



California

ITEM NO. 4

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

September 27, 2006

ADJOURNED MEETING 4:30 PM COUNCIL CHAMBERS

Mayor

Jim Wood

Deputy Mayor

Shari Mackin

Councilmembers

Rocky Chavez

Jack Feller

Esther Sanchez

City Clerk

Barbara Riegel Wayne

City Treasurer

Rosemary Jones

The adjourned meeting of the Oceanside City Council was called to order by Mayor Wood at 4:34 PM, September 27, 2006, for the purpose of a workshop.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Mackin and Councilmembers Chavez and Feller. Councilmember Sanchez arrived at 4:36 PM. Also present was City Clerk Barbara Riegel Wayne.

WORKSHOP ITEM

1. **Planning Commissioner applicant interviews and Council appointment of 1 commissioner for the unexpired term ending April 15, 2007**

CITY CLERK WAYNE reported there is one appointment to be made for the term that ends April 15, 2007. Council has received copies of the staff report, which addresses the procedure that Council has used for a number of years. At some point, Council should think about asking new questions. The standard procedure to date is that each applicant has one minute to respond to each of the standard questions. Then the interview is opened for Council questions. On average, there are 8 minutes per applicant. Unless Council wishes to extend that time, they would follow that procedure. There are 4 applicants for the one position available on the Planning Commission. She listed the order in which the applicants would appear [as determined by drawn lots]. She then asked if Council had any direction for any changes in these interviews, and there was none.

Responding to a question, City Clerk Wayne stated that Council can ask as many questions as they want if there is time. If Council wishes to hold to the 8-minute time, there is a limited amount of time. However, since there are only 4 applicants, it is up to Council to determine how long they want each interview to last.

MAYOR WOOD felt that past practice for eight minutes is fine.

Applicant interviews:

City Clerk Wayne asked the following 3 standard questions of each of the applicants: 1) why do you want to be a Planning Commissioner, 2) describe the background and experiences that make you a desirable candidate, and 3) are you related

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to or do you have any type of work or affiliation with anyone on the Planning Commission.

Roger Leonard

ROGER LEONARD, 2446 Carriage Circle, grew up in San Diego and received his architecture degree at the University of Arizona. He has practiced architecture for over 20 years in San Diego, Riverside and Los Angeles Counties. Regarding volunteer service, he lived near San Diego State University for 15 years and was on the Executive Committee of the college area planning board. He was also Chairman of the Ad Hoc Committee for the San Diego State Redevelopment Project for 6 years. He was on the La Jolla Shores Planning Group and participated with the La Jolla Town Council. Therefore, he has been involved both professionally and on a volunteer basis. The last volunteer organization he worked for was the Eagle Scout Advisory, approving Eagle Scouts in San Diego County.

Replying to the 1st standard question, which was why he wanted to be a Planning Commissioner, Mr. Leonard has been working for years on the other side, making presentations to planning commissions all over southern California. He always wanted to be behind the desk and ask the hard questions that he was being asked. He has an affinity for the way Oceanside used to be and the way it could be. Oceanside reminds him of San Diego 30 years ago. He would like to participate in the process.

Regarding the 2nd question, he stated that recently he did master plans for Indian reservations, including San Manuel Indian Casino, Rincon, and Campa. He did the master plan for the University of San Diego and designed 5 of the buildings. Therefore, he is familiar with general plans, overlay zones and coastal permits. He has read Oceanside's General Plan.

To the final question regarding any relationship or affiliation with anyone on the Planning Commission, Mr. Leonard responded negatively.

COUNCILMEMBER CHAVEZ asked Mr. Leonard's understanding of smart growth and the validity of it.

MR. LEONARD was not familiar with that.

COUNCILMEMBER FELLER asked if the Rancho del Oro interchange or the extension of Melrose Drive would affect the Master Plan if they are not built.

MR. LEONARD has been involved in the extension of Melrose in Vista. He is currently designing a shopping center on Sycamore. He understood that the extension through there has already increased traffic and the economic viability in the area, so he confirmed that those would have a great impact.

COUNCILMEMBER SANCHEZ would have liked to have seen a resume. She asked how long Mr. Leonard has lived in Oceanside and what brought him here.

MR. LEONARD replied that he has lived here for 3 years. He remarried, and his wife and her daughter live in Oceanside. Growing up in San Diego, he has always loved Oceanside. Oceanside reminds him of San Diego in the 1960s with the military, the tourists, economic background and aggressive expansion. He would like to see Oceanside grow up better than he saw San Diego grow. The infrastructure is in place, and he likes what he sees.

DEPUTY MAYOR MACKIN asked if Mr. Leonard would be willing to visit the sites of proposed projects in Oceanside should he be appointed to the Planning Commission.

MR. LEONARD felt that would be a requirement. He is out about a third of his day visiting job sites now.

Regarding job development and architectural design, **DEPUTY MAYOR MACKIN** asked how Mr. Leonard would rate the project on Coast Highway across from the Civic

WALKER
MAYOR
MACKIN
COUNCIL
MEMBER
SANCHEZ
COUNCIL
MEMBER
CHAVEZ
COUNCIL
MEMBER
FELLER

Center.

MR. LEONARD stated that most architecture ends up as massive compromises.

DEPUTY MAYOR MACKIN clarified her question, asking if the setback or lack of setback to the sidewalk would be considered good architectural planning.

MR. LEONARD replied negatively, commenting on pedestrian access.

With regard to the architecture of the Walmart center off College Boulevard, **DEPUTY MAYOR MACKIN** asked if he felt that was a superior project.

MR. LEONARD had never seen a Walmart that was a superior project, so he replied no. It is hard to take 120,000 square feet and make it into a textural building. While they can surround it in different ways, Walmart is designed to sell massive amounts of products, and that is what it looks like.

COUNCILMEMBER FELLER asked if Mr. Leonard would approve of using part of the acreage bordering Oceanside Boulevard on El Corazon as Class A office space.

MR. LEONARD had looked at the Master Plan. For the past 10 years, it has all been residential, and the residential bubble has burst. Oceanside only has 3.5 square feet of office space per person versus Carlsbad, which has 40. If they are going to improve Oceanside, they will have to have a place for professionals to come in and for people to work. He cannot respond to this specific site, but the City needs Class A office space. They are building projects on El Camino Real that are mostly Class B space.

Jerry McLeod

JERRY McLEOD, 1517 Del Mar Road, first saw Oceanside in 1978 and wanted to come back. He has now lived in Oceanside for 10 years. This will be his last home. The Planning Commission is an important position. He believes that he would be qualified. He takes interest in what is going on. He is on the Oversight Committee of the Vista School District. He would make a good commissioner.

In response to the 1st standard question, he stated that Oceanside is their home,. They have lived on all 3 coasts and have seen the mistakes and decisions that have been made. He believed he has the expertise to look at things and use common sense. He is interested and enjoys the interaction. He is conscientious and well organized and would do a good job.

Replying to the 2nd standard question on background and experiences, he stated that he does not have the college degree. However, he interacts with people well and tries to listen to everyone. Before anyone can make a decision, they have to listen to the facts. The main thing is the Melrose extension. At some point, it will be open, and he understands that. However, he wants to make sure that things are done for a purpose and that other options are taken into account. They should not do things without thinking them through. He is interested in the job and doing the work.

Regarding the 3rd standard question, he is not related to and does not have any affiliation with anyone on the Planning Commission.

COUNCILMEMBER FELLER asked if the Rancho del Oro interchange at Highway 78 would affect the Master Plan if it is not built.

MR. McLEOD would have to see the Master Plan. The interchange is as controversial as the Melrose extension. He understood the interchange was in the Master Plan at some time. Safety is important. He would have to look at the distance between College and El Camino Real and see if it can be done safely. The traffic on Highway 78 is definitely getting heavier. He has heard a lot of rumors and would have to look at the true facts.

COUNCILMEMBER FELLER asked if Mr. McLeod would approve of building Class A office space along the southern edge of El Corazon on Oceanside Boulevard. Class A would be the high end.

MR. McLEOD did not know if the area is zoned for that. Council has taken out some office space and put in residential. If the need is there, he sees no problem if it is done right.

DEPUTY MAYOR MACKIN asked what Mr. McLeod's interpretation would be in making sure that a project is consistent with the surrounding neighborhood.

MR. McLEOD stated that the way the neighborhoods are set up now should dictate what comes around it. Zoning also has to dictate what goes in. The availability for expansion or new construction in the area is another factor. He is a firm believer in safety. Whatever is done, safety has to be first for traffic, the local residents, etc.

DEPUTY MAYOR MACKIN asked if he was familiar with the term "mansionization," and Mr. McLeod was not.

COUNCILMEMBER SANCHEZ thanked Mr. McLeod for his activism in preserving the Jeffries Ranch neighborhood. She asked his thoughts regarding the preservation of neighborhoods and traffic.

MR. McLEOD knew that when Melrose Drive opened, something would be worked out to alleviate the effects. As much as possible, residential neighborhoods should be maintained as residential. That is his concern with the Melrose opening. The main thing is the safety factor. They need to look at how it would affect the neighborhood in safety for the kids and the schools.

Andrew Guatelli

ANDREW GUATELLI, 555 Eaton Street, has lived in the Oceanside area on and off for 12 years. He works in the civil engineering/development business by education and experience for 21 years. He is familiar with the area. He has worked in San Diego and other parts of California. His practice over the last 25 years has been primarily in California. He is familiar with the problems in Oceanside. Based on his background and residency, he could contribute.

Responding to the 1st standard question, he felt that based on his background, he had quite a bit to contribute to the Planning Commission and to assist them in the direction that would help the community as a whole.

In response to the 2nd standard question, he has an undergraduate and a graduate degree in civil engineering and has practiced in that field for over 20 years. He has done other types of work that help him understand development as a whole. He has educational background in environmental and resource engineering and has lived in quite a few areas in California, making him familiar with different problems that communities have.

Replying to the 3rd standard question, he stated he has no type of work or affiliation with anyone on the Planning Commission. Some of his clients are developers, which he stated on his application.

COUNCILMEMBER SANCHEZ noted that he has successfully provided engineering consultation for large and small public works projects. She asked if he had done anything for the City.

MR. GUATELLI replied affirmatively. He has recently done work through a developer for Vandergrift Boulevard, including resurfacing and restoring it back to the level of service it needs to be based on the request of the City. He is also currently working on public works projects inside the Camp Pendleton base. He has done pavement and

drainage facilities for the City of Carlsbad.

COUNCILMEMBER CHAVEZ noted that Mr. Guatelli has experience in flood control and seismic retrofitting, airports, etc. These are all things facing the City. He asked Mr. Guatelli's understanding of smart growth and whether he sees any validity in it.

MR. GUATELLI's interpretation of smart growth is trying to mesh and make the most out of the resources available, preserving the key features of the community and trying to work around them. If they have so much freeway capacity, they work around that and tie into it for transportation from the local streets. It is using as many resources as possible without working outside the budgets and limitations. For the housing concern, "unsmart" growth would be taking housing out of service to make parks. In that case, they would not have the housing to build the community.

COUNCILMEMBER FELLER asked if the Rancho del Oro interchange at Highway 78 and the extension of Melrose Drive would affect the City's Master Plan if not built.

MR. GUATELLI believed the interchange would affect the community. In fact, along that highway corridor, the interchanges should be a higher priority. As he worked for the Department of Transportation in Arizona, he watched the rural roads get built up with housing tracks until the roads hit capacity long before the interchanges and road widenings came in. It is not a comfortable nor a safe driving situation. Therefore, the interchange would [impact the Master Plan]. He would have to look into the Melrose Drive extension before commenting.

DEPUTY MAYOR MACKIN noted that Mr. Guatelli had commented that Oceanside has problems. She asked that he enlighten Council on his idea of problems.

MR. GUATELLI has noticed the summer traffic, when the City has a large influx and a change in the composition of the community near the coast. Quite a few of the facilities are overflowing in the summer, which is an issue. It has become progressively worse over the years. By facilities, he is referring to the streets, parks, parking facilities, etc. This spills over to affect restaurants, etc. There is not enough of everything to go around. It seems it is just a transient problem in the summer. There is also a need to upgrade a lot of public facilities. There are older communities within the City that are good with a historic value that should be preserved. However, a lot of the infrastructure that supports them needs to be modernized. This includes 30- and 40-year-old overhead power lines.

Rick Kratcoski

Regarding the 1st standard question, **RICK KRATCOSKI**, 2110 Foster Street, wanted to be a Planning Commissioner because he has been at the other end as a citizen having to fight some project that he did not want in his neighborhood, or in helping someone in his neighborhood. He knows a little bit about planning in Oceanside and would like to be part of the system so that it is not such a difficult task for people to have to fight to protect their neighborhoods. He has been there and would be more compassionate to the residents' needs.

In response to the 2nd standard question, he holds a Bachelor of Science degree in ornamental horticulture so he is familiar with plans and how to read blueprints. He is also responsible for all of the landscape installation, design and construction at Palomar College. He knows a lot about the aesthetics of plantings. He was born in Oceanside and has been here most of his life. He has seen how the City has gone and knows most of the areas. Having someone with his background of knowing what Oceanside was and some of the mistakes made, he could hopefully help avert some of the mistakes seen in the past.

Replying to the 3rd standard question, Mr. Kratcoski is not now related to or works with or has any affiliation with anyone on the Planning Commission.

COUNCILMEMBER FELLER asked whether the Rancho del Oro interchange at

Highway 78 or the extension of Melrose Drive would affect the Master Plan if they are not built.

MR. KRATCOSKI noted that this is a hot topic, with the Rancho del Oro residents not wanting it. They have to look at the overall good of Oceanside, while protecting the interests of the fairly big neighborhood. He is into protecting the neighborhoods. A majority of the people in that Rancho del Oro area opposed putting an interchange there. As a Planning Commissioner, he would probably side with the residents' decision.

DEPUTY MAYOR MACKIN asked Mr. Kratcoski to state what "mansionization" means to him.

MR. KRATCOSKI stated mansionization normally happens in Solana Beach and Del Mar. It is where there is a little 900 square foot beach cottage, for example, that is bought and replaced by a 4,000 square foot home. People complain because it upsets the flow of the rest of the neighborhood. It depends upon the neighborhood. If it is a neighborhood where this is an improvement, he would support it. If it is a neighborhood where it is a sore thumb, he would be against it.

DEPUTY MAYOR MACKIN asked how Mr. Kratcoski felt about view protection.

MR. KRATCOSKI felt views are important. If people moved into an area and invested money for an ocean view, he would hate to see someone obstruct that view with a building or even trees. There are lots of trees that can be planted that would not obstruct everyone else's view.

COUNCILMEMBER CHAVEZ asked about smart growth.

MR. KRATCOSKI believed smart growth has to do with SANDAG (San Diego Association of Governments) where they want to put high density areas in one path to make it easy for people to get to a shopping center without having to drive, for example. That is a positive thing in some cases, although he does not necessarily believe the City should follow everything that SANDAG says. However, he has seen some projects in San Marcos where they tore down low-income apartments and put in nicer apartments behind commercial buildings. They took a blighted area, maintained a place for low-income people to live and made it look nicer. That is the concept of smart growth.

COUNCILMEMBER SANCHEZ was familiar with Mr. Kratcoski's background and his work in helping neighborhoods, especially the Loma Alta neighborhood. She asked if he would be able to read the material provided for the meetings and to make site visits.

MR. KRATCOSKI stated the site visit would be a key thing that a Planning Commissioner should be doing. From designing and working with plans, he knows they cannot just look at a plan and determine that it will work. They have to go out to the site and get the feel for it or talk to some of the neighbors. That way, the neighbors would not have to come in at the last moment because they knew nothing about the project. They need to have time to talk to people. He could read the material.

[This concluded the interviews.]

MAYOR WOOD stated they had a good cross segment of professional people and people with a good understanding of the community. He thanked the applicants for their time.

CITY CLERK WAYNE announced that this is the time for Council to decide. At times, the procedure has been that each Councilmember would state their top 2 preferences; however, they can do whatever they wish.

MAYOR WOOD noted that the last 2 times, they just had motions.

COUNCILMEMBER FELLER moved to appoint applicants [as interviewed]

number 3 and number 1 in that order.

COUNCILMEMBER SANCHEZ would like to see Mr. Kratcoski on the Planning Commission. He has done a lot of work with neighborhoods and is very familiar with the City, having lived here for so many years. He embodies what she would like to see on the Planning Commission.

DEPUTY MAYOR MACKIN has worked with Mr. Kratcoski and has seen the work he has done in his neighborhood. He does go to great lengths to look at sites and wants to have a full understanding of what is being proposed. He is not afraid to do the work. She would also support Mr. Kratcoski since she tends to look at the knowledge of the Planning Commissioners of their neighborhoods. At this point, they have 2 Planning Commissioners who live in the far eastern sector of the City; some representation around Mr. Kratcoski's neighborhood would be a benefit to the Commission. She would be supporting Mr. Kratcoski for that position.

COUNCILMEMBER CHAVEZ would like applicants 3 and 1. Everyone was qualified.

CITY CLERK WAYNE clarified that the motion on the floor was for applicant 3, which was Mr. Guatelli, and **COUNCILMEMBER CHAVEZ seconded** the motion.

The motion [to appoint Andrew Guatelli] **failed 2-3**, with Mayor Wood, Deputy Mayor Mackin and Councilmember Sanchez voting no.

COUNCILMEMBER SANCHEZ moved to appoint Rick Kratcoski, and **DEPUTY MAYOR MACKIN seconded** the motion.

The motion to appoint Rick Kratcoski **failed 2-3**, with Mayor Wood and Councilmembers Chavez and Feller voting no.

COUNCILMEMBER CHAVEZ moved to appoint applicant 1, and **COUNCILMEMBER FELLER seconded** the motion.

The motion [to appoint Roger Leonard] **failed 2-3**, with Mayor Wood, Deputy Mayor Mackin and Councilmember Sanchez voting no.

MAYOR WOOD moved to appoint Jerry McLeod, and **COUNCILMEMBER SANCHEZ seconded** the motion.

Motion was **approved 3-2**, with Councilmembers Feller and Chavez voting no.

MAYOR WOOD noted that some people feel it is nice to have professionals on the commissions and committees since they are very knowledgeable. However, others want someone who understands the neighborhood. There will be future openings. He also noted there are openings on other committees and commissions.

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

WARREN NAEGELE, 3513 Ponderosa Drive, spoke on behalf of the Pala Property Protestors group. While the Pala property will be sold in the future, this group would like to postpone that sale for a while until there is a great deal of thought, planning and advice from the neighborhood people regarding what they would like to have there. Most of the people would like to see the area left open. The land will be worth more in 5 years. He would personally like to see parking places at the end of Pala such as exist at Foussat and College Boulevard, with a blacktop runway for an entrance to the bike trail for the people in that neighborhood. People walk their dogs and use that open space. Whatever Council decides in the future will be good for the City. They trust Council's judgment.

He also thanked Council for the dog park.

September 27, 2006

Council Workshop Minutes

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council at 5:27 PM,
September 27, 2006.

APPROVED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE CITY COUNCIL

April 4, 2001

ADJOURNED MEETING 10:00 AM SISTER CITIES ROOM

Mayor

Terry Johnson

Deputy Mayor

Betty Harding

Councilmembers

Jack Feller
Carol McCauley
Esther Sanchez

City Clerk

Barbara Riegel Wayne

City Treasurer

Rosemary Jones

The adjourned joint meeting of the Oceanside City Council was called to order by Mayor Johnson at 10:02 AM, April 4, 2001, for the purpose of a study session.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Harding and Councilmembers Feller and McCauley. Councilmember Sanchez was absent [arrived at 10:18 AM]. Also present were City Clerk Wayne, City Manager Steve Jepsen and City Attorney Duane Bennett.

STUDY SESSION ITEM

1. **Overview of police services and discussion of Council public safety priorities**

POLICE CHIEF MICHAEL POEHLMAN noted his presentation will consist of an explanation of the strategic plan and short-term personnel needs. Captain Brooks will discuss crime trends, graffiti awareness and community service surveys. He reviewed that Captain Bruckner was moved to communications to get the CAD (Computer Aided Dispatch) project resolved. This week, Lieutenant Dave Heering will be transferred back to Investigations. When Lieutenant Timbs moves for a short period of time from Investigations to Communications Manager, Captain Bruckner will take over Investigations. Captain Bruckner still had the overall CAD records management project under him until he retires in July. Captain Brooks will take over field operations on Sunday.

DEPUTY MAYOR HARDING asked what Chief Poehlman's philosophy was of all the cross-training and moving people from division to division. She used to work for a police department, and the undercover agents and investigators became very street smart after a while. However, Oceanside seems to rotate all the time.

CHIEF POEHLMAN explained that the City has an agreement with the OPOA (Oceanside Police Officers Association) in their MOU (Memorandum of Understanding) that an assignment would be for 4 years, and then the person could "re-up" for a year at a time. This allowed the Department to see if the person was doing his or her job well in that division. However, the person was not grandfathered in and could still be moved.

He firmly believes that OPD is a generalist operation as a municipal law enforcement agency because of its size. OPD is not strictly an investigative agency. Their primary job is the uniformed response. When officers come from that other experience back into the uniformed response, it serves the community better because of the expertise gained from other assignments. OPD has tried to create an atmosphere in which officers could go to other assignments. Their initial time there would be 4 years.

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The Department has a board for promotions. The Association agreed that officers could receive more points or credits for having held more assignments and being more well-rounded. That has helped people in wanting to move around. He had originally directed managers and command staff to be in assignments for 2 years before they rotated. This July, the Department changed that to a 3-year assignment, although due to retirements he had to move people around.

The agreement with the OPOA was that terms were 4 years + 1 year, which meant they could add a year continually as long as they were doing a good job, and that is at the discretion of the Captain in the division where they work.

Frank Bruckner will discuss Communications, and Steve Scarano will discuss the new firearms training facility. They will also answer questions such as why police officers have certain requirements. Finally, the method for recruitment will be discussed.

OPD Strategic Action Plans

The OPD strategic action plan is updated monthly; the last update was March 7, 2001. He explained the grid charts of the plans, noting the grid is broken out into several different categories with 5 objectives for the 3-year period from July 2000 to June 2002.

There are 5 objectives, each with a number of strategies to accomplish the goal, etc. There are steps to accomplishing each strategy, and the date is entered in the grid once the step is completed. At the end of the 3-year period, the objective is to have all the steps completed.

To highlight a couple of items on the strategic action plan, under Objective #1, Item 1.1, their goal was to update the OPD information on the City's Web page. This goal was accomplished.

The only other first year item for the first objective was the review of the uniform policy. A committee was formed to look at the uniforms and determine if any changes were needed to improve the internal and external image. The remaining items under the first objective are to be completed in the second and third years.

Objective #2 is to provide maximum public protection and crime prevention. Under Item 2.1, the traffic enforcement unit was completed in the first year. The remaining step 4 is simply the evaluation of that unit.

Item 2.2 was OPD's growth in relation to the City's growth. OPD would like to get to the countywide average of 1.33 officers per 1,000 citizens. The first step was to look at the City population and the County average of officers. The last step was to hire those officers, which would require Council's action.

Item 2.3 was the recruitment and training of personnel and would be presented in more detail later in the discussion. Item 2.4 [enhance use of OPD website] was combined with item 1.1 and completed. Later in the presentation he will discuss Item 2.5, which was adding a Personnel Analyst.

Finally, Item 2.6 was to evaluate current deployment structure and policing practices. The Department is looking at how they deploy uniformed officers in the field and how they stretch the concept of NETWork throughout the entire City instead of only in a few neighborhoods.

The research for deployment strategies is currently underway through site visits. A committee was formed consisting of line level to management level personnel to decide how to re-deploy officers. He expects to return to Council by the beginning of January with a proposal to totally reconfigure the way they deploy in field operations to get more focus on problem solving to the individual neighborhoods. They have done a good job in neighborhoods that have a NETWork, such as the Eastside. However, there are areas around John Landes Park and south Oceanside that need some improvements. How they

deploy will have an effect on that.

The challenge was the number of personnel. They would be looking at models from other cities like Oxnard, Santa Ana and Fremont. These cities have been recognized nationally for the way they deploy their patrol to do more problem solving.

In response to Councilmember Feller, **CHIEF POEHLMAN** noted that OPD started the Resource Centers. The Police exclusively run 4 resource centers: the downtown resource center, the beach center, the Ocean Hills resource center and the Chavez Resource Center. Those were originally police resource centers that had been turned over to housing, which made a lot more sense for collaborations. That might be something they would look at in the redeployment. Some cities operated storefronts and substations, which may be a part of the final plan.

Objective #3 was to enhance the Police Department partnerships. Item 3.1 was a personnel issue. Item 3.2 was to improve the military law enforcement partnership, which had one more step to be complete. They have completed Item 3.3, the enhanced interaction with other City Departments.

Objective 4 was to enhance customer service to the community. They had not begun work on many of the second year items in the strategic plan. Items 4.3, the homeless outreach team, and 4.5, the beach team, were specifically personnel needs that will be mentioned later in the presentation.

DEPUTY MAYOR HARDING inquired about the beach team hours.

CHIEF POEHLMAN responded that they scaled back considerably during the winter months. Additionally, because they are part of NETWork, much of their time is focused in some of the other neighborhoods. During the summer, they go to a 7-day-a-week operation, with people available from morning until 11:00 PM or midnight. After the Easter holiday, OPD will add 5 beach security officers to join the 3 dedicated officers currently there, but they want to add more officers as this is a growing area. They would like to expand the capabilities of the beach team throughout the year, but they need another 2 officers to accomplish that goal.

Objective #5 is equity, diversity and professionalism with some multi-year items listed. For Item 5.4, they have changed their recruitment plan and will go into more detail later in the presentation. Finally, for item 5.5 they are working on reviewing the performance appraisal format to reflect their core values.

Personnel

Staff has identified certain positions that need to be filled quickly, and the strategic plan called for certain positions to be filled as well. The full cost for each additional employee was listed. Although a police officer would be hired at a step A or B, the full cost of a police officer was listed to represent the eventual reality in today's dollars to show Council what they would be committing the City to in carrying out this plan.

COUNCILMEMBER McCAULEY noted that each Councilmember received a copy of Chief Poehlman's report on the use of the expanded TOT (Transient Occupancy Tax) for the hiring and equipping of additional officers. It included a copy of San Diego's ordinance since they were also doing this. She suggested that staff set up a workshop to review this ordinance to give Council an avenue for doing some of these things, but it is complex and will require a lot of time.

DEPUTY MAYOR HARDING agreed, but recommended it be in conjunction with other budgeting. For example, the City will be taking a big hit of \$1,800,000 per year with the San Luis Rey River, drainage water, etc. Council needed a good projection of the 5-year income in the face of the economic downturn that appeared to be on the way.

COUNCILMEMBER McCAULEY recommended a workshop on this issue because of such economic downturns.

MAYOR JOHNSON suggested a workshop on how to increase the TOT and where the actual funding sources might come from to assist with public service, the storm water mandate, and the additional park or senior citizen center Council wanted to build. It all boiled down to money.

CHIEF POEHLMAN explained that police officers are not cheap. He prioritized what he thought the City needed to do fairly quickly. First on the list is a Communications Manager. They need to separate the Records and shared Communications Manager, and they need their own manager for communications.

Second is to convert a detective to sergeant, which would not be costly, but that position will run the family protection unit. The area of family protection is important for the future. With young people coming in as juveniles and the elder population growing, OPD had some demands on services that need to be correctly addressed. This requires a supervisor. This would add a sergeant but they would lose a police officer.

DEPUTY MAYOR HARDING inquired the ratio of sergeants and higher to the sworn officers and how that compared to the County ratio.

Comparatively, **CHIEF POEHLMAN** presumed Oceanside was in the middle concerning the ratio of sergeants to sworn officers. Regarding the ratio of Lieutenants and higher, OPD is less. They run thin on managers. Oceanside has 1 chief and 3 captains running the organization. An example for comparison is National City, which is not half the size of Oceanside, but they have a Chief, an Assistant Chief, 2 Captains and multiple Lieutenants. Escondido is comparable; whereas Oceanside is light on command and management ranks of the Department.

MAYOR JOHNSON asked what the respective public service budgets were for the Police Departments at the Cities of Escondido and National City.

CHIEF POEHLMAN stated that the total amount for National City was half to a little less than half of what Oceanside spent. Escondido probably was over $\frac{3}{4}$ of Oceanside's total budget. Chula Vista is larger than Oceanside, and they have a greater number of staff than Oceanside.

COUNCILMEMBER McCAULEY inquired what percentage of their budget those are for police budget to general fund budget.

CHIEF POEHLMAN did not know, but he would get that information for Council.

In response to a question, **CHIEF POEHLMAN** clarified that roughly 28-30% of Oceanside's General Fund budget went to police services.

CITY MANAGER JEPSEN pointed out that nearly 57% of the General Fund went to the combined Police and Fire. Oceanside is the highest percentage in the County of money going to combined Police and Fire but he did not know the breakout. He reminded Council that this would be a broad-based comparison because administrative costs, building costs, vehicle costs, etc., are included in the Police budget. He was unaware if the other cities included those items as well. They would normalize that.

CHIEF POEHLMAN explained that the department also needed additional officers on the beach team and commercial team because this is where the growth and development was taking place in the City. The Police needs to do more than they are able to do now. They could be even more responsive if they had more officers.

Instead of hiring a Downtown police officer, he proposed hiring a commercial safety team. The City already had money through a grant for commercial security officers - non-sworn positions. He wanted to add some police officers to that team. Downtown would be a major emphasis, but they could go to Mission Avenue or College Boulevard, if there were issues in the commercial areas out there, and be problem solvers with the dedicated resources to do that. Currently the beat officers take care of that.

DEPUTY MAYOR HARDING thought they needed to look more in the valley because the population is expanding tremendously in that area with a lot of apartment complexes being built.

She asked why OPD could not share the Harbor Police Officers. She always felt they should be combined. She understood the requirement to have minimum staffing available for rescues, but many times there is very little activity in the harbor, and officers have very little to do because it is a safe area. This should be investigated further.

CHIEF POEHLMAN explained that the structure for the Harbor Police Department would have to be changed by Council. Currently, they were part of a district. Under the rules, they do not have the same police officer powers outside of the district as they do inside the district. When they had quiet times, they could not just go down to the pier to patrol. They could respond if OPD requested assistance, but they could not go down and patrol based on their powers.

Council could direct to have OPD provide police service for the Harbor.

DEPUTY MAYOR HARDING asked if the Police Department responds to the Harbor for serious crimes.

CHIEF POEHLMAN responded affirmatively, and confirmed that they do all the investigations, provide the on-scene supervision, etc.

DEPUTY MAYOR HARDING asked if the Harbor District paid anything to the Police Department for doing that.

CHIEF POEHLMAN confirmed that they got some money; the bulk of it goes for records keeping because everything the harbor does flows through OPD.

DEPUTY MAYOR HARDING recalled a murder that happened in the Harbor that took a lot of OPD time. She asked if the Harbor District reimbursed OPD for their time.

CHIEF POEHLMAN said that OPD did not charge the Harbor for those services. It was part of the agreement that the Harbor would give so much to the General Fund of the City to allow these extra things to happen.

DEPUTY MAYOR HARDING asked if the Harbor was giving enough for those services, including police and attorney services. **CITY MANAGER JEPSEN** responded negatively.

DEPUTY MAYOR HARDING thought Council needed to look at the amounts that the Harbor District and Redevelopment Agency were paying for general services.

CITY MANAGER JEPSEN pointed out that part of the work programs for the new Deputy City Manager/Fire Chief position was to take a look at the harbor services to find alternative delivery mechanisms and look at all efficiencies.

CHIEF POEHLMAN stated that the Strategic Plan called out both the beach and commercial teams as areas where service delivery needed to be raised. This plan was prepared through interviews with Council, community members, businesspeople, etc. If funds were available at some point, this was what they would ask for. OPD staff understood that the funds were not finite, but these were some of their top priorities. Another priority was the homeless outreach team (HOT) identified in the 1st year strategic plan, which is one officer to work with a County health clinician who would make contact with transients or homeless to try to get them into some kind of delivery service that would take them off the streets. This particular idea was modeled after the City of San Diego, which has 2 HOT teams, and they believed they reduced their visible transients by 1/3 through these efforts. Oceanside wanted to try something like that.

COUNCILMEMBER FELLER asked if that was a billet and if that individual person

would do that individual job.

CHIEF POEHLMAN responded affirmatively; it would be their job.

DEPUTY MAYOR HARDING asked if it that position would be a sworn officer.

CHIEF POEHLMAN confirmed that it would, further stating that the County Health and Human Services representative agreed that if Oceanside came up with its side they would find funding to put a clinician to work on this project with them. There is also equipment cost included, which he will review further.

Call response refers to the strategy of keeping up with the population and ratio. Council would need to add nearly 40 officers to reach the average ratio of officers to citizens. This is not an immediate possibility, but it should continue to be reviewed. All of the officer positions would add to it, but if Council could add another 4 officers just for call response, this would deal with the increases in population, which generates more calls for service. More people mean more traffic accidents and all the other things that people need police service for.

A full-time Crime Analyst is part of the strategic plan because they need help in evaluating the received data and in making sure they deploy properly. Finally, they would like to convert an administrative analyst to a public information officer (PIO). A number of years ago, he asked Council if he could use grant money to dedicate a civilian to do PIO duties, and they hired an administrative analyst. Council eventually converted that grant to City funds, and they are finally at the stage where they need to bring that into a full-time PIO position. The conversion cost would be over \$14,000.

COUNCILMEMBER McCAULEY stated that, when OPD interviewed her to establish the strategic plan, she had asked to know the maximums so that Council recognizes that it might not be possible to do that. She appreciated seeing the maximum it would take instead of the minimum.

CHIEF POEHLMAN pointed out that the top step grand total was almost \$900,000 for salary and benefits. The cost would be about \$792,000 at the entry-level costs. He broke down the actual equipment and support for each position. For example, under the beach team, the very last line showed the professional support staff factor because they could not just add police officers without adding the support people behind it. The factor was 0.53 non-sworn per sworn. A non-sworn person would be a dispatcher, records clerk or property technician. When they hired a sworn officer, they should bring in half a non-sworn. He realized that was not possible, but they could reduce that ratio. Minimally, the equipment and support could be reduced from \$503,000 to \$245,000 because they can get by with adding just 2-3 more support staff for all those officers. It was all broken out for what it would take to get a police officer on the street.

DEPUTY MAYOR HARDING hoped that other Departments would follow this format to show all costs involved.

CHIEF POEHLMAN stated the bottom line number is \$1,300,000. What it would take to get it started is really about \$1,000,000. These are the real costs down the road to the City. The Council/public needs to see what the total cost would be.

CHIEF POEHLMAN introduced Captain Michael Brooks to give Council an idea of the crime trends.

CAPTAIN MICHAEL BROOKS, Investigation Division, discussed crime trends. The Chief previously mentioned why the Department needed a crime analyst. Statistics are complicated, depending on where the data comes from. The statistics presented today will be basic, using the FBI index. Oceanside had a 9.7% decrease from 1999 to 2000 in Part I crimes against persons, including murders, assaults, rapes, etc. Oceanside also saw a 16.7% increase in property crimes at that time.

DEPUTY MAYOR HARDING stated that a newspaper article this morning did not

say that Oceanside had gone down in top crimes. The article reported that crime in Escondido and Oceanside increased when crime in other cities had gone down. It is important to get the newspapers to print the correct information.

COUNCILMEMBER McCAULEY commented that the television news also reported that the City had a 10% increase in crimes.

CITY MANAGER JEPSEN clarified that statistic was from the SANDAG (San Diego Association of Governments) report.

CHIEF POEHLMAN stated that the 9.7% decrease in violent crimes and the 16.7% increase in property crimes converts to about 30 crimes per 1,000 people. Oceanside increased to 2-3 crimes per 1,000, which converts to a 10% increase. It is important to understand the context.

DEPUTY MAYOR HARDING agreed that the newspapers and the SANDAG report did not put the information in context, which is unfair.

CAPTAIN BROOKS reiterated that it depends on where the data came from and what was being analyzed. For this workshop he used basic information on the difference between 1999 and 2000. To speak to the 16.7% increase, the Department was taking action to lower the number of property crimes. OPD statistics generally run 1 month behind. The only analysis he could currently provide was for January and February. The Department initiated monthly operational briefings for field operations, detectives and other resources within the Department to discuss the problems and how to address them. This was a time for staff to exchange information and devise strategies. They were somewhat successful. There was a 4.8% decrease in property crimes in January and February, and the City would have to see how this continued to work itself out. So many different factors influence the flux in crime, and they had to seek a consistent ground before they could see how successful the program was.

DEPUTY MAYOR HARDING asked if there were any statistics that showed what areas in the City had the increase in property crimes.

CAPTAIN BROOKS replied it is possible to break it out into which areas have increases, but it is more important to determine patterns. For example, crimes could spike in an area because one person committed 3-4 different burglaries, but there may not be a pattern there. The crime analyst needs to see if crimes were happening over a consistent period of time. The officers and detectives working these areas for a long time know many of the individuals and patterns. Some patterns are seasonal. OPD also is using surveillance equipment in the affected locations, in conjunction with increased enforcement and public information techniques that lead to the decrease.

MAYOR JOHNSON stated that the monthly report Council received from the Chief provided information regarding location of crimes, types of crimes and the numbers of crimes.

CHIEF POEHLMAN said that OPD's Web page had a link to the ARJIS (Automated Regional Justice Information System) page. From that link any San Diego County resident could get a map of any area in Oceanside that showed where the crimes were occurring.

CAPTAIN BROOKS reported that the department is involved in many crime prevention programs. The three major crime prevention programs are:

- Neighborhood watch
- Crime free multi-housing program
- A flexible crime prevention program

Regarding Neighborhood Watch, OPD finds a community member who would be interested in developing a group to assist the Police Department in creating a crime-free zone. Generally, this is a partnership with the neighborhood and the Police Department. Regarding the crime free multi-housing program, it is a modification of the neighborhood

watch program, but with multi-housing there are different issues.

The crime prevention program would be flexible. The Police would provide crime prevention tips to different groups. The presentations could be modified for different age groups and specific concerns.

Graffiti is a highly visible public nuisance crime that affects how people view the City. OPD has become aggressive with tracking graffiti crimes, by assigning a specific detective and by forming a team to provide monthly reports at the operational briefing. He highlighted some of the recent major crimes. He did not list the names of the tagging crews, but used their abbreviations. There were 3 incidents listed that involved the arrest of 15 juveniles and one adult. The adult was charged with 3 felony counts of vandalism. Additionally, OPD filed 30 cases in one incident, 16 in another and 3 against the adult. One person or tagging crew can cause a lot of chaos and damage.

COUNCILMEMBER FELLER reported graffiti on Saturday as he drove to his store located on Mission Avenue. There was graffiti from the bridge to almost in front of his store. He asked if the City maintenance crew advised the Police prior to painting over it.

CAPTAIN BROOKS talked to the detective assigned to the graffiti crimes who informed him that OPD is not always contacted prior to clean up. He surmised that the clean-up crew had so much on their list to clean that they moved quickly and failed to always contact OPD.

CHIEF POEHLMAN added that OPD had provided the graffiti crew with a camera to take a picture before they paint over it. Generally, the investigator only needs the photo.

COUNCILMEMBER FELLER asked if Oceanside Eyes should be contacted for graffiti notification instead of the Police. **CHIEF POEHLMAN** responded affirmatively.

MAYOR JOHNSON questioned if the City still spends close to \$100,000 each year on graffiti eradication.

CITY MANAGER JEPSEN responded that the City's graffiti program has been consistent over the last 5 years. The cost increased between 2-4%, depending on the cost of living, but the City has maintained the same resources.

In conclusion on graffiti, **CAPTAIN BROOKS** pointed out that the Police were involved in the enforcement as well as the public information campaign. They did a press release to the community to give them insight into how damaging graffiti crimes are and how to contact the Police. They also sent a letter to business owners reminding them of their responsibilities in regard to selling spray paint to juveniles, etc.

DEPUTY MAYOR HARDING wished the Oceanside Eyes phone number could be highlighted in the quarterly magazine and perhaps on the water bill. City employees cannot see every pothole and every bit of graffiti so this would be helpful.

COUNCILMEMBER McCAULEY noted that she carries the phone number for shopping cart retrieval and graffiti removal with her.

CHIEF POEHLMAN advised that the Oceanside Eyes phone number may be used to report shopping carts as well.

CAPTAIN BROOKS reported that the Police had 2 different community service surveys. Every Department commander was provided certain names to mail surveys on how they feel about the service they received from OPD. Last year, OPD mailed out 1,361 surveys and had a 32% return rate. Out of those returned, 62% gave excellent ratings, and 22% rated the service above average. Only 2% rated the service below average, and only 1% said they received poor service. The Department also started a phone and personal contact survey where a person called people to ask about their opinions on the OPD. However, budgetary constraints cut that down. Now they make personal contacts and interview people.

CHIEF POEHLMAN added that staff sent a pass-through memo yesterday with the results of the survey.

CAPTAIN BROOKS noted that of that survey, only 5.86% were dissatisfied with the service they received.

CHIEF POEHLMAN introduced Acting Captain Dave Heering to discuss the downtown, the resource centers, the school safety plan and the traffic plan.

ACTING CAPTAIN DAVE HEERING, Field Operations Division, stated that the City has been very successful in attracting people to the downtown area. Unfortunately, so many people were attracted to the downtown last fall that they started hanging out in front of the Regal Theater in the plaza area, which caused concern. Not many crimes were committed, but the loitering appearance made people uncomfortable. According to the businesses in the area, the moviegoers went to other theaters to avoid walking past the loiterers in that area.

Therefore, in November, OPD set up a series of meetings with the downtown business people and the theater operators. Among other issues, they discussed security guards and OPD response to service calls. Consequently, the theaters hired an armed security outfit with additional officers. Previous theater security consisted of an unarmed porter in the daytime and at night until 11:00 PM.

Once DDR and McMillan split, there was a void of about 1½ months where he could not reach them. OPD addressed some of the issues, and the area is returning to what the City would like to see. At the 1st of the year Jenny Waters, the DDR property manager, attended some meetings at the MainStreet office and was very receptive.

OPD has a list of ideas from the meetings, such as moving the storefront from Pier View Way to the theater property; moving the bus stop from in front of the theaters to around the corner; and signage and video cameras are being explored. They are working with Deputy District Attorney (DA) Julie Cord, who will focus on that area. She spends one day a week at the MainStreet office from 2:00-4:00 PM on Fridays and welcomes anyone to stop by to discuss problems.

Also, field operations/patrol are assigning foot patrols to the downtown area, as they are available. Officers were sent to walk the downtown area, including the theater, as often as possible but not on a daily basis. Over the past year a Commercial Services Officer position became available. They filled 1 of the 2 non-sworn officer positions in the downtown area; however, that person moved to code enforcement. The 2 vacancies were grant-funded but they have been unable to fill them. Therefore, he is working with Personnel to convert these positions into one Code Enforcement position with a higher pay and benefits. That person would be assigned to the downtown area 5 days a week during peak hours. The strategic plan called for 2 additional police officers for the downtown area. Those same 2 officers could work with Julie Cord to handle the problems, instead of different officers throughout the week.

Another minor issue in the downtown area is the skateboard park. The park is open from 10:00 AM to 5:00 PM, but people are jumping the fence to use the skateboard park before and after those hours. Additionally, in getting to the park, the skateboarders usually ride their boards, which upsets some of the businesses when the skateboarders bank off of the walls, etc. They have 9 signs for the skateboard property, and the operators are working with OPD to address those issues.

MAYOR JOHNSON read in the handout that the people loitering "... have at times attracted gang members and drug dealers." He asked what the loiterers looked like.

ACTING CAPTAIN HEERING answered that the reports from the businesspeople in the area reported seeing gang members there. Officers had also reported seeing different factions of gangs in that area. He is addressing with the businesspeople the fact that not everyone they see hanging out is a gang member. Another issue is that this property is

open to the public. They had to be very careful in saying that one group could stay but another had to leave. He was working to better educate the local businesspeople, the theater managers and the security guards of this fact.

MAYOR JOHNSON commented that he often walked in that area to get a snack. On a number of occasions, he has seen individuals that looked like gang members or drug dealers because they came from different backgrounds. He has also seen small, medium and large groups of skaters hanging around or sitting down, but there was no reference to the skaters in the handout.

He recalled a very violent incident in front of Pasta Mia's involving a Samoan young adult, a black young adult and a bat that was used to beat a car and individuals. However, sometimes the businesspeople tend to throw everyone, except skaters, into the same pot. He asked the Captain to be more specific about the skaters loitering in that area as well.

ACTING CAPTAIN HEERING explained that the skaters were easier to identify because they had their skateboards with them. Identifying people who could potentially deal dope is more difficult. The undercover operations have identified individuals who were recognized as narcotics dealers in Oceanside. Additionally, the person who was chased onto the property with a bat was a regular offender who OPD has dealt with for several years. The skateboarders are not as big an issue because of the City ordinance that could be easily enforced.

MAYOR JOHNSON has discussed this issue with the City Manager. Visibility works. Parking dummy police cars with no one in them made citizens feel safe and the bad guys feel threatened. It is a cheap insurance policy to maintain a safe area. Council is very supportive of doing whatever is necessary to make that area as safe as possible to ensure that people continue to come there.

DEPUTY MAYOR HARDING suggested maybe some of the volunteers could patrol that area more often. If more good people were down there, maybe the bad element would go somewhere else.

COUNCILMEMBER McCAULEY understood there had been cases of identified or documented drug dealers in that area and consequently an incident occurred. She was not comfortable with placing the senior patrol into that type of exposure, but she was in favor of moving the Police Resource Center onto that block somewhere. That would be a constant visible element and would have a tremendous effect.

MAYOR JOHNSON thought that sounded good, but he understood that the current resource center location only costs \$1 per year.

ACTING CAPTAIN HEERING stated OPD pays \$600 per month there. The Downtown Business Association has contributed \$1,800 per year over the past 2 years to that, which is 25% of the rent. The Police Department paid the rest of the cost.

MAYOR JOHNSON commented that although the focus is on the Regal Theater, Oceanside still has an ongoing problem that has been there for 25-30 years, with people gathering in and around the Playgirl Theater and the adult bookstore. The adult bookstore is open 24 hours a day, 7 days a week. It goes back to visibility. Most people do not want to walk with their family members past that facility. At some point in time, Council needs to have the political will to support relocation or elimination of that type of business. Times have changed, and Oceanside is looking to make downtown more attractive to tourists.

COUNCILMEMBER SANCHEZ suggested officers on bicycles during the summer.

CHIEF POEHLMAN said that the commercial officers could use that as a tool. The Field Operations Division currently must take people from other assignments to do this type of patrol but many positive things resulted from the change. In the long run, Council will need dedicated resources if their presence is needed on a full-time basis.

COUNCILMEMBER SANCHEZ asked if there was a difference between having

undercover officers and uniformed officers in that area.

CHIEF POEHLMAN answered that the undercover officers are existing staff already assigned to downtown. OPD has made contact with dealers in the downtown area. However, the long-term solution is a more consistent police presence as part of a beat. The 2 beach team officers could also help cover the downtown area, including the developing corridor.

COUNCILMEMBER SANCHEZ asked if dimming the lights throughout the City would increase crime at all.

CHIEF POEHLMAN clarified if the purpose for dimming the lights was for energy conservation, he cautioned Council to be careful about what locations to dim the lights. Some areas need to remain fully lit.

COUNCILMEMBER SANCHEZ asked for his recommendation for downtown areas that should stay lit.

CHIEF POEHLMAN suggested any place where people are out on foot would need to be fully lit at certain times. Also, Council is trying to attract people to the downtown area, so the area near the Transit Center, where people come and go at different times of the night, should remain well lit. Places where stores are open should also remain well lit.

DEPUTY MAYOR HARDING thought the recommendation to keep lights on near open buildings should be utilized citywide.

CHIEF POEHLMAN agreed. A countywide Chief's meeting was currently taking place, and he placed on their agenda to discuss how law enforcement should respond to the countywide energy crisis. For example, it would not be safe for Oceanside if we darkened down, and other cities did not. This needs to be a regional approach.

MAYOR JOHNSON stated that when it comes to providing entertainment he could not support dimming the lights particularly in a tourist spot like the downtown. All tourist areas, such as the Gas Lamp District, the waterfront, Del Mar, etc., are well lit with increased police visibility. Regarding the Governor's request to dim lights to conserve energy, he could not support that. He supported the need of increased police visibility, which OPD cannot provide without the necessary resources. The City needs to find ways to increase the TOT and other revenue streams to maintain and increase the safety level in the City.

For the sake of time, **CHIEF POEHLMAN** asked Acting Captain Heering to skip over the resource centers, since it was fairly evident what Council wanted to do. He asked him to continue with the Department's efforts for school safety since many constituents are concerned about that.

ACTING CAPTAIN HEERING made one additional comment regarding the resource centers. The Deputy District Attorney, Julie Cord, is also at the Crown Heights Resource Center on Tuesdays and Thursdays from 2:00-4:00 PM.

Regarding school safety, Oceanside has 26 Oceanside Unified School District (OUSD) schools and 6 Vista Unified School District (VUSD) schools, for a combined total of 22,000 students. The school safety enhancement team is made up of 1 sergeant, 4 school resource officers, 2 Drug Abuse Resistance Education (DARE) officers and 4 community safety assistants.

The community safety assistant positions are currently vacant. That entire school safety team costs the City just under \$700,000 a year. The USD gives \$301,000 per year, and the City receives \$250,000 in grant money to supplement that. The current sergeant has been there for the past 2 years, and they have accomplished a lot. OPD has a very good relationship with the schools.

They only have 6 officers to stretch out to all these schools. They had not

addressed the Vista schools, although it is in the works for a future project. They also would like to get the VUSD to contribute.

DEPUTY MAYOR HARDING has a daughter who is a teacher; therefore she is familiar with schools practicing lockdowns. She asked if OPD participated in lockdowns.

In response to a question **ACTING CAPTAIN HEERING** responded that Sergeant Terry Richhart was intimately involved in developing a crisis plan for each school and encouraged them all to practice the plan.

Further discussion was held on school safety and incidents at schools such as the Santee school shooting.

ACTING CAPTAIN HEERING commented that Sergeant Richhart mentioned they were discussing various suggestions on school safety issues.

CITY MANAGER JEPSEN asked where Oceanside's truancy center is located.

ACTING CAPTAIN HEERING responded that it is currently located at El Camino High School.

COUNCILMEMBER SANCHEZ asked if there is an officer involved there. **ACTING CAPTAIN HEERING** confirmed there is 1 officer and explained that an officer and a community service officer are present during certain times. All the patrol officers are aware that if they see school-aged children out of school during school hours, they pick them up and take them to the truancy center, where they are checked in and their parents contacted.

CHIEF POEHLMAN added that there are volunteers from MiraCosta College who man the phones. The truancy center is a resource made available to all beat officers.

COUNCILMEMBER SANCHEZ inquired when it started.

CHIEF POEHLMAN responded that it was started last year by the school team. He reported that towards the end of the year the number of students picked up was so low that they stopped running the truancy center every day. They were hearing from Vista and Carlsbad that Oceanside kids were in their cities since they knew not to hang out in Oceanside because of this program. He will follow up with the numbers.

Regarding traffic, **DEPUTY MAYOR HARDING** heard 2 conflicting scenarios regarding traffic stops involving the Immigration Naturalization Service (INS): one is that it only happens if they stop by, and another was that the City had a policy that is being discontinued per a TV station.

ACTING CAPTAIN HEERING said there was never a policy. They did in fact call INS to advise them that OPD was having a checkpoint on that particular day. Oceanside did not invite them to participate in the checkpoint but did give them a courtesy call. They had requested this several months ago in a discussion with a traffic sergeant and some INS officials who were discussing how Oceanside operated checkpoints. They asked to be given a call the next time Oceanside did one, so one of the officers let them know. It was not requested that they come in and participate. On Friday, the border patrol area commander advised him that the intent was for INS to stop by and let OPD know they were in the area if they were needed and then to be on their way.

The commander later told him that when the agents arrived, something caught their eye that made them stay.

COUNCILMEMBER SANCHEZ commented this was a terrific public relations (PR) problem for the City, not just the Department. This was on channel 19 two nights in a row. City Manager Jepsen and Councilmember Sanchez previously discussed how interesting it was that the media was able to get there so quickly. It almost seemed staged. The second night the story was done with a lot more hype. They interviewed an INS agent and a police

officer. The INS agent said they never went anywhere unless they were called. The police officer said they did not call the INS.

CAPTAIN HEERING clarified that he was the one being interviewed.

COUNCILMEMBER SANCHEZ said they did it side by side, along with a civil rights representative from the border talking about how it was racism. It was a terrible PR problem and something should be done. She knew the City had even received a letter from the Mexican consulate about this issue.

CHIEF POEHLMAN was also curious about how Channel 19 got there so quickly. There was an earlier accident that day involving the military and a boat, which Channel 19 responded to. While they were covering that situation, someone driving past the checkpoint saw the border patrol involved in an incident. Channel 19 advised that they received a call to go by to see what was happening.

Typically, they did not come up to the Oceanside traffic safety checkpoints, so he inquired why they were there and that was the reason given. His direction to staff is that if the Border Patrol shows up at a traffic safety checkpoint or a DUI checkpoint in the future, staff should make contact with them and find out why they were there. If they are planning to stay, then OPD would shut down the checkpoint.

COUNCILMEMBER SANCHEZ asked if Chief Poehelman could issue a statement in that regard. She did not know how much longer Channel 19 would run with this story, but it seemed like Oceanside had not made any public statements. According to the U.S. Census data, almost 1 out of every 3 people in Oceanside is Latino, and over half of those are monolingual. They are quite upset about this, and she estimated more than half of them watch Channel 19.

CHIEF POEHLMAN requested clarification regarding what the statement should be. **COUNCILMEMBER SANCHEZ** clarified a statement advising that OPD did not contact the Border Patrol.

ACTING CAPTAIN HEERING said that he had explained to Carlos at Channel 19 exactly what occurred, which was that OPD did not call the Border Patrol to invite them to participate; they were only called to notify them. He watched the same clip and his voice was fairly low, but he heard what he said. The media cut his statement off at "We did not call them..." They did not continue his voice to finish saying, "...to invite them to participate." He said that the commentator started talking over his voice at that point, so he could not understand what was being said.

COUNCILMEMBER SANCHEZ explained that they were pretty much calling it racism. The person who covered the story was Roberto Martinez from Channel 19.

CHIEF POEHLMAN said that he personally goes back some years with Roberto Martinez, who previously accused him and the Department before of racism. They went to court, and the City Attorney clearly showed that every allegation of racism he made was false. Unfortunately, people do not know the background and credibility of Mr. Martinez. He had accused Oceanside of many other things with absolutely no proof.

In an effort to solve crimes involving non-English speaking persons, he needs interpreters. As a final resort, he must rely on the Border Patrol or the INS. He would like to put in place another procedure so they do not need to do that. To make a more assertive statement may put him in jeopardy with the Border Patrol, which could say that Oceanside does not want their help. Then they will not help when needed. OPD's primary obligation is to solve the crime and deal with the situations.

Captain Scarano was asked to put together a procedure to eventually implement that. They will consider volunteers as well as other City employees. He will be sending Council a pass-through memo explaining that the City Manager authorized looking into paying other City employees some stipend to be on a team. They are already paid a bilingual bonus, but OPD wanted to create an on-call list where, for example, City

employee "X" is on-call all day if the need arises for their services. The person must be a credible, certified response. Just because a person says they speak Spanish does not get the Police through the courts system. They must be able to accurately interpret. In the past OPD had been challenged to determine who did the interpreting and whether or not they interpreted correctly. They need capable and available people.

MAYOR JOHNSON thought the difference was that in a serious crime, OPD should get the help they need from INS. However, in a traffic stop, it was very negative in the media how the INS appeared to be in partnership with OPD because it totally erodes the trust that the Police have worked so hard to build up.

DEPUTY MAYOR HARDING stated it was important to be careful in making statements i.e., knee jerk reactions. The Chief of Police, the City Manager and, in this case, the City Attorney should discuss this.

COUNCILMEMBER McCAULEY said that there needed to be a procedure in place so this problem does not happen again. Nearly everyone present had been subjected to the spin that the media tends to put on things regardless of what the situation is. You cannot control the spin that any media will place on issues. If there is a problem, the City must correct the problem and move forward.

COUNCILMEMBER SANCHEZ commented that she heard from residents who were there, and they described it even worse than the way it was described on the first television program. She went to City Manager Jepsen, who informed her it would be terminated immediately. She discussed other possible solutions with others, and one suggestion was similar to how the DA's office does search warrants. They actually have people sign up for a week, and they are given comp time. The City could offer something similar to City employees.

CITY MANAGER JEPSEN stated that something would be worked out, and the interpreters would be compensated.

COUNCILMEMBER FELLER asked what would be terminated.

COUNCILMEMBER SANCHEZ clarified the use of INS agents as interpreters.

CITY MANAGER JEPSEN explained that there are 2 issues here:

1. The traffic stop - Council heard the Chief's response to that incident. In the future, if the INS showed up and did not leave, then OPD would leave.
2. The interpretation of the neighborhoods - The intent is that they would only use the INS as a last resort, if there were no other interpreting services available.

City Manager Jepsen told Councilmember Sanchez that the City would move expeditiously to stop that practice because of the viewpoint of the neighborhood. What he understands from the Police Chief is that if they needed emergency interpreting services, the INS would be their last resort. They would move expeditiously to get an alternative program in place.

COUNCILMEMBER FELLER asked what the problem was with senior volunteers as interpreters.

CHIEF POEHLMAN explained that when they are questioned in court, the interpreters need to show their capability as a witness. It is critical that the interpretation is done properly, especially when someone describes a suspect and the police make an arrest based on that description. The police needed to be sure that every interpreter they use is credible.

COUNCILMEMBER FELLER did not want to single out senior volunteers. **CHIEF POEHLMAN** agreed that it could be any volunteer.

COUNCILMEMBER FELLER commented that if the police did ask INS or the Border Patrol to come as a last resort, the police could not ask them to turn their heads on illegal activity.

DEPUTY MAYOR HARDING concurred, but INS should not ask to see immigration papers.

COUNCILMEMBER FELLER repeated that if INS suspected something, they could not be expected to turn their head on illegal activity.

COUNCILMEMBER SANCHEZ explained that this incident was a result of Chief Poehlman's statement in Crown Heights that the police policy would be to use INS to interpret when needed, which was not well received by that community. The people living in that community would rather not call the police to report crimes in fear that INS will get involved. For example, if drugs were being sold in a community, the residents would not call the police to avoid deportation issues from the INS.

In response, **MAYOR JOHNSON** observed a serious cultural issue here with a severe lack of trust regarding the police and politicians south of the border. Unfortunately, that carries over to this side of the border. The community, Chief Poehlman and his staff have worked very hard to build that trust level up. When INS comes in with a traffic stop, there is a perception that the INS is working in partnership with the OPD to take the illegal immigrants back to South of the border.

COUNCILMEMBER FELLER was clear on that issue. However, he explained that he would not be afraid to call the police if he were not doing something illegal.

COUNCILMEMBER SANCHEZ said that INS does not have the best reputation in this community on how they treat people whether they are legal or illegal.

CHIEF POEHLMAN stated they are currently working on interpreters. In response to Councilmember Sanchez's comments regarding his visit to the Crown Heights' neighborhood to speak with the people, he had clarified that, as a last option, he must use the INS in order to do his job, but the Department would prefer to use volunteers. The next day's incident had not yet occurred, which was very disturbing because of how the Border Patrol handled it and the whole picture it painted. Even before it happened, the Department was discussing paying people to interpret for OPD. He asked Council to understand his limitations until he can get the new procedure in place.

CITY MANAGER JEPSEN reiterated that calling INS is clearly the last resort, if they cannot get another interpreter. They had tried all other resources, and they need to solve the crime.

MAYOR JOHNSON specified that for a serious crime scene, it was understandable for INS to be involved, but there is no need for the INS to be present at a traffic stop.

CHIEF POEHLMAN reiterated that if INS showed up at a traffic checkpoint, the police would shut down that point. He clarified that if a police officer made a traffic stop and believed he or she had a serious criminal and no one else is available to interpret, they would call on INS.

MAYOR JOHNSON reiterated that his concern was with the checkpoints.

CHIEF POEHLMAN understood. He pointed out that if a reporter wrote an article, he wanted to be sure everyone understood what was being said.

COUNCILMEMBER SANCHEZ inquired how quickly a new procedure could be in place.

Further responding, **CAPTAIN SCARANO** said they have had some in-house discussions on how to develop a contract with the department heads or supervisors so that

if a City employee gets paged, he or she would be able to come to the scene and maybe be reimbursed for mileage, etc. He is working with personnel to create a plan. OPD is also considering a device that allows someone to speak a foreign language into the machine, and the machine translates to the language of choice, and vice versa. They could utilize AT&T as long as it is telephone accessible. In defense of INS and in support of the idea of being flexible to serve the citizens, he had a situation occur when he was a watch commander some time ago. He had a very traumatized rape victim at 2:00 AM, and the police could not talk to her. So he took her to a secluded place and on speaker phone an INS agent from San Clemente translated for him and her. It went very nicely. Although this is not the same situation as the checkpoint, there are no 2 situations alike.

COUNCILMEMBER McCAULEY did not suggest that the City make a statement completely eliminating any resource. Depending on the situation, it may be the only resource.

CITY MANAGER JEPSEN commented that a program will be presented for Council's approval soon.

MAYOR JOHNSON stated in light of the recent release of the census data, it is even more important that the City move to assist the citizens so that the officers have the necessary tools and skills to better serve the community.

CITY MANAGER JEPSEN noted that they will soon have a sense of what the program is going to be because there will be funding involved for Council approval.

COUNCILMEMBER SANCHEZ added that it is not just victims or suspects that require interpretive services; witnesses need interpretive services as well. She recognized the importance of talking to witnesses while the event is still fresh in their minds. The City would be handicapped without interpreters.

DEPUTY MAYOR HARDING stated there are also other nationalities that would need interpreters as well, such as the Samoan and Asian communities.

CHIEF POEHLMAN noted that the packet contains more traffic information for Council to review. He asked Council to advise if they have any questions regarding the information.

He introduced Captain Bruckner to discuss communications.

CAPTAIN FRANK BRUCKNER, Communications, reported that he is currently in charge of the communications unit. In January, he was assigned to resolve 7 software issues in the current Computer Aided Dispatch (CAD) system in order to move forward with that project. Those issues were as follows:

1. Failure to provide response plans in the CAD system,
2. Commitment or assignment of evaluations were not being consistently recommended in CAD,
3. Dispatchers complained of the systems' overall slowness,
4. Comments were lost when using the "Hold call" feature,
5. 911 terminal would freeze up with information on the screen not being committed to the CAD,
6. System would lose recording party information from the screen, such as phone numbers, and
7. Warning sound feature was not working properly.

April 2 was the deadline to resolve these 7 issues. Staff met on that day, and those 7 issues have been resolved. However, there will still be reports of system slowness or a system freeze up. These are problems that will require some time to overcome.

To put the project into perspective, the Sheriff's Department employs 124 dispatchers in a CAD project called Intergrab, which was similar to Oceanside's Windows-based system. They are in the fifth year of that project, and it still has not been signed off.

OPD has made significant progress with the project, and they are continuing to move forward. Several components of this project must be resolved this year such as:

- A mobile computer terminal link or interface between cars and the CAD system
- A records management system
- Automated field reporting

Officers had mobile computer terminals in the vehicle. They can talk to the CAD system and dispatchers, and the dispatcher can talk to them. They will be able to complete and send reports from their vehicle to the station for supervisor approval using wireless technology. The report would then be shipped to a records person who would again approve and file that report. Finally, the report would go to the Automated Regional Justice Information System (ARJIS) where officers could pull up the information as needed.

It is a holistic system in that there are several components that must be built together in order for it to work properly. The scheduled date of completion is sometime later in the year.

He was very confident that, if they can continue the progress they have made and keep the level of commitment by the vendors involved in this project, they will be successful. The commitment needs to come from the City as well.

COUNCILMEMBER McCAULEY asked if he thought the systems are user friendly.

CAPTAIN BRUCKNER reviewed the type of CAD systems and radio systems used in other agencies. After visiting the different agencies throughout the County, he discovered they all have different degrees of frustration as they migrate to the next level of technology in Windows.

DEPUTY MAYOR HARDING asked if the officer training on the Mobile Computer Terminal (MCT) would be simple, or if they expected a long learning curve.

CAPTAIN BRUCKNER reiterated that they would all be trained by the end of this month, but it is not a simple process. Staff identified that they want the MCT portion more user friendly. The vendor [Tri-Tech] will come back within the next 3 weeks to show what it will entail to make it more user friendly.

CHIEF POEHLMAN commented that the disconnect was between the tech person and the person trying to do the job.

Regarding the radio system, **CAPTAIN BRUCKNER** reported that the City contracted with Macro Corporation last year to conduct a citywide radio study and make recommendations on what should be done citywide with the radios. The City is currently on a VHF system, which is about a 30-year old system.

One source informed him that the current system was intended as an interim radio system. The subcommittee of the Telecommunications Committee and the Police and Fire Commission had the opinion that the current system is like a plow horse. It has been around for a long time but it is working very well. It could be better, but the plow horse is doing the job.

He met with engineers from Macro Corporation to discuss possible recommendations with them. As part of this process, staff also met with Motorola Corporation, which presented various alternatives regarding the regional communication system. The cost would be approximately \$8,000,000. If Oceanside joins the regional communication systems, the subcommittee members estimate the cost would be in the neighborhood of \$10,000,000. From talking to Macro Corporation and the subcommittee, one of the possible recommendations for a short-term solution would be to upgrade the current VHF system to make the reception and transmissions a higher level of capability. A second alternative that Macro Corporation may suggest is migrating to a 700 or 800-megahertz system (MHz).

There are currently systems in the 700 MHz frequency range that counties in Northern California are in the process of migrating to, from VHF systems. The reason why they are going to be 700 MHz systems is because the 800 MHz frequencies are all gone. There were only so many of them in the airwaves, and they are being used up. In 5 to 6 years from now, the potential is that the 700 MHz frequencies will be available. Motorola, like many corporations, are testing 700 MHz systems that will have the capability of talking to the 800 MHz system so that they could link. This is one possibility that may return. However, Macro Corporation is a very conservative organization. Therefore, he does not think that is what they would tell the City.

An additional alternative that Macro Corporation may present is for the Department to switch to an 800 MHz system, which has 2 variations: 1) Oceanside could be its own 800 MHz system; or 2) the City could migrate to the Regional Communications System (RCS) 800 MHz. There are advantages to the City to joining the RCS, but there are also disadvantages and costs that he hoped the study would describe.

Finally, Captain Bruckner recently completed a study and recommended to the Chief to begin looking at a North County Police Communication Center. In analyzing the Cities of Carlsbad, Escondido and Oceanside, as well as the Sheriff's Department and Camp Pendleton, he learned that only Camp Pendleton and Oceanside remain on the VHF system. The Provost Marshall's Office, Camp Pendleton, is a law enforcement agency, and they are also looking to upgrade their radio capabilities.

He has already requested John Lundblad, the City's grants person, to start looking at grant funds available to help supplement some of the cost for structure and equipment if the City were to go to an 800 MHz system with Camp Pendleton. Camp Pendleton could outsource their communications. He met with the PMO, who explained that he could not make those decisions, but indicated that the City could enter into discussions with Camp Pendleton to have a joint dispatch center. Captain Bruckner envisioned that in 5-7 years, Oceanside, Carlsbad, Escondido and Camp Pendleton could have a North County Dispatch Center that would specialize in Police communications on a 700 to 800 MHz frequency. There would be cost savings and sharing for all the involved localities.

Regarding the communications center, Captain Bruckner noted that traditionally OPD had a records and communications manager who was over the communications unit of the Department. The communications unit dispatches both Police and Fire. As part of his studies, he looked at the functions of the fire dispatching. The Fire Department has technology, equipment and protocol that require extensive experience in dispatching protocols to do it correctly and in conjunction with other agencies.

He recently talked with a dispatcher who had been with the Department for 9 years but had never dispatched a 2-alarm fire. Therefore, the City has training and protocol needs that must be met. After meeting with Fire Chief Geldert and his staff, he found that the Fire Department is seriously considering separating Police and Fire dispatching. Although the structure of this alternative must be examined, fire has specific needs in dispatching that are different from the police needs. There is a different type of dispatching from police dispatching. They will make recommendations to Council in the future regarding dispatching.

In the short term, the City should remain in the same location until completion of the radio study and get some definitive long-range path. In the short-term, he would be recommending to both chiefs that the Fire Department commit staff to help provide training on protocols to dispatchers and do some scenario testing. In the short- to mid-term, he recommended they stay at 1617 Mission Avenue. Depending on funding, fire may split with OPD and eventually move to a location dedicated to fire dispatching.

He stated Lieutenant Timbs is taking over the Communications Manager position in the interim. His job will be to hire the Communications Manager, if the funds become available. This is a highly specialized job, and he highly recommends the split. The City needs someone specialized in this area to take the City where it needs to go in the future.

DEPUTY MAYOR HARDING commented that the City has spent a lot of money on

computer-type programming over and over again, and she believes an expert is needed in the field. During her tenure the department has gone through 3-4 systems that were supposed to last the City 10 years each.

COUNCILMEMBER FELLER asked that a memo be sent to Council on how the officers react to the CAD system once implemented.

CHIEF POEHLMAN introduced Captain Steve Scarano to discuss employment, firearms and recruitment issues.

CAPTAIN STEVE SCARANO, Administration Division, wished to highlight some of the report and the quality of the current workforce and the challenges to select and recruit quality people.

The handout listed the Peace Officers Standards and Training (POST) Commission requirements. It also emphasized some areas where OPD had raised some of those standards. Candidates should be a citizen or have applied for citizenship. Last week, OPD had a non-sworn professional become a citizen. About a year ago, a Canadian citizen became a U.S.citizen who has been an officer for a couple of years. Also they recently hired a man from the former Soviet Union who was coming out of the Marine Corps to be an Oceanside Police Officer. The minimum age according to the State is 18 years old, but at OPD candidates must be 21 by the time they start the Academy. There are standard background checks performed to confirm the person has had no felony convictions. The background investigation would also need to determine good moral character.

POST requires a high school graduate or a minimum GED score of at least 40 in each of the 4 categories; it is not just a cumulative score of 225. OPD requires an AA degree, 60 units, or credit for 3 years of military service with an honorable discharge. POST requires a non-descript drug test. However, OPD does not allow any involvement with hallucinogens, injected drugs or marijuana within the past 3 years. Sale of drugs is not allowed at all. Use of other drug combinations within the past 5 years is disqualifying. POST requires a reading and writing proficiency test. Overall, the applicant must be free from physical, emotional and mental conditions, which is evaluated by professionals.

He highlighted the continuing professional training (CPT) requirements, which is the same as what was formerly called the advanced officer training requirements. In-service training now consists of a list of items. The legislative requirements are audited by POST for compliance. OPD does very well on that. In addition to all of the other training requirements, POST requires 24 hours of CPT. The CPT is comprised of general military subjects or general proficiency or competency topics such as contemporary issues such as dealing with citizens with disabilities.

CHIEF POEHLMAN emphasized that the handout shows the legislated CPT required by POST. OPD goes beyond the State requirement, and they are proud of what they have developed as additional training. Completing the CPT requires a lot of hours to get the job done.

CAPTAIN SCARANO presented an overview of the firearms training facility that is currently in the works. The OPD firearms policy and proficiency standards are centered on quarterly training days where officers become qualified. They also prove to the department through the range staff that they can shoot straight, know when to shoot and when not to shoot.

The quarterly re-certification applies to the weapons issued and to any private weapon an officer owns and uses in the course of his or her duties or off duty. It also requires semi-annual qualification with a service shotgun. If an officer does not shoot well, they would have to go through remedial training. In OPD, the passing score is 80%, which is 10% above most other departments in the area. This modification stemmed from a bad shooting in another police department some years ago. Oceanside decided to up the standards to put itself in a better position legally, morally and ethically.

DEPUTY MAYOR HARDING commented that many times a police officer could be

on the force for 20 years and never use their weapon. How often during a year do Oceanside officers normally shoot their guns.

CAPTAIN SCARANO responded that the police officers use their guns every day, and what he meant is that the choice not to pull a gun is using the gun. He guessed that an officer may take their gun out of the holster once per shift.

CHIEF POEHLMAN said that thankfully none of the officers had to use a gun on someone in quite some time. It happens, but it is very rare.

CAPTAIN SCARANO said they also need a range facility to train and certify the less lethal weapons, such as electrical stun munitions, pepper ball guns that have just been brought online, the shotgun shells that send out rubber or wood bullets, etc. They needed a practice facility for that.

Additionally, they need some type of full service facility similar to the fire departments, so that they can do firearms training and other defensive tactics, such as unarmed defense. They were looking at new land because the landlord at Morro Hills was kicking the City off that land. Council had given funds to clean up the old place and move to a new one. The Morro Hills site is located on the way to the rear gate of Camp Pendleton.

COUNCILMEMBER FELLER questioned the Captain saying the City had lost the land. **CHIEF POEHLMAN** advised that they had to be out on July 1.

CAPTAIN SCARANO referenced the target time schedules in the back up.

Recruiting was the lifeblood of the Police Department and was reflected in the strategic plan, which called upon improving the quality and diversity of its applicants. A committee comprised of OPD staff, the community and armed forces professional recruiters give recruiting ideas.

Some time ago, Captain Bruckner partnered with California State University at San Marcos and developed a marketing plan for OPD. Certain issues were highlighted, such as competitive compensation, participation at job fairs and career days, recognizing that recruiting is a continual process and not just something done once or twice a year.

Fortunately, employees now have an incentive plan where they could get \$250 for bringing someone on board. Once the new recruit finished the probationary period, the employee could get another \$250.

CHIEF POEHLMAN added that staff has done a great job recruiting police officers, but they struggled with some professional positions.

He thanked Council for the assistance and direction they have given OPD. They have presented some immediate needs to serve the community better. That boiled down to resources. He and staff fully understood that for the City to do its job, they did not just need police. Oceanside needs recreation, libraries and all the things that ensure a safe community. OPD could be better if they could have these things.

MAYOR JOHNSON stated Council needed to find additional funding streams to help the City Manager help the Police Department. His first, second and third priority is to increase the number and quality of rooms to increase the TOT tax and try to close the \$8,000,000 gap as far as TOT tax between Oceanside and Carlsbad. That was easy, clean money. The City needs to do a better job to increase revenue streams to help OPD.

CITY MANAGER JEPSEN added that it certainly was a first flush. The Chief would probably bring this back through the Police and Fire Commission, but one of the things staff was interested in was learning more about video camera enforcement for traffic enforcement. There were some communities that had used it for red light violations. He was not certain of the State approval for video enforcement of speeding.

CHIEF POEHLMAN clarified said there is no approval for speeding.

CITY MANAGER JEPSEN continued that there was approval for the red light violations. He asked Council's opinion in that regard. He knew Council would need background information before they could make a final decision.

CHIEF POEHLMAN explained that their traffic team was working with the traffic engineer to review intersections and to develop a plan. Different ideas would be taken to the Police and Fire Commission and ultimately to Council. If the Councilmembers are not interested in the red light photo enforcement, he would like to hear that now.

COUNCILMEMBER FELLER used to take his kids to school on Mesa Drive. It seemed like every day Police Officer Dennis Thornton was sitting there, and it reduced the speed on Mesa Drive. Even though Dennis was retired, he still slowed down in that area and watched for his car. They need to do something about enforcement for neighborhoods.

DEPUTY MAYOR HARDING read in the paper that in San Marcos, a lot of people were running red lights near the schools. Oceanside should look at this, particularly around the congested schools. Word would get out that people get tickets from the red light violation photographs.

ACTING CAPTAIN HEERING noted that it is an expensive program. The unit cost is about \$60,000 to \$70,000 per intersection, not including the increase in personnel needed to certify each of the photographs and do the follow up.

DEPUTY MAYOR HARDING suggested the City look into it.

COUNCILMEMBER SANCHEZ asked how bad the situation was.

CHIEF POEHLMAN replied that intersections and speed are 2 primary sources of accidents. Speed related to intersections is that people are driving too fast and do not want to stop, so they run the red light. Also, people do not follow the signage; they do not stop for red lights or stop signs. These are the top 2 causes for serious injury and deaths in Oceanside, more than any violent crime.

CITY MANAGER JEPSEN inquired if staff had some identified intersections.

CHIEF POEHLMAN responded affirmatively. The traffic team is working on different ideas. It is helpful for him to know if Council is interested in using red light photos. If so, the Department will look into it further.

COUCILMEMBER FELLER responded absolutely.

COUNCILMEMBER McCAULEY was in favor of seeing more information. She stated that Council would need to know the cost and all the other details. She further inquired if the photo information could be used for people who block the intersections after the light has changed.

CHIEF POEHLMAN did not know of a photo enforcement that worked for vehicles blocking intersections. The process involves the sequence with the light changing and breaking a beam. He could explore if Council would like further information. There are intersections where that is a big problem.

MAYOR JOHNSON thinks Council supports this but questioned if it is enforceable. He received a ticket from the City of El Cajon, and he knew he entered the intersection when the light was yellow. Although they sent him a ticket using photo enforcement, he was able to convince the judge otherwise.

In response to Councilmember McCauley's earlier question, **CITY ATTORNEY BENNETT** stated photo enforcement cannot be utilized for those who block an intersection after the light has changed to red. The photograph is a unique situation that has been approved; however, the accuracy rate is approximately 50%. It also becomes a cost factor for the City and the Attorney's office to determine if they want to invest in that type of

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program.

The real issue right now with the traffic court concerns some of the City's traffic surveys. He met with a Commissioner at the traffic court, and in certain sections of the City, police were issuing tickets, but the court is throwing them out because they constituted speed traps and the surveys are inaccurate. Staff met with this commissioner to revise some of the surveys. This appeased the Commissioner to some extent, but he still had concerns. Possibly the Chief could prioritize that issue as well as what is taking place at the intersections.

COUNCILMEMBER McCAULEY suggested posting the fine for certain traffic violations. For example, the fine for using the carpool lane illegally is posted along the freeway. It might make people more cognizant if the fines are posted. The City could post a sign that indicates the fines for blocking intersections, running a red light or speeding.

COUNCILMEMBER FELLER said there is a benefit to photo enforcement because it slows people down.

ADJOURNMENT

MAYOR JOHNSON adjourned this meeting of the Oceanside City Council at 12:42 PM, April 4, 2001.

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

January 16, 2002

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

The adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 10:00 AM, January 16, 2002, for the purpose of a workshop. The Pledge of Allegiance was led by Deputy Mayor Feller.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Feller and Councilmembers Harding and Sanchez [arrived 10:01 AM]. Councilmember McCauley was absent. Also present were City Clerk Barbara Riegel Wayne, City Manager Steve Jepsen, City Attorney Duane Bennett [arrived late] and Deputy City Attorney Pam Walls.

WORKSHOP ITEMS

1. **Consideration of options regarding the Green Waste Exemption Program**

PETER WEISS, Public Works Director, stated the item before Council is consideration of the City's green waste exemption program. Staff would present results of an audit process that Council approved in February 2001 and ask for direction on what Council would like to see with the future of that program.

The green waste exemption program provides a reduction in fee to those citizens who produce little or no green waste. Based on a review of those various individuals, they have now been certified as low green waste producers. Most of the citizens of Oceanside participate in the program and derive a benefit from the green waste exemption program, as evidenced by the use of the compost giveaway programs on El Corazon.

In February 2001, the City had listed 8,226 exempt accounts. Unfortunately, since the establishment of the program, there had not been any type of formal review or audit process. For example, if he owned a house that was an exempt property, and he sold it to someone else, even though the new buyer participated in the green waste program, they were still considered an exempt account the way the records and billing system worked. The City spent a significant amount of time sending individual notices to everyone listed as an exempt account, including a return postage paid reply card that the individual homeowners were required to sign and return to the City to indicate if they felt they were still exempt. As part of that program, the City also sent parking enforcement officers to individually review the majority of those to verify whether or not they were producing green waste. The result of that audit process was that 2,051 residents failed to meet the

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UNTIL APPROVED BY SUBSEQUENT
MEETING BY CITY COUNCIL

exemption requirements. They either sent the card back saying they did have the green waste toters, or staff found they did produce green waste. The City found 281 valid green waste exempt residents in the City.

There is a balance outstanding of almost 5,900 residences. Staff found that those primarily consist of large, private master developments, mobile home parks, 2-5 unit condominium and apartment complexes. For a number of these larger areas, the homeowners associations sent back blanket exemptions covering their entire development rather than the individual sending back the exemption cards. Some developments do produce green waste, although it is minimal. Some of them have landscape companies that allegedly recycle the green waste on their behalf. However, a lot of those issues cannot be easily verified. This is by far the largest block of units that Council needs to consider.

Based on the results of the audit, regardless of what direction the City takes, some residences are being served with some type of green waste and are still considered exempt. So for some central communities and mobile home parks they may have a central collection of green waste. The City does not have a formal regulated process at this point to provide reduced service levels of green waste to these homeowners. Under the current exemption program, homeowners either participate, or they do not. Exempt property owners receive a \$2.68 per month cost break/differential in their trash fees.

While there may be several more alternatives or variations, staff has identified 3 alternatives to this program:

1. Continue the program as is - If Council chooses this option, staff would recommend the development of an audit process since there is not a regular audit process now. Without an ongoing audit process, there is no simple way of tracking these exemptions as homes are sold and transferred.
2. Terminate the program - This is the recommendation of the Integrated Waste Commission.

The City is obligated to increase its diversion to 50%. Right now, green waste is the single largest area where the City can gain percentage points in the diversion of trash. Any impact in the green waste program will certainly help the City meet its target recycling goals.

3. Develop a tiered program - If Council would like this option pursued, staff would need to discuss it with Waste Management to find out what it would take to implement this program.

Currently, if residents receive individual curbside pickup, they pay the full rate, which is the basis for a tiered program. In discussion with Waste Management, staff would look at curbside pick-up with smaller containers since there are residences in Oceanside that generate some, but not a significant amount of green waste. Therefore, it would be appropriate to provide them with smaller containers.

From a pick-up standpoint, there is a base cost to drive a truck from its original point to the home. Staff may be looking at possibly a 20% reduction in that fee for those homes with curbside pick-up with smaller containers. The other area where a reduction makes sense is a central collection area, where there are large community complexes that already have centralized trash. In other words, Waste Management would not pickup curbside but would have centralized locations with bins. The City would look at providing those complexes with centralized recyclables as well, including green waste. There would be a further cost reduction because pickup would not mean driving through the entire community. The City would potentially offer up to a 50% reduction for those communities with central collection areas. If Council wished to pursue this, staff would need to work with Waste Management on the costs to provide this level of service.

The Integrated Waste Commission has looked at the green waste exemption program on several occasions. The Commission recommends that Council terminate the

program entirely. They have indicated several reasons for the termination:

- It is an impediment to meeting the AB939 diversion tonnage. The exemption causes green waste to be thrown in the trash. While getting rid of the program may not solve this problem 100%, with education and enforcement, terminating the program will increase the percentage of diversion the City currently has.
- Currently, the City does not have a valid follow-up inspection or audit program of the green waste exemption program as it exists.
- There has been poor record keeping. The City and Waste Management (WM) differ in the number of exempt accounts. If the City continues the program, there would need to be some type of closer coordination between the City and WM. That would probably be in the form of an audit system set up between the two so that, for individuals who terminate their exempt account at WM, there is some way for the City's billing system to pick up those individuals. Currently, there is no contact between the City's billing system and WM of how the accounts work.
- There is a loss of revenue to offset the cost of the program. In some cases, WM is picking up green waste from people who are not paying for it because of the lack of coordination. There is a potential service inequity because of this. It is an equity issue between rate payers and exempt locations.
- The citizens of Oceanside, as a whole, derive some benefit from the green waste program through the compost giveaway. The green waste is used throughout the City. Most people do get some benefit from the program, but there are people who are not participating financially in it because they are considered an exempt account.

Staff recommends that Council direct them to work with WM to implement a tiered-program based on citywide participation in the green waste program. Everyone would participate to some degree. Staff would look at a fee that is based on a type of reduction in fee based on smaller containers as well as central collection. That would be a fair way of assessing those individuals who generate green waste, but not at the amount that others do. Those with smaller containers or with centralized locations for trash and recycling pickup would get a reduction in fee.

COUNCILMEMBER HARDING lives in Oceana, an area that has about 85% open space. Their landscapers work 5 days a week, and they take the green waste away. If the City were to terminate the entire program and with such a large amount of green waste, she asked whether WM would pick up every day or only once a week. Several Oceana complexes are 65-70% open space with a full crew of landscapers working daily.

MR. WEISS indicated that, if Council terminated the program, the only difference she would see initially from what is proposed today is to be charged \$2.68.

COUNCILMEMBER HARDING inquired how the tree limbs and grass would be picked up and how often.

MR. WEISS replied there would be no change initially in the way it would be picked up. Presumably the landscapers would still take it to El Corazon, and there would be no need to change that. The change would be having more individuals paying into the program. Under the tiered program, the homeowners associations would work with WM to have a central green waste container onsite to be picked up. Since the residents would be paying for the service, the landscapers would have the option to put everything in one of the bins and have it picked up onsite, rather than taking it to El Corazon. Under the tiered system, the benefit to having a centralized bin onsite would be the price break, even if the landscapers did not use it. Residents would pay less than the \$2.68. Right now, such associations are paying nothing.

COUNCILMEMBER HARDING questioned why any multi-unit complex such as Oceana would want to participate [when it would be an expense]. **MR. WEISS** stated that was a good question.

DEPUTY MAYOR FELLER said that each individual home in the Oceana complexes and others has patio areas where the individuals are responsible for that landscaping. Therefore, each individual home will be responsible for a certain amount of green waste produced.

MR. WEISS agreed, adding that those individuals may currently be throwing their green waste into the regular trash. By either eliminating the system or implementing a tiered system, those people generating some green waste would participate in the green waste program and pay for that service.

CITY MANAGER STEVE JEPSEN indicated that City staff has studied this issue over a number of years. If the City starts collecting the fee for green waste from those who are currently exempt, which may be more of an issue than the small amount of green waste that is being lost into the waste stream, then the cost of service may increase. By eliminating the exemption, the truck will have to go to these locations to pick up green waste, whether or not it exists. He asked what the net differential to the Waste Fund would be if the City eliminates the green waste exemption and gives the \$2.68 per household to WM to pick up the green waste and whether there would be any savings.

MR. WEISS responded that there is no significant net benefit of revenues to the City. It is roughly \$250,000 additional revenue that eliminating this program would generate, which would go to WM to provide the enhanced service levels of either picking up the smaller containers or centralized containers. Staff would need to work with WM to ensure that the service provision would not exceed the revenue that would be generated by eliminating the program.

COUNCILMEMBER SANCHEZ stated that, when the exemption program was first created, a few households converted from having a grass lawn to a rock garden. By eliminating the exemption, those people would also be charged along with all the senior areas that have very small areas for gardens.

MR. WEISS explained that if the program were terminated entirely, then every single-family residence service customer would be charged \$2.68.

COUNCILMEMBER SANCHEZ asked the number of households the City was unable to contact or receive a return exemption card on non-compliance.

ESTER BEATTY, Public Works Department, responded that over 5,984 people did not respond to the cards that were sent out.

COUNCILMEMBER SANCHEZ asked if the notice was sent inside each utility bill and if this was posted on the Channel 19 marquee.

MS. BEATTY said the cards were sent separate from the utility bill to each individual address and the homeowners associations.

COUNCILMEMBER SANCHEZ inquired if staff met with WM.

MR. WEISS explained staff did not have detailed discussions with WM regarding the increased costs and service levels. Staff is waiting to move forward based on the direction they receive from Council today.

Public Input

NADINE SCOTT, 550 Hoover Street, Chair of the Integrated Waste Commission (IWC), stated that for over a year the Commission has recommended terminating this program for many reasons. It has cost over \$15,000 for the City to realize that most people are not going to respond. Each household received an individual mailing. The commission has discovered that often people do not look at all the flyers in their utility bills, and many do not watch the government channel. Nevertheless, it was important that each individual

receive a card. Those within the homeowners associations did not return their individual cards stating that they had a homeowners association where landscapers take care of the green waste. They were given over 60 days to respond, but they did not bother, which was disappointing.

The Integrated Waste Management Board members came down for the audit, and they were shocked that Oceanside even offered a program such as this. Oceanside is the only municipality in the State that has tried this. The Board put a heavy arm on the City to get rid of this exemption and get all green waste out of the waste stream for AB939. We have been talking about this exemption for more than 3 years. In June, the IWC unaminously voted, in no uncertain terms, to terminate this exemption. They are disappointed that staff is bringing this up 6-8 months later. This does not seem to be the right time to do that. The IWC never heard about the tiered suggestion.

As an individual person, she would like curbside pick up with a smaller container. Ms. Scott uses her curbside pick-up maybe once every 2 months, but pays that \$2.68 each month. She also pays school bond money even though she has no children, which is part of her civic duty. It is part of her civic duty to improve her neighborhood and contribute to her community. Each person in Oceanside benefits from the green waste program; they can get compost, if they choose. All the common areas and public places can use this compost for water conservation, beautification, etc.

The IWC urges a complete rescission of the program; otherwise the City will end up with more auditing and spending thousands of dollars. The Integrated Waste Management Board members made it clear they do not want to see this exemption in Oceanside.

EDWARD BURNS, 615 Monterey Drive, member of the Integrated Waste Commission, addressed the Commission's concern over the impact on Assembly Bill 939. The bill requires 50% diversion (with a plus or minus 3% error) of all the cities in California by 2000. Oceanside just recently fell out of compliance, which is below the 47%. The City recently fell to 46%. One of the concerns is the incremental benefit to all the citizens in Oceana, etc. who are stuffing all their rose petals into 1-gallon containers for WM to pick up. It may seem nominal, but every percentage point helps. The biggest concern he sees for Council is the backlash. It is a political disaster to have the people pay an extra \$2.68. However, when you look at the other public programs that people pay into, and that the citizens are required to pay into and the net benefit for the community overall in having that waste collected and achieving State compliance, Council should consider the overall benefit rather than the anger over the \$2.68 increase. The overall benefit is much greater.

BURKE BELKNAP, 5056 Santorini Way, Integrated Waste Commission member, commented that all the other alternatives besides ending the program will continue the staff time, expense and costs to the City. The only alternative that puts a stop to that is to end the program. Regarding the small containers, he has a large container that he uses only once a month. A small container would not do him any good, because when he does a clean up once a month, he disposes of enough to fill a large container. Oceanside is the only city in the State that has this exemption. Other cities get along fine without it; he does not see any reason why Oceanside cannot. It is sad to think that there are people around who think that \$2 - \$3 per month is going to make a large difference in their style of living. He has pushed within the IWC for well over a year to end this program. The benefits of ending it far exceed any benefits of continuing the program in any form at all.

With no one else wishing to speak, **MAYOR JOHNSON** closed the public input.

Discussion

In response to Deputy Mayor Feller, **MS. BEATTY** said that initially Ocean Hills was completely exempt, but then people started requesting the green waste bins.

To further clarify the situation regarding the exemption cards that were mailed, staff identified those residences that were exempt from both the City Utility Billing list and WM's lists. Some homeowner associations were sent up to 50 cards. Staff had been advised

to mail the cards to a specific location, and the cards would be distributed.

DEPUTY MAYOR FELLER asked how much the City has spent to track the exemption program, including staff hours for the City and WM, for mailings, etc.

MR. WEISS said that \$15,000 is an accurate number for costs of the audit process. Council had authorized \$15,000 for mailings, verifying properties, re-collecting and certifying. There was probably a significant amount of staff time not included in that amount because the City has clerical staff to type letters or count cards as needed. The \$15,000 was the estimate for those costs that would be above and beyond the normal to conduct the audit process.

DEPUTY MAYOR FELLER asked for an estimate on how much the City would save on a monthly basis.

MR. WEISS said the audit program Council requested staff to complete was unique. If they had to set up an ongoing audit process, they would look into the best way to do that. The City used the parking enforcement officers for this process, but there would be a cost associated for an ongoing audit program. Staff would have to look into the process before they could estimate numbers. He did not know the ongoing costs.

COUNCILMEMBER SANCHEZ asked what \$2.68 per month per household represents and whether that translates to an added truck going through the neighborhood picking up green waste once a month.

MR. WEISS has not discussed this with WM to answer the question. The \$2.68 would provide the opportunity for every residence to have a green waste toter that would be picked up on a regular basis. The \$2.68 is the current fee. Homes that are not exempt are billed the extra \$2.68 each month. That has been in the trash fee structure for some time. Those people who say they do not generate green waste pay \$2.68 per month less than those who participate in the program.

To further explain, if Council terminates the program entirely, everyone would be charged the additional fee. The City would expect WM, because they would derive the benefit of the cost increase and not the City, to provide every household with a green waste toter and to pick it up. There are probably going to be residents who do not want the toter, still saying they do not generate green waste and continuing to throw a certain amount of green waste in the trash. That is an issue the IWC is looking at through additional education and enforcement to get as much of the green waste diverted out of the waste stream as possible.

COUNCILMEMBER SANCHEZ asked what charging the exempt residences \$2.68 would total, and **MR. WEISS** restated that it would be roughly \$250,000 a year.

MS. BEATTY added that the pick up of the green waste would be weekly, at the same time as the weekly trash and recycling pick up. If the exemption program were terminated, the formerly exempt people would be educated about green waste so they could be given the opportunity to participate by having the containers provided.

MAYOR JOHNSON reiterated that the additional cost of \$2.68 per household would be roughly \$250,000. He clarified that the money would be going to WM for the services rendered and not to the City. **MR. WEISS** confirmed that.

MAYOR JOHNSON said that, whether or not a resident needed the service, they would be charged \$2.68 per household. This is similar to when the City sold bonds to build the Oceanside Harbor in the 1960s. Whether or not residents owned a boat or used the marina, each home was charged a small amount each month because the harbor benefited the entire City by increasing property values and enhancing the image of the City. Similarly, if the City were to eliminate the green waste exemption and charge each household the additional cost, the green waste program would continue to enhance the level of service to the residents.

COUNCILMEMBER HARDING thought she heard the City Manager say it would cost the City money to terminate the program.

CITY MANAGER JEPSEN did not know whether or not it would. He was simply asking the question if there would be any savings, and Mr. Weiss answered that if there was any savings it would not be much.

COUNCILMEMBER HARDING is not interested in what WM would get extra because they would have to provide the services. However, she thinks WM would probably ask if the \$2.68 would cover their expenses. She wants to know if the City would save money by doing this. She does not think everyone will need the containers, especially in large communities or mobile home parks. Even those people who trim their houseplants are likely to throw the few clippings into the trash rather than into a separate container. She also is concerned about how long the green waste would sit in the community bins since it would start smelling after a short time.

MAYOR JOHNSON read from page 4 of the staff report, "...communal green waste containers may be located throughout Homeowners Associations and managed by the on-site lawn maintenance staff..." It seems clear to him the number of units on-site, who would be in control and who would maintain them. He asked Mr. Weiss to explain exactly how the communal containers would be dispersed and maintained within the large homeowner associations if Council supports the tiered program.

MR. WEISS indicated that, with the assistance of Waste Management, they would like to develop some kind of program for the larger communities. There are areas, such as North Coast Village that do not need to use the individual totes. Their landscapers fill larger bins with their green waste for Waste Management to remove. Communities do have the option to individualize their type of service.

Eliminating the program would require everyone to pay. However, with the help of Waste Management, the City would work with the larger areas to develop individualized programs. There are also areas that do not need the large individual totes because they do not generate enough green waste. The goal is to develop a system where it would be fair for everyone to pay into the program.

The larger apartment complexes currently have centralized trash receptacles so everyone does not have their own trash bin. Staff is recommending a central collection point in these complexes for green waste as well.

COUNCILMEMBER HARDING stated that the landscapers at Oceana take their green waste to the El Corazon Compost Facility. If Oceana obtained larger containers, they would need to be large enough to fit trees. It would also probably be beneficial to the Homeowners Associations to cancel the additional cost for the landscapers to haul away their green waste each day.

MR. WEISS does not know if Councilmember Harding would realize a net reduction. Bringing in those big roll-off containers would cost extra.

COUNCILMEMBER HARDING thought Waste Management would provide the containers for the waste.

MR. WEISS reiterated that they have not gone into a lot of detail with Waste Management regarding what they would provide. Staff did speak with Waste Management briefly about smaller containers but not the big roll-offs. If a community wanted a big roll-off, there would be a separate cost for that.

COUNCILMEMBER HARDING said that individuals living in large complexes would pay to have their green waste hauled to El Corazon and to have a tiny container since they have trash picked up at every door.

MAYOR JOHNSON said that his mother lives in Oceana, and he sees workers up there almost daily. He did not recall seeing any large number of trees being taken down on a daily basis, but he does see a regular amount of lawn maintenance. A centralized location for green waste could work in that area if Council decided to go to the tiered program. He invited John Lusignan of Waste Management to make any comments he may have.

JOHN LUSIGNAN, District Manager for Waste Management of North County, commented that Waste Management has worked with the City staff in the past and is willing to continue working with City staff to come up with a program that will benefit the residents and the City. There are several ways that can be done, some of which have already been presented by staff.

Mr. Lusignan emphasized that there is a related cost to Waste Management. For example, if all 8,226 require a container, depending on the size of the container, the average cost with delivery would be somewhere in the area of \$45, which is a \$370,000 investment. Waste Management would likely need to put an additional truck and driver on the road. There would also be an additional cost to bring the material to El Corazon. His biggest concern is that all of those costs are covered. He would gladly sit with staff to discuss these options in more detail.

DEPUTY MAYOR FELLER inquired if the option of terminating the program would eliminate the possibility of having centralized locations in large complexes. He further asked if the complexes have the option of centralized containers, although they may not necessarily need individual containers. **MR. WEISS** responded affirmatively.

COUNCILMEMBER SANCHEZ would like staff to get together with Waste Management to come up with a true cost. When the program was first created, it was presented like a reward for those who wanted to be conscious of recycling and make Oceanside a better place.

Now, staff wants to take that away and charge everyone \$2.68. If the expense to Waste Management is higher than \$2.68 per household, that increase would be passed on to the community. She requested that this item be agendaized for a regular Council meeting. No one representing the different larger communities was present, and she would like to hear how this impacts them.

In one sense it could be paying twice if your landscape contract includes a hauling charge to El Corazon and an additional charge to the City. Any time Council talks about raising rates, the public should be made as aware as possible. She requested that staff get the additional information from Waste Management and then present it to Council at a regular 6:00 PM Council meeting.

MAYOR JOHNSON suggested that this item deserves the full attention of the entire Council. It also deserves the full attention of a workshop by being the only item on the agenda. If this item is not time sensitive, he suggested that Council reschedule this item to another one-item workshop with the entire Council either in the evening or the morning. He also suggested a re-notification. They need to obtain additional information from staff and from Waste Management regarding the costs. It would be best if Council tabled this for a future one-item workshop.

DEPUTY MAYOR FELLER made a **motion** to eliminate the program.

MAYOR JOHNSON seconded the motion. He reiterated that this should be brought back to another workshop.

COUNCILMEMBER HARDING felt this would impact quite a few people. She would like to see this on a City Council agenda after the public is informed through the newspaper so people can come and not think that Council made a decision without properly notifying the public. She will vote against the motion to eliminate the Green Waste Exemption Program only because it should be agendaized at a Council meeting when the public can make their thoughts known.

MAYOR JOHNSON will be voting in favor of the motion, since he seconded it. If the concern is for those who may not have been notified but may be impacted by the additional cost of \$2.68, and for the most part those individuals may be living in senior communities, it might be best to serve those particularly communities by Council holding an additional workshop in the daytime when it is easier for seniors to come to the meeting as opposed to hearing it in the evening.

COUNCILMEMBER SANCHEZ agreed with Councilmember Harding. This is not to say that she would not vote to end the program, but Council does not have all of the information yet. No one knows how much this is going to cost the ratepayers. She is concerned that staff did not have a meeting with Waste Management before they presented to Council today. If that had happened, she would want this on the regular Council meeting agenda as soon as possible. The City should give the people notice because they want and deserve to know why their bill is going to be higher.

She will vote against the motion as framed because she prefers this be done at a regular Council meeting. At a regular Council meeting, she might vote to end the program. She would like the residents to have all the information and be given the opportunity to be heard. If there are no representatives then from the larger areas or from those who are currently exempt, then at least the City has provided them with due process.

DEPUTY MAYOR FELLER said the City provided due process by sending out cards, but 5,894 of the 8,226 people chose not to respond. A low percentage responded in the scheme of 70,000 residences that are affected. Additionally, the fee would be \$2.68. Mr. Lusignan has stated that it will cost \$45 per household, but that is a fee that he gets back over the life of the service. It is not something that he has to get back immediately. This fee is \$2.68 for each residence. The large homeowners associations can have a central location and just pay the associated fee as part of their water service. Only 281 people of those who responded actually meet the requirements for the exemption, and that is not enough people to push this service forward any longer.

CITY CLERK BARBARA RIEGEL WAYNE requested clarification on the motion. The agenda only asks for direction to staff. Based on that, it might be more appropriate for the motion to include that direction to staff to bring the item back to put together the package for the elimination of the exemption program.

DEPUTY MAYOR FELLER so moved.

MAYOR JOHNSON seconded.

COUNCILMEMBER SANCHEZ asked for clarification on whether this would be brought back to a workshop or a regular Council meeting.

MAYOR JOHNSON stated it would be brought back to a workshop.

COUNCILMEMBER SANCHEZ made a **call for the question**.

COUNCILMEMBER HARDING seconded the call.

The motion on the call was **approved 4-0**, with Councilmember McCauley absent.

The main motion **failed 2-2** with Councilmembers Harding and Sanchez voting no and Councilmember McCauley absent.

COUNCILMEMBER SANCHEZ moved to return the item back to a regular City Council meeting.

COUNCILMEMBER HARDING seconded the motion.

DEPUTY MAYOR FELLER asked for clarification.

COUNCILMEMBER SANCHEZ clarified that she meant return this item to a regular Council meeting with alternatives as specified and with the additional information from Waste Management.

MAYOR JOHNSON will be voting against the motion. As he stated earlier, if Council is looking to get representation and additional input and opinions from the senior communities, they might be best served by having a one-item workshop in the daytime to make it easier on the seniors.

The motion **failed 2-2**, with Mayor Johnson and Deputy Mayor Feller voting no.

COUNCILMEMBER HARDING made a **motion** that staff come back with the recommendation to eliminate the program, with the other options included, at a regular City Council meeting so the people may speak to this and Council may make the decision.

COUNCILMEMBER SANCHEZ **seconded** the motion.

MAYOR JOHNSON will once again not support this motion because the full Council should be present at a one-item daytime workshop to get as much input as possible from those who may be the most impacted, primarily the seniors. A daytime meeting would best serve that part of the community.

DEPUTY MAYOR FELLER is only interested in terminating the program, but not the other options. He already knows it is \$2.68 per home. He cannot support this motion either.

MAYOR JOHNSON asked Mr. Weiss if the \$2.68 was a set price or if it could fluctuate.

MR. WEISS said if Council terminated the program today, the set price for green waste would be \$2.68 per household. However, staff would need to talk with Mr. Lusignan from Waste Management to develop the cost of the tiered program, if it is to be implemented. If there are additional costs to Waste Management, their contract allows them the ability to raise rates on an annual basis. Council has the ability to terminate the program today with a cost increase no higher than \$2.68 to those exempt customers. Staff would have to work with Waste Management to provide that service at that cost.

The **motion failed 2-2** with Mayor Johnson and Deputy Mayor Feller opposing.

MAYOR JOHNSON directed City Manager Jepsen to place this on the February 6 agenda to discuss it further after conferring with Councilmember McCauley.

CITY MANAGER JEPSEN asked whether the direction was to bring it back to another Council Workshop or to a regular Council meeting.

MAYOR JOHNSON said since Council is deadlocked 2-2, they might want to have another workshop with all 5 Councilmembers present.

CITY MANAGER JEPSEN raised the point that normally when Council is deadlocked, the issue comes back to the next regular Council meeting. Given the fact that the exemption is going to come back to Council, he suggested that Council provide direction to staff regarding the additional information they would like and whether this should come back to a workshop or a regular meeting.

MAYOR JOHNSON has already stated his preference and Council has heard from the others on this as well. A vote on whether it is day or night will still be deadlocked. He is comfortable with the information they have to move forward on this matter, but there does seem to be concern that there is not enough information from Waste Management and staff. The Mayor asked City Attorney Bennett to clarify.

CITY ATTORNEY DUANE BENNETT stated that according to Council's ordinance, since they are deadlocked, the item must come back to Council at the next regularly scheduled meeting. If Council wants to give further direction, as the City Manager stated, they could do that. Otherwise, this will be discussed at the next regular Council meeting.

MAYOR JOHNSON does not want this issue to turn into a media show, which could happen if it is discussed at an evening meeting that is televised. He hoped that those Councilmembers with concerns about what the City's goal is, would discuss it with staff and Waste Management. Council is not far from resolving this issue, so it should not turn into a political or media frenzy.

CITY CLERK WAYNE asked the City Attorney to review Council Policy regarding this. There might be a Council Policy, which states that any time Council increases fees, there must be a public hearing. The City Attorney should review this policy to see if it applies here.

MAYOR JOHNSON reiterated that he did not want to have a media show. He strongly encouraged staff and Waste Management to meet individually with each Councilmember to help each better understand this program. This is a different year, and Council needs to do things differently. He reiterated that Council should work through the concerns with staff before they become bigger issues.

CITY MANAGER JEPSEN stated that was why he suggested that Council might want to consider an alternative that would give staff more time, rather than bringing this back to the next regular Council meeting. That would allow staff the time needed to answer the questions that have come up. He does not believe the issue that the City Clerk brought up applies, but it does need to be assessed by the City Attorney.

MAYOR JOHNSON asked if this was a time-sensitive matter.

MR. WEISS said it was not at this time.

MAYOR JOHNSON recommended tabling this decision for 30 days. **MR. WEISS** said if that was Council's direction.

MAYOR JOHNSON moved to table this matter for 30 days. A postponement would allow additional consideration. He is hearing some serious concerns from some Councilmembers, and they have not even heard from Councilmember McCauley.

COUNCILMEMBER SANCHEZ would vote against tabling this matter. She would like to see this come back at the next regular Council meeting. Between now and then, they can get information. She is concerned about the increase in cost and the public notice. She also suggested this be posted on Channel 18. Those people who have been exempt should have the opportunity to write a letter or speak to Council.

MAYOR JOHNSON agreed that was a valid concern. He asked Ms. Beatty if there was an issue regarding lack of notification or misunderstanding. An additional time of 30 days would be better than 7 days for notification purposes. He asked if it would be better to delay revisiting this issue for another 30 days.

MS. BEATTY said, in her opinion, additional time for notification would be adequate to let the people know.

MAYOR JOHNSON once again asked the procedure to notify those who may have a valid concern.

MS. BEATTY said that 8,226 letters, cards and response cards were mailed to each address and homeowners association.

COUNCILMEMBER HARDING finds it interesting that neither she nor Mr. Belknap received the notification cards. She understands they were supposed to be distributed, but

it did not happen. Additionally, the most important people to be notified are the officers of the different homeowner associations. She will be contacting her association immediately to find out if they had notification since usually items like this would be mentioned in the homeowner association newsletter or board meeting.

Councilmember Harding does not think this will become a media event. But whenever fees are raised, the issue needs to be brought before the public. Even if it is not a necessity according to policy, it is right to bring it to a regular Council meeting. She pointed out that 80% of the City's Commissioners are senior citizens, as is she, and they all have no problem making nighttime meetings. The majority of Commissioners and those who attend social events, such as Heritage Ball, are seniors who get out at night.

Whenever the public needs to be informed of rate increases, it should be decided at a regular City Council meeting. Even if they are not notified individually, they have the opportunity to pick up the agenda. The citizens are not attuned to decisions being made at workshops. She will be absent from next week's Council meeting, if the intent of postponing a decision is to wait for the full Council to be in attendance. If Council always waits for 5 people to make decisions, the City will have some dry spells. Postponing for 30 days allows adequate time to notify the presidents of homeowners associations because they make up the majority of the homes being affected. The citizens also need to be informed that this is just a pass-thru fee increase, that does not cost the City any money.

MAYOR JOHNSON stated the motion on the table is to wait for 30 days.

MR. WEISS said staff would be supportive of a longer timeframe which would allow them time to meet with Waste Management. They would not have time to develop the information needed for the agenda packet by next week. Therefore, the soonest staff could return to Council would be the first meeting in February.

DEPUTY MAYOR FELLER asked the City Attorney if this had to return to a regular Council meeting rather than another workshop.

CITY ATTORNEY BENNETT recommended that the way to properly do this would be to set this matter on a Council meeting agenda 30 days from now. This issue cannot be tabled; it would have to be continued to another workshop. He encouraged Council to direct staff to place this item on a Council agenda for further action 30 days from now.

MAYOR JOHNSON withdrew his motion.

DEPUTY MAYOR FELLER moved that this be tabled to the February 6 meeting.

COUNCILMEMBER HARDING seconded.

Motion passed 4-0, with Councilmember McCauley absent.

2. Review of the Storm Water Permit Issues

BARRY MARTIN, Water Utilities Director, announced that, **PETER WEISS**, Public Works Director, would lead the presentation.

MR. WEISS specified that he would do the opening presentation regarding the storm water issues that Council previously raised. A representative from the Council appointed ad hoc committee will make a presentation. Followed by a brief presentation from Mr. Martin regarding a memorandum of understand between the City as it relates to other agencies regarding the storm water order.

The City has been looking at issues regarding the new storm water order for some time. There have been several study sessions, workshops and meetings regarding how the City will implement the new storm water order. As a result of a Council meeting in

November, where Council was presented with a number of programs and funding options, Council directed the formation of an ad-hoc committee to review the storm water order and those funding programs. A chart presented the estimated cost of the storm water order as about \$3,300,000, which includes the following: planning and administration, construction inspection, maintenance, the order administration and enforcement and the San Luis Rey River debt service.

Council has previously reviewed the cost breakdowns and the funding sources recommended by staff. In November, Council formed an ad hoc committee, which was tasked with looking at the overall program and those funding options. The group met on a number of occasions and had significant insight and recommendations. The ad hoc committee has reviewed and do concur with the recommendations that had been before Council as it relates to the:

- Development related construction activities
- Overall program administration
- San Luis Rey River debt service

There was some concern that the City should look for alternative funding mechanisms for the San Luis Rey River debt service, but the committee concurred with those funding sources.

The ad hoc committee did have a different opinion regarding the development of a cleaning and inspection program. Staff and consultants hired to help the City through this process concur with a program consistent with the storm water order that proposes funding from several sources, including Solid Waste funds.

The funding for the overall program administration is being proposed to be funded from a Water Utility Fund rate increase of \$250,000 per year. That would provide for a program specialist, an additional code enforcement officer and a program coordinator. They will be carrying on the required education, business outreach program and the enforcement. This amounts to approximately a \$.30 per month increase in the average water bill, which is about a 0.7% increase in the water/sewer bill based on consumption. The ad hoc committee concurred with this.

The San Luis Rey debt service will be provided for by a Water Utility Fund rate increase of \$600,000 and a return on their interest earnings of \$300,000. This equates to a 1.4% increase in the average water bill, which is approximately \$.60 per month. This is also based on the consumption portion of the bill. The ad hoc committee also concurred with this.

In November, the City was looking at providing an inspection and maintenance program for the City's entire storm water system. Based on direction and information from Council suggesting that Oceanside did not have to be the first City to do everything all at once, the ad hoc committee has prioritized the critical areas. The program they have developed eliminates pointless cleaning and is consistent with other agencies' approaches right now. It is also a good faith effort to comply with the intent of the order. It specifically excludes the cleaning of the entire storm water system. It focuses on some key areas to be inspected and cleaned between May 1 and September 30 of each year. It will require:

- The removal of trash and debris from all catch basins and curb inlets west of I-5 and in the Crown Heights and East Side neighborhoods. These areas were the higher target areas where the City has most of its trash entering the storm drain system. They are also the areas closest to discharge and the mouth of the San Luis Rey River and the ocean.
- The inspection and cleaning as necessary of all the catch basins and curb inlets in the City between May and September. There are roughly 6,000.
- The inspection of all the channels, basins, creeks and other drainage facilities to clean them of trash and debris and year-round removal of sediment as necessary. This rest of these topics will be done between May and September.

The staff report includes a detail of the entire maintenance program, which goes into the balance of the year. It includes maintaining Oceanside's very proactive street-sweeping program. It also includes year-round removal of trash, debris and sediment. This is not a maintenance plan that only deals with high priority areas, although the order does require certain activities to occur between May 1 and September 30. The order also requires an ongoing year-round effort to deal with drainage and storm water pollution issues.

The inspection and cleaning costs for the curb inlet program is roughly \$600,000. Staff is recommending that it be paid for by a 3.7% across-the-board increase in the average trash bill, which would be an increase of \$0.74 per month for single-family residences. The 3.7% increase would also affect commercial, industrial and multi-family complexes on a percentage. The higher the level of service, the higher their cost will be. The percentage increase is the same, but if a complex has bin pick up 3 times a week, it would pay a significantly higher cost based on the service requirement. This is the payment program that was discussed with Council in the past.

He summarized what that means for the average ratepayer. The average water bill is \$36.51 per month. That includes the service charges, the Metropolitan Water District (MWD) and the County Water Authority pass-through charges. The average sewer bill is an additional \$20.59. The average trash bill is \$19.88. The total bill today is roughly \$77. The increase due to the storm water is \$1.64 per month, which is approximately 2.13% of the total bill.

The ad-hoc committee strongly disagreed with staff's recommendation for an across-the-board increase. They felt that other funding sources should be evaluated. The staff report lists approximately 10 different funding options that were considered. They evaluated a number of them and spent a significant amount of time and a lot of creativity in looking at ways of providing the funding for the program. They narrowed their list down to 4 items. One of them is to eliminate the Green Waste Program. At that point there was discussion about allowing that money to divert to the storm drain-cleaning program, although staff is fairly sure that would not happen. Any increase in revenue there will go directly to Waste Management. That is not a realistic option, but that was not told to the ad hoc committee. At the time, it was anticipated that money could possibly be used for alternate uses.

The ad hoc committee asserted that the residential ratepayers should be burdened less, since most of the pollution comes from the commercial, industrial and multi-family projects. They should pay a higher, fair-share burden of the actual impacts. The committee recommended a 3.7% increase in the rates for the multi-family, commercial and industrial properties. In connection with that, there would be a slight increase of 0.6% to residential rates. That would be an increase in the City services side, which is the street-sweeping component.

They also recommend increasing the street-sweeping fines. That would certainly raise a significant amount of money. The litter in the streets is entering the storm drain systems. By citing those who keep their cars in the streets, it does prevent a certain amount of trash from getting picked up. It is a valid option for Council to consider. Right now, all revenues from citations, whether from street-sweeping or parking violations, go to the general fund. In researching the issue, staff has found that a number of the City's fine and forfeiture schedules are lower than the average for the rest of the County. Last year, a County task force was put together that surveyed all the cities to look at what the fines are to develop a consistent approach to fines. Oceanside has low fines in a number of areas, and the Administrative Services Department is putting together an outline of several options for Council in that regard. Council does have the ability to raise the street-sweeping fine and assign those revenues to a storm drain cleaning account. There is an impact for not citing people who are violating street-sweeping requirements. Council

may direct staff to do that. However, staff is proposing that the fee be based on services across the board based on trash rates. Council may choose any of the 4 recommendations from the ad hoc committee, as well as the other 6 options listed in the back up.

Staff recommends Council direction to prepare the implementing documents and schedule for a formal Council approval. The following increases would go towards the storm water program:

- \$0.02 per unit increase in the Water Utilities for the storm water program
- \$0.04 per unit increase for the San Luis Rey River debt service
- 3.7% increase in Solid Waste Fees.

The action sought today is direction from Council. A number of these require the adoption of an ordinance and resolutions, so this does have to come back to a formal Council meeting. It would be set for a public hearing before Council voted on the final decision. He introduced an ad hoc committee representative to make a presentation.

NADINE SCOTT, representing the ad-hoc committee, stated that the ad hoc committee had a lot of material to consider. The number one flaw with this presentation is that the committee does not agree with staff on the figure of \$600,000. The committee met 4-5 times and readily agreed on the utility increase on the water bill. Barry Martin brought the requested materials and explained the debt service, as well as the need for personnel. The committee understood the dollars and cents.

Mr. Weiss missed the first ad hoc committee meeting and was an hour late for the next meeting. The committee really wanted to focus on what was necessary to comply with the order. At the final meeting, Mr. Weiss brought the names of the subcontractors who may or may not bid on doing the scheduled work; one name was given in confidence and one was not disclosed. At this late date, the City is a year and a month past the storm water order, and the City is probably forced into hiring a subcontractor. Several members of the ad hoc committee thought this was not a good thing; others thought it would be best for the City because it will get experts who have done this before and the cost would reflect that.

The committee agreed to let the City determine if it wants to do the work in-house or subcontract it. The benefit to doing the work in-house is that the people would be employed year-round. They could clean San Luis Rey and the other outlets year-round and not just follow the May to September schedule. The disadvantage to being forced to hire a subcontractor is that the City has very limited ability to direct them in what to do, and they are only going to be contracted to the City for an extremely limited time.

The financial figures presented to the ad hoc committee were inadequate, but they did the best they could. The committee vehemently did not want the residential accounts to be burdened with an across-the-board increase. It unfairly penalizes them since they are not generating the volumes of trash, debris, sediment and contaminants that the industrial, commercial and multi-family sites do. Single-family residences will pay a fair burden by helping to pay for education, debt services, etc. Residents who over-water their lawns and wash their cars at home are a huge factor in creating storm water runoff. Education about this problem would solve the problem in most single-family residences.

The committee also considered reducing the street sweeping in the newer areas in the eastern part of the City since they do not have the debris problem like those areas west of I-5. At the meeting, the committee was not told that the money generated by eliminating the green waste exemption could not go to this stream of revenue. There were 2 staff members from Public Works present who should have been aware that the money generated from the exemption would need to be a pass through.

The committee recommends increasing street-sweeping fines by \$10 to divert into the Waste Fund to cover the storm water costs. They also recommend City services be raised by 3.7% and that multi-family, industrial and commercial bills be raised by 3.7%.

This may or may not be enough revenue to cover the program. Council will need to determine how much it will cost for the program to be implemented since the committee did not have any hard figures to date. For over a year, staff did not determine how many outlets the City had. Now, they are mapping those with GIS (geographic information system) and volunteers, but that puts the Council at an extreme disadvantage because the City does not know how many will need to be cleaned. The subcontractors' estimated costs are \$1,500 per day. That amount each day from May to September will add up to a substantial cost that may not get the job done. She requested more information about costs to implement the program so the committee could give better recommendations regarding revenue for the program.

The City does not have much time, because the Regional Board expects implementation to begin. They expected this a year and a month ago. Throughout this ad hoc committee, 4 private citizens met in good faith through the Thanksgiving and Christmas holidays. They had various staff come in who devoted a lot of time to this. They are frustrated with the results of staff's recommendation. It corners Council into doing something because of the time delay. The Commission has asked for an implementation schedule since May of last year, but Mr. Weiss waited 8 months before developing a schedule with a consultant whom the City is already paying. The committee supports the utilities increase discussed by Mr. Weiss, but at least 3 members of the committee feel that Mr. Weiss is perhaps overburdened by all the duties of his position. He did not perform the most efficient, professional job he could have.

During a Waste Commission meeting, **DEPUTY MAYOR FELLER** recalled Ms. Scott saying that she had contacted the Regional Water Quality Control Board to get enactment of the process delayed. He asked if she was successful with that request.

MS. SCOTT said they are not going to delay the process of the order. All municipalities have a workgroup on this project so Pam Walls, Deputy City Attorney, talked with people she knew on the board. Ms. Scott contacted a friend who is an assemblyman who, in turn, contacted the Regional Board. The committee and staff did a lot of behind the scenes work. The issue of the order was whether or not the City had to spend billions of dollars to clean the entire storm drain piping, including underneath the manhole covers, or just clean where the problems are. To her knowledge, the City still does not have mapping for the entire mileage of the system. This is a complicating factor in determining what would have to be cleaned and what it would cost. If the committee had known the number of storm drain outlets, they could have worked on some prioritization ahead of time.

DEPUTY MAYOR FELLER asked if there was any success with the contacts at the Regional Board.

MS. SCOTT explained that the expectation is for the City to have cleaner water by complying with this order. The expectation is also that the City should not spend needless money if it is not going to make a big difference in the outcome. The board realizes that Oceanside is one of the largest cities in the County and for the City to clean every inch of storm drain would probably be financially prohibitive. Nothing was in writing. The committee is suggesting a compliance that is reasonable and possible. The alternative is bringing in cameras for millions of dollars to go into the storm drains to see if there is dirt or sediment. None of the Commissioners or the staff could justify that expense. The prioritization schedule will accomplish what the order demands, which is cleaner water.

DEPUTY CITY ATTORNEY WALLS added that the storm water order specifies that the City must inspect and clean its storm drains, the MS4 systems, annually within that specific timeframe. The City does not have any discretion to delay beyond a certain period of time or as to the methods the City uses to reduce pollutants in the system. The City is required by this order to do precisely the inspection and cleaning.

COUNCILMEMBER HARDING asked the City Attorney what would happen to this process if Oceanside joined the Building Industry Association (BIA), Santee and San Marcos in the lawsuit challenging this order.

CITY ATTORNEY BENNETT advised that the City's position on this lawsuit would not necessarily impact the requirement to get into compliance now. If the lawsuit is successful in enjoining some of the implementations of the storm water permit, a lot of things would change. Although right now it is status quo, the order is in effect, and the City is supposed to be in compliance. They have no idea as to the certainty of the prognosis of the litigation.

COUNCILMEMBER HARDING asked if City Attorney Bennett knew whether or not all the other cities are ready to comply now. The cities she has spoken with are not ready.

CITY ATTORNEY BENNETT noted that several cities have begun discussing funding mechanisms and plans for getting into compliance. He asked Deputy City Attorney Walls to further elaborate since she has been in contact with cities recently.

DEPUTY CITY ATTORNEY WALLS is a member of the MPDES subcommittee with the Regional City Attorneys Association. She is aware of a number of cities that are participating in bringing their cities into compliance with the storm water order. She has not done a poll of every city within the region, but a number of them are coming into compliance with this order. Since the City of Oceanside is one of the larger jurisdictions within this region, it is high on the Regional Board's list of audits for compliance with this order. Regardless of what any other cities are doing, Oceanside will likely be audited before the Regional Board soon.

DEPUTY MAYOR FELLER asked Deputy City Attorney Walls to confirm that the reason we have to do this is because it is mandated. **DEPUTY CITY ATTORNEY WALLS** responded affirmatively.

DEPUTY MAYOR FELLER inquired if the City had any recourse.

DEPUTY CITY ATTORNEY WALLS explained that the Regional Water Quality Control Board implemented this order pursuant to the Federal Clean Water Act. There is currently litigation pending with the BIA, and the City is considered a party in that litigation because they are a real party in interest. At this point, Oceanside can participate in the litigation to the extent Council prefers. The regional board is being challenged as to their authority to impose this order, both under the Federal Act and the California Environmental Quality Act (CEQA). Should the court agree with the BIA and roll back its decision of this order, Oceanside would be the beneficiary of that. Right now, it is a legally viable order with which cities, the County and the Port Authority have to comply. The City does not have any discretion with this order as it stands.

CITY ATTORNEY BENNETT added that the City has maintained that this is an unfunded mandate. It is interesting that the court's interpretation is that it is not an unfunded mandate because it is a Federal mandate.

MAYOR JOHNSON said everyone sees trash on the streets, in the gutters and as it goes into the storm drains. He asked if there was a screen the City could put over the storm drains so that not so much trash could get into the storm drains and out to the ocean.

MR. WEISS suggested there are a number of solutions similar to that description. One of the committee members, Charles Rady, was going to do a prototype to have something just like that. There are structural changes that could be implemented as well, but they all have costs. Mr. Rady's approach was to simply place a piece of chain-link fence across the opening, which could remove some of the trash. The committee pointed out that the drains would need to be watched for potential flooding.

MAYOR JOHNSON suggested that as the streets are swept, the screens could be cleaned.

COUNCILMEMBER SANCHEZ confirmed that this particular aspect of the

program would pay for itself through increased developers' fees. **MR. WEISS** responded affirmatively.

The proposal is to have 3 new positions, but **COUNCILMEMBER SANCHEZ** wondered if the specialist and coordinator duties could be combined and possibly have an assistant. The coordinator could be the person doing the outreach. She asked if Escondido had implemented any of these changes, and if there were any models out there.

BARRY MARTIN, Water Utilities Director, indicated that the storm water coordinator order requires that someone be assigned to the storm water coordinator position who will work between the development arena and the administration portion of the contract. In evaluating what other cities are doing, staff believes this will be an 8-hour per day job. The specialist position will focus on the public education component and will also require an 8-hour per day occupation. The best way to eliminate pollution is to prevent people from throwing trash in the street.

COUNCILMEMBER SANCHEZ asked if the coordinator would work with the developmental plan check. **MR. MARTIN** responded affirmatively.

COUNCILMEMBER SANCHEZ suggested that a portion of those duties be paid for through development fees. Developers pay for their portion of the pollution.

MR. MARTIN said that would make sense, and they could look into it.

COUNCILMEMBER SANCHEZ added that perhaps it would be a little less in terms of administration and a little more towards the development-related aspect.

MAYOR JOHNSON suggested citizens should be more conscious of how they deal with their trash outside their homes or in driving their cars.

Public Input

CHARLES RADY, 5118 Avenida De La Plata, thanked Council for being so accessible. He will be returning to the Solid Waste Commission with some ideas. One of them is seeking out the source of the pollution. As the Mayor has suggested, perhaps some type of screen over some of the storm drains could prevent debris from entering the drains. He suggests limiting those to all the areas that have slopes to prevent the blockage of the storm drains. He will provide more details at the Solid Waste Commission meeting. Another idea he had was to seek out the source of the pollution. Most of the pollution he sees in the street is coffee cups, fast food containers and plastic bottles. This might be one source of pollution. The last item would be to authorize inspectors to issue citations to repeat offenders who do not conform to grading requirements at grading sites. It seems the stop work orders issued by inspectors are ignored. The inspector could issue a citation and then forward the issue to the City Attorney for court action. Any fine would then be returned to the City to help offset the cost of the program. He then thanked Mr. Martin and Guss Pennell for their work in the Water Department.

WILLIAM LITTLE, 3201 Mesa Drive, is here due to the advertisement in the newspaper about the trash and water hikes. He talked to Mr. Martin about this increase. He is somewhat familiar with the San Diego County Water Authority and is aware that they set the rate and raise the prices. In a sense, they have a noose around the City's neck. Based on that, he was in favor of this increase. He would like to see any surplus from the increase stay within the utilities and not be put in the General Fund, where Council could use it at its discretion and then come back to the taxpayers for another rate increase. He would like Council to ensure that any overage would stay in the Water Utilities Department so the public would not be faced with another rate increase for a while.

MAYOR JOHNSON asked City Manager Jepsen to address the issue with surplus and where the City is regarding interest rates going back into the Water Fund.

CITY MANAGER JEPSEN reported that nearly all of the interest that is generated

by the money in the City's portfolio accrues back into the General Fund. Two exceptions are the Water Fund, which receives 50% of the interest back, and the Sewer Fund, which receives 25% back. That is proposed to change next year as part of this program to 75% of the interest restored to the Water Fund and 50% to the Sewer Fund. This would be the money dedicated for this program. It would take money from the General Fund and commit it to this program so it is not available for anything else. It is a trade-off because Council has always stated its long-term goal is to restore all that interest money.

MR. MARTIN said that issue has been sent back to the Utilities Commission. They have been working as a subcommittee to make a recommendation to Council. In the last discussion, they were looking at a 10% increase annually.

CITY MANAGER JEPSEN elaborated that one of the problems in restoring the interest rate is that it takes away from the General Fund. Either the City should have an incremental increase in the General Fund to deal with that or it will have to reduce services. There are so many other things that Council wants to take on next year, including this program, senior services and a host of other items that are going to tap into the General Fund. It would take a huge amount of money to do a complete restoration. That is why the subcommittee is looking at something that bites off smaller, more manageable chunks at a time. The City would have to eliminate some services in order to accommodate a 25-50% restoration of those funds.

MAYOR JOHNSON urged the media to speak with City Manager Jepsen if they had any questions. Council has been discussing the restoration of the interest back into the appropriate account for the past 8 years. It is a very important concern and the City wants to maintain certain levels of service for the residents.

CATHERINE ANDERSON, 4431 Point Vicente, commented that between this agenda item and the last one, there appears to be a communication gap between staff, ad hoc committees and specifically Waste Management on the first item. More information needs to be shared so the Council does not have to go back and forth with different action items. She agrees there is not enough information on either of these issues at this time. It seems that the City needs to get together and talk to each other a little more to get all the information.

She is concerned that funds are being diverted from the water and trash bills into the General Fund, but then the City increases her bill for something that is mandated by the State. She has always been willing to pay her share. She does not agree that the street-sweeping fees should be increased. The interest rate needs to be put back into the Water Department. Other cities, including San Diego, still have this problem of diverting funds from fees. She has a problem with this fee increase because she is putting money in for water and trash, and all that money, including the interest should pay for those facilities. Maybe Council should re-evaluate other programs that this fund pays for before it increases everyone's bills again. She has never been able to get exact numbers regarding the General Fund. She would like to know how much money is left over and how much is diverted to the General Fund and what interest is on that. Before taxing the public again, at least provide the information. She may not agree with a tax being implemented, but at least she would have the information.

CITY MANAGER JEPSEN understood what the speaker said regarding the interest funds, but clarified that there is no diversion of the money paid for services to the General Fund. They are talking about the interest on the Reserve Funds for water, sewer and, to a lesser extent, trash services. In order to answer Ms. Anderson's question, one also needs to ask why the reserves are so large that they would generate interest rates that are worth arguing about. Perhaps the City needs a long-term projection of what those rates should be in order to provide for a reserve that is more reasonable. The number she is asking for changes every year because the interest rates change. Unfortunately, it is significantly lower this year than it has been in the past.

COUNCILMEMBER SANCHEZ moved approval of the MOU (Memorandum of Understanding) between the City, County and all other storm water order committees and

authorization for the Mayor to execute the document. With respect to direction to staff regarding funding, she would ask the staff to make the adjustments so that all development-related program costs pay for themselves. She also asked that staff hire permanent employees where possible instead of contractors since this is going to be an ongoing thing. She also asked that any surplus stay with the particular fund, even though it sounds like there will not be any surplus, but just a catch-all. She asked staff to bring this back to a public meeting.

COUNCILMEMBER HARDING seconded the motion.

MAYOR JOHNSON needed clarification first. He asked if the motion was to approve staff recommendations 1-5.

COUNCILMEMBER SANCHEZ said they could not do anything with the costs because that would have to be at a public meeting. She is requesting that staff bring it back with the added information mentioned in the motion. There will be a little bit less in terms of the costs that are development-related. She understands that will not be very much, but she would like to say development is paying for itself to anyone who asks if the ratepayers are paying for the extra construction and the pollution they are creating. The hiring of full-time people versus contract workers is not in the staff report, but she would like the City to do everything possible to hire full-time employees.

MAYOR JOHNSON asked Mr. Weiss to go over staff recommendation, because that is what he supports.

MR. WEISS said those recommendations are to:

1. Approve the increase in the development-related fees. Staff will look at the position where there is some cross-over, and adjust the development portion as necessary, and reduce the water portion as necessary based on the current direction.
2. Direct staff to bring back to Council the implementing documents to implement a 3.7% across-the-board rate increase for solid waste fees.
3. Increase the Water Utilities rates for the San Luis Rey Debt Service.
4. Increase the Water Utilities rates for the Storm Water Order administration.

He also heard Councilmember Sanchez include the approval of the MOU and authorization for the Mayor to execute it. That essentially follows staff recommendations.

COUNCILMEMBER SANCHEZ suggested item 2 is the only one that was addressed by the ad-hoc committee as not having complete agreement. She suggested they exclude item 2 from her motion.

COUNCILMEMBER HARDING asked Councilmember Sanchez not to change her motion. They could bring back the implementing documents that are needed. At that time there could be a full debate about item 2 because Council is not approving those exact numbers. If they get this on the docket, the committee can speak to it. She added that the next time they appoint an ad hoc committee, the committee should have the opportunity to include written rebuttals as staff did this time. This needs to be discussed in a Council meeting so they can change it at that time.

COUNCILMEMBER SANCHEZ restated her motion to approve the MOU and to give direction to staff to prepare the necessary documents for Council approval at a regular meeting to implement the rate/fee increases and to include the adjustments in relation to development-related programs.

CITY ATTORNEY BENNETT clarified for purposes of the motion Councilmember Sanchez made that staff is not asking for the fee increase as to development-related fees.

DEPUTY MAYOR FELLER recalls discussion in an Integrated Waste Commission meeting that the green waste exemption program was to be a pass-through amount to go

directly to Waste Management. He agrees that the residents should pay the increase as well as the industrial, commercial and complex areas because the people who live in homes are the people who litter in shopping centers. That should not be strictly the shopping center's responsibility. The residents of this City are in the shopping centers and other commercial and industrial areas causing the litter. As far as street-sweeping fines, he understands that might possibly change in the future. He supports the motion.

MR. WEISS said all the specific fee increases will be coming back. The direction is that Council is approving them. When staff brings this back they will actually have the resolutions and the ordinances based on Council's approval of these cost increases today, with the adjustment on the development side.

CITY MANAGER JEPSEN said what staff needs from Council is to be directed to prepare the appropriate implementing documents to return. Council is also directing staff to provide Council with a recommendation for funding that will be considered at a Council meeting.

COUNCILMEMBER HARDING confirmed that was what the open motion was. They are not approving this until it is at a public meeting.

Motion was approved 4-0, with Councilmember McCauley absent. [**Document number 02-D059-1**]

ADJOURNMENT

MAYOR JOHNSON adjourned this meeting of the Oceanside City Council at 12:15 PM, January 16, 2002, until the 2:00 PM Mayor and Council workshop.

APPROVED BY COUNCIL:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside