



California

# CITY OF OCEANSIDE

## JOINT MINUTES OF THE:

### CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION

MAY 2, 2007

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**

Jerome Kern  
Jack Feller  
Esther Sanchez

**City Clerk**  
**HDB Secretary**  
**CDC Secretary**

Barbara Riegel Wayne

**Treasurer**  
Rosemary Jones

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**Interim:**  
**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 4:00 PM, May 2, 2007 by Mayor Wood.

#### ROLL CALL

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

#### COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

**CITY ATTORNEY MULLEN** titled the following agenda items to be heard in closed session: 3A and 3B [Items 1 and 2 were not heard.]. Closed Session and recess were held from 4:01 to 5:03 PM.[See the report out on these items at 5:00 PM, Item 4.]

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

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**5:00 PM**

**MAYOR WOOD** reconvened the meeting at 5:03 PM. All Councilmembers were present. Also present were Interim City Manager Weiss, City Clerk Wayne, City Attorney Mullen and City Treasurer Jones.

Pastor Carl Souza gave the Invocation. Students Evelyn and Adonis Mateo led the Pledge of Allegiance.

**PROCLAMATIONS AND PRESENTATIONS**

Proclamation – Juror Appreciation Week – May 7-11, 2007

Lorie Zapf, President of San Diego County Citizens Against Lawsuit Abuse, accepted the proclamation.

Proclamation – California Building Safety Week – May 6-12, 2007

Jim Zicaro, Chief Building Official, accepted the proclamation.

Presentation – Pet of the Month

Julie Bank, Executive Director of the North County Humane Society & SPCA, presented a 3-year-old Chinese Crested dog available for adoption.

Presentation – Employee Service Awards

Sarah McAfee, Principal Human Resources Analyst, presented employee service awards to the following recipients for the 1<sup>st</sup> quarter of 2007:

Barbara Farrington	20 years
Regina Walsh	20 years
John J. Wickstrom	20 years
Donald Hadley	20 years
Forrest T. Langford	20 years
Shelton C. Williams	20 years
Michael D. Goldsmith	25 years
Peter F. Riehm	25 years
Michael J. Mathai	25 years
Ken A. Matsumoto	25 years
David E. Snyder	25 years
Patrick M. Alderson	25 years
Jeffrey P. Kemp	35 years

**CLOSED SESSION REPORT**

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

CITY ATTORNEY MULLEN reported out on the following items previously heard 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 (WCOE), and Unrepresented]

No closed session was held on this item.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Center City Golf Course (approximately 95 acres) bounded by Interstate 5 to the west, Division Street and Greenbrier Drive to the north and east, and Oceanside Boulevard to the south (APN 151-011-11); Negotiating Parties: City of Oceanside and the San Diego Chargers; Negotiators for the City: John Mullen, City Attorney, and Peter A. Weiss, Public Works Director; Negotiators for the San Diego Chargers: to be determined; Under Negotiations: Potential terms for the sale, lease, exchange, or other disposition of the property]

No closed session was held on this item.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

In closed session the Council voted to authorize the filing of a civil nuisance abatement action against the Motel 6 property located at 3708 Plaza Drive.

- B) Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One case

This item was discussed; there was no reportable action under the Brown Act.

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

No action will be taken by the 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

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

**THOMAS DEMPSEY**, 3641 Esplanade Street, referenced the 2006 Integrated Water Utilities Master Plan/Citizens Advisory Committee and stated that after a review held last year, the Oceanside consultant and City Water Department staff proposed the same basis for billing users. The proposed increased rates for sewer and water for 2007 and beyond for Oceana, manufactured home parks, single-family homes and other users will be repeating the same mistake made in 1995. There is no equity for single-family rate users.

Referring to Oceanside's listing of the proposed estimated total sewer and water rate increases for July 2002 (\$29.57 per dwelling unit in Oceana, \$25.96 per dwelling unit in manufactured home parks, and \$65.78 per dwelling unit for single-family residential based on 15 units of water use), he stated that this only shows the variance in billing among users. Current billing is higher. The City Council has denied the permitted reduced rates for seniors on a fixed income. Many seniors live in Oceana and mobile home parks. They are allowed discounts because the City's Water/Sewer Rate Structure document allows reduced billing rates.

He met with Water Director Martin who did not satisfy his quest for billing inequity. They need an outside audit.

Residents from Oceana have lobbied for lower rates. They want to cherry pick the billing menu. Oceana and mobile home parks are still large voting blocks, even with

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Oceanside's increased population. The failure to install individual water meters and the politics at Oceana and mobile home parks caused this dilemma in billing. If a person uses water and flushes the toilets, they all should pay at least a flat fee of a single-family home rate to support the Oceanside water and sewer operations and maintenance costs. Users of the system need equity among rate payers.

**JOAN BRUBAKER**, 1606 Hackamore Road, wants to draw to the public's attention the articles regarding the San Diego Chargers football team, stating that tickets sold this year amounted to \$400,000 due to the City of San Diego, but it had not been paid, neither had any payment on their \$5,700,000 construction. In the interim, or before, the U.S. government asked that certain areas be provided with ADA access. In order to do this, 142 seats were sacrificed. The negotiations against the amount assessed have been negotiated with the State of California, the City of San Diego and the Chargers. A price of \$1,800,000 was adjudged as the amount due from the City of San Diego to the Chargers. Presently the Chargers and the City of San Diego are in negotiations to see how this can be defrayed, reduced or otherwise treated.

She requested that, if and when the Chargers football team comes to Oceanside and there is an arrangement signed, the Chargers would not be able to levy a charge against the City of Oceanside.

**NADINE SCOTT**, 550 Hoover Street, would like the City Council to examine a policy regarding the lack of coordination between offices in the City. She has brought this up before, i.e., when they are doing road work, tearing up roads when they are putting a sewer in and they have already re-coated the road, and that type of confusion. In this case there is a piece of property where there has been illegal grading. It is an illegal taking of habitat and illegal stream bed alteration, and the City gave the offender a permit for water meter construction. They are now taking public water. She is now wondering if a company can pay and skirt their way around the original wrongdoing of altering land without necessary permission. She hopes that someone on the Council or in the City will coordinate these efforts and see that this type of behavior is not rewarded.

At this time, **MAYOR WOOD** announced that he has had some concerns recently regarding the duration of the City Council meetings. At one point they decided to hold 3 meeting instead of 2 per month. If this continues, they might have to go to 4 meetings per month, and that puts a burden on the staff. His main concern is for the citizens who come to speak to the Council since he does not want them to have to stay late. He, the City Manager, City Attorney and the Deputy Mayor recently tried to address some concerns about how to move items forward. One of the issues in the Council policies is that the Councilmembers should try to speak for 5 minutes only. They will try to enforce that. Along that same line, when there are late requests to speak, they may move those to the end of the Council meeting. There are other issues and items they will try to address in the future, but as a Council they are trying to address the concerns of the late meetings, not necessarily for the Council, but for the citizens who may have to sit 5-6 hours and be away from their family and friends. They are trying to expedite this for the citizens to get their items across.

This might come up later in other aspects. It is going to be a trial to make sure that Council self-regulates themselves when speaking. They are going to try to keep it to 5 minutes, unless there is some special cause to go further. If there are other issues that come up, they can address them as a Council. Hopefully they understand that it is for the best interest of the citizens watching and the people in the audience.

**CONSENT CALENDAR ITEMS [Items 6 – 11]**

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

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Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of the agenda item.

**CITY CLERK WAYNE** reported there was a request to speak on Item 10, and **DEPUTY MAYOR CHAVEZ** pulled Item 7 from the consent calendar for discussion.

The following Consent Calendar was submitted for approval:

6. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. **Removed from the Consent Calendar for discussion**
8. CDC: Adoption of **Resolution No. 07-R0244-3**, ". . . approving the submission of an application for an allocation under the Mortgage Credit Certificate Program, an allocation of qualified mortgage bonds, electing to exchange said bonds for Mortgage Credit Certificates, appropriating a deposit of \$5,946, an initial filing fee of \$600, and authorizing its execution by the Executive Director," authorizing staff to apply to the California Debt Limit Allocation Committee
9. City Council: Adoption of **Resolution No. 07-R0245-1**, ". . . summarily vacating a waterline easement located within Lot "A" of the Map No. 11409," (contained within the area bounded by Ocean Ranch Boulevard, Old Grove Road, College Boulevard, and Avenida de la Plata) of Rancho Del Oro Master Subdivision East, and authorization for the City Clerk to file a certified copy of the resolution with the San Diego County Recorder [**Document No. 07-D0246-1**]
10. **Removed from Consent Calendar for discussion**
11. City Council: Authorization to award a contract in the amount of \$247,454 to HMS Corporation of San Marcos for the El Camino Real Widening project at Mesa Drive and authorize the City Manager to execute the agreement upon receipt of all supporting documents [**Document No. 07-D0248-1**]

**COUNCILMEMBER SANCHEZ** moved approval of the balance of the Consent Calendar [Items 6, 8, 9 and 11]. **DEPUTY MAYOR CHAVEZ** seconded the motion, which was **approved 5-0**.

7. **City Council: Approval of purchase orders and purchase order increases in a total amount not to exceed \$643,550 to various vendors for the purchase of 18 new vehicles and 2 used vehicles for various City Departments; approval of budget transfers in a total amount not to exceed \$162,988 to fund the purchases and in-house build costs; authorization for the Financial Services Director, or designee, to execute the purchase orders; and approval to adjust the interfund charges as necessary (Continued from April 18, 2007)**

**DEPUTY MAYOR CHAVEZ** stated that 3 years ago he brought up the issue of using vehicles under the idea of better and more efficient government and how many vehicles they actually need. There was a request sent out to the departments to look at how many vehicles they actually need. From that effort, 3 vehicles were turned in from Public Works, and others were not. He has talked to Interim City Manager Weiss about this item. He asked the number of current vehicles we have, the Interim City Manager's plan, the number of low-mileage vehicles (under 3,000 miles) we have per year, and if we can capture future savings.

**INTERIM CITY MANAGER WEISS** responded that they have approximately 470 licensed vehicles. That does not include large equipment chippers, lawn mowers, etc. He is working with Joseph Arranaga, Public Works Division Manager, and they have identified a list of what they consider to be low-use vehicles. They are going to be

meeting with the various departments to discuss options regarding those vehicles. They currently do not have a loaner pool for City staff or the City Council. Depending on how many of these vehicles they can remove from current services, they are looking at setting up a loaner pool so that the departments have an option of using a staff car, which is reasonably expensive considering the replacement costs, overhead and maintenance; or looking at some other option so that they can remove some of these vehicles from service. They have identified a list of those, and they will be meeting with various departments to review the justification for the current number of vehicles. If there is not sufficient justification, they will be removing the vehicles from service.

**DEPUTY MAYOR CHAVEZ** wanted to bring this item up because the budget is coming forward. 470 vehicles is about 1 vehicle for every 2 employees within the City, and he feels this is a significant ratio. He wants the City Council to be aware of this when the budget comes up, noting the City Manager is following better business practices. He **moved** approval of Item 7.

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

**COUNCILMEMBER FELLER** stated that, for the funds for these vehicles, it needs to be clear that we have an ongoing reinvestment in our vehicles. He thinks everyone should know that they are not taking \$653,000 out of mid air. They have replacement dollars that have been accumulated over many years for these.

**INTERIM CITY MANAGER WEISS** confirmed that statement, explaining that they have a replacement plan in place where departments pay on an annual basis for the replacement costs of their vehicles. The vehicles that Council is approving as part of this action are vehicles that are not low-use vehicles. They are paid for through the replacement program, which is an internal service charge against any department that has a vehicle.

Motion was **approved 5-0**.

10. **City Council: Adoption of Resolution No. 07-R0247-1, “. . . establishing the compensation of the City Attorney,” for John P. Mullen, City Attorney (retroactive to March 28, 2007)**

[Since this item pertains to him, City Attorney Mullen left the meeting.]

**THOMAS DEMPSEY**, 3641 Esplanade Street, asked for an explanation on what this compensation referred to and inquired whether the compensation was known when Mr. Mullen was recruited, screened and selected by the City Council.

**COUNCILMEMBER SANCHEZ** **moved** approval [to adopt the resolution]; **COUNCILMEMBER KERN** **seconded** the motion.

**DEPUTY MAYOR CHAVEZ** addressed the speaker's question concerning the City Attorney's contract and why they are increasing the compensation. The City Attorney had his 1st year appraisal, and he was evaluated by all 5 Councilmembers. He was evaluated on his efficiencies as far as the legal aspects. One of the key components he had is that previously, they routinely outsourced a lot of cases to private law firms. Through Mr. Mullen's initiative of bringing them in-house, the staffing has saved them thousands, if not millions of dollars already in the 1<sup>st</sup> year.

His analysis is that Mr. Mullen has advised Council on a number of things, from the hotel to the marina project, taking the lead on the Chargers, and for a period of time during the transition between the 3 different City Managers, has served in a superb fashion for the citizens of Oceanside.

It was with great pleasure that he voted for his increased pay. The vote was unanimous because he was considerably lower than any City Attorney of a like sized city. With all of the dynamics, it was more than clear to him that the City Attorney rated this, and that is why he voted for it.

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**COUNCILMEMBER SANCHEZ** stated that in the past, she has had concerns about the City's representation. Mr. Mullen is always prepared and is a smart person. He has brought the City Attorney's office forward. She feels the City is very well served now. He has saved us money, and he is doing a great job.

Motion was **approved 5-0**.

[Mr. Mullen returned to the dais.]

At this time the Mayor determined to hear item 18.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

18. **Request by Councilmember Kern to prepare letters in support of MiraCosta College Nursing Grant for signature by the Mayor and City Councilmembers, to be sent to Congressman Darrell Issa and Senator Dianne Feinstein**

**COUNCILMEMBER KERN** stated that one of the things that came out of Council's summit is how they can cooperate with different agencies to move things forward. One example is to move things forward legislatively. There is a shortage of nurses in North County and in the United States especially. MiraCosta College is bringing forward a program to fast track nursing.

**LINDA FOGERSON**, Executive Director of MiraCosta College Foundation, had been in Washington, D.C. talking with legislators about this important project.

**SANDRA COMSTOCK**, Associate Dean for Nursing, stated that there is a shortage of nurses, and MiraCosta College has stepped up to help the community and has developed several programs. They now have a licensed vocational nurse to registered nurse (LVN to RN) program starting this summer. They hope to have an RN program in the near future. The program they are talking about from Washington, D.C. is to help the military. The nursing program has developed a course for the corpsmen that will be held at Camp Pendleton starting this fall. This will enable them to become LVNs easier and bypass some of their coursework because they take into consideration their previous education. Once they become LVNs they can step into the RN program and help our community and the nation even further by contributing in an RN status.

**COUNCILMEMBER KERN moved** for approval of the draft letter to send to the legislators.

**COUNCILMEMBER FELLER seconded** the motion. He has already forwarded a personal letter, and he recommends that Councilmembers do that individually to the Foundation. It is easy to support this since it will bring a much needed resource to Tri-City hospital, as they learned over the weekend.

**COUNCILMEMBER SANCHEZ** applauded MiraCosta College for their quick response in providing training for positions that are much needed.

**MAYOR JIM WOOD** noted they are bringing fill-ins from outside of the United States for a job that pays well and is a good career. The military aspect of it is a wonderful thing. The letter came to him from Oceanside resident Larry Hatter, and he thanked Mr. Hatter for bringing the item forward.

**MS. FORGERSON** thanked the Council for their leadership in the Summit. Theirs will be the first City Council from this region to move the letter forward to their representatives.

Motion was **approved 5-0**.

19. **Request by Deputy Mayor Chavez for discussion regarding the staffing of a shuttle from the Transit Center, pier and harbor; and direction to staff**

**DEPUTY MAYOR CHAVEZ** stated that he and the Mayor had attended a meeting held at the harbor with the businesses and City staff for the Pacific Street bridge. Because of the parking situation, there has been a drop in business sales. From that meeting they decided to have a follow-up meeting last week with the harbor and business communities, the Chamber of Commerce, MainStreet Oceanside, Redevelopment and the Arts Commission on how they could come together and figure out how to deal with 2 issues: 1) to communicate to the public that the harbor is open and there are great businesses and things that go on; and 2) to talk about a shuttle. There has been discussion about a shuttle between the pier and the harbor for years. There was a plan 3 years ago by Mr. Weiss when he was in Public Works. The Arts Commission, working with the Harbor and MainStreet, is going to tie in a series of banners up and down Coast Highway, highlighting the harbor and the pier. The funding will come from the Pacific Street budget because it refers strictly to the harbor.

**KATHY BAKER**, Redevelopment Manager, noted there has been a lot of correspondence between Redevelopment, the Harbor and the Arts Commission. They are coming up with a map to show exactly where these banners are to be placed. There is a line item in the Pacific Street budget that allows for some of these funds to be spent to help the merchants in advertising. They are getting close to finalizing the designs.

**DEPUTY MAYOR CHAVEZ** said the window to have the banners up is by June 1, 2007. The banners are not just going to be marketing, but they will be beautiful. The second issue has to do with the shuttle. They are trying to capture it also on June 1, 2007.

Regarding the shuttle, **MS. BAKER** has corresponded with different vendors. The thought has always been to have a shuttle that connects the downtown with the pier area. They have not budgeted for it this year. They were leaning toward next year when they will have a lot of people who want to move back and forth. The preliminary dates, if they wanted to start Memorial weekend, would be May 25 through September 3, 2007. The preliminary numbers are coming in between \$80,000 and \$130,000. She is waiting for a couple of additional bids to come in. Some decisions that need to be made are the number of days per week, i.e., 7 days a week or 6 days a week and go dark on Mondays, and if they want to have the shuttle operate from 10:00 AM to 6:00 PM or maybe longer on Fridays and Saturdays. Those are some of the things staff would need direction on, and they could then return to Council with some numbers.

**DEPUTY MAYOR CHAVEZ** clarified that the discussion for Council would be if they want to go forward. It would be his recommendation that they do go forward, at least to hear a proposal with the plans and to come back with a number. In a few weeks they could make a decision.

Public Input

**THOMAS DEMPSEY**, 3641 Esplanade Street, suggested that staffing for the shuttle from the Transit Center, pier and harbor should be volunteers from the beach area, downtown business workers, MainStreet workers, Chamber of Commerce workers and harbor business workers. They could use a North County shuttle for the handicap shoppers at Quarry Creek who must board and exit NCTD buses at College Boulevard and Lake Boulevard. They really need improvement here.

[Public input concluded]

**COUNCILMEMBER FELLER** stated this is something they need to do because they need to exploit the benefits of the Harbor. They will have the timeshare on line by the end of the summer, which will not be able to take advantage of this if they limit it

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for those 4 months. Maybe there is something to be said for the future development along the pier area, that part of their considerations to the City would be to contribute to this very thing. It will serve them well. He wants to know how the bridge construction is going. There was a hearing at the Coastal Commission, and he believes we have approvals on a very rapid construction, which is going to keep the construction limited to before next summer. That would be fantastic.

**MS. BAKER** stated the Coastal Commission approved some methods that are supposed to help expedite the construction. She is not sure whether it is going to be completed by next summer.

**COUNCILMEMBER FELLER** stated it will greatly benefit the businesses that depend on people.

**INTERIM CITY MANAGER WEISS** recommended that staff put together a memorandum for Council that will outline some of the options that Ms. Baker talked about. As they get the information in regards to the shuttle within the next week or 2, they will forward it to Council. They will include an update on the bridge construction and schedule.

**MAYOR WOOD** stated there is currently a shuttle being provided by a public relations firm. He inquired if they could be involved in this and add to this travel circle at an additional cost.

**MS. BAKER** stated that there is a free shuttle service right now that shuttles people in and around the harbor. One of the proposals she is waiting to receive is for them to do an addendum to that contract to allow for shuttle service to be extended down to the pier area.

**COUNCILMEMBER SANCHEZ's** direction would be to have the shuttle service be self-sufficient. She addressed the estimated \$150,000 cost in terms of priority in the budget. They do have other things they are looking at with the budget, and they probably need to be very cautious about the budget this coming year. She suggested looking into a business district. They were talking about putting together a business district in terms of a number of things, such as lighting and whatever else there is. Having a shuttle during the summer time could be part of it. She would strongly recommend that this be self-sufficient. It benefits the businesses, and, if it is done by all businesses, it would help to bear the cost.

**COUNCILMEMBER KERN** inquired if they have the size of a shuttle in mind.

**MS. BAKER** shared that the proposals she is getting are to hold 24-30 people.

**COUNCILMEMBER KERN** would like the merchants in the harbor to track this to see how effective it is. That is, does their business increase if they put this shuttle in play. It might be an idea that they use every summer. Even when the bridge is in, the idea of having a shuttle between downtown and the harbor to capture Trendwest and Westin could keep a lot of cars off of the road, will take a lot of congestion out of downtown, and will move people around between business districts. He thinks it will be helpful to track how effective this is. He does not mean to make it a part of the proposal, but just as a suggestion that they have some kind of matrix that they can measure this against.

**DEPUTY MAYOR CHAVEZ** believes there will be a tracking mechanism with the business owners. He would like to direct staff to continue their analysis and follow the guidance of the Interim City Manager to report back to the Council in written form so that the Council can actually see the numbers. They do not know how big the numbers are going to be and how many people they are going to move. Therefore, he **moved** that staff put together a plan, submit it to Council and bring it back to the 3<sup>rd</sup> Council meeting in May [May 16].

**COUNCILMEMBER FELLER** seconded the motion.

**COUNCILMEMBER SANCHEZ** asked that they look into approaching the timeshares. When she went to San Francisco recently, the timeshare presentation included freebies like passes for the shuttle. That would include the timeshare, and they are still dealing with the other resort.

**MAYOR JIM WOOD** said they had received a donation from Genentech for senior transportation, a couple of vehicles and a physician. That may be a possibility. There are a couple of items in the background that they could look at. He agrees about the cost and that they have to be cautious about it. He also agrees that this needs to go forward. This is something that has been talked about downtown forever, and maybe this is the time to at least get some information regarding cost.

Motion was **approved 5-0**.

Due to the time certain, Mayor Wood returned to the Public Hearing items.

#### **6:00 PM – PUBLIC HEARING ITEMS**

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

12. **City Council: Consideration of a Conditional Use Permit (C-55-06) and Regular Coastal Permit (RC-3-07) to permit a regulated use (massage establishment) component to a day spa and a waiver of locational requirements for the proposed regulated use located at 417 South Coast Highway; project site is zoned CG (General Commercial) and is situated within the Townsite Neighborhood and the Coastal Zone – Golden Day Spa – Applicant: Tianna J. Martin**

**MAYOR WOOD** opened the public hearing.

Regarding disclosure of constituent contact, Deputy Mayor Chavez had attended a meeting with OCNA, talked to staff and visited the site. Councilmember Sanchez reported no contact. All other Councilmembers reported contact with the applicant and staff.

**CITY CLERK WAYNE** reported that her office received email correspondence from the applicant.

**SALLY SCHIFMAN**, Planner II, gave an overview of the staff report. The subject property is zoned General Commercial (CG), and the General Plan land use designation is also CG. Surrounding zoning includes CG to the north and south, single-family residential and high-density residential districts to the east, and urban high-density residential and redevelopment districts to the west.

The existing facility is located at the corner of South Coast Highway and Washington Avenue. The facility consists of an entryway, a receptionist's desk, a waiting room, 6 spa service rooms, a restroom, shower facility and space for a washer and dryer.

This project was originally heard before the Planning Commission on March 12, 2007. The Commission moved to recommend that Council approve the waiver of locational requirements, the conditional use permit and the regular coastal permit. This recommendation was based on numerous findings, including that the proposed use would not be contrary to the Zoning Ordinance, General Plan or Local Coastal Program (LCP); it would not result in a concentration of adult businesses; and it should be

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subject to specific operational conditions, which will cause it to operate compatibly with surrounding land uses. The Commission feels that the image of a massage parlor is outdated, and that the use would not be contrary to public interests or the spirit of Article 36. Therefore, the Planning Commission recommends that the waiver of locational requirements be granted and that the conditional use permit and regular coastal permit be approved.

There were 2 key issues that staff concentrated on during project review: 1) land use consistency, with the findings for granting the waiver of locational requirements; and 2) the project compatibility with the surrounding area. Pursuant to Article 36, regulated uses are subject to specific locational requirements. Massage establishments are required to keep a minimum separation distance of 1,000 feet from any other regulated use, public and private schools, childcare facilities, public recreation facilities, religious worship facilities and residential zoning districts. In accordance with the Zoning Ordinance provisions, the applicant has requested a waiver of these locational requirements. Under the zoning regulations, the City Council has the authority to grant this waiver as long as Council is able to affirm all of the findings. Staff does not believe that the proposed project meets these required findings for the waiver and is recommending that the Council deny the waiver request and deny the conditional use permit and regular coastal permit.

Article 36 concludes that adult-oriented businesses should be separated from other adult-oriented businesses, as well as residential areas, family-oriented uses and any area that may be used by minors in order to protect the community from consequent blight, depreciated property values, law enforcement problems and any interference with activities oriented toward families or minors. There are 2 regulated uses in close proximity to the subject property. One is a tattoo parlor called "About Face," which is located approximately 50 feet south of the property. It is located in the same building facility. There is another massage establishment known as "Massage World," which is approximately 500 feet to the north of the property. In addition there are single-family and multi-family residential properties directly to the west of the subject property, right behind the alley. There are also 2 religious facilities, "The Hope Chapel" and "I am Sanctuary of Oceanside" located approximately 900 feet to the east. The addition of massage services at this location may interfere with activities oriented toward families and minors.

Regarding project compatibility, the applicant has proposed to have her business open 7 days per week between the hours of 9:00 AM and 8:00 PM. The majority of the businesses in the vicinity close between 5:00 PM and 7:00 PM. The applicant has indicated that the hours of operation are meant to meet the needs of working professionals. However, the business would be open later than the majority of businesses in the area, and it is located approximately 100 feet away from residential properties. The later hours in the evening may be disruptive to these homes. The LCP states that Coast Highway represents a major window to the coast and has significant visitor use. Although the addition of massage services would add to the variety of commercial services available to visitors and residents, staff feels that this use may detract from creating an attractive and balanced environment along this heavily used road.

The proposed project is not consistent with the locational requirements of the Zoning Ordinance, the land use policies of the General Plan or the LCP. The applicant has requested a waiver from the applicable locational requirements. Staff has determined that the project does not meet the findings for this waiver. As a result, staff cannot recommend approval of the conditional use permit or regular coastal permit. Therefore, staff is recommending that the City Council deny the waiver of locational requirements, deny CUP (C-55-06) and RCP (RC-3-07) and adopt the resolution.

Applicant

**TIANNA MARTIN**, 417 South Coast Highway, owner of Golden Day Spa, had

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wanted to open her own business so she went to school to prepare herself. She is certified in Pilates, has a bachelor's degree in business administration and holds a holistic health practitioner's license. In looking for a business location, she decided on Oceanside because it is a nice beach community. She felt it had a lot of potential for growth. She was aware of the redevelopment taking place, and that would bring in a lot of tourists, which would be good for a new business.

In February 2006, she applied for a business license. She was told at that time that the requirements for a business with massage would be that she have 1,000 hours of training and that her employees have 100 hours of training. It would be 3 weeks from that point that she would need to wait to get an approval. She received a letter from the Planning Department stating that they had approved the location and that the final approval would be from the business license division. She received a letter from the business license division stating that they could not send her the business license until the business was ready to open, which required her to do tenant improvements. She signed a 5-year lease, began the tenant improvements, and they were approved by the City. At that point she received a business license and her holistic health practitioner license to open her business.

When she attempted to hire employees, she sent 2 people to the City, and they were told they would be required to have 1,000 hours, that there had been a misinterpretation of the City Code, and this was a new rule. They applied for their business license. After waiting 3 weeks, she was told there was another misinterpretation of the City Code and that she would need to get a CUP in order to do massage and hire employees. In November she applied for a CUP by submitting the fees and paperwork that were needed. The Planning Department led her to believe that they were going to be moving forward with a recommendation for approval. One week prior to the Commission meeting, she was told that they would have to change the recommendation to a denial. At the Planning Commission meeting, they discussed the issues that she is discussing now, and they decided to go ahead and approve the CUP. The Planning Department at that point assured the Commission that they would be following along with what the Commission had recommended, which was approval. Now she found out that they are continuing to recommend denial, even though the Commission has recommended approval for the CUP.

She is now in a 5-year lease and has invested \$75,000 in the business. She has done all that the City has asked her to do. She has paid all of the fees, tried to comply with all of the regulations and anything that she can do to make this work. She is a professional, and she wants to run a professional establishment. Massage is a big part of a day spa. She is not opening a massage parlor. She has included a list of services in the packet, showing that she is offering skin care, waxing and body treatments. It is not just a massage parlor. She hopes that Council will take this issue into consideration and approve the CUP.

Public Input

**JIMMY KNOTT**, 124 Sherri Lane, noticed in staff's presentation that they did not consider independent contractors and in-home service providers that do massage therapy, like holistic physicians and other professionals in that field even though they are allowed by law. Times have changed. This is a new era. Some of the codes are antiquated. He believes that any business doing this type of service can be inspected by the Oceanside Police Department (OPD). He believes that this should be allowed.

**JERRY MCLEOD**, 1517 Del Mar, was on the Planning Commission when this was approved. On this item 12, the agenda said it was a recommendation to adopt the resolution; he questioned how anyone would know that this was recommended for denial. More information was needed on this.

Ms. Martin came before the Commission, and there was a 6-1 vote for approval. She signed a 5-year lease based on the information she received from the Planning

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Department. She has obligated herself. She seems very professional, and she has bent over backwards to comply with the changes. They are going to have the same services in the new hotel that is going to be downtown. It is the same thing.

He is not sure about the type of liability that the City may have since she signed a 5-year lease based on the information from the Planning Department. He does not see the big reason for not allowing this. He hopes Council will approve it.

[The applicant declined further comment.]

With no one else wishing to speak, **MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER SANCHEZ** is very interested in attracting higher-end day spas. She knows that the hotel resort does anticipate a higher-end spa. That is what she would be interested in and willing to look at. She inquired if the applicant would consider closing on Sundays.

**MS. MARTIN** wants to make this work and wants to be approved for a CUP. If that is something that would be a concern, it would be fine.

**COUNCILMEMBER SANCHEZ** said that the concerns that were brought up had to do with the area being family oriented. This is a CUP and something she would be willing to try. With respect to Condition 18, convictions of anyone practicing massage, she added that there should be no felony convictions at all. She inquired if that would be a problem to include that there be no felony convictions.

**MS. MARTIN** responded no.

**COUNCILMEMBER SANCHEZ** knows it is difficult for businesses, and that Council is trying to change the image of Oceanside. She is concerned that there are other adult-oriented businesses nearby, but she is willing to give Ms. Martin a chance and **moved** for approval on the condition that they start off with no operation on Sundays in order to respect the families that are attending church nearby, and until she gets her clientele and people feel comfortable with her business, and her business is successful; and the condition that no one have a felony conviction that is a masseur.

**DEPUTY MAYOR CHAVEZ** seconded the motion.

**COUNCILMEMBER FELLER** stated that it was not long ago that they talked about another tattoo parlor in that general area, which he did not support. At that time they talked about any massage-oriented developments that were coming forward. Council needs to look at limiting what they have in the City. One popped up on Greenbrier and a couple of other locations within the City. Because of the image, these businesses went away after many years. Now they have filtered back, maybe a little too much.

He is torn about this business because he thinks the City probably gave some misleading information. That is going to be critical in his thought process. A couple of things that would be necessary in his mind is that if this is a legitimate day spa that has clientele that are coming here for our \$200-\$300 a night hotel, they are going to be here on the weekends. Maybe they can limit three hours on Sundays. He would not be opposed to that. He would like to have taken off any outdoor advertising with the word "massage." He does not agree at all that it should be part of the advertising.

He agreed to the issue about felonies. They should be able to close the business immediately upon conviction of any felony activity.

**CITY ATTORNEY MULLEN** addressed a few of Councilmember Feller's statements by saying that condition 9 on page 4 already appears to prohibit signage. Also, condition 10 states no signage visible from the public right-of-way, including a

sidewalk sign, shall include the word "massage." Therefore, he believes that condition for signage is already in the record. Regarding automatic termination of the business upon a felony conviction, there is a process set forth in the City Code for revocation of a CUP. If a business or an individual were to engage in unlawful acts or acts that are prohibited by the CUP or any other unlawful act, they would have to go through that process to revoke the CUP.

**COUNCILMEMBER FELLER** was agreeable to that. He noted there is a sign on the building currently that says "massage."

**MS. MARTIN** indicated that she would be taking that down.

**COUNCILMEMBER KERN** commented that people who know what a spa is, knows what is available there. The sticking point is the Sunday business. He thinks the compromise, instead of having limited hours or closing on Sundays, is to have Sundays by appointment only. They would not take any walk-ins.

**COUNCILMEMBER SANCHEZ** said that would address the issue of foot or vehicular traffic to the business and limit it to those who would have an appointment. She wants to make sure that this is a fit for the neighborhood. If there is activity that the neighborhood did not feel comfortable with, they could at least limit it on Sundays. If the majority wishes to limit it to appointments only on Sunday, that would be fine with her, and she would **amend her motion** to do that.

**DEPUTY MAYOR CHAVEZ** agreed to that and **seconded** the amended motion.

**MAYOR WOOD** requested an explanation on the confusion between the Planning Commission and staff and what took place with Ms. Martin.

**MS. SCHIFMAN** stated that they have had significant staff turnover in the Planning Department over the last couple of years. She came on in October 2005 and was assigned to business license applications in early 2006. In the paperwork that they had to use while they were reviewing applications, it became clear that an interpretation had been made that if an individual was issued a holistic health practitioners license, meaning that they had 1,000 hours of training in massage, they would be able to open a business, and it would be considered a personal improvement service. However, that was incorrect. The code states that only individuals who are licensed by the State of California to practice the healing arts would be exempt from the conditional use permit process, and the real loophole was that staff thought that if they had a holistic health practitioner license issued by the Police Department, it was the same thing as being issued the license by the State, when in fact it is not. Unfortunately, it took some time before this problem was caught, and unfortunately, Ms. Martin was caught up in the middle of this. In fall of 2006 when Ms. Martin tried to employ massage therapists at her location, she was told she could not until a conditional use permit was obtained.

**MAYOR WOOD** stated it is important to the Council when somebody gets involved in a 5-year contract and spends \$75,000. It makes it tougher to say no. He does not blame any one person, but obviously something was a mistake that needed to be addressed.

Directing his comments to Ms. Martin, he stated that times have changed, and this community is changing. He thinks one of the reasons staff is tough on this is that previous massage parlors in a military town like this one were not massage parlors. Having experience in his background, he noted that people tend to lose their licenses in places like hers. It is not the fault of the license holders or their management, but their staff. It is a tough decision for a military town and a downtown district. They already have holistic massages right across the street in downtown Oceanside, so he can see the point about why staff denied this. If she gets a business license there, her staff will be the ones to cause her problems and potentially the loss of her license. That will be up to her and her staff to monitor.

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**DEPUTY MAYOR CHAVEZ** noted that, in all of the 10-12 gyms on base, they have people who give massages. He told Ms. Martin that he visited her place today. He asked the times she has currently posted on her door.

**MS. MARTIN** said 9:30 AM to 9:00 PM was the original time. When she went to the Planning Commission meeting, they decided that she was going to close at 8:00 PM so she needs to put a new sticker on the door.

**DEPUTY MAYOR CHAVEZ** noted the applicant has been working hard to do this. This is a dream she is reaching. She can tell by Council's discussion that they are very concerned about the image of the City. He is sure that as a business person she is also concerned because the higher end tourists allow her to charge more to adjust her signs and do great things for the citizens and tourists of Oceanside.

In response to Deputy Mayor Chavez, **MS. MARTIN** said they charge \$40 for a 30-minute massage and \$60 for an hour.

**COUNCILMEMBER FELLER** would like to make sure that staff brings this back for discussion on the density of these types of businesses. They have them all over the city again, when they were down to 1 or 2. He will not be approving any more.

**JERRY HITTLEMAN**, Acting City Planner, questioned whether, if Council does approve this, Council could adopt a resolution approving the Planning Commission resolution, and then they would not need to bring this back.

**CITY ATTORNEY MULLEN** responded affirmatively, provided that staff adds the conditions that have been discussed. That would be appointments only on Sundays, no walk-in customers on Sundays and no felony convictions.

As agreed, motion [to adopt **Resolution No. 07-R0249-1**, ". . . approving Planning Commission Resolution No. 2007-P14 approving a Conditional Use Permit and Regular Coastal Permit, and a waiver of locational requirements for a regulated use on certain real property in the City of Oceanside (C-55-06, RC-3-07)(Applicant - Tianna J. Martin)(417 South Coast Highway)," with the added conditions of no felony convictions and Sundays to be open for appointments only[no walk-ins]] was **approved 5-0**.

13. **City Council: Adoption of a resolution ordering the vacation of a portion of the Sportfisher Drive right-of-way located east of Myers Street and adjacent to 502 Myers Street, reserving and excepting from the vacation an easement for Public Emergency Access, and authorization for the City Clerk to file a certified copy of the resolution with the County Recorder after conditions are met**

**MAYOR WOOD** opened the public hearing. Regarding disclosure of constituent contact, all Councilmembers reported the same information from the meeting that this was previously heard and staff contact.

**SCOTT SMITH**, Acting City Engineer, reported that the public hearing item before Council is an adoption of a resolution ordering the vacation of a portion of Sportfisher Drive. This is associated with the Crystal Sands project, which is a 9-unit residential condominium that came before the Community Development Commission on December 6, 2006.

With no one wishing to speak on this item, **MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER FELLER** asked if this project was going to start right away once this vacation is done.

**MR. SMITH** responded that the condition of approval requires a vacation for part of the issuance of a grading permit or approval of the final map.

**COUNCILMEMBER FELLER** inquired when the project would start.

**MATT SUMEK**, 4916 Everett Street, developer of Crystal Sands, stated that they have full intentions of moving forward with the project. With the street vacation, they are anticipating a July groundbreaking date.

**COUNCILMEMBER FELLER moved** adoption of the resolution.

**COUNCILMEMBER KERN seconded** the motion.

Motion [to approve staff's recommendations and adoption of **Resolution No. 07-R0250-1**, "...ordering the vacation of a public street right-of-way (Sportfisher Drive)"; and approval of **Document No. 07-D0251-1**] was **approved 5-0**.

14. **City Council: Adoption of a resolution ordering the vacation of a portion of the Vista Way (old alignment) right-of-way located north of Highway 78, east of Rancho del Oro Drive and adjacent to Parcel C of Parcel Map 14502, reserving and excepting from the vacation the easement for storm sewer, and authorization for the City Clerk to file a certified copy of the resolution with the County Recorder**

**MAYOR WOOD** opened the public hearing.

Regarding disclosure of constituent contact, Mayor Wood and Deputy Mayor Chavez reported contact with staff; the remaining Councilmembers reported no contact.

**SCOTT SMITH**, Acting City Engineer, reported that this item is an adoption of a resolution ordering the vacation of a portion of Vista Way. This is associated with the Ocean Terrace Professional Center, which is located off Vista Way and Rancho Del Oro. It is a vacation of the old alignment of Vista Way. The staff report has a picture of the alignment, as well as what is being vacated.

With no one wishing to speak on this item, **MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER FELLER** noted that part of this infringes on Alignment 11, which was the recommended alignment for the Rancho Del Oro interchange. He asked early on that they still have room to do an interchange at this site, even with this adjustment.

**MR. SCOTT** agreed that approval of this project impinges upon the Alternate 11 design. At the last meeting, Council had asked about the vacation of the easement. He stated that the vacation of the easement does not affect the interchange. The current placement of the buildings, based upon what was approved in the development plan, does affect Alternate 11 the way it is designed.

**COUNCILMEMBER FELLER** inquired if there is still room for another alternate design for the interchange.

**MR. SCOTT** responded that another design could be proposed that would enable the interchange to occur. They also always have the opportunity, although not a palatable opportunity, of purchasing those buildings at a later date.

**COUNCILMEMBER FELLER** is worried about this because that interchange is going to happen some day. It has to be figured out.

**COUNCILMEMBER KERN moved** for adoption of the resolution.

**COUNCILMEMBER SANCHEZ** seconded the motion.

The **motion** [to approve staff's recommendations and adopt **Resolution No. 07-R0252-1**, "... ordering the vacation of a public street right-of-way (Vista Way)"; and approval of **Document No. 07-D0253-1**] was **approved 5-0**.

[Recess was held from 6:54 to 7:04 PM.]

#### **GENERAL ITEMS**

15. **City Council: Presentation of the Quiet Zone Conceptual Design, and direction to staff (Continued from April 11 and April 18, 2007)**

**SCOTT SMITH**, Acting City Engineer, reported that the item before Council is a Quiet Zone preliminary review, with a conceptual design and cost estimate. The consultant contracted to do this work is here for a presentation.

**ERIC HANKINSON**, design consultant with RailPros Incorporated, reviewed that in mid 2005 the Federal Railroad Administration (FRA) issued its Final Rule on the use of locomotive horns at highway rail grade crossings. The Final Rule provides an opportunity for localities to mitigate the effects of train horn noise by establishing so-called "quiet zones." In general, the final rule requires the implementation of safety improvements, or supplemental safety measures (SSM), to compensate for the horns no longer being sounded at the crossings. The most common SSMs are raised median extensions and/or exit gates to address vehicular safety. Improvements may also be implemented to address pedestrian safety if pedestrian safety is identified as a concern by the roadway owner, the railroads or the regulatory agencies. In 2006 the North County Transit District (NCTD) Board adopted a policy for working with cities to establish quiet zones in accordance with the FRA's final rule. The policy outlines the process, capital cost responsibilities and maintenance cost responsibilities. The City is pursuing the implementation of a Quiet Zone along NCTD main lines, silencing the sounding of train horns at the following grade crossings: Surfider Way, Mission Avenue, Wisconsin Avenue, Oceanside Boulevard and Cassidy Street. This represents all of the crossings within City limits on the NCTD main line. The following railroad entities operated some or all of the crossings: NCTD, which has both the Coaster commuter rail service and the upcoming Sprinter light rail service, AMTRAK, Metrolink and the Burlington, Northern & Santa Fe (BNSF) railway for freight.

In November 2006 the City participated in a diagnostic meeting with the California Public Utilities Commission (CPUC) and the operating railroads in order to discuss the SSMs and other improvements that would be required at each of the crossings to implement a Quiet Zone. In general these improvements consist of the following improvements to address vehicular safety: exit gates, raised median extensions and/or driveway relocations or closures. To address pedestrian safety the following improvements are proposed: reconfiguration of sidewalks, pedestrian channelization, the installation of detectable warning strips at sidewalk approaches to tracks and pedestrian gates.

Using a computer slide presentation, he showed some of the conceptual exhibits and an aerial photograph of Surfider Way, the most northerly crossing. This crossing is a two-way street with only one lane in each direction. Because they have adjacent driveways at the pay lot and at the adjacent residential development, exit gates are proposed in order to keep motorists from driving the wrong way around the gates. In addition, the westerly median is proposed to be extended so that there will not be any left turning vehicles that could potentially cue people across the track. Also proposed are sidewalk reconfigurations to put the sidewalks behind the warning devices so that pedestrians do not potentially become trapped in between the gates.

At Mission Avenue there is a different situation. They already have raised

medians on either side that are at least 100 feet long. They do not have adjacent driveways at most of the quadrants except near the station, and they are proposing to close the driveway and relocate it 60 feet away from the track. In this situation, when they relocate the driveway, they do not need to have exit gates. However, there is a big concern about pedestrian safety along Mission Avenue so the diagnostic team recommended pedestrian gates on all 4 quadrants to address pedestrian safety.

A notice of intent to establish a new Quiet Zone was sent out on February 8, 2007 to the FRA, Public Utilities Commission (PUC), operating railroads and other parties as required under the FRA's final ruling. This document is the first official notice required under the final ruling to establish a new Quiet Zone. It provides the various involved parties with a 60-day comment period.

At this time they are estimating the capital cost of the project to be somewhere between \$7,000,000 and \$9,000,000. This estimate includes railroad signal costs, crossing panel work, civil improvements, traffic signals, signing and striping, design, construction management, environmental processing, railroad flag protection and a City administration contingency for 2 years of escalation. In addition to the capital costs, NCTD will require the City to reimburse NCTD for the maintenance of additional signal facilities implemented as part of the Quiet Zone. The end-of-maintenance costs have not yet been developed by NCTD. However, they estimate that the annual maintenance costs will be \$25,000 to \$50,000 per year based upon maintenance cost information provided by NCTD to the City of San Diego for the downtown San Diego Quiet Zone project. NCTD will also require the City to pay for the capital costs for replacement if any equipment is added as part of the Quiet Zone. For example, if a truck knocks out an exit gate mechanism, the City will need to reimburse NCTD for the cost of replacing that exit gate mechanism.

NCTD may require insurance coverage for the Quiet Zone. At this time those costs have not been determined. In the past, the City of Placentia paid about \$350,000 per year in insurance costs for their "interim quiet zone." This was a quiet zone that was developed before the FRA's final rule was adopted. However, now that the City of Placentia will soon have a quiet zone established under the final rule, BNSF has removed the insurance requirement, and the City has elected to not procure coverage. At this time it appears as though the City of San Diego's existing self insurance program will cover the 12 affected crossings in the downtown San Diego Quiet Zone.

Once funding of the project has been identified, the City would need to take the following steps to advance the Quiet Zone:

1. Enter into a memorandum of understanding (MOU) with NCTD on the development of the Quiet Zone. This MOU will require the City to deposit funds with NCTD to cover costs, including railroad signal design costs, program management and staff time. The existing railroad crossing construction and maintenance agreement may also need to be updated
2. Proceed with any environmental process that may be required. At-grade crossing railroad signal improvements are statutorily exempt from the California Environmental Quality Act (CEQA). However, the City needs to make any final decision on the appropriate environmental process, if any.
3. Enter into a contract for the design of all other improvements (including processing of all required information under the Final Rule and as per California Public Utilities Commission General Order Number 88).

**MR. SMITH** then discussed the cost estimate of \$7,000,000 to \$9,000,000. He gave a computer slide presentation showing costs for improvements that NCTD would do [\$2,857,000], which is for equipment only. It did not include the surface improvements that the City would have to do outside the right-of-way and conjunction areas. Some costs were for median construction and the paving associated with that.

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He then presented a summary of the cost estimates [\$2,206,669 – \$3,203,736] that RailPros prepared, including the surface improvements that would be associated with the Quiet Zone that the City would be picking up or that would be outside of NCTD's effort.

Another slide accounted for additional design and construction costs [\$1,697,438 - \$2,464,413]. He is giving Council as realistic a cost as they know at this point. They are trying to account for everything so that the Council is not making a decision based upon an optimistic value. In accounting for escalation and non-construction costs, they may be able to trim the fat out of some of the values shown. He would rather account for it now, give Council all of the information and let them make a better decision.

This initial estimate [\$7,000,000 - \$9,000,000] presents a low and a high figure as an effort to account for sizeable variations typically found for projects scoped at this early stage. To date, the City has requested a \$2,000,000 federal appropriation. They have not received news on that. Another funding mechanism would be the diversion of street maintenance funds, or at least a portion thereof. Another option is the formation of an assessment district in accordance with Proposition 218, which has weighted ballots. The assessment district estimate is a rough value based upon 1,000 contributing parties with the bond rates that existed at the time of preparation of this report.

There will be annual maintenance costs associated with these improvements. There will be an obligation to pay for capital replacement costs. Currently the City does not have that obligation for anything that is in the right-of-way. If somebody hits the gate, NCTD has that obligation. Any new equipment installed that is associated with the Quiet Zone will become the City's obligation, and they will have to replace it if it gets damaged. There will be insurance requirements, and that has seemed to go in both directions in terms of high dollar amounts. The City of San Diego has opted to insure themselves.

An article about the City of Placentia stated they did 9 crossings and it cost \$9,000,000. They just completed that. Staff is projecting 2 plus years out, and it will be a little more than \$1,000,000 per crossing with what they are projecting.

His recommendation is that staff hold 3 public meetings to get feedback from the public and see how they feel about the assessment district. In addition to that, they may consider a mail-in ballot for those individuals who did not attend the public meetings to still get a representation in the matter.

Public Input

**NADINE SCOTT**, 550 Hoover Street, stated in no way could she ever support such use of City funds. She cannot even imagine road improvement funds that are on the table. They have a lot of road repairs to do, such as the Industry Street repaving, which is over \$800,000, and that is being deferred because they simply do not have the money. There are hundreds of other road improvement and re-paving projects throughout the City that they are not doing because they cannot afford them. This should come off the table immediately.

If any general revenue funds will be used for the maintenance or capital replacement costs, she could not support that. All of the people who live there, built homes there, and developers who developed, knew the train tracks were there. That is unlike the situation of the Sprinter corridor where there are people 50-100 feet away from this line who really deserve some extra protection, and help. They bought their homes well before that was planned.

They need more money for gang prevention, police personnel and new personnel to comply with the new storm water plan requirements. Unless these people are willing to step up, assess themselves and be reassessed continuously for maintenance and

capital cost expenditures, she absolutely does not support this proposal.

**JIMMY KNOTT**, 124 Sherri Lane, agrees with Ms. Scott regarding Oceanside Boulevard and the Sprinter. The quiet zone needs to be looked at for both lines. The figures that were given for Solana Beach were not done at the full City expense. The NCTD paid a majority of it. He questioned why NCTD could help out in Solana Beach and not in Oceanside. He asked about searching for other FHA or FRA funding, which has been in the past given to NCTD for that special project and other projects similar to that.

If they have to pay for new development, there should be a safety fee considered to be added to any form of TOT. Any person who comes into the city should have to pay a safety fee. Along Coast Highway and some of the feeding lines like on Oceanside Boulevard is the speed of traffic. If they slowed it down and made it 25 miles per hour from border to border in the City on Coast Highway, that would change the mentality, slow the traffic down and get people to understand. That would then feed into some of the surrounding area. He would encourage Council to look at that because they have the Sprinter line coming. With that happening 64 times a day, they need to stop and slow down the traffic.

**WAYNE MEDEIROS**, 589 North Cleveland Street, supports the Quiet Zone, not so much for the Quiet Zone as for the pedestrian safety that it can provide. They are going to be bringing in a lot of tourists in the downtown area. It is important to do all they can to improve the safety at each one of their train intersections and public railroad crossings in the downtown area. If they expect to have tourists come back they must quiet the train. He lives it every single day. Tourists will hear that train one time on one stay, and they will not come back. The Amtrak train is too loud. He fully supports the Quiet Zone, pedestrian safety and railroad crossing zone.

He is concerned about the \$7,000,000 to \$9,000,000 cost. They are not re-engineering these intersections. They are only retrofitting them with some additional gates, and they are replacing some sidewalks and some gating. They need to take another look at those costs, especially on the NCTD side. He is not seeing what they are getting for that \$2,000,000. He thinks they may have some double costs there between what the City is paying for and what NCTD is paying for.

Regarding the insurability issue of those crossings, he questioned why they are being forced to pay more on the insurance. It is an improvement in safety, and he fully supports getting this Quiet Zone established however we want to pay for it. He is willing to pay his fair share in assessments but it should be equal throughout the downtown area if that is what needs to be done to make it financially feasible. They do have redevelopment dollars out there, and some of those can be applied to improve the quiet.

[Public input concluded]

**COUNCILMEMBER FELLER** asked how much the \$250,000 that was presented would deplete their street maintenance.

**MR. SMITH** responded that for this year's contract, the Slurry Seal effort that they are doing is \$600,000, so the \$250,000 would be almost half of that effort.

In response to speakers, **COUNCILMEMBER FELLER** said there are street maintenance needs. Industry Street is a great example of not having enough money. Regarding the rail track to Escondido, it has been around just as long as the track going north and south. It was there about 100 years and is just now getting attention because it is going to be very busy in another year (with the Sprinter).

The illustration Mr. Smith showed for the improved crossings really looked like an excessive amount. They can protect people from everything that they may do, including

walking out in front of a train at an intersection. We want to protect them as much as possible, especially parents with young children. As Mr. Medeiros said, it seems like we are putting a whole new intersection in, and he thinks this is to look at closely. He looks forward to seeing how the public meetings go and to see if assessment is a way to fund this. It is going to be a challenge for the City Manager to find this kind of money. It is important for public safety, for those people who are not familiar with our downtown as they come in as a result of the new hotel and timeshares. They have to figure out how to do this. This is considerably more expensive than that \$2,500,000 they heard about 3 or 4 years ago when they first started talking about this.

**COUNCILMEMER SANCHEZ** agrees that they should not touch any of the funds for street maintenance. The City has been incorporated since 1888, and much of their older neighborhoods need repair. They are concentrating on major thoroughfares, not on the residential, which also need it. Rather than reducing it, they are probably going to be at some point very quickly, pressured to increase the amount.

She is not willing to do this without any kind of insurance. She believes this would have to be completely paid by users. She does not understand this. The train has been around forever in Oceanside. She has always lived near the downtown and currently lives 2 blocks away, and the horn is a sound that is part of living in the downtown area. She does not see a problem with it, especially not to the tune of \$7,000,000 to \$9,000,000. If the residents wish to pay for it, so be it. She does not want a single dime of the City's money going to this because the rest of the community in Oceanside would also feel that they should have the same level of service. In terms of giving direction to staff, she recalls asking for information regarding their new east-west rail because those people did not think they were going to be living next to a tooting horn every 15-20 minutes; it is something they are going to have to deal with in terms of the noise.

She understood that there was going to be some kind of project coming back via the NCTD to address any issues of noise, vibration and that kind of thing, but she does not think it has to do with the whistle blowing. Above and beyond all of these costs and regardless of what they do, the train engineer will still be able to toot the horn. If the best case scenario is that \$7,000,000 to \$9,000,000 is going to be expended and the horn is still going to be sounded, she does not understand how they have gotten this far. To her that means that to do the east-west rail, the Sprinter would be 2 or 3 times more. It sounds like this is out of their league at this point.

We are building a resort, a senior center, a major park and looking at the redevelopment of Oceanside Boulevard. This is something that, if you look at the priorities, is a huge thing to swallow for \$7,000,000 to \$9,000,000. She does not believe any money should come from the City to support this.

**COUNCILMEMBER KERN** is concerned about the insurance. The number that the City of Placentia put down was horrendous. As soon as he saw that he thought that this is never going to happen. He wished to confirm if they dropped that.

**MR. HANKINSON** responded affirmatively. The requirement for the insurance policy in Placentia is an unusual case. They have a lot of trains going through the City of Placentia, and they cut a deal with the regulators and the BNSF to have an interim Quiet Zone before these final rules were promulgated. As a result, since there were not any Federal rules to fall under and at the time there were no markets for the City to get the policy, the BNSF, with some involvement from Metrolink as one of the operators, strong armed its carrier to cover the City, and that was the cost. Now that interim Quiet Zone is gone and a new Quiet Zone should have been implemented, but they are having a few technical problems that should be resolved in a matter of weeks. The new Quiet Zone will fall under the Federal rules.

Under the Federal rules, a Quiet Zone is just as much covered as blowing the horn is, so BNSF's insurance requirement has gone away. The City of Placentia is

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electing not to procure any insurance coverage. In his presentation he said that NCTD may require coverage and they may not. He is not really sure at this point. In San Diego, they have a self insurance policy that already covers their facilities, including the 12 crossings in the downtown San Diego Quiet Zone.

**CITY ATTORNEY MULLEN** interjected that he has had discussions with NCTD's General Counsel on a couple of occasions regarding the insurance issues. NCTD does not want to be tied to a specific figure, but the expectation would be that it may be a nominal cost for insurance. The City would have to be named as an additional insured on their policies, and that may cost somewhere under \$1,000 per intersection. That is not a final number. That is just a number that has been talked about in the past. It may turn out to be a nominal cost.

**MR. HANKINSON** stated that the last they heard, without seeing anything in writing, was that San Diego's existing self insurance program was going to cover this without any change in cost. It is one of those unknowns that is still being sorted out. This whole Quiet Zone process is new for everybody.

**CITY ATTORNEY MULLEN** pointed out that the City of San Diego's self insured retention, when he worked there, is at least \$1,000,000, and it may be higher now. Oceanside's is \$250,000. Therefore, San Diego may have more of an incentive to not have to pay additional costs because they have such a high self insured protection.

**COUNCILMEMBER KERN** would like staff to go forward, talk to the neighborhoods and see what they are willing to pay for an assessment district. That is why they really want to nail down the insurance costs, even if they used a high ballpark figure and said \$5,000 per crossing. Regarding assessment districts, he questioned how far out they would go to determine who is within that district. For the City Hall building, if we are covered by that, would the City have to pay a portion based on square footage, etc.

**INTERIM CITY MANAGER WEISS** responded that when the City first started looking into this, they had some preliminary conversations with assessment engineers. There are several ways to do it, but the easiest way for them would be to look at the noise impacts. The benefits will be determined by the impact of the noise reduction. The closer you are to the rail line, the greater the benefit. There are 2 broad cases of benefit. One is a special benefit that would be derived to the property owners that see the noise reduction, and there is a general benefit that the City would have to pick up. Someone would have to do detailed assessments.

It is likely, as Mr. Smith had mentioned, that the intent is to go to the residents affected by this and gauge some preliminary feedback. If they are not willing to pay for it, it makes Council's decision a lot easier. If they are willing to pay for it, at some point staff would come back to Council to allocate some additional funding to do some preliminary assessment review.

**COUNCILMEMBER KERN** wants to give the residents a true number for their feedback on whether or not to proceed. As they move forward, hopefully they can nail down the insurance costs, construction costs and the benefit to each individual property owner. He encouraged staff to have the public meetings.

**DEPUTY MAYOR CHAVEZ** agrees that this is really safety zones, not Quiet Zones. Trains are used in Europe and Asia all of the time, and they have exactly the same separations -- medians and civilian gates. Insurance is just an actuarial decision. It is a math decision. They determine it like they figure out your life insurance policy. When they start looking at it, they are going to find out that these are actual safety zones, not just quiet zones.

[Councilmember Sanchez left the dais at 7:43 PM.]

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He would like to stop the discussion of the various parts of the city. He does not see this as a conflict between one part of the City or the other. They are going to address the needs of the sound on both routes – north/south and east/ west. But you cannot address the sound issue until there is sound on the east/west line. They do know what north/ south is. In a couple of years they will be talking about the east-west noise, and they will actually have some data to talk about.

There is an economic impact. If you go to Trendwest, your sign-in sheet will say that your timeshare is next to a train, and you need to know about it. It will be the same with the Beach Hotel. We are investing \$27,000,000 in the Beach Hotel if it gets through the Coastal Commission. We are talking about \$7,000,000 to \$9,000,000 which is considerably less to ensure a quality of life economically for tourism, plus safety for children who are there as tourists. It is not just for people eating in restaurants or staying in hotels; it is also for safety of people who are not from here and are not as familiar with the trains. There is an economic safety impact there.

The question tonight is if they really want to do it and how they are going to pay for it. From the discussion, they do not know how they are going to pay for it because they do not know how much it is and need to go to the public. His direction to staff is that he wants to do this. Go to the public meetings and come back with that input. The next question will be how they are going to pay for this. As the City Manager says, if there is no public support for this, that will make their decision pretty easy, and they will not have them. He feels that they are going to have strong public support for safety zones/quiet zones along the coast.

**MAYOR WOOD** stated that they always talk about quality of life and safety issues, and he agrees with the Deputy Mayor that this is a safety issue. Going forward and looking at some of the details is something that they should do. That does not mean it is going to be the answer that everybody living near the tracks wants to hear. It may not financially be possible.

He does not want to forget the others. The Sprinter line is supposed to start running in December. It is going to be double tracked, and there is going to be a lot of activity on it, probably a lot more than you would see on the main line. The other thing in favor of the Sprinter line is that they have some sound walls put in, although not as many as they wanted. They have been arguing that point with NCTD for quite some time. There is a big financial issue with NCTD and the Sprinter line. Every city along this line from here to San Diego wants Quiet Zones or Safety Zones, and they are looking at it the same as Oceanside regarding how to pay for it. Everybody is trying to look to the Feds and the State for money. They heard about a couple of possibilities, but things are tight.

He sits on NCTD and the San Diego Association of Governments (SANDAG). He does not see the money there, and he is not sure there is a source. He agrees that they should still continue to go forward and look at the feasibility. He believes that when they sit in these meetings and discuss this, they have to look at the Sprinter line. They cannot skip one or the other. It really needs to be both. One thing that was true is that even under a Quiet Zone, the train engineer can blow his whistle. It is up to him. The question is the money since they already have crossing arms, but there needs to be a different type of signal/safety. For pedestrians it has to be quad units coming down, not doubles. The medians are there, and all of the costs come in high as you weld it to the development costs.

We also hear about the airport noise and the police firing range and everybody's quality of life issues are the same, and they want us to fix it. They have to look at the value of the money and where it is going to be spent. He would agree to let staff continue along this line and look at 2 things: all of the rail lines in Oceanside and the cost factor. It might have to be Federal, State and maybe some districting to pay for some of this and subsidize it.

**COUNCILMEMBER KERN** noted the Mayor's comments and said that they really cannot study noise until they get trains [Sprinter] running. Therefore, the idea is to focus on the downtown and the quiet zones there. As the Sprinter comes on line, they would start looking at the Sprinter line. They should spend their time and money on the ones that are actually affected now and then go forward when the time is appropriate.

At this time the Mayor determined to hear item 26.

[Councilmember Sanchez returned to the dais at 7:51 PM.]

#### **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.

26. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside amending Oceanside City Code Chapter 10A.3(b) and adding Sections 10A.3(e), 10A.3(f), and 10A.3(g) regarding smoking prohibitions (Introduced 4/18/07, 4-1 vote, Kern--no)**

Following titling of the ordinance, **DEPUTY MAYOR CHAVEZ** moved to adopt the ordinance.

**COUNCILMEMBER FELLER** seconded the motion.

#### Public Input

**GENA KNUTSON**, 1000 Vale Terrace, Vista, with the Vista Community Clinic, speaking for members in the audience, thanked the leadership of the City for supporting smoke-free beaches, pier and parks.

**COUNCILMEMBER KERN** had stated his objections previously, and he voted against it. He still has trouble supporting this. It seems like they are asking people to give up freedoms at the behest of other people, and he thought with 3½ miles of beach there would be some compromise. He is still reluctant to go forward with this.

The biggest complaint he had was in front of the libraries, and he asked about extending those zones from 25 feet out to about 100 feet. He asked if that was something they can bring back separately or amend this ordinance.

**CITY ATTORNEY MULLEN** stated that the City Manager's office has forwarded a draft proposal to him with that in mind, and he is in the process of reviewing it. They anticipate that could be coming forward in June.

Motion [to adopt **Ordinance No. 07-OR0254-1**, "...amending Oceanside City Code Chapter 10A.3(b) and adding Sections 10A.3(e), 10A.3(f), and 10A.3(g) regarding smoking prohibitions"] was **approved 4-1**, with Councilmember Kern voting No.

At this time, the Council heard Item 16.

16. **City Council: Adoption of revised City Council Policies 100-01; 100-03; 100-05; 100-08; 100-09; 100-10; 100-13; 100-20; 100-22; 100-25; ~~100-29~~; 100-32; 100-34; 100-38; 100-39; 100-50; 100-57; and 100-58**

**CITY CLERK WAYNE** reported that with Council's concurrence, policy #100-29 was removed. Policy #100-29 is an old existing policy from 1985 regarding recorded tapes. The addition was going to be that DVDs and videos of official meetings may be discarded after being retained for a 3-year period. They removed that item from discussion tonight since they will be bringing forward to Council at the next meeting a contract for Council's approval for a Citywide records retention schedule. Therefore, this is a moot point at this time.

**MICHELLE SKAGGS LAWRENCE**, Deputy City Manager, stated that staff is recommending that the Council adopt a variety of revisions to the Council policies as provided in the backup to the staff report. Many of the revisions are fairly administrative, and a couple are more substantive. Deletions are provided in the strikeout format, and additions are underlined. They are asking that Council not take action on item 100-29 because that will come back to Council. Staff is asking that Council either approve the policies or provide staff with direction on how they would like the policies written, and they can come back to Council.

Public Input

**JERRY McLEOD**, 1517 Del Mar Road, has no idea what all of this means. Council has manuals and books. He asked how he would know what these things are. The same thing applies to what Council approved on Item 12. It looked like Item 12 was not a problem, yet there was a problem [in that there was indication that staff was recommending denial]. If the Planning Commissioners had realized it was going to be a problem, they would have been here too. They do not know what Council knows. The public should know what Council is talking about and considering.

**JIMMY KNOTT**, 124 Sherri Lane, stated this is an overloaded agenda item, and there is no way a citizen can coherently and intelligently comment in 3 minutes. It is unfair. Each item deserves to be heard separately. There needs to be something akin to an Environmental Impact Report (EIR) on this, such as a public policy impact report to show what those impacts are. His comments on each item are as follows:

- 100-01: Regular meetings should be divided up.
- 100-03: 7 days for public comments - The workers may need to have a couple of weeks.
- 100-08: Where is the posting for South Oceanside and the other townships
- 100-22: Work plans should cover every 2 years to help the City, instead of every year.
- 100-38: This is confusing; it could be interpreted many ways. It needs a majority
- 100-50: This is a removal of the majority to hold workshops. This is something that the Council should be doing and setting forth standards.
- 100-57: This removes a sun shining of closed session items.
- 100-58: He disagrees and would prefer to have the Council establish a time period for each ad hoc committee, not have a blanket 6-month period.

**COUNCILMEMBER SANCHEZ** thinks it would have been nice to have done this in a workshop setting so that people could talk and feel comfortable with policies. These policies are things that we strive to adhere to. She agrees with Mr. Knott that #100-08 regarding Council meeting materials being available should probably include places besides the Melba Bishop Park, the libraries and City Hall. They could come up with different ideas to get the word out to people who do not have access to the website.

The intent was to clean up the wording, but she did get some questions about reporting out by the City Attorney and whether they are trying to avoid information being read out by the City Attorney's office. Her response was no, but that is how it was interpreted. She would feel more comfortable doing it in a workshop and getting more input from the public. These are policies having to do with the public's first amendment right of petitioning their government and the right of the public to be present before the Council. That would be her recommendation.

Regarding policy #100-32 regarding study sessions and where there is no input from the public on items not on the agenda and only 2 minutes to speak, she believes that once before they had received a recommendation from the City Attorney's office that this was unconstitutional, and they had stopped. The recommendation was that they not do study sessions anymore, and because of the Brown Act they would have to do the workshops. A study session would end up being a workshop with all of the requirements thereto. She would want to at least delete that.

**CITY ATTORNEY MULLEN** responded that they clearly have to take testimony on non-agenda items, whether they call it a workshop, etc. The current policy says it is the policy of the City Council to take public input on agenda items only. It is his belief that in accordance with the Brown Act, they would have to take non-agenda public testimony, and he agrees with that. The 2 minutes is within the discretion of the City Council. That has been the subject of extensive case law. The current rule is 3 minutes, and that is within the discretion of the Council.

**DEPUTY MAYOR CHAVEZ** has a different perspective. These are City Council policies. There have been changes throughout the years.

Citing some examples, he stated that some are more substantive, like workshops where they would no longer have to have 4 Councilmembers present. Another one has to do with giving appraisals to the City Manager and the City Attorney. Now it has to be written appraisals. These are items that are just housekeeping about the way the Council operates. These could also be changed at any time. It is too strong to say that we are attacking people's first amendment rights. What we are doing is the business of the City and the administration manual.

Therefore, he **moved** approval of the revised City Council policies as presented by staff.

**COUNCILMEMBER FELLER seconded** the motion. He commented on policy # 100-13, which says to conduct a manual written evaluation of the performance of the City Manager and City Attorney. As Councilmembers they owe, just like other people in the City, their Council Aides a written evaluation, although it does not say written. He would like the word "written" added. The Council Aides are entitled to a written evaluation unless there is some legal reason that they do not do that.

**CITY ATTORNEY MULLEN** responded that this is within the discretion of the Council. There is no legal reason prohibiting the Council from giving him or Mr. Weiss a written evaluation.

**COUNCILMEMBER FELLER** clarified that he was referring to the Council Aides. He pointed out that their book says "annual" evaluation, not "written" evaluation.

**COUNCILMEMBER FELLER** requested that "written" be added to item 13. He next addressed the policy [No. 100-20] that reinforces staff's participation with any one of the Councilmembers for more than 4 hours of staff time in any way, shape or form. The 4 hours rule is by issue or subject and includes all staff members who may participate. Council is not entitled to use staff time for going to meetings with them, especially if it is a required 4 hours. He does not believe this is necessary. Staff goes to lots of meetings at SANDAG and NCTD. They are already doing that as part of their

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processes. It is very important that Council not be using staff time that is so badly needed to maintain their operation in the City. Staff members should not be intimidated into a coming to meetings on their lunch hours at any time. Staff should be allowed to do their job, and this policy reinforces that. He hopes they will all live by those policies.

**CITY CLERK WAYNE** read the confusing language in policy 100-38 and inquired if the intent of the language was the 'consensus' of the Councilmembers present.

**MS. LAWRENCE** responded that the wording should state "concurrence" and not "the quorum."

**COUNCILMEMBER SANCHEZ** clarified that the words "of the quorum" were being taken out, and instead it would be a "majority concurrence of the City Councilmembers present."

**CITY ATTORNEY MULLEN** explained that the intent was that, if there are only 3 members left after 10:00 PM, could they continue with a vote of 2-1. That is one of the reasons why this was drafted. He noted that Council did not have to agree to this.

**MAYOR JIM WOOD** asked for further clarification regarding the intent of item 100-38.

**COUNCILMEMBER SANCHEZ** stated that in the last 10 years she has not seen them ever lose anyone after 10:00 PM.

**MS. LAWRENCE** clarified that the intent was to have the Council make a decision on whether or not they wanted to go on past 10:00 PM. It would take a majority vote to go on past 10:00 PM.

**MAYOR WOOD** is concerned because past policy is that they wanted 4 members for anything.

**CITY CLERK WAYNE** clarified that Mayor Wood's comments referred to the policy regarding holding workshops. That policy [No. 100-20] is being changed.

Regarding Policy #100-50, **MS. LAWRENCE** stated that at one point in 2002, the Council decided that they wanted to have 4 people present, beyond the quorum majority, in order to hold a workshop. That was above and beyond what was needed to hold a meeting, which was a quorum of 3. Staff thought it was redundant and probably something that this Council might not wish to continue. That is entirely up to the Council. As it is presently written, the workshop standard is higher than the standard for a regular council meeting. The change was simply for consistency purposes.

**DEPUTY MAYOR CHAVEZ** read policy #100-32 (Study Sessions) and clarified that by state law it should say "...input on agenda items or non-agendized items...", at the end of the agenda..." because Council cannot restrict it to only discuss the items that they currently have.

**COUNCILMEMBER SANCHEZ** has a problem with this as there may be only 2 things on the agenda. The rationale was that since the Council does not get a chance to talk to each other, they should create a study session and leave the public out, although they could speak for 2 minutes at the very end but only on things that are agendized. Her suggestion is that they leave this out completely. From what the City Attorney's office came up with a few years ago, this probably violated the Brown Act and was probably unconstitutional, so they ended up with a regular workshop.

**DEPUTY MAYOR CHAVEZ** agreed and stated that with the recommended changes he has made, the public can speak on anything they want to speak on during public comment. The only difference is that it is at the end. When he and

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Councilmember Kern visited all of the different elected bodies in the cities, they found that many have their public comment items at the end of the meeting. Some of them have a hybrid, like Carlsbad, where they have public comment for the first 15 minutes, and everything beyond 15 minutes goes to the end of the agenda. We need to have public comment; it is just for the workshop that it would be at the end of the meeting. That is what they did at the leadership summit this Saturday, which worked out fine. He does not see this as keeping the public out, it is just that the change he recommended allowed them to speak on anything they want to speak on.

**COUNCILMEMBER SANCHEZ** inquired if Deputy Mayor Chavez would prefer to hear from the public at the end of the item versus at the end of the agenda if there is more than one item.

**DEPUTY MAYOR CHAVEZ** responded that he wants to hear from the public. However, with workshops they meet for a particular reason.

**MAYOR WOOD** stated that Council should have done this at a workshop. They should not be discussing it now in great detail, or they are going to have to take them individually if they are going to start changing the policies and vote on the ones that they do not have conflict on. They would then take the 1 or 2 that they have conflict on and do those individually. That should not be the case at the dais. He suggested that they try to look at them, and if there are any that are controversial, that someone make a motion and approve the ones that are not. They will work on the individual ones if necessary so that they will not be here all night.

**DEPUTY MAYOR CHAVEZ** reiterated that he made a **motion** to approve the policies before them, with the exception to change #100-13, which is a written appraisal for the Council Aides and #100-32, which got rid of the word "only" and allows them to speak on any agenda items.

**COUNCILMEMBER FELLER** addressed item #100-32, stating that it is the policy of the City Council to take public input on agendized items. They are eliminating "only" from the end of "agendized items only." In addition to that, they are asking for public comment at the end of the agenda. He inquired if it could be said that way.

**CITY ATTORNEY MULLEN** responded that it is possible. Councilmember Feller is asking for non-agendized public comment to be at the end of the meeting. The policy could be revised to do that. That is not consistent with the practice at normal Council meetings, but they could legally do that at a study session. Despite the language of the existing policy, they would provide for non-agenda public comment in any event.

**MS. LAWRENCE** stated that the Council has not had a study session for probably 5 years. This is a remnant of the policy that was put in effect in 2001. If it is not working for Council today, perhaps they should eliminate it.

In response to City Clerk Wayne, **DEPUTY MAYOR CHAVEZ** included in his **motion** the corrections to Policy # 100-38.

**COUNCILMEMBER KERN** commented that Councilmember Feller mentioned 100-20 and the 4-hour rule. His concern is that they take staff along to regional meetings where he does not think staff should have to go, unless they are presenting something at that regional meeting. He wanted to make sure that was included, and they understand they do not take staff to regional meetings. It is a waste of staff time to pull them out of their job just to accompany them to a meeting. This is part of this policy that they are writing now, and if it is not, he would like to have it written in.

**MAYOR WOOD** disagrees with Councilmember Kern. He planned on taking a lot of the department heads to some of the regional meetings like NCTD and SANDAG to show them the operational aspects of regional government and for their contacts and dealing with the people that they have to deal with in the future.

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**COUNCILMEMBER KERN** responded that Council could still do that. They would just need to bring it to Council first and tell them who they plan to bring. Council can then approve that time.

**MAYOR WOOD** said it probably would not go past 4 hours, but it would broaden the spectrum of people who are potentially going to be operating or managing parts of this City, and this is their opportunity to deal with those people. That is what he had been doing, and he plans on continuing to do that. It will not go over 4 hours.

**DEPUTY MAYOR CHAVEZ** made a **substitute motion** to continue this item to the next meeting. He recommended that whoever has any changes, submit them to the staff so they can make changes. Then they will do a clean paper and come back.

**MAYOR WOOD** agreed. It is something they should have discussed before this meeting. They should not go all night long on this. He **seconded** the motion.

**COUNCILMEMBER SANCHEZ** suggested a workshop on this on May 23.

**DEPUTY MAYOR CHAVEZ** was not interested in a workshop. It would just be a couple of administrative changes.

Motion was **approved 5-0**.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

17. **Request by Councilmember Kern for discussion regarding the City's appointment to the Board of Directors of the San Diego County Water Authority**

**COUNCILMEMBER KERN** reviewed that the San Diego County Water Authority (SDCWA) is a very important issue. The City uses about 92 acre feet per day, which is about 30,000,000 gallons of water. Right after his election, Lloyd Prosser approached him to consider going on the SDCWA because they had worked together on former projects about 10 years ago. As Mr. Dempsey pointed out, they worked on a master plan and a restructuring of the water rates. A few days prior to his taking office, Barry Martin, who is their representative on the SDCWA, asked him if he would be interested in taking the SDCWA appointment because he was retiring. He said that he would. They had spoken to the Mayor who agreed that he would take the appointment, and they moved forward.

At that time he started shadowing Mr. Martin. He went to the SDCWA with him, discussed the agenda items and met all of the committee members so when the time came he could hit the ground running. He knew exactly what was going on. Mr. Martin was working on an ad hoc committee project about the super sizing of San Vicente and some other infrastructure things, but he was going to quit in April. Everything was moving forward as Mr. Martin, the Mayor and he had discussed.

However, then the Mayor pulled my name without discussing it with me. I went to ask why. When I went to set up an appointment to discuss it, the Mayor referred me to his Council Aide who would set up an appointment a week later. When I went to discuss it with him, Mayor Wood wanted to talk about the lobbyist ordinance, and I could not get him off of that subject. I could not see the connection between the two. It is the Mayor's prerogative to make these appointments, but I would hope in the future that he would have better communication with me or anybody else on the Council as to why these things happen. I am willing to let that go, get things behind me and focus on the future. Hopefully they can have better communication between all of them on the Council.

I put this on the agenda because I think this is an important item that people

need to talk about. I have had discussions with Mr. Prosser, and hopefully he will speak on this issue too. My position is that the City must have a policy maker on that board [SDCWA]. The board is moving in that direction, and that is one of the reasons Mr. Martin had asked me to take that position. Most of the people on the SDCWA board are now policy makers. We do have a representative at the manager level with the Water Utilities Director. There is a lot of things coming down. The Metropolitan Water District (MWD) is going to increase rates by probably 5.8%; SDCWA is going to have an increase; and we are going to have to figure out an increase of our own to cover debt service in the sewer and water department. It needs to be somebody who can and should be held accountable.

Mr. Dempsey had mentioned Mr. Prosser and himself regarding a project they did 10 years ago. We are still here. The idea is to have someone who can answer those questions. If Mr. Dempsey would like to contact him, he can explain completely how they came up with those facts, figures, and numbers and how they did it with master metered projects. It was a 9- month process, with consultants and they finally came up with an answer. Mr. Prosser was the chair of that committee.

He is okay with the Mayor appointing someone other than him. However, he feels that it should be someone from this dais. It should be a policy maker on that board. This is just a discussion item without any direction, but they are going to revisit this by the end of summer because Mr. Martin will probably resign sometime in August since he has other plans.

#### Public Input

**THOMAS DEMPSEY**, 3641 Esplanade Street, stated that another attempt should be made to appoint Mr. Tait, who is a better qualified Oceanside resident, to the Board of Directors of the SDCWA. The Mayor has the job to appoint people, and the rest of the Council should recognize that and allow the Mayor to do his job.

**JIMMY KNOTT**, 124 Sherri Lane, reviewed that he and Mr. Dempsey have been serving on the Integrated Water Utilities Master Plan Citizen's Advisory Committee and are well aware of a lot of issues.

The City was represented by Jim Turner, and then they were represented by Barry Martin. He questioned why they are going to change from a professional, the Director of the Water Utilities Department, to an elected politician. He has been told that other politicians use this position as a political tool, which is a concern.

Another issue he has advocated for is that for all outside other City groups, a citizen should shadow and accompany representatives to whatever committee there is outside of the City. That way there is an independent citizen who can report back to the public and to the dais about what is going on.

**LLOYD PROSSER**, 1618 Kurtz Street, agrees with Councilmember Kern's recollection of how things progressed up until the point that I personally brought Mr. Tait into the picture. I am the one who created another option. In fact, as long as I can remember, this is the first time we have had a choice. It has always been a fait accompli. The only guy who was selected was the original representative, David Rorick, and then it went to Jim Turner and now Barry Martin. They are at Barry Martin now, and that is the Mayor's position. I am not pleased with that mainly because of some of comments the speakers have made, specifically, when the last time was that the Council was briefed on the issues and solicited on what position our representative should take at the Water Authority. It has never happened under Barry Martin's appointment in reporting to the Utilities Commission, and I guess it also has not happened for the Council. We are flying in the blind when we do this. This would not happen with Mr. Tait.

Last month I arranged, on behalf of the Utilities Commission, a visit by the Chief

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Engineer of the Water Authority to give them information on the Capital Improvement Program (CIP), which is now at \$3,700,000,000. In preparation for that presentation, I gave a number of questions that the Commission would like to have answered to the Chief Engineer. I cannot describe how poor that presentation was and how far it missed the mark; it was embarrassing because it was so inadequate. It told me that the SDCWA does not care about us. We do not have any clout there. We need to have somebody with some clout. Mr. Tait is the guy with the clout. I suggest Mr. Tait first and Mr. Kern next when we vote the second position. That is what should be done, and it is the smart thing. He questioned why they would go with Mr. Martin if he is going to leave in August. Let them do something now. Let them be proactive and get on the board since the budget is going to be approved in June.

**COUNCILMEMBER SANCHEZ** appreciates Councilmember Kern's willingness to serve on this important board. She has tried to serve on SANDAG for the last 7 years, and she understands wanting to be the representative and wanting to be considered for all of your qualifications. They do have someone in this City who is uniquely qualified -- Mr. Tait. She is not privy to the history that has been related. From the very beginning of this year, as the Council liaison, she has been directed to relay the Utilities Commission's recommendations, which was that the Mayor consider appointing Joe Tait because of his qualifications of over 27 years of multi-level public and private sector management expertise as follows: from 1979-1974 he held various management positions with the Metropolitan Water District of Salt Lake City and Utah; is a member of the American Water Works Association (AWWA) and has served as a board member of the research foundation, is past chair of AWWA Intermountain Sections Administrative and Policy Council Membership Committee; is a past member of the board of directors Association of Metropolitan Water Agencies based in Washington, D.C.; etc.

He is uniquely and highly qualified and would serve us in a huge way. He also has established relationships within and among those who serve on the Water Authority. Through emails she spoke with Mr. Tait, who is still willing to serve. She supports the Utilities Commission's recommendation to the Mayor. She supports Councilmember Kern serving in the second chair capacity. We need someone who has this level of expertise. Things happen in a meeting; deals are being made. If you do not have the level of perception and understanding, you do not see it, and a vote is taken. Mr. Turner had served us very well, and now we need someone with that level of understanding to really be pushing for us. If Council could get behind Mr. Tait, get a presentation soon after, and do this before a Council meeting so that the whole City is aware of what is happening at the Water Authority, that would be the best situation.

**COUNCILMEMBER KERN** clarified that he would support the Mayor's appointment of any of the policy makers. That is the philosophical discussion that he and Mr. Prosser have had. He strongly feels that it should be a policy maker. He has nothing against Mr. Tait; he is a great guy. SDCWA does have experts. He wants to have someone who is held accountable.

This is a discussion that Council needed to have. They do not have to do this appointment right away. Right now Mayor Lewis from Carlsbad is our representative at SDCWA because he has our proxies. Mr. Martin will be back the first week of next month after the budget.

**MAYOR WOOD** stated this is a decision he has to make as the Mayor in a leadership role. With the politics going on, he had to make the best choice for the circumstances. He was led down that path by the previous Council setting something in motion, which means if someone is on a commission or a committee, they stay on it until somebody has replaced them. That was policy set that he did not agree with. That was the option on this particular one.

Mr. Kern was correct on part of his comments. When this first came up they were looking for a position opening. Mr. Kern asked him about it and he said under the circumstances that it seemed like a good thing and let's go forward with that. He never

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expected a situation where a Utilities Commission or any other commission that is basically advisory in nature to come up with a letter to him indicating that they unanimously supported Mr. Tait, somebody from the outside. He never received an application from Mr. Tait or anybody else regarding this position. That was the first time he heard of Mr. Tait. It was interesting that their advisory commission gave him full support unanimously. That same committee came to 2 separate Council meetings and openly indicated that he should not support Mr. Kern and should go with Mr. Tait. That put us in a different situation. It made it very political, and he did not see how he could win either way. It was very rare, if not unique that we had something like that happen.

He does not doubt that Mr. Tait is highly qualified, and he is sure Mr. Kern would give his best. However, he did not have a winning situation, and so he went back to what the previous Council had voted on, which means to let the current person stay on until somebody replaces them. He made that decision. That does not make everyone happy. However, it was somebody who had served this City for a very long time and knew water very well. That was Barry Martin. There was controversy and political aspects that came out of this appointment, including the letter from Mr. Tait indicating that he had pulled his name as a candidate because of the politics. He asked Mr. Martin if he would continue to serve on the Water Authority, and his term is until 2010. Mr. Martin responded that he would be happy to serve his term, and he did not say anything about leaving in August. There has been a long-standing agreement between our representative and Mr. Lewis. Mr. Lewis would vote whatever way our representative asked him to. That has been the policy.

Mr. Martin said he would do it. That still gives us time in the future to decide if we are going to use somebody else. His request is for people who are interested in this position, whether it is Councilmembers or outside parties, to fill out an application or request that they be put on it. Council would have the opportunity to look at them and their background and let him make a decision on who will come forward in the future.

He would be foolish as a Mayor not to listen to his advisory group giving him a unanimous decision about who they would like to have there, even though it is against a Councilmember. As for having a Councilmember on these advisory groups, they see that at SANDAG, NCTD, etc. Sometimes they are not the best choices for any of these committees because they do not know much about the situations or have the expertise. The position of the Mayor is to come up with applications; people let him decide and go forward.

No matter what they do today, tomorrow or in the future, they have somebody who is extremely qualified representing the City. This is for information only.

**COUNCILMEMBER FELLER** asked the City Attorney whether this Council can make an appointment if the Council wanted to move this position into play now instead of waiting until there is a resignation.

**CITY ATTORNEY MULLEN** stated that, under the rules of the SDCWA, the Mayor has the sole appointment power subject to the ratification by the City Council. That is codified in the SDCWA Act Section 45-6 (b). He has talked to the counsel for the SDCWA, Mr. Hentschke, who has the same position.

**COUNCILMEMBER FELLER** thinks this is something that has been coming to a head for quite some time. It was something that he discussed with Mr. Martin before the election last year about being appointed as an elected official to the SDCWA. That was not a problem at that time. He does not know when elected officials were allowed to serve on the board. There are only a couple from City Councils on the SDCWA, and that would be Mayor Bond from Encinitas and Mayor Lewis from Carlsbad. This is an appointment that should have been made in December.

While he agrees with Councilmember Kern about an elected official ultimately having a say on this Water Authority, he believes that they are overlooking an

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opportunity to have a very highly qualified individual appointed. He is sure that if Mr. Martin is going to resign in August, they will be having this discussion again. They also are getting very close to having a second seat on the Water Authority Board, and they may be closer by August. We are going to miss this troubling time at the Water Authority with this budget cycle. The City of San Diego is probably going to make some suggestions in that budget process that will help them pay off a serious debt they have within their city and pass it off to rate payers throughout the county. A strong force cannot just be giving lip service to what happens to the budget as they move forward. Right now he is disappointed that they are governed by this policy, because he thinks Council is making a bad decision at this time.

**DEPUTY MAYOR CHAVEZ** stated that according to their policy #100-10, no person shall be appointed to a board without first filling out an application with the City Clerk at least 20 calendar days prior to the appointment. He asked the City Clerk if Mr. Tait submitted an application for this position.

**CITY CLERK WAYNE** responded that Mr. Tait has not submitted an application for this position, but past practice has not required applications for this position since it has been an appointed position to a regional body. The only thing they have applications for are individuals in the City who wish to serve on a City Advisory Group. They typically have not, in the past, filled out an application for serving on a regional board. {Typically, those appointments have been Councilmembers or staff.}

**DEPUTY MAYOR CHAVEZ** sought clarification of his understanding that this policy, which reads, "...to all boards, committees, commissions..." was referring to a board and asked if the Water Authority is a board in accordance with the policy.

**CITY CLERK WAYNE** responded that regional boards have not been processed that way.

**DEPUTY MAYOR CHAVEZ** felt the SDCWA was a board, and Mr. Tait should fill out an application. He then read the policy [No. 100-10], which stated that regarding appointments, "...no formal recommendation by a Board, Committee, Commission, [i.e., a Utilities Commission], or Task Force shall be solicited, accepted or considered; however, individual members may formally suggest appointments to individual Councilmembers." That means. Lloyd Prosser, a citizen in the City, has every right to make a recommendation. What is not correct is to have a vote of the Utilities Commission to recommend a person, according to our own policy. If that is a consideration, then by our own policy, the Commission should not be doing this.

We should follow our own policies. People should fill out the application and, in accordance with the policies, have a background check. In the case of the Water Board, they are dealing with billion dollar decisions. Mr. Tait is currently in the industry as a consultant, and that needs to be looked at to see if there is any conflict of interest so that Council is not putting themselves in a position that they do not want to be in.

He would recommend that the Mayor ask people to fill out an application. Deputy Mayor Chavez would ask that the City Attorney and City Manager look at this application and make a recommendation to the Mayor.

This is a critical issue. You cannot pick up a paper and not hear that there is not enough snow pack, not enough water and what they are going to be doing. They need a decision, and he will back the Mayor on any decision he makes; but let's make a decision and go forward.

**MAYOR WOOD** realizes this is an issue that is dragging out and has already been beaten to death. Everybody at the dais knew what the regulations were. He was aware of the policy regarding no formal input from committees and commissions regarding their opinions because Mr. Kern gave him a copy. In other words, he should not take into consideration the Utilities Commission's decisions or their letters. He took

all those things into consideration.

He asked the City Attorney whether, if he followed all of the policies and procedures regarding this, he could have a person, Mr. Martin, who is highly sought after and highly considered by the Council and who is still on SDCWA, to remain there.

**CITY ATTORNEY MULLEN** responded that the Mayor has the appointment power. Mr. Martin is the current representative. Unless he is removed, or unless the Mayor decides to appoint someone else, there is nothing before them at this time. He is not aware of any facts that anyone has violated any laws.

**MAYOR WOOD** wants to make sure that everyone understands that they are being represented by an appropriate and talented person. He gave his reasons why he took a compromise position. He remembers that in the past, when people's terms came up, he would have to appoint somebody. However, most of the people on the Council changed that policy so that they remain until another name comes forward. With all of that, he thinks the City is well represented. He agrees that this is very important, and he thinks there will be future increases in water because of County issues.

**20. Request by Deputy Mayor Chavez for discussion regarding the City Council agenda, times and conduct of the meeting; and direction to staff**

**DEPUTY MAYOR CHAVEZ** brought this item forward because he felt Council needed to be more concise and on point. He realizes that they have a lot of things going on, especially with the budget and the new hotels. His main concern is recognizing that in the last couple of months they have had a lot of people for the 6:00 PM public hearing time certain, which they have not been able to meet and did not today. They need to stick to that because people come expecting a public meeting at 6:00 PM.

His recommendation is that they start closed session at 3:00 PM. Then, they could reconvene at 4:00 PM, which is usually when people get off work, for the recognitions, pet of the month, etc. and then be prepared at 6:00 PM to go to the public hearings. They would end the meeting hopefully about this time (9:00 PM), but at no time would they go beyond 10:00 PM. The reason they do not go beyond 10:00 PM is that a lot of the staff members are here working until 11:00 PM or 12:00 AM. After they have this meeting, there is another meeting they attend the next morning at 9:00 AM with the City Manager. They have staff members who are at the meeting or watching this at home and taking notes, so they can be prepared for the 9:00 AM staff meeting to figure out where they are going to go next.

He thinks it would be great if they could move the meetings up and finish at 7:00 - 7:30 PM. They could do the business of the City, allow staff to spend some quality time with their family and be ready to go the next day at 9:00 AM. If we cannot, then at 10:00 PM, we secure the meeting, and we get back together again at 9:00 AM the next morning to continue. The City Manager said they could change their staff meeting time. He is asking that the Council meet 1 hour earlier [for closed session] at 3:00 PM versus 4:00 PM; that they start at 4:00 PM for the pet of the month, etc.; and that they stick to their 6:00 PM. public hearings to do the business of the City and try to wrap this up at a normal hour. He so **moved**.

**COUNCILMEMBER KERN** seconded the motion.

**COUNCILMEMBER SANCHEZ** is opposed to this. They serve the public. She understands that most of them on the dais are retired. Maybe 20% of the population in Oceanside is retired, and maybe 20% are children or under age 18. However, they have 60% of the population that does work and provide taxes for the City. She thinks Council should allow the City Manager to control the agenda. The agenda is not something that the Council gets involved in other than putting Council items on and to limit those to 1-2 items per Councilmember. It seems like some took advantage of that this evening, and

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yet they are still early.

She would propose that they allow the City Manager to look at this and control his agenda. Some of the meetings concluded very early (7:30-8:30 PM) and some of them much later. The Planning Commission meets at 7:00 PM, and she has never heard anyone complain about going late. It is a function of the public input and democracy. She would suggest that they stay with what they have.

To start at 4:00 with presentations, she does not think they have 2 hours of presentations. For anything else where a vote was needed, the public should be able to be here. Starting meetings at 5:00 PM was a compromise between 2:00 PM and 6:00 PM. She thinks it is working very well. 2 or 3 meetings should not be looked at as the reason to change the meetings again. She would not be able to make the next morning meetings at all, and neither would most of the public. To have someone there until 10:00 PM and then have them come back the next morning or, if they are not be able to come back the next day, it means they have lost their ability to exercise their First Amendment right of petitioning their government. She would ask that they refer this back to the City Manager, see if he can control the agenda to 3 meetings a month, and even them out. She does not think some of the items have been time sensitive. If Councilmembers limited their Council items, they could get closer to 10:00 PM.

She does not see what is magical about 10:00 PM. As the only person who has a regular job, she is not complaining, saying it is getting too late and that she has to work the next day. In fact, she gets her second wind at midnight. We are all here to serve the public. To make it any earlier will limit the public's ability to speak on these items. They have a City of residents that love to come and participate, so she would be against the change.

**MAYOR WOOD** had sent a memo recently to the Councilmembers, the City Attorney and the City Manager, explaining that this has been a problem. They went from 2 Council meetings a month to 3 meetings. Lately, they were almost going to 4. The Deputy Mayor indicated some of the concerns they had, not only physically in getting up at 6:00 AM and being here until midnight, but they were keeping staff here. The big issue was the public. People come here to address some particular issue, and they are keeping them and staff here 5 - 6 hours a night. Then they might have to continue it or go to another day, and people were missing their opportunity to address their concerns and issues. Maybe the biggest problem was that the agenda made by the City Manager was not consistent with the time frame. Some Councilmembers love to hear themselves talk, and that was a big problem also.

There is no doubt in his mind that if this was not televised to the general public, these meetings would go extremely quickly. His memo said that the last Council meeting, which was a great disappointment, had issues and concerns, and was leaning toward looking at a 4<sup>th</sup> Council meeting a month, but that really bothered him. He said in the memo that for some time now, he has tried to respect the Councilmembers' rights to be heard. That is important. These are the people's representatives, and cannot be cut off. They are representing 180,000 people on issues that are important to the City and their constituents, and he should not have to cut them off. However, there is a problem. He has tried to be fair, but it is clear to him that they all need to respect the office they hold by being prepared when they attend meetings, being succinct on their comments, etc.

He would never try to limit discussions on legitimate issues, but they need to have consideration for the citizens who take valuable time away from their families to communicate with their representatives on the City Council. There have been times when Councilmembers are redundant, when they are posturing and when there has been a lack of respect for each other. Therefore, he is asking each of them to contact staff before these Council meetings should they have any questions about the agenda items. They should refrain from comments that do not help clarify the issues and hold their comments to a minimum so they can get through these items in a timely manner.

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It is all about the citizens trying to address Council, but Council takes up most of the time.

As the Mayor, he will try to be reasonable about this to try to run the meetings, and move them forward. He wanted to highlight what he is doing now. He wants to clarify that he is uncomfortable cutting off their representatives when they go too long, but it has to happen or they are going to go to a 4<sup>th</sup> meeting.

He asked the Deputy Mayor to sit in on the meetings with the City Manager, the City Attorney and him. The City Manager agreed that maybe he needs to clarify the agenda items or maybe pull some when he knows others are going to be controversial with a lot of citizen input or ask the City Attorney to address some of these issues. Council has to be self controlling not speak all night long. It is only reasonable for all of them to make these meetings shorter.

Councilmember Sanchez works. It is harder to do the job and get here. He is leery of changing the times. He is willing to see if they can be respectful and shorten their input, be prepared for the meetings and not ask the questions at the meeting. He does not mind rolling it over to the next morning. However, he has to consider the citizens who are here to speak, stay for 5-6 hours and then do not get to speak because they have had to continue the meeting to another day. That is not acceptable. His dilemma is to not cut off representatives of the people. He is going to have to do something; the Deputy Mayor and the City Manager agreed. He would like to try something up front to control the meeting. They have a policy that says Councilmembers should speak for no more than 5 minutes. He is trying to enforce that issue. He brought it up earlier, and he is bringing it up again tonight.

For right now they probably can go with what they have and try to enforce themselves. The City Manager said he would address the meetings, etc. If Council has a problem, they may need to go back to these time changes. He is willing to go either way. Since he is retired, he can be here anytime.

**COUNCILMEMBER KERN** noted that the Mayor took 12 minutes to say what was important, and he realizes it is hard to condense into 5 minutes everything that needs to be said. I am probably one of the worst offenders, noting discussions with Councilmember Sanchez. On the smoking ordinance at the last meeting, nobody had their mind made up when they walked into the room. The reason he brought up the Water Authority today is because that item had been continued, while they had people sitting there until past 10:00 PM. He wanted to make sure that they got that item on the agenda.

Council is not doing their job. That is the reason he seconded the motion. Coming in at 3:00 PM for the closed session, then doing the presentations at 4:00 PM, they could really hold to the 6:00 PM time certain public hearings. Consent items could be moved to the end of the agenda. He is okay with coming back the next morning at 9:00 AM and finishing those items instead of continuing them for a week. They have people coming in from out of town sometimes to make these presentations. The idea is that they would have to leave and come back the next week versus staying one night and making the presentation the next day.

He is in favor of these time adjustments. If they know that they are going to end at 10:00 PM, they will police themselves so that they finish on time. They are not restricting any public input because the 6:00 PM public hearing time has not changed. They will start at 6:00 PM with the public hearing items, rather than starting them at 8:00 PM or 9:00 PM, trying to get them done and then rush at the end. Council has a lot of comments to make because they have been to different events, but they end up cutting those off. Usually he cuts out his reports back to the Council about his liaison positions. If they had somebody on the Water Authority, they could report back to the Council under the Council items. He is in favor of this and does not think the 9:00 AM issue will come into play unless they really have some issues. A lot of that can be

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controlled by the City Manager and the agenda items.

**COUNCILMEMBER FELLER** commented that if the Planning Commission goes to midnight, that is 5 hours. What is critical to acknowledge here is that if they start at 3:00 PM, they have the potential of having a 7-hour meeting, which at this point would be something like 11:00 p.m. Very seldom in the 6½ years that he has been here have they had a meeting go to midnight or 11:00 PM. They have had a few, but it is not common. He does not think they will ever use the 9:00 AM next day to reconvene the meeting.

They are going from 3:00 PM to 10:00 PM potentially, and they are hearing general items as well as Mayor and Council Member items between 4:00 PM and 6:00 PM. That is appropriate. They may not have any public hearing items. If that is the case, they will keep churning out the agenda items to finish the meeting. This is a good compromise. This is something that he can support.

**MAYOR WOOD** expressed concerns about the new schedule, specifically the period from the 4:00 PM body of the meeting to the 6:00 PM public hearings. If Councilmembers were self regulating, they would end up having a gap before the time certain items. Then they would have to kill time until they have the 6:00 PM time certain items. He asked Deputy Mayor Chavez to address that issue.

**DEPUTY MAYOR CHAVEZ** responded that between 4:00 PM and 6:00 PM they would have the invocation, the pledge of allegiance, the roll call, proclamations and presentations, closed session reports, public communications on off agenda items, and consent calendar items, with the possibility of going to general items, Mayor or Councilmember items and City Council reports. He does not see them doing that in 2 hours. He does not think there will be a gap.

For clarification, he also works. He is usually here about 7:00 AM every day and then leaves for the school at 8:30 AM.

He **modified** his **motion** that Council direct the City staff to bring back a resolution setting the Council meetings for the year at the times they discussed (3:00 PM for closed session; and 4:00 PM for general business; that public hearings remain at 6:00 PM; the meeting concludes at 10:00 PM, and if necessary, they carry over any items to the next day at 9:00 AM) and allow them to come back with the resolution, to start the first meeting in June.

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

**COUNCILMEMBER SANCHEZ** stated that they are not saving staff any time. If they are on the dais or here waiting to speak or respond to a question, that means staff is not at their desk working. They are not saving staff anything. The bottom line is that they are taking time away from staff regardless, and that is a function of government that staff be present during a Council meeting. What they are doing is taking it away from the public. In fact, it is worse for staff because if they are working earlier at a Council meeting that means they are not at their desk.

They have a tradition here; they seem to want to play around with meetings every other year. She thought they were sticking to a schedule, and here they are tinkering with it again. It is not for anyone's benefit but Council's. She does not feel whether it is convenient for Council to sit here at a certain time should be a consideration. They are here to serve, and this is not good policy.

**MAYOR WOOD** commented that some of it is their fault, and they are their own worst enemy for causing their problems from 2 Council meetings to 3 and maybe to 4 or changing times. He is not necessarily in favor of the time changes, but he is going to do something that is necessary to make the public happy about being here and not staying late.

23. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** noted that North Coast Church did not hold their church services for the entire weekend but instead went out into the communities of Vista, Oceanside, Carlsbad, Escondido and Fallbrook for community service. In Oceanside they did a beach clean up, repainted the inside of the Boys and Girls Club, etc. They had 5,400 church members participating in the clean up, and they had 50+ locations they went to. He praised the church for the work they did.

The Borders Committee at SANDAG saw a presentation on the expansion of the San Ysidro port of entry. The environmental studies have been ongoing since March 2003 and will go through next March. In March 2009 they plan to have the site planning and acquisition done. The construction will be done in 3 phases starting in June 2009. Depending on the approval of the funding, they will have a new border crossing in 2014.

[Councilmember Feller left the dais at 9:48 PM.]

24. **Councilmember Jerome M. Kern**

**COUNCILMEMBER KERN** reported that the Economic Development Commission had a presentation by Dr. Molisi regarding the mandates coming down from the Regional Water Quality Control Board. It is going to have a tremendous impact on this City and businesses and how they control storm water runoff. They will need to have some time to talk about it and how they are going to address all of those issues.

The Oceanside Historical Preservation Advisory Commission approved a draft of the Mills Act. It should be coming to the Council within the next 2-3 meetings, and he is excited about it. It will be a good program for the City on how to restore some of the historic buildings that we have.

The SANDAG Transportation Committee forwarded the balanced plan to the board that Mayor Wood sits on. It will address public transportation as well as highways, so they will get the best of both worlds.

The San Diego County Water Authority (SDCWA) approved a plan to drill 2 wells for us in the San Luis Rey valley. Hopefully, they will become production wells. SDCWA will use their hydrologist and their people to drill the well, and they can tap into that.

He and Councilmember Feller took a tour of the shooting range. One change, is the new ammunition, which cuts the sound in half. Having the coated targets helps with the loud pinging noise.

On Monday, he and Councilmember Feller took a tour of the Platinum Triangle in Anaheim. They met with that city's Deputy City Manager and a former Councilmember on how they redeveloped a large industrial area there to have mixed use, housing and a town center. He hopes they can apply that to what they are doing along Oceanside Boulevard and some other places in town.

25. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** attended a community meeting that was sponsored by a developer out of Texas for Eternal Hills on their expansion project. Three corporate lawyers were present representing Eternal Hills on a Conditional Use Permit. According to them, in 8 years they had not met with a community until then. The problems that people raised had to do with the draft EIR that was in circulation until the April 30 meeting. The EIR did not match up with the appendices. There were a lot of plans included in the appendices that had nothing to do with the plan as she understood it. She was told by staff that it is highly unusual for something like that to go out.

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[Councilmember Feller returned to the dais at 9:52 PM.]

She met with a representative from Olsen Companies regarding the Elks Lodge Project. She has confirmed that the developer has been meeting with the community, and they have made some substantial changes in a positive direction for the community, i.e., reducing the density, making the homes on that street single family and moving the circulation off the street. She applauded Olsen Companies for doing that. They are still tweaking the project.

She attended the Elder Abuse seminar that they co-sponsored with the Costa Serena community. She is very supportive of Costa Serena's vote to retain their senior status. She has been concerned about some of the tactics being used by people outside of Costa Serena that is bordering on elder abuse. It was important for the community to get this information about elder abuse. The guest speaker was Paul Greenwood from the District Attorney's office.

She attended the first time Girls Conference at El Camino High School. There were 300 girls at the conference. She is hoping that the school will do it again.

She met with representatives from Peacock Hills regarding their concerns on traffic calming. This was supposed to happen 1-1½ years ago. They had to stop the progression because of the audit. There had been a death that had occurred because someone could not go across the street from the bus stop over to Peacock Hills. There are a lot of concerns about having traffic calming on this street.

She met with Fish and Wildlife and Fish and Game representatives regarding the multiple habitat conservation plan, the Sub-area Plan, which is moving forward. They have been having ongoing discussions with the community, courts, law enforcement and school districts regarding the opening of Caesar Chavez Middle School. She may be coming to the Council to discuss how they can help.

She reported on the third annual Dia del Niño celebration held this past Saturday.

She attended the Historical Preservation Commission meeting and applauded the commission and staff for working through the idea of the Mills Act to preserve the character of the City. It was unanimously voted in. Council should be seeing it on May 9<sup>th</sup> or May 16<sup>th</sup>.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 10:00 PM on May 2, 2007.

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

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Barbara Riegel Wayne, CMC  
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

May 9, 2007

**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**  
Jerome M. Kern  
Jack Feller  
Esther Sanchez

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

**Treasurer**  
Rosemary Jones

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**Interim:**  
**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, 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 4:00 PM, May 9, 2007 by Mayor Wood.

#### **ROLL CALL**

Present were Mayor Wood and Councilmembers Kern and Feller. Councilmember Sanchez arrived at 4:05 PM. Deputy Mayor Chavez was absent. Also present were Interim City Manager Weiss, City Clerk Wayne, and City Attorney Mullen.

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

**CITY ATTORNEY MULLEN** titled the following agenized items to be heard in closed

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

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session: Items 2 and 3 [Item 1 would not be heard]. Closed Session and recess were held from 4:00 – 5:01 PM [See the report out on these items at 5:00 PM, Item 4.]

**5:00 PM**

**MAYOR WOOD** reconvened the meeting at 5:01 PM. All Councilmembers were present. Also present were Interim City Manager Weiss, City Clerk Wayne, City Treasurer Jones and City Attorney Mullen.

The Invocation was given by Pastor Carl Sousa. The Pledge of Allegiance was led by Vanessa De Leonardia, Evelyne Ruiz, Miguel Manuel, Maria Lopez, April Hettinger and Abril Cruz.

**PROCLAMATIONS AND PRESENTATIONS**

- Off agenda - Certificate of Appreciation

Ms. Nancy Martinelli of Nichols Elementary School was honored for bringing her third graders to the Council meetings to participate in their local government by leading the Pledge of Allegiance.

- Proclamation – Poppy Days – May 13-19, 2007

Master Gunnery Sergeant Retired Frank Zugay of the American Legion accepted the proclamation. The red poppy has been designated as a symbol of sacrifice of lives in all wars.

- Presentation – Oceanside Battalion Chief Peter Lawrence

Oceanside Battalion Chief Peter Lawrence was honored with the International Association of Fire Chiefs Emergency Medical Services Achievement Award: James L. Page Award. Mr. Lawrence earned the award for his efforts on an international level to enhance and improve the Medicare reimbursement system for the fire service in Oceanside and the entire country.

- Presentation – Oceanside Breakers Soccer Team – 2007 Cal South BU 19 State Cup Champions

The City Council presented certificates, congratulating the manager, coaches and team members of the Oceanside Breakers Soccer Team for winning the 2007 California South-Boys Under 19 State Cup Championships.

- Off Agenda - Youth Expo

Rhiona Ward and Joelle Erb, Youth Commissioners, announced the Youth Expo event that will be held May 12, 2007 from 12:00 PM to 3:00 PM in the City Hall plaza.

- Off Agenda - Antiques on Mission

Cathy Nykiel, with MainStreet Oceanside announced two upcoming events: Antiques on Mission to be held on May 13, 2007 in downtown Oceanside on Mission Avenue; and the 7<sup>th</sup> Annual Arts Alive Banner Auction to be held on May 18, 2007 at the Elks Lodge.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported out on the following item previously heard 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 (WCOE), and Unrepresented ]

No closed session was held on this item.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Center City Golf Course (approximately 95 acres) bounded by Interstate 5 to the west, Division Street and Greenbrier Drive to the north and east, and Oceanside Boulevard to the south (APN 151-011-11); Negotiating Parties: City of Oceanside and the San Diego Chargers; Negotiators for the City: John Mullen, City Attorney, and Peter A. Weiss, Interim City Manager; Negotiators for the San Diego Chargers: to be determined; Under Negotiations: Potential terms for the sale, lease, exchange, or other disposition of the property]

No closed session was held on this item.

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

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

Speights v. City of Oceanside et al., Superior Court Case No. GIC870473

The item was discussed; there was no reportable action at this time.

Changes to the agenda

**CITY CLERK WAYNE** announced that Items 14, 15 and 22 have been removed from the agenda.

**CITY ATTORNEY MULLEN** announced that item 11 is pulled from the agenda and will be put on the agenda for the next meeting.

**MAYOR WOOD** explained that he had put item 15 on the agenda regarding an issue for reimbursements for Councilmembers or accepting tickets for community events. He was contacted by the City Attorney who will address those with several other items that are coming forward from his office at a later date. Mayor Wood was looking for Councilmembers to not take any gifts in the future, whether it is at the expense of the City or not. Credit card issues have also been topics in the newspaper.

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

No action will be taken by 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

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

**NADINE SCOTT**, 550 Hoover Street, stated that last week the vote was 4-1 to

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change City Council meetings to 3:00 PM, effectively foreclosing the public's opportunity to comment on items that are on the consent calendar, which are often pulled as they should not have been on it in the first place. Every item that applies to the neighborhoods should be General Items, i.e., stop signs, safety issues, etc. Public hearing items are zoning issues, etc. That is not the vast majority of the Council agenda. Council is trying to rush this through in 2 weeks without the public fully being aware.

If Council wants to fix the late night meetings, she would suggest adding one more meeting. They can judiciously schedule the agenda items. They can limit staff, developers and presenters to speaking less than 10 minutes. They can have the lengthy public acknowledgements happen at a different time; it is not a proper use of the City's money for an official meeting to take 45 minutes to 1 hour of KOCT's time. KOCT would have staffing issues with 2-3 different meetings. That is not what their contract says.

The chair should exercise his prerogative to stick with the policy as noted last week for Councilmembers to only speak 5 minutes. This is not the Councilmembers' venue for politics and running for office. They need to give the public the opportunity to attend regular meetings at 5:00 PM on Wednesdays. Do not change it.

**MAYOR WOOD** stated that issues regarding Council meeting times and other elements are going to be addressed. People have brought up several issues. He is concerned about the time issues. Council will hold workshops on the issues.

**JOAN BRUBAKER**, 1606 Hackamore Road, was shocked to read in the paper that the meetings were going to be held earlier. That will knock off the majority of the population because they work, minus the homeless and those who do not care, leaving those who are retired and elderly. Of that, probably only 8% will appear. Council has therefore reduced the number of people who will attend.

**CONSENT CALENDAR ITEMS** [Items 6-12]

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.

**MAYOR WOOD** reported that there were speakers on Items 8, 10 and 12.

The following Consent Calendar was submitted for approval:

6. City Council/Harbor/CDC: Acceptance of minutes of the City Council of December 18, 2001, 8:00 a.m. Adjourned Meeting; and Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of February 14, 2007, 4:00 p.m., Regular Meeting
7. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
8. **Removed from the Consent Calendar for discussion**
9. City Council: Adoption of **Resolution No. 07-R0258-1**, "... authorizing acceptance of the State of California COPS 2007 Supplemental Law Enforcement safety funds" (\$340,469); approval of a budget appropriation in the amount of \$88,648 in additional grant revenue, and the transfer of these funds to the Oceanside Police Department; and approval of the associated expenditure plan required for subsequent review by the County of San Diego Supplemental Law Enforcement Oversight Committee
10. **Removed from the Consent Calendar for discussion**

11. [City Council: Adoption of a resolution approving the Final Map for La Costa Villas, a 1-lot, 22-unit condominium project located on the north side of North River Circle, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder]

[This item was removed from the agenda by staff.]

12. **Removed from the Consent Calendar for discussion**

**COUNCILMEMBER SANCHEZ** moved approval of the balance of the Consent Calendar [items 6, 7 and 9]. **COUNCILMEMBER KERN** seconded the motion, which was **approved 5-0**.

**ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION**

8. **City Council: Approval of a professional services agreement with Océ Business Systems in the amount of \$57,750 for the creation of a Citywide records retention schedule, including implementation and training assistance; and authorization for the City Manager to execute the agreement**

**THOMAS DEMPSEY**, 3641 Esplanade Street, asked why the City Manager cannot direct the City Clerk to provide records retention or update the current system without hiring an outside service. He asked who would verify training and compliance of the new system.

**JIMMY KNOTT**, 124 Sheri Lane, has numerous objections to this because it puts a public's item and a public's value into a private company's control. Throughout the document, it says "...Océ establishes..." It does not say the citizens establish, provide input, or bring forward recommendations. It also says it provides for systematic destruction of records at points of their life cycle. It does not tell us exactly whose life cycle. It does not create what a quality or standard for life cycle is or even the research or educational purposes that can come about in the future. It also creates a records destruction program under which useless records can be destroyed at the same rate as new records are being created; therefore, stabilizing records growth, effecting economies of office space and filing equipment. As a City grows, so does its records base. You do not restrict it to where you started. We need to put this into the hands of a citizen commission to guide in this process.

He asked Council to establish a citizen commission and have this consultant group work with the citizens' commission to help guide it. Otherwise, they are putting the records into a private entity's hands, and he objects to that.

**COUNCILMEMBER SANCHEZ** noted from the contract that it is to be completed within 6 months of the effective date. It is a consultant kind of a contract. It does not appear that they are giving City records over to a private entity. She questioned who the City's authorized representative was with the interpretation and enforcement of all the work formed in connection with this agreement.

**INTERIM CITY MANAGER WEISS** clarified that it is a consultant contract for someone to come in and set up a records storage system. Staff will, from that point, be using that system on an ongoing basis; it will not be the consultant.

**CITY CLERK WAYNE** responded that this is about the life cycle of the City's records. The City Clerk Department is establishing a working relationship with a consultant who will work with each department to establish the best record retention schedules that the City needs, based on all of the government codes and the City's needs for additional time for those records. The City will provide that input. They are hiring a consultant to help the City create its citywide records retention schedule that Council will then have to approve. This will come back to Council when all of the

departments have had their input, it meets all the regulations, and the City Attorney's office has had a chance to review it. It has to obtain all of these approvals, and staff will then bring the document back to Council, who has final authority to approve that document.

**CITY ATTORNEY MULLEN** stated that the consultant will have to meet with all of the department heads under the scope of work and review documents that are maintained by each department. Pertaining to the City Attorney's office, he will be meeting with the consultant to discuss the retention policy for existing legal documents.

**COUNCILMEMBER SANCHEZ** noted that the retention would be pursuant to City and State laws and **moved** approval [of staff's recommendation and **Document No. 07-D0257-1**].

**COUNCILMEMBER KERN** **seconded** the motion, which was **approved 5-0**.

10. **City Council: Adoption of a resolution establishing stop controls on Westridge Drive at Rising Glen Drive and on Rolling Hills Drive at Rising Glen Drive**

**JERRY CAREY**, 4710 Westerly Court, President of the Peacock Hills Homeowners Association (HOA), representing 920 homes in the senior community of Peacock Hills, stated he is also going to address item 12, which is also a Peacock Hills issue.

The HOA applauds the crossing safety and upgrades being approved for their community, particularly on Rising Glen with the Temple Heights School, which has become a thoroughfare now. It is a dangerous issue. The residents are concerned about the increased traffic on Oceanside Boulevard. They applaud the fact that upgrades are being made to Peacock Boulevard and Temple Heights, where there are already traffic signals and crossings. Their primary concern is Beverly Glen. They met 2 years ago (2005) with City Officials, prior to the problems the City had in the staffing of the traffic division. They were promised that would be addressed.

Beverly Glen is the primary entrance for 1/3 of their population in those 920 homes. There is no crosswalk, traffic light or safety signals for the seniors trying to cross over to the eastbound public transportation. The bus stop is across the street. They also use the storage units across the street. With the St. Margaret Parrish expansion and the new business park across from the church, traffic is only going to get worse. They have seniors crossing there who cannot see or hear and have limited mobility. They are going to have a deadly accident. A couple of years ago an elderly person was hit there.

As much as the HOA applauds the pending approval for the Peacock and Temple Heights intersections, they see that staff has recommended a phase 2 to put a light and an improvement at Beverly Glen. They plead that this be included in phase 1. They understand there is a \$150,000 cost. What they proposed 2 years ago was \$50,000, so at this point they are only talking about \$90,000 more to secure the lives of 1/3 of the folks in Peacock Hills. He thanked Council for whatever action they could take to make this community and the seniors safer.

**THOMAS DEMPSEY**, 3641 Esplanade Street, asked if this will be an all-way stop.

**INTERIM CITY MANAGER WEISS** addressed the issue of phase 2. As part of the Capital Improvements Budget that will take effect on July 1, 2007, staff is proposing that the signal for Beverly Glen be included. As they get through the budget process, should Council support that, on July 1 there will be money available for that signal. Staff can, based on Council's action and direction, start the design of that signal in advance of the budget being adopted. They will pursue the construction of the signal as expeditiously as possible.

**PAUL PACE**, Transportation Operations Engineer, addressed the Rising Glen stop sign issue. Staff is recommending that stop signs be placed in front of the painted yellow cross walks at 2 intersections to be in compliance with the California Manual Uniform Traffic Control Devices that requires they either have a slow school crossing legend in front of a yellow cross walk or a stop sign. They are recommending the stop sign as the most positive approach for these locations. Their recommendation is installation of a stop sign on the "T" portion of the intersections. An all-way stop was not analyzed or required at these locations.

**COUNCILMEMBER FELLER** hopes the signal is in the budget. He noted this is actually Item 12, but he would be happy to support it when that item is addressed.

**PAUL PACE** responded that the City has 3 traffic signals that are almost ready to go to bid. They would like to start the design for this signal as Interim City Manager Weiss mentioned and include it with those projects as their next traffic signal installation.

**COUNCILMEMBER FELLER** moved approval [of staff's recommendation and adoption of **Resolution No. 07-R0259-1**, "... establishing certain traffic controls within the City of Oceanside (stop control on Westridge Drive and Rolling Hills Drive at Rising Glen Drive)].

**COUNCILMEMBER SANCHEZ** seconded the motion. She noted that this is unusual in that it was approved by the Transportation Commission in 2005. This community has been waiting for this for 2 years. She agrees that because of this wait, it is warranted to add them to the top with respect to the traffic signal. They were waiting for a certain traffic calming device; it did not happen; and it is only fair that they get their signal as quickly as possible. She wholeheartedly supports this and hopes it is the kind with the countdowns. She understands that staff is looking into something that makes noise for those that are impaired in other ways.

**COUNCILMEMBER KERN** concurred with the Interim City Manager about getting a head start with the design.

Motion was **approved 5-0**.

12. **City Council: Authorization to award a contract in the amount of \$58,200 to Republic Intelligent Transportation Services of Novato, California, for the Pedestrian Safety Corridor project located on Oceanside Boulevard between Peacock Boulevard and Temple Heights Drive, and on Vista Way at S. Horne Street, authorization for the City Manager to execute the agreement upon receipt of all supporting documents, and approval to add the traffic signal at Oceanside Boulevard and Beverly Glen Drive as Phase 2 of the project.**

**THOMAS DEMPSEY**, 3641 Esplanade Street, asked where the signal ranked on the traffic signal priority list, how much it will cost and who is paying for it. It appears to be more manipulation of the traffic signal priority list for fiscal years 2005-2006, 2006-2007 and 2007-2008. He stated the Lake Boulevard and Esplanade intersection is a drag strip in the Lake Area neighborhood community. On December 9, 2004, a meeting held at the Salvation Army was attended by 30 residents. Staff from the Transportation Division attended.

On January 10, 2005, a Mira Monte and Esplanade Street neighborhood traffic analysis was published by the Transportation Division. No calming action devices were recommended to reduce daily speeding on the drag strip that is Lake Boulevard from College Boulevard to Thunder Drive. No calming action or devices were recommended for cut-through traffic on MiraCosta Street from Esplanade Street to Mira Monte Drive. An all-way stop or traffic signal at Esplanade Street was denied, and no speed reduction signing to calm traffic on Lake Boulevard or MiraCosta Street was installed or

recommended.

On August 24, 2005 the neighborhood resubmitted their petition to Council, with 102 residents signing regarding traffic calming needs. He reviewed files on the all-way stops with the Transportation Manager and Ms. Watson. Some warrants were missing. Traffic signal 1 was reviewed, and 23 files were missing. Eaton and Coast Highway was missing.

On August 26, 2005, he reported that a conflict and inequity is allowed by the Council and staff when co-mingling of funds from Capital Improvement funds and developer funds are mixed without explanation. Some traffic signals that were funded have not been installed. An investigation is needed. They need traffic calming in the Lake Boulevard area.

The Transportation Department has neglected the Lake Boulevard area traffic needs. They take all of that money out of the Quarry Creek shopping center and do not put a dime in the neighborhood.

**COUNCILMEMBER SANCHEZ** moved approval [of staff's recommendations, and award of contract [**Document No. 07-D0260-1**] and incorporated her comments from item 10 by reference.

**COUNCILMEMBER KERN** seconded the motion; motion was **approved 5-0**.

14. **[CDC: Consideration of a resolution approving a Tentative Map (T-201-06), Development Plan (D-203-06), Conditional Use Permit (C-203-06) and Regular Coastal Permit (RC-206-06 for the conversion of an existing five-unit residential apartment into condominiums located at 221 South Myers – Applicant: Myers Street Condominiums, Inc.)]**

This item was pulled by staff.

**GENERAL ITEMS** - None

**MAYOR AND/OR COUNCILMEMBER ITEMS**

15. **[Request by Mayor Wood to review City Council Policy 100-49 regarding City reimbursement of City Council's tickets for community events, and direction to staff to amend the policy, if necessary]**

With the Mayor's concurrence, this item was removed from the agenda by staff.

16. **Request by Deputy Mayor Chavez for review of the survey from the April 28, 2007, Leadership Forum, and selection of a member or members to represent the City Council at future meetings**

**DEPUTY MAYOR CHAVEZ** gave a computer slide presentation on what came out of the Leadership Summit and shared with Council the surveys that have come back. It was a positive effort conducted by all of the elected leaders in the City. Nearly \$1,000,000,000 is spent each year in Oceanside to provide the quality of life, education and public safety.

Each of the agencies selected has facilities, and the boards have been voted for by residents within the City. From the survey they sent out, on a ranking of 1 being great and 5 being not so great, over half of the surveys returned already gave the summit a rating of 1.8, which means people felt favorably about it. It was a good meeting. He narrated as several photos from the summit were shown to the audience.

Regarding the survey responses to "What did you think was the most important area that we could look at as a group," the number one item was emergency response.

The second item was to have shared facilities, especially in the areas of parks and recreation and swimming. The third item was transportation and the impact of the Sprinter: how it would ensure safety, how they were going to get people moving around, and senior transportation, especially with the Tri-City medical aspect. In getting children to school and back, the group thought there was a way that they could possibly look at sharing transportation. The fourth item was an art overlay throughout the City. There were about 9 items brought forward, but these items rated the highest.

Emergency response is a very hot item when looking at either a natural disaster or not so natural disaster, as happened at Virginia Tech College. He has talked to Interim City Manager Weiss about his recommendations.

**INTERIM CITY MANAGER WEISS** stated that the City has a very proactive emergency preparedness plan. They have done a number of drills recently to make sure that they are actively engaged and aware of emergency response needs. They also coordinate with a number of the various agencies that participated in the leadership summit. He recommended, with Council's concurrence, that they send a letter to each of those agencies and have them designate someone on their staff who is their emergency preparedness coordinator. The City would then organize a meeting to get together with all of them to review the City's emergency preparedness plan, review their plans, and make sure that the plans are coordinated so that, in the event of a natural disaster or any type of emergency, they have a coordinated plan with all of those other agencies.

**DEPUTY MAYOR CHAVEZ** felt this should be done at a staff level. When the letters go out, staff will notify the elected officials so they can also be educated. Public safety is the highest issue coming forward. Council also knows that the City, Camp Pendleton, Carlsbad, and Vista work together anyway. He noted items raised by Mr. Youngblood of the Oceanside School District, using the story of Katrina. The school buses were supposed to be doing the evacuation, but because of lack of communication, the school buses were never called into service and ended up being flooded. Maybe there is some coordination we can look at, considering that Tri-City hospital must be very involved. For a command post, probably MiraCosta College is the highest area around.

The next item coming out of the survey was how often they should meet. The survey asked if the participants would like to meet annually, semi-annually or quarterly. The vast majority of the surveys indicated a semi-annual meeting. He agreed with Councilmember Kern that the first meeting was a success, but the next meetings will show the true measure of the success of the Leadership Summit. It does not have to be with the Council/Board's meeting, but individuals from each group talking to each other, such as Council taking the effort to talk to Larry Schallock of Tri-City Medical or Jim Gibson of Vista Unified to develop relationships so that they can always look at how we can share. He is looking at possibly establishing a semi-annual meeting.

Another result of the survey is that representatives from each of the elected bodies should be appointed to get together and work on an issue. That way, when items are highlighted, such as emergency response, and if they had 1 representative from each of the elected bodies, they could do some of the work. It would be similar but without the great detail of SANDAG or NCTD. There would be a liaison from the different bodies to work on items.

He has this item on the agenda for discussion, not for a decision. He is waiting to hear what other people think. The Summit was a great success because, of the 21 of the 34 elected leaders that came together, they were very positive. They shared their visions together, and it was a good experience to hear other people's perspective on health services, K-8 education, public safety, etc. When they get together and find out that they have a common objective, which is service to the citizens, they can find out if there is a synergist effect. He felt it was a successful meeting.

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**COUNCILMEMBER FELLER** commended Deputy Mayor Chavez and Councilmember Kern for their leadership to put this together. It was very positive.

The Carlsbad School District has a considerable amount of students who are Oceanside residents, including from the area south of Lake Boulevard out to Cannon. This needs to be considered because people are paying for services to the Carlsbad School District also. They should also be included in any disaster preparedness. He does not know how the Fallbrook High School district fits into this because some students in Oceanside go to Fallbrook High School. Those are two things to consider, as well as possibly including the County. The County Supervisor's participation would be welcome. It was a great event, with everyone giving their input.

**COUNCILMEMBER KERN** reported that he and Deputy Mayor Chavez met with Martin Garrick, Assemblyman from the 74<sup>th</sup> district, the following week, and he was interested in having some type of venue where they could bring the State down. A lot of things overlap in how they serve the public, such as the City, school districts, Tri-City Medical Center, etc.

For those who attended, it went in a direction that was not expected. They threw out some ideas just to get the ball rolling. Mr. Youngblood brought up the idea about emergency services, and everybody started thinking about it. The City does its own plan and has drills that they run out of the San Luis Rey treatment plant all of the time, but the other entities were not aware of that. Bringing those people in to understand what the City does and how they could tag onto that is just the first step. They talked about shared, joint use of facilities, how they help their students with school district facilities and City facilities, etc.

The really successful part of this will be the second meeting. The representatives got to know each other at this first meeting. One of the most interesting items was that no one knew everybody in the room except Deputy Mayor Chavez. They learned a lot, will take that forward, hopefully put it to good use and figure out some type of area where they can work on it together. Maybe they could save some money for people instead of them paying taxes to different entities. Instead of overlapping, they could come up with something they can jointly use to help pay for services.

**MAYOR WOOD** stated that it is always when all of the elected officials get together in one room; they get to communicate and talk. Other agencies have their priorities; the City has its priorities; and they exchange information.

Some of the representatives were probably uncomfortable because their staff was not there with them, and staff knows all the answers. Therefore, down the road if they have these meetings again, their staff members will be part of it. When they have staff there, they have someone to answer the tough questions. That helps all of them to communicate. He can see this meeting happening again. The second meeting would be probably one where they do not have the entire Council there, and they will see a lot more communication taking place.

He agrees with Councilmember Kern that everybody from every other political office was interested and probably would have shown up too, at least one of their representatives from the State and/or Federal level. Congratulations go to all of the people who showed up and got involved in this summit.

**DEPUTY MAYOR CHAVEZ** stated that after the Leadership Summit, he thought about what a great city this is and about all of the people who make an impact upon the city. They know they are living in a special place.

**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.

13. **City Council: Approval of the FY 2007-08 Action Plan of the 2005-2010 Consolidated Plan for Housing and Community Development, and authorization to submit the FY 2007-08 Action Plan to the U.S. Department of Housing and Urban Development**

Mayor Wood opened the public hearing. Regarding disclosure of constituent contact, Mayor Wood, Deputy Mayor Chavez and Councilmember Feller reported contact with staff. Councilmembers Sanchez and Kern reported no contact.

**CITY CLERK WAYNE** reported that no correspondence was received.

**JOHN LUNDBLAD**, Management Analyst, explained that the Annual Action Plan is the City's declaration to the U.S. Department of Housing and Urban Development (HUD) on how the City intends to use Community Development Block Grant (CDBG), HOME investment partnership and emergency shelter grant program money. Council has already voted on these allocations. The Action Plan is simply putting this into a form that they present to HUD, together with a listing of all of the activities that Council has approved for use in this coming year. Pending Council's approval tonight, this document will be submitted to the Los Angeles field office of HUD. They review it to make sure that everything meets Federal regulations. Any comments must come back by July 1.

HUD takes its responsibilities for the proper use of these funds seriously. Towards the end of this month, the City will have a 3-day monitoring visit from the HUD representative from the Los Angeles field office who will be reviewing their actions of the 2003, 2004 and 2005 program years to make sure that they have carried out the goals and objectives of the programs appropriately.

He requested that Council approve the action plan and authorize the City Manager to submit this to the US Department of Housing and Urban Development [and authorize the City Manager to execute the required forms and documents for Community Planning and Development block grant funds].

With no one wishing to speak on this item, **MAYOR WOOD** closed the public hearing.

**COUNCILMEMBER SANCHEZ** asked to be briefed on the Crown Heights project, which talks about planned acquisitions.

**MR. LUNDBLAD** responded that the word should be "proposed." The City is looking at Crown Heights for a neighborhood revitalization strategy. One possibility would be the acquisition and rehabilitation of apartment buildings to maintain them as housing for very low income families. That would have to come back to Council. Later this year, staff anticipates bringing the proposal for the neighborhood revitalization plan to Council, as they did with the Calle Montecito plan.

**COUNCILMEMBER SANCHEZ** moved approval; **DEPUTY MAYOR CHAVEZ** seconded the motion.

**COUNCILMEMBER FELLER** noted a typographical error on page 4 of the actual plan. He referred to paragraph D on page 5, which addressed the City working with Interfaith Community Services and New Haven Youth and Family Services to develop vocational training programs and encourage enrollment of young people in labor union apprentice programs, especially in the building trades. He asked if there is some way that they could have New Haven and Interfaith also working with the private

sector programs.

**MR. LUNDBLAD** responded affirmatively. He will add that comment because an important partner in this is the Building Industry Association (BIA). They are equally concerned about the future of the construction workforce. He noted the document would be proofread to correct typographical errors prior to HUD submittal.

**COUNCILMEMBER FELLER** next referred to the statement on page 11 regarding Marisol apartments in Oceanside, which provides housing, questioning if money is being provided.

**MR. LUNDBLAD** responded negatively. The people who live in the Marisol apartments pay rent up to 30% of their income. The Marisol apartments also receive funding from Housing Opportunities for Persons with Aids (HOPWA). This is another HUD program. As a City, we do not get any of that money. The funds all go to the County of San Diego and are then distributed. The City does not put any money from CDBG, HOME or otherwise into that. They do inspect it every other year because the City put HOME money into it when they first built the apartments.

**COUNCILMEMBER FELLER** inquired about La Mision Village. It says this project will be completely tobacco free. The City just passed an ordinance about the beaches and the parks being tobacco free, and that might be something to add to the text to aid in this effort.

**MR. LUNDBLAD** agreed, stating that HUD is promoting what they called their healthy homes initiative. He will add that.

**COUNCILMEMBER FELLER** asked about the 10% inclusionary housing in a development vs. the in-lieu fee.

**MR. LUNDBLAD** responded that developers have the option. In a few cases developers have chosen to provide the units, but the majority pays the inclusionary housing fees. This matter will return to Council later this year when the final draft to the Housing Element is presented to Council.

**COUNCILMEMBER FELLER** referred to #11 on page 30, which says to remove regulatory barriers to affordable housing. He asked what some of those barriers are.

**MR. LUNDBLAD** responded that this is another HUD initiative to make sure that the City is not preventing anything. Currently, they have requested the Planning Department to fast track proposals for low income housing. An example of the regulatory barrier would be to require additional or excessive public review of a proposal for a low income housing project. They have been looking at this for the Housing Element and the Zoning Ordinance. He does not believe that any barriers exist or any procedures have been identified as being expressly onerous on developers.

**COUNCILMEMBER FELLER** questioned the reason to add that to the information. Regarding the reference to Code Enforcement on page 3, he asked if Code Enforcement included the health and safety codes or overcrowding in the targeted neighborhoods. He wanted to know if all the neighborhoods where there is overcrowding would be affected by this, or is it just the 3 general neighborhoods.

**MR. LUNDBLAD** responded that right now the CDBG funds that are allocated for code enforcement (\$125,000) specifically support code enforcement in Crown Heights, the East Side and the Libby Lake area; it supports part of the salaries. Code Enforcement does respond to complaints about overcrowding, however, they do not do inspection for overcrowding. The question of overcrowding is a difficult one because, in effect, some of the HUD regulations give so many square feet for a first individual and up to 70 square feet for second, third, fourth and onward. So actually, a great number of people can live in an apartment provided the landlord does not object. They have

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one landlord who prides himself on never allowing more than 2 families in any 1 apartment. The issue of overcrowding can come up, but usually it is on a complaint from a landlord or from residents who complain about too many people in a house.

**COUNCILMEMBER FELLER** does not think that the \$125,000 is enough for code enforcement. They have public health and safety codes that can be enforced to reduce that overcrowding.

Motion was **approved 5-0**.

**CITY COUNCIL REPORTS**

17. **Mayor Jim Wood**

**MAYOR WOOD** reported that the Oceanside Police Department (OPD) held a memorial celebration honoring Officer Dan Bessant. He gave the utmost to the City - his life. The City is working diligently regarding gang issues. They are getting more involved with everybody in the community and neighborhoods and are trying to get Federal and State assistance/funding. Oceanside sometimes gets a negative image for potential gang issues, but people would be surprised with how involved the City is with nonprofits, social service entities, etc. Oceanside is really in the forefront on the situation.

Regarding SANDAG Board actions, recently the Board voted on the Regional Transportation Plan funding scenarios. They talked about \$58,000,000,000, and SANDAG complained that was not enough money to even touch a lot of the projects that they would like to do, but one of the options had something for Highway 78. Option 2A gave I-5 and Highway 78 intersections a priority. There is still a lot more that could be done. Several cities spoke out about its importance, most of them from the north region. At least they have some funding for the 78 corridor that was in that \$58,000,000,000. The rest of the money is going for a mixed-use aspect for mass transit. The Sprinter is supposed to be in full operation by December of this year, and that will address some of their issues too.

On Friday, June 1, 2007 is the MLK Scholarship award garden reception honoring 6 area high school students.

On May 12, 2007 at the Civic Center, will be the Youth Expo.

A lot of issues have been brought up regarding Council meetings, i.e., the times involved for starting and finishing, etc. He has met with the Interim City Manager and the City Attorney to try to address some of these issues. They are going to try to have a workshop or a Council retreat to address some of the concerns. He was concerned about starting earlier since they are here to hear from the citizens. They do not want to keep the citizens here until 10:00 PM or 12:00 AM. Council will come up with some changes in the future to try to eliminate the delays during the meetings. It will be his job as Mayor to make sure these things run smoothly. He has a hard time keeping Councilmembers, as representatives of their citizens, from not talking or cutting them off. They are going to have to be self-policing and study the information before the meeting and not ask a lot of questions at the meeting. They need to be concise, not confuse issues and move forward.

18. **Deputy Mayor Rocky Chavez**

**DEPUTY MAYOR CHAVEZ** informed Council about the Regional Homeless meeting that is being conducted in Escondido. The last meeting was missing representatives from quite a few cities in North County. Escondido Councilmember Sam Abed has taken on a leadership role to contact the cities that were not present. Deputy Mayor Chavez has offered his assistance to contact the Coastal Cities to ensure that they attend. It is a good idea that they deal with the homeless issue now from a regional

perspective instead of waiting until Thanksgiving and Christmas when they have very little time to deal with it. They would like some representation from the coastal cities. They do not have any representation from Carlsbad, Vista or San Marcos, which are big players in the North County.

He talked about the Senior Expo. An issue that surfaced again at the Senior Citizens' Commission was the power outage that occurred in the Oceana area. They are concerned since some seniors depend on power because of needing oxygen, style of living or medical conditions. They are trying to set up a presentation at the next Senior Commission with San Diego Gas and Electric (SDG&E) and the chair of the Utilities Commission. This is a positive, proactive approach by the Senior Commission.

19. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** reported that this has been a week to honor Police Officer Dan Bessant, with a ceremony on Monday and also today at the 23<sup>rd</sup> Annual Law Enforcement Officers' Memorial at the Organ Pavilion in Balboa Park. They honored all of the fallen officers from the County that are on record. Most of their ceremony was geared around Dan Bessant and his family. They were well represented by their police officers. Police Chief Frank McCoy gave a great testimony to Officer Bessant. He was extremely proud of Oceanside's Police Department.

20. **Councilmember Jerome M. Kern**

**COUNCILMEMBER KERN** stated the Youth Commissioners worked hard to pull together the Teen Expo and hoped everybody who has children comes to City Hall at noon on Saturday and participates in this Expo.

He also attended the memorial for Officer Bessant.

21. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** attended the Loma Alta Association meeting and also the Loma Alta Mission Park neighborhood meeting. She has also been participating in ongoing community youth development efforts.

She attended the Shoreline Preservation Working Group, which is one of the SANDAG groups. At the meeting they discussed sand replenishment. The beach sand is the life blood of the City. Tourism is a major part of the economy, and sand is very important. Several things discussed were based on the project that they had 5 years ago when the City participated in the sand replenishment program. What was presented at the meeting last Thursday has changed a little bit. There are two things that they were looking at in terms of the cost to each City if each City were to contribute 15%. One is based on miles of coastline, which is how Oceanside has done it, versus cubic yards. At the time, SANDAG staff was recommending the use of cubic yards. That cost would be more than double. There were some discussions about the total cost of the program at about \$21,300,000. They have added some suggestions about how much the cities should contribute. There is also a philosophical debate about whether or not only coastal cities should participate versus every city in the region. The Oceanside residents are not the only people who enjoy this great resource. They have a lot of people who come, not just from the County of San Diego, but elsewhere. She has placed an item on the Council agenda to have a SANDAG representative come and talk to Council about this. Sand is vital to our city. They have to make some serious decisions about sand replenishment and how they would pay for this. There were some representatives from cities there that talked about what they did to ensure the future viability of their beaches and having sand replenishment. She met earlier with the Interim City Manager and representatives from the Harbor and Beaches department. When she posed the question how much of the sand that we had placed on our beaches 5 years ago is left, the answer was 5%, maybe. This is something they would have to do probably once every 5 years. They must consider a long-term plan very soon. There

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will be a presentation coming up before the whole SANDAG board. Since time is of the essence, she placed it on the agenda for the next Council meeting.

Addendum:

22. **[City Council: Adoption of revised City Council Policies 100-01; 100-03; 100-05; 100-08; 100-09; 100-10; 100-13; 100-20; 100-22; 100-25; 100-32; 100-34; 100-38; 100-39; 100-50; 100-57; and 100-58 (Item continued from May 2, 2007)]**

This item was removed by staff.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 6:47 PM on May 9, 2007.

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside