



CITY OF OCEANSIDE

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

OCTOBER 12, 2005

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**
Esther Sanchez

**Councilmembers
HDB Directors
CDC Commissioners**
Rocky Chavez
Jack Feller
Shari Mackin

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

Treasurer
Rosemary Jones

**City Manager
HDB Chief Executive Officer
CDC Executive Director**
Steven Jepsen

**Interim City Attorney
HDB General Counsel
CDC General Counsel**
Pam Walls

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 at 4:00 PM, October 12, 2005.

4:00 - ROLL CALL

Present were Mayor Wood and Councilmembers Feller, Chavez and Mackin. Deputy Mayor Sanchez arrived at 4:02 PM. Also present were Assistant City Manager Jepsen, Assistant City Clerk Holly Trobaugh and Interim City Attorney Walls.

CITY COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

INTERIM CITY ATTORNEY WALLS titled the following agenda item to be heard in Closed Session: 2A. Item 1A was not required/heard.

Closed Session and recess were held from 4:01 to 5:00 PM. [See the report out on these items at 5:00 PM, Item 3.]

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

5:00 PM – ROLL CALL

Mayor Wood reconvened the meeting at 5:02 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Chavez, Feller and Mackin. Also present were City Manager Jepsen, City Clerk Barbara Riegel Wayne, Assistant City Clerk Trobaugh and Interim City Attorney Walls.

INVOCATION - Pastor Carl Souza

PLEDGE OF ALLEGIANCE -Teghan and Keira Shore

PROCLAMATIONS AND PRESENTATIONS

Domestic Violence Awareness Month – October 2005
Oceanside SUN 2005 Volunteer Appreciation/Slide Show
Certificate of Appreciation to Andrew Trusty
Off agenda: National Hispanic Heritage Month, September 15 – October 15

Presentations were made.

3. **CLOSED SESSION REPORT**

INTERIM CITY ATTORNEY WALLS gave the following report on the item previously discussed in closed session:

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

A) **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. **PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957)**

A) **PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT**

Title: City Attorney

In Closed Session, Interim City Attorney Walls formally notified Council of her resignation to accept employment with County Counsel in Riverside. It has been a privilege and honor to serve the City during the past 5 years.

COUNCILMEMBER MACKIN stated it was her privilege to work with Interim City Attorney Walls.

DEPUTY MAYOR SANCHEZ congratulated Interim City Attorney Walls and thanked her for all her work.

COUNCILMEMBER FELLER is sorry to hear all of these great words of praise after Council is out hunting for a new City Attorney. We could be saving a lot of time and effort if we had just appointed Pam Walls as the City Attorney. She has done an outstanding job with this City and should have been named City Attorney. Being part of a 70 attorney firm, Ms. Walls will take the leadership role and really make a difference

for Riverside County and the Board of Supervisors. He is sorry to see her go.

MAYOR WOOD had asked Ms. Walls to stay as the Assistant City Attorney, but she has a chance to move up and do a lot more important things. We will miss her.

Changes to the agenda

ASSISTANT CITY CLERK TROBAUGH announced that Items 7 and 9 have been removed from the agenda at staff's request.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

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

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

SHELLEY HAYES CARON, Marron Adobe, addressed comments made by Councilmember Feller at a KOCT Roundtable, where he mentioned that the proposed Rancho del Oro interchange would not touch the Adobe, mentioned a sign at the west end of the property and then referred to a bridge. He felt that since the property had been so impacted by a billboard, it was okay to build a bridge. She felt a bridge 30 feet in the air and the whole length of the property would greatly impact the property. The wall is 54 feet from the median of State Route 78. This property is eligible for the National Register; it is on the State Register; and it is a historic treasure built in 1840 representing the history of the local community of San Diego. She questioned how they will fund this project since \$240,000,000 is being removed from North County Transnet. Where is the money coming from for the ballot initiative?

C.C. CHARITY, 900 North Cleveland Street #142, has lived in Oceanside for almost 13 years. Citizens are sick of what is going on in political circles; we need to get our democracy back. She would like to find out what would be involved in publicly funding City campaigns. She had heard that it would be only \$2 per person to do that. They can then get away from money for favors from special interests in future campaigning. She is not a politician and does not know how this would work. However, she preferred to have the public pay the campaign funds and level the playing field. She suggested \$1,000 maybe to be in the primary, or place a very low cap on contributions. This would be a time to start looking at campaign policies, etc.

CARLOS JOHN ALVAREZ, 1251 Center Street, reported a menacing evil in Oceanside - organized crime and organized chaos. It has allowed this evil to invade every aspect of this community, and it goes like this: I won't tell if you won't tell.

TYLI FRANKE, 246 Blue Springs Lane, has resided at this address for the past 20 years in the Cavalier Mobile Home Park. Living on the west end of Blue Springs Lane, she also borders on the west end of the City's Marshall Street Swim Park and its drainage culvert. The underground drainage pipe servicing the upper parking lot of Marshall Park and the surrounding neighborhoods of Laguna, Marshall, and Lucky Streets empties into a 12-inch outlet down the steep hillside to the bottom of Marshall Park and into the culvert. The culvert also receives the heavy Marshall Park rain run-off from 3 directions, plus the runoff from the mobile home park neighborhood. Approximately 8 X 16 X 4.5 feet of the culvert has a 24-inch exit pipe at ground level, which transports all of the culvert's run-off under the lot levels of 2 mobile homes located on Blue Springs and Evergreen Parkway into the Loma Alta Creek in the center of Cavalier Mobile Home Park. The culvert's exiting pipe into the Loma Alta lies only a short distance from the bottom of the street bed. Should the Loma Alta rush in full force, the Marshall Park's culvert run-off, unable to end at the Loma Alta, backs up. The culvert's water rises and overflows; flooding occurs on the lot her mobile home sits on,

in past years rising up 19 inches to the top of her home entry.

Since May 2005 a new problem has been added. Cavalier Mobile Home Park decided to divert the problems of 262 and 263 Blue Springs down her way. A 2.5 inch diameter pipe pumps water full force 24 hours per day, draining additional water into the City's Marshall Park culvert. Where is this 6 months of 24 hour pumping of water coming from and how fast will the culvert now fill up? In April she approached the Parks & Recreation Department, Streets Division - Public Works and Engineering, requesting a clean out of the culvert's pipe and, since the present concrete retention of the culvert's bed is breaking up, a new thin concrete pour of the culvert's bed. She was turned down. Promises of checking into the culvert's problems were made. So far nothing has been done, and the rains will arrive. She asked for help on this issue.

COUNCILMEMBER MACKIN went out to Marshall Park and staff from the Water Utilities and Public Works Departments have also been out to the site. It is her understanding that there is a natural spring that runs underneath the mobile home park, so it is not a City issue. We talked about possibly recycling the water from the natural spring, but the salt content is so high that it would kill anything it was used on. The mobile home park owner has made a make-shift pipe that brought the water from where it seeps out from behind 2 mobile homes and diverts it to the culvert. The culvert was also on the list to be cleaned when the City does their annual cleaning. She suggested that Ms. Franke speak with the Director of Housing if it is an issue of the stability of the homes.

LAILA CHARLSON, 3808-40 Vista Campana South, said there has been much talk about the overpass at Rancho del Oro, but she has not seen anything about having just an on and off ramp like Plaza has on the south side. It would help tremendously because traffic could go off Rancho del Oro up to the College or up to the Industrial Park. It is something that they could do, and it would not affect the adobe at all.

The other problem is the traffic on El Camino Real. The holiday season is near. She brought this up to Mr. Watanabe 3 years ago, and nothing has been done. They have the same problem now and it is not even the holiday. When you go down El Camino Real and you come to Vista Way when the signal is green, you cannot cross the intersection. Cars from Vista Way turn right, and some of them get in the left lane to get on the freeway; the cars are catawampus. It seems like it would be easy just to put up a sign "no right on red" for a while to see if it would help. This has been a problem ever since she has lived here, which is 8 years. There are other places in that same area that could have "no right on red".

DEPUTY MAYOR SANCHEZ said that Mr. Watanabe is here. The speaker asked about a half interchange versus a full interchange, and Caltrans has said no to that and refuses to discuss it. She asked Mr. Watanabe to comment on that.

FRANK WATANABE, Transportation Manager, replied that current practice in the State of California no longer allows half interchanges; they like to see full interchanges. The current El Camino Real at State Route 78 is deficient; so staff is looking into improvements to that interchange. He will talk to Ms. Charlson later regarding her concerns.

NADINE SCOTT, 550 Hoover Street, thanked the Mayor and the City Manager for keeping the agendas nice and short.

CONSENT CALENDAR ITEMS [Items 5, 6, and 8]

The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

COUNCILMEMBER MACKIN abstained from approval of the March 28, 2001,

10:00 AM Minutes.

5. City Council/Harbor/CDC: Acceptance/approval of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:
 - A) Acceptance of minutes of March 28, 2001, 10:00 a.m., Adjourned meeting
(Approved 4-0; Councilmember Mackin abstained)
 - B) Approval of minutes of September 14, 2005, 4:30 p.m., Adjourned meeting
(Approved 5-0)
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. CDC: Approval of Amendment 2 in the amount of \$138,297 to the professional services agreement with Winzler and Kelly Consulting Engineers of San Diego; approval of Change Order 16 in the amount of \$161,311 for the Oceanside Transit Center Parking Structure; authorization for the City Manager to execute the amendment; and authorization for the City Engineer to execute the change order]

Removed from agenda at staff's request

8. City Council: Approval of a two-year Memorandum of Understanding (MOU) **(Document No. 05-D0619-1)** with the Oceanside Unified School District in the amount of \$246,435.48 per year for the School Resource Officer (SRO) program, and authorization for the Mayor to execute the MOU

COUNCILMEMBER CHAVEZ moved approval of the balance of the Consent Calendar [Items 5, 6, and 8].

DEPUTY MAYOR SANCHEZ seconded the motion.

Motion was approved 5-0; Councilmember Mackin abstained on Item 5(A), the March 28, 2001, minutes.

6:00 PM – PUBLIC HEARING ITEMS – None

GENERAL ITEMS

- [9. **[City Council/CDC: Approval of a purchase and sale agreement and joint escrow instructions with MAJ Holdings, L.P., and the Roy P. Josepho and Roberta B. Josepho Family Trust (collectively "Sellers") for the purchase of approximately 14.47 acres located in the 3200 block of Mission Avenue (APN 160-270-12) and the residential property at 3206 Carolyn Circle (APN 146-061-03), in the amount of \$7,954,000, for future redevelopment into a mixed-use affordable multi-family residential rental complex and commercial/retail development; authorization for the Mayor to execute the agreement, the City Clerk to accept the deed conveying the property to the City, and staff to open escrow and conclude the transaction; adoption of a resolution of the Community Development Commission for the use of Low and Moderate Income Housing Funds to increase, improve and preserve the community's supply of low- and moderate-income housing availability; and adoption of a budget resolution appropriating \$8,000,000 from the Low & Moderate Income Housing 20 percent Redevelopment Set-Aside Fund and the Inclusionary Housing In-Lieu Fee Fund for the property purchase, acquisition analysis costs reimbursements and close of escrow-related expenses]**

This item was removed from the agenda at staff's request.

Mayor Wood determined to hear Item 11 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

11. Request by Councilmember Chavez for discussion regarding possible sound-mitigation measures and implementation schedule for the Oceanside Police Department's Multi-Purpose Training Facility, and direction to staff

COUNCILMEMBER CHAVEZ made a power point presentation, stating it was sent to all the Councilmembers yesterday before noon, and staff are well aware of what is being presented here. The formation of the presentation had input from staff and the public. He then reviewed the time line/actions on this issue:

- On January 22, 2003, at a Council workshop with a 5-0 vote, Council decided to go forward with a range with the community needs of minimal impact to quality of life as one of the bullet points in that decision.
- On June 23, 2003, the Planning Commission discussed and approved it. However, on August 6, 2003, it was appealed to the Council by a community member. Council voted to deny the appeal.
- In September 2003 the project commenced construction.
- On March 25, 2004, he chaired a community meeting to discuss 4 points: safety of children, sound intensity, hours of operation, and validity of the sound study. Representatives from the Police and Public Works Departments and a lot of the community talked about this issue.
- On April 7, 2004, (now going on 15 months) it was brought back to address some of the concerns. Direction was given to staff to return on May 5th with further information on the community's concerns.
- On May 5, 2004, it came back to Council and there were discussions of improvement to the range, mainly the covering on the top and talking about some sound materials. Council authorized the City Clerk to file a Notice of Completion, but gave guidance to staff about things that needed to be done; it was approved 5-0.
- Ten months later (having gone through this process for 25 months) it was brought back again because of the number of concerns from the public. We walked through the community and talked to people. From that, they had a presentation by the Police Department on a multi-purpose range. There was some discussion that baffling and fire lines would reduce sound. What is important is that at the meeting of March 16, 2005, (2 years after starting this whole process) what really came out of this was that even from the beginning, no one was looking at this as a Police Department issue. It was more of an issue of the City Council maintaining a promise. All the way for 2 years, the vast majority of the citizens were very supportive of the Police Department and understood that they need to train; they just wanted to mitigate the sounds.

From that March 16, 2005 meeting, he cited Councilmember comments, which included spending money to make the noise level as low as possible and return in 6 months to see the impacts. So, we were to continue to work on enhancements to reduce the impacts to the community and return in 6 months with a decision.

He has made it a point to visit this range every 6 weeks since that decision and has received a number of emails/memos. On May 10, 2005, there was a memo written by Interim Police Chief Lance that reported that staff continues to research additional options that could possibly further reduce the sound emanating from the use of the

facility. From meetings and discussions of August 16, 2005, they received a memo that said they regret the noise, but the training is critical to officer safety. An August 30, 2005, email stated that without other construction efforts at the current site, they cannot reduce the noise levels.

No one is questioning the right of the police officers to be trained. We are a City of 185,000. That is not the issue. Training is critical to officer safety. The community agrees with that, but it is more of an issue of the Council investing the money to make this right.

Councilmember Chavez then referenced Municipal Code Chapter 38: Noise Control. It prohibits unnecessary, excessive, and annoying noises from all sources. It states it shall be unlawful for any person to make, continue, or cause to be made or continued, within the limits of the City of Oceanside, any disturbing, excessive, or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity. They are talking about discomfort or annoyance.

The Code lists basically 6 characteristics of conditions which define noise: 1) the decibel measurements, the level of noise, which is measured and clearly quantified; 2) whether the nature of the noise is usual or unusual – firing of weapons is an unusual occurrence in a residential community; 3) The level of background noise; 4) the time of day or night the noise occurs – there is night firing going on; 5) the duration of the noise – sometimes the event can continue for hours; and 6) Whether the noise is recurrent, intermittent, or constant. So, our Code defines noise as annoyances, not just the level of noise which we have been focusing on.

At this point, he asked a couple of citizens to come forward and describe the next 2 slides. He asked Mr. Knox to come forward and speak to the next slides.

GARY KNOX, 334 Del Flora Street, lives next to the range. He took a sound meter and has gone out at various times. Referring to the slide entitled "Firing vs. Ambient Noise Levels Taken at 3:50 PM," he went out this particular day and measured the sound that was on Malibu Point, right by Paul Diaz's residence. He used a computer graphic to show the decibels that the meter read. Then he went to West Point in Point Sur at the intersection and again did the same reading. The ambient noise measurements were taken at the entrance to the Wastewater Treatment Plant, without any firing going on. Chapter 38 of the Code does not take into account impulsive sound, which is what gun fire is. The measurements that were taken on the noise level 2 years ago all did it at a weighted slow response, and that is not good enough to measure impulsive noise. The difference between the C and the A readings are inherent within the meters.

COUNCILMEMBER CHAVEZ said the next slide has a graphic depiction of the non-firing and the impact firing. The measurement jumps during the firing time. What is interesting is that there is a difference between the impact and that second when the round goes off; it is a difference between what is averaged over an hour period of time, which results in a lesser measurement.

MR. KNOX stated the way that Municipal Code Chapter 38 requires noise to be measured is a continuous noise over time, which lowers the level, especially at A/Slow. That is not going to measure impulsive noise, which is less than a second in duration; it is a high volume even mitigated over distance; it is not going to be reflected with any of the measurements that Chapter 38 requires the sound studies to be connected with.

COUNCILMEMBER CHAVEZ said that Mr. Diaz has tied in 3 communities to address this. He is a representative of a number of people with his own website.

PAUL DIAZ, Oceanside resident, emphasized their understanding of the importance for police officers to train with their weapons. It is not their intention to take anything away from the Police Department.

If the Council approved all of the funds required to build a state-of-the-art indoor shooting range away from peoples' homes, it would be a win-win situation for the Police Department and the residents. That is what he has been trying to get since day one. The facility today is actually a parking lot with targets; it is bare bones. The range was built there because it was the cheapest to develop according to staff. The slide that Councilmember Chavez showed earlier, there was a 5-0 vote denying an appeal from another citizen, Paul Richter, who spearheaded this effort. Before the range was even built, Mr. Richter foresaw all these problems and asked Council to do more studies to look into how this was going to impact the people who live there. Council voted 5-0 to deny that.

Now here we are again, and the current Council has the opportunity to fix this problem. We cannot go back and start all over, but we can start from here and fix it. Last year Council promised that they were going to fix it; they voted for it, and everything was great.

Apparently, the City spent \$50,000 on improvements. As far as he is concerned, the City threw away that \$50,000 because those improvements did nothing. From what he understands, \$4,000 was spent on the sound dampening material that was glued onto the cinder block wall, and the weather and the sun damaged it. Also, \$44,000 was spent for the eave built over the impact area. The impact area is where the rounds hit, where they shoot into. A majority of the sound is coming from the guns, the firing line, where the officers shoot from. If anything, the eave should have been built over the firing line.

Building a wall and planting trees sound great, and he really hopes it works. However, in his opinion, it is not going to work. What people want today are results. It has been a long journey. We have had to live with this for years. We deserve results tonight.

He presented the following recommendations:

1. The Carlsbad Police Department lost their range and are looking into building a state-of-the-art training facility, but they have a problem with the funding. This is an opportunity for the Cities of Carlsbad and Oceanside to partner, split the cost, and build one state-of-the-art training facility for both departments' use.

The pros of doing this include:

- Splitting the funding
 - State-of-the-Art Facility
 - Interdepartmental training, which is valuable.
 - More locations to choose from. If Council decides to move the range, some people may argue that there is no place in Oceanside to put a range; that is legitimate. If we partner with Carlsbad, our opportunities just doubled.
2. Partner with Camp Pendleton and ask permission to build our own range there. He has a point of contact who can make that happen. He also has a contact so that he can get the police shooting right now on a range on Camp Pendleton.
 3. Find a new location in Oceanside somewhere away from peoples' homes. People who do not live there do not understand the frustration that he and his neighbors go through.

Now, it is up to Council whether to take those suggestions or not. Maybe Council can tweak the recommendations and make them work. The bottom line is that tonight we need results.

He asked for a motion from Council to cease fire on the range within 60 days while they decide what to do. If the move cannot be made within 60 days, we want the police officers to stop firing there. He has arrangements on Camp Pendleton. That is probably not reasonable; he understands that the police officers do not want to travel that far. There is an indoor range on State Route 76. He called Carlsbad Police Department, and they are in negotiations with that indoor range to shoot there.

No shooting past 6:00 PM - the residents would like to initiate that until Council determines what the fix is going to be. No shooting on weekends, no shooting on holidays. These may sound unreasonable, but to the residents it does not. The residents deserve this.

What he is asking for tonight is a united Council that will vote to give back the quality of life to people who live in those 3 neighborhoods near the range.

COUNCILMEMBER CHAVEZ went to the next slide "Proposed Additional Mitigation Measures." The City needs to tell the community what they have been working on regarding the firing range.

PETER WEISS, Public Works Director, said Mr. Diaz highlighted some of the improvements that have been made with the canopy that was put over the impact area and sound attenuation materials put on a number of the walls. He noted that the material is not degrading at this point in time. There are additional improvements we could make based on recommendations made by the noise consultant. However, in the absence of fully enclosing that range, we will never eliminate the noise. There are some sound absorbing materials and walls that can be built behind the 50-yard firing line around the creek area to further insulate the noise impacts coming from the range. However, the cost of those improvements and the amount of benefit that they would derive is an issue that Council needs to decide. Right now, we are looking at approximately an additional \$100,000 to add the additional walls. It will have some impact on the residents, but it will be negligible. The issue for the Council, short of looking at converting or finding an alternate site, would be how much further they want to go to provide additional relief to the residents, recognizing that unless the site is fully enclosed, we can never eliminate the noise but we can reduce it further. The noise studies that were made available, with copies distributed to Council earlier today, conflict a little with the slide that Council saw in that the decibel ranges are a little less than what was shown. We can probably reduce it a little bit further. If the residents are standing outside and possibly even in their homes, they will still hear firing on the range even with the additional walls.

If it is Council's direction to move forward on those walls, they would bring an item back to Council to fund that, and the walls could probably be installed within the next 60 to 90 days. Staff is out there right now doing additional work with more sound proofing material. But, again, it will have a negligible affect on those homes. The issue before Council, given what was just recommended by the residents, is to move to an indoor range. He is not sure that is a viable option for Council tonight. Short of that, we could look at putting some additional funding into additional noise improvements and look at it from an interim approach to see how much more we need to do. There is only so much you can do. It is an outdoor range; just like other outdoor activities, you hear them. They probably will not exceed the City's noise levels as was shown on the slide, however, it is an intermittent and reoccurring noise. That is the nature of that type of use. At one point there was a question about the metal targets, and he deferred to Chief Lance to address that. Therefore, if the Council's direction is to move forward on the walls, staff will work expeditiously to bring an item back to Council to fund that and move forward in getting those built.

DEPUTY MAYOR SANCHEZ recalled that Council was not interested in an indoor facility because it has a very high cost and has a short lifespan because of the lead poisoning. She asked if that was still the situation.

DIRECTOR WEISS does not believe that lead is an issue. However, the cost of an indoor facility will increase because of the air handling system that would be required to not have the lead become an issue. There was a whole series of public input in regards to where the range would be. The original location for the range was at the reservoir site behind the priory. As a result of some issues up there, Council directed staff to go through a site assessment; we identified 4-6 alternate sites. Some had habitat constraints. Through that public process, the current site was the site that was ultimately selected as the most reasonable one.

DEPUTY MAYOR SANCHEZ said in terms of indoor versus outdoor, her recollection was that the indoor would be very expensive, and there was some kind of lifespan for it in terms of turning it around again because of the lead. She asked if Director Weiss had any information about that at this time.

DIRECTOR WEISS did not. He knew that they looked at an indoor range, and there is a significant cost because of the improvements required to provide protection from the lead.

DEPUTY MAYOR SANCHEZ said ultimately what the City was looking for was an outdoor range because of the costs and other things.

DIRECTOR WEISS noted the City does not own a building big enough for an indoor range.

COUNCILMEMBER CHAVEZ offered Chief Lance an opportunity to comment on this regarding the targets and some of his thoughts on the hours, etc.

INTERIM POLICE CHIEF JERRY LANCE was not here when this issue started, but he can share his experience with regards to the range. Indoor ranges are very expensive to build and maintain. There is a health hazard as it relates to indoor ranges if it is a continuous use, more for the people working there than the officers who go in on a periodic basis.

The other problem to look at is the size of an indoor range. When you start building indoor ranges Mr. Diaz said to go to Carlsbad. Oceanside is probably twice the size of Carlsbad. You are talking about more people, and we have certain time periods when we have to shoot. So, there are some serious restrictions with indoor ranges, and that is why you don't see a large number of them at police agencies. At the same time, outdoor ranges are also a problem because of the noise factor, and he understands the issues as they relate to the noise factors within the community. He is not an expert in noise and will defer to experts in that category.

As it relates to the metal targets, which is one of the issues, from everything that he has been told from people in Oceanside, it is not the metal targets that are causing the problems. As Mr. Diaz says, it is the firing of the weapons. The noise is not what happens when it goes into the covered area because the noise pretty much is absorbed in there. It is the actual discharge of the weapon that is creating the noise. In a gun when the hammer hits the bullet, that is when the noise occurs, not when it hits the target inside the building. So, the real issue is the discharge of the weapons that is what is creating the noise and discomfort for the community.

The outdoor range also creates an environment in which the police officers really do operate. They don't operate in indoor ranges; they operate in the community outside, where the light changes, not just night and day, but it is a whole series of different lighting situations. That is why they shoot at different times during the year. In fact, the State of California is now requiring that police officers shoot at different times of the year every 2 years to go through a training cycle so that they can be confronted with real situations and are better trained and prepared to deal with the world that they live in. Those are issues that have to be taken into consideration when Council is looking at a range.

We don't have a magic answer for Council tonight. He understands that the community wants Council to make a decision. Council can do that, but there are a lot of issues with regards to the range, and it requires a little more work on staff's part to come back with recommendations.

In response to Mr. Diaz's suggestion of shutting the range down in 60 days, that could create some real cost problems for the City as it relates to where the officers would go. As far as Camp Pendleton is concerned, there are some issues. Staff has talked to Camp Pendleton, and it may be something that they can work out long term. At this point, he has been told that there are restrictions even for the City because of getting the officers on the base, where they have to go, during the times they have to shoot, and competing with other entities on the base where they have to shoot at. It would require us to make some major adjustments and could also increase the cost because of the overtime that police officers would have to spend and taking officers off the street to go there to shoot, which takes more time than it does to go to the existing range. There are a lot of factors you have to look at; it is not a simple solution.

MAYOR WOOD said over the last 6 months or longer, he has had only a couple of complaints from citizens. Recently, the City has received several emails but prior to that, only a few. He knows it has come to a head, and they are here trying to address this. He asked if there was any feedback from the community. Is it the pistols shooting, adding the assault weapons or the shotguns that are the problems? Is there a distinction between the noise concerns or day time compared to night? The M16's are quite loud compared to the pistols. Is there any distinction between those for a time element or the caliber that is being fired at a particular time?

INTERIM CHIEF LANCE has heard complaints of just noise from shooting. People have not identified the weapons in the complaints he has received; they are just about noise from shooting at any time. More complaints are received regarding nighttime noise than daytime noise because people are home at nighttime and that is when they are most concerned. In the last quarter we did shoot quite a bit a night because we were complying with the standards of POST that we have to do very 2 years. Normally, we do not do that. Those are the complaints that he is aware of in addition to just the noise. On the weekends there is noise, he understands that people are at home. Again, we are trying to have the officers there when we can. Generally, the weekend shoots are scheduled times; they do not have the range open every day of the week. It is open only during certain days. It depends on staffing, but we don't generally shoot on the weekends.

MAYOR WOOD asked if the concern is mainly pulling officers off of the street to go to a range to shoot and/or is it overtime calls to go to other locations.

INTERIM CHIEF LANCE explained that if the officers are on duty, taking them off the street to shoot during that time period is not an overtime cost, but it means that we don't have those officers responding to calls for service. That is one issue. The other issue is that if people are off duty and coming in to shoot, then it is an overtime issue, and we do have to compensate them for that. That is part of the reason we try to stretch the hours out for shooting to try and reduce that cost. If we start sending them someplace else, we are talking about additional overtime cost because the officers will have to drive to that someplace else, and that is going to take longer than what we currently have.

MAYOR WOOD has concerns that Council did promise this neighborhood that we would take care of the problem, but the range is still there. He only had a few calls prior to this, but here we are tonight with a room full of concerned people.

DEPUTY MAYOR SANCHEZ asked where the \$100,000 would come from. She understands from the presentation that it would be incremental.

CITY MANAGER JEPSEN said the money would come from the unallocated General Fund Reserves. The balance of the Reserves would then be \$23,900,000. You have money to address the issue. Probably the bigger question with regard to what Council does invest is when they are done investing, will it be enough to fix the problem.

Responding to Councilmember Mackin, **DIRECTOR WEISS** stated that based on information received when staff was looking into it, a simple target range not attached to anything else would be \$2,500,000 to \$3,000,000.

COUNCILMEMBER MACKIN replied that it does not seem very expensive after some of the projects she has seen in this City. So far we are spending \$50,000 here and \$50,000 there, and it kind of adds up pretty quickly. She was not on the Council at the time this decision was made to go forward with an outdoor range. During the campaign she did walk that neighborhood and is well aware of the noise issues with the range. It is not the decibel reading that is the objection; it is the continual shooting noise. At the time she was in that neighborhood, they had just dealt with a drive-by shooting, and people were really on edge.

She certainly can support a capital project to look at putting this shooting range indoors. Mr. Diaz has come up with an awesome idea working with Carlsbad. She can see partnerships like this. Why couldn't we work with another City? As far as indoor lighting, there are all kinds of new technology out there to offer that natural light that the officers might be able to work with. She also knows that we are working on upgrades to the Emergency Operations Center (EOC) on Mission Avenue.

CITY MANAGER JEPSEN said we have done some demolition work at the old police station and they are looking at it serving as a back-up 911 and EOC Center.

COUNCILMEMBER MACKIN has also been out to the firing range on a couple of occasions, and it is a huge chunk of land out there. There should not be any problem sticking a building out there that can take care of the needs. She is very supportive of doing something about this. She doubts that she would have voted to put an outdoor range there.

Continuing his presentation, **COUNCILMEMBER CHAVEZ** went to the next slide listing some of the items that he has come up with and talked to people about. Eliminating the use of metal targets within 30 days can be done rather quickly. He understands what the Chief was talking about; this is not the primary issue, but we are looking at every way to possibly mitigate noise.

Completion of the sound wall installation within 45 days was originally in the earlier discussion, and he is hearing now it is 60-90 days. His point was that after we did the sound wall we should have another community meeting there and then come back to Council.

Since this slide was created and since he has talked to Mr. Diaz on the issue of closing the range and other things, Councilmember Chavez has talked to some of the Carlsbad Councilmembers. They would be willing, if there could be a 4 person vote on our Council, to look at a partnership or at least study it together. He has since talked to the City Manager regarding possible savings as far as managing the site, if Carlsbad and Oceanside found one mutually together. Right now we manage and run the range. However, maybe there could be a partnership on running it together, with an MOU between Carlsbad and Oceanside. It would take a lot of dialogue at the Police Station, but if we could have a recommended study to go forth, Carlsbad Council would be willing to look at it.

He took the opportunity to visit and talk to Iron Sights about their contract with Carlsbad. Iron Sights is a nice range and is great for someone to test their pistol. However, it is a 15-25 yard range. He spent quite a lot of time looking at Oceanside's range. It is not just a parking lot. There are a number of measurements out there that

allow tactical scenarios to be developed. Our range master is a superior marksman himself and goes to great lengths to put the police officers in the situations they would actually be in. Councilmember Chavez concurs with the Police Chief that we want to train our police officers in situations in which they deal with. They do discharge their weapons indoors, but they also discharge their weapons in the open. The question they had earlier was if there is a difference among a 9 millimeter or a .45 and a rifle. There sure is. Back in the public meeting we had in 2004, we actually did a series of weapon firing where we were all sitting there, and everybody clearly heard the rifles versus a 9 millimeter. There is a clear difference. Back in 2004 the shooters were closer to the targets, about 25 yards off. Since then, they have actually come back farther.

He displayed a photograph of the area before the range was there. He pointed out the location of the firing range and noted that a little bit to the right is a ditch. The officers used to shoot to the other side of the ditch because the ditch is natural habitat, and the officers cannot get down in there. They can fire one side over to the target, but then they have to run to the other side and shoot that area.

Something unique about this and why we need to be careful about talking about closing the range is when our SWAT teams train and exercise. It is one thing to sit there with your pulse rate down to about 65 and popping off rounds, and another thing to have your pulse rate at 120 because you are running, sweating, and you have to calm down and get your breathing right to shoot a weapon. At the range, they run through some of the fields, get their pulse rates up and then bring them in and require them to go through a pretty in-depth range training. And, that is critical for the training of our police officers.

Another thing he has noticed since he has been involved these 2 years, is that whenever we do have a police incident, how many weapons and how many rounds are actually fired by our police officers. Our police officers do not discharge a lot of rounds. When they usually discharge a round, it is hitting a target. And, that speaks to the quality of the police officers. They only have the ability to do that through real life training. Therefore, an indoor range might be nice for Iron Sights, but it may not be the best for the police officers.

This is an issue of taking care of the community because we made a promise. It is also an issue of taking care of the other 180,000 people to assure that we have the best trained police officers to ensure their safety.

So, it would be his recommendation that we:

- Eliminate the use of metal targets within 30 days
- Complete sound wall installation within 90 days
- Hold a neighborhood meeting 30 days after sound walls have been constructed
- Report back to Council on the community meeting
- If the sound wall is not installed within 90 days, there will be a cease fire
- Stop shooting at 8:00 PM until we get this thing taken care of
- No shooting on holidays or on Sundays
- Council direct staff to start negotiations now with Carlsbad or Camp Pendleton for a long-term solution

MAYOR WOOD said this was a tough decision for the Council when we first started on this because we knew it was not something that was going to make this particular neighborhood happy. The problem in Southern California is finding a piece of land that is going to be compatible for this kind of activity; it is just about non-existent. Carlsbad has the same problem as Oceanside, and the shooting range is not going to go indoors. There are real problems with indoor ranges. They do not have the compatibility to shoot at cars, etc. inside. It can't be done. It is going to be a real issue and a concern. However, he remembers when we said that if this is not compatible, we would work on it and try to fix the problem. Quality of life is very important to Council. Now, the thing that surprised him is that a few months back he had not received very many

emails or calls and complaints. For the ones we had received once in a while from Mr. Diaz, Mayor Wood referred them to the Police Department, via the City Manager, asking if we can address these concerns or try to fix them. However, a few weeks ago, he started getting emails. The neighborhood got organized. It is not the squeaky wheel that gets fixed; it is a promise we made to the neighborhood that we need to address. He is ex-law enforcement and really understands what the Chief has to go through. To send the officers somewhere else to shoot means, if the officer is not on duty, driving some place else at time and a half, which is a big expenditure to the City. On duty people have to leave the City to where they are going to go shoot, and they leave their beats and leave us unprotected. So, there are real concerns for the entire community, safety, and training.

With that in mind, about 2 weeks ago he really had some concerns that this was going to be a hot issue and how we could fix it without doing indoors. Nobody wants to go indoors. The Police Department had previously talked to the indoor, private range off Benet Road and State Route 76. He does not think they can handle that kind of quantity, approximately 270 officers in Oceanside.

Mr. Diaz does not understand the system when he says his contacts on Camp Pendleton will let police officers use their range. Unless the Commanding General approves police officers shooting on their range, it is not going to happen. Camp Pendleton has a brand new Commanding General, and Mayor Wood started talking to him 2 weeks ago. The Commanding General gave approval to release the information that he has been discussing this with the Mayor and, now that he is the Commanding General of Marine Corps Base Camp Pendleton, he would like to sit down with us and maybe contemplate some sort of arrangement. Can we get on there day and night? Can we get past the gates? Where is it going to be on Camp Pendleton? How far do the officers have to drive? All of those things are important, but the Commanding General did indicate that he would like to see some sort of joint venture with any outside law enforcement agencies and the MPs, NCIS, etc. Where we come into that play is cost. Like everything in the military, if you want to fix it, somebody has to pump money into it. The possibility of local governments, like Oceanside, spending \$100,000 for the range on Camp Pendleton would make it a mutually used range; this is something that the Commanding General is interested in. Previously, that was not the case. They were not going to have us out there. They required things like a Corpsman on duty for the entire shoot, for all of us day and night, and we would have to pick up the costs. So there were a lot of issues. He is not saying that this is fixed, but the Commanding General was very receptive and also indicated that maybe the Oceanside range was still functional if it was mainly used for pistols. That is not much noise, and maybe the rifles and shotguns could be used at a different location.

Mayor Wood does not have the answers on whether our range could stay open for daytime use only with just pistols. On the other hand, we do have to send our officers off the beat to go to Camp Pendleton. We certainly have to look into the impacts of overtime. However, right now Commanding General Leonard is very receptive to Oceanside and is trying to do something for Oceanside.

Mayor Wood does not think that we can fix the problem in 90 days. We can probably address some of the things with input from the Chief of Police. Carlsbad may want to do a range, too. On the other hand, he does not know how they can build anything in Carlsbad or Oceanside that the neighborhoods are not going to complain about unless it is an indoor range, which law enforcement does not want since it does not have the real life scenarios that officers need.

When he heard that this was coming up again, it struck him that we have not fixed the neighborhood problem. Now we are getting calls and complaints, and we made a semi-promise that we would fix it. He would like the situation looked into by staff, our City, and the Marine Corps base and maybe get something more compatible for all of us and maybe even Carlsbad. Law enforcement from around the world go to Camp Pendleton to work out and shoot. Strangely enough, San Clemente and Oceanside, the 2

next door neighbors very seldom go there. Maybe it can happen. We can fix this, probably. The only thing available is Camp Pendleton or some place out in the boonies that we don't know about. Camp Pendleton is an alternative. However, Mayor Wood still wants to look at the possibility that the current range in Oceanside is still usable to some extent. He does not know if the complaints were coming in because officers are out there firing M16 rifles; those are really loud compared to the 9 millimeters or the .38s.

Councilmember Chavez has made a motion, but there has not been a second. Our staff can do this. He would like to continue working with the Commanding General of the Marine Corps Base to try and work out something, as well as dealing with the range that is still in Oceanside. Maybe Carlsbad is another money provider. Camp Pendleton does not have a nice range for their MP's, CID and/or NCIS federal agents out there. Maybe with our money we can make them a nice range that makes them want us as a good neighbor, and since we are paying for it, they will let us use it for all aspects and all weapons. That is what we want. We have used Range 403 at Camp Pendleton. It is not really a range; it is just dirt with an embankment. We would like something better than that with lighting at night, etc. We are trying.

DEPUTY MAYOR SANCHEZ was actually going to second the motion with one exception. Director Weiss said a sound wall will be up in 90 days. We do not need to add onto the motion that there will be a cease fire if that does not happen. She would like to take that part of the motion out. And, actually the second part is that she would like to add direction to staff to discuss the matter with Camp Pendleton based upon what the Mayor has indicated were his discussions with the General, for staff to be talking to Carlsbad and Camp Pendleton. For us, the closest would be Camp Pendleton.

In terms of talking to Carlsbad, we would be talking about a site in Carlsbad. Carlsbad has much more money than we do. They have a much larger budget and a smaller population. The issue is not money at all; it is location. They do have commercial areas, and perhaps Carlsbad can go ahead and suggest a place there. Again, it is the driving time. She would like to see staff continue on with that kind of negotiations with Carlsbad and the Base to see which is the most beneficial for our officers. Our cops are out there doing a lot more than Carlsbad cops, a lot more than these other cops. With what we have, and the thriving City and the density that we have, our officers do a pretty good job. It is also because of the training that they get. She would be **seconding that motion**, if those changes are acceptable.

COUNCILMEMBER CHAVEZ would like to hear what the public has to say before we move on the motion. The only other comment he would make is that the Commanding General will be giving up command of Camp Pendleton in November to become the Regional Commander of all Marine forces west of the Mississippi, and there will be a Colonel in charge of Camp Pendleton. The new Colonel who comes in will freeze all actions, see what is going on and spend 90 days to figure things out. Then a female colonel will be the Commanding Officer of Camp Pendleton in the spring and, so there will probably be no action until she takes over. Camp Pendleton may be a nice discussion, but it is not going to happen for some time. Once the General takes over the region of the Marine Corps, there are a lot of issues to address, and he will be very busy.

Public input

JIMMY KNOTT, 124 Sherri Lane, is glad to see that everyone is now open to discussion and ideas. He suggested that the City hold a Special Council Workshop at the location with live fire going on during the meeting to see how that impacts the meeting. Ideas that have been rejected in the past also need to be reviewed. He is glad about Camp Pendleton. Indoor facilities could also be considered with a public/private partnership.

Other communities have noise problems. Once Council addresses this item, it is going to be coming back to them. We need help with our community and noise as well.

CATHERINE ANDERSON, 4431 Point Vicente, does not live adjacent to the firing range. She lives in Whelan Ranch and does hear the noise. Larger trees and a wall are really not going to help this noise problem. She does not think that any more money should be spent at this time. She does not want to throw good money after bad. We have 2 issues here: the quality of life of the community and the quality of life of the police department. This is not a new issue. They have known for 20 years that we needed a firing range. However, when they put that new development in towards the back gate, all of a sudden we are running around looking for a firing range.

She invited Councilmembers to come over and listen to the noise. People can not live like this. She asked Council to please not to throw another \$100,000 at a problem. The City has money. They have \$1,000,000 for an art museum; \$6,500,000 for a senior center; and \$200,000 to paint houses within the community. There is money there if you want it. There is a solution to the problem; we just need to start from scratch but at a fast pace. Please do not spend more money until we have a good plan. Let's not run into making a fast decision to solve a problem.

PATRICK ELLINGER, 4452 Old River Street, has lived there since. When he moved here, the odor at night from the Water Treatment Plant smelled like an outhouse. There were a number of meetings before he moved here and continued meetings on controlling the odor. It took a while, and it is finally a tremendous success story. This meeting reminds him of those 1992-1993 meetings.

The meeting he attended regarding the shooting range at the Water Treatment Plant was chaired by Mike Pohlman, Police Chief at the time, and assisted by Oceanside staff and Councilmember Sanchez. It had 5 main points.

1. Police officers need to shoot straight with a variety of weapons, revolvers, rifles, shotguns.
2. They do this by qualifying and practicing at a range.
3. The range at the Water Treatment Plant would accommodate this and would be open 24 hours/7 days a week to make it easier for the officers to fit this time into their schedules. Also, officers associated going to offsite where access was limited as at Camp Pendleton and limited weapon use at the local public range.
4. There was a long discussion about birds and the bird sanctuary at the water treatment plant.
5. There was a detailed discussion of what noise studies said - this would be a problem for surrounding neighbors. He asked what happened when, after all the fixes, noise is still a problem. Chief Pohlman said they would fix it.

The range closes at 10:00 PM, and now Council is going to close it at 8:00 PM. It makes it harder for the police officers to get their training. The Council considered \$1,000,000 for a grant to the art museum, and he asks that Council consider an amount of money to cover the range; keep it open 24/7 and eliminate the noise outside. No more band-aids, no more studies, cover it.

DAVID SHORE, 828 Malibu Point Way, lives adjacent to the firing range. He hopes Council can come up with some solutions because it is a problem. He passed on examples of what he has experienced. First of all to give you an idea of how close they actually are to the range, he has had one occasion in the evening, perhaps because of the weather, when he could hear the officers talking. He does not have air conditioning in his house. Last spring on a warm day, his son had to close his bedroom window because the shooting noise was distracting him from the ability to complete his homework. If children are actually closing windows in order to study, you have to assume that the range is indeed a problem.

As Council goes forward with a solution he hopes that Council does something that actually works. The worst thing that would happen is that the City would spend \$25,000 - \$50,000 and we are still in the same boat. He hopes that whatever solution Council comes forward with it is a realistic one and actually helps the neighborhood and helps to eliminate the noise. We have had gunshots in the morning, as early at 6:00 AM over Labor Day Weekend. We have had gunshots until 10:00 PM. He has sat in his living room with the gunshots continuously going off where it has interrupted reading, listening to music, or watching TV. That is an ongoing problem. We have had a couple of shootings out in that area last year, and obviously that does not help either, when you come home at night and there are gunshots as you walk around the corner. When you look at quality of life, part of the ambient noise should not be rifle or pistol fire. He hopes that Council explores all options.

NANCY ZAWICKI, 737 Point Sur, does understand that training is extremely important. Her reasons for wanting this abatement to be taken care of is because she has 3 students: a 16 year old son with a learning disability who gets distracted quite easily and getting him through high school has been a challenge, and it is worse with the noise; a 17 year old senior who wants to go to a University of California school; and a 19 year old college student who lives at home, studying to be a nurse. Ms. Zawicki is going back to school in the spring. If she is still living in her home at that time, she would like to have the noise abatement taken care of. If by then she sells her house, she would like to be able to get a good price for it, and having this kind of problem is going to ensure that she will not.

INGO HENTSCHEL, 741 Point Sur, purchased their home about 4+ years ago because the neighborhood was quiet and no one can build behind us. Several years ago when the firing range opened up, you can imagine our surprise and dismay that our quiet neighborhood had quickly become more of a nightmare. He fully supports the police department, and this should not be an either/or situation. We need to find a solution, and we need to invest in the police department from a long-term standpoint. If Camp Pendleton was ever opened up, the developers would be very quick to consume that open space. He hopes that the Council and staff and the communities will re-examine the way we train our police officers and find some alternatives. There are several solutions that have been brought forward. Next year at this time, there should be solutions. His number one concern is that next year at this time we are right back here having the same conversation.

He encouraged the Council not to throw bad money at this project anymore. It is a complete waste of City resources if they were to put money into this until we have a long-term solution.

PHYLLIS RUSSELL, 740 Point Sur, reiterated we live with this on a daily basis. We implore Council to do something and not to throw more of our taxpayer money away on something that is not going to solve the problem.

JUDY DONAHUE, 733 Point Arguello, has lived in this home with her backyard backing up to Westport Avenue for going on 22 years. After raising 3 sons here and living a full life she and her husband had a discussion about whether to stay or move closer to the airport because her husband travels. We could not leave because our neighborhood is so wonderful. However, it really has become a different situation. Our neighborhood has had to put up with quite a few things, including the Sewer Treatment Plant.

Now we have to put up with the range. When we had that discussion of should we stay or should we go, we decided to stay. We like to be outside barbequing, swimming, or shooting pool outside. Now we have gunfire that we can hear over the sound of the waterfall and the sound of the light music that we might have outside. You have not heard from us because, quite frankly, we did not know who to call. It seems strange to call the police on the police.

We also have had shootings; we put up with the polluted lake; and now it is a bird sanctuary. It is amazing that you are able to shoot guns next to a bird sanctuary. What about our habitat to enjoy a quiet peacefulness in our homes. She hopes that Council will address our issues.

DR. JAMES PALENSCAR, 4430 Point Degada, opened his veterinary hospital for training for the K-9 Unit prior to his retirement. He asked about the unallocated funds, and **CITY MANAGER JEPSEN** responded that the unallocated funds have been earmarked for 2 fire stations and a senior center.

DR. PALENSCAR'S quality of life has been negatively impacted by the range. One of the things that has not been addressed is the negative economic impact on the local residents, should they want to sell their house. Councilmember Chavez's presentation indicated that the noise ordinance was being violated. If somebody is going to buy his house, he has to disclose that noise as being a negative part of the environment. That is an economic issue.

Public input concluded

COUNCILMEMBER MACKIN has a problem with throwing good money against bad and does not know that putting a sound wall up is going to solve the noise issue. One of her concerns is the impact we have on property values in the area, not just quality of life. If someone did want to move, the City has effectively lowered their property values. If we put those all together, I am sure we could build an indoor firing range.

She would like to hear the motion that is on the floor again. She has concerns that we will just roll this over, and we won't find a resolution. She asked Councilmember Chavez if he would repeat his motion.

COUNCILMEMBER CHAVEZ said before he repeats the motion, he would like to make 2 important points.

It is important that Council have the opportunity to hear the community; it is an issue in the community. Council will take care of this tonight. He agrees that this is not an either/or situation. We started this process in January 2003 and here we are in October 2005. If today we said to close the range until there is a covered structure there and allocated the \$2,000,000, he asked how long it would take to build an indoor range.

DIRECTOR WEISS clarified the dollar amount he gave Council is for an existing building on existing land and just retrofitting the inside. If we had to build a new building, the cost would be higher. We would have to go through a design process, building permit process and public bid process. We are probably looking at 1½ years to 2 years before we would have an operating range.

COUNCILMEMBER CHAVEZ said there would also be an EIR because there are multiple habitats out there that we would have to mitigate. If we said tonight to close the range, it would be approximately 2 years until we actually got something up. With the range shut, we would be asking Chief Lance to make sure the high quality training of his police officers continued, and he would have to address issues of the officers going somewhere else and the associated overtime for approximately 2 years. However, that is one possible course of action.

There is another opportunity of starting discussions with the City of Carlsbad or Camp Pendleton regarding a joint facility. In talking to some Councilmembers and developers, there are a couple of locations along the Oceanside/Carlsbad border where a firing range could be located. There are some things that we could possibly do that would have limited access. An MOU to put a joint use facility together with Carlsbad

would probably take 3 years to get it done. So, the second possible course of action would be to begin discussions for a MOU and have the police officers train somewhere else for that 3 years, which would result in a higher cost and a lower level of training.

There is also a third possible course of action, which he is going to state as his motion. He does not see this as good money after bad. He sees this as time to address the issue at the range we have today that is not perfect, but it will lower the impact for 2 year if we go with the first possible course of action to build a range there, or 3 years, if we decide to partner with another City or Camp Pendleton, etc. However, it would give some level of support at the range of about \$100,000 to \$150,000, which he is willing to ask the Council to invest in for the quality of life for the 2 years that we would be doing in order to reduce the impact upon the neighbors' lives. It won't be perfect but it will be better. We can go ahead and shut down the range shooting on holidays and Sundays. We can reduce the hours for these 2 or 3 years. That would allow us to do the long-term solution so that the neighbors do not lose their property value. But it will take 2 to 3 years to do that.

He **moved** to: 1) eliminate the use of metal targets within 30 days; 2) complete the sound wall installation within 90 days; 3) hold a meeting after 90 days and evaluate the impact from that; 4) no shooting past 8:00 PM; 5) no shooting on holidays or Sundays; and 6) start negotiations now with Carlsbad or Camp Pendleton for a long-term solution.

COUNCILMEMBER MACKIN reiterated that it would take 2 years to get a range enclosed; is that a fair estimate?

DIRECTOR WEISS said that is a fair estimate given the process they would need to go through for just the design, the permitting and then the construction phase. He thinks 2 years would be an expedited process.

In response to Councilmember Feller, **INTERIM CHIEF LANCE** explained that the purpose of metal targets is to create an environment where you are actually hitting something that looks like what you are going to be involved with in the real world. A paper target does not fall down, does not react and the bullet just goes through it. The metal target acts like a body that you are going to hit so that the officers, when they are training, can actually anticipate if they are hitting the target and whether they are hitting it in the right spots or not.

COUNCILMEMBER FELLER has heard tonight that most of the noise is coming from the actual gun fire itself. He asked if there is some type of fiberglass or synthetic materials that they can use to enclose this property that would qualify as temporary. Something like a big plastic tent.

DIRECTOR WEISS said you could enclose the range with a big tent, but it is not going to provide any noise reduction.

COUNCILMEMBER FELLER was thinking about the lighting that is necessary to show whether it is light or dark outside. He is brainstorming something like a green house, and asked if there is something like that.

INTERIM CHIEF LANCE responded that you cannot build a temporary range indoors because of Cal/OSHA (California Occupational Safety and Health) problems and a whole range of other issues. We could not build a temporary facility and meet State standards. One thing to remember is the environment out there. Being able to design a building to fit in that environmentally sensitive area is going to take a lot of engineering. An area that runs through the middle of the range has plants in it that we cannot even cut down because they are protected. So we do have some real problems out there with building an indoor closed facility of any nature. There are some real hazards for the officers. The indoor range issue, as much as Council may want to do that, will restrict and reduce the quality of training that we are able to give the officers.

DEPUTY MAYOR SANCHEZ seconded the motion.

In response to Deputy Mayor Sanchez, **INTERIM CHIEF LANCE** said we have been talking about looking at alternatives to metal targets. The issue is going to be cost because anything else we could put up for the officers to hit needs to give them a sense of what they are hitting in this training. It is the additional cost to provide them the real world environment as best we can. However, we can look at other alternatives. He would like to have the opportunity to do that before we just turn off the metal targets. The metal targets create the real world environment for the police officers.

DEPUTY MAYOR SANCHEZ said the motion includes the elimination of the use of metal targets within 30 days; she asked Chief Lance if that is something he can work with.

CHIEF LANCE replied they can try.

DIRECTOR WEISS asked Council to include in the motion direction to allow the City Manager to suspend the City's normal informal bid process and authorize the City Manager to spend up to \$100,000 to expedite the construction of the walls. If staff has to come back to Council for a budget resolution and go through the normal bid process, 90 days will pass before we could even begin construction.

INTERIM CITY ATTORNEY WALLS explained that in order to suspend the bid process for competitive bidding, Council would need an emergency finding and there is only a narrow basis on which to do that. At this time, she would not recommend suspending that process without the ability to make an emergency finding.

CITY MANAGER JEPSEN said staff can bring the budget transfer back at the first meeting in November to get started.

COUNCILMEMBER CHAVEZ has seen Teflon targets and other targets that are not made out of metal. He asked if Chief Lance had seen anything like the Teflon or something else that is a heavier material besides metal.

INTERIM CHIEF LANCE has seen other materials but, again, it is a cost issue. It is something we would have to explore to find out the cost figures; he will be doing that within the next 30 days. We will explore other alternatives because we do want to create a real world situation as much as we can.

COUNCILMEMBER FELLER agrees with some of the speakers that we are throwing money after this. The issue is urgent, and this doesn't feel like we are urgently addressing it. He is going to support the motion, but he hopes that we have some teeth in this so that the community understands what we are trying to provide now and what we are trying to accomplish ultimately. We are putting a band-aid on it at this point. He hopes we are getting the message to staff to figure out how to solve this problem permanently. Hopefully, we can solve this problem sooner than later.

MAYOR WOOD said that quality of life is a big issue in Southern California. He recalled that Council was trying to rectify the problem that there was no place to put our firing range. The neighborhood in which the firing range is currently located was the best they could come up with at the time, and the neighbors do not want it. Council did not know where else to go. They are now in that same spot all over again to try to address this issue. He thinks that the vote people want tonight is for Council to vote 5-0 to abandon the range and go somewhere else. Council understands that, but they cannot do that. There are state statutes and requirements that police officers have to train, and the City just cannot say that until there is another range, police officers cannot train on the current range. Council is trying to fix it today, with the understanding that we have to come up with a solution and work towards it.

Motion was approved 5-0.

[Recess was held from 7:37 to 7:52 PM.]

GENERAL ITEMS (continued)

10. **City Council: Approval to issue a Request for Proposals (RFP) for a study to analyze existing and alternative uses for the Oceanside Municipal Airport property**

PETER WEISS, Public Works Director, reviewed that the City Council had directed staff to prepare a request for proposals (RFP) for the City to conduct a study of the economic and alternate land uses associated with the Oceanside Municipal Airport. Council's packet contains a copy of the proposed RFP, in which staff is asking prospective consultants to analyze the existing airport uses and economic viability of those, the development of the airport in accordance with the adopted Airport Master Plan and the economic viability of that, and alternate uses of the airport property, consistent with the surrounding area; to take a look at the impact of the Regional Airport Authority's plan on the surrounding properties and the airport; to analyze the FAA grant assurances as they relate to the alternate development potential of the airport and potential conversion of the airport to some alternate use. Staff is asking the proposers to respond by November 10th, which will give staff time to analyze the responses; to interview, if necessary, the consultants as they come forward; and to bring a recommendation back to the Council in December for the selection of a consultant. Staff's plan is to have the study completed and back to the Council by April, 2006 for consideration in regards to the various studies and information that will be contained in that report.

Public input

MICHAEL DUNFORD, 142 Edgewood Drive, is a supporter of the Oceanside Municipal Airport and a member of the Oceanside Airport Association. He spoke to rebut incorrect statements made at previous Council meetings. These statements have been made to influence opinion against the Municipal Airport and to garner favor for its closure. Since the City Council has evicted the fixed based operator and since part of the settlement for the anti-airport lawsuit was to not allow any air flight training, there will not be a flight school at the Oceanside Airport. In addition, many federal security measures are now in place to prevent the training of terrorists.

Council has been erroneously told that a school cannot be built next to an airport. This is not correct. According to the California Division of Aeronautics, schools are being built next to airports. The Oceanside Airport already has several schools in close proximity. The above information can easily be verified by contacting the appropriate authorities. Please deal with the issues of fact, not with misleading and incorrect statements.

BRUCE WILLBRANT, 127 Flamingo Drive, reminded Council of the last study that was done on the airport. In conjunction with a 1997 Master Plan, a City study found that the airport could generate \$1,500,000 a year just from hangar and tie down fees if the Master Plan were implemented. The Master Plan has never been implemented, and the airport has continued to lose money as Council has driven it into the ground. Keep in mind that the \$1,500,000 revenue estimate did not include revenue from potential businesses based at the airport such as a restaurant, flight school, and car and aircraft rental. That \$1,500,000 is a conservative estimate of what the airport could generate. Even using that low estimate over the past 8 years, the Council's mismanagement of the airport has cost the City about \$12,000,000 in potential revenue.

There is a lot of talk about how wonderful it would be to have a Costco instead of the airport. San Marcos says that their Costco generates about \$600,000 a year in revenue. That is \$900,000 less than what Oceanside could be generating with the

airport. If you must waste more money on another unnecessary study, keep this in mind. Any valid study comparing the airport with other potential uses will be inherently difficult and maybe impossible. Adding up the revenues and benefits of an airport is not as simple as adding up tax receipts from a Costco, for example. Will the study consider the legal costs generated by lawsuits over closing the airport? Airports generate a lot more than just hangar and tie down fees by those flying here and spending money on a hotel, car rental, restaurants and shopping. How about the property taxes paid on aircraft at the airport? How about the mechanic who does aircraft repair out of his hangar? How about businesses and professionals who specifically locate near an airport because it helps them conduct business efficiently. He would like to see how any study proposes to capture all of that potential revenue. What value will be assigned to the airport for its life saving potential in the event of medical emergencies and future disasters? How do they possibly weigh the value of the airport in the event of a major earthquake when roads in and out of the area could easily be destroyed? Will a study consider other uses that are compatible with the airport, or will it take the approach that the airport and retail development are an either/or proposition? Will the study account for the cost of increased traffic generated by a Costco or any other large retail use along the already congested Highway 76 Corridor, etc. This study is another bad idea put forth by those who are obsessed with closing the airport. The airport could be a huge money maker for the City if this Council would just support it.

NADINE SCOTT, 550 Hoover Street, said the previous speaker eloquently said everything she could possibly say.

The airport is a beautiful asset, but it has been starved to death. She urged Council that when they do get these consultants in, that information is not tainted to the position of wanting to close the airport. She is disturbed from some of the comments that have come from the dais that it is already going to be slanted that way. She hopes that Council picks an unbiased, professional firm.

GREG GENOVA, 3733 Southridge Way, concurred with a previous speaker in regards to the revenue and employment that the airport can generate. It is a sad state of affairs that we have allowed the airport property to deteriorate to the level it is today. The City is charging \$400 a month rent for a dilapidated airport that is in disrepair. The roofs leak, it is hazardous, it is unfit and the City should be ashamed charging that much money. He has no other place to go and is willing to pay it. We need to go forward and make the airport all that it can be. If the Council does not want to participate, then they should step aside and let private enterprise step in. He will lease that airport from the City; he will make sure that revenues are generated for the City; and he will make sure that airport becomes the jewel it really is.

MR. RENE DE LATHAUWER, 4763 Gardenia Street, said over a period of time the City Council has been heard quoting the phrase "money pit". He takes exception to that for this reason. In reviewing the 2004 Budget from January through June, he went through some of the statistics to show what this "money pit" actually does. For the first 6 months \$161,790 was real money generated, and only part of the hangars were rented. As the previous speaker said, some of those hangars were so dilapidated they were not rentable. He then presented figures related to expenses for electricity, water, security services, etc. He concluded that the airport generates money. If it is doing this in 6 months, just think what you can do with a few more hangars that could be built. It will pay for itself.

DONALD PUTNAM, 1563 Prima Vera, does not own a plane, but he does vote here. The airport is a vital asset for Oceanside. The City should keep it and improve it, according to the General Plan.

Erroneous information has been presented to Council again and again about the safety record of the airport. Through its long history, it has enjoyed an excellent safety record. This information is a matter of public record and can be easily found on the National Transportation Safety Board website. Please deal with the facts about the

airport. He noted that 18 people were killed on State Route 76 in 2004 alone, and no one is suggesting that we close that road.

Any study to analyze alternative uses for the Municipal Airport should also include an analysis of why these alternatives could not be put on one of the other properties owned by the City. The City owns over 4,000 acres of land, and most of that is undeveloped.

No one today knows what general aviation will look like in 20 years, how it will change and improve. One thing is sure; the new aircraft will be quieter and easier to fly. Aviation programs like NASA's small aircraft transport system, light sport aircraft, and very light jets are being developed and aviation is expanding the fastest. New technology will make it possible for more of these types of aircraft to use the Oceanside Airport, and there will be a greater need for the airport. No one knows when a business will want ready access to a small airport for their business and be willing to relocate here. It would be better for Oceanside not to approve the study, make the planned improvements, and keep the airport open.

WILLIAM MINKLER, 585 Hoover Street, had several reasons for moving to Oceanside 38 years ago. One was a position with the Oceanside Unified School District. The harbor and the pier became his fishing grounds. Then he discovered the airport where he learned to fly, taught by a former student of his who is now a captain with American Airlines. There are others who got their start with commercial airlines through Oceanside Airport. As hobbies go, there are 2 golf courses, a harbor full of boats and our airport. The airport is home to recreational pilots and commercial pilots who commute to their respective airlines. Then there are other pilots who fly to jobs because they like to live in our locale. His request would be to maintain the airport, build it up, and make it a fine example of Oceanside for tourists to fly into and enjoy our beautiful beaches, hotels, harbor, golf courses and restaurants. By implementing the master plan, adding a Fixed Base Operator, a pilots' shop, a maintenance hanger, and a nice coffee shop to serve breakfast and lunch, you will enhance the airport. Our airport is a money making deal.

JOHN STEIGER, 3138 Skyline Drive, had the good fortune to be the Vice Mayor of Oceanside when they solved the problem of the future for aviation in Oceanside. It takes a little bit of air space and runways long enough to take care of it.

Well, we had 3,000 feet and were not stopping with that. We had instructions to the City staff to go out in the surrounding North County area. Carlsbad was not much then. And they went down to the Kelly Ranch, and Mr. Kelly thought it was a good idea that we think of both airports (Oceanside and Palomar Airports) as 1 airport, which they did. The City volunteered to survey the site for the new Oceanside Airport, which action was needed to go to the County Board of Supervisors for approval. They took that information down to the Board of Supervisors. Palomar Airport had a runway long enough to take care of the future as far as we were concerned. It took a while for the Carlsbad activities to build up. That was why we did not have all the small planes that we had had before we built our little airport. For the young people, there is really a great future in aviation.

JIMMY KNOTT, 124 Sherri Lane, supports the Airport Study. As Council has said, everything is on the table, and their decision will be based on the outcome of that study. However, our City and users of the airport have not followed the Harbor District example. We do not have an Airport District and businesses or shops like they do at the Harbor. We do not have an Airport Board or Commission; we do not have an Airport Police Authority. There has been poor and inadequate self-regulation or supporting structures to establish it economically. The revenue benefit will be immense if we used it for other factors. The applicant said it is the only emergency landing area and service area – false; Camp Pendleton is. Other people have said that the tilt rotor aircraft will be the future. He has provided Councilmembers background material on the dangers of this aircraft. They need the study in order to make determinations. The Regional Airport

Authority has been absent at most of the meetings. They have the ultimate authority over this. Those users need to establish their own code of ethics and their own policy measures to make sure that they are self-regulating and self-enforced. We need the study.

RONALD COZAD, 3918 Valle Del Sol, Bonsall, uses airports in Oceanside and throughout Southern California. He also maintains his office in the Magellan Building at Carlsbad Airport and is engaged in representation of airport associations and airport businesses throughout Southern California. He is here to say that you cannot lose money developing an airport unless you really want to. There is a demand for tie-downs and hangars. You cannot believe the demand that exists. You have 14.7 acres that are sitting fallow that you stand to lose in 4 years if you do not develop it. It would be very easy to place tie-downs or hangars there. The gentlemen before him mentioned that he would like to see self-supporting assets. A client of Mr. Cozad's, Lee Ayers, who is the former Mayor of the City of Burbank now develops hangars and has successfully built hangars in Fallbrook and French Valley, came to this Council a few years ago. He spent a lot of money on plans for this airport and was turned away. It would not have cost the City money to develop the airport.

What bothers him about this study is that it has all the markings of looking for an expert to be an advocate to close this airport. We all know that the FAA will not allow this airport to be closed. You are wasting the City's money that could go into a shooting range, parks, etc. It is an airport; it will remain an airport. You might as well run it right and manage it right. If you lose money on this airport, it is because you have tried to lose money, and you have sabotaged it.

ALAN CRUISE, 1517 Lucky Street, President of the Oceanside Airport Association, said as Council goes forward with the commissioning of this alternate land use study, it would certainly appear that we are on the road to airport closure yet again. He has to ask why now? It seems that we are finally on the right track by starting to build hangars to help ensure that the airport remains self-sufficient. He is told that the study they are about to undertake could cost upwards of \$100,000. Considering our current budget situation, it would seem that this money could be spent more wisely. It is difficult to understand how a \$150,000 federal grant for free security fencing could be rejected, but that Council can embrace spending \$100,000 on this land use study. Maybe we should use this money towards the security fencing instead. A more important question is where is the money for this study going to come from? As some Councilmembers have pointed out, the airport currently owes the General Fund \$280,000. How can you complain about this and then commission a study that will cost the General Fund \$100,000? Council has been given tremendous power, authority, responsibility and accountability. It is important that all Oceanside taxpayers understand that the airport is in its poor condition because of decisions made by this and the previous Councils. These decisions have stifled the airport's ability to flourish. This is not the fault of the airport but lies directly with our elected officials. He realizes that the study is destined to go forward. Therefore, he respectfully requests that all parties have some input into this study. This would include the Federal Aviation Administration, the California Division of Aeronautics, the Aircraft Owners and Pilots Association, the California Pilots Association, and the Oceanside Airport Association. When the results of this study become available, he requested that Council honor their federal commitment to the Oceanside Airport. He requested that they continue with the Airport improvements and give it a fair chance to be profitable. Please do not try to close the airport and cause the Oceanside taxpayers to pay hundreds of thousands of dollars in unnecessary costs in legal fees for the next 20 years. On behalf of the almost 900 members of the Oceanside Airport Association, we are and remain committed to the preservation, improvement and the long-term operation of the Oceanside Airport.

[Councilmember Mackin left the dais at 8:28 PM]

WALTER BROWN, 1434 Temple Heights Drive, is a member of the Oceanside Airport Association, but tonight he is representing his own points of view. He is a pilot,

and his aircraft is based at Oceanside. He has been a pilot and aircraft owner since 1978. He uses his aircraft for daily commute to work. He is a Civil Engineer with over 40 years experience, with 28 of those years serving cities and counties and including the design and construction of airports. Communities that embrace their airports find them to be a valuable part of the economic engine that drives the tax base of their cities. Sales and property tax from aircraft and aircraft repairs compose a considerable amount of money each year that is potentially available to this City. Airports have shown that they provide multipliers of 7 to 10 times on their sales. The issue of reluctance on the part of retail sales to locate adjacent to airports has been raised concerning the drive-in property. We have only to look to Carlsbad with vastly noisier aircraft including jets passing over the Carlsbad Company Stores, Legoland, GIA on a minute-to-minute basis. The Costco, the new hotels and restaurants are booming.

On the issue of hiring consultants, he has been in this business and finds at times that what he is asked to do is justify the will of those who hired him. He has resisted. We have a great opportunity in this airport. Accept grant monies; do not divert General Funds chasing red herrings and trying to close an airport that is not going to close. Lead the way; let the airport succeed.

BEN MEYERS, 5119 Via Malaguena, representing Oceanside Airport Association, works at Genentech as a construction manager and has had the privilege of being part of Oceanside for the last 3 years. He is also a new pilot and hopes to have a place to tie-down in Oceanside. He is one of the many who have not been able to find a place to tie an airplane down. In fact, he asked the airport manager to put his name on a waiting list and was told the waiting list is so big that you will never see the waiting list come due for you in your lifetime. The City needs to keep the airport open, not only because tie-downs are needed but because

1. The Airport, with its past history of being a flourishing place, just demands that kind of respect and opportunity.
2. For disaster preparedness, we need to make sure that we have a place where an airport exists and can be used to move evacuees and to handle any kind of major loss of bridges and roadways. That airport then becomes a vital asset.
3. The Airport is essential to Mercy Air Rescue/MEDIVAC. They take people from ambulances, transfer them at the Oceanside Airport, and save lives.

He heartily urges that Council consider seriously moving forward with the Master Plan and continue to develop the airport.

[Councilmember Mackin returned to the dais at 8:34 PM]

SANDY SAIZ, 544 Big Sky Drive, is here on behalf of herself and her neighbors because of their concerns for their quality of life. A land use study would be beneficial to the City since: 1) it would show the economic impact the airport has on the City; 2) it would provide the City with an alternative to the property if it were to be used differently; 3) If the airport is the jewel of Oceanside, the land use study would prove that as well. She asked Council to vote in favor of the land use study.

JOHN STEIGER, 3138 Skyline Drive, said the Councilmembers that he served with are all dead. He had to come here tonight because someone had to speak the truth. When that airport opened, the Deutsch Company bought land there, and they have spent millions of dollars in payroll in this area; but people keep putting out the fact that it does not make any money for Oceanside. He does not know who started that lie, but please straighten them out.

GEORGIO KERPANI, 300 Block of South Nevada, thinks the airport is probably not the highest and best use. It is underachieving. The fact is that it has potential to be much greater income wise. Why don't we seek legal counsel before you shell out the

money for a study to see if the airport is not going to budge legally. Let's find out if it is going to stay there. Therefore, he urged Council not to vote on this tonight and first seek legal counsel and find that answer out first. He is neutral on the subject. We can put in another box store or several additional revenue generating stores there. If that is what the City needs and is Council's goal to generate revenue at that site, then that tells him that we missed the boat downtown. He urged Council not to vote tonight and seek legal counsel first.

Public input concluded

DEPUTY MAYOR SANCHEZ said the City has operated the airport for 43 years, and during that time it has basically run with the support of the Council and community. It is only within the last few months that we have actually looked at the airport. She has no idea why it has basically failed within the last 43 years. There were a lot of mistakes made in terms of locating the airport. It should have never been located in a residential area. The topic of the evening has been quality of life and noise. We tried to work with the pilots of the Airport Association and the community 3 or 4 years ago, but the pilots refused.

The Airport Authority basically forced the City to choose between economic development and a hobby airport. Also, this City needs economic development and needs jobs. So this study is important. When she first got on the Council, she was not going either way. When she started hearing that the airport was not bringing in any revenue, she asked staff if the airport is important for business coming here. The answer was no. She even called Deutsch Industries, and they do not use the airport. Mr. Deutsch himself used to fly but doesn't anymore. They said the airport is not important for their business.

She **moved** approval [to issue a Request for Proposals (RFP) for a study to analyze existing and alternative uses for the Oceanside Municipal Airport property], with inclusion of consideration of legal parameters in terms of 2nd phase from the settlement with Citizens for a Better Oceanside (CBO) that included their participation, the City's commitment to do an EIR, and there should be no reliance on FAA grants in order not to tie the hands of future councils.

COUNCILMEMBER MACKIN stated there are misnomers out there. There is a group of folks that say you are for it or you are against it, and she does not look at it that way. She understands there is the Master Plan. However, when the Master Plan was written, we did not have the San Diego County Regional Airport Authority. We still don't know what lies in the future with the Airport Authority and the prospects of being able to develop within a particular area around the airport. She is very anxious for when the study is complete and we will know what we are dealing with. She supports a study with facts, not a skewed study that is going to say what someone might want it to say, but with facts. It will include facts; the other study did not.

She entered communication into the record: 14 emails from residents of Oceanside that support keeping the airport. This item is about conducting a study and getting the facts to make a logical decision that is good for Oceanside. She has 27 emails from residents who would like to see this study go forward, as well as 15 phone calls. She has 50 letters or emails from people who are not Oceanside residents and who do not want to close the airport. What we are voting on tonight is a study. She will go ahead and put it in the record anyway.

She **seconded** the motion.

COUNCILMEMBER CHAVEZ stated Deutsch was yesterday; Genentech is tomorrow. Just as Deutsch was a major industrial engine in this City, so is Genentech today. The people that came from Deutsch then and Genentech tomorrow are these same sorts of people. We need to step back and look at it.

It is also important to understand that the mission of the San Diego Regional Airport Authority is to protect airports, not to stop airports, and work in harmony with zoning of the community. There is no deal about this big directive from the San Diego Regional Airport Authority; it is a red herring trying to get people excited about things.

It is important to recognize that when we are talking about this particular issue, attention should be paid to the habitat restrictions, both current and potential based on the forecasted years. In the Multiple Habitat Conservation Plan, that the City has been supporting, one of the major corridors goes right through the airport into Camp Pendleton. If something else came in there, now we are dealing with the environmentalists and a huge EIR. The airport is more conducive to birds hopping across than if you had a structure.

Additionally for this report we need to consider that the airport is in a 100-year floodplain and there may be geotechnical issues such as potential liquefaction requiring deep removal of 20 feet or more. Alluvial soils underlying the airport and river basin area are only moderately dense. Removal and re-compaction is required for any proposed structure, and there is a high ground water table. This is a floodplain. At the last Council meeting we said that the current flood control, designed for a 250-year flood is only capable of handling an 85-year flood. Just think about the insurance that someone is going to invest in here, and they will have to go down 20 feet to take care of the soil.

Additionally this report says that detailed analysis of the law is needed in regard to Federal Aviation Administration and California Department of Transportation Division of Aeronautics, obligations and restrictions as they relate to the City's ability to develop uses for the airport property. We are going to have to go through the legal issues. For that reason, tomorrow he will be meeting with the FAA in Orange County because he is the one that wants to hear the facts on what they are doing.

The City expects an analysis that at a minimum specifically addresses the grant and loan assurances as regards the requirements to operate the airport as well as potential federal, state and third party litigation. We took the money, started building hangars, and stopped in the middle of it. We did not fulfill our promise and are at risk as recognized by the document that is going forward on this study.

Under the guise of being fair and open, he makes 3 recommendations for this. At the beginning it says "most beneficial". He thinks that is too general. Is it most beneficial economically, for the character of the City, or for transportation? We need to define most beneficial in the study. Without that being addressed, he will not be supporting this.

The other issue in here is that the types of potential development, and this is why we are talking about the surrounding area, within the study area may include industrial (he has no problem with that), mixed use (he has no problem with that), and has residential. Do we want more residential along the corridor of State Route 76 with all of the issues we are talking about. Residential does not pay for itself, along with the issue of putting houses in a floodplain. Residential has to be removed. Without that removal, he will not be supporting this.

Finally, there is a paragraph stating that the 3 alternatives should be considered to continue operating the airport; 1) operate as is with no improvements, 2) build out per the Master Plan south side only, and 3) build out the entire airport per the Master Plan. The report then talks about funding and what funding sources should be considered: City financed through a 5-10-15-20 repayable loan, bank financing, or state or federal grants. He believes in private industry, and this area should be private industry. Why not a public/private partnership. Bring in private money. We just heard one gentleman say that he would be willing to invest in it.

In summation if we are going to be fair on the study, we need to define

"beneficial". We need to have private partnerships and understand that residential is not considered in this study. If those 3 issues could be agreed upon by the other Councilmembers, he would be willing to vote for this. Without those changes for the study, he will not be supporting it. That would be his motion.

COUNCILMEMBER CHAVEZ moved to modify the motion to include a defining of "beneficial", to go for private/partnership funding, and to remove residential as an alternative source.

DEPUTY MAYOR SANCHEZ addressed the defining of "beneficial". This is an economic study, so when we are talking about "beneficial" we are talking about economics.

COUNCILMEMBER FELLER said it is interesting that we are going to do a study. Are we going to complete it? The Regional Airport Authority is trying to protect airports. In their infinite wisdom, they have probably given ammunition to those people that want to close the airport. However, they have also put in their wording the ability for the local Council to override anything they saddle us with on a two thirds vote. The owners of the drive-in theater property are very satisfied with the project. It is something that the Airport Authority has approved. They are not interested in modifying it from what he has on paper. If that is the case, it must not be that restrictive. It is maybe not what we want there, and he is sure the property owner would like more. However, the owner does not think he has the will of the Council to overturn the Airport Authority's decision if he brought something more dense in there.

Doing the study is just another way of starting the closure of this airport. This was never in a residential area when it was built. One of the great suggestions is putting bike rentals out there for those flying in. Those are simple ideas that can be planned out in the airport.

He noted the report says 54 acres and asked if that includes the 14.7 acres.

GARY GURLEY, Property Agent, said that is everything that the City owns, including the areas the City bought at the end of the runways for landing protection zones.

COUNCILMEMBER FELLER noted there is a huge amount of dirt that needs to be removed, brought back in and re-compacted, which won't be cheap. He is not supportive of the study. We are throwing more money after bad. We cannot just arbitrarily close this airport. It is here for as long as the FAA wants it to be. Council is crazy if they do not keep moving forward and build it out. There is private enterprise that would be willing to partner with the City for everything out there. I think not accepting the grant for security was one bad step. We have told state agencies and the FAA that we are not really interested anymore in expanding the airport. That is why we are going down this path. We have given an opening in this study that will be slanted. Everyone knows the airport is not the highest and most productive use; however, it is part of what makes up Oceanside.

COUNCILMEMBER MACKIN called for the question.

COUNCILMEMBER FELLER seconded the motion.

Motion to call for the question was approved 5-0.

The original **motion was approved 3-2**, Councilmembers Chavez and Feller voting no.

CITY COUNCIL REPORTS

12. **Mayor Jim Wood**

MAYOR WOOD reported on the following:

The Annual Senior Expo that was held. Events held last Saturday evening included the Oceanside Museum of Art Film Presentation, the 5th Annual St. Mary's School Luau, the 13th Annual Trivia Bee, El Camino High Booster Club Dinner and Auction and Tri City Hospital Special Event. On Sunday was the Fire Department's Annual Open House event.

We still have the problem with the Flood Control Channel, and he sent off letters from the City to the 2 state senators stating that we are getting very little help.

13. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ went to all of the events that the Mayor just talked about. She reported on her two commissions: Economic Development Commission and the Redevelopment Advisory Commission, which was concerned about affordable housing in the Redevelopment area.

14. **Councilmember Rocky Chavez**

COUNCILMEMBER CHAVEZ reported on the Senior Commission's discussion on partnering with Yellow Cab to provide Senior Transportation vouchers. He also reported on the concert last Sunday given by radio station 98.1.

15. **Councilmember Jack Feller**

COUNCILMEMBER FELLER noted there was a meeting at Tri City Hospital on Friday about transportation for seniors and the disabled. They will be coming forward with some great ideas they are going to start in North County.

16. **Councilmember Shari Mackin**

COUNCILMEMBER MACKIN reported on her trip to the League of California Cities Conference in San Francisco and the workshops she attended.

The Youth Commission will be presenting recommendations for nominations for the park naming public hearing that will be held tomorrow night at the Parks and Recreation Commission.

She has been working with the school district on safe school routes in a couple of areas in Oceanside.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 9:17 PM on October 12, 2005.

The next regularly scheduled meeting is at 4:00 PM on Wednesday, October 19, 2005.

ACCEPTED BY COUNCIL/CDC/HDB:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MAYOR AND COUNCIL WORKSHOP

FEBRUARY 3, 2009

ADJOURNED MEETING 2:00 PM COUNCIL CHAMBERS

Mayor

Jim Wood

Deputy Mayor

Vacant

Councilmembers

Rocky Chavez
Jack Feller
Jerry Kern
Esther Sanchez

City Clerk

Barbara Riegel Wayne

Treasurer

Vacant

City Manager

Peter A. Weiss

City Attorney

John P. Mullen

The adjourned meeting of the Oceanside City Council was called to order at 2:03 PM, Tuesday, February 3, 2009.

ROLL CALL

Present were Mayor Wood, Councilmembers Chavez, Kern, Feller, and Sanchez. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen. Mayor Wood led the Pledge of Allegiance.

WORKSHOP ITEM:

1. **City Treasurer Applicant Interviews and Appointment to Fill the Unexpired Term Ending December 2012**

As background, **CITY CLERK WAYNE** reminded Council that the reason we are here today is due to the sad passing of our City Treasurer Rosemary Jones, who passed away on January 13. That date is important because the Government Code states that once a vacancy exists, the legislative body has 30 days from that date to either appoint or call a special election to fill the vacancy. Council's 30-day deadline is February 12th.

City Clerk Wayne thanked the City Attorney and City Manager because in her absence they presented Council with the options at the January 21st Council meeting. At that meeting Council chose this workshop to interview applicants to fill the vacancy by appointment. Also at that January 21st meeting, Council determined to interview in a format similar to that of the Planning Commission applicants. Therefore, on January 22nd we submitted to Council a memo with a suggested format and proposed standard questions. We did not receive any feedback from Council, so the procedure and the standard questions are the same as in the staff report.

Again, the procedure, like the Planning Commission interviews, would be to allow

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each applicant a 1-minute introductory statement. We will ask the 4 standard questions as listed in the report to Council, followed by questions from the Council. Each person will have 1 minute to respond to each question.

Mayor Wood clarified that if Council has individual questions other than the 4 standard questions, they should be similar for all candidates. He asked for confirmation.

City Clerk Wayne agreed. If Council concurs with that procedure, then the recommended total time allotted for each interview is approximately 10 minutes. There are a total of 14 applicants now, and Council saw the emails showing the 4 applicants who withdrew. She asked if Council wanted to go with the 10 minutes as recommended.

After discussion, Council concurred to allow 10 minutes for each interview.

City Clerk Wayne stated that at the end of the interview process today, it is recommended that Council make an appointment to fill the unexpired term to December 2012. If Council appoints today, we would probably give the oath tomorrow, and the person would be in office tomorrow. However, there is a placeholder on the agenda for tomorrow's regular Council meeting if Council needs more time to think about the responses they have heard from the applicants; there is a placeholder on the agenda tomorrow where we would give Council a staff report that reiterates that they can either appoint or call a special election. That is in case there is no decision today. Council's absolute deadline is February 12 to either appoint or call a special election.

After discussion on Council questions, Council concurred to follow the procedure identified in the report, with each Councilmember to ask one question of each applicant. At the Mayor's request, they reviewed their prepared questions to avoid duplication.

[Recess was held from 2:16 to 2:23 PM to allow time to respond to television and press questions regarding the process.]

The standard questions are:

- One-minute self introduction
- Response to 4 standard questions presented by the City Clerk – 1) Why do you want to be the City Treasurer?; 2) Describe the background and experiences that make you a desirable candidate; 3) What is your understanding of the City's Investment Policy as approved by the City Council?; and 4) Are you willing to serve the full unexpired term until December 2012?
- Response to Council questions.

The 14 candidates were interviewed in order of a random drawing as follows:

Applicant interviews

Bert Fenenga, 2003 Chopin Way, said he is qualified for this position through previous experience.

1) He wants to be the City Treasurer to help Oceanside. He has a varied experience that will result in a little bit of change.

2) He has been a CFO and Treasurer for over 10 years, a CPA for over 20 years and has a lot of varied experience working in operations, information systems, human resources and finance.

3) He does not know the City's Investment Policy but would assume it is similar to corporate investment policies that public companies tend to have.

4) He is willing to serve the full, unexpired term until December 2012.

In response to Councilmember Feller's question of what he believes is the job description of the City Treasurer and whether this conflicts with his current job, Mr. Fenenga stated the position of City Treasurer does not conflict with his current employment. In essence the Treasurer's job is making sure that the money is invested conservatively and that it grows.

In response to Councilmember Chavez's question on what size portfolio he has managed in the past, what his success rate was and how he would define success, Mr. Fenenga stated that as an investment, the biggest portfolio he had was about \$3,000,000, and that was at Quiksilver. They did run cash positive at times, and for one year they ran completely positive the entire time. There is a lot of international investment but most of that was done by the companies he oversaw as the corporate CFO, and they tend to invest those themselves. Generally, we are very conservative and ran short term, which is typical of corporate.

In response to Mayor Wood's question on whether the City Treasurer position should be elected or appointed, Mr. Fenenga is not sure; he believes the right person should get the job. Sometimes in an election people cannot really tell or interview a person. So, you cannot actually judge a person by what has been portrayed. It is better in an interview and then a follow-up with their prior companies.

In response to Councilmember Sanchez's question on whether he has a relationship with anyone on the Council or in City management, Mr. Fenenga replied no.

Responding to Councilmember Kern's question on what an interest rate swap is and how it works, Mr. Fenenga stated that for a swap in general, you will actually trade a rate for another rate in the future, and you are betting whether rates are going to increase or decrease.

Theodore 'Ted' Langs, 2842 Brandeis Drive, said as Treasurer he will continue to provide conservative oversight of management of the City's revenue and investment policy. He previously served the City as a member of the Economic Development Commission. Their goal was to attract businesses and increase the tax base by streamlining the permit process, bringing fees in line with similar cities, and recommending and assisting in the hire of the Economic Development Director to facilitate this growth. He has 9 years background in the banking industry. This foundation is his experience in productivity and cost reductions, saving upwards of \$7,000,000 annually, with budgets up to \$500,000,000, and financial and risk analysis for multi-national corporations. He has been a resident of Oceanside for 21 years and has been involved in the community since 1992.

- 1) This was a very unique opportunity; he has not been inclined to run for officening. He had known Rosemary for quite some time and would like to continue her policies of being conservative and monitoring the City's revenues and investments.
- 2) He has productivity and cost accounting background. He has dealt with financial and risk analysis with corporations. In his 9 years of banking experience, he was a loan officer and had lines of credit to present to businesses.
- 3) The Investment Policy, as approved by the City Council, is really to continue to safeguard the principle and meet the liquidity requirements and achieve a return on funds under the Treasurer's control.
- 4) He is willing to serve the full unexpired term until December 2012.

In response to Councilmember Feller's question, Mr. Langs is currently a consultant for Future School Learning Systems. It is a very open ended company, and he will be able to devote as much time as needed to the City Treasurer position. These

are tough economic times, and he can help the City.

In response to Councilmember Chavez's question, Mr. Langs stated that in the past he has managed up to \$1,000,000 in a portfolio with a bank back east, Columbus National Bank. That involved dual loans for a building. That has been his limit of responsibility as far as that goes.

In response to Mayor Wood's question, Mr. Langs felt the Treasurer position should be appointed. It is an important enough position to have experience. An appointed position would be in the best interest of the City.

Responding to Councilmember Sanchez's question, Mr. Langs stated that he knows Councilmembers Feller and Chavez from the Chamber of Commerce where he served for one year with them in the late 1990's.

In response to Councilmember Kern, Mr. Langs is not familiar with the definition of an interest rate swap.

In closing comments, he stated these are tough economic times requiring close monitoring of the City's revenues and investments and increasing contributions to CalPERS. He believes he is the right person at the right time to help Council and our community.

JoAnn Uffelman, 2819 Turnbull Street, has experience as a Customer Service Manager and Operations Manager in banking for more than 30 years. She worked for 1st Interstate Bank, was a Divisional Risk Manager in the Central Valley Division and had 26 branches that reported to her. She was involved in implementing and interpreting policies and procedures, losses and recoveries, any type of bank security issues, and was a liaison with the legal department. Her territory was from Bakersfield to the Oregon Border.

1) She first moved to Oceanside in 1993, and almost every night there was some horrific report of Oceanside – murder, robbery, just incidents that made her question her decision. But, over the last years, she has noted a significant improvement and wants to be part of that.

2) What makes her a desirable candidate includes her experience in banking as a manager, staff management including making reviews and all of the human resources issues that go along with that, customer service manager, really strong in providing excellence to customers, auditing, background in budgeting, goal setting and goal achievement, facilities management, and she brings honesty and integrity with her.

3) Her understanding of the City's Investment Policy is to preserve the principle of the public funds that the people of Oceanside have entrusted to us, pay the bills on time, make sure that the vendors are the correct vendors and that they are honest and working in the best interests of the City, to earn interest on the money through prudent investments and to act ethically at all times.

4) She is willing to serve the full unexpired term to December 2012.

In response to Councilmember Feller's question, she is currently unemployed so there would be no conflict. The job is a watchdog job; you have to be very prudent in what you are doing; make sure that with the funds that the people entrust to you, you are doing the right thing; and that everybody is coordinating and doing the best thing for the City.

In response to Councilmember Chavez's question, she manages her own portfolio, which is less than \$500,000. She was quite successful until approximately 6 months ago. At the bank, she was responsible for deposits of up to \$50,000,000. She

did not do any loans but was only on the deposit side.

In response to Mayor Wood's question, she stated that this part time job should be an elected job.

In response to Councilmember Sanchez's question, Ms. Uffelman's sister is Carol Gould, who works for the City Manager.

Responding to Councilmember Kern, she did not know how an interest rate swap worked.

Jay Lembach, 303 South Ditmar Street, said that investing is extremely complex even in normal times, and these are not normal times. As a working City Treasurer, he worries about how his investments are doing. His goal as Oceanside's City Treasurer will be to make sure that you don't have to lose sleep over that same issue because your money will be safe and well managed. California cities are facing unprecedented conditions in the next few years. It is important in this position to appoint a seasoned professional, who is working in the field and has access to the latest data and research. He is the right candidate for the job.

1) He has a keen interest in his community, and this gives him an opportunity to bring his area of specialization and expertise to benefit the City. He has, as a working Treasurer, all of the knowledge and experience that is needed for this job. He is the person that can best be effective and productive from day one. That will be a benefit to his community.

2) He is currently the Finance Manager and working City Treasurer for the City of Encinitas and has been there for 14 years. He has had experience ranging from debt issuance to accounting and financial reporting and has full charge of all the investments for the City of Encinitas, with a portfolio of \$80,000,000 to \$100,000,000. He has a consistent proven track record that is a matter of public record that shows he has kept the money safe at the City and has been able to earn above average returns over the last 10 years. That is his main experience as far as this position is concerned.

3) The Investment Policy is constructed to put the safety of the principal as the primary objective. As the secondary objective, we want to earn the best market rate of return as possible, consistent with the level of risk. The City's policy has been well constructed and hits all of the major points that professional standards want to see in investment policies, such as procedures for due diligence, how to have brokers qualify, and all of the things we want to see in a policy.

4) He is willing to serve the full unexpired term until December 2012.

Responding to Councilmember Feller's question, Mr. Lembach stated the primary responsibility of the Treasurer is oversight of the Investment Program. There are some other duties such as overseeing special assessments, etc. As far as being responsible for the Investment Program, the biggest advantage he has is that the City will have the benefit of most of the work he does on a daily basis, such as generalized research, developing strategies and monitoring market conditions. Those are the types of things that a Treasurer should be doing, including overseeing the program and doing things such as reviewing the monthly investment reports, meeting with the oversight committee and presenting reports to City Council. He believes there will not be any conflict with his current position, and he has cleared that with the Finance Director and City Manager.

In response to Councilmember Chavez's question, Mr. Lembach reported that the portfolio in Encinitas ranges from \$80,000,000 to \$100,000,000. Over the last 10 years we have tracked the performance on the portfolio compared to the benchmark they use, which is the 1-year Treasury bill. Over that time period, his management has earned

approximately \$4,300,000 more than would have been earned if we had only earned the 1-Year Treasury bill rates. That is an average of \$429,000 a year.

He also does work for Southcoast Water District. They have a portfolio of about \$50,000,000. His results there have been better. But in fairness, when he took over there, they had some problems with the Investment Program. He was able to upgrade the Program from an underperforming program.

Responding to Mayor Wood's question, Mr. Lembach felt there are advantages/disadvantages to both approaches. As an elected City Treasurer, the advantage is that the person is independent and is able to make the final decisions without getting influenced. As the Encinitas City Treasurer, he has had many occasions when people have approached him and tried to convince him to invest in mutual funds that their friends are investing in, etc. That is where the advantage is. The possible disadvantage is that in the political arena you may not get the most qualified candidate.

Responding to Councilmember Sanchez's question, Mr. Lembach does not have a relationship with anyone on the Council or in management.

In response to Councilmember Kern's question, Mr. Lembach stated that in Encinitas they have not participated in any interest rate swaps, and he has not done significant research on that. Therefore, he is not familiar with it. If he needed to be and was asked to look at it, he would research it.

Joseph 'Joe' Gallagher, 515 Vine Street, serves on the Integrated Waste Commission and has been involved as a volunteer in the City for over 20 years.

1) He has run for the office of City Treasurer twice in the past, in 1992 and 1996. He wanted to be in a position where, as an elected representative of the citizens, he would have an opportunity to serve the citizens in a capacity that exceeded that of the volunteer level. He also endeavors to seek out the Treasurer's position because it is a position where the numbers do the talking. It is not so much what he or the voters may think; it is what the finance markets think and dictate.

2) He has been a volunteer in Oceanside for a number of years, and he has also been the treasurer for the Oceanside American Little League and the California Surf Museum. While the investments of hot dogs and surfboards do not mirror the responsibility of the City Treasurer, it gave him some background in dealing with people, dealing with their monies and the trust they impose upon the treasurer to fulfill those duties in an honorable way. He thought this would be the next step.

3) The City's Investment Policy can be summarized as: to protect and manage the principal, to maintain liquidity, to maintain budgeted operations of the City for a 6-month period, and to maximize return and minimize risk through prudent investiture.

4) He is willing to serve the full unexpired term to December 2012.

In response to Councilmember Feller's question, Mr. Gallagher stated that as a federal employee, every year he completes a conflict and ethics statement and there is nothing in there that would conflict with the City Treasurer's position. As far as the job itself, he does not presume that he will come in and determine the investment strategy for the City. He will act as a liaison between the treasury staff, Council, and citizens to ensure that we are promoting the best in fiscally responsible policies for the City.

In response to Councilmember Chavez's question, Mr. Gallagher stated his own investment portfolio is very minimal compared to that of the City's, which is \$181,000,000 at this point. He grew up in a banking family and, as with the City Treasurer's position, looks at prudent investment and the long term. That is what he would be looking at in Oceanside. Typically, in a personal investment portfolio, you are

looking at the demographic annuities tables. You are only going to live so many years and you want to make sure that you are around long enough to benefit from your investments. But the City of Oceanside, we hope, will be here for many centuries, which means you have to look at very long term investment strategy. That would differ from any portfolios that he has managed in the past.

Responding to Mayor Wood's question, Mr. Gallagher stated there are pros and cons for having the City Treasurer appointed or elected. In this circumstance the City Council is doing the right thing by seeking appointment. He does not think that anybody who has been in a treasury position would advocate going out and having a special election and spending up to \$500,000. There are some good people applying for this position. For the future, there are pros and cons to both side of that argument. If it were an appointed position, it gives the Council and the Mayor latitude in determining who can work with them in the best interest of the City. At the same time, having an elected person gives plausible deniability should something go wrong. Maintaining the autonomy is a good thing if it is an elected position.

In response to Councilmember Sanchez's question, Mr. Gallagher serves as Chairman of the Integrated Waste Commission and serves on the Beach Task Force. He has had the opportunity to be at social and official events with the City Council, Mayor, City Manager, and others. He would like to think that it is not a conflict of interest in any way.

Responding to Councilmember Kern's question, Mr. Gallagher has been reading up on interest rate swaps, hedge funds, etc. but cannot effectively explain interest rate swaps the way he would like to, although he understands the concept.

In closing, if appointed, he intends to serve the best interest of all parties. If not selected, he will continue to serve in other capacities in the City. He is proud to be a volunteer and would be proud to be City Treasurer.

Doris Lynne Hilderbrand, 1708 Avenida Segovia, is a former City employee in the City Treasurer's Office under Rosemary Jones. Her past financial experience includes the management of both city and county funds.

1) She would like to be the next City Treasurer because she has an understanding and background in the management of public funds.

2) Past experience working for the City included understanding all aspects of the investment policy, budgets, and being available to answer public inquiries.

3) The City manages an actively traded portfolio, which means that we do not necessarily hold the investment to term. We can effectively trade and purchase other investment vehicles. The Investment Policy dictates what we can invest in, which is Triple A rated paper, and the quantity in which we can invest. This means we cannot be over purchased in one area versus another. When she left the City's employment in 2004, the investment portfolio was approximately \$115,000,000, and it is currently approximately \$180,000,000. The City has made significant strides in that time.

4) She is willing to serve the full unexpired term until December 2012.

Responding to Councilmember Feller's question, she does not have any conflicts taking this position. The job description of the City Treasurer is to manage the funds, to make sure they are within the Investment Policy Guidelines, to ensure that the reporting is accurate, and provide as needed updates to City Council.

In response to Councilmember Chavez's question, Ms. Hilderbrand has worked in a different capacity, being in charge of loading the information into the system; she has not been responsible for a portfolio.

In response to Mayor Wood's question, she stated the City Treasurer position should be an elected position because there are some issues with having a Finance Director oversee processes. There are some cities that have the Treasury function in a finance capacity, but there could be some conflicts of interest with that type of arrangement.

Responding to Councilmember Sanchez's question, Ms. Hilderbrand does not have any relationships with anybody on the City Council.

In response to Councilmember Kern, she has never heard of an interest rate swap.

Jerry Salyer, 3667 Harvard Drive, thanked Michele Lund for her time meeting with him last week.

1) He loves Oceanside and respected Rosemary Jones. Her death created a void that he could help to fill. He offers his skills and experiences to protect our common investment, the approximate \$200,000,000 in the City's treasury.

2) He has been committed to positive change in Oceanside for almost 2 decades. He is a senior, seasoned executive and a successful small business person. In the 30 years he has been an insurance broker to hundreds of companies and thousands of employees, not one of his policy holders has ever lost a dime, or any of their employees. He calls it like he sees it, based on what he sees, and based on his experience and the prudence in management of financial matters for his customers. He has a curious and analytical mind and works well with others. Some Councilmembers know him from the Chamber of Commerce where he was the Chairman of the Board. Other Councilmembers know him from the Rotary, where he was the President from 1999 to 2000. He has learned a lot about the City and its business over the years. He has served on 7 commissions, including Economic Development.

3) There are 3 words to use when talking about the Investment Policy: safety, liquidity, and return on investment. This job requires a prudent investor, which is a different standard than we might use for our own personal finances. It is much more conservative than that.

4) He is willing to serve the full unexpired term until December 2012. If appointed, he will watch our money like a hawk.

Responding to Councilmember Feller's question, he does not have any conflicts at all. He is not an accountant, investor, stock broker, or anything of that nature. The City Treasurer's job is to represent the department and work with the Council, Mayor, City Manager, along with the department heads. He has met with the City staff. He is not here with any kind of notion of change; it is more a continuation of the good work that we have seen in the past.

In response to Councilmember Chavez's question, he has never managed a portfolio; that is not his area of expertise. When he was talking about no one losing money, it was the diligence he provided in his insurance practice. He would have serious concerns about any insurance company having only \$200,000,000. It is a fairly large amount of money in our treasury. However, in the overall scheme of things, it is not a large amount of money. He has confidence in the staff's ability to provide the management services that are needed. If he were to be appointed, he would immediately become involved in the California Association of Municipal Treasurers and would seek their certification.

Responding to Mayor Wood's question, Mr. Salyer stated that if it were to go to an appointed position, it would require a vote of the people, and he would support

whatever the people decided.

In response to Councilmember Sanchez's question, Mr. Salyer has a cordial relationship with Council and the Mayor. He has been involved in other activities at the Chamber of Commerce, and one of the things he always favored was getting along with elected officials.

In response to Councilmember Kern's question, he stated an interest rate swap is when you take an interest rate and trade it, in effect, for another stream of cash flow that you think gives you some sort of advantage or meets your needs.

Gary Felien, 1189 Masterpiece Drive, decided to apply for the City Treasurer's position because his background, community service, and professional experience make this the best match. He moved to Oceanside in 1988 with his wife and 3 kids who graduated from Oceanside schools. He has always been interested in finding an opportunity to give back to the community, and this opportunity provides an excellent way for him to do that. He has 28 years of business experience in the financial markets that he believes are particularly suited for the position and would allow him to successfully serve the City.

1) The main reason he wants to be the City Treasurer is because it gives him an opportunity to serve the City; his background matches the position; and he has a prior commitment to the City through volunteerism as outlined in his resume. He has numerous years of community service; he has a professional background in the finance world; manages his own portfolio; and serves in the financial services industry.

2) His education includes a BA in Finance from Cal State Fullerton. While working full time, he received an MBA in accounting and finance from UC Irvine. He has served 28 years in accounting and financial services. The last position was Senior Vice President of Finance for a loan servicing company, with a \$1,000,000,000 portfolio, which served \$100,000 loans and had a cash flow of \$1,000,000 a day. He was responsible for the same type of short term investment that the City Treasurer position is required to oversee. He worked in the savings and loan industry and did accounting for investment portfolios and auditing those portfolios, as well as giving presentations on the types of services that their company could provide.

3) In an attempt to educate himself for this position, he scheduled meetings with Michele Lund and Teri Ferro and familiarized himself with the position. He read through the Investment Policy and reviewed the City Portfolio.

4) He is willing to serve the full unexpired term until December 2012.

In response to Councilmember Feller's question, he does not do any of the types of investments in the City investment policy, so there is no conflict between what he is involved in and what the City is involved in. He sees the position as a public advocate oversight type of position. In meeting with Michele Lund, he found her to be very knowledgeable and capable in terms of her grasp of the portfolio. So, he does not see himself turning over the apple cart. In the near term he would be doing more learning and no lecturing.

In response to Councilmember Chavez's question, currently he is self-employed and manages a portfolio he built up since he started getting involved in the stock market in the early 1980s. He took advantage of the Regan tax cuts and has been mostly going up since then until last year. Overall his long term experience has been in the most recent market from the crash in 2000. He has had a portfolio of approximately \$10,000,000 at a 10.5% internal rate of return on the assets and a 15% rate of return annually in capital, which includes the leverage that he acquired. In his business experience, the portfolios he has been responsible for managing were in the tens of millions of dollars. Those were generally short term, safe type of investments.

Responding to Mayor Wood's question, he would hold off on making a decision until he becomes more familiar with the job. He feels more comfortable if the qualifications for the job included more than being 18 years old and an eligible voter. That certainly advocates for an appointed position. At the same time, does an elected official or a City employee have more backbone in standing up to something that they think is an extremely bad idea? That is certainly something for the Council to ponder.

In response to Councilmember Sanchez's question, he stated that although he has met most Councilmembers at different events, he does not have a close relationship with any Councilmember. He found out that he attends the same church as Michele Lund, but the relationship is that of an acquaintance and not close friends.

In response to Councilmember Kern, Mr. Felien explained that an interest rate swap is generally a market instrument where one person takes the fixed side of an interest rate position and the other party takes a variable side. The person with the long side is generally betting that interest rates will go down, and the person with the short side is betting that the interest rates go up. It provides an opportunity for someone holding a portfolio fixed rate; they can hedge the offset if interest rates go up by making your portfolio go down in value. Then the interest rate swap portion would go up in value, hopefully, offsetting entirely or partially your losses.

[Recess was held from 3:24 to 3:29 PM.]

Thomas P. Garrity, 2161 Calle Buena Ventura, started a career as an investment advisor 30 years ago and has been continually in that business. Prior to that, he worked for multi-national corporations including Fluor Corp., Bechtel Power Corp., and Burr-Brown Research Group. Experience there included all areas of corporate finance, accounting, treasury, M & A, internal audit. His 30 years of experience in the investment business include stocks, bonds, options, mutual funds, and variable annuities. Security licenses that he holds are Series 7, Series 24, and Registered Options Principal. He has been independent since 1983 after working for Paine Webber and Smith Barney for a number of years. He became independent and is now with a company called WBB Securities. They have over 30 reps in the country; they clear through Fidelity; and minimum experience required is 10 years to join WBB. He read and understands the City's corporate investment objectives. He has obtained approval from his compliance officer for the appointment and is ready to start immediately.

1) Reasons why he wants to be the City Treasurer include the challenge, to keep learning, and serve the community. He sees volatile markets ahead for interest rates. Oceanside needs to be careful for the next 4 years. If we have a spike in inflation, it could be very detrimental to the bond market.

2) He has 30 years experience in all areas in bonds - municipals, corporates, governments, and unit investment trust. He understands the yield curve and knows how to manage it. He understands the safety that this City needs. We need to stay short and liquid. He has already met with Michele Lund and looks forward to further discussions with her on what to do if we see inflation coming down the road.

3) Regarding his understanding of the City's Investment Policy, it is safety of principal, and the City cannot go out more than 5 years. He sees that the City can buy corporate bonds, depending on the ratings. It could be strengthened. Even a company that is A rated and where the policy says you can go out 2 years, he would probably put to price level on their common stock; if that drops below a certain level he would throw their rating out the window and be even more conservative. The City needs to stay completely liquid and manage the yield curve. Also, when dealing with broker dealers, you need to go out and get the best bidder.

4) He is willing to serve the full, unexpired term until December 2012.

In response to Councilmember Feller's question, Mr. Garrity has no conflict whatsoever. He has been advised by his compliance officer that he would not be allowed to do business as a broker, and he understands that. The City Treasurer's job would be to work with Michele very closely in an advisory capacity, to review the investments constantly, and be a liaison to the City Council.

Responding to Councilmember Chavez's question regarding the size of managed portfolios, he has a little less than \$20,000,000 under management. An example is that when he left the Board of Trustees at the North County Humane Society, they gave him \$100,000 to manage. They made 100% inside of 2 years. And, then some new people came in as Board of Directors, and one of them worked for Merrill Lynch and moved the accounts elsewhere. One year all of his clients had mutual fund timing and had a 99% return. That was probably \$15,000,000. That mutual fund timing was ranked number 1 in the country for that year. When they used to do them back in the late 1980s, they would rank them for 1 year, 5 years, and 10 years; he was number 1 out of 45 market timers for 1, 5, and 10 year periods. Size makes him more conservative.

In response to Mayor Wood's question, he felt this job should be elected. But, since Council has this predicament and is trying to save the City money, it should be appointed.

Responding to Councilmember Sanchez's question, he knew a few police officers years ago; he thinks they are all retired. He met Michele Lund 15 years ago. He has known Councilmember Feller for 10 or 12 years; he has known the City Clerk since 1992.

Responding to Councilmember Kern's question, he explained that in an interest rate swap you are probably trying to change maturities for different yields. He does not do a lot of them and does not believe in them. Usually there is a transaction cost. Now, if the question is regarding a tax swap, he has done swaps for retail clients where they will sell an identical bond they have a loss in to get a similar bond. He has seen interest rates at various percentages, and now we have the lowest in history.

Sherry Ross, 1467 Mountain Meadow Drive, said understanding and applying various elements of financial business has been part of her life for well over 30 years. As a successful multiple business owner, making the correct decisions to grow her businesses have been paramount. Some of these decisions have not always been easy, but business growth and an increase in revenue were validation that those decisions were correct. Her entire career has been based on successful leadership principles and examples. As a 32-year resident of Oceanside, she has watched the City grow. Serving the City as its Treasurer would be an honor and privilege that she would not take lightly.

1) She can bring a lot of personal experience in these troubled, financial times with her business experience. She has also the military experience, the zero based budgeting, personnel, payroll, and human resources. It is a fairly well rounded experience that she could bring to the office.

2) She attached her resume to her application, so Council can see that she had 9½ years in the military, was a shop leader, and managed personnel. She then opened and built several businesses from the ground up. The first business she built, she went from zero to \$500,000 a year in revenues with 2 full-time employees and a half-time employee. She now runs an accounting business where she has multiple clients in various fields so now she has a lot of experience with property management, retail businesses, chiropractic and medical, investment companies, and mortgage brokers. She also has experience in dealing with government forms and the requirements for reporting.

3) She is not knowledgeable on the City's Investment Policy. She is sure it is a

fairly conservative based investment policy; too aggressive and you have a chance of losing everything. Since Council is accountable to the citizens of this City, they would have to be fairly conservative with what they do.

4) She is willing to serve the full unexpired term to December 2012.

In response to Councilmember Feller's question, Ms. Ross stated the job description of the City Treasurer is to manage, supervise, delegate, and direct the full-time employees who actually do the investment. The City Treasurer would be responsible for the financial accounting, the reports, helping put together the budget, and reporting to the City Council and citizens on the standing of the City's funds. She would have no conflict with that.

In response to Councilmember Chavez's question, she does not have any portfolio management experience.

Responding to Mayor Wood's question, Ms. Ross stated the City Treasurer is responsible to answer to the citizens of the City as far as what is happening with their finances. Under the circumstances, being elected is probably the best, unless there is some oversight that still gives the citizens the ability to have their input into what is happening with the City Treasurer and that it is not totally run by the Council with no input from citizens.

In response to Councilmember Sanchez's question, she does not have a relationship with anyone on the Council or in the City management.

Responding to Councilmember Kern's question, she cannot answer what an interest rate swap is.

Marianne Quindoy-Senteno, 2731 MacDonald Street, has been an Oceanside resident for 20 years. Currently, she is a full-time administrative secretary with the Oceanside Unified School District at Cesar Chavez Middle School. Past work experience includes reservationist for US Airways Airline and civil service employee with the Internal Revenue Service. She graduated from Oceanside High School and went to Palomar Junior College for 2 years. She served on the Board of Directors for Oceanside American Little League for 8 years and 3 of those years she was on the Executive Board as Treasurer. She is efficient, organized, responsible, and conscientious. She has a great working relationship with her superiors, coworkers, parents and vendors and has maintained high standards of reliability and integrity in her job performances.

1) To be City Treasurer would be an honor and privilege. She would be a great representative for our City, as well as an influential voice in the community. This would be a great opportunity to get involved in the City that she lives in.

2) As administrative secretary, she works with many categorical budgets, oversees expenditures, and provides budget reports for fiscal responsibilities. She supervises 4 full-time and 1 part-time front office staff. In the capacity of treasurer for the Oceanside American Little League she did the banking, kept the records for all expenses, paid the bills, and had the taxes done. She attended the board meetings and prepared monthly and year end treasurer reports for the League.

3) She understands that the City Treasurer manages the City's investment portfolio in order to protect the principal and earn the highest rate of return and that the investment policies and practices of the City are based upon State law and prudent money management. The safety of principal is the foremost objective.

4) She would be committed to stay in the City Treasurer's position for the duration of the unexpired term to December 2012.

Replying to Councilmember Feller's question, she stated the City Treasurer would manage the City investments. She does not have a conflict with her job currently; however, she does have an early start and would be able to be here probably in the earlier afternoon. During the summertime she is off, and because she works for the school district, she is off several times during the year.

Responding to Councilmember Chavez's question, she has an investor to manage her personal portfolio. She has worked with the budgets at her school, but it is really not an investment.

In response to Mayor Wood's question, she felt the part-time job of City Treasurer should be an appointed position.

Responding to Councilmember Sanchez's question, she stated that through Little League she has come in contact with Councilmember Feller and Mayor Wood. Councilmember Kern is her son's former teacher.

In response to Councilmember Kern's question, she did not know what an interest rate swap is and how it works.

In closing, she stated that if appointed as City Treasurer, she will fulfill the duties and responsibilities of the position to the best of her ability.

Jimmy Knott, 127 Sherri Lane, has run for City Treasurer in the last couple of elections. He would like to see the office of City Treasurer opened up and the citizens empowered. He would also like to see the investment portfolio put on-line so that the public knows where the investments are being made. He has basically communicated everything necessary to all Councilmembers.

1) He would like to be the City Treasurer to open up the office to the public. For far too long the office itself has been cloistered upstairs. The information is not available.

2) There are only 3 basic qualifications that have to be considered for the position of City Treasurer: must be an Oceanside City resident and registered voter, and you have to go through the process. He has laid it out to Council in his previous communications.

3) He has already laid out in his written communications to Council what his understanding is of the City's Investment Policy. He even has critiqued it and how it can be improved. In the future, we are in a whole new ballgame with the current economic situation. What has been done in the past is going to have to be totally revised. The economic ballgame has basically been thrown out. We are in a new type of situation. We are going to have to relearn and redo. The City Council is going to have to guide the process.

4) He is willing to serve the full unexpired term until December 2012.

In response to Councilmember Feller's question, Mr. Knott has no conflict at all in serving as the City Treasurer. He ran for the office twice, discussed with the staff in the office what is involved, and speculated on potential options in the future for investment policies that the Council can participate in to challenge some of the investment policies. The State of California has taken away some of the rights that our City is due. The Investment Policy can be rewritten to include more investment options that have not been considered in the past.

Responding to Councilmember Chavez's question, he has not managed any portfolios but has assisted the City with the budget process over a number of years. He has been the only citizen to consistently attend any of the City Treasurer's advisory

committee meetings. He has provided substantive evaluations and advice. Some bits of his advice have actually been taken into consideration and implemented.

Responding to Mayor Wood's question, he believes the City Treasurer position should be elected. However, the Treasurer could be appointed provided that there is an independent commission from the City Council that could be appointed and subject to the citizens. Much like the Planning Commission, it would be independently involved. The commission could guide the Investment Policy. An appointed position could be tainted. There could be obligatory measures by Council, whether they are overt or covert, that an appointed Treasurer could feel. They might feel some type of obligation without a public election.

In response to Councilmember Sanchez, he stated that in the past he has worked on campaigns for Mayor Wood and Councilmember Sanchez. He has spoken before the Oceanside Mobile Home Association (OMHA), saying positive things about Council.

In response to Councilmember Kern's question of defining an interest rate swap, Mr. Knott would have to get back to Council on that answer.

He expressed appreciation for the process, even though it should have gone to a special election. The people have a right to choose who they want to serve as City Treasurer.

Philomena Stein, 5342 Rio Plata Drive, has lived in Oceanside for many years. She wants to protect and manage the City's funds; her background has always been in banking and the IRS. She worked for many major banks.

1) She wants to be the City Treasurer to do pretty much what she did in the bank - protect the City's funds and monitor the investments. She did a lot of that with the bank, and in her 28 years of handling a lot of money, she never had a loss. There were many times where she did spot things and blocked it. It would be the same type of stuff she would want to do with the City. Whether she has enough training for the City Treasurer position, she does not know.

2) She has 28 years in banking and that was with all of the major banks in the United States (Bank of America, United California Bank, American Security in Washington D.C., Citi-Trust in Connecticut). She ran the Note and Collection and Foreign Exchange Departments (setting up real estate loans, collecting all kinds of notes, bonds, and foreign currency). Then she left the banking industry, went back to college, earned her degree in Accounting and then went to work for the Internal Revenue Service. She worked as a Compliance Auditor for the IRS for 17.5 years.

3) She does not have any understanding of the Investment Policy. She knows that the City has to invest their money to get the best interest so the City can put on their programs. But the experience on something like that, she does not have.

4) She is willing to serve the full unexpired term to December of 2012.

Responding to Councilmember Feller's question, she does not see any conflict in serving as the City Treasurer. She looks at things with a clear view, handles what is in her hand, and goes from there. Her 17.5 years at the IRS included audits on people, checking their finances, handling agreements for repayments, etc. She would like to learn the investments and do it at the City. She can learn it easily.

In response to Councilmember Chavez's question, she has not managed any portfolios. She managed the Note Collection and Foreign Exchange Departments. Any kind of lending came through her department. When she worked for United California Bank, she was the signer on all the bank loans.

Replying to Mayor Wood's question, she felt the City Treasurer position should be an elected position.

In response to Councilmember Sanchez's question, she has no relationship with anybody working for the City of Oceanside.

In response to Councilmember Kern's question, she does not know what an interest rate swap is and how it works.

Sandra Einspahr, 2231 Via Esmarca, Unit A, said her goals for 2009 include learning about local government and becoming more active in our community. In preparing for today, she read the Oceanside Vision Statement, Mission Statement, and Core Values Statement, which are things she can identify with. She was raised in the Midwest with good wholesome values.

1) She wants to become more involved in our community and learn more about our government. She identifies with the City's goals and qualities.

2) She currently works as a financial advisor. Their goal is to educate and inform people and help people with investments. She brings background and experience to the position of City Treasurer.

3) To put it in a nutshell, the City's Investment Policy has the main focuses of the safety of principal, liquidity up to 6 months at least, and a good return on the investment.

4) She is willing to serve the full unexpired term to December 2012.

In response to Councilmember Feller's question, Ms. Einspahr understands that as City Treasurer, she would be working with the Treasury Manager and the Deputy Treasurer to oversee the investments that the Councilmembers and City need to make to reach their goals and to have a good preservation of resources. She asked if she would be able to continue her present employment and does not know if there would be a conflict. It would be a question she would want to ask Council.

Responding to Councilmember Chavez's question, she cannot come up with exact numbers, but she has not managed any real big portfolios.

In response to Mayor Wood's questions, she read the newspaper article. She understands that in order for the City Treasurer position to be elected, there would have to be a special election. It would cost about \$400,000 plus, and it would take until November or so to make that happen. In light of that, she thinks that the appointed position is better.

Replying to Councilmember Sanchez's question, she does not have any relationship with anyone on the Council or City management.

In response to Councilmember Kern's question, she explained that if the interest rates are going down, it is possible to swap out the funds with another investment that would give you at a better advantage. It is a simultaneous purchase of another for a perceived advantage.

Council discussion

MAYOR WOOD expressed concern for a potential conflict with Jay Lembach because he is a City Treasurer for another city and a water district. He asked for a legal opinion.

CITY ATTORNEY MULLEN explained that the issue involves Government Code Section 1099, which basically addresses the situation where someone simultaneously occupies 2 potentially incompatible offices. The statute says that a public officer, including but not limited to an appointed or elected member of a government board, commission, committee or other body shall not simultaneously hold 2 public offices that are incompatible. The statute then goes on to describe the definition of incompatible. What it states is that offices are incompatible when any of the following circumstances are present, unless simultaneously holding of the particular office is compelled or expressly authorized by law. So, the statute states that the offices are incompatible if either of the offices audit, overrule, remove members of, dismiss employees of or exercise supervisory powers over the other office. A second situation where an office could be incompatible would be based on the powers and jurisdiction of the offices where there is a possibility of a significant clash of duties or loyalties between the 2 offices. And, then the third situation is where just public policy considerations make it improper for 1 person to hold both offices.

He has reviewed the Attorney General's opinions on this section and discussed it with Michele Lund and he does not believe that there is an incompatibility of offices with the particular candidate mentioned by Mayor Wood. He will say that it has not been addressed in the case law that he has seen. But, it is not unheard of for 1 city treasurer to serve as an appointed or elected city treasurer of another city. So, absent some other circumstances that he is not aware of, his belief is that the 2 positions would not be incompatible.

MAYOR WOOD expressed appreciation to the candidates for their participation. As a whole, a wonderful list of candidates came forward. Qualifications are important. Fitting in with staff and the system is another thing Council has to consider. He looked at this list and saw a lot of top candidates. We have a 30-day limitation which makes it unique. Normally, we would do a lot of checking, calling, etc. We do not have that opportunity this time around. So, it makes it a little more difficult.

MAYOR WOOD moved to appoint Jerry Salyer as City Treasurer. He has been a long-time City resident, involved with the Chamber of Commerce and other activities in the City, his background, his ability to articulate himself and present himself in the community.

COUNCILMEMBER CHAVEZ asked about the procedure. He asked if each Councilmember will be putting a name forward and then seeing if there is a second; or, would the Mayor like Council to decide the top 3 candidates and then vote. He recommended that each Councilmember write their top 3 candidates on a piece of paper, hand them to the City Clerk, who will then say that these are then top people, Council could have discussion, and then if we can't make a decision tonight, we can come back and make a decision before the 12th.

MAYOR WOOD explained that the problem is that Council is trying to follow the Planning Commission appointment guidelines to an extent, and that is what has been done in the past. We can change the procedure, but he does have a motion on the floor, and it is open for discussion.

[Recess was held from 4:26 to 4:34 PM.]

COUNCILMEMBER SANCHEZ was having a hard time with this. The City Treasurer position should remain an elected position since there is almost the whole 4-year term left. If it were less than that, she would be more into the appointment process.

She **seconded** the motion for discussion.

It would be fruitful for Council to pick their top 3 candidates and say why, and

then as a result of that have a motion. She is ready to go ahead and do that as this time. Mr. Salyer is 1 of her top 3. It is very clear that there is 1 person among those who applied that is the best qualified, if we are looking at qualifications. That is someone who is already doing the job for another city- Jay Lembach, who is also in her top 3. Looking at his resume and everything he has done, his qualifications, background, experience, and degrees, he is very well qualified. The only concern she would have about Mr. Lembach is whether or not he would have enough time to devote to our City.

The other person she thought was impressive was Thomas Garrity, an investment manager. She does not think that a decision should be based just on qualifications. We need to look at everything, the whole picture of the person.

She has seen Mr. Salyer around town. His qualifications are very much in tune with the job of City Treasurer. He is a person who brought people together, and she appreciates his management of the Chamber of Commerce. She certainly felt included in the organization when Mr. Salyer was the Chairperson. That is why she includes Jerry Salyer in her top 3 candidates.

As a voter looking at the people, they would not just look at their qualifications but also their personalities and how they would have come across to the public. Mr. Lembach and Mr. Garrity have the qualifications. However, if running who would have received a lot of votes.

She noted that Jimmy Knott has run for the City Treasurer position, has gone out and talked to people, has been very diligent in coming to Council meetings, and asked a lot of questions. That is very important. She hopes he continues to do that.

Therefore, her top 3 candidates are Jerry Salyer, Jay Lembach, and Thomas Garrity.

COUNCILMEMBER CHAVEZ is looking at this from the point of a voter. The system has it that Council is tasked to select somebody in this appointment process. So, the same way that he picks somebody to vote for at an election, he goes to qualifications. People who have done something in the past will show that same in the future. That is how he looks at things and how he votes.

That being the case, his top 3 candidates are (in no particular order): Jay Lembach, Gary Felien, and Sherry Ross. Jay Lembach and Gary Felien have both done this type of work. Gary Felien has managed large portfolios. Business people understand investments, and Sherry Ross is a small business person and the way she communicated her presentation, he will include her in his top 3 recommendations.

COUNCILMEMBER KERN said his top 3 candidates are pretty similar, but he is going to make just a couple observations. What Councilmember Sanchez said about Mr. Lembach is dead on. He is probably one of the better qualified candidates, but is concerned about Mr. Lembach's workload.

He agrees with Councilmember Chavez about Gary Felien. If you look at his resume, he is probably the best qualified. As far as doing this for a long time, doing this in different arenas and managing funds for himself and large institutions, he is probably in the top 3.

His 3rd candidate is Jerry Salyer. The City Treasurer is a public official and is somebody that is representing the City to the community. It is really tough because Gary Felien and Jerry Salyer are both close friends of his. But, actually the person he talked to the most of all the people was Marianne Quindoy-Sentero. He taught her student for 4 years and saw her once a week for an hour.

His top 3 candidates are Jerry Salyer, Jay Lembach and Gary Felien.

COUNCILMEMBER FELLER said Doris Hilderbrand was very involved in Oceanside City Government, and he has known her for quite some time before he was elected. She has an understanding of how our City works.

He has known Thomas Garrity, and he is highly qualified. He agrees with Councilmember Sanchez in that Thomas Garrity has handled large portfolios.

In no particular order, he would be satisfied with Thomas Garrity, Jay Lembach and Gary Felien. However, he is a little worried that Jay Lembach is overworked because he is involved with 3 treasurer type positions, investing in many places. He sensed a little bit of conflict with Mr. Lembach and Mr. Felien.

He might not be ready to make a decision today, but we have until at least next Wednesday to actually decide. He might like to rethink this a little bit once Council has submitted their candidate names. He knows many of the candidates, but this is a position that is going to be extremely important for the next 3-4 years.

COUNCILMEMBER SANCHEZ said that after listening to each Councilmember's top 3 candidates, she would rank her top candidates as follows: 1) Jerry Salyer; 2) Jay Lembach; and, 3) Thomas Garrity. They are very well qualified; however, Jay Lembach is a treasurer for 2 other very large groups, and she is concerned about the time commitment. She would like to go forward today; there is not a whole lot more we can do together; we are not going to meet again together. She would rather do this as we discuss this together versus going out and having side discussions.

COUNCILMEMBER SANCHEZ called for the question.

MAYOR WOOD seconded the motion.

COUNCILMEMBER SANCHEZ does not want to discuss doing this later. So, if Council wants to talk about her 3 candidates, she would be happy to do that. Otherwise, she called for the question.

Motion to call for the question **failed 2-3**; Kern, Chavez, and Feller - no.

COUNCILMEMBER CHAVEZ said looking at it, we have 3 great people up here: Jay Lembach, Gary Felien, and Jerry Salyer. All of them were 3 Councilmembers' top candidates; if Council wants to take it down to 2 top candidates, that is fine.

He moved that Council take Jay Lembach, Gary Felien, and Jerry Salyer as the top 3 candidates; that Council takes time to consider the 3; and, make the appointment at a later Council Meeting.

MAYOR WOOD noted that there is already a motion and a second on the floor.

COUNCILMEMBER CHAVEZ made a **substitute motion** that Council take Jay Lembach, Gary Felien, and Jerry Salyer as the top 3 candidates and that Council vote on the appointment at another Council meeting before the 12th of February.

CITY ATTORNEY MULLEN noted that this item is actually on Council's agenda for tomorrow's meeting. If Council's pleasure is to consider this tomorrow, it has already been placed on the agenda to allow Council to make a decision tomorrow. If Council is unable to make a decision as to an appointment tomorrow, Council has the ability to call for a special election for June. Those resolutions will be in front of Council tomorrow. If Council wishes to wait until the following week, Council has that option as well. In that event, if Council calls the special election, the election would be held in November.

COUNCILMEMBER CHAVEZ said that was his statement to limit the names to

3 people and just think about it. There is somewhat of a consensus among all Councilmembers between Jay Lembach, Gary Felien, and Jerry Salyer. So, that is his substitute motion.

In response to the City Attorney, **CITY CLERK WAYNE** reported that there is currently a motion on the floor to appoint Jerry Salyer, and the motion was seconded.

CITY ATTORNEY MULLEN explained that a motion to amend the main motion is effectively what Councilmember Chavez has put on the floor. He recommended that Council vote on the main motion and then take up the substitute motion.

CITY CLERK WAYNE reiterated that the main **motion** is to appoint Jerry Salyer to the position of City Treasurer.

Motion failed 2-3; Councilmembers Kern, Chavez, and Feller - no.

COUNCILMEMBER CHAVEZ repeated his substitute motion to take Jay Lembach, Gary Felien, and Jerry Salyer as the top 3 candidates from which Council will make a decision for appointment to the City Treasurer before the 12th of February.

COUNCILMEMBER KERN seconded the substitute motion.

COUNCILMEMBER SANCHEZ said one of the things that she also considered is character. She did not know most of the folks that came forward. There was a very specific question that she asked during this process because she had received information about pre-existing relationships, and there has been a rumor that the fix is in. Therefore, she gave everybody the opportunity to explain their relationship with each Councilmember and management and just be forthright. The reason for asking the question in the first place was Gary Felien. She was told that he had a pre-existing relationship with several members of the Council, as well as Ben Sullivan, Councilmember Kern's aide; that he was in fact a member of the Central Committee; and that they had worked together during the campaign. She was disappointed that Gary Felien just said that he met some of the Councilmembers. The person right after him was very specific about their contacts with other people in the Council. She has to say that the little she knows about Gary Felien, who was not forthcoming in his answer, is a reflection of his character. That is why she is not supporting Gary Felien; he was not forthcoming in his relationship and that disturbs her.

COUNCILMEMBER CHAVEZ said as far as getting to know people, he knows Jerry Salyer better than any other Councilmember. As far as character, he knows that Gary Felien is an Eagle Scout; his son is becoming an Eagle Scout; he is actively involved in his church and a number of non-profits. It is not for Council at the dais to question the character of any of the applicants. He really takes exception to Councilmember Sanchez's comments. That being the case, we have a motion and a second on the floor.

COUNCILMEMBER CHAVEZ called for the question.

CITY CLERK WAYNE asked for clarification for the motion on a date that Council will be coming back to make the decision.

COUNCILMEMBER CHAVEZ said the intent of his motion is that at tomorrow night's Council Meeting (February 4, 2009), Council will make a decision on 1 of the 3 candidates (Lembach, Salyer, and Felien).

COUNCILMEMBER KERN seconded the motion to call for the question.

The **motion** to call for the question was **approved 4-1**, Mayor Wood - no.

February 3, 2009 – 2:00 PM

Mayor and Council Workshop

The **motion** (to take Jay Lembach, Gary Felien, and Jerry Salyer as the top 3 candidates from which Council will make a decision for appointment to the City Treasurer at the February 4, 2009 Council Meeting) was **approved 3-2**; Mayor Wood and Councilmember Sanchez - no.

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

ADJOURNMENT

MAYOR WOOD adjourned the meeting at 4:58 PM, Tuesday, February 3, 2009.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

JUNE 30, 2010

REGULAR MEETING 3:00 PM COUNCIL CHAMBERS

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

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Vacant

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

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Felien

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by City Clerk Wayne at 3:00 PM, June 30, 2010.

3:00 PM - ROLL CALL

Closed session was cancelled by earlier notice from the City Attorney therefore, there were no Councilmembers present.

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

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

No closed session held

CITY CLERK WAYNE recessed the meeting until 4:00 PM.

4:00 PM – ROLL CALL

Mayor Wood convened the meeting at 4:03 PM. Present were Mayor Wood and Councilmembers Feller, Kern and Sanchez. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported there was no closed session held.

CONSENT CALENDAR ITEMS [Items 3-8]

The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:

[February 3, 2009, 2:00 p.m. Adjourned Meeting] – to be resubmitted at a later date.
March 24, 2010, 4:00 p.m. Adjourned Meeting
April 7, 2010, 3:00 p.m. Regular Meeting
4. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
5. City Council: Approval of two Construction Change Orders to TC Construction for the Annual Street Restoration and Overlay FY 2009-10 project for additions to the scope of work: Change Order 1 [**Document No. 10-D0514-1**] in the amount of \$92,640.11 for work on the parking lot at 1617 Mission Avenue, and Change Order 2 [**Document No. 10-D0515-1**] in the amount of \$149,800 for work at the intersection of Wilshire Road at North River Road; and authorization for the City Engineer to execute the change orders; acceptance of the improvements constructed by TC Construction for the project; and authorization for the City Clerk to file the Notice of Completion [**Document No. 10-D0516-1**] with the San Diego County Recorder
6. City Council: Approval of the Arts Commission’s FY 2010-2012 Workplan
7. City Council: Adoption of **Resolution No. 10-R0517-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 2000-1 of the City of Oceanside

(Ocean Ranch Corporate Centre) authorizing the levy of a special tax for fiscal year 2010-2011"; **Resolution No. 10-R0518-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 2001-1 of the City of Oceanside (Morro Hills Development) authorizing the levy of a special tax for fiscal year 2010-2011"; and **Resolution No. 10-R0519-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 2006-1 of the City of Oceanside (Pacific Coast Business Park) authorizing the levy of a special tax for fiscal year 2010-2011"

- 8. City Council: Authorization to award a contract in the amount of \$164,460 to Roejack Roofing of El Cajon for the Senior Center Roof Restoration project located at 455 Country Club Lane, and authorization for the City Manager to execute the agreement [**Document No. 10-D0520-1**] upon receipt of all supporting documents

COUNCILMEMBER SANCHEZ moved for approval [of Consent Calendar Items 3-8].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 4-0.

GENERAL ITEMS

- 9. **City Council: Consideration of a request by the Freedom Days Parade Committee for the temporary closure of Coast Highway from Oceanside Boulevard to Surfrider Way between the hours of 7:00 a.m. and Noon on July 3, 2010, for the parade; and presentation by Police Department regarding Fourth of July planning**

TERRY GOODMAN, Recreation Supervisor, stated usually MainStreet Oceanside runs the Freedom Days Parade but this year, due to budget constraints, they were not able to so a group of citizens stepped forward and raised the funds necessary to not only pay for the costs of the parade but reimburse the City for our costs, which total \$7,794. The City has received full payment for those services and anticipates that there will be no other costs associated with that. They anticipate 50-60 entries.

FRANK McCOY, Chief of Police, used computer graphics to show the road closures and restrictions as follows for July 3rd:

- 4:00 a.m. Lot 30 will be closed and will be restricted to vendors to set up their booths
- Lots 21 and 27 will be closed at 10:00 p.m.
- The other 2 lots will be closed at approximately midnight. These lots will be available for residents and resident guest parking for the 4th of July.

On July 4th:

- 4:00 a.m. Lots 26 and 29 will close to the general public. Lot 26 will be used as the police staging area and Lot 29 will be used for vendor parking.
- 4:00 a.m. Lots 28 and 31 will be closed. These lots will be utilized for handicapped parking.
- 4:00 a.m. The Strand between Seagaze Drive and Surfrider Way will be closed to the general public vehicular traffic.
- 9:00 a.m. the 6 parking spots on Pacific Street just north of Tyson will be prohibited from parking. They are expecting vendors to utilize that area.
- 9:00 a.m. the area bounded by Wisconsin, Harbor Drive, Cleveland Street and The Strand will be staffed by police personnel. This area will be monitored and the actual time of restriction of the general public vehicles to this area will depend on congestion and safety issues.
- 12:00 p.m. the area bounded by Mission, Surfrider, Coast Highway and Cleveland Street will be staffed by police personnel. This area will be monitored and the actual

time of restriction of the general public vehicles to this area will depend on congestion and safety issues.

Their goal is to work with the residents and business owners to insure that their needs are being met while at the same time managing the traffic flows to insure safety of all persons coming into this area. They will continually monitor the parking lots in the downtown area and, if space is available, they will allow vehicles to proceed to those lots. They are confident that this plan will allow as much access as possible for those wanting to relax on the beach, visit the Harbor or visit the downtown area.

COUNCILMEMBER FELLER feels it's very clear that the roads that involve residents that live on The Strand will be open for them to get in and out all the way until 9:00 on July 4th both north and south.

CHIEF McCOY responded yes. For any emergencies that come up, they will have a police escort to either get emergency personnel there or to get those folks out.

COUNCILMEMBER FELLER moved approval [of a request by the Freedom Days Parade Committee for the temporary closure of Coast Highway from Oceanside Boulevard to Surfrider Way between the hours of 7:00 a.m. and Noon on July 3, 2010, for the parade].

COUNCILMEMBER KERN seconded the motion.

No public input

COUNCILMEMBER KERN stated last year a lot of businesses complained about access to their business so are we closing things down closer to the beach this year. Can people still get to those businesses along Mission Avenue?

CHIEF McCOY replied they are staffing those road closures in the one area at 9:00. If it's highly congested and it's a safety issue then those roads will be closed at 9:00. In the general business area from Coast Highway west, they are going to staff that at noon and if it is highly congested and unsafe they will close those roads. That can fluctuate based on the congestion of the traffic. As Sergeant Gow pointed out they may close it at noon but they can open it at 1:00 if the congestion is lower. They are looking at making both of those areas very fluid. They want to work as much as possible with the business owners in those areas as well as the residents, but their number one concern will be safety.

COUNCILMEMBER KERN stated their biggest complaint last year after it was all over was that a lot of businesses depend on the 4th of July for a big part of their income they lost on that day because we were real restrictive. This is the second year without fireworks so those businesses probably won't do as well as when we had fireworks but at least they will do better than last year.

CITY MANAGER WEISS noted as a reminder the Civic Center parking structure will be open and they have let some of the business owners know that they and their employees should be parking there because typically there is available space throughout the day on the 4th of July.

Motion was approved 4-0.

Item 10 was trailed to consider with Item 20.

CITY MANAGER ITEMS

Mayor Wood requested Items 11 and 12 be heard together.

11. **Update regarding the status of negotiations with Waste Management for a**

new solid waste contract, and

12. Consideration of providing Waste Management a Notice of Termination to be effective July 1, 2012, as provided in Article 3.1.C of the Franchise Agreement, and direction to staff

Regarding Item 11, **PETER WEISS**, City Manager, stated that earlier staff provided Council a written update from Joe Sloan of Sloan Vasquez, the City's consultant, who is doing the negotiations in regards to the new contract with Waste Management. He and the City Attorney have met with Mr. Sloan and reviewed some of the issues and concerns that we have had in regards to service issues. Sloan Vasquez has met with Waste Management 3 times. Those negotiations are proceeding as planned. According to Mr. Sloan, Waste Management has been fully responsive to each of their requests for information regarding the City's current services. They are actually building a proforma based on the rate models, the tonnage of various items - from green waste to trash to bulky items - and are developing their own assessment based on gross revenues. They are using that as a basis and a benchmark for their operating proforma. They have indicated that following this meeting they expect to have another meeting and then by July 12th they expect to have a proposal in place. It will then again be the basis for further negotiations. They are confident that this will result in a positive contract for both the City and Waste Management.

Regarding Item 12, the City's current contract with Waste Management is set to expire on June 30, 2012. We have a unique situation where we have not had in the past any ability to look at whether or not that contract gets extended. The current termination clause in the contract requires the Council to give notice on July 1, 2010, which would make that contract terminate on July 1, 2012. We have to give them a 2-year notice. The contract currently is silent on what happens in regards to the Council not taking an action. Mr. Sloan, who was supposed to be here but due to unforeseen circumstance will not be, has indicated this afternoon that based on the status of those current negotiations, he recommends that we not issue the Notice of Termination. In the unlikely event the negotiations do fail, the Council has the ability to initiate the procurement process. We would have adequate time to complete that in a timely manner. If Council does not issue the notice, we would extend the current agreement with Waste Management by one year in anticipation of having a new service agreement within the next few months.

Public input

JIMMY KNOTT, 127 Sherri Lane, has been attending different community meetings, a couple at the request of Councilmember Sanchez. He attended general park meetings from the manufactured home communities of Mission View West and Mission View Manor; both senior communities. He listened to their concerns and gave those concerns to Councilmember Sanchez. Their biggest concern was tall dumpsters with heavy lids that they can't lift their trash into. They would like to have the smaller dumpsters and lighter lids and maybe they can increase recycling in order to give them an offset on higher costs. He is not asking for a discount.

Public input concluded

CITY MANAGER WEISS stated we don't need the negotiations to deal with mobile home park issues. We will have staff and a representative of Waste Management get with Mr. Knott and get a list of those. Staff can meet with the park owners and the resident representatives to arrange alternate service provisions. Depending on the type of service, there may be additional costs and they will have to deal with that through that process, but we can start that now.

COUNCILMEMBER SANCHEZ stated that has been an issue for a while and this is an appropriate time to bring it up.

She has received both communications from the consultant regarding the status. She was hoping to hear about the good-faith negotiations going forward and continuing the notion that this is where we can proceed versus doing the procurement process. The first communication had to do very specifically with the status of negotiations and it is her understanding from the consultant that the parties are definitely working towards a common goal of getting a contract signed hopefully by September and that both parties are acting in good-faith. We did have some concerns brought up by the Integrated Waste Commission and she knows that Waste Management had representatives there and these concerns were heard.

The second communication had to do specifically with an item in the contract about the giving of notice. She had wanted to hear the consultant's opinion as to how to proceed with respect to that and she is satisfied with his advice that we do not need to take any action at this time with respect to that. This would be the last day to take action and give notice to Waste Management. It appears that we are going to be coming up with a contract that will be beneficial to the City.

Mayor Wood determined to hear Item 14 at this time.

CITY COUNCIL REPORTS

14. **Councilmember Jack Feller**

COUNCILMEMBER FELLER announced the following events:

On Saturday he presented certificates of appreciation to 2 students at New Vision Ministries on behalf of the City and Mayor Wood; he attended the Samoan Cultural Celebration on Sunday; Jane Cinciarelli's sister died suddenly and the funeral service is Friday at St. Mary's; the Freedom Days Parade is on Saturday; and the Eagle Court of Honor for Allen David Hamilton is a week from Saturday.

15. **Councilmember Jerry Kern**

COUNCILMEMBER KERN hopes everyone has a happy and safe 4th of July.

16. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ announced the following:

She attended the Samoan Cultural event on Sunday; and will ride with the Oceanside Corvette Club for the 4th of July parade.

13. **Mayor Jim Wood**

MAYOR WOOD stated it's been a tough year for everybody. The City is moving forward; we have a balanced budget and we've done wonderful things in the past few years. He reminded people that the City is doing better than a lot of other cities in the State and he hopes it continues. He wanted to be positive because the negative gets highlighted so often. We have great attractions and weather and there are still positive things here. Our crime rate is down 33% from the earlier years. The Fire Department has positive output regarding public safety as well. We have 29 major projects that have been approved; they just can't get financing for them. Everybody is just trying to get back on their feet and we have all these great projects that are already approved. Oceanside has been pushing hard to do our own desal and we are moving forward to try to expand on that.

A big issue recently has been pensions, which needs to be addressed but it needs to be addressed at the State level through regular channels.

He wants to have a positive note moving forward after the election. We will be seating a new Councilmember on July 6th and he's hoping we can all work together to make Oceanside a better place.

[Recess was called from 4:38 to 5:30 PM]

5:30 PM – ROLL CALL

Mayor Wood reconvened the meeting at 5:30 PM. Present were Mayor Wood and Councilmembers Feller, Sanchez and Kern. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

INVOCATION – Pastor Carl Souza

PLEDGE OF ALLEGIANCE – Newly elected Charles “Chuck” Lowery and his Council aide Zack Beck

PROCLAMATIONS AND PRESENTATIONS

Presentation – Update on Solutions for Change regarding “Finding Our Way Home” initiative

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award - P & R Women’s Soccer “Ultra Violet”

Presentations were made

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

18. **Advance written request to reserve time to speak:** Request by Elaine Godzak.

ELAINE GODZAK, 4753 Marblehead Bay Drive, feels the merger of the North County Humane Society with the San Diego Humane Society is not all good for dogs and cats, but she is going to focus on the dogs. There are dangerous dogs and those should not be adopted out.

Our former North County Humane Society had a very proactive rescue outreach process whereby it would contact dog rescue organizations and let them know which dogs were likely to be put down. A rescue could then come in and do its own assessment of the dog and determine whether or not they would take the dog and find it a suitable home. San Diego Humane Society abolished that process soon after the merger. They use a behavior assessment methodology void of common sense and it could even be said to be draconian.

San Diego Humane Society seems to be oblivious to modern studies and common sense, acknowledging the limitations of temperament testing in shelter environments. It’s easier to put the animals on death row in lieu of fairly and sensibly assessing them to determine what they might need and then determine what kind of home would be appropriate. That would be acting like a real humane society. Humane means that you act with compassion and show evidence of moral and intellectual advancement, but the San Diego Humane Society is acting like a generations-ago dog pound.

There is a lot of money being spent to improve the physical facility but what are the priorities? Now we have a nicer facility in which we can put more animals to death instead of putting some resources into finding out what the animal’s behavioral needs are, meeting those needs and placing them into appropriate homes. Sounds like an inhumane society. Adoptions are down over the same January through May timeframe as last year. We were told that the merger would reduce euthanasia but she doesn’t believe it and when she submitted requests for records she soon found out that San

Diego Humane is really a secret society with no intention of letting anyone see actual data for adoptions and euthanasia. If interested, you can see the requests for records on the website at www.shelterwatch.com.

To make up for the abolished proactive life-saving rescue outreach process a grass roots group of citizens has formed up and it is called Saving Pets One at a Time (SPOT) and it works in coordination with rescue organizations and the shelter to facilitate saving the lives of some of the dogs on death row. These were dogs that the San Diego Humane Society deemed unhealthy and untreatable for behavioral reasons and were to be killed. These are dogs that rescue organizations found suitable for intake to their rescues where they would receive basic obedience training or the behavior modification that they need and that they will or in many cases have been adopted into appropriate homes.

She still has hope that San Diego Humane Society will live up to its name, change its ways, show evidence of moral and intellectual advancement and act like a humane society. Everyone is replaceable including the out-of-date, out-of-touch senior leadership at the San Diego Humane Society. Things can get better; all it takes is intellectual agility and visionary leadership.

MAYOR WOOD cannot discuss this because it is not on the agenda but he and the Deputy City Manager will be meeting with the San Diego Humane Society to address some of these issues.

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

JIMMY KNOTT, 127 Sherri Lane, starting tomorrow we are going to go through some big changes in Oceanside when the new budget takes effect. We are going to be laying off some employees. We need to think about how we are going to help these human beings; we should all pitch in any way we can.

DOROTHY McCORKLE, 4610 Bristlecone Court, stated there are going to be a lot of fireworks, activity and noise on the 4th of July and she hopes that everyone will take their pets into consideration because many of the dogs and cats are going to wind up in shelters. When animals are frightened or scared and see an opportunity to get out, they are going to get out. It is important to have ID tags and microchips on your animals. Keep all animals that you can inside and if you do not have a safe and secure place for them while you are gone, please put them into a boarding kennel. Our animal shelters are extremely overcrowded so let's not put more animals in there that don't need to be there. She advised to check all shelters, not just your local one, if your pet is missing. A dog can do 20-25 miles a day.

The proliferation of kittens is worse now than ever. They are also limited in resources for pit bulls and pit bull mixes. She would like to see more people visit the shelters and contribute in whatever way they can.

MAYOR AND/OR COUNCILMEMBER ITEMS

10. **Request by Councilmember Sanchez to direct the City Manager to abstain regarding the City of Oceanside's 4 percent vote on formation of Lighting District 2010-1**

To be heard with Item 20

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.

20. **City Council: Public Hearing to hear public testimony regarding the formation**

of the Citywide Lighting District 2010-1

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff and public.
- C) City Clerk presents correspondence and /or petitions – correspondence and ballots.
- D) Testimony, beginning with:

PETER WEISS, City Manager, informed the public that if they are here with a ballot please turn them into the City Clerk. You have until the close of this hearing to do so.

COUNCILMEMBER SANCHEZ was contacted by residents from the President Streets neighborhood and attended a meeting in the neighborhood regarding getting more information about this item. Apparently there was an issue with people not understanding that it was the ballots they received so she assisted in getting a second ballot out to that neighborhood.

DOUGLAS EDDOW, Real Property Manager, staff is recommending Council conduct a public hearing to allow public testimony to be heard on the formation of the Citywide Lighting District 2010-1 and to allow the City to receive ballots prior to the close of the public hearing. Staff requested upon the close of the public hearing Council continue the item to July 14, 2010. Staff feels this is necessary due to the number of ballots received by the Clerk's office. They are not going to be able to be counted tonight, which is why they are requesting the continuance to the July 14th Council meeting. The ballots will begin being counted tomorrow morning at 9:00 a.m. in the Community Rooms and could continue also on Friday, July 2, 2010, at 9:00 a.m.

The reason we are trying to form a Citywide Lighting District is we are trying to bridge the deficit or the subsidy that the City was paying to the Lighting District, \$400,000 from the General Fund and \$390,000 from the gas tax. The typical assessment would increase about \$1 per month for single family homes.

COUNCILMEMBER SANCHEZ voted against going forward with this. She **moved** that we terminate the proceedings and not authorize the City Clerk to count the ballots, and also cancel the July 14th public hearing in order to stop the proceedings and not spend any more money on this item.

MAYOR WOOD seconded the motion. He didn't like the way this item came forward. A lot of people were confused about it. He supports that we terminate it and not go forward. He asked the City Attorney for an opinion.

CITY ATTORNEY MULLEN stated prior to a vote it has been agendized so anyone who wanted to speak could come forward and do so. Depending on the discussion of the Council, it may be moot, but anybody could come forward and speak if they choose.

COUNCILMEMBER KERN thinks we should vote because that will give everyone a clear indication of what's going to happen. His sense is it's not going to pass. Most people who have talked to him have voted against it. He thinks it would be a waste of time, money and effort to go forward from this point on to count ballots that we know probably aren't going to pass. He's all about saving tax payer's dollars so don't waste any more money.

COUNCILMEMBER FELLER originally voted to go forward with this because he felt it was the right of the people to make the decision, but he voted no on his own ballot. He will go along with this because it is obviously something that is distasteful even to Council. If we want to stop it right here and now, that's fine with him.

MAYOR WOOD stated it was a very confusing ballot along with the other ballots that went out. It went out because it's using General Fund money when we're really hurting. Because of all the complaints and concerns, he had a lot of remorse regarding this issue. The public has the right to come up and speak. If no one wishes to speak, we will go the vote.

Public input

STEVE HARVEY, 2130 Sunset Drive #33, Vista, owns 2 weeks at Southern California Beach Club and got this assessment ballot sent to him. Based on the 7 days that he stays there you are asking him to pay \$28.55. When he calibrates this out to the unit that he owns, that's \$1,484.60 just for his unit. There are 44 units in the complex for a total of \$65,322.40. He doesn't mind paying his share. He understands that this was done by an independent group but they don't have their facts straight. The ballot says that he can attend a meeting on Tuesday, June 30th, but June 30th is Wednesday.

SHARON NEWBERY, 1212 Vista Way, opposes this item. She believes in Proposition 13 and the reason why the ballot went out is because it would exceed the 1-2% allowed by law. She cannot see how the City can fathom asking any homeowner to jack up their property taxes at a time when even the City has to lay off people. Our property taxes keep going up. She wondered if the lights are going up in order to put cell antennas on the light posts. The economy is bad and we are more than likely paying too much tax for the valuation of our properties already.

SANDY MESSETT, no address given, stated SDG&E did not reduce the electric rates when the City purchased the poles in 1991 and formed the Lighting District. Yet the SDG&E rates include personnel, maintenance, repairs and replacement costs. The fees of the Lighting District that we're already paying is the second time it's being paid for. The first time is with our City dollars out of City Hall and the second time is out of our pockets as property owners. If you had gone ahead with this, it would have been the third time we were charged. Give the poles and responsibility back to SDG&E. The electric rates will not change, the General Fund will have \$790,000 more and the property owners will save \$1,200,000 that we're already paying.

SIGRID NELSSON-RYAN, 3747 Vista Compana South #83, asked why she did not receive a ballot in the mail. When she became aware of it she had to call the City Clerk and ask for a ballot, which promptly came, so she could vote no. There are 932 homes in Oceana; how many got ballots? They have street lights that are paid by them in the dues. The person who was supposed to investigate how many lights they were due to have did not do the job. What happens to him? He ought to be laid off.

DOUG EDDOW replied it's all based on the assessment rolls that the consultant looked at and that's who got ballots. If the assessments rolls were incorrect, then some people probably didn't get a ballot.

COUNCILMEMBER KERN did not receive a ballot on his Oceana property either. He received ballots on other properties he owned but not Oceana.

DOUG EDDOW stated it's based on the prior year's assessment rolls so there could have been changes.

COUNCILMEMBER KERN has owned that property in his name for 5 years.

DOUG EDDOW would have to address that with the County.

JACK GRIFFITHS, 6412 Lago Grande Drive, is grateful for the wise decision this evening because he hasn't heard any discussion on the justification of carrying on with the present lighting system. Has the City looked into induction lighting? He looked

into the cost of changing the lighting and it looks like, after paying off the cost of changing the lights, we would be saving over the next 4 years approximately half of the electricity we are using now. We should be looking into more efficient lighting instead of increasing the taxes on the public.

JOHN BOYSEN, 5250 Angelina Road, would vote yes on this reluctantly because he doesn't believe this is the sort of item that should be voted on in a piece-meal basis. He is in a water irrigation district that was voted on by the residents. Those who were close to the flowers and the bushes voted yes and everybody else voted no, so we no longer have decent care of these public areas. Next thing you know something else will be cut out like street sweeping. Street lighting should come out of the General Fund and not have to be voted on in each neighborhood individually.

MICHAEL DUNFORD, 142 Edgewood Drive, is opposed to the Citywide District being formed. This is just another property tax and we are already struggling with the taxes we already pay. The City should be able to get this done out of what they already earn. He wondered why this measure was legislated in this way. It is very sloppily done. It was a directed, weighted ballot; non-secret, not on the regular June or November Citywide ballot, voting closed immediately after this discussion. 50% weighted majority. He asked if this process is legal.

CITY ATTORNEY MULLEN responded the process is done in accordance with Proposition 218, which is part of the California Constitution. It's been implemented by a Government Code Section called the Proposition 218 Omnibus Implementation Act. All of the procedures set forth that have been followed here are set forth both in the California Constitution and the Government Code.

HOLLY HARGETT, 1220 Vista Way, voted no and thanked Council for voting for what the public wants tonight. Was this infrastructure also going to be used for the new wireless technologies that are coming forth into our City? Would they have been able to host the wireless antennas in the public right-of-way in front our residential homes?

CITY MANAGER WEISS responded the Lighting District was a funding mechanism to pay for the ongoing maintenance and operation costs. The existing street lights, for the most part, do have wireless facilities on those lights and we are continuing to see applications come in. Other than the ones on private property, we have been encouraging those coming in to go onto street lights.

EILEEN COSTA, 3621 Vista Compana South #91, stated not everyone received a ballot and she doesn't think this was done correctly. Not everyone who read the ballot could understand it. She didn't understand it until she came to the first hearing. What she heard was that it was done by zones. When we examine the zones, they are not all accurate and your tax is based on what zone you're in and if you're rated in a higher zone then you should be, you will pay a higher tax. It's not an assessment because it comes on your tax bill and so it has to be a tax. It calls for an increase every year of 3%, with no end, or the Consumer Price Index (CPI), whichever is higher. If you are going to do something of this nature to tax people, then the work should be accurate and we should understand what is going on.

JOEL THURM, 954 Greenbrier Drive, owns this 12-unit apartment complex and didn't know what was going on but he figured he'd try to find out. Turns out he didn't have to come. He didn't have a problem paying a particular assessment because there is no street lighting on Apple Street, which is the cross street for his property. On that street there is a battered women's shelter, a soup kitchen and a very populated street called Greenbrier with many apartment houses and a lot of renters. These are tough times. He's given his tenants rent reductions and he wants his tenants safe. What is the process for getting street lighting? How does he get the process started?

CITY MANAGER WEISS responded just send an email to him and he will get that started.

ELLEN BAUR, 4037 Arcadia Way, is President and representing the Homeowner's Association (HOA) of Ocean Hills Country Club. She is very pleased to hear that it wasn't our City government who sent out these letters because there were some people who received duplicates and other people who received none. Apparently the Property Management of the City or the consultant were not told to check into communities. We are a community that has 24/7 security, private streets and 288 street lamps and we supply all of the electricity on our private streets. We not only pay the electricity but we take care of all of the equipment and replacement of those street lamps, etc. To charge us or to put us into Zone 01 is totally unacceptable.

In inquiring through one of the Councilmember's offices she found out that Mr. Eddow advised that their consultant couldn't gain access to Ocean Hills Country Club, which is ludicrous. In order to evaluate the lighting we will let any official in and informed them of ownership/maintenance. Mr. Eddow did say he is aware of the situation and if this were to go through we'd be in an appropriate zone. When the City chooses consultants, give them a test of some kind.

REUBEN ROSHAN, 1761 Via Allena, lives in Rancho del Oro and the City has removed many of the street lights because they hadn't been maintained and they were unsafe. He understands from the HOA that the City is requesting that we pay for the replacement of all of those street lights. When he got the ballot he thought it was citywide so that cost would cover that, but apparently not. Is there any action on the street light replacement? He also received 2 ballots.

CITY MANAGER WEISS responded that through the respective attorneys, we've made an offer and he doesn't believe we've received a formal response to that offer at this point.

CITY ATTORNEY MULLEN confirmed we have no response. The item before the Council does not address street lights in Rancho del Oro. This item is really to remedy the deficit in the existing assessment district funding, not to deal with Rancho del Oro.

MAYOR WOOD stated both of these things happened at the same time so it was very confusing. Rancho del Oro is a separate issue in which the HOA is dealing with the City Attorney.

JIMMY KNOTT, 127 Sherri Lane, is glad he doesn't have to enter an official protest on behalf of the manufactured home community. None of the 2,800 manufactured homeowners were allowed to vote; the park owners got the vote. There was no sunset date included. There was also the ability for the City to up the assessment without a public hearing. Under what section of the law was this put into place?

SDG&E in most of the cities down south supplies the lighting. How are they able to do that? How are their cities able to have their people not pay for it and SDG&E cover it? Also, he has submitted a number of ideas to Council/staff regarding offsets. If this comes back, it should be given to the people first to come up with ideas and then bring it to Council.

GEORGIO KERPANI, 300 block South Nevada Street, is against this. We are still just plodding along when we have so much potential. He commented on projects that he had proposed in the past and believes if we had followed his advice the City could have had \$18,000,000 more coming in and this wouldn't have been necessary.

(Additional ballots were submitted)

Public input concluded

Mayor Wood closed the public hearing.

MAYOR WOOD started getting complaints about 1 to 2 days after this was sent out. People didn't like it or didn't understand it; people getting duplicate ballots or not getting ballots. He is sure the motivation behind it was that we are in a budget crunch where we are laying off people and cutting off services. The State took \$14,000,000 out of our budget and it's hard to make up for that kind of loss. He's a little embarrassed and concerned that this went out the way it did. The first complaint he had was that it listed the public meeting as Tuesday instead of Wednesday and it went downhill from there.

Council got all the complaints but this was still scheduled to come up and we had to have it. We were going to bring it up before this date and had talked to staff about cancelling it. However, understanding the Brown Act they cannot talk to the entire Council unless it's a public hearing. Obviously Council is going to vote this down but things had to follow their course. It's all about budgeting, trying to save the City and trying to save employees. However, when we farm it out, this is what we get.

Motion was approved 4-0.

[Recess was held from 6:59 to 7:04 PM]

21. **City Council: Adoption of a resolution amending Resolution 09-R0371-1 which approved application for funding and execution of a grant agreement from the State of California Neighborhood Stabilization Program, to allow the City to loan Neighborhood Stabilization Program funds to nonprofit housing agencies to acquire and redevelop vacant residential properties**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmembers reported contact with staff.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

JOHN LUNDBLAD, Management Analyst, stated this is a housekeeping item regarding an error he made when we first authorized this. What we have done with this Neighborhood Stabilization Program (NSP) money, which comes out of the Housing and Economic Recovery Act of 2008, is loan money to a non-profit to acquire 3 vacant homes and redevelop and rehabilitate them and they are now being used by families from Solutions for Change. Originally we said in the authorizing resolution that we were going to work with a non-profit agency for this program. California Department of Housing and Community Development said that we had to specifically say that we were going to loan money to them to do that and that is what this resolution does tonight. These are federal dollars but coming through the State.

No public input

Mayor Wood closed the public hearing.

MAYOR WOOD moved to adopt the resolution [**Resolution No. 10-R0521-1**, "...to amend Resolution 09-R0371-1, which authorized application for funding and the execution of a grant agreement and any amendments thereto from the State of California Neighborhood Stabilization Program, to allow the City to loan such funds to nonprofit housing agencies"].

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELLER thinks staff and organizations need to meet and come forward with as many other opportunities as we can so that we can look at this a little more than just this little piece.

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Council, HDB and CDC

MR. LUNDBLAD stated he and staff actually met with Chris Megison and some of his staff about 2 weeks ago and we are going to continue doing this. The NSP funds are somewhat limited. We were authorized up to \$1,400,000 for the program from the State. There may be more money later on depending on Congress' action. We will be looking at this for potentially other uses, especially home investment partnership program money and other sources. We see this as a very positive program and one that moves families out of homelessness.

Motion was approved 4-0.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:09 PM on June 30, 2010. [The next regularly scheduled meeting is on Tuesday, July 6, 2010, at 4:00 p.m.]

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE: CITY COUNCIL

TUESDAY, JULY 6, 2010

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

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

Mayor

Jim Wood

Deputy Mayor

Vacant

Councilmembers

Esther Sanchez
Jack Feller
Jerome M. Kern

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Felien

City Manager

Peter Weiss

City Attorney

John Mullen

The regular meeting of the Oceanside City Council (Council) was called to order by Mayor Wood at 4:03 PM, July 6, 2010.

ROLL CALL

Present were Mayor Wood and Councilmembers Feller and Kern. Councilmember Sanchez was absent due to a Coastal Commission meeting in Northern California. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

INVOCATION – Reverend Madison Shockley and Father Charles

PLEDGE OF ALLEGIANCE – Robert Gleisberg

1. **Adoption of a resolution certifying the results of the City's Special Municipal Election held on Tuesday, June 8, 2010.**

CITY CLERK WAYNE stated today's Council meeting is to take the final action to conclude the City's consolidated Special Municipal Election that was held on Tuesday, June 8, 2010.

By way of background for this Special Election, it began at the Council on December 16, 2009, when the Council called a Special Election for the purpose of a ballot measure for the voters to decide on a City Charter. Then, on January 6, 2010, Council determined to fill the existing vacancy by an election for the seat vacated on December 18, 2009, by Councilmember Rocky Chavez, with a term to expire in December of 2010. Therefore, the City's official ballot contained the Proposition K Charter ballot measure and candidates to fill the vacancy for the term expiring December 2010.

The report today certifies that the June 8th Special Election was held in proper

form and manner and all of the California Codes pertaining to municipal elections were followed.

She thanked everyone who helped with the Special Election, as well as the poll workers and those who opened their homes and businesses for the polling places.

The results were very slow to come in and some of the counts were very close races. The election night counts for all precincts reported finally arrived around 5:30 a.m. the next morning. Various updates filtered in during the next 4 weeks. The Elections Code requires that the certified results of the election must be completed by the 28th day, July 6, 2010. As of today, July 6, 2010, at about 3:30 p.m. we finally received the official results. The results with all precinct reports attached will be on the City's website by tomorrow.

The Registrar's certified results show that Oceanside has 73,934 registered voters. 30,419 ballots were cast, which give us a 41% voter turnout for this election. The results show that for Proposition K, which read "Shall the proposed City Charter of the City of Oceanside be adopted?", the yes votes were 14,951 and the no votes were 12,846. Therefore, Proposition K was successful and the City will now be a Charter City for those items listed in the Charter [**Document No. 10-D0532-1**]. For the vacant Council seat there were 5 candidates and 1 qualified write-in candidate. The certified results show that the candidate receiving the highest number of votes, with 10,218, is Charles "Chuck" Lowery, who is hereby elected to serve the remainder of the term ending December 2010.

To complete this process, Council needs to take the final administrative action by adopting the resolution certifying the results of the City's Special Municipal Election of June 8, 2010.

MAYOR WOOD moved to adopt the resolution [**Resolution No. 10-R0531-1**, "...reciting the fact of the City's Special Municipal (Consolidated) Election held on Tuesday, June 8, 2010, declaring the results thereof and such other matters as provided by law"].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 3-0; Councilmember Sanchez – absent.

2. **Swearing-in of newly elected official**

[Having taken the official oath earlier] Charles "Chuck" Lowery was ceremonially sworn in by Congressman Bob Filner.

COUNCILMEMBER LOWERY thanked all those who helped and supported him during his campaign. He accepted this office with a sense of duty and willingness to work hard for the privilege of helping our community. He is aware that he was elected to serve a short term and that he comes to this office at a time of great hardship in our City. He cannot solve all of the problems in 4 months and the decisions he has to make will not please everyone and may not please anyone. However, he will make every decision honestly and for the common good of all of our residents and without the influence of any special interest. He is aware that he did not enjoy a landslide victory and it brings him to the position with more humility. He will do his best to deserve the office he has just taken and to serve the people of Oceanside every day that he is here. If he works hard and listens harder, he is hopeful that in November the citizens will give him that chance to be elected to a full 4-year term. He introduced his Council aide, Zack Beck.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

No action will be taken by the City Council 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.

3. **Communications from the public regarding items not on this agenda – none.**

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council at 4:24 PM on July 6, 2010. [The next regularly scheduled meeting is on Wednesday, July 14, 2010, at 3:00 p.m.]

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside

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

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Discussed; no reportable action

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

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

[A] Mira Mar Mobile Community Homeowners Assoc., Inc. v. Kendall West, LLC et al. Superior Court Case No. 37-2009-00050733-CU-BT-NC]

No closed session was held.

B) Plaza Camino Real v. City et al, Superior Court Case No. 37-2008-00102065-CU-WM-NC

Discussed; no reportable action

4:00 PM – ROLL CALL

Mayor Wood convened the meeting at 4:01 PM. Present were Mayor Wood and Councilmembers, Kern, Lowery and Sanchez. Councilmember Feller arrived at 4:03. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen, and City Treasurer Felien.

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported on the items discussed in closed session. (See Items 1 and 2B above, Item 2A was not heard).

CONSENT CALENDAR ITEMS [Items 4-8]

The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

- 4. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
- 5. City Council: Approval of annual purchase orders for the purchase of equipment,

supplies, materials, and services in amounts over \$50,000 for the Information Technologies Division and associated funds for FY 2010-2011; and authorize the Financial Services Director, or designee, to execute the annual purchase orders

6. City Council: Approval of Amendment 1 [**Document No. 10-D0545-1**] in the amount of \$34,946 to the professional services agreement with Mactec Engineering and Consulting, Incorporated, for the Lower San Luis Rey River Bacteria Source Tracking Study project, for the cost of additional samples; and authorization for the City Manager to execute the amendment
7. CDC: Approval of a two-year lease agreement [**Document No. 10-D0546-3**] with CityMark Oceanside, LLC, in the amount of \$150,450 (retroactive to November 2009) for the use of approximately 2.4 acres of land (APN 147-350-18 and 19) along Cleveland Street between Pier View Way and Seagaze Drive, to provide continued interim public parking in the downtown area, and authorization for the Executive Director to execute the agreement
8. City Council: Approval of a property lease agreement [**Document No. 10-D0547-1**] with Pro Kids Golf of San Diego for their use of [7 acres] City-owned property at 825 Douglas Drive, with compensation to the City in the form of construction of golf facilities and the value of programs, services, and activities provided to Oceanside's youth community; and authorization for the City Manager to execute the agreement

COUNCILMEMBER SANCHEZ moved for approval [of Consent Calendar Items 4-8].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

9. **City Council: Approval of a professional services agreement with the IBI Group of San Diego in the amount of \$64,928 to study the feasibility of establishing an alternative public access road in the Jeffries Ranch Neighborhood area, and authorization for the City Manager to execute the agreement**

JOHN AMBERSON, Transportation Planner, stated staff is recommending approval of this agreement to do a feasibility study to establish a secondary access road out of the Jeffries Ranch neighborhood. This is the City's response to the recent efforts that Caltrans has made toward widening Highway 76 east of Melrose Drive. There is an Environmental Impact Report (EIR) with a recommendation suggesting that Jeffries Ranch Road be closed. The City is attempting to handle this from a local level by looking at some options to establish a secondary access to Highway 76.

There are 4 primary components in the feasibility study. One is the environmental review to understand what sort of environmental conditions exist so we could establish a context to look at establishing a secondary access road. The second component would be engineering. We need to look at what the design requirements might be in terms of design and cost. The third would be a traffic study to assess any level of impact associated with the redistribution of traffic internal to the neighborhood and possible mitigation for those impacts if they are identified. The fourth component is a public outreach process. We are proposing to do 3 community meetings so that we have a consensus and develop alternatives that the community can support. This will be coupled with meetings with Caltrans so we will know ahead of time what sort of acceptance we might get from them.

At this point we have a 4-month schedule. We are looking at compressing that

to 3 or possibly 2 months, if possible.

Public input

JOAN BRUBAKER, 1606 Hackamore Road, is speaking on this subject because originally when all of these hearings were made, 3 of which she attended, Caltrans agreed to a right-in/right-out at Jeffries Ranch Road. When the final report came out, Jeffries Ranch Road was made into a cul-de-sac. She called the Project Director and asked how this happened. She was told the City asked for this. She assumed it had passed through the Council or some important entity in the City, but apparently it had not.

The project moved forward and Jeffries Ranch Road was scheduled for closure in August. Caltrans graded out fully mature trees, the monument and the road where it ends at Highway 76 several months early in May. She is asking if they could possibly have that road opened again; a right-in/right-out. Caltrans says it is too close and there is a danger. If that's the case then let's try for an acceleration lane eastbound only for a right-out at Jeffries Ranch. These things are not as expensive as the ideal. The road would end at the traffic signal at the produce company, thereby offering some degree of safety.

JERRY McLEOD, 1517 Del Mar Road, stated they need that exit out. He thinks the City should contact Caltrans locally and in Sacramento and do what's best for the citizens. The Melrose extension is going to cost a lot of money that the City doesn't have. It may be years before that is ever done. In the meantime, if we don't have an exit at Jeffries Ranch, it's going to be bad. There is an agreement called the Controlled Highway Agreement that was signed in 1994. Things have changed since that time. The new high school is going in. Council needs to go back and look at these things again and make sure everything is covered.

DANA CORSO, 5838 Ranchview, has collected close to 500 signatures on a legal petition from residents of Jeffries Ranch. They feel that Jeffries Ranch Road works and it has for 37 years now. They want to maintain Jeffries Ranch Road.

She can't begin to tell Council how many times she has caught Caltrans in a lie; from them stating at the March 25th meeting that the closure wouldn't take place until August, to telling them the reason why the light is at Oceanside Produce's property.

She appreciates Council and staff standing by the community; however, Caltrans' timeline has changed. They are expediting this project at Jeffries Ranch. Mark Phelan told a group of them at the monument replacement meeting that they are 3 to 4 months ahead of schedule. Obviously, they are hurrying this project along so in the end they can tell the residents that it is too far along to make any changes. She is requesting that Council expedite this study so they can prove to Caltrans that Jeffries Ranch Road is the only alternative access to Highway 76. Whether it is a light or just a right turn out, we need to push this immediately.

Recently she received correspondence from Senator Mark Wyland's office to Caltrans with answers to questions they demanded. The very last paragraph from Caltrans states "any proposed action taken by the City of Oceanside would require amending the highway agreement, initiation of separate environmental clearance, funding and design". Caltrans does not want Jeffries Ranch Road reopened. The taxpayers know that it works. It is the main arterial way through their neighborhood. The traffic study that was done right before the closure indicated 1,100 cars traveled on Jeffries Ranch Road within a 24-hour period. Today they sit and wait at the Melrose light along with all of the Home Depot customers and soon all 2,500 kids, parents and staff at the new high school that opens next month. If Melrose is ever extended then they will be sitting in their neighborhood waiting to get onto Melrose.

Caltrans needs to be reminded that this is an equestrian community with a new

high school that is going to have young drivers that we need to include in our study. We need to slow traffic down and a light at Jeffries Ranch would do just that. She is requesting that Council go to Sacramento and lobby for the residents.

MARGARET MALIK, 1611 Hackamore Road, is very concerned about Jeffries Ranch Road. It's a disaster trying to get off Melrose. She's gone to SANDAG. Caltrans has literally lied to them. She went to that meeting and they wound up closing Jeffries Ranch within a week and they said they weren't going to close it until the 14th. We need an amendment to the Controlled Highway Agreement with Caltrans and she believes we need a new EIR. We have Transnet money that should go to this. She would like to see a traffic light. If they can't get that, then a right-in/right-out, or at least a right-out. At the meeting they had with Caltrans they didn't tell the residents that they were closing Jeffries Ranch within a week. The next day a sign went up. She is requesting help from Council.

Public input concluded

COUNCILMEMBER SANCHEZ feels that there has been a lot of misinformation generated by Caltrans. The one thing she can point to in terms of Council's responsibility is that we did not respond as a City to the EIR by December of 2008, but we had been having discussions with Caltrans on the right turn in/right turn out. Council approved a project taking out a road based on the right turn in/right turn out.

She **moved approval** of the agreement [**Document No. 10-D0548-1**]. However, she wants to put a high priority on this project and have Council expedite this contract, understanding that there will be public outreach through the consultants. She wants Council to ask the consultant to look at, in terms of priorities, 1) maintaining Jeffries Ranch Road with a traffic light and/or right turn in-right turn out, 2) the frontage road, and 3) an acceleration lane. This is based on discussions she had with some leaders from Jeffries Ranch this past Monday. Finally she would like Council to lobby our representatives at the State and local level to make Caltrans negotiate with the City. At this point they are non-responsive and say one thing one day and another thing the next day. She has the Executive Director on tape telling her not to worry because they were not going to close Jeffries Ranch Road until August and the next day it was closed.

MAYOR WOOD seconded the motion for discussion. There was inaccurate information passed on to the Council in the past. They believed there was going to be a right turn in/right turn out. Since then Councilmembers have talked to several different people, including Caltrans. He and the City Manager have talked to SANDAG and Caltrans and the Director of the San Diego region of Caltrans regarding this. They went to the Singh family regarding the traffic light. The general feedback from Caltrans was that they would work with the City; however, this issue seemed to be a dead issue and they weren't going to move forward on the intersection or moving the traffic light. It's frustrating because that neighborhood has been impacted by many things; Highway 76, the Melrose extension, the magnet schools, etc. Council will try to address this by looking at alternate sources or dealing with Caltrans continuously.

COUNCILMEMBER LOWERY reviewed the proposal where the staff report is suggesting that a study will include a preliminary environmental and conceptual design of two potential alternatives that will be determined by the neighborhood. He is confused about the motion that is on the floor right now. Is the motion different from that?

COUNCILMEMBER SANCHEZ replied no. This is consistent with what's in the report. She is asking the consultant to look at these because these were outlined by the community.

COUNCILMEMBER LOWERY asked if she is asking for what is in the staff report.

COUNCILMEMBER SANCHEZ replied she is; they will come forward with two.

COUNCILMEMBER LOWERY is concerned that we are not going to have neighborhood consensus. He is concerned that we are going to spend this money and unless it's something that the neighborhood agrees upon, then we won't be able to do anything.

COUNCILMEMBER SANCHEZ replied the report spells out that staff asked for 2 meetings, but they are actually willing to do 4 community meetings and they are going to try to come up with a consensus. These are the proposals that have been put out initially. We're trying to narrow it down from 10 and then trying to narrow it to 2. We're trying to expedite this.

COUNCILMEMBER LOWERY supports the concept, he's just concerned that we will spend the money and come up with no result acceptable to the neighborhood.

COUNCILMEMBER SANCHEZ thinks the neighborhood is going to work really hard to insure consensus. She thinks we are all on the same page.

COUNCILMEMBER KERN heard it the same way Councilmember Lowery did, that Councilmember Sanchez put a lot of conditions in there that are not in the staff report. You are talking about deceleration lanes and you're actually guiding the feasibility study from the dais. He isn't going to vote for it. He didn't vote for it last time. He thinks it's a waste of money. If you're going to put conditions on it before they even start the feasibility study, then you are sinking it before it even starts. He doesn't think it's going to be successful. He shares concern because he thinks there are only 2 possible outcomes here. One is we spend \$67,000 and we find out its not feasible; that we've gone through this and Caltrans says you can't tie in and Jeffries Ranch Road will never be open.

If we go back through that environmentally sensitive area, we are going to have to go through a full EIR, which will probably last 3 years and cost us \$1,000,000. The reason the project that was there before got skewed is because there are environmentally sensitive plants there. If you're going to do eminent domain through that environmentally sensitive area, you're going to have to acquire probably 4 acres for every acre that you condemn. To him that isn't a viable project. The cost of it is going to be prohibitive. He is opposed to this for those reasons.

COUNCILMEMBER FELLER asked when we took Secretariat out of the Circulation Element.

MR. AMBERSON replied that was done as part of the entitlement for the 44 single-family homes east of Belmont Park Road. Part of the challenge with that project, as it relates to Secretariat, was perceived impacts in the community with respect to the redistribution of internal neighborhood traffic to that end of the neighborhood, coupled with the significant environmental constraints that exist out there. The combination of the two just didn't make it a viable alternative. The Joint Highway Access Agreement is hinged on the assumption that Secretariat would be connected to Highway 76.

This is a feasibility study. The goal of the study is to determine what is feasible. As somebody who has worked with the community quite a bit over the years, he is confident that we can arrive at some consensus.

As a point of clarification on Councilmember Sanchez's 3 alternatives, the focus is going to be on Jeffries Ranch Road. We're not, from what he's hearing from the community, going to look at Secretariat because it's going to create traffic impacts to the neighborhood. If we can preserve the internal circulation that people have become accustomed to by providing access out at Jeffries Ranch Road, its status quo. As far as alternatives go, he thinks it's logical to focus on Jeffries Ranch Road. There could be a number of alternatives that could be considered at the community meetings. One of the

alternatives that Councilmember Sanchez recommended was the signal. That is something that the City would endeavor to work with Caltrans to get a signal installed at that location concurrent with what we're doing with the feasibility study, relative to a right turn out/right turn in or frontage road. As the feasibility study timeline plays out, hopefully a lot of these issue will become clear and we'll wind up with a product that will result in 2 alternatives that are cost effective for the City and that the community can support.

COUNCILMEMBER FELLER stated that the project was originally 96 or 98 homes.

MR. AMBERSON replied there were a few iterations. The first was around 200 units and they came back with somewhere around half of that. Then it went down to 44.

COUNCILMEMBER FELLER stated until we took Secretariat out that was the issue. The reason Secretariat was taken out was because of the impact to the neighborhood. That was a project that still could have been built although the number of homes were reduced so much that the impact fees wouldn't have paid for that intersection. Secretariat would have been a signalized intersection on Highway 76.

He has voted for this before. He thinks we are going to be spinning our wheels. A side road there is probably going to cost anywhere between \$2,000,000 and \$3,000,000. Old Ranch Road from Jeffries Ranch out to Melrose is only a little over a mile and you're talking about the increase of building an intersection to save 1-1½ minutes delay in exiting the development. He looked at all of the other alternatives, including the one where it goes right down from Wagon Wheel through the vacant area that was at one time designed as an exit for that project. The study may come back to Council with a result that nothing can be done because Caltrans is not changing their minds on this project at this point.

CITY MANAGER WEISS doesn't believe that the motion needs to specify the alternatives at this point. The work plan for the contract already has a number of those that have been articulated by Councilmember Sanchez. He's sure as we do the neighborhood meetings to get input we will hear those specific recommendations as well. They are already included in that particular work plan and that work plan does include a discussion about working with Caltrans to look at signal options. He recommends moving forward with the contract and not specifying alternatives because we may find, working with the neighborhood, that there may be one that works that everyone can agree to that may be different than what's already been talked about. It's unlikely, but it may happen.

COUNCILMEMBER SANCHEZ stated Secretariat was out because the wildlife agencies made it prohibitive. We would have had to pay a lot more money and provide other mitigation land and we all agreed to it.

MAYOR WOOD stated the motion might be easier or more accepted by having it be the staff recommendation without anything added, if Councilmember Sanchez would amend or change her motion.

COUNCILMEMBER SANCHEZ modified her motion to be staff's recommendation but would like to maintain in the motion that this is a priority if that's okay with Council. She will be going to Sacramento and to our federal representative to lobby on behalf of our residents.

MAYOR WOOD seconded the modified motion.

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

[Recess was called from 4:35 to 4:40 PM]

Mayor Wood determined to hear Items 12 and then Item 10 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

12. **Request by Councilmember Kern for presentation by the City Attorney regarding the implementation of the Oceanside City Charter, and**
10. **Request by Councilmember Sanchez to establish a Council/citizen ad hoc committee to make recommendations to the City Council on the City Charter, to include two Councilmembers and one citizen appointment per Councilmember for a total of seven members; and direction to staff**

CITY ATTORNEY MULLEN prepared a PowerPoint presentation which he distributed to the Mayor and Council and are available for the public.

As you know, the Charter is now effective. We have received communication from the City Clerk that the Secretary of State has now accepted and chartered it so we are a Charter City. The overall point he wants to make is the Charter identifies a few powers that the City has or prohibitions on the City. Those are very explicit and cannot be changed absent a vote of the people. The document is only 4 pages and does not spell out all of our various powers. What it effectively says is that we have all of the powers that a Charter City can lawfully exercise. The question will arise what powers should we exercise, which is largely a matter of policy for the City Council. The computer presentation is meant to provoke thought, rather than be recommendations from the City Attorney's office, about issues Council might find interesting and areas where Council might want to regulate.

The authority to be a Charter City derives from the State constitution. The basic rule of thumb is that Charter Cities have authorities over municipal affairs. What a municipal affair is is determined not necessarily by the State legislature, because the State can always pass a law and say this is a matter of statewide concern and, therefore, it applies to Charter Cities, but that is not binding on Charter Cities. It's up to the courts to make a determination on a case-by-case basis.

The State constitution identifies 4 areas which are non-exclusive that define areas of municipal affairs; that would be the constitutional regulation of the police force, the government of the City, the conduct of City elections and the appointment and paying of certain officials. What's important to remember is that those are non-exclusive, so we have many other powers by virtue of being a Charter City. He quoted from a case that the Charter is not a grant of powers but an instrument by which we accept the privilege granted by the constitution of autonomous rule with respect to our municipal affairs. Then we have to determine on a case-by-case or issue-by-issue basis what a municipal affair is.

One slide showed the areas that the courts have determined to be areas of statewide concern. Some of the more relevant ones that apply to local governments would be the power of eminent domain; the open meeting laws; the Brown Act; the Political Reform Act, by which you disclose your economic interests and determine whether you can vote on particular matters; and labor negotiations under the Meyers Milias Brown Act. That does not necessarily mean that Council can't pass a law addressing these areas. For instance, Council could make it more difficult upon you to exercise eminent domain. What Council can't do is pass a law that conflicts directly with State law. So, even though an area may address an area of statewide concern, Council can always regulate. We would have to analyze legally whether or not there would be a conflict with State law.

A slide identified 4 areas which, in his opinion, raise issues where the Charter Cities frequently have laws that differ with State law. One is the form of the local government. As a General Law City we have 5 Councilmembers; there is a council-

manager form of government that is established in the Government Code. But a Charter City could deviate from that as San Diego has done and adopted their strong Mayor form of government. With regard to the Oceanside Charter, Section 200 retains the council-manager form of government. That means the form of government that we have and any amendment to that would require a vote of the people.

However, on the issue of the form of government, there is an area involving our local governmental procedures in terms of how you adopt resolutions and ordinances and how you have quorums for your meetings. All of our procedures are governed right now in the City Code, Chapter 2, and most of those procedures would be fair for you to take a look at to determine whether or not you want to retain the existing quorum requirements or whether you think those need to be updated. For instance, Vista adopted a requirement that they can adopt their ordinances with a single read instead of having the introduction and then the subsequent adoption. He believes their procedures require a 4/5 vote if they want to make an ordinance effective without a second read. He thinks they limit the amount of ordinances they publish in the newspaper probably on the theory that nobody reads them in the paper. Those are procedural items that could be considered.

With regard to City elections, the City as a General Law City is subject to the State Elections Code; November elections unless there is a need to fill a Council vacancy or a special election is called. Council serves 4-year terms. Public funds for candidates are not allowed. Term limits would generally be required to be approved by the voters. The qualifications for voters are set forth in great detail in the Government Code as well as the City Councilmember's compensation. There is a very specific formula that Council is aware of with regard to how Council compensation is set. Charter Cities, in many cases, have their own procedures for selecting their elected officials. Some cities have district elections, some simply at-large. Council can establish their own dates and procedures for qualifications for office. There is the legal ability to do public financing, although there is no money for that. Term limits could be included in a Charter. Council could have their own procedures for filling vacancies, again with the caveat that all of this would have to comply with the United States and the California constitutions. This is one area in which other cities have enacted ordinances by virtue of their Charter City status.

With regard to the Oceanside Charter, the Charter is silent with regard to City elections so the status quo remains. Everything that we have been doing as a General Law City we will continue to do absent ordinances or Charter amendments; that would have to be adopted in the future.

Public works contracts is the biggest area that the public has focused on with regard to the differences between Charter Cities and General Law Cities. For General Law Cities they are subject to the Public Contract Code so public works projects of \$5,000 or more have to be awarded on the basis of the lowest responsible bid after a notice period. There are certain exceptions (as listed on the slide) to the competitive bidding requirements. The two you see most often are for professional services and special services. There is no legal requirement that those be awarded on the basis of the lowest responsible bid, but Oceanside has a very detailed policy set forth in Administrative Directive 21 (AD-21) and Chapter 28 of the City Code that details how we go through Requests for Proposals (RFP's) for selecting professional consultants.

For Charter Cities the Public Contract Code would apply unless it's expressly exempt or a Charter provision or ordinance conflicts with the Code. Also, for Charter Cities to be exempt from these bidding procedures, the subject of the underlying bid would have to be involving a municipal affair, which in most cases it would.

The Oceanside Charter, Section 301, exempts the City from California statutes regulating public contracting, except as provided by ordinance or agreement by the Council. However, that does not mean that now, all of the sudden, we're exempt from the public bidding process because we already have an existing Chapter 28 of the City

Code dealing with purchasing. We also have a very lengthy Administrative Directive that regulates in great detail our purchasing practices, including a requirement that public works projects be subject to the Public Contract Code. So, though the Charter section states that we are exempt from all California statutes, the important caveat is that it is except as provided by ordinance or agreement of the Council. We do have Chapter 28 and AD-21, which was enacted based upon the ordinance of the Council. So, the City has the ability to enact unique provisions related to public works projects, but for the immediate time being we will continue to apply Chapter 28 and the Administrative Directive, which makes us subject to the Public Contract Code.

With regard to prevailing wages, General Law Cities have to pay prevailing wages on public works projects of \$1,000 or more. A slide showed the definition of what a public works project is. That's different than the definition (regarding prevailing wages) for a public project under competitive bidding. What that basically means is that many projects may get caught with the prevailing wage requirements that are not competitively bid projects. We could be giving a lease to someone that's less than fair market value or a subsidy on a project that may be technically a private project, but that still would trigger prevailing wage requirements as a General Law City. Charter Cities 'to date' have not been found to be bound by prevailing wage requirements if the project involves a municipal affair and is not funded by a State or federal grant that requires the payment of prevailing wages.

The City of Vista is litigating this issue. In reliance upon their Charter City status, they adopted an ordinance that essentially exempted the City from the payment of prevailing wages on public works projects. That has been challenged in the court. The City prevailed both at the trial court level and at the Court of Appeal. The California Supreme Court has granted review of that case and is expected to issue a decision later this year. But all of the decisions to date have been favorable for local agencies on this point. We would be bound by our own Charter. If there is an adverse court case down the road, then we would have to follow whatever the California Supreme Court says, notwithstanding what's in our Charter.

To summarize, the Oceanside Charter on the issue of prevailing wages, the payment of prevailing wages is prohibited on public works projects unless there is a State or federal grant that says that we have to make that payment. If the project does not involve a municipal affair or if it were the will of the City Council to pay prevailing wages on a project-by-project basis, you would have the ability to do that. The Charter would require us to adopt a resolution for each project and state that prevailing wages would be required. Effectively, that means that when plans and specifications come to Council on public works projects, if there is a State or federal grant that says we need to pay prevailing wages, the plans and specs would be set up so that you'd have to pay prevailing wages. If there is not such a requirement, staff would be bringing plans and specs to Council for approval without a requirement for the payment of prevailing wage, unless Council chose to. Each of these public works projects will be coming to Council and you would be able to make that determination on a project-by-project basis. His expectation is that staff would be bringing the proposals to Council before they go to bid and you'd be able to make that determination on a project-by-project basis.

Finally, on the Oceanside Charter with regard to project labor agreements (PLA), a project labor agreement is simple a pre-hire agreement on large-scale construction projects where all of the contractors and the subcontractors agree to abide by a master collective bargaining agreement for the work and standardize wages across the various crafts. To his knowledge, Oceanside has never required a project labor agreement for a public project. The Charter says that we cannot make that requirement, but the contractors can individually on a case-by-case basis. The City simply cannot require it.

There are some quality control measures that we have in place and this may be an area where the Council wants to look at whether we should have more, but there are certainly some quality control measures for public works projects even where prevailing wages are not paid. For one, we have to award it to the lowest responsible bidder. A

responsible bidder is defined by Statute to be one who is able to perform the work and demonstrates the attributes of trustworthiness, quality, fitness, capacity and experience to perform the contract. Each contractor who is awarded a contract would have to provide performance bonds to insure that their work is performed, and the City would inspect the project, as required by the Building Code, to insure that it's being done properly. That may be an area where the Council would want to consider some additional precautions.

Charter Cities have the ability to enact or approve design build contracts. That is a contract where instead of approving plans and specs and having the project separately designed, it's all done on one contract, as was done for the French Field contract. There is an ability under the Public Contract Code for General Law Cities to do this, but that statute as it exists today sunsets in 2016. There are certain eligible projects, which is identified on a slide. There is a second portion of Assembly Bill 642 that allows a pilot program for 20 projects for certain types of regional and local facilities for water and solid waste. Those all require completed environmental review. Charter Cities have much more flexibility to approve design build contracts. They can do so if there is a provision in the Charter allowing it or by separate ordinance. We do not have in the Charter an authorized design build method, but Council would have the authority to adopt an ordinance if that were the direction of the Council to pursue a design build ordinance that would set forth what types of projects would qualify. That may be one area that Council may want to take a look at as we move forward.

Taxes and assessments are governed by Proposition 13 and Proposition 218, so all of the rules of the game that applied before this Charter continue to apply. For a general tax you still need 2/3 approval of the Council and a majority approval of the electorate and such general tax increases would have to be done in a general election. 2/3 voter approval is required for a special tax. There is some ability for a Charter City to enact taxes that deal with municipal affairs. One example is a tax on condo conversions that was approved in the case of *Pines v. City of Santa Monica*. The procedures by which that would have to be approved are still set forth in Proposition 218. Voter approval would still be required. General Law Cities generally have the same power to tax as a Charter City. So, with regard to the issue of taxes, General Law and Charter Cities have co-extensive powers and would still be subject to the State constitution.

With regard to assessments, Charter Cities do have broader authorization to pursue assessments, which would be a charge placed against real property, recorded with the County and collected with the property tax bill. General Law Cities have various statutes that they can approve assessments under such as the 1911 and 1913 Improvement Acts. Case law allows Charter Cities to have their own authority to adopt an assessment. But again, the procedures by which you approve it would be subject to Proposition 218 and the California constitution. So you may not need a State law basis to approve an assessment; you could come up with your own reason why an assessment would be necessary, if that ever occurred. The Oceanside Charter is silent on the issues of taxes and assessments.

Regarding the status of rent control, the Oceanside Charter has a provision in it in Section 102 that effectively says all of the ordinances and resolutions that were in force at the time the Charter takes effect that are not inconsistent with the Charter are to continue in full force until repealed. Our rent control provisions are set forth in the City Code and remain in full force and effect and are not modified by the adoption of the Charter.

COUNCILMEMBER LOWERY questioned the term CBA.

CITY ATTORNEY MULLEN responded it means Collective Bargaining Agreement.

COUNCILMEMBER LOWERY stated the point about prevailing wages it states

that they can be decided on a per-project basis by the City Council based on some criteria.

CITY ATTORNEY MULLEN replied no criteria; whatever Council decides. If you want to pay prevailing wages you are allowed to pay them.

COUNCILMEMBER LOWERY questioned the statement about assessments; there is nothing new in this Charter that allows the Council to create assessment districts or whatever.

CITY ATTORNEY MULLEN responded there is nothing in the Charter that addresses taxes or assessments. He meant to say that because the City is a Charter City, and has all of the powers of a Charter City, Council might have the opportunity someday if you so desired to have, as a scenario, an assessment for say quiet zones. There is probably not a specific statute under State law which allows that. That may be something that Council could look at. He hasn't done the legal analysis on that and maybe he shouldn't scare people by raising that as an example. His point is that if there is not a specific State statute that says you could adopt an assessment for a purpose, because you are a Charter City you may have the ability to do that if it involves a municipal affair.

COUNCILMEMBER LOWERY asked about the lighting district proposal that we just recently had.

CITY ATTORNEY MULLEN replied that is part of the Landscape and Lighting Laws that, under State law, are expressly allowed. We followed all procedures under State law for that.

COUNCILMEMBER LOWERY asked if the Council being a Charter City could not have just approved that assessment as a lighting assessment.

COUNCILMEMBER FELLER said no.

CITY ATTORNEY MULLEN stated the City followed the Landscaping and Lighting Act as well as Proposition 218 in pursuing that proposed assessment. There already is statutory authority to pursue that, but you'd still follow the State constitution, which we did in that case.

COUNCILMEMBER KERN thinks one of the main reasons the Charter was passed and was put on the ballot was the prevailing wage provision. We got a staff memo the other day that on 3 projects (the Harbor Aquatics Center, the Harbor Lot 11B restrooms, and the Library renovations), the City is going to save an estimated \$540,000, so we are going to get an immediate pay-back by passing the Charter. He is very happy that the Charter passed and that we are getting an immediate and ongoing payback for becoming a Charter City. As time goes on, we are going to be saving more and more money on all of these projects just by getting out from underneath prevailing wage. The Charter is self-implementing; we don't need to do anything. These things are implemented by the vote of the people so we don't need to move forward on anything else. That should conclude his Item 12 item.

COUNCILMEMBER SANCHEZ stated when the City Attorney first began discussing Item 12 he prefaced his remarks by talking about these being things that Council may want to look at the way this item got on the ballot and the way it actually got voted upon has to be the worst example of home rule. This was placed on the ballot in December with no public process. It was done with a 3-2 vote and she and the Mayor had no input on a document that was written and funded by somewhere in San Diego for over \$100,000.

Her agenda Item 10 speaks to what we didn't have and that is having some say in what should go in this Charter. She does not want to rehash or revisit the 3 Sections

of the Charter. We have never had project labor agreements in Oceanside. Association dues is something that the Council has never been involved in so she has no interest in that. Council has retained the power to decide prevailing wage on a project-by-project basis. She understands that Vista ended up not avoiding paying prevailing wage because with certain skilled positions you just can't avoid it.

She has no desire at all to put anything on the ballot to undo these 3. Her desire is to have the public process that we didn't get to have to address the balance. We are now a Charter City. We now have a new constitution after 122 years. We did not get the opportunity to speak on what our constitution should look like.

Her concerns have to do with our land-use laws. Her biggest⁶ fear is that an outside interest can get the majority to put something on the ballot, fund it from the outside, not go through a process and win and then the Council is tied by that. Be it mobile home park owners deciding to put something on the ballot, or developers wanting increased density, etc.; those are the things that she is concerned about and she wants to insure that we are protected.

She spoke with the City Attorney and we do need to have a presentation on a citizen's committee that can make recommendations to the Council as to how we can protect our citizens. The idea that a Council majority can place an item on the ballot and change the character of our neighborhoods and change the way we do business is heartbreaking. She is asking that we establish this public due process.

Public input

JIMMY KNOTT, 127 Sherri Lane, prepared a list of other cities that have Charter review commissions or committees such as Albany, Sacramento, and Riverside as further reviewed. Council has the ability to assign duties to this commission or committee.

Regarding Item 12, he feels that Sections 301 and 304 are going to cost the City a lot of time and money. Regarding unfunded mandates, Section 401 means we are going to have to tell the State Water Resources Board that they are going to have to fund the unfunded mandate. We are going to have to suffer fines because of this.

CITY ATTORNEY MULLEN stated we are in the process of pursuing an unfunded mandate claim. We've already had some success with the Commission and now the Commission staff is going back and defining the exact amount that they have to compensate us.

NADINE SCOTT, 550 Hoover Street, was Co-Chair of Citizens Against Charter. However, the people have spoken so we are citizens that are accepting the vote of the people. She agrees that we need to implement the 3 provisions that were specific in the Charter right away. It's nice that we saved a few hundred thousand on those projects, but as we all know if you're going to use local money that can work. If we build anything large, it isn't going to work; we're going to pay prevailing wage.

She appreciated the presentation by the City Attorney. Regarding design build, she would like to see Council implement an ordinance with a local preference for hiring. She thinks we can save a lot of money with design build and that's how the City of Vista did it. They didn't do it by avoiding prevailing wage. Competitive bidding we don't want to completely get rid of. We don't want to be having sweetheart deals to the people who spent \$60,000 from out of town to pass the Charter. But, \$5,000 for a public works is ridiculously low in today's economy so she would like to see that amount raised to a reasonable amount and the qualifications become more stringent. These so-called responsible bidder qualifications are very loose and fast and we need to change that ordinance so we can get rid of these people that are not doing the job correctly.

She would love to see public financing of campaigns. When we have

\$1,000,000,000 in reserve she will help Council work on the ordinance. She hopes Council is judicious in implementing the powers that a Charter can give.

MICHAEL BYRON, 4702 Mohogany Drive, stated since he last addressed this Council the democratic process has validated Councilmember Kern's presence on the Council, Councilmember Lowery's presence on this Council and the Oceanside City Charter. The people have spoken. The common theme to all 3 of these items is the democracy in action. We should trust the people and their judgment.

With respect to the new City Charter he believes the principal reason that this Charter was adopted was to change the methodology for public works contracts; to give the City more flexibility in dealing with prevailing wage. He believes we are facing economically constrained times in the future for a long time ahead.

Generally when cities adopt a Charter it's a process that involves changing the nature of government. This Charter has not addressed any aspects of City governance. We have a start but that's all we have. It is reasonably foreseeable that other aspects of refining, adapting and developing our City government remain unaddressed and need to be addressed. He supports Councilmember Sanchez's motion.

TOM GRAY, 3201 Buena Hill, is in favor of Councilmember Sanchez's request for a Council Citizen Committee. Nadine Scott pretty much said everything and cleared it up.

DAVID BRANFMAN, 708 Civic Center Drive, is relatively new to Oceanside and has employees and family who live here. Having read Proposition K, what strikes him most about it is what it doesn't say. When he compared the City Charter to the U.S. constitution it seems to be lacking in meat and substance. Therefore, the suggestion that a committee or an advisory board be appointed to shed some light on this and obtain citizen comment and input makes perfect sense. The people have spoken and getting citizen involvement is a good thing.

WILLIE LITTLE, 3210 Mesa Drive, wanted to comment on the more than \$500,000 that Councilmember Kern says we have already saved with the Charter. He would like to see the money used for the people in Oceanside; not spend it on some project that does not help him. Do not change his water bill, taxes or anything. We need a committee to help straighten this whole thing out. We might even need an attorney and a judge to help with this.

SUSIE COKER, 2126 Sorrento Drive, supports Councilmember Sanchez's committee. We did not get any input on the Charter and she was horrified that it passed without any of their voices being heard. We are facing something we've never seen before.

She is particularly worried about property and zoning rights, and an issue on Rancho del Oro regarding residential versus commercial property/signs. She could lose her truck restriction and her neighborhood character. She doesn't want Council to move forward with something where she doesn't get a say. She believes a committee is an important thing so our zoning, property rights and neighborhood characters are preserved and our voices are heard.

NANCY PORTER, 3301 Buena Hills Drive, is in support of Councilmember Sanchez's recommendation for a committee or commission to insure protection of the new City Charter so we don't have to battle someone who comes up from San Diego and wants to rezone our low-density neighborhood to a high-density commercial. As a member of Costa Serena their request is that the Council establish a citizen's committee to research how to protect our current zoning laws with respect to senior citizens and add something to the ballot that would prevent someone outside our community from coming up and trying to change our neighborhoods through the zoning laws. For those reasons Costa Serena hopes Council will consider this request to establish a citizen's

committee.

MARGARET MALIK, 1611 Hackamore Road, is asking for a citizen's committee. Her big concern is outsiders coming into our City and buying it. She is concerned about the zoning, etc. with their equestrian area. Now that we have this Charter we need to fix it and make it right. She wants to see the people who live here have a say. Let's do the best Charter we can get.

LARRY BARRY, 3973 Brown Street, is amazed how everyone is so afraid of change in this City. We need to have the City move forward and this Charter is the first step in making things right. People talk about big developers bringing in their big bucks, but the big bucks are coming from the unions. He can't understand why federal and City workers have to be unionized. It puts us against them. He doesn't want to pollute this Charter with committees and commissions. The citizens voted for this Charter and we want to get down to making projects work and paying people for what they are really worth. He has no problem with citizen committees. Let's make this work for the citizens.

Public input concluded

MAYOR WOOD decided that we will come back to this item after the evening agenda items.

[Recess was called from 5:40 to 5:58 PM]

5:30 P.M. – INVOCATION – John Lundblad

PLEDGE OF ALLEGIANCE – team members

PROCLAMATIONS AND PRESENTATIONS

Presentation – "Pet of the Month" presented by Shannon Gusy and Michael Baehr — S.D. Humane Society North Campus

Proclamation and Recognition of Sister City Delegation from Fuji, Japan

Presentation – Mayor's Youth Sports Recognition and Appreciation Award — P & R basketball team "Lakers"

Off Agenda – introduced the new Commanding General of Marine Corps Installations West - Major General Anthony Jackson

Off Agenda – presentation by Club Crown Heights

Presentation – Employee Service Awards

<u>20 year award</u>	<u>Department</u>	<u>Hire date</u>
Vicki Sandoval	Police	04/15/90
Kenneth Gow	Police	04/22/90
Yanci Blackwell	Police	04/22/90
Annabella Tesori-Thompson	Police	06/17/90

<u>25 year award</u>	<u>Department</u>	<u>Hire date</u>
Andrea Maciejewski	Neighborhood Services	04/15/85
Gary Burill	Water Utilities	05/13/85
John Barry, Jr.	Water Utilities	05/20/85

<u>30 year award</u>	<u>Department</u>	<u>Hire date</u>
Martin Gravelle	Police	04/18/80

Presentations were made

Mayor Wood determined to continue with Items 10 and 12 at this time.

Items 10 and 12 - continued

COUNCILMEMBER SANCHEZ reviewed that the speakers were very eloquent and spoke to the needs for a citizen's committee and for a process. No one spoke against the provisions that have been passed and adopted and codified via the Secretary of State. What she is asking for is that we have due process, which we did not have prior to placing the item on the ballot.

She **moved** to establish a citizen's ad hoc committee to make recommendations to the Council on the City Charter that would include 2 Councilmembers and 1 citizen appointment per Councilmember for a total of 7 members; to make recommendations to the Council and the Council would then have an opportunity to review the recommendations and decide whether or not these are things that we should adopt.

COUNCILMEMBER LOWERY understands the concerns the citizens have. He has talked to a lot of people about the Charter and the Charter was voted on by a majority of the voters and Council needs to support the decisions of the people/voters. As we heard from the City Attorney's presentation, it requires citizen input, so the Council can make decisions based on what the residents say and tonight he got about 7 really good comments from people about what they would like to see in the Charter. Council will have items to discuss and it's the responsibility of the citizens to bring their comments to the Council so we can make decisions with that input. As it stands right now, the 3 items that the City Attorney presented earlier are the only ones that are being implemented right now and in the future the Council will implement changes as we are allowed to do by law.

MAYOR WOOD had this on his table to bring up at a later date and time. It needs time to be reviewed by the entire Council. He didn't like the way Proposition K came about. He thinks a little review prior to this by everybody is something necessary so he will not be seconding the motion at this time.

Without a second the motion will die.

COUNCILMEMBER FELLER stated nothing has changed from the constitution of the City at this point, other than the 3 items that were mentioned. It was said earlier that the primary reason for this was saving money, but the methodology was to give more local control to the citizens. The side benefit is the savings that we discussed earlier. He'd be willing to have an all day workshop in a few months and then if some sort of ongoing committee or commission seems needed, then at that point it would be an appropriate time. We are so new as a Charter City, we first need it to settle in. We saw what the City Attorney presented and there are things that can be discussed, but we aren't ready to discuss them right now. We need to know every possibility to save money or how we can save on service, maintenance and materials. The opportunity needs to be reviewed by staff. We've already seen one minor review of 3 projects that we have coming forward and that's saving us some money. At the same time we're getting our feet wet on how we can take control from the State as opposed to relying on them.

COUNCILMEMBER KERN stated if there is a need that arises, we can schedule a workshop and deal with that.

COUNCILMEMBER SANCHEZ was calling for a public due process. The people were not given the ability to participate. No one is talking about undoing what has been done.

Motion failed for lack of a second.

11. **Request by Councilmember Sanchez to discuss and possibly set additional Council meetings in July and/or August; adoption of a resolution regarding additional Council meetings in July and/or August; and direction to staff**

COUNCILMEMBER SANCHEZ stated for 7 months now we have been without a Council majority and we've had a very difficult time getting anything done, so a lot of things have not been done and have been put off. Unfortunately, we only have this meeting in July and one in August and then it's out to September. In deference to having a new Councilmember and hearing that he was ready to work, we have many things to do that she thought she would at least put a page holder here if the new Councilmember wants to have additional meetings to decide that today. She is willing to discuss some additional meetings, but if Mr. Lowery does not wish to then she will withdraw her motion.

MAYOR WOOD thinks this time of the year we do it mainly for staff time off. Other than this job he is retired so he is available anytime but that doesn't mean the staff wants to work. He asked for feedback from the City Manager.

CITY MANAGER WEISS replied they are at Council's pleasure if they decide to have another meeting. If you did one for July 21st or the 28th at this point there would not be any staff items ready for those agendas. The only one where we could possibly even look at staff items would be August 4th [meetings are set for August 18th and 25th].

COUNCILMEMBER LOWERY advised that he is in currently about 5 meetings a day with City staff to learn the ropes so he is into a full-time immersion program to learn what's going on in the City.

COUNCILMEMBER SANCHEZ withdraws her motion in light of Mr. Lowery's comments.

COUNCILMEMBER KERN has met with Councilmember Lowery a couple of times and he knows that he is overwhelmed so the current schedule is probably to his benefit.

13. **[Mayor Wood: Review of Councilmember appointments to Boards, Commissions and Committees, and Deputy Mayor]**

Removed from the agenda at this time by Mayor Wood

CITY COUNCIL REPORTS

14. **Mayor Jim Wood**

MAYOR WOOD has been asked dozens of times when we are going to have the fireworks again. He can't justify laying off employees and spending \$500,000 on fireworks, it's not possible. He announced the following:

He presented 3 people with certificates who are over 100 years old this week; the City Attorney's assistant's mother (Till Hedricks) passed away and he will close the meeting with a moment of silence for her family.

15. **Councilmember Jack Feller**

COUNCILMEMBER FELLER announced the following events:

The Freedom Days Parade went off without a hitch; the Samoan Cultural Celebration went on for a week and was great; there was an Eagle Court of Honor for Allen Hamilton; Randy Mitchell turned 90 yesterday; and Linda Hess passed away.

16. **Councilmember Jerry Kern**

COUNCILMEMBER KERN officially welcomed Councilmember Lowery. He thanked everybody that passed the Charter. He announced that on July 23rd they are opening the Veteran's Administration Clinic in Ocean Ranch.

17. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ announced the following:

She also attended the Samoan Cultural events; she attended the Concert and Art in the Park at Buddy Todd; she attended the reception for the Native American artist Luna; she attended the Costa Serena meeting today at the El Corazon Senior Center.

18. **Councilmember Charles "Chuck" Lowery**

COUNCILMEMBER LOWERY wants to suggest that people in the City consider that there are so many things going on here on the weekends and most of them are free. Last weekend there were 4 events on Saturday and 4 events on Sunday and they were all fantastic. Please enjoy them.

Other

MAYOR WOOD introduced the two new Council aides, Zack Beck for Councilmember Lowery and Kyle Krahel for Councilmember Sanchez.

6:00 PM – PUBLIC HEARING ITEMS – None

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

19. **Advance written request to reserve time to speak: 2 speakers**

A) **KRIS NELSON**, 2593 Fire Mountain Drive, stated her support for the concept of the a North County Animal Shelter with animal control service and to urge Council to appoint a commission to work on it. We may be years away from breaking ground, but let's look at the timeframe as an opportunity to research and do it right. She worked as a volunteer with a number of San Diego animal shelters, rescue groups and spay/neuter programs. The current overcrowding of our shelters and rescue group kennels is a problem we need to strategically approach.

Oceanside's contract with the San Diego Humane Society has bound our hands and is emptying our coffers. Not only do they refuse to share data about where dogs and cats are picked up, so it's hard to know where to concentrate humane education and spay/neuter service, but they won't tell us how many of our dogs and cats were transferred to San Diego and either adopted or killed. Without statistics we can't know where the problems are or how to help rescue groups or the public to know which animals are in need of rescue off of death row.

Perhaps you will ask isn't that the job of the San Diego Humane Society. She is sorry to say that they don't think so. Their President has refused to share the data that we and the City Attorney have requested about our Oceanside animals. On March 7th he halted the long-standing successful practice of calling rescue groups to save healthy animals from death row in Oceanside. He has said that he does not want to engage in spay/neuter services because he is afraid veterinarians will see that as competition.

San Diego Humane does call rescue groups about dogs on death row down in San Diego, but in Oceanside recently a chocolate lab puppy, a basset hound, a golden

retriever, 3 German shepherds and a cocker spaniel were scheduled for euthanasia until our volunteer spotters saw them and called rescue groups to come and save them. We have a huge over-population of pit bulls in Oceanside. The only way to get a handle on this situation is through humane education and robust spay and neuter program.

SNAP, another all-volunteer program, sends educators out to schools and neighborhood centers. SNAP also has pit bull clinics once a month where up to 50 dogs are fixed in one day, plus we have regular dog and cat spay/neuter clinics, all paid for by donations and, except for the medical staff, all volunteer labor. With a \$10,000,000 annual budget San Diego Humane could be doing a whole lot more to end the problem of pet over-population. They only have 24 dog kennels that the public can see in San Diego. They could adopt out thousands more if they chose to open up their non-public kennels. Why are they not aggressively promoting spay and neuter services and funding it?

B) **YVONNE KEY**, 3497 North Sundown Lane, stated Oceanside provided animal control services at our local shelter, North County Humane, during the 7 years she volunteered there. She interacted with dogs, supported adoptions, planned and worked fund-raising events and was responsible for landscaping with drought-tolerant plants, saving North County Humane money and water. The City is mandated by the State to provide animal control services. This was done in the past with North County Humane and now is done through San Diego Humane.

She and many others feel it is time to evaluate what we are getting for our tax dollars. This is a good opportunity to look at our future needs and to consider a municipal facility. This could solely be for Oceanside's use or a joint use with one or two neighboring cities. Money can be spent more effectively when people within the community are addressing local problems. They can create and implement programs that provide solutions; programs that pay back, like spay and neuter programs or taxes on private animal sales. Side benefits would include open communication regarding use of our money. From this information we would be comforted knowing that the health and welfare of our animals is being appropriately addressed. The residents of Oceanside deserve a better Humane Society. One with people who understand both animal control and animal rehoming practices.

The City laws on animal sales and advertising should be reviewed as well. We deserve a robust spay and neuter program, which will cut the number of strays and unwanted animals. The residents of Oceanside deserve to get our money's worth.

MAYOR WOOD stated this item cannot be addressed because it is not on the agenda. San Diego Humane has been up here the last week talking to most of the Councilmembers. We've received emails and concerns and we've talked to the City Manager about it, including regarding other cities being involved in the whole North County. We don't want you to think we haven't heard you or responded to you. We have heard you.

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

JIMMY KNOTT, 127 Sherri Lane, thanked the San Diego County Aging and Independent Services and the Oceanside Senior Nutrition Services who provided over 100 free fans to our senior citizens who could not afford them to help them with the heat. He congratulated Councilmember Lowery and reminded everyone that there are a lot of commissions and committees that have a lot of vacancies and urged people to sign up for them. Staff is working with Mission View West and Mission View Manor regarding their trash issues. He will be working with Rick Kratkowski on campaign finance reform.

ANNE CHRISTIAN, 4769 Westridge Drive, Peacock Hills, spoke about the elimination of funding for the paramedic/fire truck at Station 8, which is the station closest to Peacock Hills. She asked what the response time would be for fires from

another station and is concerned that there is only one pick-up fire service vehicle from Fire Station 8. This is a very serious matter because Peacock Hills is a 55 and older community of 920 homes. There are other stations but in a fire or medical emergency time is of the essence and there may be 2 or 3 emergencies at the same time. It's much more important to take care of the emergency needs of our families and our industrial area rather than paying gigantic consulting fees and subsidies to developers. We need a full-service fire station at Station 8 and she urged Council to protect all of us.

DOROTHY McCORKLE, 4610 Bristlecone Court, supports what the two speakers are trying to do to make our Humane Society better. She has talked many times about spaying and neutering programs. We don't have enough spay/neuter facilities here; however, we hope that we can get some fundraising to do that.

She pled for licensing of pet breeding. We license the lady on the corner who sells flowers and the driver of the ice cream truck, but we don't license breeders. They are not paying any taxes or licenses. She read ads from the newspaper reciting the amounts being asked for dogs (i.e. \$1,800 each for an English bulldog, etc.). This income to the breeder is not taxed and it is a business. The City is losing substantial income by not requiring licensing fees from these people and they are part of the problem.

COUNCILMEMBER FELLER hopes that staff has taken note of that. If the breeders are making money then they need a business license.

MAYOR WOOD replied Dorothy has brought this before Council before and it is a business and they don't pay for permits or taxes. He thinks staff should look into several of these issues.

KEVIN STEVENSON, 885 Gallery Drive, is here to speak about the street light removal and replacement in Rancho del Oro. He lives on a portion of Gallery Drive where all of the street lights have been removed. It is extremely dark at night. He and his neighbors understand the safety issues involved and appreciate the fact that the City is looking out for their safety in removing 132 street lights because of the rusting out of the base. He is requesting that a priority be put on replacing the 132 street lights. They want a safe place to live. He asked that the Council honor the original agreement and intent with the Rancho del Oro developer that the City entered into a long time ago. He also asked that the City negotiate fairly and in good faith with the expired agreement with their homeowners association. The current City proposal is, in his opinion, holding the Rancho del Oro residents responsible for replacement costs of over 500 street lights. The estimate is \$1,325,000 for those. Their homeowners association has told them that comes out to \$550 per household. This is unacceptable. They pay property taxes and that is what their property taxes are supposed to pay for.

In response to Mayor Wood, **CITY ATTORNEY MULLEN** clarified are at exactly the same place we were at last time he updated Council. The City had made a proposal several months ago which has not been responded to by the homeowners association. We are waiting for them to respond. They have provided a Public Records Act request about an inch thick looking for records, and we are in the process of producing those records. He would dispute the characterization that the speaker made with regard to what the street maintenance agreement said. He would be happy to sit and talk with the speaker and provide the actual language of those agreements. He will update Council as he hears back from the homeowners association. The homeowners association recently retained new counsel. The counsel that we originally made the offer to has been let go.

DIANA SHUE, 4566 Qualiridge Drive, Peacock Hills, stated they have very few services at Station 8. She is concerned about the response time in emergencies. There are numerous 90-year-olds in their community that are living independently. If Station 8 is shuttered, do we even have a paramedic staff there to help them. She requested that Station 8 at least get paramedic service.

July 14, 2010

Joint Meeting Minutes
Council, HDB and CDC

COUNCILMEMBER FELLER asked the City Manager to explain what is going on there.

CITY MANAGER WEISS stated to date there has been no change at Station 8. The fire apparatus is there. The budget that was approved was converting the 3-person engine to a 2-person rescue unit. That rescue unit would still have a paramedic on board.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:35 PM on July 14, 2010. [The next meeting is on Wednesday, August 18, 2010, at 3:00 p.m.]. A moment of silence was held for Till Hedrick.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside