



California

CITY OF OCEANSIDE

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

AUGUST 18, 2010

REGULAR MEETING 3:00 PM COUNCIL CHAMBERS

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

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Vacant

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

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Felien

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 3:01 PM, August 18, 2010.

3:00 PM - ROLL CALL

Present were Mayor Wood and Councilmembers Kern, Sanchez, Lowery and Feller. Also present were City Clerk Wayne, City Manager Weiss, and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in closed session: 1 and 2(A)1; there was no discussion on Items 2A(2), 2A(3) and 2B.

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

[Closed Session and recess were held from 3:01 to 4:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Discussed; no reportable action

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

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

1. County of San Diego v. City of Oceanside et al., Superior Court Case No. GIN036570

Discussed and direction given; no reportable action at this time. If a final settlement agreement, it will be filed with the City Clerk [Document No. 10-D0594-1]

2. Dunex, et al. v. City of Oceanside, et al., Superior Court Case No. 37-2009-00057994-CU-WN-NC

No discussion held

3. Dunex, et al. v. City of Oceanside, et al., U.S. District Court Case No. 10cv1478 JLS CAB

No discussion held

B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9(b))

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9:
One Case

No discussion held

4:00 PM – ROLL CALL

Mayor Wood convened the meeting at 4:03 PM. Present were Mayor Wood and Councilmembers Kern, Lowery and Sanchez. Councilmember Feller arrived at 4:04 PM. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen, and City Treasurer Felien.

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported on the items discussed in closed session: (See Items 1 and 2A(1) above; there was no discussion on Items 2A(2), 2A(3) and 2B).

Changes to the agenda

CITY CLERK WAYNE announced that Item 10 on Consent Calendar has been removed and will be brought back at a later date. As noted on the agenda, Item 36, the Public Hearing on Clear Wireless, has been continued to August 25, 2010.

CONSENT CALENDAR ITEMS [Items 4-9 and 11-21]

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

COUNCILMEMBER LOWERY stated in his first meeting of Council when he saw that the Consent Calendar had items that were stated "amounts over \$50,000" he asked City Manager Weiss what "over \$50,000" means and asked the City Manager to enter it with the actual amount of the line item. This agenda now shows what the costs of these items are. In the interests of transparency for citizens he asked for that change.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:
April 7, 2010, 3:00 p.m. Special Meeting
April 21, 2010, 3:00 p.m. Regular Meeting
May 25, 2010, 4:00 p.m. Adjourned Meeting
5. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
6. City Council: Approval of plans and specifications for the Annual Overlay FY 2010-11 project located on various streets throughout the City, and authorization for the City Engineer to call for bids
7. City Council: Approval of plans and specifications for the Annual Slurry Seal FY 2010-11 project located on various streets throughout the City, and authorization for the City Engineer to call for bids for the project
8. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials and services in amounts over \$50,000 from various Fire Department funds in a total amount of \$1,407,962; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
9. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials and services in amounts over \$50,000 from various Public Works Department funds in a total amount of \$1,944,986; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
10. **Removed from the agenda by staff**
[City Council: Approval of a professional services agreement with Active Network of Burnaby, British Columbia, for the purchase and maintenance of a central cashiering software and hardware system in an amount not to exceed \$215,000; approval of Amendment 4 in an amount not to exceed \$26,000 to the professional services agreement with CPSG of Irvine for Oracle integration and year-end services; approval to appropriate \$69,000 from the General Fund Unassigned Fund Balance to Finance Department personnel services for fiscal year-end work; and authorization for the City Manager to execute the agreement and the amendment]

11. City Council: Approval of a license agreement **[Document No. 10-D0595-1]** with North County Transit District for the construction, maintenance and operation of an 8-inch sanitary sewer force main line within the railroad right-of-way adjacent to Harbor Drive; and authorization for the City Manager to execute the agreement
12. City Council: Approval of a professional services agreement **[Document No. 10-D0596-1]** with O'Day Consultants, Inc., of Carlsbad in the amount of \$40,768 for engineering design and construction support for the Mission Avenue Widening at Valley Heights Drive project, and authorization for the City Manager to execute the agreement
13. City Council: Approval of an agreement **[Document No. 10-D0597-1]** with York International Corporation, a Johnson Controls Company of San Diego, in the amount of \$52,255 for the purchase and installation of a Metasys Building Automation Control System module to control two heating circulation pump efficiency optimization controllers and two new boilers for the Civic Center, and authorization for the City Manager to execute the agreement
14. CDC: Approval of two loan applications in the amounts of \$14,149 and \$13,587.25 under the Community Development Block Grant (CDBG) Housing Rehabilitation Program
15. City Council: Acceptance of the draft San Diego Regional Analysis of Impediments to Fair Housing Choice **[Document No. 10-D0598-1]** by Veronica Tam and Associates, LLC, of Pasadena; and authorization for the Mayor to execute the document
16. City Council: Adoption of **Resolution No. 10-R0599-1**, "...authorizing acceptance of \$2,000 from the North Coastal Prevention Coalition to reduce youth access to alcohol and drugs", authorizing the City Manager or Chief of Police or their designees to execute grant documents, approving the grant budget, appropriating the funds to the Police Department, and approving a Letter of Agreement **[Document No. 10-D0600-1]** between the Oceanside Police Department and Vista Community Clinic which will act as fiscal agent
17. City Council: Adoption of **Resolution No. 10-R0601-1**, "...authorizing acceptance of \$96,360 of the Edward Byrne Memorial Justice Assistance Grant of 2010" from the U.S. Department of Justice, awarded to the City of Oceanside to supplement frontline law enforcement services, authorizing the City Manager or designee to execute grant documents, approving the grant budget; and appropriating the funds to the Police Department
18. City Council: Adoption of **Resolution No. 10-R0602-1**, "...authorizing the submittal of Used Oil Payment Program applications" for grant funds from the State of California to support recycling of used oil and proper disposal of household hazardous waste
19. City Council: Adoption of **Resolution No. 10-R0603-1**, "...dedicating certain City-owned real property for public street purposes and appurtenant uses" as public street right-of-way for transit bus turn-out on Oceanside Boulevard, west of Rancho del Oro Drive" (El Corazon APN 162-082-43) **[Document No. 10-D0604-1]**
20. City Council: Adoption of **Resolution No. 10-R0605-1**, "...delegating authority to the City Manager to act on behalf of the City Council of the City of Oceanside" regarding matters between the City and the California State Association of Counties–Excess Insurance Authority (CSAC-EIA)
21. City Council: Authorization to award a contract **[Document No. 10-D0606-1]** in the amount of \$62,400 to Coastal Air, Inc., of Oceanside for the Country Club Senior Center Room Addition Project located at 455 Country Club Lane, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

COUNCILMEMBER SANCHEZ moved for approval [of Consent Calendar Items

4-9 and 11-21].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

22. City Council: Adoption of a resolution to dissolve the Youth Commission

EILEEN TURK, Neighborhood Services Parks & Recreation Division Manager, is recommending Council dissolve the Youth Commission. Over the course of the last 2 years we've scheduled 20 meetings and 17 of those were not held due to lack of a quorum. At this point, if we don't have a formal commission process, we think we can involve the teens in a more active way without having to go through the Brown Act and all of the formalities of a commission. We have 2 groups right now: the Oceanside Teen Advisory Committee and the Library Teen Club. We are hoping to still get input from the youth through those organizations.

No public input

COUNCILMEMBER KERN is the liaison to the Youth Commission and Ms. Turk is right. Every time they set up a time to meet it gets cancelled. It's been part-time at best and usually they don't meet in summer because there is no school. We've always struggled at the beginning of the school year to find commissioners and toward the end of the school year those students that are interested have SAT's and go off to visit colleges, etc.

He **moved** approval of [adoption of **Resolution No. 10-R0607-1**, "...to dissolve the Youth Commission"] and go back to the teen councils and the more informal settings.

COUNCILMEMBER FELLER asked about opportunities for the youth in general, maybe on a yearly notice, to get them involved with Parks & Recreation, whether as an alternate to the Parks & Recreation Commission, liaison, etc., so we can still incorporate some of those young people who are concerned.

MS. TURK replied that would be up to Council. We would be happy to do that. We do work closely with the Key Clubs at both of the high schools, who do volunteer work with us throughout the year, so we do have a connection with the schools and will remain connected with the youth.

COUNCILMEMBER FELLER thought it was maybe something we could consider as we go forward with committee and commission recommendations.

He **seconded** the motion.

COUNCILMEMBER SANCHEZ is really sorry to see this on the agenda, but she understands why it is. She has served as the liaison in the past and found it to be an opportunity to be a leader in the community. In fact, that is how she met her current aide. He was the Chair of the Youth Commission about 5 years ago. It was amazing to see the excitement from our youth with the idea of exercising some level of leadership. She believes this is a sign of the times when so many things are happening in our community that perhaps we don't have the applications coming in. She will support the motion at this time because it doesn't make sense to continue to try to meet when you don't have a quorum. This is something that we should revisit sometime in the future. She has gotten information on what other cities are doing with their Youth Commissions and they are doing some fantastic things. When the City is in a better position financially, she hopes we will find that kids are excited to get involved with the City again. We are always reaching out to our youth through the different programs in the

City.

Motion was approved 5-0.

23. **City Council: Approval of a purchase and sale agreement with the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, for the City's acquisition of approximately 83 acres of land located in the floodplain of the San Luis Rey River south of State Route 76, west of Gird Road in the County of San Diego in the amount of \$3,154,000 as part of the mitigation requirements to complete the San Luis Rey River Flood Control Project; authorization for the Mayor to execute the agreement; authorization for the City Clerk to accept the grant deed; and authorization for staff to consummate the transaction**

DOUG EDDOW, Real Property Manager, reported staff is asking for approval of a purchase and sale agreement for 83 acres located in the County not within the City limits for the price of \$3,154,000. In order to get the San Luis Rey River Project completed, we were told by the U.S. Fish and Wildlife Services that we needed an additional 45 acres of mitigation land to move the project forward. We identified 83 acres that was approved by the U.S. Fish and Wildlife Service. We are anticipating a subsequent sale of the property to San Diego Association of Governments (SANDAG), who is willing to enter into a purchase and sale agreement, or some kind of other arrangement, to acquire approximately 38 acres for future mitigation and for right-of-way acquisition for the future Highway 76 project from Bonsall to Interstate 15.

Of the \$3,154,000 the City is required to come up with approximately \$1,710,000 with SANDAG coming up with the balance of \$1,444,000. The agreement with Rincon will be subject to an agreement with SANDAG. If that doesn't take place then we would not be obligated to purchase the property. The money has been set aside in the San Luis Rey River Project account of approximately \$2,000,000 that was acquired from the sale of property along Highway 76 to Caltrans for their widening project. That leaves a difference of approximately \$300,000. The original acquisition of the properties, before we sold them to SANDAG, was acquired through Major Thoroughfare Funds, so that fund needs to be replenished.

Public input

DIANE NYGAARD, 3050 Nighthawk Way, representing the Multiple Habitat Conservation Plan (MHCP) Task Force of the Sierra Club, supports the staff report. The clearing of the San Luis Rey River has been a major concern to them because it represents the greatest take of endangered species since we had State laws protecting them. In over 40 years this is the greatest take of endangered species. We understand the project needs to move forward but it's very important that the mitigation be done right.

There are 2 things with this mitigation proposal that we think establish a good model for doing mitigation right. The first is that we're doing the mitigation before the impact. We haven't cleared all of the river, destroyed the nests of those birds and then gone back after the fact and hoped that they would relocate to this new land. This is certainly a good model to keep in mind whenever we're looking at wetlands mitigation.

Second this is a good model because it's a significant mitigation project. We often talk about damage to our watershed being death by a 1,000 small cuts. Here we've taken a lot of impacts along the river and we're doing a single large project to mitigate; one that can make a difference for the watershed and to those least Bell's vireos. The City of Vista recently went through a major trauma with their residents when they did a multi-year sewer rate increase covering about 600 small sewer improvement projects. Instead of doing 600 small mitigation projects, they picked a large restoration project that will really make a difference in the watershed. It's very cost effective for staff time to work on a single project and it's also much better for the

environment. This is a win-win and we hope to see more mitigation like this.

JIMMY KNOTT, 127 Sherri Lane, was asked by members of the manufactured home community in the valley to come forward in support of this because of their insurance rates. This will help keep their insurance rates low.

Public input concluded

COUNCILMEMBER SANCHEZ moved approval of a purchase and sale agreement [**Document No. 10-D0608-1**] with the Rincon Band of Luiseño Mission Indians of the Rincon Reservation, California, for the City's acquisition of approximately 83 acres for \$3,154,000 as part of the mitigation requirements to complete the San Luis Rey River Flood Control Project; authorization for the Mayor to execute the agreement; authorization for the City Clerk to accept the grant deed [**Document No. 10-D0609-1**]; and authorization for staff to consummate the transaction.

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER SANCHEZ stated this has been a very long process. We were willing to go out and mow the river when it became such a problem that we were concerned that we were going to have a disaster. She applauded Congressman Darryl Issa for having stepped up to help us acquire the funds for the initial clearing. She is not happy that we are in the position of having to do additional mitigation, but the fact that this mitigation is actually going to work in favor of our long-term economical and ecological sustainability for our City rather than some other jurisdiction is something she is pleased with. For a long time we heard concerns by residents for flood insurance. Some of our residents have seen a difference in their insurance costs, but this will go farther. Council is proud of getting this relief to our residents.

We need to get closure on it. We need to continue on this so that at some point we finally have jurisdiction over the San Luis Rey River and we can finally take over the maintenance and have a lot less costs regarding continuing maintenance. We're not ever going to let it get to the point of having to mitigate; we're going to be vigilant. This is a step towards getting this under control.

COUNCILMEMBER FELLER stated in 1970 this project was approved by Congress and it was supposed to have a soft bottom, and 247 acres of habitat. He would venture to say its several hundred acres of habitat now because it's from the top to the bottom of the river. During that time we've had 2 major floods costing property owners millions in damage. Construction started in 1987 and in 1994 the U.S. Fish and Wildlife Service decided we couldn't clear the habitat out of there, making it a preserve; another mandate putting birds and foliage ahead of the citizens. It's a perfect example of unfunded mandates, and it's costing our citizens millions of dollars a year in flood insurance.

We were paid \$2,000,000 for the piece of property Caltrans needed for the right-of-way of Highway 76. We're getting nothing for the citizens in return because of the mandates by Fish and Wildlife. It goes against him to vote in favor of this, but we have to do everything we can to try to protect the citizens that live in the river bottom. Eventually maybe somebody will come to their senses and we'll be able to actually clear that river. That river in late 1998/1999 had a smooth bottom; there were no trees or anything in there. It's too bad it's not like that now because we'd probably be getting sand on our beaches and saving ourselves \$2,000,000 on the property for the right-of-way on Highway 76. He dislikes being mandated by the crazy rulings of this group.

COUNCILMEMBER KERN stated this was originally a 250-year flood control and now we're going to have to spend millions of dollars to get a 100-year flood control. He doesn't share Councilmember Sanchez's optimism. This is not over. What will happen is the Army Corps of Engineers will drag their feet for another 5 or 6 years, we're going to have a proposal to clean the river, and we'll have to buy more mitigation

land to do something that should have already been done. He supports this but he wants it to be the end. He doesn't want to come back 3 or 5 years from now and hear that we have to buy more mitigation land to re-clear the river that 12 years ago was a sandy-bottom flood control channel. If Army Corps would have turned it over to us then, we could have maintained that river. Quite frankly it's the Army Corps of bureaucrats and we get caught in this nightmare with that group. Now we're paying the price for dealing with them. We need to move forward quickly. Is there any guarantee that this is the last time we go through this?

DON HADLEY, Consulting Assistant, stated the current plan now has 3 phases. Initially the regulatory and the resource agencies, along with the Corps and the City, have worked together to formulate the plan to where, going through annual maintenance, mowing and vegetation management, it will get us where we need to be in 2016. There is no guarantee that something else won't occur. We're doing our best working with the Corps and resource agencies so that won't happen. If something were to be discovered, it would require a process of consultation with the Corps and the resource agencies would have to get back together to address whatever issue may come up.

COUNCILMEMBER KERN asked aren't we in the 12th year of a 3-year plan. Hopefully this will actually get done. He isn't going to hold his breath.

COUNCILMEMBER LOWERY understands the concerns around this. This is a serious issue and people should know that the City website has the entire 25-page staff report that Council has received. Several people have asked him what this is going to cost us. He has reviewed the report and he still can't figure out what exactly we're looking at for cost to the City, even though there is a financial conclusion on this. He asked what that is and where that money comes from.

MR. EDDOW asked if Councilmember Lowery is talking about the contract or the project.

COUNCILMEMBER LOWERY responded just the contract.

MR. EDDOW stated the total contract will cost the City \$1,760,000: our share of the land acquisition is \$1,710,000 and the additional \$50,000 is to do environmental studies as well as surveys in order to get the property the way we want to get it. That's the ultimate cost to us because we are planning to enter into a subsequent agreement with SANDAG for the balance of the purchase price.

COUNCILMEMBER LOWERY asked if this land will ever be sold. Will we ever cash out on this property.

MR. EDDOW responded if we sold it, there are a tremendous amount of restrictions on it so it would be of minimal value. This is mitigation land and we would have to maintain it in perpetuity.

CITY MANAGER WEISS believes we also have an obligation through the resource agencies to restrict the land for any other uses other than mitigation. The Corps is planning on going in this fall and doing their Phase 2 mowing. Once they've done that, there will be increased flood protection. They did Phase 1 two years ago and they are going to do that again at our expense. Following that, and provided they get us the permits, we will then take over maintenance responsibility. We do have a plan in place based on their recommendations and it includes a scorched earth policy. Our role is going to insure that in those areas that are cleared that they remain cleared so the issue of future habitat does not occur again. We expect them to release that contract this fall.

COUNCILMEMBER SANCHEZ stated that being unable to clear the brush caused a lot of problems in terms of fires. We had, in a very short period of time, an

arsonist that committed over 35 fires and put a community in danger and put huge costs on the City so it is important to continue the clearing.

MAYOR WOOD has gone back to Washington D.C. with staff for the last 6 years addressing several things, but in particular the San Luis Rey River. All of that debris that goes down goes into our ocean and potentially into our harbor. We also have the debris build up on all of our bridges that could potentially take them out, which would mean the Marine Corps couldn't get to work. Last fall we were concerned with the fires.

Some of this is financial in Washington D.C. with the Army Corps. He's not sure the final say-so in this will be over for a while but we can hope. The big concern is insurance rates for the people in the flood control channel, as well as flooding and/or fire. It is a public safety concern for all of us. This is one more step forward.

COUNCILMEMBER KERN stated the change in the flood map was for Pilgrim Creek. Anybody out there that lives in the Pilgrim Creek area, on either side of the golf course, that zone has been changed from AH to a Zone X. The City Engineer worked long and hard on that. Anyone who lives in that area can get a Letter of Map Revision to submit to your lender so you may be able to get out from under paying flood insurance. He doesn't advise not having flood insurance or guarantee that the lender will stop requiring it.

COUNCILMEMBER LOWERY thinks we have an added value here, even though it's going to cost the City \$1,700,000. If the residents who live in the valley save some number of dollars every year from here on out in flood insurance, that's a significant investment in our community. That's something we have to consider when we approve projects like this. It behooves us to understand that we are spending our taxpayer dollars, but it benefits a huge number of people in our community.

COUNCILMEMBER FELLER asked how much it will cost to maintain that lot forever.

MR. HADLEY responded once we get past 2016 and the project has been fully turned over to the City, we would be going in annually to clean it up, depending on growth and the area. The area that we are going to be re-mowing for Phase 1 is a cost of \$350,000.

COUNCILMEMBER FELLER is referring to the property that we're buying.

MR. HADLEY responded we're still working with the resource agencies, the Corps and the biologist to see exactly what will need to be done. Current discussions indicate that the vast majority of the property that would be the mitigation land would require very minimal maintenance. There may be some parcels that we have to re-groom periodically, but at this point we have not identified any significant cost to do the maintenance.

COUNCILMEMBER FELLER asked when we are supposed to have the project turned over to us so that the flood control project can benefit our citizens.

MR. HADLEY responded 2016.

COUNCILMEMBER FELLER clarified it would be 6 years from now that people would be able to take advantage of this.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

24. **Request by Councilmember Sanchez to restore public safety items:**

2) San Luis Rey Community Resource Center; and direction to staff

COUNCILMEMBER SANCHEZ wanted to consider Item 2 first stating this is a center that she's been involved with since being on the Council in efforts by our City and the community to reach out to our youth, especially our at-risk youth, and providing solutions. Prior to Chief McCoy, we were especially at risk in the deep valley/Back Gate area. There were a lot of attacks and gang retaliation. Council approved doing a store front police presence at the San Luis Rey Resource Center and we poured in some additional programs. Unfortunately, it reached critical levels. That was the time when we started talking about community policing and getting a better relationship with police in the community. It always has to involve the community.

Just after Chief McCoy started with the City there was a travesty in the Back Gate area with the death of Officer Dan Bessant by gang members. We know that is the gateway to the nice community at Arrowood. We know how critical that resource center is to the residents and businesses and the ongoing efforts towards gaining control of our crime rate, especially the juvenile crime rate, and with respect to the quality of life of all of our residents.

When this came up during the budget she did not speak at the time because she knew she would not have a third vote to save the San Luis Rey Resource Center so she waited until we had a fifth Councilmember to push this forward. We had gotten free rent at the San Luis Rey Resource Center by the owner of the shopping center and it was going to sunset. We now need to give direction to staff to discuss a new lease and lease terms for the space. We do not have anywhere else for these programs to go.

She **moved** to restore the funding to continue to have the San Luis Rey Community Resource Center at its current location and that we give direction to staff to negotiate a lease agreement for at least a year and she would prefer 2 years. During that time she would ask staff to look for a space that the City could get involved in and not have to lease. She has received several emails from residents of that neighborhood saying how critical this is.

MAYOR WOOD seconded the motion for discussion.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated we have to look at what the funding sources are. Also, what assessment values have been done in this area and throughout the community? We should also be considering public commitments. Public/private partnerships could also help to get this going. As an alternative, there is funding available from the government with the foreclosed housing situation that we can tap into to get one of those homes and use it as a center.

LARRY BARRY, 3973 Brown Street, stated we have a lot of problems and we need to figure out where our priorities are. There are youth problems throughout the City, but you must get those neighborhoods involved and have them take accountability for their youth. In the days prior to Officer Bessant being murdered by a Samoan gang member, people in that neighborhood were laughing at the kids shooting out the street lights. He knows the American Samoans in the community have taken great strides to correct these things.

He went to the grand opening of Del Rio Elementary School and 85% of those kids in that neighborhood are below the poverty line, and for 75% English is a second language. Right now the schools in Oceanside have a less than 10% white population. We need to take back the City and make it a community where everyone comes together. We can't do this when we give certain passes to certain groups. The City is at a turning point and we need to decide if we're going to be a prosperous city or are we going to be another Los Angeles. We can do that by making those individuals in that neighborhood accountable. If the police aren't doing their job, then they need to be

held accountable. The idea of picking out a certain group to patronize is not working.

COUNCILMEMBER SANCHEZ responded this is a very diverse community and doesn't cater to one group. Also, we've had upwards of 100 volunteers involved with the San Luis Rey Resource Center. We are probably getting a lot more than we are putting in terms of volunteers, including faith-based and other community groups and businesses. This is what we need and what we should want. The funds for this would be from the reserves. This is a critical time. We need to continue our efforts with the families and the youth.

COUNCILMEMBER KERN doesn't understand why these items are on the agenda. We made these decisions months ago in the budget cycle. It was our policy at that time to pass a budget without going into the reserves. It wasn't agendized tonight that we'd be using reserve funds. Maybe this should be brought back later if we're going to change our reserve policy. If you're going to direct staff that it's important to keep this open, it's going to have to come out of their budget. They're going to have to balance their budget with the money that we budgeted for their account. Our policy was that we're not touching reserves and we're not changing that policy at the present time.

What concerns him is that this center should have been closed already. Council got an email from the Director that said the Council did not tell them to close the Center; they approved a budget that eliminated the funds for the lease. If we stop funding it, to him that means we're going to have to close it. There are 2 City facilities within a quarter mile on either side. If we're going to spend money, he would rather spend it on programs than leasing a building. Melba Bishop Park has already set it up that the food distribution from Brother Bennos can move there. Those other programs can move to other facilities. We are not eliminating the programs; we are only eliminating money for a lease.

We cannot keep spending money that we don't have. We made these decisions and it took us months to get here. He fully understood when he voted for the budget what was in the budget. It was not to come back in 2 months and fund special programs for special people, etc. We need to hold the line because our revenues are dropping. If we don't do this now, next year will be even worse. We will probably end up closing a park or another recreation center because we're going to be out of funds. These are tough times. We always blame the State for spending money they don't have. We can't act like the State here. We do have control of our budget and we need to maintain our budget fortitude. We passed a balanced budget that doesn't go into reserves. We can keep the programs but we can't afford money for a lease. This center should have been closed at the end of the fiscal year. He can't support this. He would rather put money into people than into buildings.

COUNCILMEMBER LOWERY couldn't find any back up material on this. He asked how much this 2-year lease proposal is for.

COUNCILMEMBER SANCHEZ replied it's to negotiate.

CITY MANAGER WEISS responded the information we've gotten from the owner is they are willing to, for the balance of this year, offer us a lease at about \$1,800 per month. It had been higher, but he thinks they have committed to keeping it at that price for the balance of the year.

COUNCILMEMBER LOWERY asked if in this commercial property in a retail shopping center, we got free rent on this property already.

CITY MANAGER WEISS responded yes.

COUNCILMEMBER LOWERY asked how long did we get free rent.

CITY MANAGER WEISS knows that we had free rent for the last fiscal year up

through July and they extended that one month, which is where we are today. That rent kicks in next week.

COUNCILMEMBER LOWERY clarified that they gave us a year's worth of free rent and they're asking us for a 2-year contract now.

CITY MANAGER WEISS believes the 2 years is what Councilmember Sanchez would like to see us negotiate with them. The information he has now would be an \$1,800 a month lease through the end of next June.

COUNCILMEMBER LOWERY thinks the landlord gave us a pretty good deal by giving us a year's worth of free rent so we might want to consider that. That's a reduced cost. He understands the concerns about spending any more money.

He talked to some of the residents in that neighborhood and they said that their kids can't cross some of the streets because they might get beat up or killed. He thinks we are investing in safe neighborhoods; we have to keep our neighborhoods on the front burner. These are great kids and he doesn't want any of those kids killed.

As long as we maintain the police presence, we are providing a safety net for the residents who live in the area. We're not talking about kids whose parents can drive them from one side of town to the other. The residents that live in that neighborhood are taxpayers as well and we have to do our best. That is a special neighborhood that needs extra care. It's going to cost us money, but we have to look at the value that we're getting. To keep the peace in that neighborhood and to keep the kids safe, it might require additional money.

MAYOR WOOD supported this because in the past we would never consider shutting down the Center because of the problems we've had out there. They've calmed down quite a bit but that's because of a lot of police presence out there over the last year. The problems are gang-related. He is tentative on this because you have to understand gang turf. If you're going to cross the street into Melba Bishop Park and you're from the other side of Vandegrift Boulevard, you've now entered into the enemy's turf and you're subject to assault. That is what concerns him about this location. There are 2 other centers but some kids and their parents are afraid to have them cross a main street to go to another center. He's sorry that society is like that but we do have those issues. He will support this motion even if it comes back that we have to find a place that is more suitable or a spot that gives us free rent. Possibly the neighborhood and Council could pressure the property owner to try to consider some of the cost factors for that building. This is important for safety and police reasons.

He remembers seeing something where we got \$400,000+ from a federal grant for gang issues. He is not sure where that money went; maybe we haven't gotten the money yet but that needs to be looked at.

MARJORIE PIERCE, Neighborhood Services Director, stated we did receive grant money from the federal government and a lot of that money goes to pay for after-school programs that are being conducted out of the resource centers and it pays for different things - upkeep of the website so people can access our programs. Also, there is a truancy program that will be implemented to help reduce truancy. That money is pretty much allocated. There is a possibility that we'll be able to identify funds that could be redirected into the resource center.

MAYOR WOOD knows the federal money was going toward gangs for a while. Because of the location of this center and the problems we had out there, this is probably one of our priorities. He still supports it, but he does understand the money cause.

CITY MANAGER WEISS will have to bring the lease back to Council anyway. There is approximately \$500,000 in unallocated reserves and we would use that money

for the next year to restore the Resource Center.

MAYOR WOOD would like to see it either at that building or someplace that's more convenient for the kids without having to cross turf. He is concerned about this because violence is involved.

COUNCILMEMBER FELLER asked if we have residents that cross Vandegrift to get to that center from Arthur.

DIRECTOR PIERCE responded she is sure there are people from that neighborhood that access the resource center. It's a neutral zone for everyone to feel comfortable and safe to come to.

COUNCILMEMBER FELLER stated we also have 2 schools that operate as outside resource centers with after-school programs – Del Rio and Libby – that aren't involved particularly in the City programs. We've got 4 facilities within a reasonable proximity to the centralized storefront. This isn't just \$1,800 a month to continue this program; it's the ongoing costs of staffing, lights, etc.

DIRECTOR PIERCE responded that's correct. Council approved a budget that has operating and maintenance built into the budget for San Luis Rey in the hopes that we would be able to continue to receive free rent. When the free rent was negotiated last February, the owner said he wouldn't assess it again until May and we didn't actually hear back from him until mid-July. That's how this all came up. He was no longer willing to give us free rent but said he would reduce it to about half of what we paid previously to \$1,800 a month.

COUNCILMEMBER FELLER is struggling with this because it's going backwards on the budget that we did approve. He doesn't have a good reason, knowing what's available in the other resource centers and the schools.

DIRECTOR PIERCE stated if Council wanted to keep the resource center open and provided direction to staff to come up with a budget proposal, it is possible that we could accommodate it by making some changes in the Neighborhood Services budget and not ask for reserves to cover the resource centers through the end of June.

COUNCILMEMBER KERN stated if that's the case and we don't have to go into reserves to fund this and staff can take it out of their existing budget, he will support proceeding with negotiating a lease. He will not support a budget increase for anything because our revenues are dropping. Our policy is not to use reserves out of last year's budget.

COUNCILMEMBER SANCHEZ stated that isn't her motion, but she is hearing that there is a possibility of some funding being available regarding our federal funds. The motion is to restore the funding and to basically restore the lease for 2 years for the duration of the Council budget. She just heard from the City Manager that we have up to \$500,000 of unallocated reserves that are available for this. Obviously we're not looking to do that entire amount and it sounds like staff will be able to use federal funds for this.

DIRECTOR PIERCE explained it wouldn't be federal funds. To explain how staff would handle this, we believe that we have about \$6,000 of federal funds that could be redirected there and when we put together the budget that came forward before, it didn't include some rent that we are receiving from the Libby Lake Resource Center, which is about \$500 per month. We would redirect that into rent if that's what you want to do to keep this center open. Then we would likely be looking at reducing the resource center assistant position to part-time in order to make up the balance and keep the center open, so it would have an effect on an employee.

COUNCILMEMBER SANCHEZ wouldn't want to affect that. We have stability

at this time so whatever we have to do to maintain what we have. It's already difficult and we already have volunteers. There are probably some volunteers who would disappear if we ended up having less staff. It's already difficult enough for 2 people to manage that many people. There is that goodwill but we do need to have a presence there.

MAYOR WOOD stated there is a motion and a second. He doesn't know if we want to modify it regarding how we want staff to look at it. He would certainly like to look at the possibility with the school district and ascertaining if they can help with funding or potential use of one of their schools, property and office space.

COUNCILMEMBER SANCHEZ restated the **motion** which is to restore the funding to the San Luis Rey Resource Center via the rent and to direct staff to negotiate a rent for the balance of this 2-year budget and to use reserves. She understands that regarding that part of the motion, staff has indicated that they may not have to use reserves for most of it. She would encourage the priority to be not to use reserves but if we have to make up the difference, then there it is.

COUNCILMEMBER KERN wants clear direction to staff that we're not going into the reserves. If staff can come up with a plan within the Neighborhood Services budget, and we don't elevate that budget from the present amount, then he will fully support this. Libby is at Pacifica now. This year it's going to be really tough to work with that because Libby is going to be scraped and rebuilt just like Del Rio.

COUNCILMEMBER FELLER will also not support this if it uses the reserves when we have \$500,000 in unallocated reserves and only 1½ years ago we had \$10,000,000 or \$12,000,000.

COUNCILMEMBER LOWERY has been listening and he still can't see where the money is going to come from if we don't use reserves.

CITY MANAGER WEISS stated the easiest answer is we would reduce a full-time person to part-time. There is minor money from the rent, but effectively the majority of the money would come from reducing a full-time person to part-time.

COUNCILMEMBER LOWERY asked if that is sufficient to cover the rent cost.

DIRECTOR PIERCE stated the employee would go from 40 to 32 hours. Further responding, the resource centers aren't just open 8 hours a day. It depends on the programming. We're not there all of the time. Some of the programming takes place without us. We also have other resource center assistant staff that we rotate. There is just no one person that's there, although there is one person that the facility is assigned to. The other resource center assistants are all 32-hour employees. That's the only one that's still a 40-hour.

COUNCILMEMBER LOWERY clarified we would still have the resource center in place and we would have it staffed most of the time that we have now and it would cost us no money out of our reserves, based on just cutting a staff person from full-time to part-time.

DIRECTOR PIERCE responded that and a couple of little miscellaneous pieces.

COUNCILMEMBER SANCHEZ stated we actually have the problem because we are still not staffing the storefront. That's a police storefront. She's been asking for that but we never got the money to have it staffed. That's why it's critical to have this level of staffing. Since that decision to put off staffing the storefront, she has been reminded that we still haven't staffed it. We're still having volunteers come in and act as police officers and that's very difficult.

COUNCILMEMBER LOWERY asked if we don't have a staff member to cut.

DIRECTOR PIERCE responded the police are not staffing the storefront; they don't have the resources to do that. There is a Code Enforcement Officer who has regular hours, not every day and not all day, but we do try to put some staff in that storefront to take complaints from neighborhood residents; it's a few hours each week only.

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

[Recess was held from 5:17 to 5:30 PM]

The meeting reconvened at 5:34 PM. All Councilmembers were present. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

5:30 P.M. – INVOCATION – Pastor Carl Sousa

PLEDGE OF ALLEGIANCE – team members

PROCLAMATIONS AND PRESENTATIONS

Presentation – “Pet of the Month” presented by Elkie Wills — S.D. Humane Society North Campus

Presentation – Newly Chosen Miss Oceanside [& court and Miss Teen Oceanside & court]

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award — P & R Summer Teen Basketball Team “Tenacious D”

Presentations were made

Mayor Wood determined to hear Item 27 at this time.

CITY MANAGER ITEMS

27. Update regarding the potential Caltrans widening of Interstate 5

DAVID DiPIERRO, Transportation Manager, stated this item is a presentation by Caltrans concerning the proposed Interstate 5 (I-5) North Coast Corridor project. The draft Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) were released for public review earlier this summer, with comments due by October 7, 2010. The document is available online at keepsandiegomoving.com and at the Oceanside Public Library. In addition to today’s presentation, Caltrans will be hosting a public meeting in Oceanside on Thursday, September 9, 2010, at 5:00 PM at Oceanside High School.

ALLAN KOSUP, Corridor Project Director for I-5, is working up and down the Corridor briefing the Councils and the communities, in concert with the public meetings, about what is in the document. The document is very complex and we want to give some information on some of the major findings in the document.

The last time we did work on the Corridor was probably in the 1960’s and we got 40 years of life out of that. It’s really time to look forward to what we want to do in the next 40 years. A lot has changed. The County and the Corridor have experienced a lot of growth, but also how people travel has changed. Families own more cars and people make a lot more trips than they used to, so that Corridor is not providing the performance it needs to. For history the process of this project started back in the late 1990’s when the 6 cities in the Corridor got together and decided there would be a mobility problem ahead that was already starting, but they could see it getting worse. They did the North County Transportation Study and their basic conclusion was that we

need a little bit of improvement to our transit, highways and arterials. A bunch of things need to be done.

In 2004 the region had their half-cent sales tax, TransNet, and the I-5 improvement was one of the major spotlight projects in that initiative. When that initiative was passed, the first thing SANDAG Board did was identify early action projects and move them forward and I-5 was one of those. In 2004 we also kicked off the public process by doing a number of scoping meetings in each of the communities to find out what is important and what are the issues. Between 2004 and now we have had some additional interaction with the communities, but we've been taking that information and doing the technical studies. Now, the environmental document is the result of those 6 years of studies.

It's important to point out that there's a greater transportation vision for I-5. There is a piece of the transportation vision that calls for beefing up the rail and Coaster service. In order to do that we need to double-track that Corridor and the region is working on that. There is a need for buses in the Corridor and managed lanes are a part of that vision. This environmental document is just focused on the highway.

The goals and objectives come from the region as a whole. The decision to move forward on a managed-lane system in the County starts with the SANDAG Board. The objectives we are looking at in the environmental document are mobility and finding additional options for people. Right now most people take the highway, even if they're going a mile. In some places in the Corridor there may not be good connectivity on the arterials. We also need to accommodate the growth that is coming to the region. Forecasts say about 1,000,000 to 1,300,000 in the next 30-40 years.

We also know that I-5 is the gateway to San Diego and is a special Corridor. It has aesthetic importance. It's in the Coastal Zone and goes right through the middle of communities. There are livability and sustainability objectives that we weigh equally. The challenge is going to be how to find a project or series of improvements that deal with all of these issues.

Coastal access is important. Right now the weekends are as bad as weekdays on I-5 as most people are taking I-5 to go to various venues. It's also our goods movement route for the Corridor. We've got 6 lagoons we're going to go through and need to address water quality, air quality and noise as part of the many issues.

When we opened the facility in Encinitas there were about 35,000 people using it a day; currently there are about 200,000, and we expect that to grow by about 1/3 based on the region's growth forecast. It's not just the growth in San Diego, but also Orange County, Riverside, Mexico, etc., who use I-5 as the major thoroughfare.

So, what that means in terms of performance is the average trip at midnight takes 25 minutes but during peak periods it takes an extra 10-15 minutes to travel the 27 miles. If you drive the Corridor a lot, you realize there is no average day; we've got rain, the horses, summer season, an accident, etc. If you are taking I-5 from La Jolla to Highway 76, to be on time you need to budget an hour. That's one of the ways we look at the performance of the facility. Performance is not just that travel time; the question is how long are we experiencing that travel time. Is it a 1 or 2 hour inconvenience every day or are we also experiencing it on the weekends? Do we see that congestion growing throughout mid-day? That is another performance measure we look at when trying to decide what to do in the Corridor.

It's not just a commuter corridor. Most of our urban freeways are about commercial and localized traffic, as well as people commuting to and from work. On I-5 there are a lot of different customers. In some segments, especially at the north end in Oceanside, we actually carry more on the weekend than on the weekday. That's very unusual.

On average the Corridor serves 700,000 customers a day and we expect that to go up to about 1,000,000 customers a day.

In trying to figure out what alternatives to bring forward, we recognize that there are a lot of different tensions; there is no perfect transportation solution when you're trying to retrofit an existing corridor. The community has grown in around it. There are biological and coastal resources. Are we going to prioritize mobility or environmental needs? We try to do the best we can with all alternatives but there is always going to be trade-offs. Some alternatives will perform better in one quadrant and not so well in the other. The purpose of getting this draft EIR out to the communities is getting that feedback from the agencies and public that says what they think the priorities should be.

There are 4 build alternatives and one no-build alternative in the draft EIR. What's common to all of the build alternatives is the idea of the managed lanes. The managed lanes come from the SANDAG Regional Transportation Plan (RTP); it's what was promised to the voters in the TransNet bill.

[Councilmember Feller left the dais at 6:07 PM]

The people eligible to get into managed lanes would be carpools and buses. The idea is to keep those lanes congestion-free. They are going to be providing an incentive to be in those buses or carpools because the main lanes may be congested while the managed lanes will be flowing free. Frequently the high output vehicle (HOV) lanes got criticized throughout the State that sometimes they are running empty, so we're wasting a valuable asset. The idea of managed lanes allows people to buy into them if they are a single occupant vehicle, via the Fastrak system. We are trying to maximize those lanes.

The alternatives we are looking at are:

- 10 + 4 barrier, which is the 4 managed lanes in the middle, an additional general purpose lane on the outside and the managed lanes are separated from the general purpose lanes with a barrier. That is the largest footprint project and probably has the best mobility performance. It's also the most costly.
- 8 + 4 buffer, is the extreme of the 10 + 4. There would be no additional general purpose lane; just the managed lanes in the middle. Instead of barriers separating it, there would be a painted stripe. The down side of a painted stripe is it's not as efficient; people get skittish when it's congested and we lose efficiency, but it's \$1,000,000 less.

In Oceanside we are only looking at the 8 + 4 buffer because of the proximity to homes, so we've already made the decision to go in with the smallest footprint possible.

In the draft EIR the other scope that's important to mention are the direct access ramps (DAR). The idea of the DAR is to allow people to access the managed lanes from the outside, from a City street, right to the middle of the freeway without having to get on the freeway and cross over. In trying to find time incentives for carpools and transit and not having to put up with the congestion in the existing City street arterials and, depending on where the DARs are, it provides a bypass. It also improves the efficiency of the highway because it allows people to move without crossing the lanes. There are 4 DARs in the draft EIR - at UCSD and the hospital down south - at Manchester Avenue where El Camino Real dead-ends at I-5 - at Cannon to serve the airport, Legoland and the commercial businesses - at Oceanside Boulevard, which has promise from a long-term development perspective. That is what is in the EIR.

We know the project is a lot of money and the question is what will we get for the money. In 2006 it was about a 40-minute travel time to do the whole corridor northbound in the afternoon. Currently it's about 34 minutes. It got better by 6 minutes because they opened up the HOV lane to Manchester. Also, with the economy, we've

lost about 4-5% of our customers. If they don't do anything except the LOSSAN rail improvements, then in 2030, because of the additional people moving to the area, we would expect that 34-40 minute travel time to take about 70 minutes to go the entire Corridor. These are averages so it's going to be much worse on many days.

[Councilmember Feller returned to the dais at 6:11 PM]

When we open these improvements it's going to run real well but then it's going to backfill over time as people come to the area. Those people are coming to the area whether we build this facility or not. If we build 8 + 4 and you're in the general purpose lanes, it's going to take you 55 minutes, where the managed lanes are going to do it in 25 minutes. So the time savings is how we use the managed lanes to encourage people into buses and carpools.

The other side of this performance aspect is trying to upgrade any transportation facility in a suburban or urban area are the impacts. First is right-of-way; acquisition of residences and businesses. We've done everything we can through the use of retaining walls to try to narrow that impact to stay within the existing footprint. There are some locations, more so at the north end of the Corridor than the south because of more established communities in the north, where that's not possible. When you look at the different alternatives we need to keep in mind the impact to the communities. Somewhere between 50-100 businesses and homes will need to be acquired, depending on which alternative. That's along the 27-mile Corridor. In Oceanside, with the 8 + 4 buffer, that's about a combination of 13 residences and businesses. In addition, there will also be a number of footing easements and partial takes related to retaining and noise walls. In order to avoid full acquisitions, we will put in a retaining wall.

Natural resources are very important. There are a lot of agencies who have an opinion on what should be done here; Fish and Wildlife, Fish and Game, Environmental Protection Agency (EPA) and the Coastal Commission. The entire project is within the Coastal Zone, etc. We are working hard on mitigation.

The other impact we hear about is noise. We have frequently been criticized that we do small projects and just move the problem down the road. When we got to I-5 we wanted to look at it as a 27-mile system, which adds complexity. In the 27-miles we looked at about 2,200 homes and found about 60-70% of them have an existing noise issue as defined by the federal government at about 67 decibels (db) or higher. There is no noise retrofit program in the County. If we build the project, noise levels are going to increase but we are proposing to mitigate 1,582, which is about 82% of the homes. It's not 100% because as you go up and down the Corridor some of the homes are up high and isolated and it's difficult to mitigate those without building a 30' noise wall, etc. Again, the trade-offs are the coastal views for some of the walls we are building.

When we started this we recognized that this is a unique Corridor and we thought we could leave it better than when we came. We worked with SANDAG and the communities to find out what we could do in terms of opportunities if we make the decision to build; i.e. what do cities want that we could incorporate into the project. SANDAG agreed to a \$50,000,000 budget to look at those types of enhancements; enhancements such as community connectivity, bikes and peds and possible over widening of the overcrossings. The existing facilities sometimes don't have any sidewalks or bike lanes. Any project is going to fix that but we hope to do better. One in Oceanside has connectivity with a school to do a pedestrian thoroughfare as an idea.

Lagoons are a big issue. When we built the bridges in the first place, we tried to minimize the bridge lanes. When we are out there now we may need to lengthen those bridges and improve the flow of the water east to west. Water quality is a huge opportunity.

Regarding community character, Loma Santa Fe on I-5 shows an example of what we can do. Facilities that we built in the 1960's and 1970's aren't what we are

doing. We are trying to blend as best we can this transportation facility. In the case of Solana Beach, we actually worked with their Arts Committee, who came up with the design that we incorporated into the interchange.

We are now in the middle of the draft comment review period. At the end of that we need to pick a preferred alternative. People look at the cost of the entire project and ask if we have to build that all at one time. The answer is no. We are going to have to phase that based on the region's cash flow so that we do not only do the highway improvements at this time, but also the rail improvements as well. Opening Loma Santa Fe and connecting the HOV to the lagoon is a great example and had good bang for the buck. On the flip side of that, the region has already funded 12 LOSSAN projects. Ultimately there are about 40 LOSSAN improvement projects to the rail in order to double track it. They have already funded the first 12.

[Councilmember Feller left the dais at 6:18 PM]

There are 2 public meetings left. There are a lot of complexities to this project; one being the Coastal Act. A longitudinal project of this magnitude has never been dealt with in the current Coastal law. We've worked with the Coastal Commission staff and there is another document we are doing called the Public Works Plan, which talks about a comprehensive addressing of the Coastal issues for both rail and highway and is available on our web page. There will be additional times to see the Public Works Plan because we need to pick a preferred alternative before we can go to the Coastal Commission. We thought it was important to get that document out there so the public could see how I-5 and LOSSAN fits together and can benefit the coastal areas.

Using computer graphics, **ARTURO JACOBO**, Project Manager, stated he will review the actual layout that is in the environmental document for Oceanside. Oceanside begins just north of the Buena Vista Lagoon. One of the first things in the draft EIR is the proposal to close the eastbound loop from Highway 78 to the northbound I-5. The reason is because when we widen the freeway, we end up impacting the lagoons because the ramp from northbound to eastbound Highway 76 will have to be pushed further out to the east. That decision is not final but we put that in there because it does have impacts. We anticipate that issue will get addressed in the separate document for the I-5 and Highway 78 interchange. The I-5 North Coast EIR is a stand-alone environmental document. The other document to address the interchange of I-5 and Highway 78 is a separate traffic study that we did and have forwarded that to Oceanside and Carlsbad to get their comments. We don't plan to make any decisions on that loop until that other study is completed.

[Councilmember Feller returned to the dais at 6:22 PM]

As we go further north, one of the things that we are proposing are sound walls on the west side and the east side. The first property acquisition is located on the west side on Kelly Street, which is a cul-de-sac. It's a single-family residence and will be a full acquisition. As we continue further to the north, one of the things to keep in mind is that in order to accommodate the widening, every bridge that crosses I-5 has to be completely reconstructed because in order to accommodate the now proposed widening, those bridges must be made longer. So, when we do, we propose that the bridges will be reconstructed with standard bike lanes and sidewalks.

[Councilmember Lowery left the dais at 6:23 PM]

California Street is another area where the project will require full acquisition of homes on the west side. There are 3 properties at this location and at this location is where we have the first proposed enhancement. In 2006 we came to all of the communities, including Oceanside, and brainstormed with our planners to try to determine what kind of additional urban planning ideas to integrate to restore the connectivity that was taken away when the freeway was built in the 1960's. We hired a consultant and met with City staff to get additional ideas. We then brought those ideas

to the community and asked for their input to rate the different enhancements. After that we also had a few meetings, particularly in the Capistrano area and the north end of Oceanside on the east side.

At this location we plan to put the first enhancement, which will be a community park. With this property required as part of the widening, the idea would be to provide enhanced landscaping, widen the bridge and provide sidewalks and a bike lane and a mini-park for this community. While this enhancement will be built as part of the project, it will require a cooperative agreement with the City in order to maintain them in the future. Maintenance and landscaping in the future will need to be done by the cities.

Further north we have additional impacts to properties on the west side. There are 4 properties north of California Street on the west side. We have proposed a sound wall north of California Street on both the west and east side. On Soto Street, the homes whose backyards face Soto Street and are not really adjacent to the freeway, but the current parallel parking for northbound traffic on the east side of the street will most likely be eliminated because we have to widen it and build a retaining wall and as part of that, we will be reducing Soto Street on that one block.

[Councilmember Lowery returned to the dais at 6:26 PM]

At Oceanside Boulevard we have another proposed enhancement. A couple of years ago City staff contacted Caltrans with a plan to beautify Oceanside Boulevard to the east, so we are proposing providing additional enhancements, including wider sidewalks and bike lanes between the east and west. We also have a DAR (an interchange within the middle of the freeway that connects the HOV lanes to the local streets) at this location. Between 2004 and 2007 we worked with the City to see where the best location would be for a DAR. One criteria was that there had to be a need for traffic demand in the future. Secondly, to make sure there were no right-of-way impacts to private homes. Third, to make sure we didn't impact any wetlands.

Within the City we considered several locations but this was the only area where there was enough room to put a DAR that would not impact the environment or additional homes. The DAR will be just north of Oceanside Boulevard, will connect over to the east side, go between the shopping mall and the existing golf course and then it will tie into State Tree Street. That will provide an access to the Sprinter along Oceanside Boulevard. Just north of the DAR there are additional sound walls that are being proposed on the east and west side.

We have come to the community at Brooks Street several times and have seen the need for wider sidewalks and standard bike lanes, which we will provide that when we rebuild the overpasses.

Going further north, on the east side there is a commercial termite business that will be impacted. On the west side there are 2 apartment complexes that will be impacted; both are adjacent to the State right-of-way line.

We had 2 or 3 meetings with the Oceanside School District who expressed their concern about the safety of students crossing Mission Avenue, going from the high school on the west side over to the east side. Currently there are free right turns for the cars going eastbound on Mission to southbound I-5, and free right turns for the cars going northbound and exiting to go eastbound on Mission. So we decided we have the potential to shift all of the moves to the north side of the interchange. By doing that, the south side of Mission Avenue will be provided with a sidewalk of 10-12' wide and additional landscaping. That way the students will be able to exit the high school and if they stay on the south side of the bridge, they can cross the freeway safely. That will require, because of traffic reasons, the City to consider cancelling the entrance to the shopping center on the northwest quadrant for traffic going eastbound, there is a left turn pocket to enter the shopping mall. It could stay open but we anticipate it would be

fairly difficult for cars to access that because of the new traffic signals that will be incorporated as part of the 2 new loops.

Further north we are impacting a residence on the east side and 3 additional properties on the west side. Currently the City has a community garden at this location and we are proposing to provide additional areas on the west side and east side for people to have community gardens. Further north on Neptune Street on the west side there is an apartment complex that would be impacted.

Crossing Highway 76 there are no proposed improvements to the existing ramps. Once across the freeway we get toward Harbor Drive. He has met with this committee about 4 times in the last 3 years. When he met with them they had several concerns with regard to traffic. They were especially concerned that in the morning the people entering the Base would back up all the way past Highway 76, so there was no way for them to enter the community. They also commented that when it isn't peak period, traffic was flowing by so fast that anyone coming from the west side on Harbor Drive had difficulty merging over to the right side to exit at San Rafael Street. So we are proposing to leave the existing ramp as it is but sign it off so it will be only for people to enter the Base. The people who need to access the Capistrano community will continue further north and exit on a new ramp that will make an intersection with San Rafael Street and left turns will not be allowed at this location. Also we will need to close the existing off-ramp the community has. For traffic coming from southbound I-5 and exiting at Harbor Drive we are proposing putting a tunnel right under the off-ramp so people from San Rafael Street can bypass that traffic to enter their community.

Another concern they had was the existing tunnel just north of the river that is currently maintained by the City. One of the enhancements we are proposing is to make the tunnel wider, to provide additional lighting and to provide a trail for the community in case they don't want to use the tunnel they can go towards the bottom of the river and walk the trail instead.

He reviewed the pocket park landscaping enhancements, trails and wider sidewalks and bike lanes that had been previously discussed (via graphics), paths/trails from California Street that will tie into Moreno Street, Bush Street community gardens on both the east and west sides, a small park and ride lot is proposed and some type of monument saying City of Oceanside/County of San Diego. That concludes the presentation.

COUNCILMEMBER SANCHEZ stated we're still working through the widening of Highway 76 so we understand the complexities and impacts to residents and now critical it is to be involved at this stage. Since you indicated that you were acquiring a mix of 13 private properties, homes and businesses, she asked if he could provide that list to her.

MR. JACOBO indicated he could email it to her first thing tomorrow morning.

COUNCILMEMBER SANCHEZ stated we just placed the EIS on our City website. For residents, the deadline to submit comments is October 7, 2010. She believes the comment form is also on the website.

MR. JACOBO stated that all of the information for this is at keepsandiegomoving.com.

COUNCILMEMBER SANCHEZ asked if one of the community meetings is at Oceanside High School.

MR. JACOBO noted upcoming community meetings on August 24th at Skyline Elementary in Solana Beach and then there is one on September 9th at Oceanside High School at 5:00 PM.

COUNCILMEMBER SANCHEZ understands also that there is some City property that they are looking to acquire that includes Goat Hill, which is one of our parks, and that is going to be a sensitive issue.

CITY MANAGER WEISS believes part of the DAR will go over what is golf course property.

MR. JACOBO confirmed we will need a partial acquisition from the golf course in order to put the DAR between the shopping mall and the golf course.

COUNCILMEMBER SANCHEZ spoke with some Councilmembers from other cities. We are all concerned and want to make sure that we adequately address the cities. Solana Beach is being very proactive. They have directed their staff to hire consultants to assist them in reviewing and providing comments to the over 1,000-page EIR. With the technical appendices it is probably several thousand pages. The time to address these is now. In terms of providing formal comments, there's not a lot of time left.

She **moved** to direct staff to work with the City of Solana Beach and use the consultants hired by them to review and provide documents on Oceanside's behalf on the I-5 environmental documents and submit those by the deadline of October 7, 2010.

MAYOR WOOD seconded the motion for discussion. He sits on SANDAG and it's still complicated sometimes. If there is somebody already doing another city it might be wise for us to join in. He wants to know the cost.

MR. DiPIERRO has been in touch with the staff from Solana Beach and it seems like they'd be willing to work with us on a joint venture and work with their consultants that they've already hired. We could possibly piggy-back on work that's already being done by their consultants.

COUNCILMEMBER SANCHEZ understands they have to study the entire project and then focus on Solana Beach.

MR. DiPIERRO responded that is true. He thinks half of the work would probably already be done and then we could have them focus on Oceanside. Staff would also be providing comment on top of what the consultants say.

COUNCILMEMBER SANCHEZ feels like she learned a big lesson in the Highway 76 widening and this is extremely important to do. She spoke to Mr. Jacobo on the phone several years ago in response to a resident who lives very close to I-5 near Kelly Street, who asked her to get a meeting together with the community. Mr. Jacobo's response was no, we're not going to do that until the documents are out for public review. This is the time. It's a very short time. She knows how important it is for people to know what is going to happen; how they will get to work and whether they will have to move, etc.

MR. JACOBO responded when she called it was right after we had a meeting in South Oceanside and after that we had the meeting in San Juan Capistrano, so the timing wasn't quite working, but we had just had a meeting and another one planned. All along we've been responding to public comments, specifically private property owners.

COUNCILMEMBER SANCHEZ stated now we're going to have to work really quickly.

Public input

JIMMY KNOTT, 127 Sherri Lane, went to the meeting held in Carlsbad. He read the documents. On page S-15 he disagrees with Caltrans, under the definition of

Loma Alta Creek, where they label the mobile home communities. State law designates mobile home communities very clearly as mobile home communities as trailer parks. Caltrans labels the parks as trailer parks to possibly enhance the wetland habitat and water quality before the water empties into the Pacific Ocean. In other words, they have plans for environmental mitigation, potentially eminent domain.

He found out at yesterday's meeting from their engineers and designers that their mapping and design features are inaccurate. You are supposed to add on 15' for a variable. That 15' will wipe out 4-12 mobile homes. This will affect more homes than what is being disclosed.

Also, NCTD has cut back their bus service by over 75% over the last 15 years. This will have a dramatic effect on their plans. Missing in their plans is a service road on the Sprinter line at the bridge at Oceanside Boulevard. Also, the school bus service in the Capistrano neighborhood has been cancelled.

LARRY BARRY, 3973 Brown Street, stated we all know about Caltrans and SANDAG and if they say it's going to cost a certain amount of money you can bet it's going to cost about 4 times as much.

He thinks it's a great idea to have the HOV lane go all the way up to Highway 76. We have to emphasize public transportation to the younger generations. This is an awful lot of money and time and there is a lot of mitigation going over wetlands, etc. We're going to be in trouble if we don't do something. If we put more money in and lowered the prices on mass transit, we can probably get a lot of people out of their cars.

JACQUELINE EGAN BARRY, 3252 San Helena Drive, feels we're not ready to do this on Oceanside Boulevard. She is not ready to have more construction with the impact on us. She needed a translator to understand the speaker. She would like someone to explain it a little more clearly. We're not ready to give up Goat Hill. This is not what we want. We want to be left alone.

Public input concluded

COUNCILMEMBER LOWERY stated the presentation was fast-paced and he couldn't keep up with it. He asked where all the money is coming from and if we actually have it to build.

MR. KOSUP replied this was in the TransNet program so in theory the TransNet program will be about half of the funds for the entire improvements; the rest would come from traditional State and federal gas tax sources. This is not going to get built in one project. When you look at the LOSSAN improvements, you are looking at probably \$5,000,000,000 to \$6,000,000,000 and that's going to have to get spread out over a period of 15+ years. We don't have that money now. SANDAG forecasts cash over the next 20+ years and then they try to reserve for some of the projects coming through. The money is not there now. What's before us now is do we want the project and managed lanes, etc. A lot of the engineering, once we pick a preferred alternative, has a lot of flexibility left and they can work with people to refine the design.

COUNCILMEMBER LOWERY asked how long the construction will go on through Oceanside.

MR. KOSUP responded we would typically be looking at a 3-4 year construction period.

COUNCILMEMBER LOWERY stated for a few years we would have construction all around the freeway and throughout Oceanside. Many of the areas/neighborhoods from South Oceanside, up through the Capistrano neighborhood, which would include the western part of Fire Mountain, the Loma Alta neighborhood, the Goat Hill/Center City Golf Course neighborhood would be affected. How will the

residents know about this?

MR. JACOBO responded every resident and business within a mile and a half of I-5 should have received a postcard notice.

COUNCILMEMBER LOWERY has been at his address since 1996 and he didn't get anything. He also didn't hear about it from anybody else.

Currently how long does it take to go from Oceanside to San Diego or the other way around on the freeway.

MR. KOSUP replied on free-flow (no congestion) it would take about 25 minutes. In a congested period it can take upwards of an hour, so it adds about 45 minutes.

COUNCILMEMBER LOWERY asked what it would be once we have finished the project.

MR. KOSUP replied depending on which alternative is picked to the south of Oceanside, because there is only one alternative in Oceanside, we could be saving somewhere between 15 minutes on the general purpose lanes to about the same as it would be now. Remember, the managed lanes are 25 minutes from San Diego to Oceanside. That's our goal to keep them at 25 minutes. There may be congestion on the existing facility but the managed lanes are going to be free-flow.

COUNCILMEMBER LOWERY asked what the timing would be with the no build option.

MR. KOSUP replied 70 minutes on average but frequently that would be over 100 minutes.

COUNCILMEMBER LOWERY asked if the DAR that is proposed for Oceanside Boulevard would start on State Tree, which is between Ralph's and Boney's, and asked about the ramp.

MR. JACOBO replied yes, it will connect to State Tree Street. The DAR is preliminary now but it would have to be at least 20' over the existing freeway. It will be a typical overcrossing. A good example would be Mission Avenue. It will be that high over the freeway, it will cross over to the east side and then immediately would begin to go down. Right after it crosses the freeway it would begin to slope down. Somewhere along the line between the east side of the freeway it will begin to taper down so by the time you get behind the shopping center it will be at grade; at the same level as the alley behind it.

COUNCILMEMBER LOWERY stated there was a Rand Study done about Los Angeles freeways and it said that in 2-3 years all of these freeway lanes will fill up, is that correct?

MR. KOSUP replied over time the region is expected to grow by another million people so they're going to fill up. But it would be a lot worse if you don't build it. While you may only see congestion 2 or 3 hours a day, if we don't build it and we add a million people to this County plus the neighboring counties and Mexico, then you're going to see that congestion going 8 hours a day and it will look a lot like Los Angeles.

COUNCILMEMBER LOWERY asked if a lot of this is so we can get the people from Los Angeles through Oceanside easily so they can go to San Diego.

MR. KOSUP replied no. There are several different customers who use this Corridor. There are local people who get on and off because there aren't good north/south arterials, commuters and people who come down from Orange County, etc.

COUNCILMEMBER LOWERY stated it was mentioned there would be 13 losses of a combination of homes and businesses in Oceanside. He is concerned about individual property rights. Would that be done through eminent domain?

MR. KOSUP hopes not. Generally we do a fair market appraisal and the owner can get their own fair market appraisal. We have a relocation program where we work with the owner to find them a comparable house in the area. We use that appraisal just like anyone would use purchasing a house. We find that most of the time we reach settlement based on those appraisals. Eminent domain is a last choice.

COUNCILMEMBER LOWERY asked if the 13 homes and businesses that are going to be demolished, does that include the 12 mobile homes that Mr. Knott mentioned.

MR. KOSUP doesn't know that we agree that those mobile homes would be impacted.

COUNCILMEMBER LOWERY asked if the apartment complexes that were mentioned that are going to be impacted, how many actual residences are in those 2 apartment complexes.

MR. JACOBO replied there are approximately 29 units total for the 3 apartment complexes identified in as potential impacts.

COUNCILMEMBER LOWERY asked if they counted those 2 apartment complexes in with the total number of 13 homes and businesses.

MR. JACOBO replied no, that's in addition. If he remembers correctly there are 13 single family residences, 3 apartment complexes and 1 business.

COUNCILMEMBER LOWERY stated it sounds like we're maybe between 40 and 60 residences that are going to be relocated.

MR. JACOBO responded yes.

COUNCILMEMBER LOWERY stated this does not address the I-5/SR-78 intersection at all.

MR. KOSUP replied that's correct. That is a separate document and we're already working with City staff to look at what alternatives we want to bring into the environmental document for that.

COUNCILMEMBER LOWERY stated the folks in that area are going to have to experience the ongoing gridlock of their surface streets and tolerate the construction for 3 to 4 years with no relief.

MR. KOSUP replied the intent would be that we would design and build together the I-5/SR-78 improvements with the I-5 improvements. It's just that the decision process is a little bit separate. You are talking about the complexity in the number of pages for I-5. At some point we need to stop. I-5/SR-78 has independent utility. The idea would be to catch up and then build them together.

COUNCILMEMBER LOWERY stated on the Noise Report it said that there would be severe noise impacts with a no-build on 195 homes. It said with the build, it would be 549 homes severely impacted.

MR. KOSUP replied if no mitigation was provided there would be 549, but that's not the reality of the project. The project comes with attenuation, so those 549 go lower that are mitigated.

COUNCILMEMBER LOWERY lives about a half a mile west of I-5 and it's noisy constantly, so with the mitigation would the noise be less with another 8 or 10 lanes on the freeway.

MR. KOSUP replied the mitigation is focused on the first and second row of homes. As you go further out the noise bounces around and goes off hills so that is very difficult to address. We are looking at ways to regrind pavement to make it quieter but it is always going to be a freeway.

COUNCILMEMBER LOWERY thought he saw drawings of sidewalks and bike lanes parallel to the freeway. Was that just an illustration of a residential neighborhood that was not connected to this freeway project?

MR. KOSUP replied that was an arterial, it wasn't parallel to the freeway. That was meant to be a City street, like Oceanside Boulevard, etc.

COUNCILMEMBER LOWERY is concerned that we don't have enough resident input and we'll start getting the residents screaming when they see the future project coming to their neighborhood. If there's any possibility that we can set up some kind of community-based group, not something that hires City staff to spend their time or an outside consultant, he would just like to see that we create something for citizen input. He didn't get any announcement in his mail so the other people who are learning about it tonight can put their two-cents worth in. He is concerned that the residents won't find out about it until the bulldozing begins.

COUNCILMEMBER SANCHEZ was concerned about insuring that we got our City's input because of the bad experience we had with Highway 76. It sounds like we may have some flexibility on I-5 but we aren't having any flexibility on Highway 76. She wondered why this didn't include a fix for I-5/SR-78 because our residents have been suffering. She doesn't understand why we're here. If it is at full capacity in 3 years we'll have to do something else after that so why don't we go to mass transit.

We do have an opportunity to work with our community and help get the word out. We should also work with the cities that are impacted up and down I-5. We need to designate 2 Councilmembers to work with the other cities and the community insuring that we get the information to Caltrans in a way that's going to make an impact. She feels like she's spinning wheels with Highway 76 and she doesn't want us to go down the same road. She wants Council to be representative of our residents and as aggressive as possible and that this actually ends up being a solution that works rather than becoming a hindrance to the quality of life of our residents.

We don't want people to move. People will move out and they will become poor neighborhoods because no one is going to want to live near the freeway with the noise and pollution.

COUNCILMEMBER KERN stated part of it has to do with the phasing of this project and questioned the phased building.

MR. KOSUP replied SANDAG Board has identified and earmarked funds for the first phase, which is to complete the HOV from Manchester to Highway 78. Much of the congestion you see at the north end is because the congestion starts south of us and backs up into Oceanside. The idea is to remove that bottleneck there. We would then go back to the south and work north with the construction of the managed lanes. The HOV project is just one lane in each direction. The managed lanes are at least one more in each direction. The work in Oceanside could be 7 to 10 years away at least, depending on cash flow.

He clarified that he never meant to infer that 3 years after opening this it would be full. He was trying to infer that over 30 years the region would continue to grow and

then it would reach capacity again.

COUNCILMEMBER KERN stated we all understand that if we don't build it it's going to get worse. He asked if the Vista Way/SR-78 project is tied to the construction schedule of the widening of I-5.

MR. KOSUP responded yes, that would be the idea.

COUNCILMEMBER KERN asked if it will be done when they do the Manchester to Highway 78 HOV lane or later.

MR. KOSUP replied it would be done in the managed lane project in that 7 to 10 year time frame. The HOV is looking at a 3 to 5 year time frame.

COUNCILMEMBER KERN can't approve hiring a consultant without a cost. He isn't going to approve an open-ended contract for a consultant. That would be fiscally imprudent. He encouraged people to come forward and have their comments. He can't see spending money on a consultant. He would go and listen to the presentation on September 9th and understand what's happening and when and if you have comments do it at that time. We don't need a consultant to read a piece of paper for the public to give comments. The public has a right to know and will put those comments in on September 9th.

CITY ATTORNEY MULLEN stated that the City Manager has the authority, under the City's Purchasing Ordinance and Administrative Directive, to contract for up to \$50,000. Anything above that would have to come to Council for approval. If the Council motion was to hire a consultant, the contract would have to come back to the Council for final approval.

COUNCILMEMBER SANCHEZ confirmed that.

COUNCILMEMBER FELLER stated even when this EIR closes in October, we're looking at another 7 to 10 years and probably more when this finally does get built. Is 7 to 10 years correct?

MR. KOSUP replied yes, at least 7-10 years.

COUNCILMEMBER FELLER heard in the last 2 years about no more consultants. He's heard it from people sitting on the dais. He doesn't support getting a consultant at this point. Staff are more than adequately qualified to address this. City Manager Weiss is an engineer and can have his input. He asked if the City of Solana Beach paid any money for the artwork on Santa Fe.

MR. KOSUP replied no, it was part of the project costs but they chose the artist, etc.

COUNCILMEMBER FELLER thinks we should be asking for those new kinds of freeway designs. If it's part of the project, he would go for that.

COUNCILMEMBER SANCHEZ noted the problems with the Highway 76 project and possibly spending millions of dollars to fix something that should never have happened because of Caltrans' obscure document showing that Jeffries Ranch Road was supposed to be closed, even though staff and Council had constantly talked about a right turn in/right turn out. On the I-5 corridor we can proactively hire some folks to do what staff is needing to do but because of the short time period doesn't have time for.

COUNCILMEMBER LOWERY thinks it's frustrating to be here and think about how we spend money in the City. The City has an annual budget of \$300,000,000, so we're spending almost \$1,000,000 day. We have cut back so much that the Civic Center is almost empty. But we still have to be concerned about our citizens. If it's important

to save money for a rainy day, he thinks the freeway coming through Oceanside is a rainy day event. We're going to have a lot of construction going on and a lot of disturbed homes. He has no idea how many homes are going to be bulldozed in this project. Apartments are homes as are mobile homes and houses. There are businesses that are going to be demolished and replaced. It's going to cost us money because we can't read all of these documents. He would really like to piggy back onto consultants who are experts in reading these documents. It appears we might need this expertise, based on the volume and depth of this project. He thinks it's outrageous that we have to spend so much money, but if we don't spend the money on this and the citizens are not knowledgeable of what we are getting, then we have done them a disservice.

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

COUNCILMEMBER LOWERY moved to set up a Council workshop to discuss the I-5 expansion project and that, as a result of that, Council decides if we want to form an ad hoc committee to continue to study the proposal.

COUNCILMEMBER SANCHEZ seconded the motion. She thinks we need to have an ad hoc committee and we should pick 2 Councilmembers to work with the other cities as well as make sure this happens. This is something that needs to be coordinated.

COUNCILMEMBER KERN asked when this would be happening.

CITY MANAGER WEISS stated, given the time frame, Council needs to do this within the next couple of weeks.

COUNCILMEMBER LOWERY stated it would be direction to staff to do it ASAP.

CITY MANAGER WEISS asked if Council wants to have this meeting before the Caltrans meeting September 9th.

COUNCILMEMBER KERN understands the idea and wants to make sure if it's a meeting, we have a productive meeting. Who is going to be there – Caltrans, City staff?

COUNCILMEMBER LOWERY is willing to meet with City staff to discuss how we notify people. It's too late for the water bills or to send out any postcards.

MAYOR WOOD would recommend referring it to the City Manager to get back with Council regarding a particular time and date and who will be there.

COUNCILMEMBER KERN thinks the level of interest dictates this room or larger if that number of people along the corridor are interested. We have to wait until at least after Caltrans' September 9th meeting so the public has a good understanding when they come here. He doesn't think that precludes designating 2 Councilmembers now to go and talk to other cities. You can do it as individuals. We can appoint a couple of liaisons to other cities to discuss the I-5 corridor, but we don't need an ad hoc committee.

Following discussion, **COUNCILMEMBER SANCHEZ**, as the **second** would like to make a friendly **amendment** to Councilmember Lowery's **motion** that Council designate 2 Councilmembers, Councilmember Lowery and herself, to act as liaisons to insure that this community meeting happens and that we also meet with the other cities. Councilmember Lowery wants to have the Council workshop. Does Councilmember Lowery accept that amendment?

COUNCILMEMBER LOWERY, as maker of the **motion**, accepted the **amendment**.

Motion was approved 5-0

[Recess was called from 5:17 to 5:34 PM]

Mayor Wood determined to continue with Item 24(1).

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

24. Request by Councilmember Sanchez to restore public safety items:

1) fire engine at Fire Station 8

COUNCILMEMBER SANCHEZ stated this is another item that was discussed during the budget process and she really appreciated the creativity of all the staff in trying to come up with cuts. For the Fire Department, it was getting to the bone, which means cutting firefighters and paramedics. When this came before Council with the notion of staffing Fire Station 8 with something other than a full fire engine, she questioned if this would impact the residents' level of service. The response she got was that there would not be a difference. After that we had several seniors come forward from Peacock Hills who were very concerned about the level of service they were going to get. She inquired about it and got a chance to look at a picture of the pick-up truck that was substituting for the fire engine. It would not provide the same level of service and is not acceptable.

She placed this item on the agenda to restore the fire engine at Fire Station 8 and since then she's had a discussion with the City Manager and has found a way of insuring that the surrounding neighborhoods would never be threatened with a loss of level of service. That has to do with making sure this is provided in a more permanent way, in a way that we are going to know what's going to happen and it's a stable situation through contract negotiations. She has directed the City Manager to insure that this item is addressed during the negotiations, so she is taking this item off the agenda. She wanted to let everyone know, as she is taking it off the agenda, that this is very critical to the public safety of all of our residents.

6:00 P.M. – PUBLIC HEARING ITEMS

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

34. City Council: Approval of 20-year power purchase and site lease agreements with SunEdison of Beltsville, Maryland, for the San Luis Rey Water Reclamation Solar Photo-Voltaic System project and the use of approximately 10 acres of City-owned land, on-site at 3950 N. River Road for the project; authorization for the City Manager to execute the agreements; and adoption of a resolution making findings that the project will generate cost-savings

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

CARI DALE, Water Utilities Director, stated this is a green project that will generate one megawatt of energy to be used at our San Luis Rey Water Reclamation Plant. She used computer graphics to show the site. The proposed site is south of the San Luis Rey Water Reclamation Plant and west of some communities.

There are 3 actions in the staff report. The first is to affirm findings regarding the cost according to the Government Code, which states that the anticipated costs for electrical services to be purchased by the City from a third party provider would be less than the anticipated costs that you'd otherwise purchase that electricity from – SDG&E.

Some of the assumptions used in determining what the savings might be are: 1) the energy purchased during the first year of the project would be 12.5 cents per kilowatt hour, 2) SDG&E rates are a little bit more than a penny higher per kilowatt hour [13.57 cents] so we are realizing savings during the first year, 3) assumes SDG&E is raising its rates annually at 3%, and 4) a net savings over 20 years would be \$1,195,000 to the Sewer Fund, or \$60,000 per year.

The second action is to affirm findings for the lease. This is to make a finding that the Lease Agreement and the agreed lease payment is anticipated to be offset by below-market energy purchased under the Power Purchase Agreement.

The third action is to authorize execution of the Power Purchase and Lease Agreements.

Public input

JACQUELINE EGAN BARRY, 3252 San Helena Drive, the report only says housing to the west. What housing are we looking at and why isn't that discussed?

Public input concluded - Mayor Wood closed the public hearing.

COUNCILMEMBER KERN stated there is no housing to the west. This is actually west of houses and to the west of that is Whelan Lake. This is a good start to a project. Once we get this up and running we can figure out what breaks and what makes it and then we can expand it to other locations in the City.

He **moved approval** [of 20-year power purchase [**Document No. 10-D0611-1**] and site lease agreements [**Document No. 10-D0612-1**] with SunEdison Solar Photo-Voltaic System and adoption of **Resolution No. 10-R0613-1**, "...making findings for energy services contracting and authorizing execution of Power Purchase Agreements and Lease Agreements"].

What is the timeline on this?

SAM YOUNASZEDAH, SunEdison, replied it is dependent on permitting and California Environmental Quality Act (CEQA) reviews, etc. Once we actually start construction, it's 60 to 90 days, assuming we don't encounter any conditions we have not planned for.

COUNCILMEMBER KERN stated this is pretty flat ground so this looks like the perfect location for this. Is there any impact to the birds around Whelan Lake? That's a very critical bird habitat out there.

DIRECTOR DALE responded we have been speaking to the citizen groups adjacent to the facility as well as to Whelan Lake. It is her understanding that the bird sanctuary is far enough off of the property being considered here that it wouldn't have impact to that wildlife population.

COUNCILMEMBER SANCHEZ **seconded** the motion.

COUNCILMEMBER LOWERY questioned the costs.

DIRECTOR DALE stated the actual cost that the City will put out is approximately \$15,000. The capital and the maintenance costs over the life of the project, which is 20 years, is approximately \$9,000,000 and is all borne by SunEdison.

MR. YOUNASZEDAH responded the design process is a couple of months to undertake. Once we move through the Council's vote, we can get started immediately and move through the hurdles before them.

COUNCILMEMBER FELLER asked when solar fails, or there's new technology, how do we get out of the lease.

CITY ATTORNEY MULLEN stated we would have to terminate the lease and there are provisions in this lease that allow for mutual termination.

COUNCILMEMBER SANCHEZ understands that there would be several alternatives with respect to the termination. After 20 years we would own the building, is that correct?

DIRECTOR DALE responded there are 3 alternatives at the end. We have the option to purchase the system, we could ask SunEdison to remove the system at their cost, or we could negotiate another 5 to 10 years onto the life of the contract.

COUNCILMEMBER SANCHEZ asked if the contract is flexible enough to encourage movement toward new technology within the 20 years.

DIRECTOR DALE doesn't know if that was addressed in the contract.

CITY MANAGER WEISS believes if there are new technologies that present themselves then we would work to try and do that. Right now, with the type of system they're using, it is based on the most current technology and we are projecting there are going to be energy savings. If there's a benefit to both the City and our partner in this, we could certainly try to make that happen. We are looking at different avenues to save energy costs, and for today this is the best deal that we have.

COUNCILMEMBER SANCHEZ asked if then the contract is flexible enough.

MR. YOUNASZEDAH replied as the owners and operators of the asset, if new technology presents itself that is bankable and something that we view as a way to generate more electricity, we will review it and if it makes sense, go ahead and do so. We only get paid off of the energy the system produces and the City purchases, so we are on the same side of the table there.

Motion was approved 5-0.

35. **CDC: Adoption of resolutions certifying a Final Environmental Impact Report (EIR) and approving Tentative Map (T-200-07), Development Plan (D-201-07), Conditional Use Permits (C-200-07 and C-204-07) and Regular Coastal Permit (RC-202-07) for a mixed-use development consisting of 24 residential condominium units, 127-unit hotel and a 3,000-square-foot restaurant located at 1103-1105 North Coast Highway, and adoption of a Statement of Overriding Considerations pursuant to CEQA Guideline 15093 – Hyatt Place – Applicant: Shantu Patel**

- A) Chairman opens public hearing – hearing was opened.
- B) Chairman requests disclosure of Commissioner and constituent contacts and correspondence – Mayor and Councilmembers reported contact with staff, applicant, site and public.
- C) Secretary presents correspondence and/or petitions – copy of letter that Council received from the North Coast Village President expressing their issues and Economic Development staff just handed an email from Michael Cafarchia being distributed now.
- D) Testimony, beginning with:

Using computer graphics, **KATHY BAKER**, Redevelopment Manager, stated the project site is approximately 2.3 acres and proposes a 127-room hotel, 24 residential condominiums, an approximate 3,000 square foot restaurant, 2 meeting rooms, a fitness room, laundry and a public observation deck. The proposed site is located at 1103-1105 North Coast Highway and there is an existing hotel with 80 units and a restaurant, which many people know as the Flying Bridge.

The residential component would have 24 residential units for a density of approximately 28.9 units per acre, with 49 parking spaces, which would be located below ground. All of the units are 2 bedroom and 2 bathrooms with approximately 1,460 to 1,530 square feet.

The commercial component would be a 4-story building, which houses the hotel, the restaurant and the underground parking. The restaurant in the EIR stated that it was 7,000 square feet, but in actuality the seating area is 3,000 square feet. The reason for the larger number is for site prep and kitchen area, so to clarify it is approximately 3,000 square feet. The hotel and the restaurant will be providing 171 parking spaces; 148 underground and 23 on the surface. The elevations and cross sections were displayed.

The project also proposes an observation deck for the public, and the applicant is willing to include park benches, a viewing scope and an interpretive sign to identify local habitat in the area. We are hoping to work with Audubon or some other group to put signage out there so people have viewing opportunities of the local habitat and wildlife in the area.

Due to the significance of this project, the applicant did go through an Environment Impact Report (EIR) process. Therefore, the proposed project has gone through extensive environmental review. There was a scoping meeting held in March of 2008, a Notice of Preparation was conducted February 19, 2008, and there was a 45-day public review process from April 17, 2009, through June 5, 2009. At that time we did receive 4 letters, which were addressed in the final EIR that was issued April 28, 2010. Several of the issues that were identified in the EIR include aesthetics, biological resources, cultural and paleontological resources, geology and soils, hydrology, water quality, land use, noise, transportation and traffic.

Looking at elevations, she pointed out a tower that is primarily architectural. There will be no space and the applicant has agreed not to put any signage on the tower element. Those are conditions that were added to the project.

The final EIR did discuss the economic impacts of the project. It's estimated that it's going to add approximately \$245,000 of tax increment on a yearly basis and would generate approximately \$550,000 annually in Transient Occupancy Tax (TOT). In addition, it's estimated that the project will create 170 temporary construction jobs and 35 full-time positions between the hotel and the condominium project.

The Redevelopment Design Review Committee did review and approve the project on December 19, 2008, with a 5-0 vote. The Redevelopment Advisory Committee (RAC) reviewed the project at their June 16, 2010, meeting and approved it unanimously. There was a condition added by the RAC. There was some concern about the residential component potentially being rented on less than a 30-day basis and there was concern that with short-term rentals it could be over-occupied and have parking issues. The developer has agreed to the condition.

Staff believes that this project is consistent with the California Coastal Act, as well as the City's Redevelopment Plan, the Local Coastal Program and the Downtown District Ordinance. Staff further believes that the development will provide a social and economic benefit to the downtown in the form of creation of full-time jobs, short-term jobs and secondary service jobs. It will enhance the visitor-serving opportunities in the Redevelopment Area and increase our tax base.

Staff recommends approval as follows: adoption of the resolution certifying the Final Environmental Impact Report and adopting the environmental findings, issuing the Statement of Overriding Considerations and Mitigation Monitoring Report and adoption of the resolution approving the Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal Permit.

Applicant

ERIC MUNOZ, Director of Planning with Hofman Planning & Engineering, 3152 Lionshead, Carlsbad, submitted this project a couple of years ago. Working with staff we went through the EIR process.

This site was built in the 1950's and does have the opportunity to be redeveloped and provide a lot of value to this part of the City. There will be external and internal appearances that will improve the site. The external improvements will be new construction to reflect a modern building compared to what's there now. Internally the square footage will have more view optimization as you look toward the west; not only the hotel rooms and condo units, but also the meeting rooms, restaurant and bar area will have views that orientate towards the west.

With the site grading and the redevelopment of the site, there will be new compliance with storm water runoff and all of the new regulations for hydrology and drainage that were not in place several decades ago. There is no expansion of the footprint of this development. We are compliant with all City standards and have gone through the EIR process. The architecture responds directly to the community input we got a couple of years ago. The tower element started off as a Mission theme and we got several comments from the Arts community and staff to consider something else. We were looking at the harbor and the lighthouse idea hit us so we went with the ocean theme of the lighthouse. There will be no signage on the lighthouse (tower) and there is a condition of the project as such, which we are happy to accept.

Finally, there are some internal improvements that are not in place right now. The water conservation low-flush toilets will be in place, entry activated air conditioning, solar energy use, glazed windows, etc. Fire protection and the slope are getting new treatment. The slope will be rehabilitated with native plantings. There were some non-native plants and some fire issues before that will be rectified. There is a Maintenance Plan required for the project that will look at rubbish and operational issues. We are happy to have a clear signal of support from the community. We have gone to several community groups, met with individuals, responded to letters to the EIR process and he has met with 3 or 4 groups and has secured support letters from most of them.

Public input

DIANE NYGAARD, 5020 Nighthawk Way, representing the Sierra Club MHCP Task Force, stated this is clearly a special property and many things have been done to respect the sensitivity of this particular location, but there are 2 issues we are going to ask Council to address tonight that would make the project fit with our community. The first is Condition 151 that talks about the Management Plan for the site. It talks about the landscape areas, but really these slopes below the property next to the habitat/river are not landscaped areas or habitat. We want to make sure that they are fully addressed in the Management Plan; that invasive plants would be controlled in that area, that we control runoff, pesticide, herbicide, erosion and all of the things you would expect that would be taken care of within the entire project footprint will effect these slopes as well. It's not written to say that will happen.

The major concern we have is the project's contribution to greenhouse gases. Council is being asked to approve over-riding considerations. That means that in spite of permanent adverse effects on the environment, you are being asked to say that you believe that the benefits of the project outweigh that. That's significant. When you do that you have broad discretion to add conditions that will help reduce those adverse impacts of the project. We would encourage Council to use those discretions to reduce those impacts. The applicant has hundreds of ways that they could reduce greenhouse gases, which is energy use of the project. Many projects in North County fully meet the new State guidelines for reducing greenhouse gases. This project has chosen not to do that but these things do matter. It's possible for Council to approve the project tonight,

but direct that they work to improve their greenhouse gas emissions. They could come back with a report showing how they propose to do; it could be approved at a staff level. That is a good compromise.

JACQUELINE EGAN BARRY, 3252 San Helena Drive, stated no one has addressed the fact that this is more construction in Oceanside and all of the dumping.

Public input concluded

Applicant rebuttal

MR. MUNOZ heard 2 points. The first was in regards to the rehabilitation of the slope. That's something that we are conditioned and willing to do so he's not sure what the gap is from what we are willing to do against the public testimony we just heard. He had the EIR consultant address greenhouse gases.

MARCIA ADAMS, Director of Environmental Studies at Affanis Environmental, 847 Jamacha Road, El Cajon, helped prepare the EIR, stated with regard to the greenhouse gas issue, this has been a very difficult issue for us as CEQA practitioners to get our hands around in the last few years since it became mandated that we address this in our environmental documents. But yet the State has not provided any threshold for us to measure as significant. In the absence of that, we have been trying to be prudent and erring on the side of being conservative; in most cases simply saying we can't prove that it isn't cumulatively significant, so we will concede that it may be significant. Therefore, we go the route of unmitigated cumulative impact and have to do a Statement of Overriding Considerations. No two CEQA practitioners do this the same way. We've been told in countless workshops that we are on our own in how we interpret this.

What she can say in the case of this project is that when this EIR was prepared we had no thresholds whatsoever. Subsequently there have been some thresholds that have been adopted by some jurisdictions, for example the County now has a threshold.

For this project the impact to air quality comes from additional traffic. We are looking at roughly doubling the traffic that comes from the project currently. In order to offset that you could look at point source emissions, which are those emissions that come from structures and the operation of those structures; in this case the hotel, restaurant, residents, etc. Point source emissions are always much smaller than mobile source emissions. Traffic generates a lot more emissions than operational activities. Certainly the project will be including state-of-the-art building materials, updated appliances, air conditioning and even construction equipment that have better emission controls than we had in the past. The project can incorporate what it can do to reduce greenhouse emissions, but given that we don't have a definitive standard to measure it by, we could not make the conclusion that we could solve the increased emissions by incorporating measures into the project itself.

COUNCILMEMBER SANCHEZ stated it appears that Ms. Adams did consider this and try to figure out how to address this for our City. As someone who has actually started to use a lot more hotels, it appears that the people are becoming conscientious about green hotels. There were some suggestions given to make the hotel more pedestrian and bicycle friendly. Is that something that you can incorporate into the project?

MS. ADAMS replied that's pretty much state-of-the-art in most nice hotels that you stay in now. You are given the option not to have your sheets changed or recycle towels. With regard to pedestrian access, she acknowledged that this site is fully accessible from the bicycle path. She doesn't really see people arriving to stay at a hotel with bags on a bicycle. There is full public access to the amenities at the hotel and the observation deck. Someone who is walking down the street could enjoy those things without driving a vehicle.

COUNCILMEMBER SANCHEZ asked if Council approved this tonight to including working with staff in improving some of the greenhouse gases, would you be willing to work to do that.

MS. ADAMS replied absolutely.

COUNCILMEMBER SANCHEZ stated there was a concern that the Management Plan didn't address all of the issues having to do with the slope; runoff, pesticides, etc. Is there some way of fixing that? It was considered minor.

MR. MUNOZ replied you can have native plants but he doesn't know about pesticides and all of that. If Council wants elements in the Management Plan just outline them, but he thinks you would want them to be consistent with the concept of rehabilitating the slope with natives.

SHAN BABICK, Associate Planner, stated we can include that in the Management Plan that they have to address the pesticides and so forth. We could also even include some of the things you are talking about regarding the gases and changing the recyclable materials.

COUNCILMEMBER SANCHEZ thinks having done that makes it an even more attractive place.

MR. BABICK stated we could also ask in their operational characteristics which type of greenhouses they can use and utilize as part of the operation of the hotel.

MS. BAKER talked to Dr. Patel and he said part of the franchise agreement with the Hyatt is that they require those things to be implemented. Staff will make sure we get something from Dr. Patel and include it in the file so he can address all of the operational issues that address those issues.

Mayor Wood closed the public hearing.

COUNCILMEMBER LOWERY welcomed the project after all of these years of development. The staff report on this is really thick because so much work has been done on this project. He is very interested in having projects be considerate of the environment and that green building practices and standards be implemented whenever we can ask them for it. He's not suggesting that we impose that on this project but he is thinking whatever we can do that doesn't put a great cost burden on the applicant, would be a great thing to do; things like mechanical issues such as faucets, lights and air conditioning that save electricity, etc.

Referencing a letter that Mr. Babick passed out, he doesn't understand it. It addresses concerns about bike and pedestrian access on North Pacific Street. Is there something around this project at North Pacific Street?

MR. BABICK responded yes, this is adjacent to the Sea Cliff project and the concern from some of the neighbors is that from Sea Cliff to North Coast Highway you have the ability to access the bike trail through that project, so there was concern about adding additional pedestrians for that. There have been quite a few concerns from Sea Cliff because there have been people taking things as they are going through the complex. In addressing that specific letter, there are some concerns regarding some of the pedestrians coming forth on North Pacific Street, or adjacent or just south of the new bridge. Also addressed in the letter is a concern about a left turn pocket from the driveway just south of the Pacific Street Bridge. Staff is going to look at that.

COUNCILMEMBER LOWERY asked if some action is going to take place as a result of that.

MR. BABICK responded yes, staff is going to look at whether there needs to be a stop sign in that location, etc.

COUNCILMEMBER LOWERY clarified that staff would be addressing the concerns of the already existing residents at Sea Cliff.

MR. BABICK responded correct, although that letter is from North Coast Village. However, he's received several phone calls regarding the increase of pedestrian traffic. That is something the Coastal Commission wanted was if we are going to build Sea Cliff they want direct access for the pedestrians from North Coast Highway to Pacific Street.

COUNCILMEMBER LOWERY asked if some residents are asking for stop signs.

MR. BABICK responded that's the second half of the question; perhaps providing a stop sign on the southern driveway or the northern driveway of North Coast Village.

CITY MANAGER WEISS stated the email that Council has in regards to North Coast Village is not directly impacted by this project. We've entered that into our system and are looking at the traffic impacts associated with that specific request, which is at the Pacific Street Bridge.

COUNCILMEMBER FELLER stated in the staff report it says the proposed development's impacts related to climate change cannot be mitigated. It is close to Interstate 5 and it would have much more effect than this project. He's not a believer in climate change with the coldest winter on record. He doesn't have sympathy for being a green building; do what you want Dr. Patel. How is security on the public deck going to be handled when say 30 people show up there? How big are the meeting rooms?

MR. MUNOZ replied the meeting rooms are about 3,900 square feet with a rough occupancy of 100-200. With regards to the security on the outside, we were thinking that would be part of the Management Plan. If Council wants to stipulate required elements of that Management Plan that relate to security on-site and off-site along the coastal amenity and the wrap-around deck, that would be fine. We were thinking there would be security that would cast an eye toward the wrap-around deck but maybe the Management Plan needs to have some sort of mutually agreeable process.

COUNCILMEMBER FELLER thinks you need to have control over your deck, even though it is for the general public.

MR. MUNOZ agrees. It should be wrapped into the Management Plan through private security with some kind of link out to the police at some threshold point.

COUNCILMEMBER FELLER asked why no signage (on the tower) at the gateway to Oceanside.

MS. BAKER responded that the concern was that the architectural element that looks like a tower was a format for a massive sign and we tried to explain that it was just an architectural feature to give a nice modulation and a change in elevation, but there was concern from the public and different individuals that we were only trying to create a giant area to put a sign. Dr. Patel was agreeable to having it as an architectural feature only so they agreed to no signage there.

COUNCILMEMBER FELLER thinks if it said "Hyatt Oceanside" or something like that, it would set it off. He **moved approval** of staff's recommendations [including adoption of **Resolution No. 10-R0614-3**, "...certifying the Final Environmental Impact Report for the Hyatt Place Project and adoption of a Mitigation, Monitoring and Reporting Program, Findings and Statement of Overriding Consideration"; and **Resolution No. 10-R0615-3**, "...approving a Tentative Map, Development Plan,

Conditional Use Permits and Regular Coastal Permit for a mixed-use development consisting of 24 residential condominium units, 127-unit hotel and a 3,000-square-foot restaurant located at 1103-1105 North Coast Highway – Applicant: Shantu Patel].

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER SANCHEZ stated unless it includes the changes that the applicant has agreed to and staff has recommended with respect to Condition No. 151 and the climate change/greenhouse gas, which is the law, she can't support it. She will support the motion with the conditions that have been agreed to by the applicant and that staff has recommended. Are you adding that?

COUNCILMEMBER FELLER replied obviously; that is what was said right here as staff recommendations and Dr. Patel has agreed to this.

COUNCILMEMBER SANCHEZ's understanding is that there has been an agreement so she will be supporting this. She noticed that this is not considered an historic cultural resource but this is part of Oceanside's history and is a special place. Stars have stopped in and stayed and dined there.

SHAN BABICK clarified that Condition No. 119 requires that it be historically photographed and put in the archives.

COUNCILMEMBER SANCHEZ asked if they will be using anything from the building in terms of the interior decorations.

DR. PATEL, Applicant, replied they may be taking some pictures of the buildings and using them in the rooms.

COUNCILMEMBER KERN wanted to make sure there were photos and is encouraged they will use photos as part of the motif in the rooms. He asked if they will be using all of the water-saving tools that are mandated now, i.e. low water usage plants, low flow shower heads, etc. He thinks the new building may use less water than what is being used now with the upgraded fixtures, etc.

As far as the greenhouse gases and the cars, he hopes they generate a lot. He wants a lot of cars to come in and park; that's the whole purpose of this. This is almost \$500,000 a year in TOT once it is built. TOT goes straight to our bottom line; we don't have to share that with anyone. This is a good deal for Oceanside.

MAYOR WOOD reminded that the cast and crew for the James Bond movie Diamonds are Forever stayed at this old hotel. Do we know what the planned star rating is on the Hyatt? Do we have any idea who might be taking the restaurant?

DR. PATEL replied the Hyatt Manchester is 5-star and Hyatt Place is about a 3 to 4 star. He had discussions with Elephant Bar and Restaurant, but since it has taken so long to get approval, he doesn't know where they stand.

MAYOR WOOD stated it's a \$1,000,000 view from up there and the restaurant is something people want to continue to have there with that view.

Motion was approved 5-0

36. **[CDC: Adoption of a resolution approving an amendment to Conditional Use Permit (C-204-09) for the addition of telecommunication facilities to an existing commercial office building located at 1155 Sportfisher Way – Clear Wire – Applicant: Clear Wireless, LLC]**

This item is continued to the August 25, 2010, meeting at 6:00 p.m.

37. **CDC: Consideration of a resolution approving an amendment to Conditional Use Permit (C-202-08) and Regular Coastal Permit (RC-207-08) to amend several conditions, i.e., hours of operation, access, etc., for Davina's Cabo Grill located at 212 North Tremont Street – Applicant: David Aguirre**

- A) Chairman opens public hearing – hearing is opened.
- B) Chairman requests disclosure of Commissioner and constituent contacts and correspondence – Mayor Wood and Commissioners Feller, Sanchez and Kern reported contact with staff, applicant, public and site. Commissioner Lowery has seen the site.
- C) Secretary presents correspondence and/or petitions – emails and letters of concern and another was just received from Redevelopment staff.
- D) Testimony, beginning with:

KATHY BAKER, Redevelopment Manager, stated this item is an amendment to the existing Conditional Use Permit (CUP) and Regular Coastal Permit to change several conditions for Davina's Cabo Grill.

In February of 2009 the Community Development Commission (CDC) did approve a CUP to allow for full alcohol sales and dancing on the upper deck and in the basement. The restaurant has been operating for over a year and the applicant is now requesting several amendments, which are included in the staff report. However, there have been a few incidences that have occurred over the past year so the police are reluctant to allow any further changes to the conditions. Therefore, staff is only supporting 2 out of the 7 requested changes: the extension of hours of operation to close from 1:00 a.m. to 2:00 a.m., and to allow an access door off of Tremont that has direct access to the basement.

When the item was reviewed and approved by the RAC on July 7, 2010, they had wanted to increase the number of performers; however, after further review by the Police Department, they decided that they did not support that recommended change. Staff is not supporting that as part of the recommendation.

In addition, there have been several noise complaints, which is probably most of what Council is getting in terms of correspondence. The noise is emanating from the upper deck. On numerous occasions the police were called and they did investigate the noise complaints. However, at this point in time the downtown does not have any noise decibel readers but we have ordered some and will be getting them to the Police Department so any future noise complaints will be monitored. The owner installed noise decibel readers, at his own cost, on the balcony to measure the sound because the downtown sound decibel levels are not supposed to exceed 65 decibels (db). Apparently his decibel readers have come in under that level. Once we get our decibel readers, that will be something we can verify on our own.

Staff recommends adoption of the resolution approving these 2 amendments to the conditions.

Applicant

DAVID AGUIRRE, Applicant, is here to answer any questions Council might have. He has put the sound meters up and on his CUP it does say he can go until 12:00 a.m. on the rooftop, but he shuts it down at 9:30 to try and accommodate everybody and cut down on the noise.

Public input

JERRY RUGG, 301 Mission Avenue #305, Oceanside Terraces, sent an email to Council that indicated he didn't see anything being requested that would improve the conditions downtown and he views it as a step backwards. In particular the resolution voted on by Council on February 4, 2009, in the section called Findings, Paragraph 2, it

says the project has 16 conditions that restrict the operation of the business, including noise, security, hours of operation, egress and ingress to the premises and advertising. These conditions when implemented will mitigate any nuisances to surrounding businesses. It seems odd 18 months later to be entertaining a motion to change 6 or 7 of the 16 conditions that were initially imposed to mitigate the nuisance to the surrounding people who live there.

WALTER CLUER, 301 Mission Avenue #505, is new to the area. We moved down here because of the train system and as we have lived here they discovered that noise seems to be the prevalent problem for living in that area. As a part of quality of life, he asked Council consider noise as a primary concern for living in the area. The trains, sirens, motorcycles and the bands playing at irregular hours are a little tough to deal with.

FRED BARTZ, 634 North Tremont Street, doesn't oppose this project specifically, but is concerned that the City is willing to take on the additional impact that may occur. In the last 6 months, the patrons of general downtown alcohol establishments have gotten a little more clever. They now park several blocks away, such as on his block, and when the bars close they leave those establishments and go to their cars. In the last 6 months they have had vehicles run into the retaining walls of their homes, people urinating and vomiting on their lawns, having loud discussions and playing the radios in their cars. They are doing this, in his opinion, to avoid the police. If you're going to add more time and more hours for establishments, he hopes there is a plan to address the problems of the neighborhoods in the Redevelopment Area. Our homes are well over \$1,000,000.

JOE FALTAOUS, 301 Mission Avenue #608, encouraged Council not to support increasing the hours. As a resident close to the Cabo Grill it's been extremely difficult dealing with the noise and the patrons. They do understand this is the downtown area but at 1:00 a.m. bands still playing and drunk people walking around their homes is unbearable.

PETER ZHU, 301 Mission Avenue #503, is strongly against the hour extension and other proposals by Cabo Grill. Before he bought his condo he came to the area and stayed late and even interviewed residents walking by and they said very good things about Oceanside. They told him in the last 10 years Oceanside has made great progress on the safety and livability. Item 21 of the original resolution states there shall be no audible music or noise emitting from the premises, which would disturb the quiet and peaceful enjoyment of the property of the tenants and residences of the area. Cabo's operation does the opposite. They have rooftop music he can hear from his master bedroom and his living room and it is very loud. He met with the applicant a while ago who is very concerned about the residents and made a lot of changes to help make the noise better. They could move the music indoors. He submitted 6 letters from residents at Oceanside Terrace.

JACK HERRERA, 301 Mission Avenue #503, moved in last October and didn't know a restaurant could have a live band like that. His master bedroom and living room all face toward Mission Avenue and from about 6:00 p.m. every Friday and Saturday he hears music until 10:00 p.m. and it is with the doors and windows shut. He doesn't use the master bedroom anymore because of the music. He has emailed Council a few times and called the police at least 20 times. The only time you don't hear it is when there are acoustic guitars playing but if there are any saxophones, mariachi bands, keyboards, drums or anybody singing, he can't get any peace of mind in his home. He is curious if he can use his house without having to hear the music.

One Saturday they had a loud DJ up on the roof all day long. He can't get any rest so he takes off on Friday and comes back after 10:00 on Sunday. Last weekend he got back at 9:00 on Friday night and had to call the police again. Maybe the decibel meters he has aren't working properly. A drum set will generate 100 to 120 db and the limit is supposed to be about 60 or 70 db down there. That is equivalent to a normal

conversation. He's on the other side of the street on the 5th floor with all of his windows closed and he can't watch television without listening to this music. He would like Council to take it away.

Public input concluded

Applicant rebuttal

MR. AGUIRRE wanted to make it clear that on the rooftop we do stop at 9:30 so he doesn't know how people can hear drums on the rooftop until 1:00 a.m. when there aren't any. He knows there are other establishments downtown that play music until 2:00 a.m. but our last call is about 12:30 a.m. and we are out the door about 1:00 a.m. so nothing can be coming from his place at 1:00 a.m.

Mayor Wood closed the public hearing.

COUNCILMEMBER SANCHEZ met with staff and the applicant at the site to discuss these issues. She wanted to be satisfied that Council was addressing the noise issues and she was satisfied that the decibels that are emanating are within what the level should be. She is also satisfied that the City is going to have their own system for checking the decibels. This is the heart of downtown. We probably have more noise coming out of the Sunset Market on Thursdays, which has several bands and a lot of people. This is part of becoming a downtown place for our businesses and our economy.

She **moved approval** [of **Resolution No. 10-R0616-3**, "...approving an amendment to the Conditions of Approval for Conditional Use Permit and Regular Coastal Permit for a restaurant, Davinas Cabo Grill, located at 212 North Tremont Street – Applicant David Aguirre"]. When the City's equipment comes in she is sure the decibels will be checked out.

MAYOR WOOD seconded the motion for discussion.

COUNCILMEMBER KERN stated it seems like the problem is the rooftop. Music that is played up there goes out and there is nothing to stop it. Playing music on the ground floor you have a lot of attenuation because of other buildings. How critical is it to play music until 9:30 p.m. on the rooftop; can we cut back those hours on the rooftop? He thinks that is the neighborly thing to do.

MR. AGUIRRE stated his CUP says he can go until midnight. He already cut it back to 9:30 p.m. He is trying to be a good neighbor. Everyone else's downtown is thriving because they do this type of stuff. He doesn't go to midnight. Curfew is 10:00 p.m. and he cut his back to 9:30 p.m. It's not amplified; it just goes through a house system, like a radio. We check the decibels and make sure we are within 65 db.

COUNCILMEMBER KERN stated when he hears the word DJ he automatically thinks amplification.

MR. AGUIRRE responded the DJ just plays through the house system. Down in the basement they are amplified.

COUNCILMEMBER KERN thinks the real problem is the rooftop. Where are the sound sensors going to be; who places them, who monitors them, who sees them. Once you go over that 65 db who gets notified that you're too loud?

MS. BAKER stated they are proposing purchasing a number of hand-held decibel meters that can be calibrated through another machine. We plan on purchasing a number of those and manning those with Police Department staff. In the future, if we do get a noise complaint they would have the hand-held decibel readers. As was mentioned, 65 db is quite low. They did some research on it and it doesn't take much to

exceed the 65 db. They have tested the decibels on cell phones but they don't want to rely on cell phones so that is why they are purchasing the decibel readers.

In the future if we have any problems with the decibel levels we will be paying Mr. Aguirre a visit. Base seems to drive up the decibel levels.

MR. AGUIRRE wanted to make it known that when they are checking the 65 db it's inside the glass area. It's 65 db that goes outside of the glass area, not what's inside. Is that correct?

MS. BAKER responded it's outside, so it's what emanates beyond the premises.

COUNCILMEMBER KERN stated it's important where the reading is taken. Our police officers have more important things to do than babysit your noise level. You really do need to be a good neighbor. He wants Mr. Aguirre to be successful and doesn't want to sound threatening, but we're going to be watching and listening to the residents.

MR. AGUIRRE understands that but does he have any rights? Being within 65 db is within his rights.

COUNCILMEMBER KERN wants to make sure Mr. Aguirre is within 65 db and that we have a calibration. Whatever else you can do to lower the noise; you don't have to run up to the limit all the time.

MR. AGUIRRE has done little things. He could have 5 entertainers on the roof but he keeps it at 3. Tonight he only has one. During the week they try to keep it down and it's mainly Friday and Saturday that they go with a 3-piece up there.

CITY ATTORNEY MULLEN clarified the motion on the table would only address the hours of operation and the side door entrance and not the other things that have been requested.

COUNCILMEMBER SANCHEZ responded that's correct.

COUNCILMEMBER LOWERY asked if we could get some input from Police. He would like to hear the history of resident complaints and noise. He understands that if someone has got a piece of equipment, it doesn't matter if it's in the basement or on the roof, if it's blasting base the people are going to hear it through the walls of the next door building or houses down the road.

FRANK McCOY, Chief of Police, stated one of the reasons they are purchasing these decibel readers is so that if we do have violations of the noise ordinance we are able to issue a citation and be able to have a reliable instrument that we can show the court that is calibrated and accurate. As indicated, the owner has put in his own decibel readers. Unfortunately, we can't use those or the cell phone applications in court.

REGGIE GRIGSBY, Police Captain, stated the Police Department recognizes their responsibility in ensuring that our downtown area and the entire City is conducive to productivity for both businesses and residents and we try and maintain the peace. We have to strike a balance with regard to the realities of the situations that their officers are encountering on the street and those that are raised by residents. We have received some noise complaints and have spent considerable time. Quite frankly, we have spent an excessive and inordinate amount of time trying to deal with that particular issue. There have been times when residents have stated that they have heard music emanating from Mr. Aguirre's establishment when there was no band playing. There have been other times when it has been just the opposite.

It's problematic trying to deal with the issue of noise. We try to look at the entire context of a person's issues with regards to noise and then how reasonable is that

because that is going to be the standard that we have to meet in court. There does have to be some kind of calibration for the court to recognize the instrument that you are using. We have spoken with Mr. Aguirre and he has not exceeded the number of musicians authorized to play upstairs. He has had some complaints and we try to deal with those on a case-by-case basis because there are no easy answers. At times atmospheric conditions as well as noises downtown add to the problem. When you talk about ambient noise it's difficult to speak to any real degree of specificity with regard to whether or not what you're hearing a couple of hundred feet away is reasonable or unreasonable. That's the standard that has to be met.

COUNCILMEMBER LOWERY asked if, based on what Captain Grigsby is saying, it could be coming from another location on Coast Highway.

CAPTAIN GRIGSBY responded it very well could be but by the same token the mere fact that you can hear noise is only one part of the answer. The other answer is going to be what is the actual decibel readings at that time and whether or not that actually constitutes a violation.

COUNCILMEMBER FELLER stated when Mr. Aguirre came to Oceanside with this project his restaurant in Encinitas was a great place for gathering. He's getting this feeling that this place is getting to be more of a nightclub than a food establishment. He wants to be clear that we need to keep moving forward serving food and meeting all of the requirements that were prescribed in the original CUP and that this continues to be a food establishment. We've had some distasteful instances, but he feels the applicant has recovered from the mistakes and this needs to be a food establishment first, serving alcohol with meals. He doesn't like loud music. He prefers more meal-oriented music. On the roof it needs to be a reasonable type of music.

MR. AGUIRRE replied for the last 1½ years the club has only been open 6 hours a week so he doesn't see how that is turning it into a nightclub. He is being audited by the ABC to make sure he is 50/50 and he is confident.

COUNCILMEMBER FELLER asked when we will get the decibel meters.

MS. BAKER responded hopefully in the next couple of weeks.

COUNCILMEMBER FELLER thinks Mr. Aguirre needs to be overly sensitive. He hears people talk about the Gaslamp District with the crowds but he is hoping for more along the lines of Little Italy as a goal for downtown. He hopes the Police Department has heard the issues from the neighborhood. We need to figure out how to mature as a downtown. A sensible approach is all he is asking from the applicant. He doesn't want to hear complaints from the neighbors that they can't rest in their master bedroom.

MR. AGUIRRE would love Council to come and see for themselves.

COUNCILMEMBER FELLER has been there. We need to be sensitive to how we attract the people that are coming to downtown Oceanside to live. These people have spent hundreds of thousands of dollars on their homes, probably as much as the applicant has spent on rebuilding his building, but it's important that we make people feel important for spending money in our downtown with property tax, etc.

MR. AGUIRRE is open to anything.

CITY MANAGER WEISS stated Mr. Aguirre has indicated that he stops the entertainment on the roof at 9:30 p.m. The current condition allows it to go to 10:00 p.m. as currently written. He's offering to change that to 9:30 p.m. Given the conversation that he's heard, his recommendation would be that Council may want to have a specific condition that just says noise emanating from the property shall be limited to 65 db at any time.

MR. AGUIRRE responded it is already in there.

MAYOR WOOD was thrilled when the applicant came into town. He told the applicant to be careful because just about everybody who had a business in there before him lost it because of issues with the Police Department and the ABC, etc. However, he was also hearing from other people that downtown Oceanside needs not only good restaurants, but some sort of entertainment. Our downtown is changing and it's not the all Marine bars it used to be. The applicant said he was looking for a different clientele. Council had to change some restrictions for the applicant and now he is getting complaints about the noise.

He doesn't blame the applicant alone because there are other places that are very noisy. He doesn't look at it by decibels. When he has complaints at his house because of noisy neighbors, it has nothing to do with decibels; it's bothering him or it's late at night. He doesn't care what the noise is from. It's disturbing his peace and he calls and complains. He's heard from others that this is a great place; you can go downstairs and eat, have a drink and dance. He knows there have been pimps and whore parties, which is not the crowd he is looking for. The roof seems to be the problem. A noise complaint is made because the noise is bothering people. Be cautious because this is under a CUP.

As much as the applicant wants to have a place in Oceanside to bring in people with great food and entertainment, he hears the residents saying it's a problem. He wants to see the problem resolved no matter what. There were other conditions that the applicant wanted to change but the Police Department didn't recommend them. He has to go by their recommendation because they are getting calls too. Hopefully, if the applicant keeps that in mind, he will have a great place, make a ton of money and bring in a lot of people to enjoy themselves. Do whatever it takes.

COUNCILMEMBER SANCHEZ stated this is urban living. She wants to see more entertainment venues in the downtown and the applicant is paving the way. This is the heart of the City.

Motion was approved 5-0

MAYOR AND COUNCILMEMBER ITEMS - Continued

25. **Request by Councilmember Kern for all City employee positions to be listed (without names) and updated annually on the City Website with the fully loaded costs of each to include overtime, salary, pensions and other benefits so all taxpayers are aware of the total cost for each position; and direction to staff**

COUNCILMEMBER KERN moved that we start posting all of this information on the web site after what happened in the City of Bell. This also lets the public understand what the cost of doing business is for the government and where the money is going. Our budget is \$113,000,000 in our General Fund and about 70% of that goes to salaries.

COUNCILMEMBER FELLER seconded the motion.

Public input

JIMMY KNOTT, 127 Sherri Lane, supports this, however, he would like to have this amended to include a coding index for overtime authorization, showing who authorized the overtime and why it was necessary. Will required uniforms and equipment be included in the benefit package? He doesn't think it should be as it is required for their job and not a personal benefit. Personal benefits should only include the things that are for the employee.

Public input concluded

COUNCILMEMBER SANCHEZ stated the information on elected officials/employee's salaries and benefits is already on the web site. The response to what happened in Bell should not be this but a permanent Charter Committee to insure that what happened in Bell doesn't happen here. In the last 3 or so weeks she has gotten tons of emails about this and asking if we are going to have a citizens committee - a permanent Charter Committee. She is not going to support this because we are already doing it. She encouraged the public to go on the City web site and view the salaries. We screwed up royally by passing a Charter without any public input.

COUNCILMEMBER LOWERY thinks the idea of bringing any transparency at any level of government to the residents is a good thing. He is concerned about the cost of having City staff do the research and put together a document that we can post on the web site. Since we have the major salaries already on the site and the State is working on making a law that we will have to come into compliance with in the near future, we should add to the motion that we will include coming into compliance with the State proposals once they make it into a law. At that point we will be required to do more than what we're doing and we won't have to have another meeting because we've already given direction to staff.

That said, it's very important to the citizens who sent Council many emails and made phone calls about the implementation of the Charter that Council honor their requests. He would like to see all Councilmembers support the creation of some kind of group with citizen input. Not just send an email or make a phone call, but we ask them to come to some kind of meetings. He would propose we consider that.

COUNCILMEMBER KERN stated the motion would include conforming to any regulations the State may come down with. Actually our salaries were posted 2 days before the State Comptroller's directive. Acting on behalf of the taxpayers and giving information is what we should all be doing on the Council. Adding the other information that Mr. Knott suggested would be very difficult to do. The information being requested by this motion is readily available; it could go up tomorrow with minimal cost. The purpose of this is to let people know what it costs to put an officer on the street, a fireman on duty, etc.

COUNCILMEMBER FELLER would like something that is easier to decipher for the general public than the report Council got. He would like something easy for the public to read and understand when they log onto the web site.

MAYOR WOOD wants what's best for the City and its constituents, but we already have the information posted. After what happened with Bell, everybody in every city was asking these same questions. He's been deluged with requests about this and the Charter City. If this Bell incident had come out a month earlier we probably wouldn't be a Charter City right now. There have been a lot of concerns about the Charter with no public or staff review before it was put on the ballot. It was pushed forward by 2 people on the Council and he made his concerns known. However, there was an election and it passed, so we are a Charter City.

He feels by doing this we're trying to vilify our employees for making a certain amount of money. What you don't see on the web site is that all of the cities in California negotiate with their employee groups the same way. They don't put our employees' salaries next to those in Orange County so people can see that our employees aren't making as much as other places. This seems to be addressing a political issue for the November election. Putting what people make on the web site doesn't make sense. We are misconstruing the priorities here. We've shown that we're not like Bell. He would also like to have a committee or commission like Councilmember Sanchez brought up.

CITY MANAGER WEISS stated Council has several documents that staff

provided for this information. Councilmember Feller indicated that he wanted to keep it simple. We can prepare a report that would show the annual fully-loaded costs for each individual that shows salary, pension and other benefits. That's a simple report we can provide. However, that report would not be able to provide overtime. Overtime is retrospective. It's based on what employees were paid during the year and that is tracked on a calendar year basis because that's what gets reported on the W-2. The simplest we can make it is to have one document that shows the fully-loaded costs with all the benefits and modifiers, which you have, and we would have to do a separate report that would show all of the employees with overtime. It's not going to be a simple thing based on the information that Council is asking for. If this is approved, when you see it on the web you're not going to have one simple document to go to.

MAYOR WOOD thinks we've done what's necessary in the eyes of the public. Councilmember Sanchez has been attacked in the past by a voting majority of the Council saying that she has used up too much staff time. However, Mr. Kern's aide, Ben Sullivan, has used up an inordinate amount of staff time on issues that seem to be for political purposes. He actually needs to get Council approval to use more than 4 hours.

COUNCILMEMBER LOWERY stated we don't have any idea how long it will take the State to come up with some kind of regulation or guidelines for us?

CITY MANAGER WEISS responded that there are 2 bills pending and being revised. Once they were adopted, we would have to comply and we would put that information on our web site in addition to whatever else we have on there. Based on the comments heard earlier from Councilmember Lowery, we would have our information on the web site until such a time as the State came out and then we would put just that information out there.

COUNCILMEMBER LOWERY asked if the motion would have to be changed to amend what's posted on the City's web site to come into compliance with the State's new regulations.

COUNCILMEMBER KERN wouldn't want 2 different documents there. If the State comes out with a mandated regulation, than we put the State mandated regulations on the web site. In the interim we would have the information we have and when the State comes down with something, we would just switch over. It's basically going to be the same information but probably in a different format.

COUNCILMEMBER SANCHEZ just got confirmation from the City Manager that what the State is going to request is a lot less than what we already have on here. What we have is all the salaries of every employee. If what you're looking for is to insure we are in compliance with State law, we already are before the law even passes.

Motion was approved 3-2; Mayor Wood and Councilmember Sanchez – no.

- 26. **Mayor Wood: Review of Councilmember appointments to boards, commissions and committees, and adoption of a resolution appointing Brian C. Boyle, Utilities Commissioner, as its representative to the Board of Directors of the San Diego County Water Authority, if desired**

MAYOR WOOD put this out a week in advance. This is not citizen appointments. This is liaison appointments of Councilmembers to committees and regional boards, etc. There is only one change from the list he put out and that is to remove the Youth Commission because tonight we voted to dissolve the Youth Commission.

<u>City/Harbor/CDC Advisory Group</u>	<u>Liaison</u>
Arts Commission	Lowery
Community Relations Commission	Feller
Economic Development Commission	Lowery

Harbor & Beaches Advisory Committee	Sanchez
Housing Commission	Wood
Integrated Waste Commission	Sanchez
Library Board of Trustees	Lowery
Manufactured Home Fair Practices Commission	Sanchez
Oceanside Historical Preservation Advisory Commission	Feller
Parks & Recreation Commission	Wood
Police & Fire Commission	Kern
Redevelopment Advisory Committee	Kern
Senior Citizens' Commission	Lowery
Telecommunications Committee	Kern
Transportation Commission	Feller
Utilities Commission	Sanchez

Regional Boards and Committees	Primary	Alt I	Alt II
Buena Vista Lagoon JPC	Sanchez	Lowery	
City/OUSD/VUSD Committee	Sanchez	Lowery	
League of California Cities – Executive Committee	Sanchez	Feller	
League of California Cities – Legislative Delegates (voting)	Wood	Sanchez	Lowery

Regional Boards and Committees	Primary	Alt I	Alt II
North County Dispatch – JPA/Fire	Wood	Lowery	
SANDAG – Shoreline Preservation Committee	Sanchez	Kern	
Washington DC Appropriation Visit – Legislative Delegates	Wood	Sanchez	
SANDAG – Board	[Wood]	Sanchez	Lowery
North County Transit District – Board	Lowery	Wood	
San Diego County Water Authority	Brian Boyle		

He **moved approval** of the appointments as listed.

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER KERN stated that he would think Councilmember Lowery would be more in-tuned to the RAC from where he lives and what he works with downtown and he would go back to Economic Development and have Councilmember Lowery do the RAC. That would be his only suggestion at this point.

MAYOR WOOD plans on staying with what he has right now and see how the vote goes. The City Attorney told him that where there is a stipend involved, i.e. SANDAG Board or North County Transit District (NCTD), then you can't vote for yourself unless you waive the stipend.

CITY ATTORNEY MULLEN stated there is a Fair Political Practices Commission (FPPC) advice letter that he has discussed with Council before, that he doesn't agree with, that suggests that unless you waive the stipend, you would violate a potential FPPC regulation if you voted for your own appointment. One way to handle that is to take care

of all appoints in one vote except for those, and then deal with those separately, unless in the current motion the appointees were waiving the stipend then you can move forward now.

MAYOR WOOD requested a vote on all appointments except the SANDAG Board and the NCTD.

In response to Councilmember Kern's comments, **COUNCILMEMBER LOWERY** stated the RAC is too much of his neighborhood and people that he knows and interacts with routinely, so he doesn't think he can be as objective on that as he could be on the Economic Development Commission.

COUNCILMEMBER KERN has been on the Economic Development Commission for a long time and doesn't want to change now. He can't support Mr. Boyle for the Water Authority.

MAYOR WOOD stated we are voting on all of them now except SANDAG Board and NCTD so please vote accordingly.

COUNCILMEMBER FELLER believes the appointee to the San Diego County Water Authority should be an elected official because they are accountable and he doesn't think the appointment is appropriate in this case. As well, he thinks the League of California Cities Executive Committee and the League of California Cities Delegates should be in-tuned with each other.

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

Regarding SANDAG Board

CITY ATTORNEY MULLEN asked if the nominees to the SANDAG Board and NCTD want to disclose whether or not they are waiving the stipend. If you waive the stipend, you can vote.

COUNCILMEMBER SANCHEZ stated if we took no action with respect to the primary on SANDAG, since Mayor Wood is already the primary, if we took no action he would remain the primary, is that correct?

CITY ATTORNEY MULLEN replied that is correct.

COUNCILMEMBER SANCHEZ stated so we only have to act on the SANDAG Board alternates I and II. She will give up the stipend (to vote).

COUNCILMEMBER LOWERY will give up the stipend (to vote).

Motion on SANDAG Board was approved 3-2; Councilmembers Kern and Feller - no.

Regarding NCTD Board

MAYOR WOOD asked Councilmember Lowery if he will waive the stipend at NCTD.

COUNCILMEMBER LOWERY concurred to waive the stipend.

MAYOR WOOD is not concerned about receiving the stipend on this Board.

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

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

JIMMY KNOTT, 127 Sherri Lane, was asked by the Oceanside Senior Citizens Association Nutrition Program to announce that there is a spaghetti dinner on August 27th at the Oceanside Country Club Senior Center.

JOAN BRUBAKER, 1606 Hackamore Road, reviewed the City of Bell incident which is well known now the salaries of the Chief Administrative Officer Rizzo, the Police Chief and Councilmembers.

In January of 2005, Bell's Councilmembers put a measure on the ballot of a special election that changed Bell's form of government from general law to Charter City law. In addition, like our own Charter, that Charter had no citizen input, was esoterically put together and quickly put to a vote. About 400 people voted.

Along with AB 11, a law that has been introduced in the Assembly and approved and is now in our State Senate that will greatly change how salaries are apportioned. It has great ramifications and the Attorney General gets permission to examine city salaries. Citizens of Oceanside need to interest themselves in the governing affairs of the City.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

CITY COUNCIL REPORTS

28. **Mayor Jim Wood**

MAYOR WOOD announced the MiraCosta College textbook scholarship for military veteran's fundraiser is on Saturday, August 28th at the Oceanside Outback restaurant.

29. **Councilmember Jack Feller**

COUNCILMEMBER FELLER announced the Hospice of the North Coast had a regatta at the Yacht Club. Allen Yasukochi and Lydia Bustos passed away.

30. **Councilmember Jerome Kern**

COUNCILMEMBER KERN announced that Esther McCord passed away.

31. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended several community meetings and attended a conference by California Resource Recovery Association on recycling. There is a whole lot of stuff we can do as a City with respect to zero waste and she will be bringing that forward next week. We never need to burn or bury with zero waste.

32. **Councilmember Charles Lowery**

COUNCILMEMBER LOWERY attended the following: the Balderrama Park National Night Out event and also the one at the Rancho del Oro Y; the Concert in the Park at Rancho del Oro; a neighborhood watch meeting; an intense community meeting at Jeffries Ranch; the dedication of the John MacDonald Board Room at MiraCosta College; and a fundraiser for Amnesty International.

August 18, 2010

Joint Meeting Minutes
Council, HDB and CDC

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 10:12 PM on August 18, 2010. [The next regularly scheduled meeting is on Wednesday, August 25, 2010, at 3:00 p.m.].

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside