



California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:

CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION AUGUST 18, 2004

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

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

**Mayor
HDB President
CDC Chair**
Terry Johnson

**Deputy Mayor
HDB Vice President
CDC Vice Chair**
Rocky Chavez

**Councilmembers
HDB Directors
CDC Commissioners**
Jack Feller
Esther Sanchez
Jim Wood

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

Treasurer
Rosemary Jones

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

**City Attorney
HDB General Counsel
CDC General Counsel**
Anita Willis

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:00 PM, August 18, 2004, by Mayor Terry Johnson.

ROLL CALL

Present were Mayor Johnson, Deputy Mayor Chavez and Councilmembers Feller, Wood and Sanchez. Also present were City Clerk Wayne, City Manager Jepsen and City Attorney Willis.

City Attorney Willis titled the following item to be heard in closed session: 1A.

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)**

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

Discussion and direction to staff

[Closed Session and recess were held from 4:01 to 5:00 PM]

5:00 PM – ROLL CALL

Mayor Johnson reconvened the meeting at 5:03 PM. All Councilmembers were present. Also present were City Clerk Wayne, City Manager Steve Jepsen, City Attorney Willis and City Treasurer Jones.

INVOCATION – Councilmember Jack Feller

PLEDGE OF ALLEGIANCE – Deputy Mayor Rocky Chavez

PROCLAMATIONS AND PRESENTATIONS

Proclamation – In recognition of James Turner, San Diego County Water Authority, on his retirement (42 years)

Proclamation – Oceanside Elks' Day – August 19, 2004

CLOSED SESSION REPORT

2. **Closed Session report**

CITY ATTORNEY WILLIS reported on the item discussed in closed session: [See Item 1A above].

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

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

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

JUNE KRISTOPOVICH, 727 Rivertree Drive, stated her views on political issues and the people involved.

LARRY SOSNA, 815 Wisconsin Avenue, President of Oceanside Coastal Neighborhood Association (OCNA), announced they will hold a City Council forum on September 16th.

Mayor Johnson determined to hear Item 24 at this time.

CITY MANAGER ITEMS

24. Status Report regarding the California Welcome Center

DAVID NYDEGGER, Chamber of Commerce Chief Executive Officer, stated the California Welcome Center (CWC) is one of 11 centers in the State that operates as a franchise through the State to promote the local community and the County.

During the last fiscal year, which ended June 30th, our numbers continued to increase. He came to Council in 2001 and shared how our numbers were increasing from 26,000 - 27,000 visitors a year to almost 45,000 visitors a year. Last year we had 101,651 visitors that came to the California Welcome Center in Oceanside to find out what is going on locally. We referred over 20,800 visitors to lodging, restaurants and local Oceanside hotels and motels. That would represent a significant Transient Occupancy Tax (TOT) for the City; it's almost \$150,000 that was generated by our referrals.

In the month of July our numbers reached over 12,400 visitors. 50% of the annual visitors we were doing 5 years ago we are now doing in a month. We generated over 4,400 tourism packages that were mailed to people who had requested information on our City. The CWC completed our Visitors and Tourism Guide last April and we are distributing 75,000 copies of that throughout the State. The CWC and Chamber of Commerce have placed ads in numerous trade publications and visited the Los Angeles Times Travel Show, which had an attendance of over 30,000 people. We also attended the Bay Area Travel Show, which had over 45,000 travelers and tourism professionals. He listed the trade publications that ads have been placed in throughout the State and County. This represents 450,000,000 circulation distribution for the City.

Last year we held 4 "Oceanside First" training sessions for our volunteers to let them know what's happening in Oceanside. We took all of our volunteers to the hotels and motels in the City so they would know exactly what the visitors would be getting. We partnered with San Diego North Convention and Visitor Bureau for distribution of our flyers, and from June through August we distributed over 7,500 Visitor's Guides through them. We have also been working closely with Jane McVey and the City's Economic Development Department on promotion and public relations for the City. We have contracted with a woman who will be doing public relations for us. In just the month of July she generated over \$22,700 in promotion for the City, including information on KUSI and KFMB in San Diego.

We are working with our hoteliers and motellers and their association on a piece that will have over 100,000 in circulation, which will allow us to promote the City. That will be distributed through certified racks at over 700 locations throughout Southern California.

COUNCILMEMBER FELLER asked if the Welcome Center is funded by any other sources in the City.

MR. NYDEGGER responded no. The money we receive from the City represents about \$160,000 of our budget. This year the budget for the CWC will be in excess of \$300,000. We apply, through the San Diego County Board of Supervisors, every year for money to help us run the CWC. Unfortunately we were cut back from \$20,000 last year from the County to \$15,000 this year. There have been some challenges with the way they appropriate funds throughout the 5 County districts, which has hurt us. The rest of the revenue comes from our advertising. Advertisers are willing to pay a fair market price for it. The Chamber of Commerce subsidizes any shortfalls in revenue.

COUNCILMEMBER FELLER stated it's a privilege to have this CWC in our City

and we should continue to strive to support this.

MAYOR JOHNSON stated Oceanside is 1 of only 11 CWC in a State that has almost 500 cities.

CONSENT CALENDAR ITEMS [Items 4-16]

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

The following Consent Calendar was submitted for approval [Items 4-16]:

4. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council from the following meetings:
 - A) Acceptance of minutes of the following meeting:
June 14, 2000, 10:00 AM Adjourned Council/CDC/HDB
 - B) Approval of joint minutes of the following meetings:
October 9, 2002, 10:00 AM, Adjourned
November 20, 2002, 1:30 PM, Special
June 16, 2004, 4:00 PM, Regular
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 Change Order 1 [**Document No. 04-D548-1**] in the amount of \$46,992.52 to KEC Engineering for increases in labor and material costs resulting from unforeseen delays in the start of the Buena Vista Channel Wall Repair project, and authorization for the City Engineer to execute the change order
7. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials and services in amounts over \$50,000 from various Water Utilities Department funds, and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
8. City Council: Approval of a professional services agreement [**Document No. 04-D549-1**] with the Fair Housing Council of San Diego in the amount of \$40,000 of Community Development Block Grant (CDBG) funds to administer Fair Housing Program Services, and authorization for the City Manager to execute the agreement
9. City Council: Approval for the City to join in an amicus brief and authorization for the City Attorney to notify the brief writer in *Gammoh et al. v. City of La Habra*, USDC Case No. CV03-911-GLT, Ninth Circuit Court of Appeals No. 04-56072
10. City Council: Adoption of **Resolution No. 04-R550-1**, "...ordering the summary vacation of a public street right-of-way", and declaring a 1,936-square-foot portion of Vista Way at Valley Glen Drive as excess right-of-way and offer it for assemblage with the adjoining property; approval of a real property disposition and acquisition agreement [**Document No. 04-D551-1**] and joint escrow instructions for the sale of the excess real property in the amount of \$31,750 to FS Real Estate Holdings, LLC; authorization for the Mayor to execute the document and deed [**Document No. 04-D552-1**] conveying the property; and direction to staff to open escrow and conclude the transaction

11. City Council: Adoption of **Resolution No. 04-R553-1**, "...ordering the summary vacation of a public utilities easement", an 8-foot wide easement dedicated on Lot 5 of Parcel Map No. 4200, Penkea Mesa, the general location being the northwest corner of Mesa Drive and Hoover Street just north of Lomita Street; and authorization for the City Clerk to file a certified copy of the resolution [**Document No. 04-D554-1**] with the San Diego County Recorder [John Radcliff – 2720 Penkea Dr.]
12. CDC: Adoption of **Resolution No. 04-R555-3**, "...authorizing application to the State of California Department of Housing and Community Development for funding under the CalHome Program and authorizing the Director of Housing and Neighborhood Services to execute a standard agreement, amendments, and all related documents to participate in the CalHome Program", in the amount of \$500,000.
13. City Council: Adoption of **Resolution No. 04-R556-1**, "...approving the Final Map of Ocean Ranch Phase - 2C", project, a 7-lot industrial project on 132.32 acres located on the north side of Oceanside Boulevard, south of Mesa Drive and west of Rancho del Oro Technology Park; and authorization for the City Clerk to record the Final Map with the San Diego County Recorder
14. City Council: Adoption of **Resolution No. 04-R557-1**, "...establishing certain traffic controls within the City of Oceanside", all-way stop controls at the intersection of California and Moreno Streets
15. City Council: Adoption of **Resolution No. 04-R558-1**, "...establishing certain traffic controls within the City of Oceanside", a stop sign on southbound Elaine Avenue at Gold Drive
16. CDC: Adoption of **Resolution No. 04-R559-3**, "...amending the budget for the 2004-2006 fiscal year", accepting \$37,600 from Oceanside Meadowbrook, LP, and allocating these funds to the Housing and Neighborhood Services Department to hire a provisional professional assistant to administer the Meadowbrook Relocation Program

COUNCILMEMBER FELLER moved approval of the Consent Calendar [Items 4-16].

DEPUTY MAYOR CHAVEZ seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

21. **City Council: Adoption of a resolution accepting the rejected offer of dedication of reservation for future street for Loretta Street, lying southwesterly of Santa Anita Street, as shown on Francine Villas, Map No. 3031, and direction to the City Clerk to file a certified copy of the resolution with the County Recorder**

WILLIAM MARQUIS, Senior Property Agent, is asking Council to adopt a resolution accepting a formerly rejected offer for future street reservation for Loretta Street within the Francine Villa development that is on the north side of the San Luis Rey River. This dedication was made on the Map when it was filed in October of 1953. The offer was rejected. Subsequent to the rejection of the offer in 1953, the street was improved through an Improvement District that was funded through assessments levied against the properties within the Francine Villa neighborhood. That occurred in the early 1960's. Subsequent to the improvement of the street, the river flooding washed out the crossing of the river that connected to what used to be Riverside Drive, which is now covered over by Highway 76.

In the early 1980's there were 2 property owners on the upper part of Loretta Street that came in and did subdivision maps. During that process we required them again to dedicate their half of Loretta Street right-of-way. Those offers were accepted, and those portions of the street were opened. What brought this to our attention was a property owner, Mr. Lee, who wanted to sell the parcel that fronts on Loretta Street. During that process he was informed by his title company that this lot does not have complete legal access to a public street. The reason is there is a lot between his property and the property to the north that did dedicate their half of the right-of-way in 1980, so there's still a small section there that is keeping him from having full access; when there is full access, he'd only have half-width access down to his property. He asked that we rescind the former rejection of the offer and accept the right-of-way to turn it into a public street, which would give him access to his property.

As Council may be aware, we use a portion of Loretta Street for the soap box derby events and it's not technically a public street because the offer has been rejected. We're trying to correct something that happened back in 1953 and the early 1960's where the acceptance of this offer fell through the cracks. People have been using Loretta Street like it's been an open public street ever since it was built.

CITY MANAGER JEPSEN had asked that this be put on as a General Item to inform the Council of the City's necessity to go ahead and accept this. He doesn't believe this is an optional item. He called Council's attention to the fact there is more attention being focused on this area, Capistrano, and we are likely to see additional subdivisions of land coming in. That canyon is significantly constrained environmentally. Whoever comes in is still required to meet all of the requirements of our Hillside Ordinance and maintain the existing vegetation that's out there.

There is a fair amount of potential for development down Loretta Street as it extends down to some highly sensitive property adjacent to the river. We want to keep an eye on this in the future and make sure that all of our requirements and policies are being met. We are looking for positive acceptance of this reservation.

COUNCILMEMBER SANCHEZ understands it has come up before, the idea of accepting the rejected dedication. She asked why the Council did not act on those other times.

CITY MANAGER JEPSEN is not certain why. It came up not too long ago under his tenure as City Manager, and we had concerns about how everything was going to work together in relationship to the access. As we went back and found out the circumstances that the street was originally formed under, in retrospect we should have gone ahead and done the acceptance at the time. We must be careful about how we let development take place in that canyon. We need to be mindful, as the properties that are on the ridgeline and extend down to Loretta Street subdivide, that we examine the potential for that to happen versus just doing a plat map subdivision and making an unbuildable lot.

COUNCILMEMBER SANCHEZ moved for adoption [of **Resolution No. 04-R570-1**, "...accepting a formerly rejected offer of dedication of streets 'reserved for future street' (Loretta Street) as shown on Francine Villas, Map No. 3031", and direction to the City Clerk to file a certified copy of the resolution [**Document No. 04-D571-1**] with the County Recorder. She wants to make sure the Council is made fully aware of all of the activity in this area.

COUNCILMEMBER FELLER asked if the gate at the top is going to open.

CITY MANAGER JEPSEN responded no.

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

22. Appointment(s) to the Police and Fire Commission

CITY CLERK WAYNE stated Mayor Johnson's **motion** is to reappoint William Harms as a regular member [term to 3/1/2007].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

23. Request by Councilmember Wood for consideration of alternatives and direction to staff regarding pedestrian access at the Esplanade Street barricade on College Boulevard

COUNCILMEMBER WOOD stated Council has made some promises to Thomas Dempsey in the past, who's been coming to just about every Council meeting for the past year to address his concerns and issues at Esplanade and College Boulevard. Almost everybody on Council has been out to talk to the residents and address their concerns. We had made a promise to Mr. Dempsey that we would consider this or, if not, open the wall when College Boulevard was opened. Nothing has changed since then and there are people on both sides of the issue. There is an elementary school that kids walk to on the highway. There are also concerns from the neighborhood to keep people from going in there now that there is a cul-de-sac. We need to compromise.

Previously Councilmember Sanchez had suggested we put some type of gate in there and keep the retaining wall for the safety of the community. It could be timed, or open during the day and locked at night. This needs to be addressed as it's been a year and a half now. He asked Council to consider giving staff directions on what to do.

He **moved** to direct staff to look into putting a timed gate in there to open that neighborhood to the community and shopping. Again, we're looking at the safety of the children. This is on a walkway going up to an elementary school, and it's the parent's choice if they want the kids to walk that way.

He was out there yesterday, and it hasn't changed. The opening of College Boulevard will increase the traffic. Right now some people want it open, and some want it closed. The compromise for safety is a timed gate.

Public input

THOMAS DEMPSEY, 3641 Esplanade Street, stated after 5 years it's time to open the pedestrian access at Esplanade Street and College Boulevard for school children, neighborhood shopping and regular walkability in our neighborhood, which we had for 31 years prior to the barrier's installation by the developer and City staff without holding a public hearing. He asked Council to restore our public access and walkability.

He has spoken to Council representatives many times before on the pedestrian access. Councilmember Sanchez organized a public meeting and dozens of neighbors showed up. It was agreed that a timed gate should be installed. Staff was supportive and said it could be done. It was rejected by the Mayor and Councilmembers Chavez and Feller. Councilmember Feller requested permanent closure of the Esplanade wall, which was rejected by the Mayor and Councilmembers Sanchez and Wood.

There have been numerous commitments by City staff, commissions and even former City Councils to remove this temporary barrier when College Boulevard was opened. Tonight we are requesting that the City fulfill its commitment to the Lake Boulevard community and remove the temporary barrier on Esplanade as soon as possible.

NANCY DICKESON, 4047 Alto Street, is just blocks from a middle school and an elementary school. There are now at least 4 gates in that wall that were built when the wall was built. They back onto private property. There is no control of those gates. Whoever owns that property can allow anyone through those gates. Anyone who really wants to access property along this wall can climb it as is being done now. Who would knowingly buy a house when their children would have to walk around an apartment complex or walk over a hill to get to school? There are 2 registered sex offenders in this area. We need our children to go to a neighborhood school with direct access.

LOUISE SHAUGHNESSY, 4085 Vista Calaveras, supports the pedestrian access at the end of Esplanade and College Boulevard. Two weeks ago we walked the Calaveras Hills neighborhood and passed out over 300 flyers and talked to several residents to gather support and encourage families to get involved. There was tremendous concern over access through the Mira Monte barricade, as well as a pass-through for pedestrians at the end of Esplanade.

She thanked the Mayor and Council for the quick and professional response to the traffic management challenges that will need to be addressed when the barricades come down. Oceanside is meeting with Carlsbad to collaborate traffic studies and then they will meet with neighbors to discuss our mutual needs. They will keep Carlsbad informed as to the proposed traffic management solutions and disseminate information throughout Carlsbad and Oceanside neighborhoods. This will help promote neighborhood cohesiveness.

In the 2 years she has lived in Calaveras Hills she had heard Carlsbad has denied reasonable access to the neighborhood children to get to the neighborhood school. With the opening of College Boulevard the first 3 public accesses have opened. Mira Monte will hopefully open in January. Oceanside has the opportunity to provide pedestrian access to its own school children. She understands the reservations of some neighbors at the access point to College Boulevard and Esplanade; however, it is clear that allowing pedestrian traffic is a benefit to the entire community. A gate that would prevent access in the off hours as a compromise is an outstanding idea. She asked Council to do this for the sake of the children, the neighborhood and the greater good of our community.

MARY JEAN KORBACHER, 3649 Esplanade Street, is here to address issues that have divided the once friendly neighborhood she has lived in for 32 years. Our neighborhood, as many in Oceanside, has become the victim of necessary progress caused by population growth. Even in 1972 the homeowners were aware that College Boulevard would eventually extend both south to Carlsbad and north to Oceanside Boulevard. The northern section was completed in the 1970's. Our neighborhood suffered through years of blasting from the South Coast Asphalt Company, the cracks in the walls and foundations of our homes, the street expansions, the traffic delays, the dust, etc. We attended Council meetings in good faith to participate in the development of our neighborhoods because we live here.

The issue is now the promise made in a letter to residents by the City that the wall would have pedestrian access when the extension of College Boulevard opened. She received an additional letter, dated August 12, 2004, that informed her of this Council meeting where alternatives would be discussed. She asked what happened between the first letter and this letter.

She reviewed meetings that Councilmembers had with the neighborhood.

The majority of the property owners who have fought the access opening have individual gates that open directly onto College Boulevard and therefore have no need to utilize the public access. We feel discriminated against because we were denied the option to access College Boulevard to walk to the new shopping center or the new schools without having to climb a brick wall topped with a wrought iron fence. She knows of children who have fallen in the process of climbing over the existing barrier and were hurt. She is sure the City would not favor potential liability lawsuits caused by not opening the wall. She supports opening the wall to pedestrian access. She also, for the safety of the neighborhood children and pets, requests that a gate, preferably a self-closing one, be placed in the wall's opening to avoid potential accidents. She felt a locked gate would be the best alternative.

CORRINE PEREZ-GARCIA, 4142 Baycliff Way, supports the pedestrian access through the neighborhood. There should be free access for them to walk to school as well as for the neighbors to access the school and the new shopping center.

MATT EVANS, 4035 MiraCosta Street, encouraged Council to examine the opposition to the opening of the pedestrian access. There are a number of private gates, and he would expect those people to be opposed to any additional pedestrian access since it offers them no benefit. However, for about 2/3 of the neighborhood the pedestrian access would create the shortest route to Calaveras Hills Elementary School. In this case, many people are already crossing that barrier so it's already an unsafe condition. The recent changes, with the opening of the barriers on College and the development of the school, suggest that some of the earlier concerns have been mitigated by those new conditions. He encouraged Council to direct staff to find a safe way to provide pedestrian access.

JEAN KORBACHER read a letter from John Donnelly, 3648 Esplanade Street, who was unable to attend but supported a gate that can be opened for access but kept closed otherwise.

DON SCHRAMM, 4005 Vista Calaveras, stated it's been brought up several times that the people who live along College have access and that we're privileged to have that access, which is a bunch of bunk. We live along College Boulevard and get all of the noise day and night. The only reason those gates were put in there is because we have property beyond the wall that we have to maintain.

We've been fighting this for over 4 years and want to keep the wall intact for the safety and security of our kids and the neighborhood. In an article in the *North County Times*, Mr. Dempsey stated that people have to go blocks out of the way to get to the new Albertsons. Mr. Donnelly stated that most of the people who jump the wall are children, but the article didn't state that on the other side of the fence, 5 feet from the wall, traffic is going 50-60 miles per hour.

This morning he went up to Mr. Dempsey's house and walked these routes and found that it was actually faster to walk down Lake to get to that intersection. It doesn't appear they are going out of their way to walk to the new Albertsons. If we keep the wall closed, we will actually save Mr. Dempsey some time.

He is semi-retired from the Orange County Sheriff's Department, and he recently brought home a radar gun to check the speed coming down the hill. It was between 45-58 miles per hour. He checked the speed again this morning during commuter time and it was 48-62 miles per hour. Kids on high speed streets spell danger. Since the road opened we don't see any bicyclists anymore because it's a dangerous road. However, some people are willing to put kids over the fence or through a gate and on the road.

In the previously mentioned article, Mr. Dempsey and Mr. Donnelly mentioned nothing about safety and security, only convenience for themselves. It is too dangerous for the kids on the street. There are alternative routes to go to school. He urged Council to use common sense by keeping the wall closed.

TIM FARRELL, 4001 Vista Calaveras, agrees with Mr. Schramm. This road has been open for 11 days. The last Council meeting we came to, Council said we were going to have an investigation and we'd go through another City process. He asked Council to hold on a minute. In 11 days staff is going to evaluate a road that's going to be a major freeway from Interstate 5 to Highway 78. That is his back door. As soon as that wall is opened for a gate, there's going to be an air tunnel going right to his house. Do we want to put kids where people drive 60 mph?

ANGELA FARRELL, 4001 Vista Calaveras, stated the road has only been open since August 9th, and she can't believe she is here once again talking about this. Everybody who spoke for the gate or the opening of the road are all still talking like there are no cars on College Boulevard. College Boulevard in her backyard is a freeway and she can't believe that any of these people want their children to walk to school on College Boulevard. There is no posted speed limit. She drove that road at 70 MPH and there were cars passing her. It is not safer to have our children walk to that school.

The school isn't open yet and you cannot evaluate a road that has only been open for 9 days. People don't walk their dogs on College Boulevard anymore because it is dangerous. Putting kids on College to walk to school is like putting them on Highway 78 to walk to school. People are going to drive their kids to school. As far as walking to Albertson's and WalMart, she can't believe anyone would walk there and back when there is no walkway on Lake.

People in Carlsbad want to keep Mira Monte closed for the safety of the children, and the Carlsbad Council agreed to keep it closed until the school opened and they could evaluate it. That is all we are asking here. Leave the road closed until the speed limit is posted, traffic is evaluated with Oceanside and Carlsbad, and everyone has a chance to see what is going to happen there once the school opens.

ED PORTER, 3661 Esplanade Street, would like to repeat a statement that the Mayor made on this subject many meetings ago when he said we will not make a decision at this meeting. We may give it consideration again after College Boulevard is opened. The proponents are confused again. They misconstrued that statement and state flatly that when College Boulevard is open we will put a hole in the wall. One of the proponents is a Councilmember and made that statement in a meeting such as this. Another proponent has stated that when the wall was built, a planned pedestrian opening was built in. It would have been much less expensive to do at that time. Are the proponents prepared to cover the costs?

Should we place a minimum age on the children walking on College Boulevard? These are unattended children. Proponents think that the majority rules, so they go over the back gate area to cram the hole in the wall down the throats of the residents. Major consideration to the placing of the wall should be given to the people who live there.

DAYNA SCHRAMM, 4005 Vista Calaveras, stated the most important thing is there is no speed limit on College Boulevard yet. She spoke to some people in Carlsbad, and apparently there is a traffic survey being done to find an appropriate speed limit. She cannot imagine even thinking about opening this until the survey is done and we find out what's an acceptable speed. She also took a drive on College Boulevard at 60 mph and was passed by somebody going 65-70, and this was directly behind her home, which is where these children will be walking.

She invited Council to her back gate and stand on College and see what it's like. She knew it was going to be a busy road but it's terrible and out of control. In the newspaper yesterday it was stated that the majority of the people who climb the wall are children, and that's our concern. We had a young boy killed on Lake last year, and it will happen again. An opening tells children it's okay to go here. She urged Council to come and see what this street is like and realize that children are the ones who will be walking there. This is an 11-day old road. It's not a peaceful residential street; it's a major thoroughfare. Nobody walks here anymore because it's not safe. If an opening is considered where they want it now, it will be right next to the turning lane into the apartments so there is no buffer at all.

Public input concluded

Regarding the speed zone, **FRANK WATANABE** responded that we have to do an engineering speed survey to post a roadway higher than 25 mph. All local streets are considered prima facie 25 MPH. We do the survey and file it with the courts and then post the law enforcement officers to enforce that speed limit. We are working with Carlsbad on the joint traffic management plan to do not only the speed survey for College, but for all of the other streets to take a look at vehicular and pedestrian traffic. Staff would come back in a few months to provide Council with some direction in terms of what we want to do with College and Mira Monte. There is no posted speed limit sign on College; however there is an advisory sign placed on College Boulevard coming north. Because of the curvature in the grade, we had a flashing beacon sign of 35 MPH put in. We know that the speeds are slightly higher than that because of the grade and the speed. We will be doing the surveys and posting them in the next few months as soon as we get the documentation and the survey complete.

MAYOR JOHNSON stated, in speaking with the Mayor and Councilmembers of Carlsbad, this traffic survey is critical to their decision, which will take place in January, regarding the barricades at Mira Monte. From what he understands, the intent is to remove the barricades at Mira Monte in January.

MR. WATANABE responded that is correct. We are working with Carlsbad staff regarding what the preferred safe route for school is and the traffic volumes. Before the barriers were open, we counted all of the streets back there. Now that the roadway is partially open, we're going to wait a few more weeks until the traffic gets to a normal pattern, and then we are going to count all of the streets again. Carlsbad is doing the same thing. Then we will come back and do an analysis as to what should be the preferred corridors for a safe route to school and whether Mira Monte should be open or not. We are collecting that data now.

COUNCILMEMBER SANCHEZ asked if it was the Council's intent to establish pedestrian access and make this pedestrian friendly, would that be a factor that you would want to consider in determining what the speed limit would be along this part of College Boulevard?

MR. WATANABE responded it actually is. When we do our speed survey it is traditionally what they call an 85th percentile statistical sampling. We go out there, do the radar, count 50 cars in both directions, and then there is an 85th percentile curve and we go with that 85th percentile speed. However, we do factor in schools, parking, differences in the roadway, vertical and horizontal curves and pedestrians to balance it out and drop the speed to what is better for the roadway. So, pedestrians do play a factor in that speed survey.

COUNCILMEMBER SANCHEZ seconded the motion. The issue before us is pedestrian access. There is a related issue of public safety, which we are addressing in other parts of our City. We recently had a workshop that focused on the Coast Highway

corridor including pedestrian safety. There were 2 side issues presented. One is public safety and she would be committed to making sure that this would be safe. The other issue was freedom of travel. It's obvious that the intent of the development initially was and has been that this would be an open pedestrian access. There were some issues presented by a few residents that this has now become more dangerous because of the opening of College Boulevard. Nothing is going to stop the kids or adults from climbing the wall. This is the point that they wish to travel, so leaving this wall does not make it any safer. In fact, she thinks it makes it more dangerous. This community has suffered enough and the compromise would address both sides, giving neither side full satisfaction of what they would like to do. It's time to address this. Since we are doing the traffic studies this is the best time to do it.

With this issue she is not just looking at what the majority wants but also what is best for this neighborhood. She believes the best thing would be for these kids to have a legal way of getting to their school. They are doing it anyway so what makes us think that we can somehow stop them. She doesn't see any other solution.

COUNCILMEMBER FELLER hasn't spoken with anybody in 2 years regarding the issue. He had not changed his mind. At the most it's about ¼ of a mile from the furthest point to the school than it would be to jump the fence and go up the hill to the school through Mira Monte Street. He is overjoyed having College open, but it doesn't sound like it's a great deal for the residents who live next to it. The little bit of time that it takes to walk ¼ of a mile or so is nothing compared to the safety of children or adults walking on a busy road. That road is only going to get busier as they develop further down. That is part of the regional arterials. He would suggest that we raise the height of the wall to protect the children that are trying to jump over it. There is no other place on Rancho del Oro or College where a cul-de-sac backs up to a wall bordering these streets that there is access onto the street. That's typically the way these neighborhoods have been set up. Maybe it was a bad mistake on Council's part not to have required the wall 30 years ago. He has not changed his mind. This is a safety issue, and he foresees shopping carts being left in the cul-de-sac and somebody's kid being hurt or killed. It is a dangerous road for kids to be on.

DEPUTY MAYOR CHAVEZ asked Councilmember Wood to clarify the motion.

COUNCILMEMBER WOOD clarified the motion was to refer to staff the suggestion that a timed gate be put in through the wall as a compromise.

DEPUTY MAYOR CHAVEZ stated kids are unpredictable. At the last Council meeting we had a neighborhood issue on Vista Way where we were going to put traffic calming and it was a 2-year process. We finally got closure with 100% agreement as to where we would put the islands on Vista Way. Vista Way was a relatively quiet street until Highway 78 went through and then it became very busy. He hopes at the end of this we can have 100% agreement and have neighbors shaking hands.

He sees the discussions are focused on safety on the one hand and convenience on the other. He talked to the community, and there were more people who wanted the wall taken down than there were for leaving the wall up. The people who have children were saying leave the wall up. He previously said that if he has to weigh in between convenience and safety he will go for the children every time. We had 12 speakers and out of those 12 there were 5 that wanted it to stay up and 7 who wanted it down; but 9 of the arguments were talking about the safety of the children.

He agrees with Councilmembers Wood and Sanchez to ask staff to look at it. He wants us to find a safe way. He doesn't think it's the gate; there is a lot of other infrastructure involved with this beyond a gate. People are racing down that street, and he would hate to see a child get hurt. He urged staff to look at the Vista Way model. Now that we have College open and will have some studies, we can actually look at it.

The neighbors need to be able to live together after this. There have been numerous suggestions, and staff needs to look at what is the right thing for everyone in the community. Get the community involved. The solution may be to put a 12-foot gate up or put in traffic calming devices to make it safe.

MAYOR JOHNSON stated for almost 5 years he has listened to both sides of this issue. Mr. Watanabe is well respected and is working with his counterparts in Carlsbad.

Mayor Johnson stated a number of years ago he said he would be supportive of the opening once College is opened. It is open now and he is still supportive of it; however, before he votes in favor of that, be it a timed gate or otherwise, he thinks there are some legal issues we need to be concerned about. Carlsbad is taking its time with Mira Monte for a reason. Our City working in partnership with Carlsbad with this traffic circulation survey will assist us with what we're facing here. God forbid if we open this wall to pedestrian traffic and there's an accident or a death. To insure any legal issues for our City and to insure the public safety that we are all concerned about, we might want to take it a bit slower and continue the process that we are in the middle of right now with Carlsbad to study the traffic flow at Mira Monte and at College.

We all know there is a lot more traffic in our area than there was last year, 2 years ago, etc. We need to do our due diligence to make sure we cover our bases legally and insure public safety is our main concern. This is not a typical neighborhood street; it is a major arterial thoroughfare, and we need to make sure we do the right thing for all citizens concerned. If he hears a modified motion with the concurrence of the second, he will support that.

COUNCILMEMBER WOOD stated the problem is that it's been 5 years. In this particular case we tried for a compromise. It may or may not work.

Mr. Dempsey sent Council a letter asking that this come back. He stated Council said it would come back as soon as College Boulevard was open. We brought it here and let everyone have their input regarding the issue. As to a continuance, the neighborhood is stuck where they are. It's been years, and at least 2 Council groups tried to resolve this. He's not sure we're going to resolve this at community meetings, as we've already had several.

He asked for clarification that the wall was originally a temporary wall to be taken down when College was opened.

PETER WEISS, Public Works Director, responded the wall itself is a permanent wall, but there is a knockout panel in the wall that was put in so it could be removed and opened to pedestrian access.

COUNCILMEMBER WOOD asked if, for safety reasons, the time delay would change this and if staff would like to see Carlsbad's input regarding the speed limit.

MR. WATANABE thinks it is always good to get as much data as possible to make a good determination. This street is not posted with a speed limit. We are working with Carlsbad to do this traffic management plan and collect more data regarding volumes, speed and safe routes to school. In terms of whether it's safe or not, all of our streets and sidewalks are safe. College Boulevard is our heaviest traffic volume street. College Boulevard at Oceanside Boulevard carries more traffic than Highway 76 at 50,000 trips per day. The concerns regarding noise, safety, etc. are valid concerns on an arterial roadway. The issue right now is access onto a major arterial. Since we are still in the process of collecting data, we should see what comes out of it and make determinations from there. His best feelings regarding safe routes to school

will probably be on Mira Monte because it is all internal.

There are ways to make it more safe and pleasant on the major arterials, but we don't have that right now on College Boulevard since it just opened up.

COUNCILMEMBER WOOD stated the new elementary school at the top of the hill in Carlsbad will be a school zone, is that correct?

MR. WATANABE responded it already is. It's been operational for a couple of years.

COUNCILMEMBER WOOD stated as soon as drivers clear that school zone and head down the hill to the shopping centers, they are really picking up speed which has to be addressed. To be fair to all parties, he thought a compromise tonight would resolve this. If we continue this for review by our City and Carlsbad, do we have a time-frame for the people who want it open?

MR. WATANABE responded the traffic management study is supposed to be completed before the January date because Carlsbad wants to bring it back in January. We'll probably have it done sometime in November to bring back to our Council so you have an opportunity to hear the study findings and give direction back to staff.

COUNCILMEMBER WOOD knows people were hoping for a resolution tonight. For the reasons of public and children's safety, he'd be a fool not to continue it. However, this has to be resolved one way or the other. This has torn the neighborhood apart.

He **modified** the **motion** to send this back to staff to address this issue in conjunction with the speed or traffic calming on College Boulevard, along with the gated pedestrian access.

MAYOR JOHNSON asked City Attorney Willis if the City's legal exposure would be greater without the further traffic circulation studies are under way.

CITY ATTORNEY WILLIS responded the City would be in a much better position in terms of any future liability if, prior to making any decisions, the studies and correct findings were developed in support of whatever the final decision was.

COUNCILMEMBER SANCHEZ agreed to **second** the **modified motion**.

COUNCILMEMBER FELLER mentioned that the meandering sidewalks of College, where the speed limit is 50 mph, are not used, not like the internal streets. He believes we have no legal problem if we build the wall higher. He is not in favor of putting this off. The wall needs to stay for the safety of the children.

Motion was approved 4-1; Councilmember Feller - no.

6:00 PM - PUBLIC HEARING ITEMS

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

The Special Meeting of the Oceanside Public Financing Authority (OPFA) was called to order by Chairman Johnson at 7:01 PM on August 18, 2004 for consideration of a joint OPFA/City Council/Community Development Commission (CDC) item.

17. **City Council/CDC/Oceanside Public Financing Authority: Adoption of resolutions authorizing the issuance of bonds not to exceed \$15,500,000 to refinance the outstanding \$14,935,000 of Downtown Redevelopment Project**

2004 Refunding Tax Allocation Bonds, and authorizing certain documents and directing certain actions in connection therewith

CHAIR JOHNSON asked for any disclosures or constituent contacts. **DIRECTOR SANCHEZ** reported none; **DIRECTOR WOOD, CHAIR JOHNSON** and **VICE CHAIR CHAVEZ** reported staff contact. **DIRECTOR FELLER** reported no contact.

CHAIR JOHNSON asked Secretary Wayne if there had been any correspondence or petitions received. **SECRETARY WAYNE** responded negatively.

CAROL SWINDELL, Financial Services Director, asked Council to consider adoption of 3 resolutions approving the issuance of downtown Redevelopment Project 2004 Refunding Tax Allocation Bonds. These would refinance the outstanding 1995 tax allocation bonds and would result in a savings of approximately \$170,000 per year in annual debt service for the Redevelopment Agency. Additionally, staff structured the issuance in such a way that the City is able to get a surety bond, which means the City will not be required to have debt service reserved. This frees up \$1,800,000. In the current market conditions, the bonds are expected to produce a net present value savings of \$2,200,000, and are to be issued at true interest cost of 4.8% to refinance the old bonds that had a net interest cost of approximately 6.9%.

The \$2,200,000 is a discounted amount, meaning the stream of annual savings has been converted into what would have to be deposited now at the rate of interest 4.5%. That means the City would be saving \$170,000 per year in debt service.

With no one wishing to speak, **CHAIRMAN JOHNSON** closed the public hearing.

VICE CHAIR CHAVEZ indicated that this is a great idea, and **moved** approval of staff's recommendation [for:

Adoption of Council **Resolution No. 04-R560-1**, "...approving the issuance by the Community Development Commission of the City of Oceanside of its Downtown Redevelopment Project 2004 Refunding Tax Allocation Bonds and making certain determinations relating thereto"

Adoption of CDC **Resolution No. 04-R561-3**, "...authorizing the issuance of not to exceed \$15,500,000 principal amount of Downtown Redevelopment Project 2004 Refunding Tax Allocation Bonds on certain terms and conditions, approving the form and distribution of a Preliminary Official Statement and financing documents, authorizing certain other official actions and providing for other matters relating thereto."

Document 04-D563-3 [Escrow Agreement]

Document 04-D564-3 [Primary Official Statement]

Document 04-D565-3 [Fourth Supplement to Indenture of Trust]

Document 04-D566-3 [Bond Counsel Agreement]

Document 04-D567-3 [Bond Purchase Agreement]

Adoption of OPFA **Resolution No. 04-R562-OPFA**, "...authorizing purchase and sale of Community Development Commission of the City of Oceanside, Downtown Redevelopment Project, 2004 Refunding Tax Allocation Bonds, and approving certain related documents, waiving requirement for fixed annual meeting and authorizing certain other actions".

DIRECTOR FELLER questioned why the not-to-exceed amount was \$565,000 more than the outstanding amount of \$14,935,000.

MS. SWINDELL replied that at the time of the report, staff did not anticipate the surety bond structure. With the cost of the surety bond, the current estimates are \$15,300,000. The reason there is a not-to-exceed amount is due to fluctuating market conditions and allows a cushion to issue the bonds and realize a savings.

DIRECTOR FELLER seconded the motion.

CHAIR JOHNSON commented that every little bit helps. He is in favor of saving \$170,000 in debt service charge.

The motion was approved 5-0.

[Note: Final issues was \$13,510,000]

Mayor Johnson adjourned the Public Finance Authority meeting at 7:06 PM. The joint Council/HDB/CDC meeting continued.

CITY CLERK WAYNE noted that, as stated on the agenda, Item 18 has been continued to September 1, 2004, which was the issue regarding false alarm fees.

18. **[City Council: Introduction of an ordinance of the City Council of the City of Oceanside amending Chapter 6A of the Oceanside City Code changing the procedure for assessing false alarm fees, defining verified response, and clarifying the appeal procedure]**

Continued to September 1st at 6:00 p.m.

19. **CDC: Consideration of a resolution approving a Variation (V-204-04) and Regular Coastal Permit (RC-204-04) for a new 4,406-square-foot three-story single-family residence and the related demolition of an existing residence on a 2,166-square-foot lot located at 210½ Windward Way (in the "Myers Alley") just north of Windward Way; project site is located within Subdistrict 5 of the "D" Downtown District and is situated within the Townsite Neighborhood and the appealable area of the Coastal Zone – Rettberg Residence – Applicant: Kim Rettberg**
- A) Chairman opens public hearing – hearing was opened.
 - B) Chairman requests disclosure of Commissioners and constituent contacts and correspondence – Chairman and Commissioners reported no contact.
 - C) Secretary presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

RITA BAKER, Senior Planner, stated this project is at the corner of Windward Way and the Myers Alleyic. It's a small lot at 2,166 square feet. The applicant is requesting approval of a 4,406 square foot house, which will be a basement, 3 stories and a roof deck. The project had been previously reviewed and approved by the CDC in October of 2001. It lapsed in October of 2003 due to personal reasons of the applicant. Graphics showed the plan, the unique configuration of the lot, the railroad tracks and the 1946 bungalow that exists there at this time. The property has been in the Rettberg family for 3 generations, and their desire is to build a new home that will serve a variety of the members of the family.

The architecture is a Mediterranean style and includes a 2-car garage, full basement with home theater and a bedroom suite and bathroom on the first floor. They will also have a game room, 2 other bedrooms and an additional bathroom suite and

great room. There will be a deck, an outdoor barbeque area, kitchen, spa and a private sunbathing area.

The applicant is requesting a couple of variations with regard to this application. The first has to do with the percentage of appurtenances above the roofline. The overall building height is 35', which is allowed by the Zoning Ordinance; however, you are only allowed to go an additional 10' above. This will be 41', and then 10% of the footprint of the building, which is impacted by the elevator that runs from the basement to the roof deck. They also have some private shade structures. This is exceeded by approximately 3%.

The project is within the Coastal Zone in the appealable area. Staff felt that the uniqueness of the site and its configuration along an alley and behind an existing building merited the variation request because of the shape, size and location of the lot. We believe that the variation for the rooftop elements is supportable, which will allow the elevator shaft that has to meet certain dimensions. Also, the screening devices will be visually unobtrusive. She is not aware of any opposition to this application. It had been previously approved in 2001 and remains the same except for a slight change in color. The Redevelopment Design Review Committee and the Redevelopment Advisory Committee unanimously recommended approval.

COUNCILMEMBER FELLER heard Ms. Baker say 10' above. Did you mean 10%?

MS. BAKER responded there are two 10's in this analysis. One is the 10% of the footprint of the building, which is the area of what the appurtenances can be above the height. Then there is the 10' above.

COUNCILMEMBER FELLER clarified that the 10% is the footprint; then it can go 10' above 35', and that's not how high this is going.

MS. BAKER responded the maximum of this structure is 41'.

COUNCILMEMBER FELLER questioned if the variance is in the footprint.

MS. BAKER responded yes.

Applicant

KEN CHRISS, Architect, 707 Mission Avenue, stated we're really anxious to get going with this project. We would like Council's support.

MAYOR JOHNSON asked if it's the same project except with a color variation.

MR. CHRISS responded yes.

MAYOR JOHNSON asked what the delay was.

MR. CHRISS responded the building is a green building entirely and the structure is all concrete with a foam coating. It took us almost a year just to do the construction document section of it. The engineering was out of Arizona. It was a difficult project to do.

COUNCILMEMBER SANCHEZ asked how many units on that block are 3 stories.

MS. BAKER believes there is an apartment building that is similar in height directly north.

COUNCILMEMBER SANCHEZ asked if the request for a variance has to do with the mass of the elevator.

MS. BAKER responded yes, and the other privacy blinds that can be seen on the north and south elevations.

COUNCILMEMBER SANCHEZ clarified that those are meant to not be able to see through.

MS. BAKER responded correct, it's part of the private sunbathing area.

COUNCILMEMBER SANCHEZ stated when she looks at requests for variances she assumes that we are going to have more requests from neighbors for the same thing. She has to ask herself if she would be willing to do the same for everybody else on that block and whether she would accept seeing all buildings go up 41' versus 35'. There isn't a lot of difference between having a building that's 41' versus something that's going to look like it's solidly there at 41' but is just a cover. She is not sure she is prepared to go 41' and change the whole policy of the City via one project. She is concerned about that. Although we haven't gotten anything from neighbors, we will and we will get a lot of applications for the same. We need to ask ourselves if we are prepared to have these visual enclosures for up to 41'.

COUNCILMEMBER FELLER stated looking at the neighborhood and the homes that are there, he hopes they request for upgrades soon. The homes will benefit, and property values will be tremendous. For something this minimal, he would be willing to adjust for a variance because it's not an in-your-face type of structure. He hopes both lots next door do the same thing. He is excited to get these kinds of buildings in place.

COUNCILMEMBER WOOD stated it's the first time he's seen this project and his concern is the height. He remembers Council shutting down Dr. Ritter's project a little while ago for just a few feet over. It's a beautiful project, but we've already said no to other people because their projects were just a few feet higher. He wants to be consistent with these projects. He asked staff why we shut down the Ritter project.

MS. BAKER responded that was outside the Redevelopment Area on South Pacific Street is Subdistrict 5A, which has the 27' height limit, but the Commission has also considered appurtenances above in the past in that area.

COUNCILMEMBER WOOD asked if anything even close to this would be in the South Pacific area. He hasn't seen anything in the north end or North Pacific area. This is going to be the tallest building there.

MS. BAKER responded only the portion for the elevator shaft itself is.

MAYOR JOHNSON asked Ms. Baker to be a little more specific and clarify the 10% request. His understanding is that the structure is 35', which is allowed, and the elevator shaft will be 41'. Everything else is 35'.

MS. BAKER responded the shade structures are slightly higher as well.

Public input

ANN HU, 210 Surfdrider Way, Beachwood Motel, is not directly connected to this building but is in favor of this project. We would also like to reconstruct our buildings and have the parking lot bigger because currently we don't have enough parking space. If we want to build more, we have to be able to put a parking space on the downstairs, which means it will probably exceed the 35' height. If this project can go, then we can

do it at a later time.

MAYOR JOHNSON clarified it depends on the percentage asked for over 35'. The entire building cannot be over 35', just part of it. He believes we are looking at a 10% portion here.

With no one else wishing to speak, Mayor Johnson closed the public hearing.

COUNCILMEMBER FELLER moved approval [of **Resolution No. 04-R568-3**, "...approving Variation (V-204-04) and Regular Coastal Permit (RC-204-04) for a new single-family residence located at 210½ Windward Way - Applicant: Kim Rettberg"].

MAYOR JOHNSON seconded the motion.

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

20. **CDC: Consideration of a resolution approving a Tentative Parcel Map (P-203-03), Development Plan (D-201-03), Variation (V-203-03) and Regular Coastal Permit (RC-205-03) for a four-unit condominium project located at 209-211 Windward Way; project site is located within Subdistrict 5 of the "D" Downtown District and is situated within the Townsite Neighborhood and the appealable area of the Coastal Zone – Windward Residences – Applicant: Windward Way, LLC (Paul Zocco)**

- A) Chairman opens public hearing – hearing was opened.
- B) Chairman requests disclosure of Commissioners and constituent contacts and correspondence – Chairman and Commissioners reported contact with the developer.
- C) Secretary presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

RITA BAKER, Senior Planner, stated this application is for a 4-unit air space condominium project that is directly across the street from the previous application just heard. It is also on Windward Way at the Myers alley. The lot is 10,000 square feet and maintains 2 older buildings that are proposed to be demolished with this application. These buildings have been analyzed and not found to be historically significant and will be photographed prior to demolition. She showed graphics of various views.

The 4 units range in size from 2,599 to 2,904 square feet. They each have 2-car garages that are accessed from the alley to the rear of their property on the south. The architectural theme is Tuscan Beach style, and the buildings are 34'8" in height. The applicant is asking for 2 variations. One is for the setbacks on both the east and west sides of the lot. The east side adjoins the public parking lot, and the west side adjoins the Myers alley. The request is the separation, which is met through the existing parking lot and wall and is consistent with other variations that have been approved in the area. The second variation is in relationship to providing what is called shared open space. The applicant is required to provide at least 200 square feet of both private and shared open space. They exceed that for the private, but not for shared. Because that is something we typically see in a detached project, which can have some common area, we felt that this could be supported, since the intent of this application is to be a row home type of project.

The applicant is also requesting a deferral to underground the overhead utilities. Staff supports this in that it follows 3 provisions in our Subdivision Ordinance as related to the size of the project, the frontage and the cost. Staff feels the intent of a row home type of project on a constrained lot is practical as an air space condominium and believes the findings for the variations for the side yard setbacks and the shared open space can be made. The Redevelopment Design Review Committee and the

Redevelopment Advisory Committee unanimously recommend approval. She is not aware of any opposition. There were a number of people who requested to look at the file and see what the product looked like.

Staff recommends that CDC adopt the resolution.

MAYOR JOHNSON asked, in reference to the request for deferral of undergrounding, how many units have been deferred for undergrounding near this project.

GREG MAYER, Deputy City Engineer, responded there has been no adjacent development in recent years. Therefore, along this alley the utilities only exist in the alley and there is only 100' of frontage there. There has been no in-lieu fees directly collected by the City for undergrounding those utilities in the alley.

MAYOR JOHNSON asked what the cost would be to underground.

MR. MAYER responded it varies quite significantly on the length you're doing, but generally it's in the \$200 per lineal foot range. For these 4 homes it would be approximately \$20,000.

MAYOR JOHNSON asked if that cost would probably be passed on to the new prospective home buyers.

MR. MAYER responded that's correct.

MAYOR JOHNSON asked if there would be a benefit to the area if the undergrounding was required.

MR. MAYER responded yes, there is benefit built into any undergrounding visually. In this case they are solely in an alley and there is only 100'. The intent of the ordinance originally allows anyone building less than 10 units to ask for this deferral because we recognize that these are smaller projects.

MAYOR JOHNSON asked if any new developments are coming in that may require undergrounding where they could also be requesting deferrals.

MR. MAYER responded yes, all the time, especially on the west side of the tracks.

MAYOR JOHNSON asked if overall, if we required undergrounding for this project and future projects, would there be a greater benefit to the City.

MR. MAYER would assume yes.

COUNCILMEMBER SANCHEZ asked if when we say defer, does that suggest that we're trying to do it all at once with any new development coming in.

MR. MAYER responded that's correct. Rather than having piecemeal dropping of the lines underground between poles on these smaller projects, there is a benefit realized that it could be cheaper and more uniform to drop the lines all at once. The City would collect these fees, and once we've assembled enough fees along a certain block area, we could run the project and underground the utilities.

DEPUTY MAYOR CHAVEZ asked if the market goes soft and we don't see any other projects in there for say 5 years, are the fees based on today.

MR. MAYER responded the fees are based on current rates. They are somewhat

overestimated at 15% in that they include costs for the other 2 utilities to be undergrounded: communications and cable. It also includes a fee for a City person to run the project.

DEPUTY MAYOR CHAVEZ asked if there was a thought process when we chose the 15% toward the further development to allow us to underground that alley.

MR. MAYER responded no. That could be one of the pitfalls. If the economy and development stalls in a certain block area, it could be several years before we assemble enough money on that block to pay for the undergrounding in a more uniform fashion along that entire block.

DEPUTY MAYOR CHAVEZ believes that as often as we can, we need to do undergrounding to improve the area. He asked for the City Manager's thoughts.

CITY MANAGER JEPSEN responded the money is held in a segregated account, and it does earn interest, which accrues back to that account. He would say that probably at some point in the future, we should look at increasing our contingency and administrative fees for piecemealing an undergrounding district. It is worth us taking a look at in the future because it makes economic sense to come back and do a larger project rather than piecemealing. We will save money doing that. Hopefully, as interest rates go up we will be able to keep better pace with the cost of living adjustments, and that is certainly going to increase the costs of construction at some future date.

DEPUTY MAYOR CHAVEZ is not one to increase taxes or fees, but he sees this as the price of putting houses there. What's going to make the Redevelopment Area kick off is the view corridors without seeing wires around. He has no problem with staff's recommendation to approve this, but it's important to look at how we're doing this. We did a project like this a few months ago with the same issue, and he was worried about something going soft and then we have these beautiful row homes with these unsightly wires in the alleys.

Applicant

PAUL ZOCCO, applicant's representative, stated the zoning for the property allows for 6 units, and the project is requesting 4 units. The allowable footprint for the size of the parcel is generally 65%, and we are requesting approximately 45%. The building height allowable is 35', and we are averaging 32' with the ridge lines of the houses for a distance of approximately 80', reaching 34'8". The modulation from the street side exceeds the modulation that is required by City Code, which is about 33%. We are modulating all of the buildings back a minimum of 10' for a percentage of 37%. We're very sensitive to creating a softness and offering a project that is going to be demonstrating where the neighborhood would like to be going.

COUNCILMEMBER FELLER asked what the project backs up to.

MR. ZOCCO responded a motel.

COUNCILMEMBER FELLER asked if, when that motel gets built, all of the undergrounding will get done for that alley.

MR. MAYER responded that is correct.

COUNCILMEMBER FELLER thinks we are collecting a fee here, and the actual people who are paying it are the new residents that buy-in. He is encouraged that the motel owner is interested in re-doing her motel. It's just more great access to the beach. With these 2 projects back-to-back it will be great.

MAYOR JOHNSON asked if you do the overhead now and you come back 5 or 10 years from now to do the undergrounding, will the fund take care of the patch job that has to be done to the house when you remove the overhead wires.

MR. ZOCCO responded typically, if we were allowed to pay the in-lieu fee, we would underground from the alley to the residences. In 1992 he built a condominium building one block north of here and paid an in-lieu fee, and he doesn't know if it was actually undergrounded or not. We've been contributing fees as we generate projects.

MAYOR JOHNSON asked if to do it right the first time you are only looking at a total cost of \$20,000; divided 4 times that's an increase of \$5,000 per new prospective homeowner. If the new homeowner buys with the overhead put in as opposed to undergrounding, will the new homeowner have to pay for any retro-fit or past job when we do the undergrounding and you remove the overhead feed.

MR. ZOCCO responded no. To his knowledge there would be no impact to the homeowner because the only undergrounding that would need to be done at that point would be in the public right-of-way.

MAYOR JOHNSON said but you still have the overhead feed. Who is going to come in and pay for the removal of the overhead feed that's sticking out of the house to connect to the overhead wires?

MR. ZOCCO responded we are undergrounding from the alley to the houses, so the wires aren't going to the structures. The economic benefit is if a small project is conditioned to actually perform the undergrounding, then we have to go from pole to pole and the hundred feet becomes several hundred feet.

Public input

RAFAEL VIGARANO, 934 South Myers Street, had contemplated developing their property also, which falls outside of the Redevelopment Area. What we see in the photographs is much better than what we've seen before, which is a boarded up house. We are considering changing our property from vacation rentals to a condominium project similar to this one. He will be standing before Council in the near future for his project.

ANN HU, 210 Surfider Way, Beachwood Motel, thinks modernizing the area is a good idea, as is undergrounding. Her concern is that the last time they built a condo across the street in the alley, they broke the sewer system. The City was telling us it was in the alley and one foot from the center line, so we ended up paying for the repair. If this situation happens again, she would prefer to not be responsible for it.

She asked if there is enough of a breeze gap between the motel rooms and these 4-units. This project will block the view for our second floor rooms, but we aren't concerned about that; we want to make sure we get enough air ventilation. What is the developer's recommendation for the fence in between her property and this project? People have been going through there, and we cannot stop current residents from allowing people to go on their property.

Public input concluded

Applicant rebuttal

Regarding the breeze question, **MR. ZOCCO** responded there is a 6' gap between each of the 4 structures. The previously approved project on this site was for a single building that covered 65% of the property footprint with a 35' height. This is a significant improvement over what had been previously approved.

We are conditioned to replace the alley going back 100' from Windward Way, and we will be taking our sewer services off the main sewer line that runs through there. We won't be doing anything with the sewer line as it is adjacent to the motel. We are responsible to post a bond.

MAYOR JOHNSON asked if the infrastructure and re-pavement of the alley due to the construction of this project, the applicant will be responsible for.

MR. ZOCCO responded yes. Also, there will be a 6' high wall between the motel and the project.

With no one else wishing to speak, Mayor Johnson closed the public hearing.

COUNCILMEMBER SANCHEZ thinks this is a great project. She **moved** approval [of **Resolution No. 04-R569-3**, "...approving a Tentative Parcel Map (P-203-03), Development Plan (D-201-03), Variation (V-203-03) and Regular Coastal Permit (RC-205-03) and granting a deferral of underground conversion of overhead utilities for a 4-unit condominium project located at 209-211 Windward Way – Applicant: Paul Zocco"].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

CITY COUNCIL REPORTS

25. **Mayor Terry Johnson**

MAYOR JOHNSON commented last Saturday there was a Concert at the Beach. It was just another testament to the great things happening in the City.

26. **Deputy Mayor Rocky Chavez**

DEPUTY MAYOR CHAVEZ announced September 18th and 19th are Harbor Days. The Nail and Sail is on the 19th.

27. **Councilmember Jack Feller**

COUNCILMEMBER FELLER announced the opening of College Boulevard, which we heard about earlier. We broke ground for the new parking structure north of the Transit District. It should be open in about a year with 450 more parking places.

28. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended her high school reunion at Oceanside High School for the class of 1974 on the 13th and 14th.

29. **Councilmember Jim Wood**

COUNCILMEMBER WOOD attended the Evening Under the Stars event. He thanked staff for the jobs they have been doing at Costa Serena and other areas of the City.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

August 18, 2004

Joint Meeting Minutes
Council, HDB and CDC

MAYOR JOHNSON adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:52 PM on August 18, 2004 [The next regularly scheduled meeting is at 4:00 PM on Wednesday, September 1, 2004].

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL

DECEMBER 1, 2010

SPECIAL MEETING **4:00 PM** **COUNCIL CHAMBERS**

Mayor

Jim Wood

Deputy Mayor

Esther Sanchez

Councilmembers

Jack Feller
Jerome M. Kern
Charles Lowery

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Felien

City Manager

Peter Weiss

City Attorney

John Mullen

The special meeting of the Oceanside City Council was called to order by Mayor Wood at 4:00 PM, December 1, 2010.

PLEDGE OF ALLEGIANCE – Deputy Mayor Sanchez

ROLL CALL

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

COUNCILMEMBER KERN stated with the reaction he's been getting from the public he would like to give Council one more chance to rethink this. He **moved** for a continuance of these items to December 8, 2010.

COUNCILMEMBER FELLER **seconded** the motion.

DEPUTY MAYOR SANCHEZ stated when Council was in Closed Session we discussed the dates because we wanted to make sure we were all going to be available. At the time Councilmember Kern informed us that he was leaving the next morning for vacation and would not return until December 1st. Council wanted to make sure that he would be present so that is the reason for the delay. We coordinated the dates and at the time did not hear any protests about setting this date. This was a long process; it's been probably 18 months of work. She is opposing the motion to continue.

MAYOR WOOD agrees. Council is trying to do the best they can on the 3 remaining contracts with employees. This has been a long drawn-out process. Council has not been involved in it. It has been the employee groups, the City Manager and attorneys addressing these issues. He did get quite a few emails that he feels were solicited by other Councilmembers saying this is wrong and is a lame duck Council making a decision on this. However, this was a date mutually agreed upon to do this. He is not sure he wants to continue it. If there is no agreement on any of these contracts, then Council will have to decide what to do in the future.

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

COUNCILMEMBER FELLER stated if Council had agreed upon December 1st, he was expecting at least a 72-hour notice to give the public a chance to get a shot at this versus this 24 hour notice. This process was completely misused.

MAYOR WOOD recalled the Council meeting that put the Charter City measure on the ballot. Councilmember Chavez only stayed on the dais long enough to vote for the Charter and then left the City. There should not be finger-pointing. This is an issue that's important to everyone. Nobody is hiding anything.

COUNCILMEMBER LOWERY thinks as long as we put this off, the employees will continue to have their pensions paid by the City. The sooner the City accepts this deal, the sooner the employees start paying for their share of the pension. Meanwhile, we are arguing about 24 hours' notice. He doesn't understand the argument that it's not enough that they start paying. They're not paying anything right now; we have been paying them the entire year. Eleven months of waiting to get to a conclusion is long enough. If everybody here thinks it's better to wait and continue to pay for the public safety employees' pensions, then that's contrary to the messages he's been getting from the public. It's a good idea to go ahead and approve this proposal. He would like to hear some of the details.

COUNCILMEMBER FELLER stated the Charter was put to a vote of the people. He did not know there was a meeting until yesterday afternoon. There was talk of a meeting, but until there is a document signed saying the Mayor has called a meeting, there isn't one. 72 hours would have been more appropriate.

MAYOR WOOD asked City Attorney Mullen and City Manager Weiss, who were at the Closed Session meeting, if they thought there was a misunderstanding about this taking place on this date.

CITY ATTORNEY MULLEN can't reveal the contents of what occurred in Closed Session.

CITY MANAGER WEISS stated the actual meeting was called yesterday afternoon and the Mayor did comply with the requirements to do a minimum 24-hour notice.

COUNCILMEMBER KERN stated Council had talked about when he would be back in town and that there may be a special meeting, but it was called yesterday afternoon. He did not get this packet until this morning with 112 pages. He assumes all other Councilmembers have read it but he hasn't read it. When you get something on the agenda and only have a day before voting on it and you don't read everything that's in the packet there is a problem. The public needs to weigh in on this.

As far as the Charter goes, that was a vote of the people that passed by 9 percentage points. He's more than willing to put this on the ballot and let the voters decide what they think the pensions should be. All we did with the Charter was put it on the ballot. It was out there for 6 months and was fully vetted by the public. This has been hanging out there for a year and now we have to vote on it the last day of somebody's term. One more week won't make that much difference because most of these things don't go into effect until January 1st anyway so it has no effect on whether the pensions are approved next week versus tonight. The public needs more time to look at this. The people should have a right to see what these 112 pages say and weigh in on it. If these are worthy contracts, then they will be worthy next week as well. If this goes forward today he will be voting no on everything because he doesn't have enough information and needs a chance to read the material.

MAYOR WOOD asked Councilmember Kern if he knew in that Closed Session meeting that this was the date we were going to pick.

COUNCILMEMBER KERN responded he was asked in Closed Session when he would be back from vacation and he said December 1st. There was talk of a special meeting separate from the date that he returned from vacation.

DEPUTY MAYOR SANCHEZ stated this was tentative and the Mayor complied with the rules. It was the Mayor's decision to follow through with the discussion that we had in Closed Session. It was very clear that we were talking about a possible special meeting. It was not definite because it still had to be ratified by the employee associations. This was done in compliance with the law and MOU's are things we never get questions about. She doubts that there is very different language than there was or has been since MOU's began. The newspaper found out that there was a discussion in Closed Session about the potential of having a special meeting. At the time that she got asked about it there was no information that we were going to have a special meeting.

This is a resolution that is looking at saving the City \$500,000 and it actually mirrors what Carlsbad did. She was pleased that we were able to get to a resolution that included the support of Councilmember Kern. If he wishes to pull his support, that is his prerogative. We had a thorough discussion of the main issues having to do with pension and the payment of all 9% within 2 years. That is what Councilmember Kern has been asking for.

COUNCILMEMBER LOWERY stated there are 3 proposals for 3 different associations in the City. One says that effective upon ratification by the City Council employees will commence paying 4% to CalPERS. Another one says that employees will pay 4.5% into CalPERS effective upon ratification and the third one says effective the first full pay period after ratification all members will commence paying the full 9%. It states that employees will start paying as soon as we ratify this. If it makes more sense to not ratify it and have the City keep paying it, then that is contrary to what people have been suggesting that we do. It's important that the employees start paying their share; the sooner the better.

MAYOR WOOD thought this was going to be a fairly simple meeting where we would discuss it and make a decision. It's called bargaining in good faith with labor groups and organizations. This is just to ratify contracts and get it done before the first of the year.

Motion failed 2-3; Mayor Wood, Deputy Mayor Sanchez and Councilmember Lowery – no.

CITY MANAGER WEISS stated Mr. Kammerer will give a brief consolidated presentation of the items.

DISCUSSION ITEMS:

1. **Adoption of a Resolution approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Fire Management Association;**
2. **Adoption of a Resolution approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Police Officers Association; and**
3. **Adoption of a Resolution approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Police Management Association**

BRIAN KAMMERER, Human Resources Director, stated the first contract before Council is the Oceanside Fire Management Association. The terms of this agreement provide for a 2.5% base salary increase at the first full pay period of January 2011. It also provides that the employees will pay 4% of the employer's share of the CalPERS,

which is effective the first full pay period after ratification by the Council. It also provides for a temporary reduction in holiday hours of 2 shifts, or 2 days, reinstating one after the first year and reinstating the second one in July of 2012. The fiscal impact of this for the first fiscal year is approximately \$17,500 and for the second year about \$12,000. It's an ongoing savings of about \$12,000.

The second contract is the Oceanside Police Officers Association. This contract provides for a 2% base salary increase, effective upon the first full pay period after ratification by the Council. Another 2% base salary increase is effective July of 2011, and a 1% base salary increase is effective July of 2012. The agreement also provides for the employees to pay 4.5% of their CalPERS, effective the first full pay period after ratification by the Council. They will pay the additional 4.5% of CalPERS starting in July of 2011, for the full 9%. Other items obtained in this contract would include service pay or longevity pay in the amount of \$3,000 per year for each employee who has completed 12 continuous years of City service in a sworn capacity. The agreement also caps the amount of unused holiday hours the employees can sell back, for the first year only, in the amount of 56 hours. The fiscal impact of this contract for the first fiscal year is about \$79,000. The second year is about \$500,000 and the third year is about \$27,000. The ongoing savings is about \$27,000.

The third contract is the Oceanside Police Management Association. This contract provides for a 4% base salary increase upon ratification by the Council and the employees will pick up 9% of the employer portion of their retirement. Other items include increasing the P.O.S.T. training pay by \$90 per pay period for a total of \$245 per pay period. The approximate savings is about \$6,500 the first fiscal year and \$13,000 the second fiscal, with an ongoing savings of about \$13,000 per fiscal year.

MAYOR WOOD asked for Mr. Kammerer's opinion on these contracts since he is the negotiating team.

MR. KAMMERER responded they are within the guidelines of what Council desired.

MAYOR WOOD asked the City Manager for his opinion on these contracts.

CITY MANAGER WEISS responded the contracts before Council are those that the Council directed staff to negotiate and offer tentative agreements with the various bargaining units. The one exception is Police Management, who did accept the City's offer. With some minor adjustments in the P.O.S.T. pay, it does meet what Council directed staff to offer them.

Public input

DANIEL ENGLE, 2375 Oceanside Boulevard, has concerns about Council's decisions today regarding salary increases. The economy is in dire straits right now and it's tough times for everybody and that should be considered. It seems as though this is being rushed. We need to take a little more time to go through this in detail. Where are the proposed wage increases going to come from? What effects will this have on the City in the immediate and long term? As an employee of a company, he loves salary increases, but there is a time and a place for everything and Oceanside's economy is not in the position to increase these salaries.

LARRY BARRY, 3973 Brown Street, feels this meeting was called by Mayor Wood to get union payoffs before Councilmember Lowery leaves, and that makes the City look bad. The police and the fire departments work for the taxpayers. We are in a recession. It takes 90 working people to pay for one public servant. We are paying these people for the rest of their lives.

Housing trends and property taxes in Oceanside are dropping like a rock. We are losing money. Houses that 2 years ago sold for \$500,000 are now selling for

\$300,000. The State and City are going to get less money and Council has to have a conservative way of looking at this. We need to get our fiscal house in order. These contracts are wrong for the City.

NADINE SCOTT, 550 Hoover Street, stated it seems these negotiations have been on the Closed Session agenda for a long time. The allegation that this meeting was rushed on the last day of Councilmember Lowery's term is goofy because the press was asking 2 weeks ago what was going to happen at this meeting. She has known about this meeting from a lot of people.

Voting on this will stop the City from paying. Why wait? She supports staff's recommendations.

JIMMY KNOTT, 127 Sherri Lane, appreciates the pension payments by the employees. The public does not have access to what was said in Closed Session and there are many rumors flying around about this. The public did not have a chance to voice their opinions. The charts provided to the public regarding these contracts were not clear and were not explained. He asked for better communication.

WOODROW HIGDON, 2544 Rudder Road, feels this vote is just another example of the alleged corruption of this Council. To vote in new/additional benefits for the police and fire departments that tampered with an election to load up the Council with an extra vote (Lowery) is election fraud and gave his opinions about the police and fire departments. He also spoke of complaints he has filed with Council and their lack of response to those complaints.

LARRY HATTER, 2344 Littler Lane, was part of a study in 1982 to merge the police and fire departments with Carlsbad and Vista. When that study was done with the Chiefs they made sure that the employees and the taxpayers were taken care of into perpetuity as far as we could go. As a result, he asked if CalPERS in Sacramento was notified and they had confirmed that the numbers would actuarially work for the City going out 1-20 years, and if an actuarial firm signed off acceptance and accepted the liability of the exposure. He asked if the actuarial assumptions that were done were not just on a regular retirement but a disability retirement as well. Most public safety officers retire under disability and it's very important that you actuarially do it that way. He asked Mr. Kammerer if during the last 10 years there was only 1 police officer that did not retire on a disability.

He suggested talking to the City of Chula Vista as they are now having to lay off a number of public safety officers and we don't want to be in their position. He asked if, as elected officials, Council is convinced that we should go forward with this and you would be willing to put the City's real estate up as collateral to cover these expenses. That's important because a city north of us in bankruptcy and some of this real estate may become a part of taking care of debt and Council needs to make sure that you can cover these exposures.

We didn't merge the police and fire departments with Carlsbad and Vista back in 1982 because of political issues in Carlsbad at the time. We were only going to save \$1,000,000 for each city in the first year but that wasn't deemed enough. It is important that Council makes sure the City is actuarially sound and that the City-owned real estate is protected.

GRAHAM FRASER, 2119 Oceanview Road, has lived in Oceanside for 30 years. Oceanside has always had an image problem and rushing this decision tonight will affect the image of Oceanside for years to come. This doesn't appear right and he's concerned about it. He would like to leave the raises being proposed to the next Council.

Public input concluded

MAYOR WOOD doesn't think this is being rushed through. This has been going on for 18 months. This date was previously picked to address this issue with a 4-1 majority. The public can be misled by the politicians, speakers, newspapers, etc. He has had problems with that so he usually doesn't return the telephone calls to our local media; because of the lack of accuracy or the bias factor. He referenced the Charter item being placed on the ballot and the proposed Waste Management extension as examples of other things being rushed through by other Councilmembers.

Most people who wrote emails don't understand how complicated these contracts are. The details of the contracts are looked at by attorneys for both sides, HR people and staff over a long period of time. Council is trying to do what is best for Oceanside. In every election that he can remember in Oceanside one of the top 3 issues has always been public safety. The economy is tight and he understands that but he got on Council because he wanted to change the image of Oceanside, which used to have the image of a crime-ridden military town. Public safety changed that image. The crime rate is down 35% and the fire department has all paramedics and not EMT's. People are afraid with the economy but we're getting outside assistance with that \$23,000,000.

He knows that Chula Vista is having a lot of problems and are going to lay off a lot of people, but if you look at the background of that they were a Charter City and did some things and now they're in trouble. San Diego is in desperate need and they are a Charter City.

The police and fire departments have done an excellent job and if this were private industry they would all get bonuses, regardless of the economy. There appears to be an agreement here where we give them some increases but they also have to pay back to the CalPERS system. It's a compromise. He may not have done this if we hadn't gotten that \$23,000,000 and some other things in the future that may help our economy. We agreed by a super majority in Closed Session to meet regarding this if the contract was ratified by the employee groups and it's not good-faith bargaining if we don't go forward with it. It makes the City look untrustworthy and the employee groups may not want to deal with us in the future. If down the road the economy gets worse, than Council will have to address that then.

He got emails saying the union people are bad people and he doesn't agree. He will forward the emails to the police and fire departments so they can address those issues.

DEPUTY MAYOR SANCHEZ stated there was a comment made that perhaps there was a lot to digest in terms of the entire document. She noticed there was a quarter-page summary of the changes and the documents included such things as grievance and hiring procedures, etc. She asked Mr. Kammerer if anything other than what was bolded in the document was changed.

MR. KAMMERER responded each contract contains a summary of changes that are a quarter of a page to a page long, which highlights all of the changes and in the contracts themselves the changes are all bolded. If you put them all together, it is approximately 2-3 pages of actual changes to the contracts.

DEPUTY MAYOR SANCHEZ stated that while this entire document is mostly a template that we've been using for a decade or more, the actual changes that are being discussed today have to do with a couple of paragraphs on 3 different pages. Is that basically it?

MR. KAMMERER responded yes, there are 3 different topics per item. There is one for retirement, compensation and, in some cases, holidays.

DEPUTY MAYOR SANCHEZ asked if there was anything left out of the quarter-page summaries.

MR. KAMMERER believes we put everything in the summary. There may have been one or two word items, but anything of any substance or any key economic changes are in the summary.

DEPUTY MAYOR SANCHEZ stated it's important to provide notice to residents, who are taxpayers and voters, to make it is as easy for them to understand what is before the Council. Sometimes we have huge documents and they are usually released Thursday evening for review for the following Wednesday. If this continues to come up, perhaps Council will need to address the idea that the public needs more time to address the huge documents.

Regarding the super majority question, there were 4 people who gave direction. In this case the 4 were Councilmember Kern, herself, the Mayor and Councilmember Lowery.

Regarding the process for Closed Session, she asked the City Attorney to explain what items are discussed in Closed Session and at what point are they brought forward for public session.

CITY ATTORNEY MULLEN responded the matters that are discussed in Closed Session include pending litigation, initiation of litigation, real estate negotiations, labor negotiations and the personnel items involving the City Manager and the City Attorney. With regard to labor negotiations, those are brought out in public after there has been a tentative agreement that has generally been ratified by the labor group and then is required to be brought for final approval in open session.

DEPUTY MAYOR SANCHEZ stated there was a tentative approval but it could only come to Council in open session if it was ratified. She understands that there is a change and asked if it's a minor or major change to the OPMA.

MR. KAMMERER responded regarding the OPMA change, the direction from Council is contained in the agreement. The one additional change is the additional cost to the P.O.S.T. management pay. That is an additional \$90 per pay period for a total of \$245 per pay period for any manager who holds the P.O.S.T. Manager Certification.

DEPUTY MAYOR SANCHEZ asked the City Manager if this agreement that is before Council, with that minor change, is beneficial to the City.

CITY MANAGER WEISS responded one of the speakers asked where the money was coming from and there is a costing sheet in the staff report that shows the immediate and the over the life of the contract costs to the City, or the savings, and the ongoing. For OPMA, even with the slight change, there is an ongoing cost savings to the City. It's not significant, but it's a small group, so it's approximately \$17,000.

DEPUTY MAYOR SANCHEZ asked if, taken all together, this is about \$500,000 in savings to the City.

CITY MANAGER WEISS responded the largest savings comes from the Police Association and it's primarily the result of, within the first 6 months, going to the full 9% of CalPERS. However, because of the longevity pay over the long term that amount does reduce to a \$26,000 per year savings. But, over the life of the contract, it's about a \$500,000 savings to the City.

MAYOR WOOD suggested we take them one at a time.

DEPUTY MAYOR SANCHEZ moved to adopt the resolution [**Resolution No. 10-R0853-1**, "...approving and implementing the Memorandum of Understanding between the City of Oceanside and the Oceanside Police Officers' Association"] [**Document No. 10-D0854-1**].

MAYOR WOOD seconded the motion.

COUNCILMEMBER LOWERY asked the City Manager if the City is saving money on this Item 2 over the term of the contract.

CITY MANAGER WEISS responded yes.

In response to Mr. Hatter, **COUNCILMEMBER KERN** asked Mr. Kammerer if he called CalPERS about how these things are costed out over 5-10-20 year period. Is there some information on that?

MR. KAMMERER responded no, we did not contact CalPERS and these are not costed over a 5-20 year period. There was a costing over the length of the contract and then the ongoing costs based on the information we have available. It was done by the Finance Director.

COUNCILMEMBER KERN asked if we are going to do that to find out what this will actually cost us long-term.

MR. KAMMERER responded we have the ongoing costs, based on today's data. That is in the staff report. For example, for Item 2, which is the OPOA, the ongoing savings to the City is going to be almost \$27,000.

COUNCILMEMBER KERN saw the quarter-page summaries but asked if Mr. Kammerer is absolutely sure he didn't miss anything on the summary.

MR. KAMMERER responded the key economic items have been put in the summary. There were some minor corrections but every key economic item or any change was included in each summary.

COUNCILMEMBER KERN agrees that this doesn't pass the smell test. If these contracts were that worthy, than a week would not make a difference. It's going to be perceived that this was rushed through at the end no matter what people say. These have been hanging out since December 31st of last year and now we're at December 1st and rushing it through because tomorrow we have a change in Council. That's what's wrong with this. He can't support this process and voting on these contracts today. He will be voting no on all of these contracts because of the way they were brought forward. There are things in these contracts that he likes and things he doesn't. Some of them are bad contracts.

MAYOR WOOD stated this is again making it a political issue when we were previously on board for this Item 2. We've addressed the rush-through issue and the public will perceive it however they want.

COUNCILMEMBER FELLER stated in that Closed Session it was discussed to have a meeting. His issue is 72 hours' notice; nothing more. There is no reason to have done this on 24 hours' notice. The Mayor said that someday the economy might die and we would have to do other kinds of cuts. The economy has died. The City of Vallejo went bankrupt over pension and benefits and they are not a Charter City.

He read as much of these contracts as he could this morning. He asked if we give the longevity pay to all 3 associations if they have been employed over 12 years.

MR. KAMMERER responded no. The only association that would receive longevity pay would be the Police Officer's Association. General employees do not get longevity. Police Management, Fire Management and Firefighters did not receive longevity pay.

COUNCILMEMBER FELLER stated they probably will be asking for it soon. In the fiscal impact on the Fire Management it says fiscal year 2010-11 is \$17,000 and

2011-12 is \$12,000. Why is there a difference there?

MR. KAMMERER responded the difference is caused by the restoration of the holidays.

COUNCILMEMBER FELLER stated on Page 11 of the Fire Management contract, under attendance and leaves, it says "for fiscal reasons the City may designate that each employee be given unpaid furlough days off. Such unpaid days shall be scheduled at the discretion of the City". It also says "nothing herein shall be construed to be a guarantee of a minimum work week for any employee". Is this in all contracts?

MR. KAMMERER responded that's standard language that's in the majority of contracts. He would have to check to see if it's in every MOU but it is in the majority of them.

COUNCILMEMBER FELLER asked if the City Manager could actually do unpaid furlough days according to that.

MR. KAMMERER responded in accordance with the MOU, the City Manager can do furloughs with the exception of the Firefighters, because we also have a clause in the Firefighter's contract that sets the staffing at a minimum staffing level. There may be some other issues with exempt versus non-exempt employees we'd have to look at. For MOU purposes, yes the City Manager can do that.

COUNCILMEMBER FELLER stated under sick leave accrual it says 12 days a year, so they can cash out 6 days a year, is that correct.

MR. KAMMERER responded that is correct. If they aren't used it's 50% of the unused balance they can cash out.

COUNCILMEMBER FELLER asked if somebody's never sick they could theoretically have a 30-year career and cash out 180 days.

MR. KAMMERER responded we cash out 48 hours per year, theoretically. At the end when you retire you can cash out 50% of your accrued sick leave. If you were never sick in 30 years than yes you can cash out 180 days at the end of your 30-year career.

COUNCILMEMBER FELLER stated on Page 16, under holidays, it says employees may be authorized to utilize executive leave or other accrued leave, excluding sick leave, on designated City holidays. Is that supposed to be designated?

MR. KAMMERER responded yes, it should say designated.

COUNCILMEMBER FELLER would like holiday leave explained.

MR. KAMMERER explained that for holiday leave Firefighters and Police Officers are a little unique in that they work 24-hours a day, 7 days a week. For this particular bargaining unit, you have 2 types of employees; shift employees and 40-hour employees. When it comes to a designated holiday, i.e. New Year's Day, if you're a 40-hour employee you get that listed as a holiday. If you're on a shift, you get a certain number of hours. In order to allow parity between the 56-hour shifts and the 40-hour shifts, instead of requiring a 40-hour shift employee to use designated holiday hours on a particular holiday, they are allowed to use other accrued leave such as executive leave or vacation. The main purpose behind this is to allow them, if they desire, at the end of 6 months they can actually cash out their holiday hours and receive cash for it.

COUNCILMEMBER FELLER stated in No. 3 under J it says effective upon ratification, the City Council will temporarily decrease the number of holidays by 2 days or shifts. Under A and B it says those are restored back to them over the next 2 years;

one in 2011 and one in 2012, which isn't really something they are giving up.

MR. KAMMERER responded it's a temporary reduction.

COUNCILMEMBER FELLER asked what happens to employees who have over 20 years; how much vacation do they get?

MR. KAMMERER responded they get 25 days, or the equivalent, per year.

COUNCILMEMBER FELLER asked if they get 25 days if they are 30 years.

MR. KAMMERER responded for the Fire Management contract 20 years is the maximum, which is 25 days.

COUNCILMEMBER FELLER asked if under No. 2 it is the same thing - temporary reduction of holiday cash-out hours.

MR. KAMMERER responded yes, for the first year only.

COUNCILMEMBER FELLER clarified that they are getting a 5% raise in the next 18 months.

MR. KAMMERER responded that is correct – the equivalent.

COUNCILMEMBER FELLER stated because we are a Charter City, we have specifically called out for a dues deduction and permission to have dues deducted individually by all bargaining units, is that correct.

CITY ATTORNEY MULLEN stated the employees would have to provide an annual written authorization. The agreements already require an authorization but the Charter makes it an annual authorization.

COUNCILMEMBER FELLER stated that isn't in here. It says it goes as existed prior to this agreement.

CITY ATTORNEY MULLEN responded the Charter would trump that provision, so they will have to do it annually.

COUNCILMEMBER FELLER stated on Page 6 of the OPOA it says they get 112 hours annually and on the bottom of that page it says for the first calendar year of the length of the MOU, employees will only be allowed to cash out a maximum of 56 hours credit per year. Upon completion of the first full calendar year of this MOU, holiday hour cash out will be unlimited. What does that mean?

MR. KAMMERER responded after the first year the unlimited would be equal to the amount of 112 hours because they receive a maximum of 112 hours per year so it's unlimited up to 112.

COUNCILMEMBER FELLER stated it seems like that could be open to interpretation and might be something that should be fixed. It amounts to giving them back everything after a year.

In 2001 he voted for the 3% at 50 for all public safety. Times were pretty good then; we were going along well. Now we realize that that's a very serious mistake. It's been great for the employees that have benefited from that, but he doesn't know how we're going to sustain it.

Bringing up the Charter, we have saved over \$1,000,000 already just in construction projects.

He asked the City Manager how much he is expecting to get out of police and fire budgets.

CITY MANAGER WEISS stated when we started the negotiation process the direction from the Council was approximately \$1,000,000 savings from each of the 2 bargaining units.

COUNCILMEMBER FELLER asked how much we are getting.

CITY MANAGER WEISS responded based on the background here for OPOA, over the life of the contract it's about \$500,000. The ongoing savings is around \$26,000.

COUNCILMEMBER FELLER asked about fire.

CITY MANAGER WEISS responded it resulted in an overall net increase to their budget of approximately \$143,000 for this current year.

COUNCILMEMBER FELLER stated this isn't saving much money. He had some discussions and plagiarized something he got from Carl DeMaio that until the City reforms pension liability, no tax increase will be big enough and no service cut will be deep enough to satisfy the skyrocketing debt service on the City's pension system. Retirement benefits are probably around 2/3 of the City's entire payroll expense. The reality is that a permanent pension solution should be the first financial priority for this City. Oceanside has the legal ability to reduce its structural unsustainable financial obligation simply by declaring impasse and to impose reforms. We need performance goals and measures to be facing whatever increases we're having. This is not an environment that is good for pay increases. Everybody in this City should be paying their full portion of PERS. Pay raises are nice to have but this is not the time for it and he can't see how it's going to be sustainable. How much is our liability with PERS right now?

CITY MANAGER WEISS responded we don't have that number right now but we have had actuarials done recently and we can forward those to you.

COUNCILMEMBER FELLER guessed it's going to be going up about \$10,000,000 in the next 3 or 4 years. That is pretty dangerous. It was said on the dais that the \$23,000,000 that Waste Management is going to give us over a 13-year contract is going to be able to cover all of these pension and benefit increases. He is not supporting this.

MAYOR WOOD stated he hears crying a tight budget; he agrees we should be looking at our budget, but the same person crying about the budget was willing to waive \$23,000,000 coming from Waste Management and are now complaining about \$143,000 in costs. When people call police and fire they want them to come. We have an option here and we're trying to keep a safe city and citizens.

COUNCILMEMBER LOWREY stated if the City Manager and Mr. Kammerer have determined that this is the best proposal we can come up with, considering we have City employees who've had no contracts for almost a year, if this Item 2 deal makes us money, then we should approve this item. It would benefit the City and we would immediately start saving money. This process has taken months because it's a negotiation. When we go into Closed Session we are given 30 seconds worth of information and Council has to make a decision whether to keep moving forward or stop it. We generally say to move forward and make some kind of change. We've made proposals and that's how we've gotten to this moment. He is completely comfortable voting on this item because we've already voted on it. 4 of 5 Councilmembers already approved this deal. The only one who didn't is Councilmember Feller. Apparently, one has changed his mind, but 3 of us are still consistently wanting to finish this proposal that we have been working on all year.

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

DEPUTY MAYOR SANCHEZ moved to adopt a resolution approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Police Management Association, with the changes that are before us [Item 3].

MAYOR WOOD seconded the motion if it includes the change that the P.O.S.T. certification pay be valid for the life of the contract.

DEPUTY MAYOR SANCHEZ amended the **motion** to reflect that change. She wanted to comment about the City of Vallejo which is a Charter City that is in bad straits. She's not sure what the point was about Vallejo, other than we're still talking about General Law cities that are well protected against ever passing a non-balanced budget, otherwise Councilmembers would be looking at some kind of criminal proceedings. Perhaps we should adopt that as part of the Charter.

Regarding the pay raises, this is actually the same thing that Carlsbad did as something of a model. While what Carlsbad did was a partial offset because they were looking at 9%, certainly it does not pay for the whole thing. There is a loss of pay with respect to the public safety in Carlsbad and Oceanside.

COUNCILMEMBER FELLER thinks we need to quit comparing ourselves to anybody and just do what we can afford. Can we make a change like Mayor Wood just suggested without going back to the bargaining unit?

CITY ATTORNEY MULLEN responded if he understands the motion correctly, it is that the P.O.S.T. managerial certification pay is only for the life of the contract. That will be written into this document before it's signed. In that case, it wouldn't require Council to approve this and then renegotiate something else.

CITY MANAGER WEISS stated the current contract is actually silent on time.

COUNCILMEMBER KERN stated this was not the contract that we talked about in Closed Session; it's been changed. This should have come back to Closed Session before it came to open session. Now, we're trying to change language and make little tweaks from the dais that should have been made in Closed Session. That's the whole idea of oppression that we're giving people; that we're rushing these things through. That validates his whole point that this doesn't smell right.

MAYOR WOOD stated if it's such a big issue, he will not support this item and let it go back and talk about it. This wouldn't be a big change; at the end of this contract it's over.

Motion failed 2-3; Mayor Wood and Councilmembers Feller and Kern – no.

MAYOR WOOD stated Councilmember Kern made a good point; there was a minor change and if Councilmembers want to discuss it that's fine.

DEPUTY MAYOR SANCHEZ moved to adopt the resolution [**Resolution No. 10-R0851-1**, "...approving and implementing the Memorandum of Understanding between the City of Oceanside and the Oceanside Fire Management Association" (**Document No. 10-D0852-1**)].

MAYOR WOOD seconded the motion. We had this come before; this is something they accepted and ratified in the past, is that correct?

MR. KAMMERER responded yes, this has been discussed in Closed Session and has been ratified by the OFMA.

DEPUTY MAYOR SANCHEZ stated a suggestion has been made that we did not follow protocol in terms of notification of this special meeting. She asked the City Attorney if he finds any issues whatsoever with this meeting.

CITY ATTORNEY MULLEN responded no. The Brown Act allows you to call a special meeting on 24 hours' notice under Government Code Section 54956 and those procedures were followed. In terms of the noticing of the meeting he does not have concerns. Whether to approve these contracts is a policy decision for the Council to make. Again, the Brown Act says specifically that a special meeting may be called at any time by the presiding officer of the legislative body of a local agency or by a majority of the members of the legislative body by delivering, personally or by mail, notice to each member within 24 hours of the meeting.

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

MAYOR WOOD does not want Oceanside to roll back to a crime ridden town. The police and fire have made a big difference on that. If the City saves money and we move in a good direction, he thinks financially we're safe. If he turns out to be wrong, he will be the first one to say it.

CITY CLERK WAYNE asked for clarification if it is Council's intention to not take any action on Item 3 this evening.

MAYOR WOOD responded it failed and goes back.

4. **Public Communications on City Council Matters (off-agenda items)**

WOODROW HIDGON, 2544 Rudder Road, spoke of alleged election fraud by the police and fire departments who conspired and financed an election which put Councilmember Lowery in office to pass the new police and fire contracts. He also talked of the \$23,000,000 from Waste Management being a fake tax. Nothing is for free.

Off agenda

MAYOR WOOD stated tomorrow is the swearing-in of Mr. Kern and Mr. Felien. Later that night is the Christmas Tree Lighting at the Regal Theater.

ADJOURNMENT

MAYOR WOOD adjourned this special meeting of the Oceanside City Council at 5:44 PM on December 1, 2010 [the next regular meeting is on Thursday, December 2, 2010 at 10:00 a.m.]

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE CITY COUNCIL

DECEMBER 2, 2010

REGULAR MEETING 10:00 AM COUNCIL CHAMBERS

**10:00 AM - OCEANSIDE CITY COUNCIL (COUNCIL),
- REGULAR BUSINESS**

Mayor

Jim Wood

Deputy Mayor

Esther Sanchez

Councilmembers

Jack Feller
Jerome M. Kern
Charles Lowery

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Felien

City Manager

Peter Weiss

City Attorney

John Mullen

The regular meeting of the Oceanside City Council (Council) was called to order by Mayor Wood at 10:00 AM, December 2, 2010.

ROLL CALL

Present were Mayor Wood and Councilmembers Kern and Feller. Deputy Mayor Sanchez arrived at 10:03 AM. Councilmember Lowery was absent. Also present were City Clerk Wayne, City Manager Weiss, City Attorney Mullen and City Treasurer Felien.

INVOCATION – Father Michael Diaz, St. Mary’s Star of the Sea

PRESENTATION OF COLORS - Oceanside High School JROTC Color Guard – led by Colonel Mike Sullivan

PLEDGE OF ALLEGIANCE – Tom Garcia, 2010-11 Oceanside Veteran of the Year

MUSICAL PERFORMANCE - El Camino High School Chamber Choir – conducted by Choir Director George Bridgewater

1. ADOPTION OF A RESOLUTION CERTIFYING THE RESULTS OF THE CITY’S GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, NOVEMBER 2, 2010

CITY CLERK WAYNE stated we are here to take the final administrative action as required by the California Elections Code to conclude the City’s general municipal election that was held Tuesday, November 2, 2010, by adopting the resolution certifying the results.

This election process started in June when Council adopted the resolutions to call the consolidated general municipal election. July and August was the time period for nominations. We had 5 candidates qualify for the ballot: Ken Crossman, Gary Felien,

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

Jerome M. Kern, Charles Lowery and Rex Martin. Although Ken Crossman later wished to withdraw from the race, it was beyond the time period allowed so his name remained on the ballot. We also had one qualified write-in candidate, Matthew Pinnavaia.

There is always a huge amount of work and Codes that must be followed in the processing of an election. Therefore, we wish to thank all of those staff members, KOCT, poll workers and those who opened their homes and facilities for the polling places.

Regarding the final certification, the County Registrar of Voters has 28 days to certify the election results. The 28th day was Tuesday, November 30, 2010. As of the close of work on Tuesday, we had still not received the results. Yesterday she drove to the Registrar of Voters' office to pick up our original certified results and to make sure everything was okay. Copies of the certified results have been distributed.

Our report today certifies that the November 2, 2010, election was held in proper form and manner and all of the California Codes pertaining to municipal elections were followed.

For this election, Oceanside had 76,226 registered voters. Of that number 49,220 cast ballots, which means we had a 64% voter turnout for this consolidated election. Of that 64%, 36.8% voted by mail and 27.7% voted at polling places.

Finally, the certified results show that for the 2 Council positions being voted upon, the 2 top vote-getters to fill those positions for the terms to December of 2014 are Jerome M. Kern with 21,835 votes, and Gary Felien with 17,866 votes. To finalize the election process the Council now needs to administratively adopt the resolution certifying the results.

MAYOR WOOD moved to adopt the resolution [**Resolution No. 10-R0855-1**, "...reciting the fact of the city's general municipal (consolidated) election held on Tuesday, November 2, 2010, declaring the results thereof and such other matters as provided by law"].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0; Councilmember Lowery – absent.

2. **CEREMONIAL SWEARING-IN OF NEWLY ELECTED COUNCILMEMBERS JERRY KERN AND GARY FELIEN**

[Having taken the official oath earlier this morning] Jerry Kern and Gary Felien were ceremonially sworn in by 73rd Assembly Member Diane Harkey and City Clerk Wayne presented to each their Certificate of Election.

COUNCILMEMBER KERN thanked Assemblywoman Diane Harkey, who had been involved in local government for quite some time and has been very supportive of the cities to the State. He recognized former Councilmembers in the audience and their contributions. He thanked his wife, Blake, his aide, Ben Sullivan, and all of the volunteers.

He is honored and grateful to be a Councilmember for another 4 years. There are challenges ahead; budget constraints, State deficits, struggling economy, etc. Many cities have been forced to cut back on services and City employees have been furloughed or laid off. The quality of life in many cities is not what it was 4 years ago. In Oceanside we must take a conservative approach to the City's budget, knowing that the essential services are our priority. The reality and measures we must face will be hard, but we can achieve anything with hard work and commitment.

This City's workforce is one of the best anywhere. We read about the small

disasters and the things that go wrong, but in truth we rarely notice how well things go on a daily basis. Day in and day out they keep this City running. Like all cities, we have departments that need to take a good look at their business models and structure and honestly ask if they can do a job better, more efficiently and more economically to lessen the financial burden to all of our citizens. The opportunity for efficiency can be found.

Oceanside is a city built on dreams, but dreams are powered by hard work, guided by common sense and inspired by creativity. We are a city of opportunity and optimism. Our City's future will be shaped by our citizens, not by our politicians. We have put vision plans in place to bring us into the 21st century and it's now time to implement those plans. Although we have faced economic adversity over the last year, our sense of community has not weakened. He understands the task before him and is well aware of the expectations of him by the residents. The residents voted loudly and clearly for change and for a stronger Oceanside.

It is a privilege to take the oath of office for a second term. We have 1,463 days left in this term. Today is day one and we need to start working today. He is proud of the trust and hope the residents have placed in him and he hopes to justify that trust.

MAYOR WOOD thanked Diane Harkey and asked her to introduce her aide.

DIANE HARKEY, 73rd Assembly Member, is in Sacramento 9 months out of year, 4 days a week. To come south and see everyone is a little difficult. Jody Vaughn, her District Director, will be here on a regular basis. Jody is almost totally staffed to Oceanside.

She was re-elected this time as well and Oceanside turned out more for her than previously.

JODY VAUGHN, Aide to Assemblywoman Harkey, is honored to be here and it's very exciting what's going on in Oceanside.

COUNCILMEMBER FELIEN thanked his supporters and his wife, Karen. All of the candidates and supporters participated in the great process of democratic elections for municipal government that even predate the existence of our country. He is honored and humbled to have participated as part of that process. He has been elected in difficult times and every member of the Council is going to have the challenge of trying to guide Oceanside through these trying times. On a national, State and local level we are in a great recession. He believes that excessive taxation, spending and regulation risk killing the goose that laid the golden egg. We need to redirect and refocus government. We also need to refine it to relieve that burden so the private sector can resume its traditional role of leading the path to economic growth. He appreciates everyone's support.

3. **OVERVIEW OF REQUIREMENTS TO FILL THE VACANCY OF THE CITY TREASURER AND, IF DESIRED, DIRECTION TO FILL THE VACANCY BY AN INTERVIEW/APPOINTMENT PROCESS AT A COUNCIL WORKSHOP TO BE HELD ON DECEMBER 21 AT 2 PM; OR ALLOCATE \$525,000 AND ADOPT THE RESOLUTIONS CALLING A SPECIAL MUNICIPAL ELECTION FOR JUNE 7, 2011**

CITY CLERK WAYNE stated anytime there is a vacancy that has been created in one of the elected positions, the Government Code states the options on how we are to fill that vacancy. It says that within 30 days from the commencement of the vacancy the Council will either fill the vacancy by appointment or call a special election not less than 114 days from calling the election.

As of a few minutes ago, we now have a vacancy in the City Treasurer position with the swearing in of Councilmember Gary Felien. Today starts the Council's 30-day time clock for decisions and action.

This vacancy is a little different from the last one we had in that we could see this one coming by the election numbers. Therefore, in anticipation that Council may wish to go through the interview process and appointment, as was done before, we did advertise the vacancy in the newspaper on November 19th with an application available for those who wish to be interested. We gave the deadline of December 6th for applications should Council wish to interview. A suggested Council workshop date of December 21, 2010, at 2:00 p.m., for the interviews gives Council enough time to review the applications received and then conduct the interviews.

Should Council however wish to call a special election, we have provided Council with the resolutions to call the election on June 7, 2011, which would be a stand-alone election. While we gave an estimate of \$525,000, when she drove down to pick up the certified results yesterday, we had some interesting news that the County is trying to recover more of their overhead costs. So, it could be quite a bit higher than the estimated \$525,000.

So far we have 3 people expressing an interest. The appointment would be to fill the term to December of 2012. We are recommending that Council follow the procedures as before and schedule a workshop for interviews. Just in case, we placed the item on the December 8th agenda, should Council wish to think about it.

To reiterate, Council's action needs to be taken so we're recommending that Council go through the appointment process by interview and schedule a workshop for December 21, 2010, at 2:00 p.m. Council's action is needed within 10 days.

COUNCILMEMBER KERN moved for the workshop on December 21, 2010. We shouldn't spend \$525,000 for a Treasurer's position for an 18-month term. For the press and anyone interested, the deadline date is December 6th for anyone who wishes to apply for the Treasurer's position. Hopefully on the 21st we will make an appointment because we're not going to spend \$525,000.

COUNCILMEMBER FELLER seconded the motion. He asked if we could extend the application deadline to the next week instead of the 6th.

CITY CLERK WAYNE responded Council could set that deadline.

COUNCILMEMBER FELLER asked if it just has to be done by the 30th of the month.

CITY CLERK WAYNE responded Council needs to take action within 30 days of today.

MAYOR WOOD stated we have to go through the background with the Oceanside Police Department (OPD), which takes some time.

CITY CLERK WAYNE responded yes it does. That's why we were saying the deadline should be around the 6th to give OPD enough time to do background checks and get the applications copied and back to Council. If Council wants a few extra days, she is sure that OPD can accommodate that for the meeting on the 21st.

COUNCILMEMBER FELLER asked that we accept application at least until December 9th at 5:00 PM.

COUNCILMEMBER KERN amended his motion to accept applications until December 9th and hold the workshop on December 21st.

COUNCILMEMBER FELLER as the **second concurred**. He doesn't believe

that just one shot in the newspaper is going to do it so we'll have at least an opportunity at the Council meeting on the 8th to remind interested parties to get their applications in.

COUNCILMEMBER FELIEN would like to allow as much time as possible to get the word out. He would pick a name out of the phone book before he would spend \$500,000 on an election. In these financial times, we can find an excellent candidate to appoint.

Motion was approved 5-0.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

WOODROW HIDGON, 2544 Rudder Road, spoke of past promises by Councilmembers, threats, intimidation and alleged corruption in the Police and Fire Departments.

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council at 10:53 AM on December 2, 2010 [The next regularly scheduled meeting is at 3:00 PM on Wednesday, December 8, 2010].

ACCEPTED BY COUNCIL:

Barbara Riegel Wayne
City Clerk, City of Oceanside