go into the ground. The detention basin is supposed to capture any of those pollutants and will be recycled back through the plant.

Applicant/Appellant

BERNIE RHINERSON, with Robertson's, is excited to finally present a very exciting, environmentally safe facility for Oceanside – the Robertson's Ready Mix facility. We wish to present the facts about this proposal. We hope the Council will look at the facts and will agree with their staff and their professional recommendations that this project deserves your approval.

The opposition has said that Robertson's is a terrible company, which we will talk about and tell you how great a company it is. You will hear that there will be no sales tax, but we have worked closely with your staff and City Attorney to develop a recommendation that will ensure that Oceanside will get this needed new revenue in sales tax. You heard how this facility will pollute Loma Alta Creek and Buccaneer Beach, but you will hear expert testimony, including from your staff, that the opposite is true. Right now that site is polluting more than it will after Robertson's goes in. You will hear about traffic clogging Oceanside Blvd., and you will hear from our traffic experts and your staff that the traffic is minimal; the streets can handle it; and it will not be a problem. You will hear how this project will destroy your vision for Oceanside Blvd., but

we believe just the opposite, which we will discuss. Each of those statements is false, and we will give you the facts.

CHRISTINE GOEYVAERTS, with Robertson's Ready Mix, has been with Robertson's close to 14 years and is the project manager for the site. She wished to highlight what kind of company Robertson's is. Council has heard from the opposition about what a terrible company it is, but tonight you will hear just the opposite from folks that live here and have worked at Robertson's for more than 20 years, from businesses, and folks in the communities that we have helped. Also, you will hear the kind of employer Robertson's is.

This facility will have more than a \$1,000,000 payroll each and every year. We have excellent medical, dental, vision and chiropractic insurance. The drivers make a livable wage and can support a family on what they make. We are a very responsible community partner. Last year alone Robertson's donated more than \$200,000 in the communities where we do business, not including the donated concrete. Regarding their character, Robertson's operates with integrity and honesty, and they could not have become the largest concrete producer in Southern California unless that was true. We have an excellent working relationship with regulatory agencies and have a very loyal customer base.

Regarding the sales tax debate, Robertson's will pay sales tax at this facility. We have been working with City staff for months and have found the right language. There are several conditions that say if we do not pay sales tax, we cannot operate. We even have a condition now that we agreed to that, if for any reason the City does not receive sales tax, we will pay it separately as a royalty.

She has met with each Councilmember; we have had this project going for a very long time. We have worked hard with staff to make sure that we have the right project for this area. 1½ years ago she went to the Planning Commission, and our project was approved at that time. We withdrew, and we did additional studies to give everyone the comfort they needed that this was not going to harm the creek. All of the experts referred to by the City came to the same conclusion that our traffic and storm water engineers did that there is absolutely no possibility of any problem with the creek. We are asking for Council's approval tonight.

MR. RHINERSON displayed a computer slide of what the property looks like today — an old building, with cars parked in front, etc., and with no storm water protection. This is what we are trying to improve. He displayed an aerial of the property right next to other heavy industry in the IG zone. This is a very important asset for the City, with its limited IG zoning. This is an area with high paying jobs and sales tax. And this site today pollutes Loma Alta Creek. You will get a site that is landscaped, designed to look like a modern industrial facility, and be fully enclosed to cover noise, air quality and all the environmental issues. He showed a view from the back. It is not the standard concrete plant that most people think of with piles of rock and sand out in the open; it is an advanced design plant and is the way we should be making this material all over this country and the State of California. That is why it would be a model.

This plant is designed to be environmentally sensitive from the ground up. Water quality — it is designed to protect Loma Alta Creek with no run-off, no impact on flooding. Water conservation — this plant is reusing all of the industrial and storm water in the process. Air quality and noise — staff talked about how the enclosed operations addresses these issues, and Robertson's will purchase 15 new trucks that meet the 2008 EPA standards that reduce emissions of trucks by 90%. Traffic — your staff has talked about the minimal traffic impact of this project. Those are the facts.

He displayed the revised site plan. Staff talked about the setback. When we went to the Planning Commission before, there was only a 50-foot setback. We moved it back even further. The buildings are almost 200 feet away from the creek, with a landscaped setback, a riparian [50 feet] and a planning [50 feet] buffer. The site plan also depicted 2 basins designed by professional storm water engineers, the off-street parking and extensive landscaping. Oceanside will be getting the next generation of plant that will be a national model and will be fully enclosed.

He introduced their storm water engineer to talk about the facts related to the storm water issue.

SCOTT LYLE stated he prepared the storm water mitigation plan. He is a licensed civil engineer, a certified floodplain manager, and has over 20 years experience working on water quality and floodplain management type projects. Personally, he is an avid open water swimmer and both his boys are surfers, so keeping a clean ocean is very important to him. He supports this project because he knows there will be no water quality impacts.

The City conditioned this project to meet all of the USEPA (United States Environmental Protection Agency) water quality requirements [Condition 44]. To meet these requirements, Robertson's is proposing to capture and reuse all of the industrial wastewater. In addition, they will treat or reuse 100% of the storm water. Robertson's will need to obtain all the regional board permits.

Regarding the design features, all storm water runoff from the materials storage building is captured and pumped back to the batch plant for recycling. Storm water runoff from the driveway entrance area is captured and piped underground to an underground treatment facility next to the detention basin. The batch plant basin itself captures 100% of the industrial wastewater and recycles it. The large detention below that captures all of the storm runoff from adjacent parking areas. It captures up to the 13th hour of a 100-year storm event. It is way oversized for this size of project.

Regarding the Loma Alta Creek floodway, the floodway is where the water is the deepest and fastest during a 100-year event. There has been no historical 100-year event in the Loma Alta Creek watershed. The current FEMA map shows the floodway immediately south of the proposed Robertson's buildings; however, this flood map does not consider the existing detention basins that were constructed along Garrison Creek. Based on preliminary analysis, if these detention basins were considered, the floodway would be even further south toward Loma Alta Creek. In addition, the City is also proposing to build 2 more detention basins within Loma Alta Creek upstream of this project. These detention basins would reduce the 100-year peak discharge by over 50% therefore moving the floodway all the way to the bank of Loma Alta Creek.

Again, this project needs to meet all the regional board water quality standards.

JUSTIN RASAS, with LOS Engineering, is a licensed civil and traffic engineer. He personally prepared the traffic study. The traffic study document had no significant impacts. What this means is that the project did not exceed the City-based thresholds to address CEQA concerns. The approved traffic study has the same level of detail and could be used for either an MND or an EIR. The traffic study addressed project and cumulative traffic, including 21 cumulative projects, which includes the Sprinter station at El Camino Real and Industry Street. The traffic study analyzed worst case conditions where the truck traffic was doubled to account for the operational characteristics. This means that while there are just over 400 daily trips for the project, over 800 were analyzed in the traffic study. This is also based on the worst case condition where the project is generating 1,200 cubic yards.

He displayed a computer table of what is anticipated to be generated by the project traffic and added to Oceanside Blvd. — 481 doubling trips, meaning there are only about 240 trucks added. Those 481 trips will actually fall within the daily and yearly variation of traffic seen on Oceanside Blvd. That means that an average driver will not perceive the additional traffic because it falls within the daily fluctuations. On an hourly basis when we have commuters in the morning [1,676 ADT] and afternoon [2,274 ADT], in the morning there will be 16 additional trips added and 6 added in the evening commutes. This translates to less than 1% added in the morning and less than .5% added in the evening.

In summary, while the project was calculated with no direct impacts, there are improvements that the applicant will be required to make, including intersection improvements at Foussat and Garrison on Oceanside Blvd. and at El Camino Real at Industry, as well as some roadway improvements on Industry Street along the project frontage.

MR. RHINERSON had addressed the Oceanside Boulevard Task Force. He wished to highlight that Industry Street jobs pay an average of over \$18 per hour. If you want to focus on this area, the City should be saving those high-paying jobs and the businesses that are there, and not converting it to some other commercial-type use that would be low paying retail jobs. Any conversion of that industrial zone will hurt your economy, damage established businesses on Industry Street, and destroy good paying jobs. Your Economic Sustainability Report that is coming forward to the Council focuses on a couple of problems that Oceanside has to maintain a good economy in the City: jobs/housing balance and saving your sales tax land. This project addresses both of those; it creates high-paying jobs, and it produces sales tax revenue for the City.

In summary, this project has been designed from the ground up to be environmentally safe; it will be a national model for the way we should produce concrete in our communities close to where we need it. Concrete is an important material. Regarding sales tax revenue, we have offered additional language, with a copy to the City Clerk, that you can add to make doubly sure that the City will receive it. It has always been Robertson's intention to do that, and the condition will ensure that the City will benefit from sales taxes. Regarding the local economy, locally produced concrete will keep prices competitive; it will have this important material available in the community; it will create good paying jobs; and it will have spin-off benefits to the local economy. We believe the project will be a very positive addition to Oceanside.

Public input

JERRY CAREY, 4710 Westerly Court, President of Peacock Hills Senior Community Association, stated their Board of Directors has taken a negative position on this project due to concerns of sales tax revenue, Robertson's record as a gross polluter with fines imposed, etc. He encouraged Council to vote no.

FORREST MERITHEW, with University of San Diego, School of Law, Environmental Law Clinic, on behalf of the Friends of Loma Alta Creek, stated that he and his colleagues submitted the Memorandum to Council on the environmental issues and the correct administrative procedure revolving around these types of issues. There should have been an EIR as explained. You just need to find one area where this plant may substantially adversely affect the environment or human health, and an EIR is needed. There are conflicts among the experts, and as such, these issues must be researched properly; that is what we are asking. He further reviewed their Memo points. The MND is not proper.

JIMMY KNOTT, 127 Sherri Lane, as the representative of La Salina Mobile Village, he joins with Cavalier Mobile Estates to oppose this plant as a potential danger and of no public benefit to both of our parks. Dangers are air emissions, etc. He sat on the Oceanside Boulevard Vision Committee, and the entire group rejected this project as inconsistent with the vision. Fueling should be off-site, and information is needed. The State Regional Water Quality Control Board has fined Robertson's repetitively in the millions of dollars. Reject this business.

JAMES FELTON, 2939 Mesa Drive, stated the City is moving forward in a significant way. It is not good to place a business like this along a waterway, especially when it leads to the ocean.

THOMAS DEMPSEY, 3641 Esplanade Street, is opposed because of environmental issues, including transport vehicles with exhaust emissions, debris, truck weight, etc.

RICK KRATCOSKI, 2110 Foster, organizer of Loma Alta/Mission Park, stated this is something we feel is wrong and do not want. He referenced pollution and not wanting heavy industrial on Loma Alta Creek. We want to change it. By allowing this to stay heavy industrial, all the stuff from Waste Management and everyone there gets into the storm drain; that is why we want to change it to light industrial.

BIANCA ZACHERY, 710 Eucalyptus, echoes sentiments of those opposed. Council needs to weigh if this is something good for Oceanside and the environment long-term.

WILLIE LITTLE, 3201 Mesa Drive, is concerned about the air quality and why we put non-environmental activity in that area. The traffic will affect this area, etc. He questioned workers' retirement benefits and if workers had an organized labor union for their protection.

CHUCK McDONALD, 2613 Fire Mountain Drive, knows it is a state-of-the-art plant, but it is still a concrete plant and does not belong near a waterway. He asked for an alternative location for the plant and the revenue and to allow the vision.

ELAINE BARDON, 493 Lexington Court, representing the Ivey Ranch neighborhood, stated to put a cement plant in the middle of town is a travesty. It only employs 17 people. She wished for other types of businesses.

GREG ROOT, 404 Hoover Street, founded the Loma Alta Neighborhood Association. His work on this is founded to one core goal: to add property value to each property. We feel this will degrade our communities. This is a great cement plant; it is just in the wrong place. Robertson's recently sold to Mitsubishi Corporation, a huge mega conglomerate. Please consider a mixed-use application; this area is poised for renewal.

KEN RYAN, District Manager of Waste Management, stated we believe the issue tonight is important in determining the economic value that industry brings to the City. We operate from both Oceanside Blvd. and Industry Street properties. Over the years we have observed the City growing dramatically, creating an increased demand for commercial and industrial products and services. Industry Street houses both small and large businesses that provide a wide range of products and services to meet community needs; employ a large number of people—many who live in the City and own their own homes; and provide well paying jobs with full benefits and revenue to the City. Over the years we have observed the increased scarcity of available industrial property. Industrial areas are necessary to support commercial and residential development.

NADINE SCOTT, 550 Hoover Street, was on the Vision Task Force, and we did not want a third concrete plant on our street. We have suffered with an undue burden that other neighborhoods are not experiencing. You should deny the project. There is also the matter of the FEMA investigation into the illegal fill violations by NCTD. The City is the floodplain manager and has seemingly violated its floodplain rules by allowing fill in the creek. It could mean higher premiums for those along the creek and lawsuits from flooding. She agrees with what the gentleman from USD said—there are plenty of environmental flaws. She noted flaws in the processing and that information not shared. Demand an EIR or deny this project.

SHIRLEY OLSEN, 2440 Dunstan Street, referenced the vision for the Oceanside Blvd. corridor. As documented in the final report and as accepted by Council in November 2007, it calls to develop a master plan and transform the corridor, etc. A concrete plant does not correspond with that vision. It will add to traffic and sabotage the vision.

DONNA MCGINTY, Loma Alta Neighborhood, has seen this site flood, recently twice. She showed a short video of a news segment on the creek flooding due to construction of the Sprinter line and NCTD filling in part of the creek.

ZAREH SARRAFIAN, Administrator of Loma Linda University Children's Hospital, explained their operation and Robertson's assistance as one of their biggest supporters, not only financially but also in their human resource volunteer hours. It is important to understand the remarkable positive social impact Robertson's has had in their community, and Oceanside will experience the same.

ROBIN RAUSCHL, 232 Hoover Street, asked Council to vote no. We are involved in the beaches and are concerned with the pollution. More important is that this area really should not be a heavy industrial area. It needs to change to perhaps light commercial.

BOB GLEISBERG, 1936 Palmer Drive, knew of a concrete mixing plant in his hometown by the river. It was an economic generator of revenue for the city and

surrounding county. From an economic standpoint, you want one that is a high-tech, state-of-the-art plant.

MIKE BULLOCK, 1800 Bayberry Drive, stated this project is within walking distance of the Sprinter station at El Camino Real. This location should never be wasted on a development that will employ relatively few workers. This should be developed as part of a transit-oriented development (TOD) with high density, mixed use, etc.

JOHN ROONEY, 3721 Valley Center, San Diego, is one of the property owners that own the land at 2847 Industry Street, and he will be Robertson's landlord on this site. He requests that Council consider his rights as a property owner. The project is precisely the zoning that provides for this use; the law permits this use. The project will bring much needed tax revenue to Oceanside. He is told that this sales tax is the equivalent of 3.5 police officers being funded. The project will be a national model for a concrete batch plant. There are redundant safeguards. Taking our land out of consideration for a batch plant, its current zoned use, is not right. For the 3 years your staff has helped us plan this project, we worked within the rules to make it the best plant in the nation. Your vote will insure that jobs are kept in Oceanside.

ERIN RILEY CROSKO, 1845 Downs Street, is a business owner at 3033 Industry Street and employs over 20 people; my average pay rate is \$40/hour. As a business owner on Industry Street she feels Robertson's would have a negative impact. Over her 20 years she has seen the Industry Street area decline; the same old buildings have increasingly crumbled; and the streets are cracked/worn from the heavy trucks on Industry Street. She is vehemently opposed due to her concerns about the pollution, the increase in traffic and the lowering of property values in the area. She has been told by people that they would not take their children to her dance studio because they thought Industry was in the ghetto. Industry Street can become a pleasing area like the Cedros District in Solana Beach with a proposed multi-purpose use. Now is the time to change.

LISA HAMILTON, 323 South Ditmar Street, is a fan of industry on Industry Street, and she worked in heavy industry. However, she wanted to make sure we get the tax revenue from this. She also referenced all the heavy truck traffic, which will be years of abuse for Oceanside Blvd and asked if the City will get enough revenue to fix Oceanside Blvd. Industry Street needs fixing now. If we get the money, it is a wonderful idea.

ALLEN CURASCO, 1845 Downs Street, stated this site still contains old dilapidated buildings, and they are still polluting the creek. The other businesses there are polluting the creek. He was part of the Oceanside Blvd. Task Force to find the right vision for our community, which we did. In the past the departments and the Planning Commission have not approved this project. We ask Council to stand behind our vision. He asked if \$250,000 annually is really worth it for a plant that just does not fit in this place.

RON KING, 559 Hidden Ridge Court, Encinitas, is in commercial real estate. Today he is a marketing member for the Ocean Ranch Corporate Center. In that regard he has a letter from Dougal Agan, developer of the Corporate Center, addressed to Mayor Wood, which he read regarding the character of the company since they have had Robertson's as a property owner within their Foothill Ranch community. He agrees with staff's recommendations.

JEANNIE CRESENZO, Ditmar Street resident, representing North County Coalition for Peace and Justice, talked about the property rights of residents, the increased cement trucks, the increased noise, and the quality of life. If this business does not produce their cost of being here and damage to the roads, environment, etc., then we are being asked to foot the bill for them. That isn't right.

MARK COLLINS, 3231 Oceanside Blvd., has nothing to do with Robertson's, but he is a property owner and believes in property rights. That property was zoned for that particular type of use. You might want to take a crumbling property and make it a model that works. There is only so much concrete used her, and it might replace another concrete company that does make noise, emissions, etc. with this cleaner,

better plant. As a general engineering contractor, this seems to be a safe system.

DAVID ONOSKO, 5800 Armada Drive, Carlsbad, is a property owner on Industry Street and a commercial real estate broker. He worked on Ocean Ranch Corporate Center, and several developers have built well over 2,000,000 square feet of industrial, office and retail buildings in that center and have created over 2,000 jobs for the City; over that period he never heard neighborhood complaints like this about all the traffic that Ocean Ranch would create on Oceanside Blvd. Yet tonight we hear complaints about 15 concrete trucks. Regarding the Oceanside Blvd. vision, let's support planning Area A and B. Tonight is about Industry Street, which has been there for decades. We need to save the jobs on Industry Street. Vote yes on Robertson's, which is state-of-the-art and meets all requirements.

JOAN BROWN, 511 Rockledge, dislikes the renderings. She read where cement companies are heavily consolidated and controlled by international companies that are based in other countries, and the profits are exported. She reviewed other internet articles. \$200,000 in revenue generated by this company is peanuts; what can that buy. You could never pay to have Oceanside Blvd. paved with all the harm caused by these cement trucks in 5 years.

[Councilmember Feller left the dais at 7:58 PM.]

MIKE BYRON, 4702 Mahogany Drive, stated this is about 'location'. This is not appropriate where it is located. We know our climate is changing, and 100-year floods are likely to become more common, which has not been addressed. If Council chooses to disregard the voice of the people, then you will face the electoral consequences.

[Recess was held from 8:01 – 8:09 PM.]

MARTY BENSON, 1321-B Cornish Drive, Cardiff, representing Surfrider Foundation San Diego Chapter, stated a primary concern with this batch plant is the Loma Alta Creek which drains into Buccaneer Beach and is posted regularly for no swimming. Putting more permeable surfaces here creates additional risks for storm water runoff, and construction will create a huge carbon footprint. There should be a full EIR because of the question of substantial environmental impacts. There is a risk of liquefaction, and groundwater may be closer to the surface. The location is unreasonable.

DAN JOUDY, 1611 Summit, Cardiff, owns a building at 2515 Industry Street, and the company is called San Diego Mirror and Window. This is a small business, and we have employed up to 160 people. He is concerned about the Vision and the Task Force. His family-owned building is his largest single asset, and it was purchased with the existing zoning. He does not want the environment degraded, but he wants Industry Street to stay strong for businesses like his. Businesses need to be protected; the zoning is there for a reason; and it has been there.

JERRY HARDER, 2336 Littler Lane, has been in business on Oceanside Blvd. since 1973 and has employed up to 15 people; he presently owns Oceanside Driveline. We are there because Industry Street is an industrial zone. Our employees make \$15-\$25/hour, and it takes those jobs to support a community and provide a service. Robertson's will provide a service that supports a community, and they have a right to do it.

JAMES KORGLE, 844 Wondering Road, Vista, works on Industry Street. He has no affiliation with Robertson's. He has concerns about the zoning; it is a heavy industrial area, and we are a heavy industrial business. He is concerned about his and other jobs on that street. He sees no reason to oppose Robertson's as they are trying to comply with the most state-of-the-art facility, trucks that meet 2008 EPA omission standards, and they are addressing several concerns for the citizens in the neighborhood.

LEE WILLIAMS, owner of Oceanside Truck Service, stated they have been there for over 17 years; there has been a truck shop there since 1959. We do not have any opinion regarding Robertson's, but we do have an opinion on our building. It is not dilapidated. We want to keep the industrial zoning and continue doing business.

BRENT MYERS, 604 Monterey Drive, is a property owner on Industry Street. A no vote from the Council would change what he would envision doing to his property down the road. He is for the Robertson's development. Maybe in the future, he can also develop something.

GABRIELLE MONROE, 311 Holly Street, has lived here since 1989, she and her husband ran a construction business. We have no current affiliation with Robertson's, although we had done business with them for 25 years. We were a small construction business, with 3-8 employees depending on the economy. Robertson's always gave us competitive rates. Even though we were small, we could get the same rate as the big companies. Little things like that mean a lot to a small business. I am hearing the accusations, and I do not believe there will be any environmental impact at all. These are good people.

CRYSTAL HOWARD, with the California Specialty Equipment Market Association (SEMA) San Diego Chapter, residing at 1364 Summit Avenue, Cardiff, stated that SEMA is a nonprofit, statewide organization that represents aggregates and ready-mix concrete industry. She is representing the San Diego affiliation of those producers. We encourage these companies to demonstrate environmental excellence through innovative design, just as the Robertson's plant has shown. Concrete is actually the second most consumed material on the planet, next to water. It consists of cement, aggregate and water. It is a perishable product, and must be used within 60-90 minutes. We use concrete in bridges, roads, schools, businesses and homes. It is a product that we need, and we need to have it come from a site like Robertson's where they have put forth an effort to make it more environmentally friendly.

Council should support this project because of economics. Recently, an economic advisory committee to SANDAG came out with a study that identified that San Diego County's standard of living has been less than the national average since 1981. This is because for every job we create of high value, we have created 8 more low value jobs. They have developed a strategy to become a better county, including retaining and renewing industrial land because industrial purposes create higher paying jobs. Oceanside is in a great position; in North County they have the most industrial land available. Average wages of ready-mix concrete, based on the Bureau of Labor Statistics, is \$52,000 versus retail/trade wages of \$29,000. Oceanside will get sales tax and property tax.

The concrete industry is also an environmental steward. They have come up with a green star program that encourages plants such as the Robertson's plant. Concrete itself is a way for companies to become greener. The Green Building Council is known as Leadership in Energy and Environmental Design (LEED). If you build your building with concrete, you can score rating points. Robertson's is 100% enclosed and can minimize dust and noise; the trucks are at 50% reduction in greenhouse gases. It can be consistent with the Oceanside Boulevard Vision Statement. The Robertson's plant will provide much needed product, will create high paying jobs, provide sales and property taxes, and minimize environmental benefits. I hope you approve this project.

BYRON JESSUP, 1802 Laurel Road, has a business at 2850 Industry Street, across from this project. It is important that we look at industry very closely; we are the people who take raw material and make it into something useful. Oceanside needs that product. We should be concerned about what we are doing and the steps we take. I have been in manufacturing for 31 years at this site; it was the only zoning in Oceanside where we could manufacture. Please consider this project; it is vital to Oceanside.

DIANNA GROVEN, 1492 Enchante Way, supported Robertson's. Many things have changed for the better; one proponent for that has been responsible businesses like Robertson's, helping with sales tax and helping us move to a place we want to be. If it is not Robertson's today, it will be another business next week, and the same people against will say they don't want them here. The fact is that the land was zoned for this kind of business; it is a beautiful business; it is environmentally responsible and designed with that idea in mind; and we are not going to find a better business for a street called Industry Street. We need the revenue, and that is what the area is zoned for. I would challenge Robertson's to not let her down, give back to the community and show Oceanside citizens what a responsible company can do

MARJORIE JESSUP, 1802 Laurel Road, has a business across the street from this company. It looks like it would be a great improvement over what is on that property now. Now big trucks pull in and out all the time, and 10-15 trucks are parked there at night. A good and responsible industrial company on Industry Street would be a great improvement.

PAMELA MYERS, 910 North Pacific Street, stated the issue is the environmental issue regarding the Loma Alta Creek that runs into Buccaneer Beach. Even if this plant did not produce any pollution, we would still have the issue with traffic and all the trucks. According to her calculations, it would be 3.3 trucks every 5 minutes going out of there. At the site, the cement is cracked and there are signs on the gate that talk about toxic hazards. There is a better use for this site. This is about quality of life and the environment. She asked that they put the company in a different spot.

JOHN THURSTON, 5183 Andrew Jackson Street, is an employee of Robertson's and drives a ready-mix truck. He usually picks up his first load at 6:00 AM and does not return until 9:00 AM, a 3-hour window that he is not around. Each day he gets approximately 3-4 loads. Regarding the aggregate trucks, he works at San Clemente, and those trucks come in every 3-3½ hours and are spaced at 1-2 at a time. They are not there to clog the streets but to do a job. He chose to deliver concrete for this employer, enjoys this City and would like to see it grow. Every time he is at a job site, there is a pumper, 4-5 finishers, a City inspector and a concrete inspector. That is another 8-10 people; so that truck generates work for all kinds of people.

JOAN BRUBAKER, 1606 Hackamore Road, was concerned about the Oceanside Boulevard corridor and the time and money spent on that effort. It was shortly thereafter that Robertson's pulled their permit. Council needs to look this project over very carefully. She did not see any pictures showing the towers and the 12,000 gallon tank as a beauty mark.

DREW LIPPERT, 423 Crouch Street, owns a business on Industry Street and employs over 80 people. His opinion differs from a lot of his neighbors who are speaking on his behalf. He does not have a problem with Robertson's as a company. He has looked at their Foothill Ranch facility, and it is cleaner and nicer than what we are looking at on Oceanside Boulevard now, with runoff and pollution going into the creek every day. We are raising the bar with Robertson's; we are saying there is a better plan and better way to do this. I think it does work in the area. I have a problem changing Industry away from industry. I am in industry; I own a rebar company. I care about this community. Council needs to let it go in for what it is zoned – industrial. Let's keep it that way.

DENNIS HUCKABAY, 2319 California Street, President of Buena Vista Audubon Society, stated that on behalf of their 1,200 members he would like to record their organization's opposition to the Robertson's concrete batch plant. Planned operations for the proposed plant would result in ongoing injury to the hydrologic functioning and biologic resources of adjacent Loma Alta Creek and down to Buccaneer Beach. The hydrologic impact of this development, if passed by Council, would be reviewed by the Regional Water Quality Control Board. Regarding biologic resources, the dense willow thicket that characterizes the narrow strip of vegetation along Loma Alta Creek and borders the project site represents potentially suitable nesting territory for the expanding population of nearby Least Bell's Vireos, a federally listed endangered species. Loma Alta Creek in the immediate vicinity of the project site provides a narrow riparian corridor for wildlife as a migration link to other larger habitats upstream and downstream. The lack of adequate buffer between the proposed development and Loma Alta Creek would worsen negative effects on plant and animal life. This wildlife corridor has been identified as a critical wildlife component in the Oceanside subarea of the Multiple Habitat Conservation Plan (MHCP). This project diminishes the effectiveness of our multiple species habitat plan and detracts from the nearby Myers property, which the City recently purchased to store as natural habitat. Industry Street is a mix of industrial and commercial uses. The old style of industrial operations of the past are slowly giving way to a new breed of clean industry that blends well with the nearby mix of residential and commercial land uses. This concrete batch plant represents a giant step back for the City's attempt to revitalize its economic base with a more vibrant and modern business district. He urged Council to reject this project.

LAURA HENKEL, 3274 San Tomas Drive, supported the Robertson's project. They have done everything that they have been asked to do by the City; they have proven that the environmental impacts are not there. Based on that, she asked that Council vote in favor of the project.

TED TROCK, 1173 Avenida Contaria, San Diego, has his own business building commercial buildings and has built several buildings in Oceanside. We are building, and there will be the same amount of concrete trucks coming into the City whether Robertson's is there or not. Robertson's is a great company that treats people fairly. If there are problems, you just call, and they take care of any problems. The plant looks great and is a lot better than what is there. It will improve the property.

RALPH JOSEPH, 5445 Chicago Avenue, Riverside, has not visited the site, is not an expert on cement truck emissions and is not a Robertson's employee. However, he has had a 30-year relationship with Robertson's. He has been the Chairman for Substance Abuse, with the Riverside Municipal Museum Board and with Teen Challenge, in the past years for the county, private and city organizations he has been with, he has received well in excess of \$200,000 from the direct efforts of Robertson's. At one time, he lived three quarters of a mile from the Robertson's Van Buren plant, and they were wonderful neighbors. They will bring to this community taxes, energy, and philanthropy.

ED BURNS, 204 Hoover Street, stated that nowhere in the Oceanside Boulevard vision does it state that they are running any existing businesses out of town; that is a false rumor. This is about the citizens who elected Council versus people who are coming in from out of town to try to influence this vote. A lot of people will return to their homes outside of Oceanside and will not be impacted by the 200 trucks a day, or 60,000 trips a year, on Oceanside Boulevard between Foussat Street and I-5, which is approximately 1¼ miles away. Industry Street and Oceanside Boulevard are damaged and badly in need of repair. You cannot tell citizens that 60,000 additional concrete trucks will not do more damage or that the \$200,000 in tax revenues will pay for that damage.

SHARI MACKIN, 1469 Moreno Street, stated that one of her last actions as a Councilmember was to call the Robertson's Negative Declaration for review. The reason was threefold: 1) this would not make a good light industrial use or benefit the surrounding neighborhood; 2) a couple of councilmembers from Vista and San Marcos, cities where Robertson's had been denied prior to their coming to Oceanside, gave several reasons why they would not approve this use in their cities; and 3) she worked with the state and environmental community to secure grant for the Loma Alta ultraviolet (UV) treatment center at Buccaneer Beach and had a duty to keep this type of use out of the Loma Alta flood plain. The state made it very clear that the UV system was not a fix to polluted runoff. Only education and change would fix the problem. If Oceanside ever expects to see grants to support projects that support clean water, they need to deny this project. Just a few minutes ago we heard from a Cal SEMA representative that Oceanside has the most vacant industrial land in all of North County. Now is the time to do the fix and have Robertson's relocate to one of the many industrial areas in Oceanside.

DIANNE NYGAARD, 5020 Nighthawk Way, representing the Multiple Habitat Conservation Plan (MHCP) Task Force of the Sierra Club, stated they believe in following the rules and property rights, but this project does not play by the rules. It puts one company's property rights above the health and safety of our community. She had sent an email to the Council that demonstrated that this project 1) fails to preserve 50% of the site, which is required since it is in the wildlife corridor planning zone; the entire regional conservation plan fails if wildlife is restricted to habitat fragments, which is a recipe for extinction; this is a clear violation of both the City and the regional conservation plan; and 2) has inadequate flood control measures in place; this is the single most critical issue that must be addressed before approving this project; the entire project site is potentially within the 100-year flood zone; no one knows where the boundary is because new maps have not been prepared after the Sprinter construction started filling in the flood plain; the analysis for this project was based on faulty data; the rains this winter flooded out downstream businesses; project conditions talk about the requirement for FEMA mapping, but maps don't stop flooding; now we are not just talking about flood waters that contain the usual pollutants but waters that will first go

through a detention basin holding site-specific pollutants. We urge you to deny this project until there is a reduced footprint that preserves 50% of the site, current FEMA mapping, completion of the North County Transit District (NCTD) detention basins, and a revised storm water control that does not jeopardize the health of the creek, our coastal waters and the people of this community.

RICK SING, 796 Muirwood Drive, spoke as a business owner on Industry Street that will share a property border with Robertson's if approved. We do not oppose this project, having looked at that vacant lot for the 13 years; it is an improvement. We had concerns on what impact they would have, and those concerns have been set aside by the fact that it will be an enclosed plant and that they will move the materials from the building almost on his property line to the plant underground. The other issue is traffic. We obviously encounter traffic from the large businesses down there, but it is not that big of an issue to us; we don't see the increase in trucks to be that much of a problem.

The issue he wants to address is the whole movement to change Industry. Obviously it has been in place since the 1960s; my building was built in 1969. For the folks who live on the hill and have concerns, it is not like they did not know it existed there before. While the Council embodied an effort to look at Oceanside Boulevard and improve it, he questioned whether Council tasked them with the responsibility to look at Industry Street and change what it was designed to do. He requested that Council support Robertson's; they have the right to develop the property; it is properly zoned and should be approved.

VICTOR BOTHMAN, 1311 Knoll Drive, has been a student of government for a long time. The rules of our government were established September 17, 1787, with the creation of the United States Constitution, which formed a government that was responsible to the people. The vision was to elect representatives to follow 2 rules: 1) to do the will of the people and 2) if the government failed to do the will of the people, the people retained the right to change their government.

JIM BENSON, 2550 Discovery Road, Carlsbad, is a property owner on Industry Street and has been a North County industrial real estate broker for 13 years. Besides not wanting to have this plant approved, the Robertson's opposition wants to have the IG zoned land on Industry Street and Oceanside Boulevard changed to commercial. That should not happen. There is about 1,500 acres of IL (light industrial) zoned land in Oceanside; however, there is only 174 acres of IG zoned land. If you count the 98 acres of the vision corridor, you would take 56% of the existing inventory out of play. We cannot do that. We need to support the businesses on this road. Within the 98 acres, there are 52 industrial buildings totaling 652,000 square feet and 10 parcels totaling 15 acres that are being utilized but do not have buildings on them. To put a value on this, conservative numbers amount to almost \$90,000,000 in industrial real estate. He asked who would pay to displace all of these people. More important is to look at the number of jobs on Industry Street. At 2 jobs per 1,000 square feet, you are looking at about 1,300 jobs. At 10 jobs per acre, you are looking at another 157 jobs. That is almost 1,500 jobs on this corridor. Please support Robertson's.

JOHN HANSEN, 1802 Bailey Drive, would expect Council's decision to be based upon the overall concept of increasing the value, attractiveness and desirability of the City. The location of this plant was not the first choice of Robertson's. To have in the center of the City over 200 round trips of concrete trucks on Oceanside Boulevard and the intersection of El Camino Real to get on Highway 78 is not a good idea. He asked why they can't find a better place. Secondly, this property is located alongside the Sprinter track, so how does this utilize the assets that the Sprinter affords. Eighteen employees is a very low number and is counterproductive to what the Sprinter affords. Finally, the only reason any city would want a heavy industrial use in the middle of the city would be for tax revenue. While Oceanside needs that, they are incurring this degree of controversy in the name of tax revenue, and there must be a better way to achieve that.

BENIELLA MARSHALL, 4019 South Weitzel, is against Robertson's since there are not enough jobs. There are only 17 jobs, but it has a big disruption to the City. The huge 65 feet tall silos and another 45 foot building is not what we need in Oceanside. I am in real estate, and Oceanside has one of the highest numbers of foreclosures in San

Diego County. That is because people do not have enough high paying jobs. Whatever land we have in Oceanside needs to be utilized for high paying jobs and high numbers of jobs to maximize what we have. We need better cleaner companies that increase the image of the City and are compatible with the \$1,000,000 homes downtown.

SHELLY HAYES CARON, Marron Adobe, Carlsbad, stated that, when you look at companies to come into your city, you examine their records. Robertson's operated plants in San Diego County without permits from the Water Quality Control Board last year. They have been working in Oceanside for 9 months, making deliveries, and just now they got a business license. That was only after multiple citizen complaints. Please do the right thing and deny this project.

JOHN McDONALD, 5064 Corte Alacante, stated this is a conditional use permit that requires discretion on the part of Council and is a matter of public trust, not individual property rights. This is a discretionary act, and Council needs to hold themselves responsible. We should not be putting this here; we are going to risk the creek. We are going to put a cement plant within walking distance of the Sprinter, which is the lowest possible development. This is the wrong place; put it somewhere else.

CAROLYN KRAMMER, 904 Leonard Avenue, representing Citizens for the Preservation of Parks and Beaches (CPPB), stated this is not about the long-time businesses in Oceanside that have contributed to this community. This is about an environmental issue; it is about a project that is being allowed to go forward, if Council votes for it, without an environmental document. This creek floods; the businesses get flooded. It then goes right into Loma Alta Creek and down to Buccaneer Beach. Buccaneer Beach brings in tourist dollars. She asked if Council would vote for the developer dollars or for their community. She hoped they would side with the community.

BILL SANFORD, 2725 MacDonald Street, was not against Robertson's plant design and liked the idea, just not in this place. In the beginning, Oceanside was small, and industry was close by, on the side of Coast Highway. Those buildings are slowly changing and going to residential, which is an improvement. When Industry Street was put in, it was on the outer boundaries of the City. It was the industry area because it was away from people. The City is now trying to find a vision and look better. No one wants to close down the existing businesses. We are only saying this is the wrong business for this area. Find a good place to put it.

CHUCK LOWERY, 812 Alberta, owner of Pacific Bakery, on the vision task force, etc., stated we never asked for a zoning change. He operates a business one block from the site. The State of California sent the City a letter 3 weeks ago that said there will be no tax benefits to the City; lawsuits have already been lost by other cities trying to get their tax dollars. It is located right next to the creek that runs to the ocean and empties out at Buccaneer Beach. The beach is closed; we don't have tourists; and we don't take our kids there as a result of industrial pollution and runoff. Taxpayer money is being spent or budgeted to fix pollution problems along the creek at \$15,000,000. So why would we put another heavy industry next to the creek when we are paying big bucks to clean it up. He asked Council to say no. The Council created a vision task force last year; 15 of us spent several months reviewing what could be done with the [Oceanside Boulevard] corridor; we chose to consider creating an area that people would come to enjoy, including places to live, work and play. No one suggested that we add another concrete plant to the corridor. Council unanimously approved the vision; however, they said they approved it but did not implement it. We need a Council that is a citizen friendly majority.

CRAIG CHANOWSKI, 1583 Buckboard Drive, has lived in Oceanside for 25 years and has seen a lot of changes. It sounds like Robertson's has a good plant. If it does what they say it can, we can say we have cutting edge technology with Robertson's. It looks like a good fit for Oceanside.

STEVE CONNELLY, 416 Hoover Street, reported that SANDAG states that smart growth is transit oriented, environmentally friendly, pedestrian friendly and should be near transit centers. He is not a friend of the Sprinter, but it is here; we should use it. To not develop or redevelop the area around those stations is a travesty and not smart

government. SANDAG put out an article in their 2020 fact sheet that said how to create a prosperous region: growth should increase the standard of life; it should use mixed-use, commercial, and residential; and it should increase transit and decrease the use of cars. He hoped Council would vote for smart growth and not let Robertson's come here.

DON RICHARDS, 4829 Marblehead Bay Drive, has been a resident for 21 years and has worked for Robertson's for 23 years. Years ago he came down with cancer and was off work for a year. Robertson's welcomed him back with open arms. His cancer came back a year later, and he was at the City of Hope for 8 weeks. There was not a week that went by that he did not get a call from somebody in the higher office, asking how he was doing or calling his wife to see if she needed anything. He was the auctioneer for Christmas in July a few years ago, and Robertson's donated a load of concrete, which was used to build a tricycle track. They also donated concrete for in front of the dugouts at El Camino High School. The company has a retirement plan, medical and dental. This is a good company to work for. Instead of pushing them away, we should welcome this kind of company to Oceanside. We need them.

RON MOROLLA, 2188 South Coast Highway, Vice president of Sandpiper Cove Homeowners Association, stated that Oceanside has changed, and he would like to see it stay that way. We will be heard from in the next election; we will be out on the streets, and no matter how much money you have, the people will speak.

LEANNE CRUSMAN, 401 Edgehill Lane, stated her family is losing their business since the economy is going bad; her house value went down \$100,000; and she will resent if Council makes a bad decision here. We do not need that plant there. Everybody is saying that Oceanside is changing; let's make Oceanside nice. People come to Oceanside, and we do not want them to see Robertson's. This is not the right place.

DORIS GARRISON, 226 Walsh Street, did not realize how bad the businesses on Industry Street were hit [by flooding]. She travels on Oceanside Boulevard a lot, and there is a lot of traffic. When it is bad enough, she cuts over to Industry Street to make time to get on El Camino Real. There are always a lot of cars parked on Industry Street, and she did not know how trucks can make it through there. At first she thought this project was a good idea, but when the opposition started speaking, she found out that they [Robertson's] lie. Council should check into the environmental citations that Robertson's has received. That will be a serious problem for us.

JOAN LEACHMAN, 520 Hoover Street, felt that Council had already made up their minds. Regarding the \$250,000 the City is going to get from Robertson's, that is not much money; what are we giving up for that little amount of money. There is a lot of concern for little money and only 17 jobs at \$18 per hour. Your credibility is being lost if you are not listening to the real concerns of the community and the questions about environmental impacts. We have not done an environmental impact report, so we are supposing a lot of things. Robertson's seems like a good company, but let's put them some place else. We have lots of industrial space, and everybody can get what they want while not having this impact on the Loma Alta Creek.

ADAM OMAR, 1791 Camdon Place, San Marcos, grew up in Oceanside and is a commercial real estate broker. He specializes in helping business owners, developers, and investors to buy, sell and lease industrial real estate in North County. The opposition has continually brought up environmental issues, but with his experience, he could assure them that these issues have been adequately addressed, including storm water pollution and runoff. The bottom line is that we demand concrete. It would be good to have the supply closer. He was in favor of Robertson's in this location.

GEORGIO KERPANI, 315 South Nevada Street, said we have the potential to be a glamorous community, but we are not there yet. We could be with the proper vision. With 200+ large truck trips per day along Oceanside Boulevard, it would be a blighted image. Diesel exhaust contains numerous cancerous particles. This is a blighted addition to Oceanside.

STEVE LEACH, 102 South Barnwell, has no issue with Robertson's; their plant looks fine. However, the traffic study they did is incorrect. Since the Rancho del Oro interchange did not get built, all of the truck traffic east of College uses Oceanside

Boulevard to access I-5. Consequently, the 474 trucks a day they are going to add to, will bring the current level of service (LOS) D even lower. He and none of the neighbors are here to talk about a zone change. It is the addition of 474 trucks. It is not just about location. This is not the highest and best use for this property. He is in real estate, and 15 years ago, these people would not come here because they were all rental neighborhoods owned by investors. We are the people who bought those houses, and we have worked hard to change the neighborhoods. This is a huge step backwards.

JAROD KEATING, 1220 Vista Way, recently moved here from Arizona, which has quickly growing development and has pushed such projects to the outskirts of town, rather than putting it less than ¼ mile to the beach. It is sad that Council is even considering this. He urged them to oppose Robertson's.

Applicant Rebuttal

MS. GOEYVAERTS stated the first issue raised was an air quality report. That was from a 50-year-old mining facility that we used to have in Anaheim Hills and that also operated a concrete plant and an asphalt plant on the same property. Speakers used it to compare, although we even had the folks that did that report write a letter stating that it is not comparable. A lot of things were said that were not true, such as that we did not have a Water Quality Control Board permit in San Diego; that is not true. I pulled each and every one of the permits myself; we had all of our permits before we ever operated. Everything we said, we have backed up; we have been accountable. We have told the truth consistently; the experts have backed us up; there are no negative effects from this project; and we do have an environmental document.

MR. RHINERSON stated that, when we started this presentation, we asked the Council to look at the facts; however, what they heard tonight was a lot of emotion. No new studies or facts have been presented that would demonstrate that this project will not do what your staff says it will do. It will be an environmentally safe project that protects Loma Alta Creek; it will be a new way to produce concrete. Council also heard testimony from Oceanside residents who support this and stated what kind of company Robertson's is. When this project is built, it will be something that will be good for the community and safe for the environment. He urged them to ask staff about the facts and environmental studies. The facts support this project; the zoning supports this project; Robertson's is a great company, and they will be a good addition to Oceanside. We urge you to support the project.

MAYOR WOOD closed the public hearing.

[Recess was held from 9:39 to 9:44 PM. Deputy Mayor Chavez was absent.]

COUNCILMEMBER KERN referenced condition 88 regarding the sales tax issue and asked for an explanation on how we arrived at that wording, working with the State Board of Equalization.

[Deputy Mayor Chavez returned to the meeting at 9:46 PM.]

CITY ATTORNEY MULLEN stated that there was a letter from the Board of Equalization, and that is in the record. He has spoken to the author of that letter, and she had indicated that her assumption in writing that letter was that, if this project were to be approved, all orders would be processed through Corona; therefore, the sales tax would go to Corona and not Oceanside. He shared staff's draft condition with the Board of Equalization's attorney. Based upon her discussion with him, she concurs that the City should receive the sales tax. We cannot condition a project to require them to pay sales tax; however, we can condition them to have their business practices in a way that results in the sales tax revenue coming to the City. That is how that condition was arrived at. We are trying to ensure that the sales tax revenue would be received by Oceanside.

There is an additional condition that Robertson's had offered, which is a back-up host city agreement that would assure Oceanside of the sales tax revenue if for any reason the law changed that would deprive us of sales tax revenue in the future.

COUNCILMEMBER KERN then addressed pollution in Loma Alta Creek, noting that the number one pollutant is pet waste, people not picking up after their dogs and it is running down into the creek. The second most prevalent pollutant in Loma Alta Creek is nutrients, people over fertilizing their lawns, and it running down into the gutters and into Loma Alta Creek. If anyone really wants to improve Loma Alta Creek, we need to look into how to stop those pollutants, have Eternal Hills lock that gate and post a sign saying no trespassing and no pets allowed. That will do more for the creek than anything else. If Surfrider wants to do a good project, they should have an anti-pet waste program in place in all of the watersheds.

If a catastrophic flood comes through Robertson's, it may change the pH in the creek for a short period of time until it flushes out, but it is not a long-term pollutant like bacteria is. That is the reason they had the UV project built to handle bacteria from pet waste.

From the people who dealt with Robertson's in the past, it sounds like they are a good company. We talk about traffic on Oceanside Boulevard. If we have an efficient concrete plant on Industry Street, it will actually even out traffic because they will take business away from Vulcan next door. If the total increase of traffic is as high as people are saying, Vulcan will have to compete; they may have to come back and redesign their plant shortly to compete with Robertson's. He **moved** approval of staff's recommendations [to adopt **Resolution No. 08-R0121-1**, ". . . overturning the Planning Commission denial and approving a development plan and conditional use permit to construct a concrete batch plant on a 2.95-acre site at 2847 Industry Street (Applicant: Robertson's Ready Mix)" and **Resolution No. 08-R0121A-1**, ". . . approving the Final Mitigated Negative Declaration for the Robertson's Oceanside concrete facility located at 2847 Industry Street, Development Plan (D-7-07) and Conditional Use Permit (C-12-07) (Applicant: Robertson's Ready Mix)."

DEPUTY MAYOR CHAVEZ seconded the motion.

COUNCILMEMBER SANCHEZ noted that 72 people spoke; 43 residents spoke against; and 14 residents spoke in favor. The comments were not against the zoning, but this particular project. This is not about whether the applicant has met most of the requirements since this is a discretionary item. We have a vision for Oceanside Boulevard, which Council adopted 5-0. This does not fit the vision; more importantly, it is not following the law. There was a Mitigated Negative Declaration prepared that said "no significant impacts." She wanted to incorporate by reference the memorandum from the University of San Diego Law School that talks about what is required. That is, the California Environmental Quality Act (CEQA) requires preparation of an environmental impact report (EIR) whenever it can be fairly argued on the basis of substantial evidence that a project may have a significant environmental impact, as stated by the California Supreme Court. She also incorporated by reference a document prepared by expert Dr. Richard Horner that analyzed the impacts, including traffic, chemicals, environmental, flooding, etc. She also incorporated by reference the testimony given at the Planning Commission and statements made by staff. When asked if the detention pond would work during flood conditions, City Planner Hittleman had stated it was designed to work in low to medium flows and would not work during high flood conditions. There are Federal Emergency Management Agency (FEMA) issues still apparent; there is a FEMA investigation having to do with a floodway creek. At the Planning Commission hearing, Ulf Fagerborn, Engineering Staff, testified that this will flood. When asked if we have permits for the detention basins, City Engineer Scott Smith stated this would take a while to build; we don't have a budget; and building basins will require a mitigation of land. That again is a huge cost that is not being borne by the developer, but the City. When asked if the applicant had done any groundwater studies that show the depth, direction of flow of groundwater during the last year after the heavy rains, the City Planner's response was no. When asked to add conditions to limit traffic, John Amberson indicated there was nothing there in regards to using certain streets.

There are huge impacts. For anyone to say that there are no impacts from this concrete plant to the residents, it is an outright lie. We do not even have someone willing to do an EIR so that we can honestly and directly talk about the impacts to our community and see how or if they can be addressed by the developer. Bottom line, this is not the right fit for being on the creek; it should be somewhere else east. There is a

reason why coastal cities do not have concrete plants anymore. She supports the vision for Oceanside Boulevard.

Regarding transit-oriented development, there is a Sprinter depot there, and we are not going to be taking advantage of that. How many times has this Council talked about transit-oriented development, and now the first opportunity we have to do that, we are saying no. She would ask that this go back to do an EIR and she would give direction that we find another place for this.

DEPUTY MAYOR CHAVEZ stated that, in looking at what is going on here, it is appropriate to talk about issues of the plant site, number of trucks, vision, etc. He was listening to the speakers. If the residents feel that Council is not representing them, it is totally appropriate to do something at the ballot box; that is how the system works. He believes that hearings should be done in a fair and respectful manner. Councilmember Sanchez has made strong statements about this project not being readied appropriately. We have a staff report done by experts and submitted by the City Manager.

In response to Deputy Mayor Chavez, **CITY MANAGER WEISS** believed that the issues included in the staff report have been addressed accurately and adequately, and Council has the ability to adopt the mitigated negative declaration.

Also responding to Deputy Mayor Chavez, **CITY PLANNER HITTLEMAN** stated that he and staff stand by their staff report. We worked with Robertson's on the site design, as well as the mitigated negative declaration and the conditions. Those 3 together make this project appropriate for this area.

DEPUTY MAYOR CHAVEZ repeated that we have experts and have heard testimony. This project was originally presented to and approved by the Planning Commission. It was called up for review by former Councilmember Shari Mackin. After the election when she was no longer on the Council, there was a question about if this had to be brought forward. He had been willing to call it up for review since he had spent time looking at watersheds and how cities deal with industry along watersheds to ensure the water is clean. He then had a meeting with the lobbyist from Robertson's and told them he would not support their project, that the project had to go back and address the issues regarding Loma Alta Creek. From that, the 50-foot buffer became a 100-foot buffer, and the detention basins were redefined. When a business does the environmentally friendly thing, I think it is important for a body like this to recognize and applaud it. It took Robertson's 14 months to do this.

Regarding the vision, when the task force brought this back, it was approved 5-0 but with changes to the vision as outlined. There were actually 6 changes, including for them to plan with staff to work with the corridor property owners and to not pursue an interim study on zoning designation. The task force actually had an interim study zoning designation that would have stopped this project from going forward in area C. That was not approved by the Council. The principles laid out in the vision document, number 14 says to rejuvenate the Loma Alta Creek and restore native plants in the creek bed. Robertson's is restoring riparian habitat, as we requested in the vision.

Regarding the jobs issue, at Councilmember Sanchez's direction, we had an economic sustainability study. In that study, which was supported by Council, the number one recommendation was to maintain the integrity of industrially zoned property to ensure land to create quality employment opportunities. Robertson's has met all of the environmental requirements as stated by staff, has met all the guides put out in the vision task force, has met the economic sustainability, and it meets the needs of our citizens. He is supportive of this.

In light of Council policy 100-38 [that consideration of public hearing items and items for discussion may not commence after 10:00 PM], **DEPUTY MAYOR CHAVEZ moved** to continue the meeting; **COUNCILMEMBER FELLER seconded** the motion; motion was **approved 5-0**.

COUNCILMEMBER FELLER referenced a statement that there was a conflict between experts, and he asked if our maps were okay.

CITY PLANNER HITTLEMAN stated that, regarding storm water and hydrology issues, we have submitted reports and the experts on staff are available to answer questions. We stand by the storm water mitigation plan and hydrology study as being accurate.

COUNCILMEMBER FELLER asked if the surface of Industry Street was built for industry. It is in bad shape.

CITY MANAGER WEISS stated that Industry Street as it exists today would not meet the City's current standards for an industrial street. Industry Street is on the City's re-pavement list. We scheduled a portion of it for last year; however, the cost was a significant issue in regards to other priorities in the City. It is still a high priority on the list, and the City will be receiving Prop 1B funds. As those funds become available, Industry Street will be prioritized along with other major arterials. He could not give a commitment on exactly when this would be done.

COUNCILMEMBER FELLER stated there was a suggestion to move this project. A map was referenced earlier that showed the heavy industrial sites, and the other available sites are occupied.

CITY PLANNER HITTLEMAN stated that one site north of the San Luis Rey River is totally occupied at this point. Other sites near this site [Industry Street], include about 10-15 acres being vacant that could be developed; however, that is in this same general area. We also might have some vacant sites just to the east of El Camino Real that would have the similar situation of being next to the creek. Those are also pretty much developed.

COUNCILMEMBER FELLER wished clarification about approximately 240 truck trips doubled.

JOHN AMBERSON, Traffic Engineer, corrected there are 418 truck trips. Of the 418, approximately 380 truck trips were doubled to account for the capacity they would use on the roadway. That is 190 regular trips.

COUNCILMEMBER FELLER stated that any other use at this location would create more traffic, possibly as much as 3 times the traffic.

MR. AMBERSON agreed. If, for example, a mixed-use project went in and allowing for up to 10% trip reductions in the daily generation for mixed uses, combined with a further reduction of 5% given the proximity of the site to the transit center, it would probably result in 1.5-3 times the amount of trips. Those types of uses lend themselves to a higher proportion of traffic in the average peak hour.

COUNCILMEMBER FELLER said that many of the existing property owners on Industry Street have long leases, and many are owners. We do need to address the vision. The City has allowed some of these areas to flounder and languish. I think we need to look at a new concept for the corridor, such as performance zoning, performance overlay zoning. It would allow us to incorporate the vision of the task force to co-exist with the existing buildings and businesses there. At some point in the future, those property owners or lessees could make a difference in their use to transit-oriented development or mixed use if they thought that might be the best use of their property. It would allow what there is now to coexist with what could be. That helps incorporate the businesses, as well as the vision. This might be a perfect time for us, looking at the Oceanside Boulevard corridor, to incorporate this vision. It will take a lot of work. Every dollar we bring into Oceanside is something that every service needs, i.e., youth organizations, senior center, senior communities, etc. Everyone needs the dollars that we need to generate on a daily basis. Most of all, we need to continue moving forward with every dollar that we can receive for the benefit of our citizens. He noted that the proposed Rancho del Oro interchange impacts this section of Oceanside Boulevard and makes a big difference. That is another way to reduce traffic on Oceanside Boulevard. He believes this project is a good idea, and we could start working on a zoning overlay that allows something completely different.

COUNCILMEMBER SANCHEZ stated this is not about taking money away from the City but about a vision of higher-end, cleaner jobs. The problem is that we have not studied all of the impacts. If we had, it would have been addressed in an EIR. If there is substantial evidence of a significant environmental impact, contrary evidence is not adequate to support a decision to dispense with an EIR. That means that, if there are experts on both sides, then you have to have an EIR. It is a reflection of the law that says there is a preference for resolving doubts in favor of environmental review. There are so many issues in this project. She referenced items discussed in the memorandum submitted by the University of San Diego: flooding in the creek; the project would be in the floodplain and in the floodway; the project may have significant environmental impacts with respect to soil erosion and liquefaction and on hydrology and water quality, etc. There has been testimony that Buccaneer Beach, at the mouth of the creek, has been closed or deemed unsafe for use over 100 days in 2006. These are cumulative impacts that have not adequately been addressed. Many of the mitigation measures identified by Robertson's are inadequate to remedy the significant environmental impacts posed by the project. Therefore, an EIR should have been prepared to address all potential mitigation measures.

MAYOR WOOD stated the Council represents all of the people of the City, trying to represent what they think and want. It seemed that the big issue was location, not the plant or the company. What he has been called on the most is that this Council appointed a citizens' task force to come up with an improvement plan for the Oceanside Boulevard corridor. The question was why Council would appoint people to spend time to come to a decision and then throw it out the window. I am listening to them.

CITY ATTORNEY MULLEN clarified if the motion added the new sales tax condition offered and submitted by Robertson's.

COUNCILMEMBER KERN, as maker of the motion, agreed. The second concurred.

Motion was approved 3-2, with Mayor Wood and Councilmember Sanchez voting no.

MAYOR WOOD announced that they would waive the Council reports [due to time].

[CITY COUNCIL REPORTS

22. **Mayor Jim Wood**
23. **Deputy Mayor Rocky Chavez**
24. **Councilmember Jack Feller**
25. **Councilmember Jerome M. Kern**
26. **Councilmember Esther Sanchez]**

ADJOURNMENT

MAYOR WOOD adjourned this meeting to a Mayor/Council Workshop at 4:00 PM on Tuesday, March 25, 2008. This joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors was adjourned at 10:28 PM, March 19, 2008.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

TUESDAY, APRIL 8, 2008

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

ADJOURNED MEETING 4:00 PM COUNCIL CHAMBERS

Mayor

Jim Wood

Deputy Mayor

Rocky Chavez

Councilmembers

Jerome Kern

Jack Feller

Esther Sanchez

City Clerk

Barbara Riegel Wayne

Treasurer

Rosemary Jones

The adjourned meeting of the Oceanside City Council was called to order by Mayor Wood at 4:02 PM, Tuesday, April 8, 2008.

PLEDGE OF ALLEGIANCE -- Led by Elizabeth Trujillo

ROLL CALL

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

WORKSHOP ITEM:

1. **Planning Commissioner Applicant Interviews and Council Appointment of 1 commissioner**

CITY CLERK WAYNE gave an overview of the procedures that have been used for a number of years for applicant interviews. Today's commission appointment is for one upcoming vacancy due to the April 15 term expiration of Randall Horton (not seeking reappointment). This is for a 4-year term to April 15, 2012.

The staff report lists the same questions that have been used for the last 9 years. If Council wishes to change the process used in previous years, now is the time.

The order of interviews is determined by random drawing by the applicants. There are 4 applicants present today. Each applicant will make a one-minute opening presentation. The City Clerk will then ask 3 standard questions of each applicant. The applicant has 1 minute to respond to each question. Following these questions, the interview process opens up to questions by Council. Again, the applicants have 1 minute to respond. In the past, we have typically followed the 8-minute rule, which means approximately 8 minutes is allotted to each interview.

By consensus the process/procedures remained the same.

In their back-up Council has copies of the applications. She then listed the order in which the 4 applicants will be interviewed.

CITY CLERK WAYNE introduced the first applicant for a one-minute introduction.

John "Jay" A. Scrivener

JAY SCRIVENER, 2593 Fire Mountain Drive, believes he has met all Councilmembers in the recent negotiations with Eternal Hills.

Replying to the 1st standard question, which was why he wanted to be a Planning Commissioner, Mr. Scrivener thinks he has the correct background and experience and has a concern for the future of Oceanside.

Regarding the 2nd standard question, which was to describe the background and experience that make him a desirable candidate, he has been in the development business since 1975 and in the telecommunications deployment business for over 15 years. He has probably worked in every jurisdiction in California and a majority of jurisdictions across the country, permitting and entitling cellular facilities, so he has a working knowledge of planning commissions around the country. He has the knowledge and understanding of the building process of small and large projects, all of which he has participated in. He thinks it is a good fit in understanding from both the resident's and the applicant's points of view.

To the final question regarding any relationship or affiliation with anyone currently on the Planning Commission, Mr. Scrivener responded not that he knows of.

Councilmember Feller, Deputy Mayor Chavez and Councilmember Kern asked questions of the applicant to better understand the thinking of the applicant.

David Moffat

For his introductory statement, **DAVID MOFFAT** stated he has lived here since 3rd grade in 1986 and he loves the City. He is married and has a 2-year old daughter.

Question 1 response: He wants to be a Planning Commissioner because he loves the City and wants to be part of it. He has wanted to get involved and hasn't had the opportunity. He feels the need to be part of the City.

Question 2 response: He is a general contractor, has worked in construction for 12 years and is familiar with inspections and building, etc. He likes beautifying the City by remodeling homes and upgrading peoples' properties. That experience will move in with the Planning Commission and help you understand more building aspects.

Question 3 response: No

Councilmember Feller, Deputy Mayor Chavez and Councilmember Kern asked questions of the applicant to better understand the thinking of the applicant.

John C. Ritter

Introductory statement: **JOHN RITTER** stated he has been an Oceanside resident for only about 5 years. He was born and raised in San Francisco and grew up in the Santa Barbara area where he went to high school and some college. After that he relocated to Los Angeles where, for a short period of time, he lived in the Manhattan Beach area. He relocated to Oceanside about 2002. He is married and has 3 children: 19, 8 and 3. He has been with SDG&E and SoCal Gas for approximately 20 years, most of it in the fleet and facilities areas.

Question 1 response: He looked at the web site and the opportunities to become engaged in the City planning process. His intent was to find some way to get involved with government and with the community and to help participate in the decisions about our community. One thing important to him is finding a way to give back to the community he lives in, and even more importantly, a way to help it become a better place for his own kids to grow up and to experience what the City has to offer. He also relocated his mother here, so he also has an interest in the senior citizens needs.

Question 2 response: He has no specific background in land use or zoning. He

has had a real estate sales associate license, so is familiar with zoning ordinances, but he is not an expert. He is very analytical and works well with teams, and the Commission is a team of people. He has managed from both a leadership perspective for a lot of teams where he works, and he has participated on a lot of teams as a subject matter expert in his area of expertise. So being able to work well with a team of people is something that will help facilitate decisions with the Planning Commission. He has had some experience with land use issues within his own company, but it is rather limited. Those issues are around best management practices for storm water, reclamation use, irrigation systems, etc. He is in facilities management.

Question 3 response: No

Councilmember Feller, Deputy Mayor Chavez and Councilmember Kern asked questions of the applicant to better understand the thinking of the applicant.

Tom Rosales

Introductory statement: **TOM ROSALES** has been an Oceanside resident for about 20 years. He is married and has 3 boys. His wife is a teacher in the school district here. He is a general manager for a water/wastewater district in Orange County, with his offices in Dana Point, and has been in the industry for about 20 years.

Question 1 response: He has an interest in becoming a little bit more involved in another area of his life; he was looking for an additional aspect of his life beyond the professional and personal level — that being an interest in the community that is a little bit stronger. So he chose to express his interest by applying for Planning Commission as the likely candidate. He has the experience professionally to bring something to the Planning Commission. He has the expertise, background and experience to be a real asset to the Planning Commission by virtue of his professional experience. So he is looking for a little additional balance in his personal life and bringing his experience and expertise to something like the Planning Commission because he has something to offer.

Question 2 response: As a general manager, similar to a city manager, he reports to a board of directors, albeit it is a little different structure, and he helps the board of director's craft and guide them through the policy development programs, etc. In doing so he has quite a bit of experience in the public sector dealing with land issues. We have our own issues in our surrounding cities that we serve with CEQA issues. He is very familiar and has lots of experience with the Coastal Commission and regional boards. We have a number of facilities that impact on surrounding cities with zone changes, and their zoning laws impact our facilities. Based on that experience and interfacing with a wide variety of stakeholders at a variety of different levels, including federal, he has quite a lot of experience to bring to the Planning Commission just by virtue of his background.

Question 3 response: No

Councilmember Feller, Deputy Mayor Chavez and Councilmember Kern asked questions of the applicant to better understand the thinking of the applicant.

That concluded the interviews.

MAYOR WOOD called a short break to say thank you to the applicants.

[Recess from 4:44 – 4:48 pm]

DEPUTY MAYOR CHAVEZ stated that all 4 applicants are great, and in the 6 years he has been here, this is the best group of applicants he has seen. He **moved** to nominate Mr. Rosales for the Planning Commission.

COUNCILMEMBER FELLER **seconded** the motion.

COUNCILMEMBER KERN was hoping that Mr. Rosales would go on the Utilities Commission because of his experience. He supports Mr. Rosales with his experience with the Coastal Commission and CEQA.

MAYOR WOOD rated each applicant and gave Mr. Scrivener an A, with the top rating because of what he had to say, has seen what he had done in the past with some of the issues in Fire Mountain, his resume was outstanding; and he felt he was the best candidate for the Commission with his background and intelligence. With that, he listed Mr. Rosales as A- because he would have liked him on the Utilities Commission.

COUNCILMEMBER FELLER appreciated the thoughtful responses to the questions from the applicants. He values Mr. Rosales' contributions and responses, his experience with the Coastal Commission, etc., which is why he is in favor of Mr. Rosales at this time.

Following further comments, and in a desire to make it unanimous, **motion was approved 4-0**, with Councilmember Sanchez absent.

2. **Public Communication on City Council Matters (Off Agenda Items) - None**

ADJOURNMENT

MAYOR WOOD adjourned this Adjourned Meeting of the Oceanside City Council at 4:55 PM, April 8, 2008. [The next regular meeting is at 4:00 p.m. on Wednesday, April 9, 2008.]

APPROVED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside