



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

October 16, 2002

ADJOURNED MEETING 2:00 PM COUNCIL CHAMBERS

Mayor
Terry Johnson

Deputy Mayor
Jack Feller

Councilmembers
Betty Harding
Carol McCauley
Esther Sanchez

City Clerk
Barbara Riegel Wayne
City Treasurer
Rosemary Jones

Mayor Johnson called the adjourned meeting of the Oceanside City Council to order at 2:00 PM, October 16, 2002, for the purpose of a workshop. Deputy Mayor Feller led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Harding, McCauley and Sanchez. Also present were City Attorney Duane Bennett, City Manager Steve Jepsen, and Assistant City Clerk Charles Hughes.

WORKSHOP ITEMS

- Presentation on preliminary site assessment and preliminary conceptual design for an off-leash dog park**

ANA ALVAREZ, Parks and Recreation Director, presented the proposal of the conceptual design for an off-leash dog run and/or demonstration areas that include a site selection assessment and a work program. She presented the framework and outlined the presentation. Nathan Mertz would co-present today.

She first defined the terms because we tend to use them randomly but in fact they have very specific definitions. When we refer to a dog run, we are looking at a specific designated area within existing parks that is no more than ¼ acre in size, and it may or may not be fenced. When we refer to a dog park we are referencing a stand-alone specialty park with exclusive use for pet owners to exercise their dogs.

The park system in general defines a dog park and/or a dog run as a specialty park. The reason for that is because it is an exclusive, designated use. It is similar to the specialty designation given to skateboard parks or golf courses. It is considered a recreational venue. This is actually a very old concept through the National Parks and Recreation Association (NPRA) and the California Parks and Recreation Society. The NPRA has done extensive work with the development of dog runs and dog parks in municipal settings throughout different cities and states across the nation.

A recent study/survey conducted by NPRA and the American Animal Hospital Association shows the extent of care and attention pet owners give their dogs. The survey showed that 68% of pet owners traveled with their dogs. Over 61% believe that caring for their dogs will fulfill their parenting needs. Staff is looking for areas, not necessarily for the pets, but rather for our residents to exercise and have a recreational venue.

When we refer to operations, we are looking at different models, and the models vary to extremes. We will be referencing a very specific model, which mirrors the skate

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park operation. We are looking at putting up signs and waiving the liability for the City through amending the ordinance, as well as having the parks non-staffed.

She will discuss the background of the concept of an off-leash area for Oceanside, along with some of the benefits that would come from having an off-leash area. We will also share with Council a benchmark study conducted of neighboring cities that currently have this type of recreational venue within the parks system. We will also discuss some of the outcomes from the community meeting of a couple of weeks ago. Finally, we will discuss the development costs and the next steps if Council chose to move forward with this concept.

We are looking at 3 basic components for Council's consideration:

- Off-leash dog runs and/or demonstration areas
- A dog park as a stand-alone, active parkland
- Areas that would be non-staffed with signs only.

NATHAN MERTZ, Parks Development Coordinator, discussed the background on the dog park concept within Oceanside, which was first discussed around 2001 with the Ivey Ranch Park Development and Beautification Plan. The plan called for potential development of a dog park on 2¼ acres located at the southern portion of the park adjacent to Highway 76 and Canine Companions. In May 2001, Council held a workshop where staff presented the Parks and Recreation Master Plan, and there was discussion of a potential dog park. On August 14, 2002, Council directed staff to evaluate sites and establish a need for off-leash areas within the City. Parks and Recreation hosted a community meeting. The primary objectives of that meeting were to establish a need, identify essential and desired park elements for an efficient park that meets the needs of Oceanside residents, and involve the meeting participants to establish value to criteria for a site selection process.

Oceanside has numerous sites which are community-driven, off-leash areas. You can see that in the mornings and evenings where people are running their dogs off leash, and they range from public parks to unfenced private property.

Some of the benefits of off-leash areas include that dog parks are added attractions to cities. People come from all over to visit dog parks. They can also be a revenue generator. For example, Del Mar has the dog beach in which people visit from all over, and businesses pop up in close proximity to the park that service dogs, such as do-it-yourself dog washes, pet stores and food stores with doggie treats. Dog parks are accommodating for physically disabled persons and senior citizens who cannot always walk their dogs. These parks provide barrier-free access where people can come, run/exercise their dogs and enjoy the company of others. Dog parks promote responsible pet ownership and behavioral socialization for dogs. This is beneficial to the City for dogs to be more friendly and accommodating to strangers. A dog in a backyard that never sees any other dogs or persons has a different type of personality than a dog that has been around others from an early age. Dog parks also bring people together and create a sense of community. Some dog parks have discouraged delinquent activity in under-used parks. Some NRPA case studies have shown that off-leash parks within inner city parks contributed to lower crime rates and introduced the ideal park users back to those areas.

Looking at some comparables of cities in the Southern California region, Laguna Beach has had one 2.2-acre dog park for 5 years that has a turf surface, is fenced, and has very little problems. The maintenance is comparable to that of a soccer field. They mow the lawn 2 times a week, and close it on Wednesdays to give time for repair and rehabilitation. This is one of the most prominently used parks in the City, averaging 80 users per day during the weekdays.

San Clemente has one 2-acre park under construction. It is part of a multi-phased park complex that the city is constructing. The community is excited about it.

Escondido has had one 1½-acre dog park for the past year. This park is divided into 3 separate areas, and the maintenance program cycles over these areas to allow the grass to recover. This is very heavily used and is the only park that allows dogs to be off leash.

Carlsbad has one ¼-acre dog park that has also been there for one year. The surface is woodchip. It is fenced and very heavily used by Carlsbad, Oceanside and Vista residents.

Del Mar has dog beach that has existed for 38 years. It is over 3 acres, and for that 38 years of community service, they have had a handful of incidents in which there has been interactions between dogs running into people or a dog fights where people have been bitten trying to stop it. There have been no liabilities filed against the City of Del Mar for any type of off-leash problems.

Vista has no dog park. Coronado has one 3-acre dog beach; it has existed for 4 years and is heavily used by people from Coronado and San Diego. In San Diego, Balboa Park has 6 off-leash areas adjoining it. Ocean Beach also has one dog beach.

The community meeting participants reached an overall consensus to identify different types of off-leash spaces suitable for Oceanside, which was established through identifying the need for a park and the essential and desired park elements. The meeting participants were involved in valuing criteria for site selection. The most primary need the community identified was [Phase 1] the development of multiple dog areas existing in under-used parks in the City and the request for a dog beach in the City. The phase 2 portion would be that, sometime in the future, there would be the development of a larger inland dog park facility that could accommodate training courses, exhibits and events, ranging from dog shows to agility contests for Frisbee and obstacle courses.

One point raised that was not on the agenda for the community meetings was that there were parks for other animals, such as horses. The City has recognized animals as providing recreational opportunities for people, and one of those are horses. We provide horse trails in the City. Even on the San Luis Rey trail on the north side of the river there is an equestrian trail outlined, as well as all through Jeffries Ranch.

Another issue brought up in the meeting was water contamination, such as dogs running around on a dog beach or next to Loma Alta Creek. Staff has discussed this with our storm water division and they had little concern about that since primary contamination in those bodies of water come from fish and birds. The birds congregate on the beach, raising the bacteria and chloroform levels. Potentially, dogs running on the beach would limit the number of birds on the beach, which could improve the water quality levels.

Looking at how many dogs per acre in these parks, there is no recognized standard by the NRPA. At this point, staff recommends no more than 2 dogs per person using the parks, but Council could give input on that as well. The Oceanside residents have a pressing need to recreate and exercise their pets in an off-leash area.

MS. ALVAREZ explained that what we are trying to close a gap of service within the parks system. We are addressing a pressing need as voiced by several community members. This would also de-criminalize the pet owners in Oceanside who currently use park sites and other City property to exercise and recreate with their pets. By amending the Municipal Code and allowing for a demonstration project, we are providing a recreational outlet that the community would otherwise create if the City did not provide it for them.

The dog run being proposed today is a demonstration project that would include looking at existing parks currently used by residents for that purpose already. Signage should be installed adding some rules and regulations for usage. The Municipal Code would also be amended for the leash component. A dog run can be as small as ¼ acre in size or could be a very specific, self-contained park, such as the Marshall Street Park.

MR. MERTZ noted that for site improvements we are looking at \$6,000 to install trash cans, dog bag dispensers, signs and water fountains. The maintenance costs are contingent upon the use frequencies experienced at these parks. If there is only one dog park in the City, it would see the most intense use, of course. As a good planning practice, staff proposed a spread of designated off-leash areas in the City so there was not an

increased use, thus increasing the maintenance cost for these parks.

If Council would choose to approve a stand-alone, active parkland for a dog park, the potential development costs would be around \$233,000 per acre. These dog parks are the same as the cost for a soccer field, with installation of turf, irrigation, all the amenities, fencing, landscaping and parking. The maintenance costs for a new designated area would be equal to \$9,000 per acre per year to keep a high standard of surfacing, as it would be at any of the soccer fields within the City.

Looking at some of the potential off-leash areas within the City, some of the larger inland sites that could be developed in the future to accommodate an area of about 5 acres were displayed. He listed some examples of parks that existed in the City, one being the Joseph Sepulveda Park which was had been slated for ball fields at one time. He recently received a phone call from a representative of that community saying they would love to have a dog park built at Sepulveda Park because of the type of use, the low impact and no lighting. There are sites there that could accommodate 5 acres or more and would have relatively low impacts to the surrounding neighborhoods.

The demonstration areas include Fireside Park, where people are running their dogs; there are dog bag dispensers out there already and plenty of trash cans. Rancho Del Oro Park has a morning and an evening group which congregates. Buccaneer Beach Park has many people out running their dogs. Marshall Street Park had a nice contained area and nice grass, and the community residents have installed their own dog bag dispenser on a tree.

Regarding the next steps, **MS. ALVAREZ** stated that, in looking at the demonstration projects staff proposed, we would need to first amend the Municipal Code, Chapter 4, Article III. Dogs, and we would conduct a 6-month evaluation to see how the operation is coming along with issues that may arise that we have not been able to identify through research or benchmarking studies. We would also conduct an additional impact analysis and project implementation plan if we are to go with the design for a designated dog park area. That would entail the site selection assessment, as well as the development of a work program that includes the development timelines, costs and the type of operation. The community would be involved throughout the whole process, whether the City went forward with a demonstration project, a dog park or a combination of both. Staff would hold community meetings at the proposed sites and to ensure the direct involvement of the Parks and Recreation Commission.

Staff is looking for direction in terms of the development of a conceptual design and/or demonstration areas for off-leash dog runs in Oceanside, as well as to conduct a site selection assessment and develop a work program that includes the development timelines, cost and operation.

Public Input

BEN SCOTT, 516 South Horne Street, was delighted to hear that this topic was now being seriously discussed. He has been in Oceanside for nearly 18 years. Before that, he rented in San Diego. His family took their dogs to Fiesta Island at Ocean Beach's dog beach and to the famous Del Mar dog beach. A dog run or beach is only as good as the cooperation and policing of the people using it. The majority are conscientious and take care of their dogs. They were 100% for the dog parks. It was the 1 or 2% that ruin it for everybody else. His family used the dog parks in Carlsbad and in Escondido. In talking with the City of Escondido staff, they said a lot of the materials, fencing, etc. were donated by local trades people; it was a community effort. He encouraged using community volunteers and donations. He supported a dog park.

JIMMY KNOTT, 124 Sherri Lane, was in favor of a dog park, but he wanted it to be done right the first time, using the national statistics, the northern Virginia district planning commission study on dog parks. Using those figures, in the City of Oceanside there are 20,000 dogs. Of those, 8,000 owners would not pick up their dog waste, according to that study. He noted that Council had been told before that only 18% of dogs in Oceanside were licensed, which shows the responsibility factor of our dog owners. The City needs some additional type of enforcement.

He noted that the presentation mentioned how there is little concern about dogs and dog waste into our waterways; that is a misnomer because we have not done a DNA profile. The profile would cost the City about \$80,000. So that was only opinion. Dogs constantly have been listed as non-point pollution in study after study using the Environmental Protection Agency, the Vanderbilt Study from civil and environmental engineering, etc. Encinitas on March 19, 2002 had concerns about the storm water question.

A dog beach is located at the mouth of the San Diego River in San Diego, which had numerous things, and that city was under an order to look after the dog waste. He urged Council to consider that and not put a park near any waterway. He had e-mailed Council with Redondo Beach's ordinance, which was very prudent and could be supported legally. Many diseases are associated with this, so the Redondo Beach ordinance did not allow children under 12 into the parks.

PAULINE STEWART, 4940 Bella Collina, has been using the Carlsbad park since it opened and has found it extremely helpful. She has a disability with her feet that prevents her from walking her dog. A dog park was a very good thing for her, and her experiences in Carlsbad had been very favorable. People are extremely concerned about their dogs, making sure to pick up after them and controlling their dogs' behavior. It is also a very good idea to have an extensive dog park where training, dog shows and agility activities could be held. That would enhance the general, overall picture. A small dog park like Carlsbad's would be an excellent start and would offer an immediate solution.

CAROLYN KRAMMER, 904 Leonard Avenue, is a dog lover. She has had a dog ever since she was 3 years old. The key is to find the proper location for a dog park. She was a member of the San Luis Rey ad-hoc committee Council established in 1998, of which Jimmy Knott, Gordon Stone and Marco Gonzalez from Surfrider Foundation were all members as well. At that time it was determined that the beach was not a proper place for a dog park. That came to Council in 1998, and that Council agreed with the recommendations of that committee that the beach and mouth of the San Luis Rey River were not the proper locations for a dog park. She is sure Council received Mr. Knott's e-mail about Redondo Beach. She was concerned about the health risks that were noted in the e-mail. Children are more susceptible to contracting intestinal worms and other infections from touching grass/sand where feces or urine are present. That is one major reason dogs are prohibited from playgrounds and schoolyards.

It was important for owners and their children to always wear shoes in dog parks. On a beach, most people do not wear shoes. So are we setting up our tourists and citizens who use the beach near a dog park for health risks. San Luis Rey River has been posted a lot lately because of the birds, so are we replacing the birds with the dogs. She has been to Ocean Beach many times, and it is posted continually because of the dog beach.

She fully supports a dog park. She would love to see a dog park at El Corazon. She reiterated the importance of seriously considering where the park should be located. She also asked if the City would have to go to the Coastal Commission for approval if they decided to use the beach for a dog park.

NANCY FOLLIN, 3760-73 Vista Campana South, supported a dog park. She is a dog owner and takes her dog to Del Mar beach, to Ocean Beach and also to Carlsbad. Her experience, especially at Carlsbad, is that it is a very well policed park as far as picking up after the animals. It is a very clean dog park, and the people there are usually very alert. They monitor their dogs for any abnormal aggression, etc. Many of the dogs had taken many training classes. It was a well run dog park. She has been to the Escondido park and seen the same thing. The citizens so much appreciate that the city would put a dog park in that they treat the park well and react accordingly.

ANN MORRISSEY, 701 North Nevada Street, Development Director at the North County Humane Society and SPCA in Oceanside, spoke on behalf of the Humane Society which whole-heartedly supports a dog park in Oceanside. The Humane Society serves about 6,000 animals lost or in need every year in Oceanside and Vista. They also provide

animal control services for Oceanside. They are involved in anything that goes on in the community regarding dogs and get numerous requests about a dog park in Oceanside. Members of the Humane Society often drove to Poway and Del Mar to use dog parks. There is a big need for it.

The Marin Humane Society has about 6 dog parks, and one of their representatives said the dog park was their number one way to educate people about responsible pet ownership, which means licensing your dog, that spay/neuter is a really good idea, and your dog needs to be a good citizen to be out in the community. So that is a good reason to have a dog park—so we can education people on responsible pet ownership. Another important factor they brought out was their average user is adults over the age of 40; it is a safe place for especially women to go and have recreational opportunities.

To throw something into the mix, the North County Humane Society has been serving Oceanside since 1938, and our facility is old. They recently found out that they needed to get the entire plumbing system replaced, and they are also out of room. In the next 3-5 years we are hoping to build a new state-of-the-art shelter. She thinks it would be ideal to have the dog park and the Humane Society in the same area. She supported the training and agility items as well. She hoped Council would move forward with this. If the Humane Society can help, please let them know.

PATTY AMSHEY, 2350 Jennifer Lane, Encinitas, was not likely to use an Oceanside dog park, but she would like to present a very pro dog park opinion for the disabled community. Many people in Oceanside are fortunate enough to have a service dog. 70% of all disabled people live on an income of \$700 a month or less. Because of that, many live in apartments without a yard, so their dogs are always on a leash doing service things, and they get tired of that. Dog parks offer a great advantage by allowing the dogs a chance to run. She trained her dog with Leashes for Living, but many people get an already trained dog and may have never had a dog before. Using the dog as a service animal and not meaning to do anything wrong, they see another dog on the street and are not sure how the other dog will react, so the owner pulls up on the leash a little bit and sends that note of tension to the dog. After a couple of years of this, the dog can become dog aggressive, which makes them no use as a service animal anymore. By having a dog park, they can go there, take their dog's jacket off, and give a release command to go play. The dog would learn to read other dog's languages and learn that when it was called, it had to go back to its owner. It reinforces the training already given to the animal. It is very important that a service animal not only work, but have time to play.

JOE VALENTI, 999 North Pacific Street, General Manager at North Coast Village, a 550-unit condominium project, stated that in 1998, he spoke to Council on behalf of North Coast Village against having a dog beach. We are right next to the mouth of the river. From 1987 to 1995, he was a property manager for Whelan Ranch condominiums off of Douglas Street, and they had quite a problem with dogs. They had a large greenbelt area so people would let their dogs out at 6:00 AM to do their business. To him, it felt like 100% of dog owners did not take care of their dogs very well. It got so bad that the Board of Directors requested that he go there at 6:00 AM to take pictures of the dogs doing their business on the grass. He requested that Council not make him do that again at North Coast Village with the dogs that would be there at the mouth of the river. We do not think it is a good place for a dog beach. Their community is a non-pet one due to the high-density project of 43 units per acre. It would not benefit the homeowners there. The beach is one of the best assets in Oceanside, and there are other uses for that area of the beach.

BRUCE WILLBRANT, 127 Flamingo Drive, is a property owner who pays a lot of property taxes. He does not have any human children who use the schools or any other recreation facilities in the community. His dog is his child and has a lot less impact and trouble than most of the kids running around his neighborhood as far as City services go. He has been going to the Carlsbad dog park since the dog was about 4-5 months old, and that socialization has benefited him tremendously. The dog is naturally friendly, and it frustrates him that he has to go all the way to Carlsbad. He sees so many parcels of unused land around his own neighborhood that seem to be useless for anything else; but a good 1/2 or 1/4 acre dog park would fit in perfectly on a lot of these plots. The impact to

the community would be very low. These parks are well policed. Compared to ballparks or beaches in town, a dog park is a gem, and the owners pick up after their dogs. The park would be a treasure to dog owners, and they would not want to lose an asset like that.

There were concerns about the use of a dog beach, but he suggested that the City look at the Del Mar dog beach, which has been there for 38 years. There has been posting about contamination on the beach, but he did not see how that could be traced to dogs. All the signs are posted at the outflows of the river mouths where hundreds of miles of watershed pours out with its contamination from miles of land. To say that contamination was due to dogs seems preposterous. The owners of the properties at Del Mar—he has never seen any problems there. The dog owners take very good care of their dogs. If a dog beach is not put at the mouth of this river in Oceanside, perhaps it could be further north of that jetty. He thought that 9-10 months out of the year, that river mouth is practically abandoned and would be an ideal location for a dog park.

DOROTHY McCORKLE, 4805 Northerly Street, stated Oceanside needs a dog park. She is intimately acquainted with the workings of the Humane Society here. She also is a board member for Spay/Neuter Action Project (SNAP) and is part of the Pet Project 2000 in San Diego County. She is pleased to see these considerations are underway.

She noted that another extra benefit that comes with a dog park is that any shelter in the County has more animals than they have homes. Secondly, she stayed for 3 months in the RV Park at Buccaneer Beach before she found a home. She did not think that was an appropriate beach because it was not big enough and was very crowded during the summer. Even for a demonstration phase, it is limited and has a very undesirable element across the street. Plus, the City has had to clean up that creek a couple of times, so that should not be a consideration. She did not know much about the river project.

She asked about the cost. Escondido built their one-acre park for \$95,000 and had contributions from the Police Department, Hidden Valley Obedience Club, etc. We can get extra funding from other places. She is an advocate for the passage of Proposition M for El Corazon and reiterated that as Ms. Morrissey said, we need a new shelter here. A perfect location for a dog park would be connected to a shelter which could be at El Corazon; when the shelter is connected to the dog park, people there would be available to take care of what is happening. Also consider before proceeding whether or not you are going to require that the dogs be altered or licensed or both before they can enter the dog park.

DEPUTY MAYOR FELLER asked what was undesirable across from Buccaneer Beach Park.

MS. McCORKLE said the park across the street was where the homeless people live. She was not saying that the homeless people were undesirable, but they live on that riverbed and in the park across the street from the beach.

MAYOR JOHNSON noted that the City Manager was aware of the issues of people hanging out at the park, and staff was addressing that.

Public Input Concluded

COUNCILMEMBER McCAULEY attended the community meeting to observe, and it was very interesting. A good group of people came up with some good ideas. One of the best ideas was dog runs or taking parcels on individual parks around the City. It would be relatively inexpensive and something that we could do almost right away. She wanted to hear input from her colleagues. She has some ideas on this. The group that attended the community meeting is very interested in continuing, almost like an ad hoc committee, to help work through this process, which we should consider.

COUNCILMEMBER SANCHEZ supports a dog park, but does not support a dog park at the beach because of the things she has heard and read about regarding problems. She would like to see a demonstration and go through the entire process so that we can duplicate that at other areas. A call she received was, how can we be considering certain sites if there was no notice to the neighborhoods. Well, it is early in

the process as she explained. If we are going to start targeting possible areas, then we include the neighborhoods. Traffic is probably a problem. If it is close to houses, that might be a problem. Dogs live on both sides of her house, and the older her parents get, the more they complain about the barking and the smell. The City needs to make sure that we can accommodate dog owners and non-dog owners in the best way. There is support for dog parks, so the City needed to approach this the right way. The right way would be to partner with the community on this project. Wherever the park ended up, the surrounding community needed to be informed about what all it would take.

She has some questions about the costs, so she would like to start off with a demonstration project. There are some concerns that self-policing would not work, so she thought a demonstration project would show whether or not it would work. For many people, a dog park would be a luxury, so they would treat it with the greatest respect, in terms of picking up after their dogs. If the City maintains the materials, she believes the costs would be a little higher. We need to pinpoint a little more what the costs will be for maintenance. The cost for setting up the signs was easier to pinpoint; however, maintenance costs were often more unclear.

She wanted to direct staff to locate one spot for a demonstration project. A community meeting should then be held in that location. For instance, someone suggested that the community around Fireside Park might be willing to have a dog park; however, she knew the neighborhood did not want ball fields because the noise would be projected higher. A demonstration project would answer a lot of questions that a lot of people have. It would also gain the most support. She suggested that Council direct staff to narrow it down to one demonstration project and get the neighborhood behind the project. Once it was successful, the City could see about putting dog parks somewhere else.

COUNCILMEMBER HARDING thought the idea of a dog park was excellent. She agreed with Councilmember McCauley that dog parks should be in various areas of the City. She is against dog beaches because she thought they should be fenced for the protection of dogs and people outside. Most dog owners are responsible, and most even bring their own supplies. The area she used to live in had dog bag dispensers where the user paid for a bag. She wished this had happened several years ago.

Oceanside is a very large city. People could get to the dog parks more easily if a couple of parks were put inside parks that already existed. Some residents had to drive farther to get from the eastern part of the City to the western portion as opposed to going to Carlsbad or Vista. It would be less expensive if we had them in our parks because maintenance could go along with the maintenance of the entire parks, and they should be fenced.

She supported a demonstration project and would support test sites in 2 parks if it were not too expensive to see how much use and upkeep it had. Rancho Del Oro Park was already an unofficially used early morning dog park. There were also quite a few dogs at Martin Luther King Park as well. A lot of parks are being used but not policed. There would be too many expenses if the dog parks were staffed.

MAYOR JOHNSON noted that a lot of dogs were walked at Buddy Todd Park. He was in favor of a dog run as a demonstration project. He suggested that dog bag dispensers be installed along Pacific Street because there was often dog waste on the sidewalks there, and at any dog parks, etc. He questioned staff about the \$6,000 for site improvements at existing parks and whether that was in total or per park demonstration area.

MS. ALVAREZ stated that was a very general approximation per site. It would really depend on which site was selected and the overall parking, trash cans, etc. The \$6,000 figure assumed that most of the work would need to be done.

MAYOR JOHNSON encouraged the City to not have dog beaches. However, the City did need dog stations along Pacific Street. He was in favor of demonstration projects at whatever parks agreed upon.

DEPUTY MAYOR FELLER asked how dog/cat feces are allowed to be disposed of.

MS. ALVAREZ stated that they had not researched cat feces, but looking at the existing parks, there are a couple of things that can be done. The pet owners would pick up after their dog using biodegradable doggie bags. The bags would cost the City 0.5 cents to 2 cents per bag. An entrepreneur, referred to as the "entre-manure," contracted with the City of Laguna Beach to dispose of all the waste in the trash cans at their parks. It is biodegradable material and goes into biodegradable doggie bags.

DEPUTY MAYOR FELLER asked if it was legal to dispose of that waste in a landfill.

MS. ALVAREZ replied affirmatively.

DEPUTY MAYOR FELLER asked if a soccer field took up one acre of land.

MR. MERTZ said that was approximately one acre.

DEPUTY MAYOR FELLER asked for confirmation that it would cost about \$233,000 for a soccer field or a dog park.

MS. ALVAREZ said that the staff report compared the development of an active parkland acre into a dog park to a soccer field at \$233,000. That cost assumed the need for parking, an irrigation and drainage system, signage and other amenities in the area, including benches and additional landscaping. That price did not include the construction of facilities such as bathrooms.

DEPUTY MAYOR FELLER asked if the dog runs around Balboa Park were part of the park system there or if they were different.

MR. MERTZ explained that there are areas actually within Balboa Park and in the parks surrounding Balboa Park within the City of San Diego. They designated areas within those parks to accommodate dogs off-leash. He believed those areas were fenced and were part of the park system.

DEPUTY MAYOR FELLER asked if the maintenance of those areas were included in the \$10,000,000 per year to maintain Balboa Park.

MR. MERTZ assumed so.

DEPUTY MAYOR FELLER was in support of this. He felt that the City needed to proceed slowly with this.

COUNCILMEMBER McCAULEY noted that this workshop was part of proceeding slowly. She first brought this forward in 1998. She appreciates the efforts of the community and staff. She did not think there was any question as to the benefits of dog parks to the community. Some people in our community who pay taxes will never use a ball field, golf course or skate park. However, a good portion of our population has dogs. Council was supportive of some type of facility for dog owners. She agreed that dispensers were needed on Pacific Street. We have the dispensers in the Harbor, which people use.

El Corazon would be a wonderful location for a dog park, with or without Prop M. Either way there was going to basically be the same amount of parkland there. She would like to see if there was a way to partner with the Humane Society to put together a major facility that would take between 7 and 10 acres, as she has discussed with Ms. Morrissey. Dog runs and demonstration areas would provide a great compromise for an immediate solution. She heard someone mention that 40% of dog owners are not responsible. The dog owners that are not responsible were more than likely not the ones to use these parks anyway. Those irresponsible dog owners would continue to let their dogs do whatever, and the City would continue to depend on animal control to stay on top of

them.

She agreed with staff's recommendation, to develop a conceptual design and/or demonstration areas for off-leash dog runs in Oceanside and to do a site assessment and development of a work program that would include development timelines, costs and operations. The City needed more than one dog run initially. If there was only one small dog run, there was a good chance that it would be over-used by people coming from all around town. She would like to see this process continue. She was delighted to hear that the neighbors at Joe Sepulveda Park might be interested in a dog park. She recalled the problems there regarding ball fields and the impact they would have on the surrounding neighborhoods. She **moved** approval of staff's recommendations to develop a conceptual design and/or demonstration areas for off-leash dog runs and a site selection assessment.

COUNCILMEMBER HARDING seconded the motion.

MAYOR JOHNSON also supported staff recommendations.

COUNCILMEMBER SANCHEZ would like to delete from any consideration a dog park on the beach. She thought that Council was in consensus on that. She hoped that would be taken out of the report as a possible location. She noted that Deputy Mayor Feller brought up a good point regarding disposing of feces and asked if the trash would have to be collected every day from the dog parks. She thought the parks might only have one to two trash pickups per week.

CITY MANAGER JEPSEN noted that a number of the parks had daily pickups.

COUNCILMEMBER SANCHEZ would like the recommendation to be changed to avoid further discussion of a beach park.

MAYOR JOHNSON responded staff has that direction.

DEPUTY MAYOR FELLER asked if the dogs had to be licensed to use the dog parks.

MS. ALVAREZ noted that would be part of the work program staff would bring back to Council for authorization. It would be part of the rules and regulations that would be posted in the parks. Most parks run by municipalities did require dogs to be licensed and vaccinated.

Motion was **approved 5-0**.

CLOSED SESSION ITEM:

CITY ATTORNEY BENNETT titled the following item to be heard in closed session:

2. **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) and Unrepresented

Closed session and recess were held from 3:11 PM to 6:16 PM

CITY ATTORNEY BENNETT reported that in closed session direction was given; no formal action was necessary.

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

October 16, 2002 -- 2:00 PM

Council Workshop Minutes

ADJOURNMENT

MAYOR JOHNSON adjourned this adjourned meeting of the Oceanside City Council at 6:16 PM, October 16, 2002.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

December 2, 2002

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

ADJOURNED MEETING 10:00 AM COUNCIL CHAMBERS

Mayor
Terry Johnson

Deputy Mayor
Jack Feller

Councilmembers
Betty Harding
Carol McCauley
Esther Sanchez

City Clerk
Barbara Riegel Wayne

City Treasurer
Rosemary Jones

Mayor Johnson called the adjourned meeting of the Oceanside City Council to order at 10:14 AM, October 16, 2002, for the purpose of a workshop. Deputy Mayor Feller led the Pledge of Allegiance.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Harding and McCauley. Councilmember Sanchez was absent. Also present was City Clerk Barbara Riegel Wayne.

WORKSHOP ITEMS

1. **Planning Commissioner Candidate Interviews**

CITY CLERK WAYNE noted that 5 applicants would be interviewed today. This special interview time is to fill the vacancy on the Planning Commission due to the resignation of Roy Miller, effective October 21, 2002, as noted in the report to Council.

The process used over the past several years for Planning Commission interviews would be utilized today unless Council wishes any changes. Each candidate would have approximately 8 minutes for the total interview. Each candidate would give a one-minute introduction, answer 3 standard questions and then respond to any questions from Council. The applicants had drawn lots to decide the interview order.

MICHAEL HEISER

Introduction

MICHAEL HEISER, 4618 Waverly Road, is currently employed with the City of Oceanside in the Water Utilities Department. He enjoys his job very much. Serving on the Planning Commission would offer another stepping-stone for him to further himself and to benefit the City.

Why do you want to be a Planning Commissioner?

MR. HEISER applied for the position because the Planning Commission is the frontline regarding the future of Oceanside. He is open-minded enough to consider all options and strong enough to ask tough questions when needed. He would like to see the growth of the City slow a little so that infrastructure could keep up, rather than growth expanding too quickly. There are a lot of factors to consider when reviewing plans, and he knew he would have to learn a lot. In the Water Utilities Department, he did look over some plans and finds it very interesting. He would like to have more input on plans that

come through the City.

Describe the background and experiences that make you a desirable candidate.

MR. HEISER reiterated that his background included being a current employee in Water Utilities, which allowed him to see the plans that are coming across. The City asks a lot of questions about why things are the way they are, and some tasks are sent back to the drawing board. He would like it if the issues were caught sooner through asking the right questions rather than the issues and concerns coming up when they are on City staff's desks.

He also wanted to continue doing what he could for the City.

Are you related to, employed by or affiliated in any way to any current member of the Planning Commission.

MR. HEISER replied no.

Council Questions

COUNCILMEMBER HARDING asked Mr. Heiser to explain his concept of smart growth. She further asked whether or not it was necessary to implement smart growth in Oceanside and where he would place it, if necessary.

MR. HEISER thought that this needed to be looked at on a big plan in each individual area. The City currently built with an emphasis on getting by. Everything seems to be built within a year or 2. Then, the City looks back and wonders why it was not done on a larger scale.

COUNCILMEMBER HARDING interjected that she was specifically referring to smart growth, which SANDAG is implementing with some financial ties to it. She asked if he was familiar with the term smart growth.

MR. HEISER had heard of the term. He was not sure what she was asking.

COUNCILMEMBER HARDING explained that smart growth concentrated population in different areas because of the expected rise in population over the next 20 years within the San Diego region.

MR. HEISER wondered if Oceanside was trying to become Orange County, where eventually every square inch of space would be taken up by either commercial or residential development. He would like to see things more spread out. That was what he thought of as "smart" growth.

Or, the City should slow down. Things are taking off too fast right now. Every project is on a fast track. He admitted that he did not know if that was for financial reasons or not. Eventually, the City will not be able to have City services keep up with the growth.

COUNCILMEMBER McCAULEY asked if Mr. Heiser understood what ballot box planning or planning by initiative was. If so, she wanted to hear his opinion of that.

MR. HEISER was not familiar with that.

COUNCILMEMBER McCAULEY next asked if a Planning Commissioner's focus of responsibility should be on the individual neighborhoods or the City as a whole.

MR. HEISER said he would focus on the City as a whole picture.

MAYOR JOHNSON noted that Mr. Heiser had commented about the fast growth rate in the City with a reference to Orange County and had noted that maybe Oceanside should do a better job of slowing growth a little bit. Oceanside has not really developed a growth management plan as other cities have done. The City was nearly built-out. Even if the City did not allow a single home or apartment to be built after today or did not allow

another family or person to move into the City, the population would grow. A significant number of people would be born here in the next 20 years. He asked how Mr. Heiser proposed dealing with the expected population growth.

MR. HEISER thought a lot of that had to do with the frontline of the Planning Commission. He understood that growth would happen and people would continue moving here. The infrastructure itself has to be looked at. It was important to have plans for 5, 10 and 20 years from now on how the City should deal with traffic and the flow of people. Things are coming to a crawl.

It is kind of like putting the cart before the horse by letting people move in and deal with things later. He would rather first take care of the frontline infrastructure rather than putting the homes in. Maybe each thing can work hand in hand. Being on the Planning Commission would allow him to see the questions that come up and to understand what people really have to deal with.

DEPUTY MAYOR FELLER asked how Mr. Heiser felt about implementing the Rancho Del Oro interchange at Highway 78. He also wanted to know Mr. Heiser's feelings regarding the east-west rail line and the development along that line.

MR. HEISER had thought about both of those topics a lot. The Rancho Del Oro interchange needed to be built and should have gone in while the neighborhood was being built. Neighbors are now complaining about more traffic, but that was ridiculous because those people had to exit Highway 78 at El Camino Real or College Boulevard, so they were going through other people's neighborhoods. That interchange would ease those intersections tremendously. It was a fantastic idea, and he reiterated his wish that it was already there. If things were already planned like that, he did not understand why they were still having discussions on whether or not it should be done. All of a sudden groups are holding the City up. He thought that was a done deal, and the City should follow through.

He had mixed emotions about the light rail system. California still seems to be a place where people love their vehicles. He did not know if it would pay for itself or not. That would be his major concern. It would be great for bringing people down to the beach during the summer and good for college students to get to Palomar College. He was not sure if enough people in the long run would ride the light rail to make it economical. He also worried about accidents at the number of intersections it would affect, especially since many of those intersections already had backed up traffic problems. He liked the idea, but he would like a closer look at projections of the number of people expected to use it.

MAYOR JOHNSON clarified that the Rancho Del Oro Drive interchange had been planned for well over 20 years. The problem has been funding. The City does not have the money to do it without State support.

COUNCILMEMBER McCauley asked what Mr. Heiser's feelings were towards implementing the airport master plan.

MR. HEISER had not seen the master plan. From what he had read, with all the housing being built in that area, it would be even more of a fight because homeowners did not want planes flying over their houses. There would be more pressure from people trying to close the airport down. That is what he saw happening in the long run.

MARGRET MERLOCK

Introduction

MARGRET MERLOCK, 1905 Calle Buenaventura, had lived in Oceanside for almost 35 years. She raised her family here, and 2 of her children live in Oceanside. She cares a lot about the City and where it is headed. She was on the Tri-City Board for 16 years. She considers herself a team player, but a free thinker so she cannot be unduly influenced. Sometimes people would rather a person think like the rest of the group, but she always has felt that she is there to make a decision based on her opinions. She would like to participate in this. She has kept a low profile for the last few years. Before, she had been

very active, and it was time to fall back and regroup.

Why do you want to be a Planning Commissioner?

MS. MERLOCK felt like there was a legacy that is to be left here for her family. On the board of Tri-City, she learned that thinking ahead 5 years was not enough. It was important to think further ahead to where the City wants to be, how it wants to grow and how quickly it wants to grow.

Describe the background and experiences that make you a desirable candidate.

MS. MERLOCK did not have an engineering background. She is a practical thinker and uses common sense approaches to a lot of things. She is a retired nurse. She spent a lot of time doing volunteer work, mostly with children. There was nothing fancy in her background, such as mechanical engineering.

Are you related to, employed by or affiliated in any way to any current member of the Planning Commission?

MS. MERLOCK did not know who the Planning Commissioners were.

Council Questions

COUNCILMEMBER HARDING explained that SANDAG was asking cities to implement a smart growth program and asked if Ms. Merlock was familiar with the program. If so, she asked if it was viable or not and where she would implement it.

MS. MERLOCK admitted that she was not familiar with the SANDAG program.

MAYOR JOHNSON asked if she was supportive of the planned Rancho Del Oro interchange at Highway 78.

MS. MERLOCK noted that she lived in that general vicinity, so it would be a tough question. She would hate to see the old building torn down, but if there was a way to do that while preserving some of the local things, that would be great. She asked if the Marron property would have to go.

MAYOR JOHNSON replied negatively.

MS. MERLOCK noted that she had not seen that master plan. It is a given that the freeway interchange is needed there. It is just a matter of getting it passed.

DEPUTY MAYOR FELLER asked how she felt and what she knew about the planned east-west rail line.

MS. MERLOCK thought it was a good idea. She was from the East Coast, and she grew up in Germany. Rail travel is a wonderful way to get around. People are not used to it here. It is the perspective they have of everyone needing their own car. If you could have a rail line that people would use, that would be great. It is an education process that has to start now in the communities with the younger generations. On the East Coast, people use subways and trains. School children go to school on that type of transportation. She thought it was a real plus and a necessity for North County.

DEPUTY MAYOR FELLER asked how Ms. Merlock thought the development around the light rail should happen.

MS. MERLOCK had seen where the stops would be. It looked like there was a stop on Oceanside Boulevard at Crouch Street where the Fire Mountain Market is now. She thought they should have first-class stops that are safe for everyone who goes through there. As far as other development, maybe apartments could be located there. She did not know what was in the zoning plan.

COUNCILMEMBER McCAULEY asked how Ms. Merlock would feel about planning

by initiative or ballot box planning if she were part of the planning process.

MS. MERLOCK thought it would help if the initiative were worded properly. A lot of times, initiatives on the ballot actually confuse the voters. If the initiatives are clarified and the voters are educated on the initiative, then it is better than initiatives that are not worded properly.

COUNCILMEMBER McCAULEY asked if Ms. Merlock was in favor of planning by initiative as opposed to the Planning Commission and City Council doing the planning for the City.

MS. MERLOCK stated if the City has an organized plan for down the road, then that is what is recommended. The initiative people sometimes are uninformed.

MARY AZEVEDO

Introduction

MARY AZEVEDO, 1783 Woodbine Place, wished Council happy holidays and thanked them for the opportunity to interview for this position. She, her husband and daughter bought a home in Oceanside about 18 years ago. They love the City. Her daughter went through the Oceanside Unified School District and did very well. She now attends MiraCosta College. Ms. Azevedo's husband works in San Diego and commutes the freeway drive daily. He looks forward to the Coaster operating more on his timeframe. She is a member of the Oceanside Pacific Kiwanis Club and the Oceanside Chamber of Commerce.

Why do you want to be a Planning Commissioner?

MS. AZEVEDO has been very interested in land use issues for a long time. She feels that the Planning Commission has a great deal to do with the direction in which the City goes regarding what is built where and what land is used for what. She would like to be a part of that.

Describe your background and experience that make you a desirable candidate.

MS. AZEVEDO does not possess the formal background. She has a real sense of hands-on experience as far as the Planning Commission and the land use issues. She has been involved in many issues in the City. The first one she was involved in was a very personal and emotional issue, but she tried very hard to keep the emotions out of it. It was very difficult.

She understood and had a great deal of respect for anyone who comes forward to the City with a concern about anything being built or established in their neighborhood. With that experience, she learned that it is important for the City to progress. It is important to continue building, remodeling and upgrading in order to pay for the services the City provides. She brings that type of background to the Commission.

Are you related to, employed by or affiliated in anyway to any current member of the Planning Commission.

MS. AZEVEDO knew a few of the Planning Commissioners. Nancy Chadwick is in the Oceanside Pacific Kiwanis Club and the Carlsbad/Oceanside Democratic Club with Ms. Azevedo. She also knew Bob Schaffer, George Barrante and Tom Hartley. She was not related to any of them, nor did she work for any of them.

Council Questions

COUNCILMEMBER HARDING explained that SANDAG had been talking a lot about implementing smart growth in San Diego County, and there had been a lot of newspaper articles on it. She asked if Ms. Azevedo thought that was a good or bad idea. She also wanted to know where it should be concentrated in Oceanside if it was a good idea.

MS. AZEVEDO thought it was an excellent idea. She would like to see it implemented along the east-west rail line more extensively. Her daughter and friends have a difficult time finding affordable places to live and have difficulties getting back and forth to MiraCosta and Palomar Colleges. It would be a wonderful plan to have concentrated condominiums, townhouses, apartments and businesses that would support people living in those areas around the rail line. There are a lot of opportunities to utilize along Oceanside Boulevard. In the Crouch Street area, there were a lot of opportunities. A lot of the existing industrial space could be upgraded.

MAYOR JOHNSON noted that 2,000 to 3,500 new jobs would be generated in the Ocean Ranch area in the next 7 or 8 years. Roughly 2,200 of those jobs will be at IDEC. The City hoped more jobs would come in as a result of the synergy that IDEC would generate. The north and south transit corridors of College Boulevard and El Camino Real are heavily traveled and congested. An interchange has been planned for over 20 years at Highway 78 and Rancho Del Oro Drive. He asked if Ms. Azevedo supported the completion of that interchange.

MS. AZEVEDO replied affirmatively. It is important to open that up. It has been in the plans for about 20 years. Originally, Rancho Del Oro was supposed to be a 6-lane road, but there has not been support for that. She would support a 4-lane roadway going through there. The City had to continue pursuing that if the City wants more businesses in the Ocean Ranch area. She supported that continuing.

DEPUTY MAYOR FELLER noted that Ms. Azevedo mentioned the east-west rail line, and it sounded as though she was in favor of it. He asked what, besides residential and smart growth, she saw developing along the east-west rail line.

MS. AZEVEDO said that residential areas brought along other business opportunities to that area, including grocery stores, cleaners, pharmacies and other things that people need to use on a daily basis. She would like to see that. Hopefully, the potential residents of that area would not have to jump in the car to drive across town for their errands. There are also good opportunities for parks with walking paths and bike trails so people could relax. It is important to have the businesses and recreational areas along with the housing. She thought the idea of smart growth was to give people the opportunity to live, work and play within an area.

DEPUTY MAYOR FELLER asked what type of business Ms. Azevedo felt was the greatest base for economic development within the City of Oceanside.

MS. AZEVEDO thought what has been started at Ocean Ranch was a very good base. Bringing in the high tech jobs would provide employment for people who already live here that are able to support their homes and families. It also gave college graduates the opportunity to live and work in the city in which they were born and raised, which was important. She would like for her daughter to be able to stay here and thought that she wanted to as well. However, the job base has to be here. It would be important to continue what has been started at Ocean Ranch with IDEC and the businesses they attract.

COUNCILMEMBER McCAULEY thought Ms. Azevedo could answer her question very briefly because Ms. Azevedo had written letters to the editor and had spoken to Council on a specific initiative. In many meetings, Ms. Azevedo had used a very cogent term, "unintended consequences." She asked if her feelings about that applied to ballot box planning or planning by initiative in general.

MS. AZEVEDO replied affirmatively. She has had quite a bit of experience with that. Ballot box planning brings about unintended consequences. People do not realize what they are getting into and what could happen.

COUNCILMEMBER McCAULEY asked if Ms. Azevedo's first responsibility would be to the individual neighborhoods with issues or to the planning of the City at large.

MS. AZEVEDO said that planning overall for the City is really the priority. What is best for the overall city's health and well being was most important. The commissioners did

have to be sensitive and listen to the neighborhoods and people being affected.

COUNCILMEMBER McCAULEY asked if Ms. Azevedo was supportive of implementing the airport master plan.

MS. AZEVEDO said that was a hard question to answer because she was not as familiar with that as Council was. She did feel there were some benefits associated with the airport. We should not just close it down. She asked what could be done that would benefit the City. It is an asset the City has that should be utilized.

JOHN DUNZER

Introduction

JOHN DUNZER, 3660 Merced Drive, was here to scream, just like everyone else that appears before Council. To him, SCREAM stood for:

- S**—Service
- C**—Competency
- R**—Respect
- E**—Experience
- A**—Action
- M**—Motivation

Service was something he has been involved in for 45 years, starting when he was the president of the Key Club in high school. He has also been involved in Rotary and has served on school boards and Planning Commissions in other cities. He has been involved in 2 incorporation efforts. He sacrificed one year to the grand jury.

His competence was proven through his good education and frequent reading. He respects people, and people respect him because he does his homework. His experience has included being a consultant for almost every city in Southern California during the start of the environmental movement. He is a sort of threat to traffic engineers.

Why do you want to be a Planning Commissioner?

MR. DUNZER answered that by continuing to explain the last 2 letters of his acronym. Action proved that he was used to doing things. He did not like to wait around with everyone else. Motivation exemplified that he just wanted to do a good job.

He did not have any political aspirations and has nowhere to go. He loves this City and thinks he could do service for people. He does his homework. If Council appointed him, he would do his job.

Describe the background and experiences that make you a desirable candidate.

MR. DUNZER has been a developer and a consultant. He knew environmental things backwards and forwards. He also could get people to work together and could bring a group to a consensus.

He knew how to show respect for people and understood that they were human beings. They may not know everything, but they are certainly entitled to their position. Respect is an important aspect of serving on this commission and why Council should appoint someone like him. He takes the time and trouble to do the necessary research to have an informed opinion.

Are you related to, employed by or affiliated in anyway to any current member of the Planning Commission.

MR. DUNZER knew Nancy Chadwick, who lived not far from him. He thought Roy Miller and he were in Kiwanis together.

Council Questions

COUNCILMEMBER HARDING stated that the latest term is smart growth. SANDAG is trying to have cities in San Diego County implement smart growth. She asked if Mr. Dunzer thought it was a good or bad idea. If good, she asked where he would concentrate smart growth in Oceanside.

MR. DUNZER is a big proponent of smart growth. It is very clear that Oceanside has a major capability to do something intelligent with smart growth because of the Escondido-Oceanside rail line. He understood there were public hearings around the 7 stations in Oceanside. He certainly believed in doing some density concentration in those areas where the transit overlays were. He felt badly about the other cities not working that way. He was disappointed that Vista was not doing something. Oceanside had a wonderful opportunity to do great things for the citizens and the community. He was worried about that rail line, though. He has looked at it quite a bit and had worked with the former director of the North County Transit District regarding ridership. He found a lot of mistakes in the ridership documents. He does read the documents, although most people do not. There is a tremendous opportunity for smart growth in Oceanside. He would start the concentration around the east-west rail line.

MAYOR JOHNSON stated that he and other City officials had tried to speak with some of the officials from Carlsbad regarding the shared borders and how to be good neighbors. He asked if Mr. Dunzer had any suggestions on how to get Carlsbad to remove the barrier on College Boulevard sooner than April 2004.

MR. DUNZER has been pretty deeply involved with Buddy Lewis on that particular thing. He confessed that Carlsbad looked at all 3 road connection problems as one: College Boulevard, Melrose Drive and Cannon Road. Oceanside, and even SANDAG to a degree, put the 3 roads in the same box sometimes, as well. However, they present 3 separate problems. The connection at Melrose Drive is not with Oceanside, but it affects those living in Oceanside all the time. Melrose Drive is a slam-dunk that should be opened. They have the money for it, and the environmentalists are even in favor of opening the road. Carlsbad will not do it, because it will cramp their growth plan by moving a Level F intersection into their city.

He was a little sympathetic to the College Boulevard situation since a school was located there. That road would take an immense amount of traffic. He did not get nearly as excited about opening College Boulevard as some other people did. He thought it was more important to get Melrose Drive opened because it was tied to Faraday Avenue, which is tied into the viability of the industrial park. It is atrocious that the kids cannot easily get to school.

DEPUTY MAYOR FELLER noted another road closure was right in the middle of a residential area on what Council believed was Mira Monte Drive.

MR. DUNZER noted that Mr. Lewis would never let that happen. He had spoken with the other Councilmembers in Carlsbad who would be willing to give a little on these streets.

DEPUTY MAYOR FELLER asked how Mr. Dunzer felt about the Rancho Del Oro interchange at Highway 78.

MR. DUNZER would be a big supporter of the Rancho Del Oro interchange. The City needs another north-south road because College Boulevard and El Camino Real are pretty well saturated. It was always in the plan to do Rancho Del Oro. He has been in the City for 5 years, and he knew that Rancho Del Oro was always supposed to go through. He was not sure what would happen on the Carlsbad side of Rancho Del Oro, but he was not sure that they knew what would happen to it over there either. He still thought it was a great plan that fulfills the requirements of having an interchange every mile. That was just good planning. The people who live off of Rancho Del Oro were not clueless about this happening. To the best of his knowledge, this was always in the plan. He did not see any reason for the interchange not to proceed.

DEPUTY MAYOR FELLER asked what Mr. Dunzer thought would be the greatest

tool for economic development.

MR. DUNZER felt very strongly about economic development. Oceanside has squandered its tremendous opportunities in economic development over the years. He thought the Ocean Ranch area would be great for economic development in the City. It is finally coming to Oceanside because there is not a lot left. He did not see a lot of dollars coming out of that. Not enough dollars are flowing into the City to allow it to do its job. He thought the City needed businesses that would generate money through sales tax dollars and bed tax dollars that come right off the top. It was important for the City to keep the pressure on to get some of the beachfront development done. The beach is a gorgeous asset.

The harbor should be more used. Most people in Oceanside do not even know that there are restaurants in the harbor. The City does not do enough with the tremendous assets it has. It has to make a concerted effort.

The last Council did make a great effort. He would rather fail at something that would make a change than to succeed and have something happen that is nothing and did not mean anything. He was glad that Council tried to get the development along the beach. He thought the Coastal Commission was wrong. A pedestrian walkway in front of the pier would be great.

COUNCILMEMBER McCAULEY asked if Mr. Dunzer supported the airport master plan being implemented.

MR. DUNZER realized that the City had to have that airport because of the Federal Aviation Administration (FAA). He did not know enough about the airport master plan to answer that question. He knew it had been a big issue for the City, but it had not been on his radar screen. He did not feel that the way it was configured today represented a utilization of the City's assets. If the airport master plan suggested continuing like it is, then he would be against it. He wanted to make a big change. He could not eliminate the airport, but he wanted something else to happen there.

DAVID LEONARD NACK

Introduction

DAVID NACK, 1384 Woodview Court, is a mechanical engineer. For the last 25 years, he has been involved in the planning and design of educational facilities throughout Southern and Central California. He is a member of the Transportation Commission and is the alternate delegate on the Oceanside Building Authority. He was also an alternate delegate for the east-west rail lines ad-hoc committee.

Why do you want to be a Planning Commissioner?

MR. NACK thought his planning experience would allow him to bring a lot to the Planning Commission. Oceanside is home for him and his kids. He cares for Oceanside. He did not have a personal agenda or pet projects. Through his experience on the Transportation Commission, he proved that he does not ask questions that are related to personal interest. He is more interested in the process and getting to the substantive issues at hand.

Describe the background and experiences that make you a desirable candidate.

MR. NACK did not want to be redundant, but he did have extensive experience in planning. He was good at reading and deciphering staff documents, planning materials, architectural drawings, street improvement plans, etc.

Are you related to, employed by or affiliated in any way to any current member of the Planning Commission.

MR. NACK replied negatively. He does not know who the Planning Commissioners are at this time.

Council Questions

COUNCILMEMBER HARDING noted that SANDAG has been pushing for the cities and the County to implement smart growth. She asked for his concept of smart growth and whether he was for or against it. She also asked where he would concentrate it in Oceanside if he supported it.

MR. NACK's concept of smart growth is to centralize growth along infrastructure and needs in order to lessen the commute for people. It is an effort to reduce gridlock, in a sense. Last month, SANDAG presented the Mobility Report 2030 to the Transportation Commission. He was somewhat familiar with what SANDAG was proposing on a regional basis. He noted that it seems a little Pollyanna-ish because Southern California is set for sprawl. He knew sprawl was a bad word, but Californians love their cars and homes and did not want to live on top of each other. To do a smart growth concept like what has been done in Portland, Oregon, and other communities may not work here because the market may not allow it. Smart growth cannot be legislated in an effective manner.

MAYOR JOHNSON asked if he thought the market would not allow it because mass density is not in place.

MR. NACK replied affirmatively.

MAYOR JOHNSON noted that the City had some issues with Carlsbad regarding roadblocks. He asked Mr. Nack for any suggestions on how to get Carlsbad to move them sooner than their April 2004 projected date.

MR. NACK said it was very difficult when one city's priorities did not match another's. The City of Vista is now suing Carlsbad about Melrose Drive, which is only 200 feet of extension. He did not know how effective that would really be.

MAYOR JOHNSON was talking about College Boulevard, which is a road that was completed and paid for by taxpayers' dollars. The City of Carlsbad has even put concrete blocks on the sidewalks so children in wheelchairs could not get around the blocks to go to school.

MR. NACK understood. He tried not to say what he believed, which is that the City of Carlsbad is being negligent in the case of the roadblocks on College Boulevard. At the very least, there has to be pedestrian access for the students and parents trying to get to Calavera Hills Elementary School. It is negligent not to allow emergency vehicle access at a minimum. He understood what he had read and heard from the City of Carlsbad that once emergency vehicles have access, then it is just one step from allowing total access, but he rejected that concept. Once one student dies at Calavera Hills Elementary School because emergency vehicles could not get there soon enough, then they will have a problem.

DEPUTY MAYOR FELLER noted that one of the hot items right now is the east-west rail line. He asked Mr. Nack's thoughts on that and how development should go along that corridor.

MR. NACK noted that there were 7 rail stops in Oceanside. College Boulevard is pretty set with what is already done. Rancho Del Oro is a residential area, so he did not see a whole lot for that area. He liked what has been done at Carlsbad Village: there was light retail and small cafes around the stop, which attracts more ridership. Allowing someone to have a cup of coffee and read the newspaper for 10 minutes while they wait for the train adds to the appeal of not sitting on Highway 78 for an hour to get east or west. Crouch Street and downtown offer some opportunities for this.

DEPUTY MAYOR FELLER asked about Mr. Nack's opinion of the Rancho Del Oro interchange that has been in the plans for many years.

MR. NACK said that what he knew about the exit was what he had heard from the community. He had not seen the traffic studies and the reasoning for the exit there. The City has an issue with north-south arterial roads in North County. Rancho Del Oro Drive,

College Boulevard and Melrose Drive caused some of those problems. He thought it had to go through. The interchange has been in the transportation master plan and has been planned from the time before the homes were built in that area.

DEPUTY MAYOR FELLER asked what the greatest tool would be for economic development in Oceanside.

MR. NACK responded the greatest tool would be to create points of attraction. Oceanside was a unique city with some great points of attraction already: the harbor, the pier, the Mission San Luis Rey and several miles of beaches. The downtown area needed a greater attraction, and a beach resort of some sort would be great. Something could be incorporated with the transportation center at the end of the east-west rail line. To improve economic development, the City needed to bring in things that would draw people to Oceanside. Tourist destinations would be best: restaurants, shops and a pedestrian-style shopping center.

COUNCILMEMBER McCAULEY asked what his opinion was of planning by initiative or ballot box planning.

MR. NACK was opposed to it in its initial sense. The fact that the El Corazon initiative received 17,000 signatures in 4 months was compelling, though. This was a vehicle for people who felt like they were not being heard. As a general rule, he was against ballot box planning. At the State level, there was a sense of ballot box planning with all the initiative propositions every year.

COUNCILMEMBER McCAULEY asked if Mr. Nack's first responsibility would lie with the individual neighborhoods or with the planning for the City as a whole, if he were to be part of the planning process.

MR. NACK said that the City had a master plan, and to deviate from that would require action. He could not personally decide that he does not like what is in the master plan.

COUNCILMEMBER McCAULEY asked if Mr. Nack supported the retention and enhancement of the airport.

MR. NACK said that the airport would be around for another 14 years regardless of what people thought because of the commitments to the FAA. When Highway 76 was put through and refurbished, it impacted Mission Avenue. There was potential for another restaurant row or something that could be associated with the airport across the highway. There were things that could be done there. The airport has been here since before 1977 when he first heard of Oceanside. He always knew that Oceanside had an airport: the houses came second. He supported the airport.

Public Input

JEAN KUJAWA, 4914 Glenhaven Drive, stated that the Planning Commission in Oceanside was a very responsible one. It is very important when voting or approving any project that the impact on the community is always taken into consideration. The commissioners should also know the surrounding communities and their residents. She also thought there should be some control over how many fast food restaurants are in a given area for the health and welfare of the community. Transportation is a major issue. There must be a balance between industrial, commercial and residential projects. This is called good government. The Planning Commission is there to recommend only. She was grateful for that because she has had words with them before. Council makes the final decision, which is important.

Public input concluded

COUNCILMEMBER HARDING stated that her first choice was Mary Azevedo, and second was David Nack.

MAYOR JOHNSON stated his choices as Mary Azevedo and David Nack.

DEPUTY MAYOR FELLER asked for confirmation that this appointment was only for a 4-month period of time.

CITY CLERK WAYNE replied affirmatively. The chosen applicant will fill the unexpired vacancy [vacancy created by Roy Miller] to April 15, 2003. Council will be going through another interview process in March for the regular expiring terms.

DEPUTY MAYOR FELLER stated that his first choice was David Nack, and second was Mary Azevedo.

COUNCILMEMBER McCAULEY stated her first choice was Mary Azevedo, and David Nack second.

CITY CLERK WAYNE asked if any Councilmember wanted to place a motion for appointment of Mary Azevedo, since she was the first choice for most.

MAYOR JOHNSON so moved.

COUNCILMEMBER McCAULEY seconded.

Motion was **approved 4-0**, with Councilmember Sanchez absent.

MAYOR JOHNSON reiterated that this appointment was for 4 months. There would be 2 vacancies in April, so Council would go through this process again in March. Ms. Azevedo's term would expire April 15, 2003.

2. **Approval of the minutes of the following meetings and Council discussion/action regarding the submittal of minutes**

March 10, 1999, 9 AM, Adjourned Council meeting;
March 10, 1999, 6 PM, Regular Council meeting;
May 12, 1999, 2:00 PM, Adjourned Council meeting;
May 12, 1999, 6:00 PM, Regular Council Meeting;
May 19, 1999, Noon, Adjourned Council meeting;
May 19, 1999, 2:30 and 6:00 PM, Regular Council meeting;
May 19, 1999, 2:30 PM, Special CDC (Community Development Commission) meeting;
May 19, 1999, 6 PM, Adjourned CDC meeting;
May 19, 1999, 6 PM, Adjourned Harbor Board of Directors meeting;
June 2, 1999, 7:30 AM, Adjourned Council meeting;
June 2, 1999, 2:30 and 6 PM, Regular Council meeting;
June 2, 1999, 6 PM, Adjourned CDC meeting;
June 2, 1999, 6 PM, Adjourned Harbor Board of Directors meeting;
June 3, 1999, 9:30 AM, Adjourned Joint CDC and Council meeting;
June 9, 1999, 6 PM Regular Council meeting;
June 16, 1999, 4 PM, Adjourned Council meeting;
July 7, 1999, 5:30 PM, Adjourned Council meeting;
July 14, 1999, 3 PM, Adjourned Joint CDC and Council meeting;
March 8, 2000, 6 PM, Regular Council meeting

CITY CLERK WAYNE noted that the City Clerk Department had submitted a memo to Council discussing this item, which had come up before. The minutes that do not have a majority of current Councilmembers to approve them will be put on the agenda to let Council know they were complete for Council's information. Councilmember Harding was absent for 3 of the meetings listed above. Council needed a motion to approve, or accept, the minutes.

MAYOR JOHNSON moved to approve the minutes.

COUNCILMEMBER McCAULEY seconded.

DEPUTY MAYOR FELLER assumed these were all the minutes that were brought to Council at the last Council meeting, so he had not even looked at the list. He asked if he was involved in any of the meetings for which minutes will be accepted.

COUNCILMEMBER McCAULEY noted that the City Clerk had stated Council could either move to approve or accept the minutes.

MAYOR JOHNSON stated that the motion was to approve.

COUNCILMEMBER McCAULEY thought if it was worded that the motion was to accept the minutes, then each Councilmember could vote, and there would not have to be a majority present today that had attended the original meetings. Accepting would simply state that these are the records.

MAYOR JOHNSON modified his motion to accept the minutes. The **second concurred**.

Motion was **approved 4-0**, with Councilmember Sanchez absent.

ADJOURNMENT

MAYOR JOHNSON adjourned this December 2, 2002, adjourned meeting of the Oceanside City Council at 11:28 AM. The next regularly scheduled Council meeting is December 3, 2002 at 10:00 AM for the swearing-in of newly elected Councilmembers.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

December 11, 2002

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

ADJOURNED MEETING 2:00 PM COUNCIL CHAMBERS

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

The adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 2:00 PM December 11, 2002. The Pledge of Allegiance was led by Deputy Mayor Feller.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Sanchez and Wood. Councilmember Chavez arrived at 2:02 PM. Also present were City Clerk Wayne, City Treasurer Jones, City Attorney Duane Bennett and City Manager Steve Jepsen [arrived at 2:02 PM].

WORKSHOP ITEM

1. **Selection of the City's Health Insurance Broker**

BRIAN KAMMERER, Interim Personnel Director, stated that staff recommended Council adopt ABD Insurance and Financial Services as the City's sole insurance benefits broker and direct staff to enter into a future professional services agreement with ABD Insurance and Financial Services.

He first would discuss what an insurance benefits broker is, why the City needs a broker, how much it costs and the selection process staff used to pick this broker.

A benefits broker represents:

- Dental insurance
- Vision insurance
- Flexible benefits plan
- Short term disability
- Long term disability
- Life insurance
- Voluntary life insurance
- Accidental death and dismemberment.

Also in the future, we are looking at someone who may be able to assist us with health insurance if the City were to opt out of the Public Employees' Retirement System (PERS). A broker would help with the alternative health insurance benefits and workers' compensation, should the City want to go to a third party administrator. Those are the programs they represent.

[Councilmember Chavez arrived at 2:02 PM]

An insurance broker will evaluate bids from the insurance markets on insurance benefits; they handle claims procedures; provide various services to the City; offer financial policies and stability; and identify the most beneficial package to meet the City's needs.

A broker represents the City in negotiations with different insurance carriers on all issues, including the premiums. As a large broker, they have the ability to possibly lower the City's premiums. If the City went out alone to solicit bids for health insurance, the insurance carriers would probably charge a little more than when a large agency solicits for bids; it is a lot less. The broker also helps with benefit levels and plan designs, and special terms and conditions the City is looking for, for benefit levels.

A broker is important to the City because it provides access to a wide variety of insurance products and purchasing cooperatives, which is a very important factor. The City needs that wide variety since health insurance prices are skyrocketing. A broker also assists in evaluating the most economical and efficient funding methods for benefit programs. In this, the broker firm helps answer funding questions and decides whether or not the City needs a third-party administrator or whether it should stay self-insured. The broker also assists with employee communications. If the City were considering a new type of benefit that should be introduced to the employees, a broker acts as an objective third party to deal with the employee organizations and to explain information. Instead of the information coming from the City, it would come from a neutral third party. The broker also helps in assembling different packages/material together to get information out to the employees. A broker provides compliance assistance with the applicable laws and regulations, including the Family Medical Leave Act (FMLA), Americans with Disability Act (ADA), Consolidated Omnibus Budget Reconciliation Act (COBRA), Health Insurance Portability and Accountability Act (HIPAA), etc. Broker firms have attorneys on staff to provide assistance and compliance. They also apprise the City of local and national benefits trends. They can also analyze the City's claims experience data.

Another benefit of a broker is the cost since the broker is compensated through the commissions built into the insurance carrier contracts. The cost to the City is neutral. There is no additional cost to the City in the selection of a broker. They get the money from the other end from the insurance carriers. That is basically what a broker does and why we need one.

He next described the steps staff went through to select our broker. We submitted a Request for Proposal (RFP) and invited 10 local, national and regional brokers to submit proposals. They also invited representatives from all the City's bargaining groups to participate on the selection committee. Oceanside City Employees Association (OCEA) and Management Employees of the City of Oceanside (MECO) were actively involved in this committee. The others were not as much, but they were all invited to participate. The committee evaluated 5 brokers as part of the final selection process. They were ranked, and we reached consensus. Once we got consensus, we did a reference check on all the finalists. After the reference check, the committee and Personnel agreed that ABD Insurance and Financial Services should be the insurance broker for the City.

He introduced 3 members from ABD Insurance: Andrew Skillen, Mark Coulombe and Marie Wood. They would talk a little about the services provided by ABD.

ANDREW SKILLEN, Principal Consultant with ABD, discussed a brief overview of ABD, some of their services and some of the specialized experience and programs developed for principle clients.

For a corporate overview, ABD is a full service brokerage and consulting firm that specializes in domestic and international benefits; has a property and casualty arm in the company; can do retirement services and provides legislative compliance consulting because of all the regulations coming down; they have an attorney on staff. The company has been around for over 50 years; it is not a household name, but it is ranked in the top 15. They are a strong regional firm that, at one point, had over \$120 million in revenues. Greater Bay Bancorp out of Redwood City owns ABD. It is basically a community bank that got into full service for their clientele. There are about 500 employees that support their 2,000 clients. Offices are located throughout California, with the major ones in Sacramento, Redwood City and Torrance, and then we have satellite offices in Irvine, San Diego and

West Lake Village.

ABD specializes in municipalities; we have over 130 municipalities as clients statewide. The majority of those cities (about 100) are in Southern California. ABD has a lot of expertise working with bargaining groups, elected officials, union negotiations, sitting on insurance committees, etc. We are very familiar with the issues that need to be addressed with municipalities.

He next discussed the core services provided to any ABD client. ABD does a lot of strategic benefits planning. They try to develop a short-term and medium range or long-term plan with management and, if necessary, bargaining groups. ABD is very involved in the marketing surveys and pricing negotiations for renewals; they look at marketing results and negotiate those. ABD is involved in making recommendations to management. Since we have such a large block of business in the municipality marketplace, ABD probably has the best data for benchmarking to compare what other cities are doing in certain areas. They also provide bargaining group education. We do a lot of employee education, whether it is health fairs, employee meetings, sitting down with bargaining groups, or helping set up hard-copy communication materials with the carriers. They also offer online enrollment for their clients. ABD does not leave their clients in the lurch. After they make a recommendation, they continue to provide ongoing assistance. ABD helps with plan implementation and administration to ensure everything is set up correctly. They continue to perform legislative compliance reviews and audits as necessary. They also assist with ongoing claims and administration resolution. If an employee is having difficulty with a medical group, etc., ABD can get involved in that area, too.

ABD has been working with municipalities for over 30 years. ABD works with a lot of Joint Powers Insurance Authorities (JPIAs) and California Joint Powers Insurance Authority (CJPIAs), which are JPIAs for smaller cities. These are like independent cities' risk management authorities, similar to the San Diego Pooled Insurance Program Authority (SANDPIPA) that the City works with on the property/casualty side for purchasing clout. Some additional services for municipalities include performing benchmarking and helping with employee satisfaction surveys, sitting on a lot of bargaining groups and insurance committee groups, and providing ongoing communications on market trends.

He next briefly discussed 2 proprietary programs ABD has. When the City asks ABD to go out for RFPs for medical or dental insurance, they look at the conventional marketplace like anyone else would. ABD also has some programs developed specifically for municipalities where we leverage our 130 cities into one purchasing cooperative to drive down the expense with carriers.

ABD developed the first proprietary program in 1995 for ancillary coverage to fulfill non-medical needs: life, disability, vision and dental. Over 100 cities participate in that program either for one or all lines of coverage. ABD leveraged the 100 cities and 25,000 participants to get the pricing as competitive as possible. That translates to very competitive and very stable pricing. With dental and vision carriers, we have had below trend increases. In some cases, Vision Service Plan (VSP) vision insurance just had its first increase in 6 years of 2%. There were some good success stories there. The carriers ABD works with are all A+ rated carriers inside this pool. Delta Dental is the dental carrier; VSP is the vision carrier. He noted that was currently a carrier for the City of Oceanside. ABD could look at VSP through the pool to see if they could get the price reductions for Oceanside. Canada Life handles the life insurance. UNUM handles disability coverages. We also work with other carriers such as Standard which the City uses now. ABD has a large block of business with them and has good influence because they are one of Standard's public policy boards.

The second proprietary program is "Multiple Choice" which is really keeping ABD busy right now. This is an alternative to PERS and to the conventional marketplace. About 85% of the cities are currently in PERS and are looking for ways to get out. At the conference in November, ABD rolled out the "multiple choice" program. ABD currently has a 2-carrier model, like a Blue Cross and Kaiser model. One of the attractions to PERS was choice, so ABD developed a 3-carrier model with Aetna, HealthNet and Kaiser. All of them offer a Health Maintenance Organization (HMO). Aetna also offers a Preferred Provider Organization (PPO) and a new consumer-driven product that a lot of the carriers are

bringing out to help stem the inflationary trend in medical. We call it multiple choice for plan design. With PERS, cities are dictated by what the PERS board says as far as plan design. Through the 'multiple choice' program, the City can change deductibles, co-payments, etc., to keep costs down in the future. Under this program, the City would not be locked into one plan design. Also with 'multiple choice' for administration, they can do enrollment through paper forms or through online forms; various services can be purchased such as flexible spending account administration, COBRA administration, retiree administration, etc. Most of ABD's client base and prospective client base are already gathering data to get the marketing done so they could make their selection by June 1, which PERS requires. That was the latest initiative ABD had for municipalities.

He next introduced Council to the potential account service team. Mr. Skillen is the principal consultant, and has been with ABD for approximately 20 years. He would be very involved with staff on the strategic planning side. So would Mark Coulombe, who would oversee a lot of the day-to-day activities and make sure the City has all the resources needed, and Marie Ward would also get involved in the day-to-day administration support and assistance. Liliana Salazar is the Director of Compliance. With a new client, she would come in to make sure everything is set up the way it should be from a legislative and legal standpoint. There is ongoing support there at no additional charge to the City.

DEPUTY MAYOR FELLER asked Mr. Kammerer if the City had the capabilities to do this in-house.

MR. KAMMERER stated that the City does not have the professional staff in-house. A large firm, such as ABD, consolidated groups so there was not one lone city trying to get insurance premiums. Oceanside staff could not get the same priced premiums as ABD could for the consolidation of cities and agencies that they represent.

DEPUTY MAYOR FELLER asked for confirmation that this would not cost the City anything.

MR. KAMMERER stated that it was a neutral cost to the City right now. For instance, the City pays premiums on Delta Dental, and it would continue to, but that cost is already budgeted. There would be no additional cost to the City for these services. Staff expects that with consolidation and with a good broker, the City's premium costs could go down, which would be less expensive to the City.

CITY MANAGER JEPSEN suggested that Mr. Kammerer give a ballpark value of what the brokerage services in total for the benefits is worth, and how much of it is money contributed by the City versus money paid for these benefits by the employees.

MR. KAMMERER did not have that dollar figure, but deferred to Theresa Jong.

THERESA JONG, Benefits Analyst, stated that the cost of the broker services is netted out of premiums paid for the various insurance policies. ABD would come in under those same standard commission agreements. That is currently costing the City and employees a total of about \$54,000 in combined premiums paid from voluntary products, such as the voluntary term life insurance, as well as City-provided benefits for dental, vision, disability and others. These commissions are currently being paid to 2 different brokers plus the City dental program, which, because it is a self-insured product, there are no commissions generated. It is actually a consulting fee that is paid.

CITY MANAGER JEPSEN was asking a different question: what is the total ballpark value of the yearly premiums; and then of those premiums, how much is contributed by City employees versus money contributed by the City to pay for the benefits.

MS. JONG responded that through November 2002, the year-to-date total premiums were approximately \$413,000. Unfortunately, she could not really break that out because it was total premiums. The average employee payroll deduction this year for certain benefits is around \$54, but that includes the medical piece, which we are not talking about today.

CITY MANAGER JEPSEN wanted to highlight that most of the premiums are paid by City employees, not from City funds. They are part of the payroll deduction that the City employees actually pay for themselves. He just wanted Council to understand that.

COUNCILMEMBER SANCHEZ appreciated the process staff went through with the city employees' associations. She **moved** to direct staff to enter into a future sole source agreement with ABD insurance.

COUNCILMEMBER WOOD realized ABD would be the broker. If the City switched over to this and the broker gets some other insurance other than PERS, is there a time frame for a reduction in costs to employees.

MR. KAMMERER said that the City would possibly in the future look at health insurance. Right now, this does not cover health insurance. The City is committed to CalPERS through the end of 2003. The City would look at possible healthcare alternatives, including different premiums and costs, in the future, but they did not have a timeframe for that.

COUNCILMEMBER WOOD **seconded** the motion.

Before Council votes on the issue, **CITY MANAGER JEPSEN** noted that this was a workshop. He also asked if Council wanted to hear from the other broker that was in the audience today.

MAYOR JOHNSON asked the City Clerk if there were any requests from the public to speak.

CITY CLERK WAYNE replied that there were none.

COUNCILMEMBER CHAVEZ asked for clarification--if the premiums are approximately \$413,000 through November and services are \$54,000, the money for the services the broker would be getting is around \$50,000-\$60,000/year.

MR. KAMMERER replied affirmatively.

COUNCILMEMBER CHAVEZ restated that \$50,000 to \$60,000 would go to pay for the effort by ABD staff. This is an important program for the well being of the City staff. ABD's presentation discussed how large they are and what all they do, but he did not see any metrics talking about customer service. How would he know that the individual employee feels wanted, loved and taken care of. He asked if ABD had any customer service matrix that is tracked so Council could see that ABD is the company to provide this service.

MR. KAMMERER said that was part of the reference check. As part of the final selection process, staff checked references on the 2 finalists. One of the things they looked at was customer service. Staff talked to other public agencies and ABD received a Grade A in customer service from those agencies.

COUNCILMEMBER CHAVEZ asked for confirmation that their customers are satisfied with their performance.

MR. KAMMERER responded they were extremely satisfied.

COUNCILMEMBER CHAVEZ asked Mr. Skillen what metrics ABD looked at and what he should be looking at when talking to staff about ABD customer service.

MR. SKILLEN stated that the survey staff did and the reference check would be the first way to prove customer service. Council could talk with the bargaining group leaders at other cities, such as the City of Vista bargaining units about the meetings held for the Vista Fire Department, for which ABD got positive feedback, etc. ABD does not really do a direct marketing of municipalities. It happens by word-of-mouth, which is the biggest endorsement ABD can get. ABD really is hands-on and tries to be an extension of human resources or insurance committees. He also used the benchmark of retention of

clients. He could not recall losing a city's business in ABD's 30 years of experience.

COUNCILMEMBER CHAVEZ wants to know what metrics ABD uses on a monthly, quarterly or annual basis to look internally to ensure they provide the services their clients want and whether ABD has any metrics that they actually use to manage their operation.

MR. SKILLEN said that ABD staff tries to meet with the city on a strategic basis as often as they want, typically on a quarterly basis. They have day-to-day contact with human resources at any given city to assist with employee meetings or to handle administrative issues. ABD staff is there as needed. They do not use a time and charges approach but truly acted as an extension of a given account.

COUNCILMEMBER CHAVEZ noted that Oceanside is a large city, with a population coming up on 170,000. However, in many respects, Oceanside was a very small city. He liked to see everyone that does business with the City act as community partners to help with the Boys and Girls Club, library, etc. He asked what sort of community partner ABD was.

MR. SKILLEN stated that they participate in charitable events at various cities. If they are asked to help with a golf tournament or a fundraiser for a local organization, they sponsor a hole or get our insurance carriers to help sponsor too. It depends on the charitable event.

COUNCILMEMBER CHAVEZ thinks things like this are so important; as programs come into the City we need to have benchmarks because when we bring in a process like this where Council cannot see what they are doing, it becomes subjective and not objective, which makes it difficult to measure. He does not really go with staff's recommendation on this.

MAYOR JOHNSON saw that the staff invited 10 organizations to participate and broke it down to 5. He asked about the rankings for the final 5.

MR. KAMMERER said that the City's 2 current brokers ranked 4th and 5th out of 5. ABD ranked 1st, and Barney & Barney was 2nd.

MAYOR JOHNSON asked how they were scored and the categories used. He stated that Council should have received copies of that also.

MR. KAMMERER said they were ranked on the following categories:

- The City's service requirements
- Pricing
- Public sector experience
- Reference information
- Philosophy
- Personal attention
- Problem-solving abilities
- Legal and technical expertise
- Compliance expertise
- Unique services provided

MAYOR JOHNSON would have appreciated having this information before the meeting to compare it and to ask some questions before the meeting.

CITY MANAGER JEPSEN suggested staff read the final score tally for each of the firms so Council could get a comparative feel between the range of the scores and how much they differed.

MAYOR JOHNSON asked why the staff report stated that there was no direct fiscal impact.

MR. KAMMERER explained that there would be no direct fiscal impact to the City at this point. It would not cost the City any additional funds to have a professional service

agent and an employee benefits broker.

MS. JONG explained that the City has existing relationships with brokers and endeavored on this to consolidate that into one representative broker.

COUNCILMEMBER WOOD talked with some of the representatives from the labor organizations and people who sat on this committee. They recommended this company. They were very happy with ABD. He wanted Council to know that they had talked with some people behind the scenes who were very happy.

MAYOR JOHNSON stated that he had not spoken with anyone behind the scenes regarding this recommendation. He would vote no on the recommendation because he would like to see the information he requested. He would really like to see that information in hard-copy before the meeting so he could have a chance to look it over and possibly ask staff before he votes on it.

DEPUTY MAYOR FELLER asked Mr. Kammerer for the list of brokers and their scores.

MR. KAMMERER stated:

- ABD Insurance had an average score of 135.
- Barney & Barney, LLC scored 133.
- John Burnham Insurance Services scored 125.
- Driver Alliant Insurance Services scored 116.
- Hatter, Williams & Purdy, Inc. scored 96.

MAYOR JOHNSON stated that the City Manager normally ensured that Council got backup when there was a staff recommendation. He asked what happened this time.

CITY MANAGER JEPSEN was not certain if the ranking and categories would have provided any more insight than was just delivered. He apologized that that information was not in the backup given to Council. That was his responsibility.

MAYOR JOHNSON noted that a score might allow Council to raise questions about the reasons for a score. For example, contracts did not always go to the lowest bidder, etc. These are questions that are raised when Council has the opportunity to see a wide range of scores. He was expressing his concerns, as he had done many times in the past. He was concerned that there was no backup on this.

CITY MANAGER JEPSEN noted there was a motion on the floor. However, if Council would like, staff could certainly provide that backup information and come back to re-address this issue.

MAYOR JOHNSON would appreciate that.

COUNCILMEMBER SANCHEZ thought the slide presentation was enlightening. There were a lot of people involved in the process, and she liked that. She heard objective criteria given. Obviously, at some level there would be some subjectivity, certainly regarding experiences in other cities, years of service, etc. She wondered if there was something else going on here. She suggested that Council go ahead and vote. Council does not always get background information ahead of time. If the vote did not pass and some of Council did not feel comfortable going forward, then perhaps this could be delayed.

DEPUTY MAYOR FELLER did not know what else could be going on either. He did not know what Councilmember Sanchez was referring to. This is a valuable contract to whoever gets it. He thought that ABD was probably a fine company, but he, too, would have liked more information ahead of time and how staff ranked the items, etc. It would be helpful to know the criteria, results and explanation of why other companies were not chosen. He asked if this was time sensitive.

MR. KAMMERER stated staff would like to get this in place as soon as possible so

they could start realigning, getting rates and premiums in order and making sure the City is in compliance on all the issues. In that regard, it is time sensitive. However, there was no set deadline by when this all had to be done.

MAYOR JOHNSON realized that Mr. Kammerer had been interim personnel director for a fairly short period of time. This was something they did not take lightly. Over the years, we have discussed the importance of getting information to all Councilmembers well before they are asked to vote on an important item.

COUNCILMEMBER SANCHEZ heard Councilmember Feller question her comment about what else could be going on here. She knew that 2 Councilmembers received political contributions from Mr. Hatter, who was in the top 5 list. That was what she was implying.

The **motion failed** 2-3, with Mayor Johnson and Councilmembers Chavez and Feller voting no.

CITY CLERK WAYNE noted that staff would return with the information Council requested at a future meeting.

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

ADJOURNMENT

MAYOR JOHNSON adjourned this meeting of the Oceanside City Council at 2:43 PM, December 11, 2002, to an adjourned closed session meeting scheduled for 2:30 PM today.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

December 11, 2002

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

SPECIAL MEETING 3:00 PM COUNCIL CHAMBERS

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

The special meeting of the Oceanside City Council was called to order by Mayor Johnson at 3:45 PM [due to the lateness of a closed session meeting] on December 11, 2002.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Chavez, Sanchez and Wood. Also present were City Clerk Wayne, City Treasurer Jones, City Attorney Duane Bennett and City Manager Steve Jepsen.

GENERAL ITEM

- Adoption of a budget resolution allocating ~~\$1,810,000~~ \$1,802,380 of Low- and Moderate-Income Housing Set-aside Funds for acquisition of five acres on Lake Boulevard, east of College Boulevard, for an affordable senior housing project.**

MARGERY PIERCE, Housing & Neighborhood Services Director, stated that staff is recommending that the City Council and the Community Development Commission (CDC) adopt a budget resolution allocating \$1,802,380 of the low- and moderate-income housing set-aside funds for the acquisition of the Lake Boulevard affordable senior housing site. In August, the City purchased 5 acres on Lake Boulevard. At that time, Council authorized use of the in-lieu housing trust fees that have been collected. Also at that time, Council had several questions as to whether or not those funds could be replaced back into that account using other funding sources.

This is a situation where staff recommends that Council use the 20% redevelopment set-aside. The Governor has indicated that he would like cities to return funds that are available in the fund balance to the State to help balance the State's budget problems. So before this happens, staff is recommending that CDC purchase the 5 acres on Lake Boulevard from the City. This is a good-faith attempt to protect local funds from being taken by the State.

If Council and CDC agree to adopt this budget resolution, it would leave a balance of \$324,731 in the low- and moderate-income housing fund. Should the legislature decide that they need to capture these funds, that amount would be at risk at this time. It may be that in the future, the City would have another project to put those funds into. The difficulty in this is that staff does not really know what the State will do. Again, this is a good-faith effort to protect local funds. In terms of the Housing budget, we would be losing \$2,000,000 that would have been available to develop affordable housing needed in order to meet the State's mandates to provide affordable housing to Oceanside residents. The loss would be in actual units generated for low-income families.

Last night, the Housing Commission reviewed this item at a special meeting and voted 6 in favor of supporting staff's recommendation. One commissioner voted no, and one abstained. Since they just saw it last night, they also requested that the Chair of the Commission have the opportunity to address CDC and Council to provide comments from the Housing Commission.

CDC would need to make a finding that by using the redevelopment set-aside funds outside of the redevelopment area, there would be a direct benefit to the redevelopment area. In his analysis, the City Attorney found that there would in fact be a benefit to the redevelopment area because of the need for affordable housing and the lack of acreage in the redevelopment area; so that finding can be made.

DEPUTY MAYOR FELLER asked if the City would still have to meet the State's affordable housing mandates if the State were to put the City in a position to not have these set-aside funds. The State sets the requirement of how much affordable housing the City needs.

CITY MANAGER JEPSEN responded that if the State takes this money, which it is likely that they will, he thought the City would still have the obligation to meet the affordable housing unit commitment, but that it would be back-loaded on the agency. He did not think the State would require it in the same time frame. For a number of years the State allowed cities to defer construction of low- to moderate-income housing until the mid-1990s, then cities were required to put 20% set-aside money into low-moderate income housing. He thought they probably would suspend that, but eventually the City would have to meet that requirement. It would tag onto the end of the agency's life. The State would just be taking money now that it would pay back many years from now.

MS. PIERCE pointed out that it could also be through the Proposition 46 bond issuance funds approved by the voters in November, but the State has not allocated those funds specifically to cities. Projects may need to compete for those funds. The Governor thought those funds could continue to allow local governments to provide affordable housing without reducing the requirement to do so.

COUNCILMEMBER SANCHEZ stated that was how she read the Governor's proposal. The State would take these funds, and then they would be cycled through Proposition 46. There was another proposition that they were going to somehow recycle.

There was a deadline in the proposal of December 1. If that is accepted in the future, she asked if the City would run afoul of that requirement because it is not what the City currently has for that project.

MS. PIERCE noted that the Governor's proposal it was retroactive to December 1. She reiterated that this was a good faith effort – an attempt to preserve the funds. If the Governor is successful on the December 1 deadline, the City would not have encumbered these prior to December 1, so the City would not be able to move forward.

If Council takes action today, the action would also include direction to staff to develop a purchase and sales agreement, or some sort of contractual agreement, between the City and the CDC for the sale to go through. That would technically encumber the funds with the contract. Then we could make that contract out several months to allow time to wait and see what sort of action the Governor and legislature takes.

COUNCILMEMBER SANCHEZ asked if that was to show some sort of hardship. If there is an order later on that says anything unencumbered as of December 1, the City could say that it intended to do this all along and just went forward on something it had agreed to per staff's report.

MS. PIERCE replied affirmatively.

DEPUTY MAYOR FELLER stated we could call this retroactive to November 30.

KAY PARKER, Housing Commission Chair, stated that the same questions that

have arisen today puzzled the Commission too. That is why 2 commissioners were reluctant until they heard more hypothetical scenarios to mull over the real ramifications should we lose these redevelopment funds for this particular project. The Commission complimented staff for this plan, which was creative, fast and responsive to the Governor. The 6 members that voted to do this felt it was worth it to do this whether or not there were open-ended questions that could not be anticipated. Two of the commissioners would like to have a few more answers. They were concerned about some of the issues that Council raised, including the issue about December 1 and any financing structure changes that may come as a result of changing the numbers. One thing that Ms. Pierce mentioned is that this does not add any new dollars to the purchase price. That was a little confusing and had caused concern. If Council approves this and the Governor were to say it was okay to keep this money, the City could still compete for the Proposition 46 money, but the City would also have \$300,000 left. As Ms. Pierce said, one commissioner asked that Council know that the Commission considered trying to shift that around as well; however, that was not the issue before Council at this time.

DEPUTY MAYOR FELLER moved approval of staff's recommendations [and adoption of **CDC Resolution No. 02-R761-3**, "...amending the budget for the 2002-2004 Fiscal Year" in the amount of \$1,802,380.

COUNCILMEMBER SANCHEZ seconded.

Motion was **approved 5-0.**

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

ADJOURNMENT

MAYOR JOHNSON adjourned this special meeting of the Oceanside City Council at 3:58 PM, December 11, 2002. [The next regularly scheduled meeting is today at 6:00 PM]

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:

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

DECEMBER 5, 2007

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

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

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Rocky Chavez

Councilmembers
HDB Directors
CDC Commissioners
Jerome Kern
Jack Feller
Esther Sanchez

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:00 PM, December 5, 2007 by Mayor Wood.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Kern, Feller and Sanchez. Also present were City Manager Weiss, Assistant City Clerk Holly Trobaugh and City Attorney Mullen.

COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

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

CITY ATTORNEY MULLEN titled the following agenda items to be heard in closed session: Items 2, 3A and 3B [Item 1 was not heard].

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MEETING BY CITY COUNCIL**

December 5, 2007

Joint Meeting Minutes
Council, HDB and CDC

[Closed Session and recess were held from 4:01 – 5:04 PM. See the report out on these items at 5:00 PM, Item 4.]

5:00 PM

MAYOR WOOD reconvened the meeting at 5:04 PM. All Councilmembers were present. Also present were City Manager Weiss, Assistant City Clerk Trobaugh and City Attorney Mullen.

Pastor Carl Souza gave the Invocation. The Pledge of Allegiance was led by Courtney and Kayla Engelhardt, David and Daniel Jones, and Sophia and Gabriella Novello.

PROCLAMATIONS AND PRESENTATIONS

Presentation – “Pet of the Month” presented by Julie Bank, Executive Director of the North County Humane Society & SPCA – Ms. Banks presented a puppy available for adoption.

Presentation – USMC Letters of Appreciation – First Lieutenant Adam Hudson, USMC, presented letters of appreciation to various City staff on behalf of the Marines and sailors of 2nd Battalion 11th Marines for supporting pre-deployment training in support of Iraqi Freedom. The City provided multiple facility visits and training to aid the Marines in understanding basic community services to help the Iraqi communities rebuild.

Off Agenda – Introduction of New Financial Services Director Teri Ferro

CLOSED SESSION REPORT

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

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

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

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

No closed session was held on this item.

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: 1200 N. Harbor Drive (APN 760-080-23); Negotiating Parties: City of Oceanside/Oceanside Small Craft Harbor District and Oceanside Marina Towers Association; Negotiator for the City/District: Douglas Eddow, Real Property Manager; Under Negotiations: Price and terms for the sale of the property

Discussed; there was no reportable action under the Brown Act.

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

PERSONNEL EVALUATION

A) City Manager

Discussed; there was no reportable action.

B) City Attorney

Discussed; there was no reportable action.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

RITA MAZZARELLA GRAY, 1719 Fire Mountain Drive, is a long-time Oceanside resident and a proud Pirate [Oceanside High School] graduate of the Class of 1962. Representing the Oceanside High School Foundation and Alumni Association, she announced the start of a commemorative tile project that will be decorating the walls around the senior fountain with the school board's approval. The money raised from the tiles will go to student scholarship, to help teachers with special program fees, help with reunions and special alumni celebrations, and assist with the high school facilities.

CATHY NYKIEL, 701 Mission Avenue, MainStreet Oceanside, thanked Council and staff for the holiday decorations throughout the City. She highlighted various events that MainStreet is doing in the downtown.

DONNA MCGINTY, 2405 Mesa Drive, recently conducted an e-mail survey that was completed by 6 different neighborhood associations. She asked for responses to 10 different items regarding what they would like to see and what would bring them to the downtown. It took 3 months to compile the information, which was distributed to Council in order for them to know what a large portion of the community thinks about the downtown area. At the same time, she and others did a walk-around observation of the downtown business districts. They identified numerous places in downtown that are doing well and look nice at night. They also identified places that were troublesome. She had filed several code enforcement and public health complaints.

CONSENT CALENDAR ITEMS [Items 6 – 18]

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

DEPUTY MAYOR CHAVEZ removed Item 14 from the Consent Calendar for discussion, and **COUNCILMEMBER FELLER** removed Item 17 for discussion.

The following Consent Calendar was submitted for approval:

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

April 4, 2007, 4:00 p.m. Regular Meeting;

and acceptance of minutes of the City Council of the:

February 13, 2002, 10:00 a.m. Adjourned Meeting;
August 7, 2002, 10:00 a.m. Adjourned Meeting;
August 14, 2002, 2:00 p.m. Adjourned Meeting;
September 4, 2002, 10:00 a.m. Adjourned Meeting; and
September 18, 2002, 10:00 a.m. Adjourned Meeting
7. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
8. Council: Approval of plans and specifications for the Libby Lake Park Lighting project located at 500 Calle Montecito, and authorization for the City Engineer to call for bids
9. CDC: Approval of plans and specifications for the installation of 18 street lights to be placed on Tremont Street between Civic Center Drive and Mission Avenue, and on Pier View Way between North Coast Highway and Cleveland Streets; and authorization for the City Engineer to call for bids
10. Council: Approval of Amendment 1 in the amount of \$479,782.82 to the maintenance services agreement with Executive Landscape, Inc., of Fallbrook for the landscape maintenance and upkeep of the City's thirteen Landscape Maintenance Assessment Districts, extending the term of the agreement from December 31, 2007, to December 31, 2008; and authorization for the City Manager to execute the amendment (**Document No. 07-D0704-1**)
11. Council: Approval of a two-year professional services agreement with Aztec Landscaping, Inc., of Lemon Grove in the amount of \$134,160 for pressure-washing services at the Civic Center, and authorization for the City Manager to execute the agreement (**Document No. 07-D0705-1**)
12. Council: Adoption of **Resolution No. 07-R0706-1**, ". . . amending the Personnel Rules and Regulations to include disaster evacuation leave"
13. Council/Harbor: Adoption of **Council Resolution No. 07-R0707-1**, ". . . authorizing the Mayor to execute a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) supporting a Regional Beach Sand Project and committing to funding in the amount of \$41,500 for preliminary design and studies" and **Harbor Resolution No. 07-R0708-2**, ". . . authorizing the Mayor to execute a Memorandum of Understanding with the San Diego Association of Governments (SANDAG) supporting a Regional Beach Sand Project and committing to funding in the amount of \$41,500 for preliminary design and studies" (Memorandum of Understanding - **Document No. 07-D0709-1**)
14. **Removed from Consent Calendar for discussion**
15. Council: Adoption of **Resolution No. 07-R0713-1**, ". . . summarily vacating a public water line easement located at 3977 Ocean Ranch Boulevard," and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder (**Document No. 07-D0714-1**)
16. Council: Adoption of **Resolution No. 07-R0715-1**, ". . . summarily vacating a public water easement located at 1825 Corporate Center Drive," and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder (**Document**

No. 07-D0716-1)

17. **Removed from Consent Calendar for discussion**

18. Council: Authorization to award a contract in the amount of \$271,064.98 to Charles Doherty Concrete, Inc., of Oceanside for the Citywide Sidewalk Repair project, and authorize the City Manager to execute the agreement upon receipt of all supporting documents (**Document No. 07-D0718-1**)

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar [excluding Items 14 and 17].

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

GENERAL ITEMS

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

21. **Council: Adoption of a resolution establishing a "No Stopping – Tow Away" zone on both sides of Crouch Street between Oceanside Boulevard and Canyon Drive**

PAUL PACE, Transportation Operations Supervisor, reviewed that staff had received this request from the proposed owner [Anthony Badeaux] of a commercial office building located on the southwest corner of Apple and Crouch Street in response to a Planning Commission condition. The item went to the Planning Commission in September 2007 and was approved; however, the conditions required that parking be removed from Crouch Street, that the applicant take it to the Transportation Commission for approval, and then to the Council. Currently, Crouch Street has approximately 15 parking spaces on the east side. The project will dedicate approximately 5 feet of right-of-way on the west side and widen the street 4-6 feet in pavement width for a total 40-foot curb-to-curb width. This will allow 2 through lanes, a 2-way turn lane and bicycle lanes on Crouch Street. The project's traffic study did recommend the removal of parking on Crouch Street and the 2-way turn lane. Staff required the bicycle lanes to be installed to help link the bicycle lanes between Canyon Drive and Oceanside Boulevard. This will also help access to the future Sprinter transit station at Oceanside Boulevard and Crouch Street. The City has received support from the Loma Alta Neighborhood for the removal of the parking. The applicant and City staff sent letters to the property owners on the east side of Crouch Street to notify them of the proposed removal of parking.

At their October meeting, the Transportation Commission approved the no stopping zones. Staff recommends the removal of the parking [on both sides of Crouch].

Public Input

TONY BADEAUX, 401 West A Street, San Diego, representing Loma Alta Village, stated the company owns the property and has planned it as an office and medical development. There will be 3 buildings on the site. The project is all according to zoning, and they are not asking for any variances. As a part of the project's conditions, they are required to produce a traffic plan that satisfies staff and accounts for additional traffic flow on this segment of Crouch Street. They are dedicating property on their site and constructing new curbs and gutters, and widening a 2-lane street into a street with a left-turn lane and bicycle lanes. They have received strong support from the neighborhood groups for the removal of the parking. The applicant did communicate with the property owners. He asked Council to approve this item, feeling it was important for the safety of pedestrians, and the City will get an 18% increased traffic flow.

COUNCILMEMBER SANCHEZ had attended the public meetings on this project, and there was near unanimous support. She **moved** approval [to adopt **Resolution No. 07-R0722-1**, “. . . establishing certain traffic controls within the City of Oceanside (“No Stopping – Tow Away” zone on both sides of Crouch Street between Oceanside Boulevard and Canyon Drive)“].

DEPUTY MAYOR CHAVEZ **seconded** the motion. He had also attended the meeting, and this item was well-received by the public.

COUNCILMEMBER KERN questioned where the street improvement would come within the time line of the project.

MR. PACE indicated that the map for the project still has to be finalled and go through the rest of the development plan approvals. Staff tries to work with the developer to get the improvements in as soon as they can.

COUNCILMEMBER FELLER felt this is a public safety issue. The project will add 800 cars per day. He asked how the bicycle lane would work at the intersection.

MR. PACE stated the bicycle lane will be striped on both sides, but it will be dashed toward the intersection. That is a standard treatment for a bicycle lane.

COUNCILMEMBER FELLER asked if there would be another left-turn lane at Apple Street from this project.

MR. PACE confirmed there would be a continuous 2-way lane from the project driveway up to Apple and Canyon.

Motion was **approved 5-0**.

22. **Council: Authorization to award a contract to California Power Partners, Inc., of San Diego, at an estimated net zero cost to the City, for construction of the San Luis Rey Wastewater Treatment Plant Cogeneration Facility project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

LONNIE THIBODEAUX, Water Utilities Director, reported this is a green project where they would convert a byproduct from wastewater treatment into electricity. The Request for Proposals (RFP) for this project was issued for a privatized cogeneration project. The contractor would finance, construct, operate and maintain an on-site facility. The waste gas, which is currently burned off, would be used to produce electricity. A byproduct of that would be waste heat, which will be used to heat the digesters. This results in lower electricity and natural gas bills for the City. The savings from cogeneration would be \$185,000 in electricity and \$150,000 in gas, for a total of about \$335,000 per year. The partnership of cogeneration is a reduction in cost. We do not need City personnel to maintain and man the facility; the contractor is responsible for all of the maintenance and operations of the facility, and they also maintain the permits. In return, the City gets a reduced rate guaranteed for 10 years, lower than what we would be paying San Diego Gas and Electric (SDG&E). At the end of 10 years, the City could either purchase the equipment or renew the contract.

DEPUTY MAYOR CHAVEZ was excited about this, since Council had previously discussed doing more green construction. There has been talk about carbon footprint, and he asked if there would be any reduction.

MR. THIBODEAUX responded that there is a reduction in the carbon footprint from what is produced by SDG&E. This will supplement the plant by a third of its power. That would result in a net reduction from what SDG&E would have to produce for us using other fuels. We do have some carbon from the reciprocal engine where we are

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using the waste gas, but that is taken care of by the air quality control treatment devices. They also have 2 non-carbon producing generators that are turbine and do not emit anything.

DEPUTY MAYOR CHAVEZ asked if there were other opportunities where we can do something like this.

MR. THIBODEAUX stated staff is working on 2 other projects. Council had approved a project at La Salina Treatment Plant, where they are going to renew a dome on the digester. After that is done, staff will analyze how the cogeneration is working and look at the energy that could be produced at La Salina. Staff is also looking at solar power at several facilities in the City, specifically at San Luis Rey. There are some grants and funding available that staff is looking into.

DEPUTY MAYOR CHAVEZ had heard a presentation on power and transmitting power across the world through a network. When you can produce power, you are moving into the 21st century. One of the comments was that if they built solar power just in the Arizona desert, it would produce enough power for the entire world. It is important for us to look at things like this. He **moved** approval [of staff recommendations and **Document No. 07-D0723-1**].

COUNCILMEMBER FELLER **seconded** the motion. This shows that public/private partnerships can really work. A savings of \$335,000 per year is significant. He hoped they could improve and figure out ways to do more of these partnerships.

COUNCILMEMBER KERN asked if the City received carbon credits for this project that they could trade or sell. These are becoming a commodity.

MR. THIBODEAUX did not know if the City could get a credit. The contractor is investing \$1,800,000 and is getting a rebate from the State for part of the project, which makes the project lucrative for the contractor to do. That makes it economical for us to buy power, which is the economic interest that the State is giving us to do this project.

COUNCILMEMBER KERN reiterated that the carbon footprint is going to be a huge item. At a discussion about the Poseidon project, the Lieutenant Governor talked about the carbon footprint for about 30 minutes. These are going to be commodities and will be traded. If we can come up with more efficiencies to lower our carbon footprint and get credit, we could trade the credits. The hotel project, for example, and its carbon footprint could be offset with cogeneration.

COUNCILMEMBER SANCHEZ was interested in the long-term applications and whether or not the City would be in a position to be able to take over this facility after the 10-year contract has ended. She asked how many people it would take to run the cogeneration plant.

MR. THIBODEAUX indicated the maintenance of the facility is what impacts the costs, as well as the training of specific personnel since it is specialized equipment. It would probably take an additional staff member to take care of the facility full-time. The initial capital investment would have been about \$2,000,000; it would actually have been a little higher for the City because of the engineering costs. That is the reason it is lucrative for us to do this as a privatized venture. At the end of the 10 years, staff will analyze the value of the equipment and re-analyze the cost of taking over the facility, including the manpower needs. It may be beneficial at that point to take over the project.

COUNCILMEMBER SANCHEZ understood why this is being brought forward as a public/private partnership. However, if there is a way for us to get ahead of this and evaluate it several times over the course of the next 10 years, she wanted to see if this is something the City can do to realize more savings. The construction value is

\$1,800,000. She asked the expected life span for this project.

MR. THIBODEAUX stated they could get a renewal of another 10 years. With good maintenance, the equipment could last a minimum of 20 years.

COUNCILMEMBER SANCHEZ wanted staff to continue to look into this as something the City could provide at the end of the 10-year contract. If we could do this by adding one employee, we could realize even more savings.

Motion was **approved 5-0**.

ITEMS REMOVED FROM THE CONSENT CALENDAR FOR DISCUSSION

14. **Council/CDC/Harbor: Adoption of resolutions establishing the 2008 meeting schedule dates and times for regular meetings of the Small Craft Harbor District Board of Directors, the Community Development Commission, and City Council**

DEPUTY MAYOR CHAVEZ noted that in looking at other municipalities, it is not uncommon to have a summer portion of 4 weeks without any meetings. That is important because it provides the staff who provide support at the Council meetings with the opportunity to take a vacation. He felt there would also be a cost savings. There are a lot of hours spent on these meetings. He would be willing ask the City Manager to come back with a schedule, working with the City Clerk, to allow a vacation period in the July or August time frame.

COUNCILMEMBER FELLER stated there are a couple of times a year that are really important to the community. One is around graduation time. For us as Councilmembers, there is an annual conference that is usually held the end of July and is important. If we are going to investigate this, that is part of what they should look at. Maybe the last week or two of July would be good. Also, at Thanksgiving to Christmas, we usually jump around for meetings. It has been 3 weeks now since we last met. People could plan to take 3 weeks off at late July and early August.

COUNCILMEMBER KERN noted that the proposed schedule shows that we are dark the last 2 weeks of July and do not come back until August 6. In June, we only have 2 meetings. He liked the suggestion for the City Manager to determine what would be the best time frame; a full month off is not necessary. If we eliminate the August 6 meeting, it gives the last 2 weeks of July and the first week of August.

COUNCILMEMBER SANCHEZ felt there were times where it was important to meet in light of deadlines, such as a grant deadline. She asked if the suggestion was to eliminate one of the meetings in July.

DEPUTY MAYOR CHAVEZ clarified that he suggested giving direction to the City Manager to talk to staff to determine what would work best for his personnel to allow them to have a block of time to take a vacation. He was not looking at a particular month.

COUNCILMEMBER SANCHEZ would not be opposed to cancelling a meeting if that is being pursued, as long as Council meets at least twice a month. We could take care of business with 2 meetings versus 3.

MAYOR WOOD stated he is here for the public. He is retired, so he is more concerned with the 2 Councilmembers who have secondary jobs for their scheduling. Regarding the staff, whatever is convenient for all parties involved is okay with him.

CITY MANAGER WEISS reiterated that the general direction is that, as long as Council has 2 meetings a month, they could possibly take off 3 weeks rather than a

whole month. With that direction, staff will put something together and bring it back to Council.

DEPUTY MAYOR CHAVEZ clarified that he was not concerned about his personal service, but wanted to think about the employees.

COUNCILMEMBER SANCHEZ moved approval of Item 14 [to adopt **Council Resolution No. 07-R0710-1**, “. . . establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2008”; **Harbor Resolution No. 07-R0711-2**, “. . . establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2008”; and **CDC Resolution No. 07-R0712-3**, “. . . establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2008”] with the direction to the City Manager [to bring back a recommendation to cancel a meeting].

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

17. **Council: Authorization to award a contract in the amount of \$961,150 to HMS Construction of San Marcos for the installation of traffic signals at the intersections of Vista Way and Buena Hills Drive, Melrose and Sagewood Drives, Frazee Road and Oleander Drive, Lake Boulevard and Esplanade Street, and Oceanside Boulevard and Beverly Glen Drive, and modification to the traffic signal at the intersection of Coast Highway and Wisconsin Avenue; approval of a budget appropriation in the amount of \$194,845 from the Unallocated Traffic Signal account; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

COUNCILMEMBER FELLER stated to those people expecting traffic signals, they are coming to the neighborhoods just named. Maintenance costs are listed at \$5,000 per year per location for 12 hours per location. He asked if that was correct.

PAUL PACE, Transportation Operations Supervisor, stated the operational costs of \$5,000 per year would include the maintenance and electrical costs if there are no knock-downs or failure of the signal equipment. Further responding, he agreed that this is not just maintenance but also operational costs. Most of the technology of the new equipment is good.

COUNCILMEMBER FELLER pointed out that if there are knock-downs, the cost is usually paid by the insurance company of the driver. He **moved** approval [including awarding the contract to HMS Construction (**Document No. 07-D0717-1**)].

COUNCILMEMBER SANCHEZ seconded the motion. She knew that the neighborhoods had been waiting for some of these signals because of the perceived traffic and public safety issues. She is glad this is happening now.

COUNCILMEMBER KERN noted that regarding Coast Highway and Wisconsin, the staff report talked about left-turn signals. He asked from which direction that would be.

MR. PACE responded that currently there are no left-turn signals on Coast Highway, although there are left-turn pockets. So that would be part of the modification. There would be a new signal system, since the current signal is about 50 years old and needs to be updated.

Motion was approved 5-0.

6:00 PM – PUBLIC HEARING ITEMS

Public hearing items are “time-certain” and are heard beginning at 6:00 p.m. Due to the

time-certain requirement, other items may be taken out of order on the agenda to accommodate the 6:00 p.m. public hearing schedule.

19. **Council: Consideration of a resolution to increase development application processing fees for Planning and Fire Prevention; and a resolution updating and adopting the 2006-2007 Building Valuation Tables and Unit Price List for Engineering to establish bond amounts and related fees**

MAYOR WOOD opened the public hearing.

Regarding disclosure of constituent contact, **COUNCILMEMBER FELLER** reported contact with public, staff and some builders and developers. **MAYOR WOOD** and **DEPUTY MAYOR CHAVEZ** had contact with staff and commissioners and received a letter from the Building Industry Association (BIA). **COUNCILMEMBERS SANCHEZ** and **KERN** reported contact with staff and the public.

ASSISTANT CITY CLERK TROBAUGH reported that a letter was received from BIA, and Councilmembers received a copy of that letter.

MIKE BLESSING, Deputy City Manager, stated this item is a consideration related to development processing fees. Last April at Council's budget workshop, staff flagged this issue of the gap in development fee revenue, which is insufficient to cover the costs of providing timely development review services. We committed to reexamining this issue and to bringing forward supportable processing fee increases to cover the costs of these services. Staff from Planning, Fire, Building and Engineering were key in this examination. Council received the staff report with staff's analysis and recommendations, along a copy of the initial report submitted in August, where staff outlined their research and cost allocation basis and methods to address possible development processing fee adjustments.

Trends over the past 6 years have shown that, while Planning, Building and Engineering processing fees had covered costs on a cumulative basis in 2002-2004, a negative flow situation has occurred in 2005-2007. The fire plan review fees have not covered full costs in any of the past 6 years. Staff sees this trend continuing into the future, partially as a result of smaller project units and what appear to be increasingly complex projects with infill, mixed-use and more urban type projects coming forward. He referenced a chart on page 4 of the staff report, which shows the actual impact to the General Fund in Fiscal Year 2006-07 as a result of this emerging trend. There was approximately \$2,100,000 in General Fund subsidy to the core development services departments. This subsidy does not include General Fund costs for other services, such as master planning efforts, neighborhood traffic calming measures and economic development efforts. Those will continue to be funded by the General Fund; we are not trying to capture those issues today. The shortfall for Fiscal Year 2007-08 is anticipated to be up to \$3,000,000 of General Fund support to the development process.

Regarding staff's analysis, they have examined staff levels to cover development review costs; those staff costs have increased due to salary, fixed cost charges and other factors over the last 6 years. Additionally, some services the City provides will not produce revenue under the current cost recovery fee system, such as over the counter discussions with applicants and concerned neighborhoods, flood control and zoning compliance letters, etc. We also know that the cost recovery fee study done in 1991, known as the Vertex Study, should receive a thorough reexamination in the future. Utilizing the 1991 framework as a basis for a quick update and review of this effort revealed the following:

- We would need to increase our planning application processing fees by 110% to capture full cost recovery within a one-year period.
- We would have to increase the fire plan review fees by 130% to equal the Fiscal Year 2006-07 costs.
- We would need a one-time adjustment to the engineering unit cost tables to bring the bonding amounts to the current 2006 values; they are presently based

on 1991 values.

- We would need a one-time adjustment to bring building valuation tables up to 2006 levels to accurately reflect the cost of building and accurately reflect property tax valuations, which come to the City as a revenue source after a new improvement has been completed and assessed by the County Assessor.

By updating the building and engineering cost tables, we estimate it would produce a potential 20% revenue increase over the current tables used today. Staff also believes they should reexamine cost allocations and service level factors in a comprehensive manner with consultant assistance over the next 12-18 months.

Staff sought input from the development community in August through to the last couple of days, including members of BIA and representatives of the local development community. Two key conclusions of those conversations is that the City is not overstaffed in that we are providing a quality level of review without extra people padded into the organization. We are very lean and serve as a benchmark for many organizations. Secondly, the development community recognized that it is a difficult time for the residential market. The commercial/industrial market is good in Oceanside, with a lot of activity happening. Therefore, they preferred that there be smaller incremental increases, rather than larger one-time increases. Councilmembers have received the letter from BIA, which states that 1) they understand that the increases appear appropriate and why we are moving forward with it, 2) they are concerned about the residential activity and suggest that we increase these across the board at a 25% clip over the next several years, and 3) they would like the City to commit to an efficiency study to reexamine its entire development process and try to remove processes and streamline the development regulations. Staff has a concern with the 2nd point and agrees with the sentiment of the 3rd point.

Staff is recommending the following: 1) adoption of resolutions to increase the planning application and fire plan review fees by 25% over each of the next 3 years [as shown in the resolution exhibits]; 2) adopt a resolution to update the Unit Cost Table for engineering and the 2006 Valuation Tables in its entirety for building; and 3) fee increases to take effect on February 4, 2008, which is 60 days from now and is the minimum time that must be allowed for transactions of this nature, and that the fee increases would only be effective for the applications on February 4 and later. That is, if something is filed and accepted by the planning staff prior to February 4, that application would stay under the prior fees even if revisions occurred 6 months later. The same thing applies to building permits – if you submit your building plans prior to February 4 and you don't get your building permit issued for 6 months, the fees stay at the same rate as when you applied. Therefore, there is a built-in pipeline. Finally, staff asks that Council authorize staff to solicit consultant services for a cost allocation study. That way, they will be able to reexamine the Vertex basis for current fees. There may be other fee rationales, such as a square-footage basis, to accurately reflect service levels. They would also focus on the way they do a service, i.e. the time to do a variance or a large project, and analyze staff resources to remove duplicate services.

Public Input

SCOTT MOLLOY, Building Industry Association, stated this is a difficult time for the housing market, especially as it relates to cost and marketability. Fee increases in this type of market are very difficult if not impossible for projects to absorb, especially those in the construction phase or near it. They do recognize that periodic fee adjustments are appropriate based on changing costs and conditions. He highlighted the 3 recommendations as listed in their letter. Their first recommendation is consistent with staff's that the City implement the fire prevention and planning fees increases in 25% increments over 3 years. They also recommend that the City do this with the building and engineering fees. Those actually make up the bigger portion of the increase that developers will have to absorb. He referenced page 8 of the staff report, where 4 projects are listed. The first is a single-family residence, and he estimated the increase at 35%. For the commercial projects, the first increase amounts to 50%, and the last

one is about a 45-50% increase. So BIA's recommendation is that the City also phase these increases in with 25% increments. With the unit cost table for engineering, they would take 25% of the difference between the current fees and what the fees would be under the unit cost table and implement that increase. In a year's time, they would take the new unit cost table and adjust that by taking 1/3 to gradually adjust the fees to ultimately catch up in a way that allows the industry to better absorb the changes. The third recommendation is that they undergo a reengineering effort in the development services department to look at the organizational and functional structures and permitting processes and find ways to optimize and improve them. Just as big an issue as the fees for development is the time it takes to get through the process. Things that reduce time will actually save money. The City of San Diego has an "expedite program" for rebuilding and affordable housing projects or green building. The fees are double for that process, but they get through it twice as fast. Once projects are able to decide that it is feasible to do that type of project, they are more than willing to get into that process. A lot of developers have requested the expedite process. When you are ready to move forward with your project, time is money.

DONNA MCGINTY, 2405 Mesa Drive, was opposed to any developer coming into this community and expecting this burden to be borne by the taxpaying citizens. We pay the bills; we are not in favor of delaying any further increases. The developers can build the increases into their projects, put it into their loans, and pay their way.

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

Regarding BIA's comments on reengineering, **CITY MANAGER WEISS** stated this is also included in the staff recommendations. Staff recommends bringing in someone from the outside to talk with staff, look at the process, work with the development community, and come up with some solutions. To make the process speedier, they will have to look at both process improvements and staffing levels, along with the costs of that. Staff recommends this. Right now, we are recommending that the fees take effect on February 4. Projects filed prior to that would still be under the old fees. That is a bigger issue for Council to give direction on whether they want to allow projects that filed prior to February 4 to be under the old fees. We have not analyzed what that cost impact would be. He recommended that Council adopt staff's recommendations and provide direction on the fee increase effective date.

CITY ATTORNEY MULLEN noted that the last item on the staff recommendation is to authorize staff to solicit consultant services for a cost allocation study. That technically is not part of what has been agendaized for this item. If Council is interested in pursuing that, he recommended bringing it back for a formal approval of a Request for Proposals (RFP) for consultant services. Regarding the BIA issue, Council is authorized under the Mitigation Fee Act (Government Code Section 66014) to charge fees based upon the estimated reasonable costs of providing the services. Whether or not Council wishes to delay implementation of full cost recovery is more of a policy issue for Council based upon the equity.

COUNCILMEMBER SANCHEZ stressed that the General Fund should not be subsidizing this at all. She supports staff's recommendation; however, the City should not be subsidizing. Staff is trying to get things out as quickly as possible with what they have. Knowing that time is money, any delays in construction should not happen in relation to the City processes. If the desire is to have these fees implemented at a slower pace, then it will cost the building industry as well because we cannot subsidize private construction. We have to deal with the City's needs for public safety, recreation, etc. The needs of the City are ever growing. Staff has come up with an equitable plan to phase in the fee increases that will balance out in terms of the process. The cost to the end user will be served best by doing this and ensuring quality work, rather than divisions being understaffed and overwhelmed. This has been going on too long; we have subsidized \$2,000,000 this year for private development. It will be \$4,000,000 if we do nothing tonight for next year. That is a lot of money that can be used in a lot of ways to provide services to the public. She considered what is being requested by BIA,

but we need to put the public first before subsidizing private development. She **moved** approval.

COUNCILMEMBER KERN **seconded** the motion. These are costs that we have to recover. After February 4, the new fees would kick in. He wanted to make sure to get the efficiency study kicked off as soon as possible. They could bring it back in January. We are here because past Councils have not addressed things. This has been since 1991, so we are almost 20 years into the process. He would like to do a biennial review, sitting down with the BIA, the Fire Department, etc. to review fees and bring some certainty to the market. He understands what BIA is going through since this is a down time, which is a tough time to hit them with a big fee increase. However, this is a cost of doing business, just like the cost of lumber, etc. This is not a tax but actual fees for a service. We need to recover the costs as soon as possible.

COUNCILMEMBER FELLER stated this is to raise fees that are probably long overdue. He supports the idea but questioned whether this will improve the process. We owe the citizens to make sure the costs are recovered. He asked if this increase could be done over 5 years. He provided examples of negative comments about the process that he has heard in the community. He hoped that the City would look at the Accela program again because efficient services are most important. We are looking to raise the fees, but he asked if they were committed to providing better service. This is for all facets of building, planning and engineering. If we are about to increase the cost of housing, this could not happen at a worse time. He asked if it would make sense to have the delivery of services up front, with the full dollar value received at the certificate of occupancy instead of raising the fees 25% at a time.

Under the analysis portion of the staff report, it states this problem has been from 2001 -2006. He asked if we were under budget or understaffed from 1991-2001. He wanted to know why we did not have this problem at that time.

MR. BLESSING stated that from 1991-2000, they had fluctuations resulting in times they were up and down. However, in the overall picture they pretty much came out even. That is similar to the pattern we saw in 2002-2004. Now they are seeing a fundamental change in the trend, which is a cause for concern.

COUNCILMEMBER FELLER then read from the staff report, which stated that on a cumulative basis the Building Division returned \$1,200,000 to the General Fund. He asked for clarification.

MR. BLESSING explained that was in excess of actual building costs. Therefore, it went to subsidize the planning fees, which did not recover the costs or the fire fees.

COUNCILMEMBER FELLER asked if that meant we charged enough in building but not in other areas, and **MR. BLESSING** responded affirmatively.

Further responding to Councilmember Feller, Mr. Blessing stated that the 774 plans listed as reviewed in 2006 included commercial and residential.

COUNCILMEMBER FELLER understood that they have to do something. He would like to see how the Accela program would have played into the service to the community. Another huge issue is that the City is not open every other Friday. Maybe there is a way to split staff up so that people could receive service every Friday. That could be one efficiency. He wanted to support this, but he would like staff to look at other opportunities as they go forward. If we demand everything, then people will not build, and we will not have the money in the General Fund. He hoped they would look at this carefully.

COUNCILMEMBER SANCHEZ stated we are probably looking to have less income in the General Fund next year. That is a very real possibility we could be looking at in trying to continue with the services we now have. She asked if this study could be

included either in this budget or the next one. We were trying to stay as much as possible within budget.

CITY MANAGER WEISS responded that the study staff is recommending to be conducted is not included in the current budget. However, based on Council's direction, we could actually solicit proposals, see what the costs are going to be and then bring an item back to Council with either funding recommendations or to defer the funding into the budget process. It will take some time to prepare an RFP and go out to private consultants to obtain those responses. It is likely that we would not be in a position to come back to Council before March or April. Therefore, it may fit into the budget cycle. We will bring an action and funding recommendations back to Council.

DEPUTY MAYOR CHAVEZ referenced an article in the *San Diego Union* on the City of Chula Vista and their \$12,000,000-\$14,000,000 shortfall. They are looking at restricting library hours, reducing police response for particular crimes, reducing personnel and raising fees. The market is tough, and municipalities have to deal with it. Oceanside is fortunate to have a lot of great things going on. Conceptually, he believed 100% that developers should pay the full cost. The problem with people doing business in the community, including those buying homes, is that they have to pay fees. Therefore, it is not just outside people paying the fees, but also people within the community. Government generally will raise fees, stating why they have to raise the fees, and then state how they are going to make things more efficient. However, that efficiency never comes. Two years ago, Council raised fees for the airport since they were going to have new hangars. However, he still sees the same hangars with holes in them as he saw before. We never built those hangars. Government needs to look at efficiencies and determine the true costs, i.e. time and personnel. Planning has maintained an average of putting through 131-152 cases, but our staffing levels have remained constant. He asked what processes are being used today to have the same staff as 6 years ago. Technology changes all the time; secretaries are not used any longer, etc. Therefore, he wants a specific date of when the efficiencies will be brought forward.

One of the biggest reasons the processing is costing the City more is the Council has increased the process. For example, the Robertson's project has had probably 20 community meetings with staff attending. It has gone to Planning, then back, EIRs to be done, then not done, etc. With all of the hours spent on Robertson's over the past 2-3 years, the applicant has paid \$48,000 in fees. They got a bargain basement price, since the City has probably spent \$100,000 in staff time. Community outreach is fine, but there is a cost to it. He asked that staff come back and look at how projects are processed. When Council decided to go to a larger notification radius, there was also a cost to that. We are setting up new standards, more processes and more points along the decision making that are causing staff to work longer and developers to waste more time. He has learned from the airport and the hangars and from watching Council approach things from the "flavor of the day," rather than as real business people. He agrees this will be a funding issue, and he does not want to be up here a year from now saying we have to reduce police services, cut library hours, or reduce people. Therefore, he would not support this without a definitive time line with a date and a commitment from Council to look at changing our processes.

COUNCILMEMBER KERN also questioned the time line. If we are coming back next year, and we are going to revisit this at the first Council meeting in December 2008, he would like to have this done by then. That includes the process of the budget, the RFP, etc. He asked if a year was unreasonable to do that and complete the efficiency study.

CITY MANAGER WEISS felt it would not take nearly that long. The bigger issue is going to be finding a consultant and being able to identify a funding source. If we had to wait until July 1 to actually fund it, then we may be talking to Council in September or October. Bringing someone in to do the study, depending on how detailed Council wants it, is going to take time. We will prepare the RFP, solicit proposals from

appropriate firms and bring that back to Council, including the time frame of how long it would take the consultant to do the work.

COUNCILMEMBER KERN stated we do have to cover these costs. Councilmember Sanchez brought up the possibility of receiving less money, and it may be worse than that. The State is now in structural deficit. Their spending is going up 7½% a year, while their revenues are only going up 4½% a year. They are going to have to figure out how to balance their budget, and the last time this happened, they balanced it on the backs of the cities. We may be in a world of hurt this time next year. We need to figure out how to cover these costs now. The budget process this year, with what is happening with the State, is going to be one of the toughest ones we have done in the last few years.

MAYOR WOOD stated that Councilmembers are elected officials representing everyone and do the best they can. The the economy is tough. There is nobody wanting more building going on than cities, since that is where their money and tax base is, especially in commercial projects. Staff is trying to address this issue; they are also looking at other cities and their processes. However, money has to be appropriated in the right spots. He did not want to burden the taxpayers with any of the development costs. The City needs to bring in more money but not hurt the industry that brings in the revenue to pay for wanted services. We are taking a step to try to streamline our process. The technology is changing, but the City is pushing 200,000 in population, while being staffed for 129,000 residents. Staff is working with less. However, Council also receives complaints that projects are delayed by our staff. Everyone wants to build here, and we have to keep up with the costs. We seem to do well in the City but then get killed by the State from their budget issues and unfunded mandates.

COUNCILMEMBER SANCHEZ stated that Deputy Mayor Chavez had raised philosophical issues in terms of what things within the process end up costing us regarding our staff. We have made a lot of changes this past year, with the intention of having more public access and input. In the end, that means the project becomes a better project and not a delayed project. She disagreed that getting more people involved would end up costing the City more. The Robertson's project is highly controversial; most of the time we do not have that type of project. We do have our zoning plans and laws. If a project is not asking for any changes, we have a system in place. We have done a lot in the last 7 years and have accomplished much in some areas, such as the hotel and timeshares. This is just something else we need to figure out.

DEPUTY MAYOR CHAVEZ clarified his point on the consultant; he did not think it made sense to raise fees to hire a consultant to do an efficiency study. For the coming years, his issue is going to be the hiring of outside consultants. Outside consultants are hired, come in and interview our people, take what our people know, write it down and tell us what our people already know. Our people are more than capable of figuring out how to do this. The second issue is that consultants get a paycheck and hand the City a paper. If you have staff do the work, then staff has ownership to whatever changes are made and know why they were made. He asked that the City not hire a consultant to do the efficiency study, but to use the people we have, save the money and have ownership.

COUNCILMEMBER FELLER asked if this improves the process. He also asked if this can be adjusted in the ordinance so they could be flexible with each project. We know they will have a property tax issue, especially if someone calls for a reassessment of properties throughout the county. We have had a number of controversial issues such as Robertson's, including Morro Hills, which was an issue and provides millions of dollars a year in revenue to the City. They have a hotel project that they are stumbling over due to one letter that has made a disaster of a project that has consensus. Therefore, he needs to be convinced why this fee increase is a good thing now. Some suggestions have been raised, such as 100% payment at the point of certificate of occupancy, rather than increasing 25% over the next 3 years.

CITY MANAGER WEISS felt Council needed to do this now. The issue of staggering the fee increases in over time is appropriate. He had asked the BIA if they would prefer that the City do full cost recovery at an additional \$4,000,000 for this current year. He would prefer to do full cost recovery at the certificate of occupancy because then the City is breaking even. The projection for this year is that the General Fund is going to subsidize development \$4,000,000, which is just service fees for direct development related activities. We can do as many efficiency studies as we want, and even if we reduce processing times, we cannot make up \$4,000,000 worth of costs. In dealing with the development industry people, staff felt that phasing in the fee increases over time is the best approach. If the BIA is willing to do full cost recovery and defer the fee until the certificate of occupancy, he would support that.

MR. MOLLOY, BIA representative, stated they have not talked about this issue with their Legislative committee. Deferring the fees to certificate of occupancy is a very good idea, especially on development impact fees, which are really big fees paid at the building permit stage. It makes sense to defer those to the certificate of occupancy when the actual impact occurs and the house is ready to be occupied. However, it would have to be better understood as to how the service levels would still be maintained. When someone pays a fee, there is a certain expectation now that the service is going to be provided. If you have a situation where the City has to provide the service first, no fees have been paid, and there are problems with the project, it could result in a confrontational nature developing between that particular applicant and the City, especially on controversial projects that are going to have to go through a lot of community input and address a lot of complex issues. The concept is not a bad idea, but he was not sure it could actually work in practice. BIA's preference would be that Council move forward with BIA's recommendations - staff's recommendation on the planning and fire prevention fees and BIA's recommendation to phase in the building and engineering fees. BIA generally supports the concept of full cost recovery; it is a fair approach to take. However, you also have to look at development as an investment coming into the City that produces more tax revenue in property and sales tax. There is a benefit that the City realizes. It is also important to recognize that it is only now with the huge downturn in the housing market that the City is running a deficit in these departments. When activity was strong, they even had some years where they had a surplus. Regarding the notion that the City is subsidizing development, he asked if the City would eliminate its planning and building departments if activity is zero.

COUNCILMEMBER FELLER would like to put on the record that staff provide the update as soon as they possibly can because Council does not want to subsidize development at all. However, maybe there is a better widget that can do what we want more quickly. He would support this, but he is not really satisfied.

Motion [to adopt **RESOLUTION No. 07-R0719-1**, ". . . adopting a revised user fee schedule for development processing fees for planning and fire prevention" [as shown in the attached exhibit], phasing in the processing fees at 25% for each of the next 3 years beginning February 4, 2008; and **Resolution No. 07-R0720-1**, ". . . authorizing the City Engineer to update the unit cost tables and for the Chief Building Official to adopt the 2006 valuation tables for building" [as shown in the attached exhibit], to be effective February 4, 2008] was **approved 4-1**, with Deputy Mayor Chavez voting no.

20. **CDC: Adoption of a resolution certifying the mid-term review of the 2005-2009 Implementation Plan for the Oceanside Downtown Redevelopment Project Area, pursuant to Health and Safety Code Section 33490(c)**

MAYOR WOOD opened the public hearing.

Regarding disclosure of constituent contacts, **MAYOR WOOD, DEPUTY MAYOR CHAVEZ** and **COUNCILMEMBER FELLER AND KERN** had contact with staff. **COUNCILMEMBER SANCHEZ** disclosed contact with the public.

TRACEY BOHLEN, Development Project Coordinator, reviewed that in 1993 a state law was passed that required redevelopment agencies to adopt a 5-year implementation plan. The last adopted implementation plan for Oceanside runs from 2005-2009. As part of this law, a mid-term review of the plan must take place between the second and third years to assess the progress that redevelopment has made in removing blight. We are at the last month of that third year. She referenced Table I in the staff report, which shows the public projects and programs and the private projects in the Downtown Redevelopment Area. It also provides a short description of the project and the progress, as well as what blight has been alleviated by having the project in place. She highlighted the following achievements in the last 2 years:

- Landscaping and beautification of North Coast Highway
- Final construction of a downtown parking garage
- Expansion of the Oceanside Museum of Art
- Development of a master plan for Oceanside's waterfront is underway
- The resort hotel is becoming a reality
- Wyndham Resorts (private) is scheduled to open in late December or early January
- Ocean Lofts (private) is soon to be completed.
- Oceanside Terrace (private) has an estimated completion of Spring 2008.
- Nevada Manor (private) has an estimated completion of this month.

These public and private projects have really changed the downtown Oceanside look.

Public Input

DONNA MCGINTY, 2405 Mesa Drive, urged Council to look at the survey she presented and what they said they want downtown. They are not interested in condos and townhouses. They want somewhere they can bring their families, take their children to the beach, get an ice cream bar, go to a show and get something to eat. The document presented by staff should cause embarrassment. Deliverables of improvements from 1994 have passed from one CDC to another for 15 years. Department leadership has changed. Property tax accumulated for undelivered improvements is either wasted effort or is in the bank other than infrastructure and the parking garage. Everyone must bear the burden for the inequities of this report of undelivered goals. Elected officials are supposed to be making the downtown area productive and viable for the residents, making it the safe and clean place they want it to be. The report does not mention the new businesses that have taken the chance of opening here; they are mom and pop types, which are the backbone of America. They also have not mentioned the businesses that have left the area. She asked how many square feet of rental space, previously occupied, are now empty due to lack of patrons. You cannot continue to allow the blighted area downtown to continue unchecked while you cater to the industrial park developments and developers doing the townhouse condo projects. Residents will not come downtown to support the type of environment that has been allowed to sustain itself and make the area unwelcoming. Families cannot come down here. She asked what the economic and redevelopment solutions are to these problems and whether those had been handed off to a non-productive and inexperienced MainStreet Oceanside.

Public input concluded

COUNCILMEMBER SANCHEZ was very proud of the accomplishments in the redevelopment area. Her only issue of concern is that they have had no discussion on the issue of the workforce. We are planning on having restaurants on the first stories of these buildings, but they probably are not going to be affordable to people who are hopefully going to have jobs here. Jobs are a big issue, as well as the kind of jobs. We have skirted this issue in our zeal for having a hotel and the domino effect it has had in all of the building taking place downtown. However, we have not planned for any

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workforce sustainability issues, ensuring that we maximize the types of things like entertainment venues, which are reasons why people would want to go downtown. We have subsidized MainStreet to bring us back to a time when the downtown was the center of the City. We have talked about doing master planning on different parts of the City. The table provides a long list of projects; however, we cannot expect someone to drive from north of Temecula to Oceanside to work if it is not going to make economic sense for the kind of jobs that will probably be generated. We need to be looking at these issues as well. We are caught up in the successes we have had, but we have to look at the bigger picture of how this will work with our workforce.

She **moved** approval [and adoption of **Resolution No. 07-R0721-3**, “. . . to certify the adoption of the mid-term review of the 2005-2009 Implementation Plan for the Oceanside Downtown Redevelopment Project Area pursuant to Community Redevelopment Law”].

DEPUTY MAYOR CHAVEZ seconded the motion.

COUNCILMEMBER FELLER had commissioned a survey a little over a month ago. A majority of people want great restaurants and a walkable community in the downtown, and we have given them Ocean Terraces, Ocean Lofts, etc. These are places where there will be commercial in the downstairs, and people will be excited to come to these restaurants and shops. All they talk about is bringing the community together downtown. A huge majority want downtown to look and feel like a Gas Lamp area. Continue on with what staff is doing. He had voted to support every one of the projects listed because they were based on bringing residents downtown. We do not need more affordable restaurants; we do not have first class restaurants. He hoped they would hunt for those.

He noted that there are 6 low- to moderate-income projects listed in the table that are not located in the downtown and asked how those are affected by redevelopment so that the public understands.

MS. BOHLEN stated that Redevelopment passed an ordinance years ago to place their affordable housing outside the redevelopment area. That is where the money is spent. Redevelopment law requires that we report on everything in redevelopment affecting those funds, including the housing piece. Therefore, that is included in this implementation plan and the mid-term update.

COUNCILMEMBER FELLER knows what the people want and will do everything he can to make that happen as we go forward.

COUNCILMEMBER KERN stated that 2/3rds of the office space at Oceanside Terraces is already rented. It is a product that is going to work. We have retail on the bottom floor, office space on the second floor, and residential above. With the mixed-use projects, we are going to have a vibrant downtown, with people living and working there and people coming in to shop and eat. There is going to be a really fine restaurant at the Wyndham project. We have been in redevelopment for 32 years, which floundered for a while, but we have hit our stride. We are doing a good job of tracking people and businesses. The row homes are a great product, but he does not want to see them everywhere. In the downtown core, we should have the higher density uses around the Transit Center, such as restaurants, shops and office space.

MAYOR WOOD stated that money is generally what drives development downtown, with people willing to invest in the community. He also pointed out that trying to develop anything in the beach area, with the Coastal Commission and environmental issues, is not an easy process; it is a long, tedious process. We are trying to bring people downtown and change the image of Oceanside.

Motion was approved 5-0.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

28. **Council/CDC: Adoption of Ordinance No. 07-OR0724-1**, “. . . amending Section 1230 of Article 12 of the Oceanside Zoning Ordinance (ZA-201-07 and LCPA-201-07),” to allow for telecommunications facilities within the Coastal Zone – Applicant: City of Oceanside (Introduced 11/7/07, 3-2 vote, Wood and Sanchez – no)

Following the titling of the ordinance, **COUNCILMEMBER FELLER** moved approval, and **DEPUTY MAYOR CHAVEZ** seconded the motion. Motion was **approved 3-2**, with Mayor Wood and Councilmember Sanchez voting no.

CITY COUNCIL REPORTS

23. **Mayor Jim Wood**

MAYOR WOOD highlighted the following events: today’s groundbreaking ceremony for the El Corazon Senior Center; December 7 Pearl Harbor Day memorial service at the fishing pier; December 8 Parade of Lights at the harbor; December 9 Hanukkah Party at the Civic Center; and December 14-15 Live Nativity at Martin Luther King Park.

He also noted that the California Coastal Commission meeting is scheduled for December 12. Councilmembers will attend that meeting to support the beach hotel project. While a Council meeting is scheduled for that date, they will skip that meeting until the December 19 meeting. This is a priority for Oceanside and the downtown redevelopment, so Councilmembers will attend the Coastal Commission meeting in Sacramento to address concerns raised.

24. **Deputy Mayor Rocky Chavez**

DEPUTY MAYOR CHAVEZ reported on the Community Safety Partnership meeting, noting that the County is now getting involved. He also highlighted the open house for the Wyndham project and the Celtic music concert put on by the Friends of the Library.

25. **Councilmember Jack Feller**

COUNCILMEMBER FELLER highlighted the Thanksgiving Day Turkey Trot, which had 4,000 people downtown; the Christmas tree lighting downtown; Oceanside High School football team is to participate in the CIF finals on December 7, for a chance to be one of only 2 teams that have ever won 4 years in a row; December 9 Senior Winter Ball at the Civic Center Community Center; and December 15 Jeffries Ranch Toys for Tots parade.

He noted that the Community Development Block Grant (CDBG) funds will be distributed on a 2-year cycle; applicants need to be prepared for that. Council received an e-mail from Rick Sing on behalf of businesses on Industry Street that were flooded. He felt the City should declare some type of emergency and hopes they have a solution

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for future rain.

26. **Councilmember Jerome M. Kern**

COUNCILMEMBER KERN reported that he and Deputy Mayor Chavez had a conference call with Assemblyman Mark Garrett and Senator Mark Wyman to ask for help with the San Luis Rey River issue. They also talked to Mimi Walters. He provided copies of letters they sent to help the City regarding the river clearing.

27. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ also attended the Wyndham open house and several community meetings. The Utilities Commission had discussion on the water issue and what was happening with the delta and Sacramento. They also discussed solar power for some City facilities. There are incentives at the State level, which involves grant money. She highlighted meetings of the Eastside Neighborhood Association with the Police Chief; and the Presidents Streets neighborhood meeting, which raised concerns about emergency preparedness.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:53 PM on December 5, 2007. He announced that the next meeting would be December 19, 2007 since the December 12, 2007 meeting is being cancelled [to allow Councilmembers to attend the Coastal Commission meeting in San Francisco].

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside

PROCLAMATIONS AND PRESENTATIONS -- None

CLOSED SESSION REPORT

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

No closed session was held on the following agenda item:

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

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

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**

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

POLICEWATCH.ORG, no name/address given, spoke about jail brutality/charges/court/civil rights issues that happened to a friend in Los Angeles.

CONSENT CALENDAR ITEMS [ITEMS 4-13]

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

The following Consent Calendar was submitted for approval:

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 Change Order 1 in the amount of \$249,000 to Hardy and Harper, Inc., of Santa Ana for the FY 2006-07 Annual Street Restoration and Overlay Project, for additional work requested by the City, and authorization for the City Engineer to execute the change order [**Document No. 07-D0736-1**]
6. City Council: Approval of a Memorandum of Understanding between San Diego County Committees of the San Diego County National Pollutant Discharge Elimination System (NPDES) Municipal Permit that establishes the shared program responsibilities of each party with respect to compliance with the permit regulations for the five-year cycle of the permit, and authorization for the Mayor to execute the MOU [**Document No. 07-D0737-1**]
7. City Council: Approval of a professional services agreement with Infrastructure Engineering Corporation in the amount of \$61,887 for inspection services during relocation of the second and third aqueducts located at the intersection of Osborne and Hutchison Streets, and authorization for the City Manager to execute the agreement [**Document No. 07-D0738-1**]

8. City Council: Approval of the two-year renewal of the agreement with Bloomberg, LP, of New York for access to a live market pricing and information system used by the Treasurer's Office in managing the City's investment portfolio, in the amount of \$62,180 for the two-year period; and authorization for the City Manager to execute the document [**Document No. 07-D0739-1**]
9. City Council: Approval of a budget appropriation in the amount of \$8.1 million in the FY 07-08 Capital Improvement Project budget for the Pacific Street Bridge Project, which requires an appropriation from the funding that was scheduled for FY 2008-09; approval of Change Orders 6, 12, and 13 in the amounts of \$10,066, \$46,120, and \$133,304, respectively, to FCI Constructors, Inc., for additional work on the Project; and authorization for the City Engineer to execute the change orders [**Document No. 07-D0740-1** (Change order 6); **Document No. 07-D0741-1** (Change order 12) **Document No. 07-D0742-1** (Change order 13)]
10. City Council: Acceptance of the Treasurer's Report for the quarter ended September 30, 2007
11. City Council: Adoption of **Resolution No. 07-R0743-1** "...approving the expiration of the Project Area Committee for the Downtown Redevelopment Project Area as of December 31, 2007"
12. City Council: Adoption of **Resolution No. 07-R0744-1** "...superseding Resolution No. R96-069 to re-establish the Economic Development Commission of the City of Oceanside and add membership categories"
13. City Council: Adoption of revised City Council Policies 100-20, concerning staff participation in meetings initiated by Councilmembers; and 100-22, eliminating the required annual review of advisory groups

DEPUTY MAYOR CHAVEZ moved approval of the Consent Calendar [Items 4-13]; **COUNCILMEMBER FELLER** seconded the motion.

COUNCILMEMBER SANCHEZ had a question on agenda Item 9. She questioned if the Pacific Street Bridge project included the bike path item as had previously been included.

CITY MANAGER WEISS responded that the project does include the connection of the bike path as Council had approved. It is part of the bridge project and, pending the design, it will be a separate negotiated change order with the bridge contractor and will be part of the project.

Motion was **approved 5-0**.

[Since it was not yet 6:00 for the public hearing, Item 14 was trailed.]

GENERAL ITEMS

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

15. **City Council: Confirmation of the Council's October 10, 2007, approval to participate in a Regional Winter Shelter System at a total cost to the City of \$33,223 for FY 2007-08**

MARGERY PIERCE, Neighborhood Services Director, reported that Council, at its October 10 meeting, had approved the City's participation in the Regional Winter Shelter system for a total cost of \$33,223 for FY 2007-08. Council's approval was contingent on participation of all North County cities and the County of San Diego. The County was not able to put capital community money into this project because it is ineligible; however, the

Alliance is looking at other funding resources with the County, and it is anticipated the County will participate in some manner. All the cities have agreed to participate at the amounts recommended by the Alliance.

She is requesting that Council confirm participation.

DEPUTY MAYOR CHAVEZ moved approval of this item. **COUNCILMEMBER SANCHEZ** seconded the motion. Motion was **approved** 5-0.

16. **City Council: Approval of a Water Purchase Agreement with Poseidon Resources, LLC, in an amount not to exceed the City's cost of water supplied by the San Diego County Water Authority and the subsidy received by the City from the Metropolitan Water District of Southern California for the purchase of desalinated water; and authorization for the City Manager to execute the agreement [reverse osmosis seawater desalination plant]**

LONNIE THIBODEAUX, Water Utilities Director, reported this is a request to approve an agreement with Poseidon Resources for the desalination facility located in Carlsbad. This facility is planned to provide to the region 50 MGD (million gallons a day) of desalinated ocean water. The guarantee is that it will meet all the public health requirements, which are the same requirements the City has on its facility. It is a drought-proof supply and a redundant capacity. The price is not to exceed the imported water cost: the melded rate of MWD (Metropolitan Water District) and the San Diego County Water Authority (SDCWA), plus the MWD's incentive.

Currently there are 8 agencies that have an agreement. We are the last agency to do so. We are looking at 5,000 acre feet per year which is approximately 4,500,000 gallons a day.

The proposed agreement is for 30 years, with options for two 30-year extensions for the 5,000 acre feet. An important factor is that the cost is not to exceed the cost we are paying now currently to SDCWA for the melded water rate, which is what we pay SDCWA and MWD for imported water, plus the rebate for local projects that MWD supplies. Benefits of the agreement are that Poseidon is responsible for all aspects of the \$300,000,000 project; the City acquires a new and reliable drought-resistant water source; the City reduces its dependence on imported water; the City does not pay for water unless it is delivered as specified; Poseidon would get all the necessary permits to build the facility and deliver the water; and the City pays no additional capital or operating costs.

The City' current cost of water is \$713.24 (per acre foot), which includes all the costs from both MWD and SDCWA. Any local project gets a subsidy from MWD of \$250 an acre foot. In building this facility, Poseidon would also get this subsidy. So the City's cost would be our current cost plus MWD's contribution of \$250 an acre foot.

Oceanside's pending water portfolio has a longer range plan going out 20 years, which staff will bring before Council with a master plan, that reduces our dependence even further. In looking at the next 3-4 years, a couple of projects will be before Council in the next year. One is the groundwater purification facility to treat up to 6 MGD. We are currently drilling wells to produce that much water, and the treatment of those wells should be done in 2008. Regarding recycled water, we currently produce 700,000 gallons a day, and the first phase of expansion should be to Council soon and should be on line by 2010 for an additional 2 MGD of water. Poseidon will supply 4.5 – 5 MGD of water. Ideally if all these projects get on line in the next few years, it will reduce our imported water demand by up to 66%, with our local supply up to 34% which is significant. In the future our goal is to get up to 40-50% with all the projects being considered to 20 years. It is a big issue for Oceanside and the region as we diversify our water portfolio.

[No public input]

COUNCILMEMBER SANCHEZ questioned why the 30 years since we are developing our own resources, including our own desalinization.

MR. THIBODEAUX responded that it is a standard agreement with all the contracting parties for 30 years. Part of it is to recover the capital investment of the \$300,000,000 and to get the payback over that period to make it worthwhile to build the facility, and part of it is reliability as a long-term project to provide water on an on-going basis.

COUNCILMEMBER SANCHEZ noted the contract also calls for an election to extend the term for two consecutive 30 years. She asked for confirmation that it is the City's election and there would be no penalty to get out of the contract in 30 years.

MR. THIBODEAUX responded that is correct.

COUNCILMEMBER SANCHEZ stated the staff report says it is the cost not to exceed the City's cost supplied by the SDCWA and the subsidy received from MWD, costs to be adjusted based on current increases. She asked if that is a fixed price for 30 years.

MR. THIBODEAUX responded it will not be more than that, but it will increase based on the escalators of inflation. The guarantee is that it will not be greater than the SDCWA's increases. Currently the SDCWA increases are scheduled to be 5.7% a year over the next 20 years.

COUNCILMEMBER SANCHEZ asked if this agreement is based on the same thing that we are getting now and then inflation, and it will never be more than what we are paying, then what the benefit is of doing this if, in fact, it is going to be the same cost. If it is the same cost from either supplier, with one being a public supplier which is not requiring us to sign a 30-year contract and the other being a private supplier requiring a 30-year contract, she questioned the benefit.

MR. THIBODEAUX responded that the biggest benefit is drought resistance. This is a local supply; it is not imported; and it is not impacted by the weather profile of the droughts that could happen at any time in the region.

COUNCILMEMBER SANCHEZ questioned if there would be any savings over time.

MR. THIBODEAUX displayed a graph of the base pricing, which is the CPI increase and the SDCWA increase projections over the next 20 years. It shows that at about year 13 the City's costs will be lower than the SDCWA's costs because at that point our base price will be lower based on the CPI from Poseidon, and the agreement is to split the difference, which means we will get a reduced cost of water based on what we would have been paying with the SDCWA. So at that point we will be getting cheaper water.

COUNCILMEMBER SANCHEZ stated that when she was given the sell presentation by Poseidon, she was told that the cost would not go up. Therefore, she thought the City would realize substantial savings. What has now been presented is that for 13 years we will be paying the same as with the other supplier with the increases, then after that there is potential for less.

MR. THIBODEAUX responded that is correct. Our protection is that our price is not to exceed the price we would have been paying for voided costs, meaning the SDCWA.

COUNCILMEMBER SANCHEZ stated that staff is saying that we are not guaranteed any real savings, and that worries her.

WALTER WINROW, President of Poseidon Resources, wished to offer more clarity. There is a single circumstance in which the City would not see any savings in the cost of water from the desalinization project relative to the cost of water from the SDCWA,

and that is the single circumstance where the cost of imported water increases at the rate of the CPI. Historically, when the CPI has averaged 2.7%, the cost of imported water has increased in excess of 5.5%. So the vast probability is that the cost of water will continue to increase for the reasons described. There is an anticipated and planned variety of capital improvements in water supply infrastructure across the state that will all drive the cost of water up at a rate greater than inflation. Our price, under the contract, increases at a rate no greater than inflation and is capped at the cost of your imported supply. So there is a high likelihood that there will be savings, except for that unique circumstance where imported water increases at the rate of inflation.

CITY MANAGER WEISS responded there would not be significant savings, simply because the City is only buying a limited amount for a very specific area of the community. So a very small amount of the City's total water is being provided through this contract. Our costs, based on the contract, will not exceed the cost of imported water, which essentially means that while there is no significant cost savings, it is capped to not cost the City any more either. In 13+ years, the cost savings would be minimal.

COUNCILMEMBER SANCHEZ had understood something completely different from the presentation she received in her office, which was a substantial savings and a guarantee that the cost would be fixed over time. It is not fixed. It is a good thing to diversify our supply. On the other hand, to go into a venture with a partner who has not done this before and did not have a good experience in Florida, as she understands, it does not have enough stability for her at this point.

COUNCILMEMBER KERN went to the Lands Commission and the Coastal Commission and talked on Poseidon's behalf because not only are we talking about costs but also supply. He has seen the San Luis reservoir and it is a scary site. It is the biggest off-stream reservoir in California, and it is the key to our supply. Two things come into play: we are one big earthquake from having that gone altogether. We will be scrambling for water, so this guarantees us at least a partial supply. Also, we are working for water independence. We will never be able to supply 100% of our water within the City limits, so going to other partners to supply water is in our best interest to guarantee that water supply for our citizens. The other thing is the regulatory drought. We all know about the Delta Smelt after all the court decisions and publicity this summer; we all know what that fish is and what it does to the State water project.

He **moved approval** of this contract [**Document No. 07-D0746-1**] because we need to guarantee our water supply. Regarding the presentation in his office, Poseidon told him it was tied to MWD, and he understood it was tied to water costs of MWD and that nothing stays fixed for any period of time. His concern is the supply of water. Some of the triggering studies done in the past show that California has gone into 100 years of drought, so this is a good project. Maybe in the future we can get more efficiency, etc.

DEPUTY MAYOR CHAVEZ **seconded** the motion. Regarding the earlier questions of why for 30 years and what is the benefit, he said the benefit to the City is that we have another alternative water source. As far as the cost, we will be buying and consuming water anyway from someone. The value of this is that after a point in time we will be getting water at a cheaper rate as shown. As far as there being no increase in costs, he asked that question about 2 years ago when he first heard about this project and asked how they would recoup their investment, since private enterprise is making a substantial private investment to put the plan in, and that is why it is for 30 years. This is a good example of private/public partnership.

To clarify for the community, he asked what percent this is of our total water consumption in the City.

MR. THIBODEAUX responded it is approximately 20% currently, so it is a significant addition to the City's water supply. The water will be serviced in the area shown on a map [generally south of Highway 78 from west of College Boulevard, east through the City limits, and including all of Ocean Hills]. There is an existing aqueduct, called the tri-

agency line, and it would come in at the same area. Those 2 reservoirs are where the water would be served from.

DEPUTY MAYOR CHAVEZ stated that this area is Ocean Hills, so with this approval, we are guaranteeing that that area will have water for the next 30 years. There is value in this in the diversification of risks.

COUNCILMEMBER FELLER further emphasized that this water will service Ocean Hills. For the future, he asked about the plans for the rest of the residents.

MR. THIBODEAUX reiterated that we will be going from 2 MGD to 6 MGD in ground water treatment in the next year, and we are doing a pilot study now for ocean well desalting. If that is successful, we will get costing and pipeline alignment to bring water from close to the beach back to our treatment plant. We are looking at an additional 5,000,000 in 3-5+ years out and looking to expand reclamation, which reduces our potable water consumption and benefits the whole City in guaranteeing water supply.

COUNCILMEMBER FELLER responded then that staff is telling us they are working towards that 50% of non-reliance on MWD. And is this the exact same agreement with Poseidon as all other participants.

MR. THIBODEAUX responded yes, our goal is local reliability. Regarding the agreements, they are virtually the same with very little change.

CITY ATTORNEY MULLEN stated that they compared all other agreements, and all of the core deal points are essentially the same with only minor differences.

COUNCILMEMBER FELLER noted that MWD and SDCWA do not work as cheaply as private, so this is a great step in the right direction. Oceanside pays the avoided cost plus a base price for delivery, and the avoided costs include all of MWD's and SDCWA's delivery costs.

MR. THIBODEAUX responded that is correct.

COUNCILMEMBER FELLER questioned any drought water cuts from the water agencies.

MR. THIBODEAUX responded that, just as with our local supply, we get a credit for local water. So, say there is a 10% cut, we would only get cut approximately 6.5% because in order to encourage local supply, MWD has a program for local credit. Because this is a local project, all the participating agencies would get that local credit. So we actually get less of a cut because of the local supply issue.

COUNCILMEMBER FELLER wanted to make sure that everything in the agreement is the same as is spelled out in the City Manager's report and that we are protected from paying more money for this water. He also questioned the subsidy.

MR. THIBODEAUX responded the agreement is the same as spelled out in the staff report. The subsidy is a separate issue; it is a contract for 30 years to initiate and encourage local supplies of water.

COUNCILMEMBER FELLER wanted staff's guarantee; he wants to make sure the City is totally protected. According to the backup it said \$861/AF from Poseidon but with our credit at MWD it goes to \$963, so he questioned what they are charging.

MR. THIBODEAUX stated the local projects money goes to fund the projects, so essentially that money would go to Poseidon since they funded the \$300,000,000 project. MWD gives it to the local agency so it would come through the City of Poseidon. Therefore, MWD would pay that portion of it, and the City would pay its ongoing \$861.

MAYOR WOOD questioned the water storage for the future.

MR. THIBODEAUX stated there is a large reservoir south of that area that Carlsbad has; it is a major storage facility. Oceanside has the 2 reservoirs in that area. Storage is an issue for the whole region. We have an emergency storage project that is on-going now by the SDCWA at Olivenhain and San Vicente for regional storage. With the SDCWA involved, and in order to convey this regionally, we would use the SDCWA's facilities, which would mean that if there is excess supply, and these are contract points that have to be worked out later once the agencies have agreed to the contract, Poseidon will develop a delivery regime. The SDCWA will allow us to use their lines and maybe buy excess water. At this point all the water is subscribed to the participating agencies, and the agencies' own storage, like reservoirs, are used. Poseidon does not have storage of its own; it is using the agencies' storage.

MAYOR WOOD noted that water is our most important issue for the next few years. Our main concern with Poseidon originally was the cost, but looking at the State concerns on water issues, it would be foolish not to be involved in this also. He is concerned about water storage.

COUNCILMEMBER SANCHEZ questioned how long the subsidy exists from the public agency.

MR. THIBODEAUX believed the contract is for 30 years.

COUNCILMEMBER SANCHEZ questioned what would happen if the subsidy goes away and whether the City would make up the difference with Poseidon or if it is removed from the cost.

MR. THIBODEAUX responded that, at this point if the subsidy does not happen, the deal would not pencil out. The deal is almost penciled out with all the agencies getting the subsidies. If MWD does not give any of the agencies the subsidy, we are not locked into buying the water from Poseidon. If we get the subsidy, we buy the water as stated in the contract. This agreement is relying on the subsidy by MWD, and we have been told that this project would qualify for the subsidy.

COUNCILMEMBER SANCHEZ noted that we are then assigning the subsidy to Poseidon. With respect to construction of the pipeline going into Oceanside, she asked what guarantees we have of our community involvement in how that takes place.

MR. THIBODEAUX responded that Poseidon has to comply with all of Oceanside's permits and costs, any franchise fees, etc. The other issue is that we are now looking at using existing facilities in the delivery regime, so there would be no additional piping. We would be using the pipes that are in the ground, which is the ideal delivery regime. Presently with the partners, the delivery regime has not been worked out. They are working out how to deliver it to all of the partners. Some partners are agencies in South County, so those agencies are working on exchange agreements with other partners that would take Poseidon's water and potentially offset their water with SDCWA water. Oceanside is the closest and able to receive the water directly through an existing pipeline system close to a reservoir that Carlsbad has. Therefore, Oceanside is one of the easiest agencies to get this water to, directly and physically without any other agreements.

COUNCILMEMBER SANCHEZ questioned when there would be an agreement as to whether the pipeline would be existing or otherwise.

MR. THIBODEAUX responded the goal of the delivery regime is to develop that over the next year with all agencies. Poseidon gets permits from the Coastal Commission and Lands Commission in February. They want to be under construction this year, and their goal is to supply water in 2010. There will be public hearings if there is ever a pipeline that has to go through Oceanside.

COUNCILMEMBER KERN questioned how much of this plan is subscribed now.

MR. WINROW responded that the total number of contracts that they have represent over 100% of the capacity. In order to diversify the number of cities and water agencies that are receiving output from the plant, some of the other participating water agencies are prepared to reduce the amounts that they would take in order to accommodate Oceanside's participation.

COUNCILMEMBER KERN wanted to verify that we only pay for the amount of water we receive.

MR. THIBODEAUX responded absolutely.

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

CITY MANAGER ITEMS

19. Update on the Community Safety Partnership Program

BRENDAN MANGAN, Neighborhood Services Management Analyst, gave the update on the Oceanside Community Safety Partnership (OCSP). On August 15, 2007, the Council directed staff to take a leadership role to facilitate public and private organizations and individuals to address community safety concerns related to at-risk youth. Their first meeting was on October 4, with a wide cross section of the community invited. At that meeting they handed out surveys, which 56 people completed. The top 5 themes from those surveys are:

1. Increase communication/collaboration among all service providers and neighborhood communities. Teamwork among all entities public and private.
2. Increase law enforcement presence. Satellite police stations with strong community policing efforts and strong city government leadership.
3. Promote and enhance existing services: investigate all prevention and intervention programs taking place in Oceanside, or available to Oceanside residents in schools, agencies, churches, and city government; work to create a web-based, bilingual directory/broadcast system of "Healthy Youth, Family and Community Programs" that is easily accessible to the public through schools, churches, public and private agencies and businesses.
4. Develop services that are lacking with an emphasis on: after-school programs; school truancy/expulsions; school-based retention programs; job training and placement programs; recreation and drop-in centers; counseling and life skills development for gang involved youth; mentoring and peer leadership; and parent education specific to gang awareness and prevention for youth.
5. Seek funding to facilitate the success of issues 1-4.

The second OCSP meeting was held November 19. The goal was to discuss the purpose and structure for the OCSP. The purpose was: focus on youth; improve communication within the community/agencies/churches/business/schools/city; empower parents; improve social/economic/academic opportunities; develop a road map for a gang free city; be a "body" by which funds are sought; be a source of influential pressure on churches/schools/parents to be involved with youth; and be a clearinghouse for programs/organizations dedicated to positive youth development.

The structure was seen as a membership representing each segment of the community such as business/schools/agencies/churches/government/residents/youth/law enforcement; OCSP should be a steering committee for community needs related to youth; and OCSP should hold regular meetings to address the group's purpose.

Staff's recommendation is to create a community collaborative with a 9-12 member steering committee with representation from: neighborhood associations; the business community; education; faith based organizations; youth serving organizations; Parks and

Recreation; City/Neighborhood Services; and public safety/law enforcement. Council should also consider the option of appointing a Council liaison to the group.

[No public input]

COUNCILMEMBER SANCHEZ attended both meetings. At the last meeting there were several City employees. When counting those who were not employees, there were about 15 present, which is probably a good sign that something is being done. Really good things are being done by community groups that have been actively working, going to the parks and holding outreaches, etc. No one will stop this group or others from continuing their mission, which is to eradicate gangs in Oceanside.

Any committee should have at least representation from each of the neighborhoods; that would be East Side, Crown Heights, Libby Lake, Back Gate area, and John Landes also because there has been some activity there. In terms of faith based and businesses, absolutely. Regarding social service organizations, Vista Community Clinic and Lifeline have been working on this, so it would be good to have social service representation. One other group besides the schools to include is Probation, so Probation knows what the issues are including prevention and discipline. She is willing to see a committee of this kind, but she wants the neighborhoods adequately represented. Wayne Godinet, who has been working on this issue, supports the representation of the neighborhoods. That is her direction to staff.

COUNCILMEMBER KERN felt Councilmember Sanchez described an unwieldy group, but a steering committee is needed. People need to be invited to the table, but a core group is needed. Staff said 9-12 people and how they arrive at that is up to staff, but core people are needed. When we do outreaches to specific areas, we bring these neighborhood people in. He wants a working group to make sure it happens. If the group is too large, nothing happens. There needs to be a solid core of a steering committee. That is my direction, and hopefully staff will come back with some idea of what that looks like.

MARGERY PIERCE, Neighborhood Services Director, stated that it was contemplated in the staff recommendation that there would be representation of each of the neighborhoods.

COUNCILMEMBER KERN does not want an unwieldy group. 12 may be on the high side for a steering committee; it should be around 9-10 to move things along. His direction would be that staff come back with some idea or through a memo to show the plan and the outreach.

Referencing the backup material, **DEPUTY MAYOR CHAVEZ** stated it says the best way to coordinate the community efforts aimed at safety is strong City leadership and staff support, paid staff coordinators representing diverse populations, a system of communication among all groups and agencies, and representatives of the most influential groups. That is good, and he agrees with it. He also agrees with Councilmember Kern that we need a group to drive this. We have had these meetings; it is now time to do the work. It is time to start doing something, getting the money and making things happen. He does not want this to be personality-driven, because this will be an effort by the City for 5-20 years. If it is personality-driven, it will fail. The memo from the City Manager's Office says we need to "drop the egos and unite," and he agrees with that. We are talking about saving and helping children. It is a good direction; go forward; build it; make it happen. Hopefully in 90 days staff will report on what is happening.

COUNCILMEMBER FELLER questioned how this group gets money.

MR. MANGAN stated we would have them apply for nonprofit status as well. We have a nonprofit status through Partners that they could use, and we could switch it over to this group. They would apply for funding through grants.

MS. PIERCE stated it is likely that once the steering committee comes together, they would make a recommendation that they need a staff person to convene the meetings, do the work and work on writing grants, etc. So she envisions that there might be a likelihood that they would come back to the Council and ask for some funding for a staff position. That has been contemplated all along.

COUNCILMEMBER FELLER noted that the Community Relations Commission does much of what is being discussed, only most of their effort regards CDBG grant funding and MLK awards, etc. He attended the second OCSP meeting, and he would say there were less than 15 in attendance, outside of staff/agencies. He sees involving agencies in this process; they would be interested in helping in their way, although it would not be the same as a neighborhood participant. He thinks 9 members is probably too many. He asked what would happen if there are issues in the area south of Highway 78 and Thunder, etc., and they need a representative. There needs to be a group that strictly oversees this, and it has to be a relatively small group; so think carefully about that.

There is a program, much along what has been suggested under ways to curb gang-related violence and illegal activities, and it is a group called Jobs for Life. Their interest is in providing jobs and working with the business community to get these young people jobs. Yet they do not have the same interests as the faith-based groups, so this is really a challenge and needs to be thought through.

He was not impressed with the last meeting where there were only about 10 people that were not City or agency staff. At the first meeting there were around 100 people. His direction would be to make a very manageable group, following the staff's guidelines. Money is needed to fund this. Many are volunteering due to the great outreaches.

A steering committee of maybe 5-7 is more appropriate and then they can draw in the people.

MAYOR WOOD believed this was going in the right direction. It started off with the City taking the leadership role and getting involved. We have looked for Federal and County and State money, and will be asking for more in Washington, D.C. The big picture was to have a knowledgeable staff person to be in charge of bringing all the others to the same table, to have the forum to bring up things, such as what they do and make sure there is no duplication of effort with civic groups.

We should not forget about this. We already have commissions such as Community Relations, Police and Fire, Housing, Parks and Recreation, and Senior commissions. He does not want these people to think we are not listening to them by starting a new group. He would direct the City Manager and staff to put together something that has the ability of a forum where all these groups can go and speak and present their involvement in the community and what they do. That will be the responsibility of a City staff member to put it together, be in charge and get it done. That is what has been happening with the surveys and getting the input.

He wants staff to make sure that all the people we already have on our commissions are involved in this too, whether that means 1 or 2 from each one to be involved, or Community Relations as a whole, etc. He does not want people left out when we already have the commissions.

CITY MANAGER WEISS believed staff's recommendation does include representation from law enforcement and parks and recreation. We specifically did not say from the commissions, leaving it open-ended to allow for options. We will put together an outline and forward that back to Council in a memo format based on what we are hearing tonight.

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.

14. **Council: Consideration of a resolution approving a Conditional Use Permit (C-24-07) for a regulated use to allow the establishment and operation of a game center in conjunction with a Shakey's Restaurant located at 4141 Oceanside Boulevard; project site is zoned PD-1 (Rancho Del Oro Commercial Development) and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood – Shakey's Video Games – Applicant: Shakey's USA**

MAYOR WOOD opened the hearing and requested disclosure of Councilmembers' constituent contacts and correspondence.

SCOTT NIGHTINGALE, Planner II, gave the staff report for a conditional use permit for Shakey's Video Games to allow the establishment and operation of a game center in conjunction with Shakey's Restaurant. He described the location of the project at 4141 Oceanside Boulevard and reviewed the surrounding land uses. The use will occupy an existing 5,000 square foot building within the Del Oro Marketplace and is located at the southwest corner of College Boulevard and Oceanside Boulevard. The applicant requested a conditional use permit (CUP) to permit the 18 coin-operated games within a game center within the existing building. The 18 games will be housed within the designated 700 square foot game center area within the restaurant.

The game center is conditioned and designed to be at the rear of the restaurant area. The majority of the 18 video games will be redemption games with redeemable tickets that can be cashed in for prizes. The use will be conditioned with limited hours of operation from 10:00 AM to 11:00 PM Sunday through Thursday, and 10:00 AM to 12:00 AM Friday and Saturday. The use will be conditioned to meet all the requirements as specified in the resolution and staff report.

Regarding the locational requirements for regulated uses, the game center must be located at least 1,000 feet from any other regulated use and located at least 500 feet from any residential district. It meets those distance requirements. At this time staff believes the proposed use will help generate the needed commercial activity to the center, and staff recommends that the City Council approve the conditional use permit and adopt the resolution.

Applicant:

RANDY HILL, Vice President of Shakey's USA, is here to answer any questions. They are excited about building this restaurant. This will be the very first new prototype Shakey's. We have been working on this for 3 years. We acquired the company about 3 years ago after being a franchisee for 40 years, so we have experience in the business. However, now we are the franchisor, and we are trying to revitalize Shakey's. We have a fine organization and are youth-oriented. The game room is specifically designed for children 4-12 years of age. We have several games that would be fun to play for the fathers with their sons or the mothers with their daughters. We only have 2 video games, and they are driving games. Our policy is: there will be no violent games of any type ever in our location.

With no public input, Mayor Wood closed the public hearing.

COUNCILMEMBER SANCHEZ stated she has fond memories of Shakey's in Mission Valley. She would like to see a whole other generation of kids enjoy Shakey's. It was a wonderful family-style restaurant and a place where kids can play.

She **moved approval** [and adoption of **Resolution No. 07-R0745-1** "...supporting Planning Commission Resolution No. 2007-P51 and approving a Conditional Use Permit (C-40-07) for a game center consisting of 18 coin operated games within an eating and drinking establishment located at 4141 Oceanside Boulevard (Shakey's USA – Applicant)"]

DEPUTY MAYOR CHAVEZ seconded the motion.

COUNCILMEMBER FELLER questioned the minimum number of games without a CUP.

MR. NIGHTINGALE responded that any type of arcade game will require a CUP at any restaurant.

COUNCILMEMBER FELLER felt this was a major increase. He spent a lot of time in the 1960's in a Shakey's but there were no games then. What if someone else wanted to have such games.

MR. NIGHTINGALE responded they would have to go through the same procedure and obtain a CUP since it is considered a regulated use.

JERRY HITTLEMAN, Acting City Planner, confirmed they would have to go through the same process. Also, if they were within 1,000 feet of certain uses, they would have to ask for a waiver of the locational requirements;; the same as for a liquor store, massage parlor, etc.

COUNCILMEMBER KERN asked how many televisions would be there and who the real client base is. Some reach out to softball leagues, etc.

MR. HILL responded that Shakey's is actually 3 different restaurants in one. At lunch there is a buffet with a quick service system, so about 1/3 of our business is Monday-Friday with business people. Most of our stores will have 2-3 fundraising events a week, usually between Monday-Thursday from 5:00-9:00 PM and mostly with schools, day-care centers, youth groups, soccer groups, etc. In this store we will have 4 flat screen televisions. All we show are games/sporting events without sound. So we are a restaurant with games and some entertainment. We are not an arcade with pizza, which is what Chuckie Cheese is, with 100 games. The weekend is usually families, starting at 10:30 AM Saturday and Sunday, including lots of birthday and team parties. We think we will be a great addition for the community.

COUNCILMEMBER KERN encouraged the use of local suppliers for beer/wine as much as possible.

MAYOR WOOD stated his questions have been answered in that the targeted age group is 4-12 years of age.

Motion was **approved 5-0**.

MAYOR AND/OR COUNCILMEMBER ITEMS

17. **Request by Deputy Mayor Chavez for a presentation by J.C. Thomas regarding SDG&E's long-term resource plan and the Sunrise Powerlink's role in our energy future with possible direction to staff to prepare a resolution of support of the Sunrise Powerlink as a necessary infrastructure project for the reliability of the region's energy needs**

DEPUTY MAYOR CHAVEZ stated he asked for this presentation because San Diego County was in a very tenuous position during the wildfires. We got a lot of our energy transmitted in through Mexico. A few weeks ago our Rotary had a presentation on the importance of the grid system across the USA and the world to provide energy. So

transmission lines are important to get energy into our houses and hospitals, etc. He asked SDG&E to tell us how they provide energy to Oceanside and why it is important that we have redundancy for transmission lines.

J.C. THOMAS, with SDG&E, stated that on the fires, he was evacuated and was in their emergency center in Kearney Mesa. It was around 2:00+ AM, and we saw the fires creeping toward I-5 through Camp Pendleton. We knew at that time that we had lost our major 500 line because of the smoke down in the south. The smoke causes the insulators in the line to trip off-line, and before we can re-energize that line, we have to hose it down with a high-pressure sprayer, which takes a couple of days. The fire was still in the southern part of San Diego County, and we couldn't get our crews in there. We saw the fire continuing toward I-5, and it crossed the transmission lines. We were fortunate in that we still had one of those lines operating, but the others tripped off-line. That is how close we were for about 24 hours until we got the southwest powerlink back on.

That brings home the point that at some time in our future, say in a couple of years, we need that third major interconnect. The next disaster may be a earthquake, fire, storm, growth, etc., but that is what drives the need for either additional transmission or additional power plants locally in San Diego County. Our plan really calls for both—a balance of having local reliable sources of power, such as connections to either our State or the national grid, and it includes renewable energy sources, which is critical when dealing with issues such as greenhouse gases or carbon footprint. Looking at future renewable sources, we hope there will be an affordable source of power. When dealing with the sun or wind, the fuel source is at no cost at all; you get what nature provides. It is just the cost of the infrastructure going in.

We are also looking at competitively priced power. We want to make sure that in San Diego we are not paying the highest prices and that we can provide more affordable power sources to our customers. To do that, we have to have another connection to our grid. We need to get the most competitive price that is on the market for San Diego County. He displayed a graph showing a snapshot of the future energy infrastructure. To the south, the Otay Mesa power plant will be the newest addition, to be finished in early 2009. It has been in planning for 10+ years. It will be a critical piece and hopefully will help with the South Bay plant in Chula Vista that will be retiring in 2010. We have to replace the energy that plant provides. To the north, we have the addition of the Palomar energy center in Escondido. It is state-of-the-art and uses reclaimed water; it is one of the most efficient and cleanest natural gas power plants in the U.S. Then we have the Encina power plant in Carlsbad, which is 50 years old, with talk about replacing portions of it sometime in the near future. San Onofre is expected to be around serving our region for the next 20 or so years. There could be discussion in the future about expanding nuclear energy in the U.S. To the east, again the Southwest Powerlink to the south and then the Kumeyaay wind facility producing 50 MW of wind.

We are looking at growth of about 100 MW (megawatts) a year. Most of that growth is driven by new housing and commercial development, but we also see growth in existing homes with more kids and more electronic devices. We have seen tremendous growth in the last 5 years. We average around 2% growth per year.

When we look at investing in energy infrastructure, we look at energy efficiency first, as explained: renewable power, new power plants, and new transmission. In terms of megawatts and energy efficiency, we expect to produce the equivalent to a major power plant, which is a tremendous savings for our customers. Using less energy is better for the environment. Demand response is someone not using as much. CSI is the California Solar Initiative — we expect 150 MW of rooftop solar panels in San Diego County, which would be a tremendous benefit to everyone in the region; that is coming on line over the next 10 years. There are financial incentives from the State, and we are working with new home builders to administer that program, make sure panels are put on new homes constructed and help the State achieve the zero-energy homes sometime in the near future.

Regarding generation, there is Palomar and Otay; there are also some Peakers and renewable facilities we plan to add; and then there is the Sunrise Powerlink.

That is a snapshot of the fuel source of where our energy is going to be coming from both presently, and in 2015 renewables should go from the present 7% to 26%.

He reviewed that they seek new energy resources from potential suppliers through a competitive process, whether it is turn-key or we buy output through a contract. Transmission is a critical element of that, and it must be reliable and safe. We also want to connect in the right place so that we can get renewable energy into San Diego County. That is why we propose going to Imperial Valley; it is rich in renewable sources, whether geothermal or solar.

We have an increasing need for energy, and by 2010 we will have a shortfall. We will need to add either a new transmission line or a new power plant into San Diego County. We are doing all the energy efficiency, demand response and local renewables we can, but by about 2010 a transmission line is needed for our region. Sunrise Powerlink is a path to green energy. He displayed a map of the Sunrise Powerlink, showing it starts out in Imperial Valley at an existing substation and travels north. A lot of renewable sources are near the Salton Sea, which is why it would be nice to sweep up near there, then it comes in through the Anza-Borrego state park. That is our preferred route because we have an existing line that goes through there today. We would not have to acquire much new right-of-way with the existing line. It is a 69,000 volt line, not a 500,000 volt line, so there would be an upgrade in the system, but it is already there. Also, we want to be separated from the Southwest Powerlink as much as possible because we don't want to be in a situation where there are 2 critical lines that parallel each other. If one goes down, they both go down. It is a reliability issue. The last reason is that we need the line near the center of San Diego County, which happens to be around where State Route 56 is. The line should be close to that area where we see a lot of interior growth in the region. It will avoid the need for upgrading more north/south connections in the future if we can bring the line in from the east/west.

We have had a lot of experts look over our transmission system and all have come to the same conclusion that we need a third upgrade in San Diego County. There are 47 500 KV lines in the State, and we only have one. We know we have a unique circumstance with the Pacific Ocean to the west; we cannot connect to the west. We have Mexico to the south; we have a connection to the south, but it is only used in times of emergencies since Mexico needs all the energy they are producing for their people. They are growing quicker than we are. We help each other out in times of emergency. Then looking to the east, there is not a lot of growth between us and Arizona; we're not seeing a lot of opportunities for growth in power plants, generation or transmission lines. So this line is critical to connect it out there and to have that third interconnect.

We would desperately like your support for the Sunrise Powerlink.

DEPUTY MAYOR CHAVEZ noted that we are not here tonight to support a particular route. The City needs power, and we need alternate routes to bring it here. This is a critical item. We have given staff direction to look at being more efficient. Energy is good business, and there needs to be a source and a transmission. He is supportive of insuring we have more than one lifeline; we need reliable power.

Public Input

DIANE NYGAARD, 5020 Nighthawk Way, stated global warming is real, and we all realize we need to reduce our reliance on fossil fuels. However, we need energy to support our economy and quality of life, and we all want clean, reliable and affordable energy. The proposed Sunrise Powerlink is a \$7,000,000,000 solution using old technology, old ways of thinking, and old ways that increase the use of fossil fuel that we will all pay for in our pocketbooks and health. Many oppose this because they know it is the wrong solution. There are good examples of smart energy solutions, including solar, etc. Councilmembers

received links to the power study and several other technical and objective reports on this issue. To have clean energy, we need more reliance on alternative fuels, not a Sunrise Powerlink to transmit electricity made from fossil fuel plants in Mexico. To have reliable energy we need diverse small local plants. SANDAG has refused to take a position on this until they have studied the 7,000 page EIR that is expected out next month. She urged Council to do the same and get the facts.

JOAN BRUBAKER, 1606 Hackamore Road, stated this is a horrible project. SDG&E rate payers are exhausted and spent. SDG&E requested a rate hike of \$3,000,000,000. They also requested \$1,400,000,000 in rate hikes by doubling the counting of their costs/expenses and underrating the savings by automated meters, etc. They even asked for funds to train non-existent employees in safety, and they lied to regulators. The threats of blackouts during Labor Day weekend were a farce and was done to create scare tactics. Profits increased 80% since 2000. Regarding the fire storms in October, 5 of them have been confirmed as being responsible to SDG&E downed power lines, and it may be even more. 10-15 times the energy that San Diego County will need for the foreseeable future can be produced by local sources. Billions of consumer benefits can be realized at 1/10 of SDG&E's costs. Oceanside should turn them down. This would be an environmental disaster and a boom for SDG&E.

Public input concluded

COUNCILMEMBER SANCHEZ wants a discussion of the issue and wants the City to sponsor a hearing on this, rather than go straight to a vote since we do not have all the information. It would be important to know what the impacts are via the 7,000 page EIR that will be released in January. She has concerns that Imperial County Irrigation District is not supporting this. Regarding the wildfires, it is a fact that most of the fires started by power lines and sparks. We need further information on how that will not happen again. People are concerned, so we need to know how this will affect us. We need to hear from someone other than the salesperson from the company. We need to hear from people who do not have a conflict of interest, such as experts to advise us on whether or not this is a good thing. We have not heard from our commissions. We need to go slowly on this and get all the information first. We all support a clean, reliable, affordable energy source. She would prefer direction to staff to look into hosting a hearing on the matter.

COUNCILMEMBER KERN stated he supports the Sunrise Powerlink. This is another alternative. He questioned if there would be a full hearing in front of the Public Utilities Commission (PUC).

MR. THOMAS responded there will be a series of hearings after the first of the year, and we can send you the entire schedule both on the environmental side and on the need for the project. Some will be held in San Diego County; usually they are held along the proposed routes or alternative routes.

COUNCILMEMBER KERN is sure this will be fully vetted in front of the public as it goes forward. He asked how many 500 kV lines started a fire.

MR. THOMAS responded none. We are finding that it is usually distribution lines or smaller, on wood poles. Toward the tail-end of the fire storm, SDG&E was still restoring a lot of power, and we made a filing with the PUC to express concern that we needed to take a look at the standard for those distribution lines that are on wood poles to see if there is something we can do that is different. Some of that may deal with tree trimming and clearance. We spend a tremendous amount of time/effort, especially in the back country, to clear trees from power lines. We are looking at all standards to see what safety improvements we can make.

DEPUTY MAYOR CHAVEZ stressed that we are not here to support a particular route. We are only making a statement that Oceanside needs power and needs an alternative transmission line. He **moved** to prepare a resolution in support of the Sunrise Powerlink transmission lines for power for the City (and not selecting any particular route).

COUNCILMEMBER KERN seconded the motion. This is just one way to solve this problem; we will get solar and have local supply. This will get power out of Imperial County. There were issues at the State Lands Commission and issues with the carbon footprint on how much carbon is put into the atmosphere. In talking solar, it is not just on roofs, but there are large solar farms, geothermal, wind, etc. that are all part of the solution. He supports the Sunrise Powerlink as part of the solution and supports getting as much power into our City as possible, because it is an economic vital resource.

COUNCILMEMBER FELLER stated we were not affected by the fires, but we could have been. We can do all these other things, along with supporting this resolution. He has discussed this with the City Manager. He asked if there are locations to build our own power plant.

CITY MANAGER WEISS stated we have been approached over the last several years by several groups looking to build two small 50 MW power plants by the sewer treatment plant, but there is no formal proposal.

COUNCILMEMBER FELLER stated the windmill farms are a blight. We need diversity, and this is a first step. We have a lot of opportunity to do other things, including solar, maybe a power plant just for the citizens of Oceanside, etc.

COUNCILMEMBER SANCHEZ stated we have been talking about a peaker plant in Oceanside. In fact there was discussion about doing one in conjunction with Camp Pendleton. With a peaker plant, solar, etc., there is no reason to go with this old technology. At the last Council meeting we talked about the need for exploring other ways of getting our energy, so it seems like we are going backwards. This does not make sense to say we will support this project when we do not have all the impacts. This would be billions of dollars for ratepayers. She wants a hearing first to hear the other side.

COUNCILMEMBER KERN liked wind farms. With each generation, the technology becomes more effective and efficient. The problem is how to get that energy from there to here, which is what we are talking about. Here we are talking a transmission line and this is supporting alternative energy, etc.

MAYOR WOOD stated this is a very important issue. SDG&E has come to his office on this important item. However, his issue is not just that we need more power, but he wanted more information. He wanted SANDAG to get involved in this. He understands that most cities/mayors have signed on for this. His difficulty is that the power lines do not go through Oceanside; they go through a more central location in the San Diego region. He did not feel it was his decision to make as a northern boundary city on what went through all the other cities' backyards. We need power, but those cities directly impacted should have their voice first. That has been a while ago. It is sad that the power lines cannot follow the already pre-existing highways that go through the communities and that are already owned by the County or State, which would save money and mitigation costs. He also brought up that Camp Pendleton seems a great location for a power plant that probably not many people would complain about, except the lines would be an issue. He was waiting for these issues to come back to SANDAG for further input/discussion, and he has concerns about getting the facts first before voting on it.

DEPUTY MAYOR CHAVEZ stated we are not making a decision on what route this is going to be taking. We are just making a statement that we need transmission lines/alternative sources. To respond to a couple of things, peaker plants use fossil fuels, which is old technology. That is exactly what we do not want. So for anyone saying we need peaker plants, that is not the direction. Regarding Camp Pendleton, there is a nuclear power plant off I-5 that has a relationship with Camp Pendleton, so they do not have a big desire to do a peaker plant when they already have a nuclear plant to provide all the power they need.

This is strictly an issue of transmission. We need to go for other renewable sources. Regarding peaker plants, we need to reduce the carbon footprint and look at more alternative sources, but the issue before us today is transmission.

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

18. **Mayor Wood: Annual review of Councilmember appointments to boards, commissions and committees**

MAYOR WOOD has this divided into categories: for the appointments to the City/Harbor/CDC Advisory Groups, and the Regional Boards and Committees, he **moved approval** of those. The remainder will be addressed separately.

DEPUTY MAYOR CHAVEZ seconded the motion.

COUNCILMEMBER KERN wished he would have had this list a couple of days ago because we could have talked about it. Some of these listed appointments are surprises to him. He had provided input to keep the internal commissions the same because it takes awhile to get on track with those people. He would recommend keeping Councilmember Sanchez on the Utilities Commission, and he would like to stay on the Economic Development Commission and have the Mayor remain on the Redevelopment Advisory Committee. Those are the changes he would like.

For Regional Boards and Committees he would switch with Councilmember Sanchez for her to be the primary and he be the alternate on SANDAG Shoreline Preservation Committee.

COUNCILMEMBER SANCHEZ reported she is not available at the time the Telecommunications Committee meets, and they meet so infrequently that she cannot plan her schedule around it. She needs off that committee, and would be happy to continue on the Utilities Commission. She discussed the Shoreline Preservation Committee with Councilmember Kern, and if we can do alternating meetings, that would work.

COUNCILMEMBER KERN said he would take the Telecommunications Committee.

MAYOR WOOD, as maker of the motion, will **amend his motion** to accept those changes. **DEPUTY MAYOR CHAVEZ** seconded the amended motion [as follows:

City/Harbor/CDC Advisory Group	Liaison
Arts Commission	Chavez
Community Relations Commission	Feller
Economic Development Commission	Wood Kern
Harbor & Beaches Advisory Committee	Feller
Housing Commission	Wood
Integrated Waste Commission	Sanchez
Library Board of Trustees	Chavez
Manufactured Home Fair Practices Commission	Sanchez
Oceanside Historical Preservation Advisory Commission	Sanchez
Parks & Recreation Commission	Wood
Police & Fire Commission	Chavez
Redevelopment Advisory Committee	Kern Wood
Senior Citizens' Commission	Wood
Telecommunications Committee	Sanchez Kern
Transportation Commission	Feller
Utilities Commission	Kern Sanchez
Youth Commission	Kern

Regional Boards and Committees	Primary	Alternate I	Alternate II
Buena Vista Lagoon JPC	Sanchez Kern	-	-
City/OUSD/VUSD Committee	Chavez	Kern	-
League of California Cities – Executive Committee	Feller	Kern	-
League of California Cities – Legislative Delegates (voting)	Wood	Chavez	
North County Dispatch – JPA/Fire	Wood	Feller	-
SANDAG – Shoreline Preservation Committee	Sanchez Kern	Kern Sanchez	-
Washington, DC Appropriation Visit – Legislative Delegates	Wood	Feller	-

CITY ATTORNEY MULLEN questioned if the Shoreline Preservation Committee had a stipend.

COUNCILMEMBER KERN responded he did not know, having never been there before. **MAYOR WOOD** did not think so.

CITY ATTORNEY MULLEN stated that Council may remember from last year the issue of the stipend. There is not a new statute. There is an obscure FPPC advice letter issued to the San Marcos City Attorney in 2005, which he disagrees with but the letter suggests that you not vote on regional boards and committees to which you receive a stipend unless that stipend is waived.

Public Input

RENE de LATHAUWER, 4763 Gardenia Street, gave historical background that in 2002 Councilmember Feller was appointed as Deputy Mayor. In succeeding years after that Councilmember Sanchez was Deputy Mayor in 2003; Councilmember Chavez was in 2004; Councilmember Sanchez was in 2005; Shari Mackin was in 2006, and she was running for re-election.

COUNCILMEMBER SANCHEZ stated that is wrong. She was only deputy mayor once in 2005 or 2003.

MR. de LATHAUWER stood corrected, and continued on. Then in 2007 was Rocky Chavez. He would suggest that in all fairness, in 2008 Councilmember Feller be appointed Deputy Mayor.

LEON PAGE, 3508 Rock Ridge Road, Carlsbad, is an Oceanside property owner. He would like to address the appointment to SANDAG. It is an important regional board and is responsible for the spending of millions of dollars. His proposal is that instead of Mayor Wood being the primary to SANDAG, he would ask that Council consider the appointment of Councilmember Feller to be the primary appointment. This appointment has had a tortured history over the last 5 years given the history of the appointments. This City should have someone who could be expected to regularly attend the SANDAG meetings and vote when important items come up. He reviewed the happenings of November 30's SANDAG meeting in which Mayor Wood left before an important vote on RTP 2030. Luckily, Councilmember Feller was there and able to represent Oceanside. He asked Council to consider this amendment.

MAYOR WOOD called for a note of personal privilege. First, it is the Mayor's position to appoint on any of these, with Council's approval. To explain, on that particular date, he went to SANDAG with intentions to attend the entire meeting; however, the meeting ran late. He advised the chair he had an important meeting to go to. Since the rain made everyone late to SANDAG, it caused a delay on the board. He had made arrangements to go to the party of Carrie Lopez, who was appointed as Director of

Consumer Affairs for the State of California, as further explained. It was at 11:30. However, he did not walk out of the SANDAG meeting thinking anything would change. From all the meetings on that issue, there were only 2 cities (Solana Beach and Del Mar) that would not support it. It was going to overwhelming pass by all other members whether I was there or not.

COUNCILMEMBER SANCHEZ stated the one year she was Deputy Mayor was the year after Mayor Wood became Mayor, so she was Deputy Mayor in 2005. She was not Deputy Mayor in 2003. She feels there should be consistency on the SANDAG Board, and it makes sense that the Mayor is on the SANDAG Board. Carrie Lopez explained that in her position she actually oversees cemeteries in the State.

COUNCILMEMBER KERN feels SANDAG is extremely important and believes the Mayor, whoever that is, should be our representative on SANDAG.

Motion was **approved 5-0**.

2008 – DEPUTY MAYOR

MAYOR WOOD moved to appoint Councilmember Kern as Deputy Mayor. He has talked to Councilmember Kern about this, and explained why he thought he was the best choice. Next year it will be very complicated, and 3 of us, a voting majority, are up for re-election. He wanted to pick someone that would be available. Councilmember Kern has shown his motivated nature, and he would represent me and the City. If he still does not want it, he would note that under advisement and come back.

COUNCILMEMBER KERN responded that he would respectfully decline. We had this conversation last year when the issue of rotation came up. It is mainly ceremonial; it is not a political position. Everyone should have their turn. He is willing, next year, on his third year to take the turn. Then after that, if Councilmember Sanchez gets reappointed, he would support her that following year just to keep things in rotation. We are making too much of this as far as being a political appointment. This is more of a title than a working position.

MAYOR WOOD stated he would take that under consideration and pull this item from the agenda. Next are the SANDAG Board appointments as follows:

Regional Boards and Committees	Primary	Alternate I	Alternate II
SANDAG – Board	Wood	Kern	Feller

CITY ATTORNEY MULLEN again explained that his advice is to have separate votes on each. According to the FPPC advice letter of 2005, you should not participate by motion or second or voting on your own appointment unless you are willing to waive the stipend that goes along with these positions. Under the circumstances presented, he did not believe it required stepping down from the dais.

For the Primary position, **COUNCILMEMBER KERN moved** to appoint Mayor Wood as the Primary on SANDAG Board; **COUNCILMEMBER SANCHEZ seconded** the motion.

COUNCILMEMBER SANCHEZ wanted to advise that she would be happy to serve as Deputy Mayor.

COUNCILMEMBER FELLER responded that would make 3 times in 8 years that Councilmember Sanchez was deputy mayor. He will support the Mayor for the representative on SANDAG; it is the Mayor's position. He hopes it would be more clear when someone will not be there for a vote. He was down there early for his Borders Committee meeting. He intended to attend Carrie Lopez's event as well, but when he

looked in at the SANDAG meeting with a vacant seat, he decided it was important enough for him to sit in that meeting and act regionally, so he did sit and vote and skipped going to Carrie Lopez's event. The point is, if someone cannot be there, to make the necessary arrangements for representation.

He wanted to point out that the Mayor, as our primary representative on SANDAG, has the opportunity to appoint someone from your alternates or yourself to the Transportation Committee, and get it out of the hands of Del Mar and give it back to Oceanside. He hopes the Mayor will take that step; it is important since that is where the money is first considered, and Oceanside needs that funding.

Motion was **approved 4-0**, with Mayor Wood abstaining.

For Alternate I, **MAYOR WOOD moved** to appoint Councilmember Kern as Alternate I to the SANDAG Board; **COUNCILMEMBER SANCHEZ seconded** the motion; and motion was **approved 4-0**, with Councilmember Kern abstaining.

For Alternate II, **MAYOR WOOD moved** to nominate Councilmember Feller as Alternate II to the SANDAG Board; **COUNCILMEMBER KERN seconded** the motion; and motion was **approved 3-1**, with Councilmember Sanchez voting no and Councilmember Feller abstaining.

North County Transit District – Board	Chavez	Wood	-
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MAYOR WOOD moved that the Primary for North County Transit District (NCTD) Board be Deputy Mayor Chavez; **COUNCILMEMBER KERN seconded** the motion; and motion was **approved 3-0**, with Councilmember Sanchez voting no and Deputy Mayor Chavez abstaining.

COUNCILMEMBER KERN moved to appoint Mayor Wood as the Alternate to the NCTD Board; **COUNCILMEMBER SANCHEZ seconded** the motion; and motion was **approved 4-0**, with Mayor Wood abstaining.

MAYOR WOOD asked for any comment by the City Attorney.

CITY ATTORNEY MULLEN stated the only comment is that, with respect to the Deputy Mayor position, we do have a policy saying you should not serve 2 consecutive terms as deputy mayor, so that should be addressed next month.

- 25. **Council: Ordinance No. 07-0R0747-1 "...amending Oceanside City Code, Chapter 37, establishing the interim agricultural water program reduction plan and implementing penalties imposed by the Metropolitan Water District of Southern California as pass-through penalty rates for agricultural customers for exceeding mandatory agricultural water reductions" (Introduced 11/14/07, 5-0 vote)**

COUNCILMEMBER FELLER moved to adopt the ordinance, and **COUNCILMEMBER KERN seconded** the motion. Following the reading of the title, motion was **approved 5-0**.

CITY COUNCIL REPORTS

- 20. **Mayor Jim Wood** – Reported on the rally this afternoon for the Oceanside High School Pirates 2007 State Champions in Division II and what a wonderful job the team did for Oceanside.

He recently met with Congressman Issa, Fish & Game, the Governor's representatives, Senator's representatives, etc., regarding the San Luis Rey riverbed regarding not only the flooding aspects but also the recent fire issues. It was wonderful of Congressman Issa to have the meeting with all these people. He asked Fish and Game what they were going to do as they are the last holdout for issuing permits. They seemed cooperative at that point, and I hope we are moving forward towards a solution.

He reported on the successful trip to San Francisco for the pier hotel project before the Coastal Commission. The hotel is moving forward. We won the vote at Coastal Commission. There are minor issues that need to be straightened out and discussed with staff. It sent a message to the Coastal Commission with the entire Council and staff present for this meeting that it was very important to us.

He attended a quarterly recognition for those in the Police Department, including the senior volunteers.

21. **Deputy Mayor Rocky Chavez** – Wished he had known about the recognition of volunteers to have been there. He also reported on the Coastal Commission meeting. Reporting on the Library Board, yesterday they met and are planning how to improve both library locations. They are concerned about the budget. Regarding the Arts Commission, he will bring forward the art component involved in Council decisions.

He also reported on the funeral of Don Anderson on December 28.

22. **Councilmember Jack Feller** – Reported that the Oceanside High Pirates State Championship 2007 celebration at the bandshell was great, and he thanked staff. He further reported on the outreach at Lenore Street. He thanked staff for their efforts at Coastal Commission. We got the amendment we needed to proceed with the pier hotel, but we have some real hurdles for future projects. He hopes we are ready to tackle those. The hotel now has a strong chance of succeeding.

The Harbor and Beaches Advisory Committee is working diligently regarding fishing in the Harbor. He did substitute at SANDAG on December 7 on the policy board. A discussion item for the policy board was regarding the regional economic prosperity strategy as further reviewed. Smart growth opportunity areas are something we are going to have to consider, and we need to take proactive steps. This is an important discussion that this City will be having in the future.

23. **Councilmember Jerome M. Kern** – Reported on the Coastal Commission meeting as well. He calls it 2½ wins: we got the hotel and a project on Pacific and Witherby through; they are working on language regarding upgrading old hotels that even Commission staff and the commissioners were confused about what they voted on. There are some issues there that will need to be worked out. The big win was to get the hotel, and he thanked staff.

He also reported on the San Luis Rey Valley community fair on Lenore Street. Even though the police has more calls for service, crime is going down because the community is more involved in their own policing. He attended the Library volunteer appreciation luncheon. Thousands of hours are put in by our volunteers, saving the taxpayers close to a million dollars a year and they are very important to the City. He encouraged everyone to volunteer if you can.

On December 24 at the head of the pier there will be a dedication of a bench for Jerry Stapp. He also attended a badge pinning ceremony for the Fire Department.

24. **Councilmember Esther Sanchez** – Reported that at the Coastal Commission she was not confused; she read the staff report to understand. She displayed computer photos on the Wyndham Timeshare and the views; and photos of places, events, town hall meetings, tree and holiday street lighting, Brother Benno's fundraiser, etc.

December 19, 2007

Joint Meeting Minutes
Council, HDB and CDC

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors of December 19, 2007 at 8:13 PM in memory of Don Anderson.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside