



California

# CITY OF OCEANSIDE

## MINUTES OF THE

### CITY COUNCIL

July 2, 2003

**ADJOURNED MEETING                      10:00 AM                      COUNCIL CHAMBERS**

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

The adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 10:00 AM, July 2, 2003 for the purpose of a Workshop. Councilmember Chavez led the Pledge of Allegiance.

**ROLL CALL**

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

**WORKSHOP ITEMS**

**MAYOR JOHNSON** stated that this Workshop was to discuss 2 items.

- Discussion and direction to staff concerning potential advisory group consolidations; and**

**COUNCILMEMBER FELLER** noted that the Telecommunications Committee was not listed. An idea to consider is combining the Telecommunications, Integrated Waste and Utilities Commissions. The City is already in the process of combining Harbor and Beaches Advisory Committee with the Beach Protection Committee.

**COUNCILMEMBER WOOD** had some concerns. He remembers in the past that these commissions were much larger and many, and in the past they were consolidated down to what they are today. His main concern is the cost factor, and he asked if combining these would make that much of a difference in the cost to the City.

**CITY MANAGER JEPSEN** stated that the level of support that is given for the various Boards and Commissions varies greatly. We need to look at the broader issue of not only the cost but also the disparity in support. Some of the Boards and Commissions have legislative responsibilities and require a higher level of service. Examples of that are the Planning Commission and Manufactured Home Fair Practices Commission. The others do not have the same level of legislative responsibilities, although they serve in an advisory capacity. It would be helpful to staff if there were a consistency in the support that is given. Some of the advisory groups have a dedicated full-time staff person. They expect and require detailed minutes of their meetings. Others are happy with action minutes and pass along advice to Council on those things that they have taken action on. The advisory group meetings are taped if someone wanted to go back. It is important that the City provide that consistency in the level of service between the various Boards and Commissions. Most Boards and Commissions meet monthly. A fair amount of staff time goes into agenda preparation, staffing the meetings, and providing the follow up minutes. The Telecommunications Committee has gone to quarterly meetings due to the number of items that they have to consider and also to save on costs. If more items come up, they would meet more frequently. There are things we need to look at prior to moving forward with any recommendations for consolidation. We could ascertain the costs associated with

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each of these commissions.

**COUNCILMEMBER WOOD** stated that if this was not a big cost factor and since the Commissions and Committees have already been condensed down to what they are now, if the City decides to go forward and reduce functions, his recommendation would be that there should be 5 commissions: 1) planning issues under the Planning Commission, 2) police and fire under Public Safety, 3) housing and redevelopment issues under the Housing Commission, 4) trash, street sweeping, beautification, and recycling under the Integrated Waste Commission and, 5) community events, cultural, and neighborhood issues under Community Relations. However, prior to any of those changes, per the City Manager, those things need to be looked into.

He suggested that he and the Mayor meet with the Chairs of all the Commissions and get their input before going forward. Part of the consideration should be the cost factor. If there are no extreme costs, he and the Mayor could find out from the Chairs of the Commissions what would be the best alternatives and/or the best consolidations.

**MAYOR JOHNSON** noted this is an opportunity to see if there is any support for any consolidations. The City Manager has indicated that the costs will vary depending on the Commission or Committee. There could be an opportunity to consolidate the Telecommunications, Utilities and Integrated Waste Commissions. He would like to have more information from staff regarding that possible consolidation. He suggested that Council ask staff to study possible consolidations.

**COUNCILMEMBER FELLER** stated there are presently about 26 advisory groups, and this Council has not reduced any committees/commissions or changed any of the structure, except we had talked about the Beach Protection Committee and the Harbor Advisory Committee becoming consolidated.

**MAYOR JOHNSON** concurred that this Council has not done any consolidations of commissions or committees. Prior to his election in 1992, he recalls there were 7 super commissions created as a result of the consolidations back in 1991 and that was well before any of the present Councilmembers were on the Council.

**COUNCILMEMBER FELLER** noted that consolidation does not change the valuable input that the Council receives from these commissions. There is an opportunity to have as much public input with 1 as with 3. He would like to go forward with looking at some of the possible consolidations.

**COUNCILMEMBER WOOD** felt several things need to be addressed. He suggested that he and the Mayor talk to some of the commissions to see if we could get feedback on consolidation. As the City Manager indicated, if there is no outstanding cost to the City then why change it. He also would like to address the need for the Council to give definition on policies and procedures regarding things such as dismissal and people who do not attend. There are guidelines, but who enforces the policies; that should be followed up. Commissions and Committees provide valuable input from the community, but they must also follow the rules and regulations that are there to get the job done. Some commissions are mandated by law. With summer coming up, we want to make sure that there are enough people on board so that they can have a quorum and can operate. We are in the early stages of making decisions and for that we will get input from staff or directly solicit information from the chairs of the commissions regarding their recommendations.

#### Public Input

**JIMMY KNOTT**, 124 Sherri Lane, member of the Telecommunications Committee, wished to voice his objection to consolidating the Telecommunications Committee, Utilities and Integrated Waste Commissions, although you may think they are interrelated to each other as any other commission would be to any other body. The Telecommunications Committee just went through a 3-year process for the City's cable television franchise. We are also involved with Information Technology, integrated systems, computer systems and cell sites and provide valuable information to the City. There are individuals on the Committee who have background and experience that this City could not afford if they were hired as consultants, and they are offering their services for free. If there is a consolidation and some of these people are kicked off, they will not be happy and may not

provide advice as they have in the past.

There is also a consideration of whether to be reactive or proactive in bringing issues forward before they become critical mass. As an example during the airport issue, the Transportation Commission had information that Council could have used, but they chose to keep quiet because they thought Council had to come to them to get the information. Just recently there was a situation with cell sites at one of the churches; this could have been easily stemmed by bringing in the Arts Commission. It is not just one group or another; there are many different groups that a merging. That needs to be looked at along with costs you are saving. You should also look at the social, political appointees versus professional appointees. There are some commissions and committees where the members show up because it is a nice name to put on their name tag. This is not right. They should be serving you, and you should be directing them.

**KAY PARKER**, 4377 Albatross Way, is a member of the Housing Commission but is speaking as an individual. She gathered that the impetus behind putting this item on the agenda came up during the budget process and that led her to believe that you are looking at the cost of commissions. If that is the focus, then we need to know how much we are talking about. There is an \$80,000,000 budget in the City; so are we talking about \$10,000 or \$200,000 — it is relative. This new Council deserves the opportunity to define the role that they want the Commissions to assume. In addition to cost, Council needs to define the role for each Commission. The Planning Commission is mandated, the Manufactured Home Fair Practices is legislative, the Housing Commission and the Historical Commission are State mandated. There are not a lot of options for those Commissions, but what can be defined is the role that they play for the City.

Some of us are still operating under the guidelines that were established many years ago by a previous Council. Prior guidelines required detailed minutes and staff support time; this is part of the cost factor. In the case of the Housing Commission, because they make recommendations on millions of dollars of federal taxpayer dollars, their guidelines were defined by the City Council. They wanted detailed minutes, separate commission reports, and they gave us direction on how they wanted us to operate. In these times there are cost-effective streamlining measures. If Council attaches a cost to the Housing Commission, she has some suggestions on how we can streamline that. That does not mean that they would not meet the responsibilities that Council defines for the Commission, but it could be done in a more cost-effective manner.

Once a year the commissions are given a training session and a free lunch to thank them for their hours of volunteerism. She assured Council that there is not one single member that would complain about giving up the free lunch. We are volunteers; you ask us and we will respond, but what we need from you is a clear definition of the role that this new Council wants them to serve. We can help; we can streamline costs if cost is the issue. If the issue is our mission, then that also is a policy decision, but she would ask that Council go to these volunteers to get their input so that there is a clear understanding of what service and contribution they actually make to you. Until this is evaluated and fully understood, you cannot make a decision about whether it is cost effective to consolidate or eliminate.

**BURKE BELKNAP**, 5056 Santorini, member of the Integrated Waste Commission, stated that most of their members have been on the Commission for quite awhile and have added to their expertise by the information that they have gained from the various matters that they have covered. If the City were to hire people with the kind of expertise they have, it would cost many times the staff time that is allocated to the Commission. If commissions are going to be consolidated, that means either there will be a very large commission or some of the individuals are going to have to be pared off. Regarding our Commissioners, we could not get along without any one of them easily. They each have different areas of expertise and compliment each other. His feeling is that you would be doing yourselves a disservice by consolidating the Integrated Waste Commission with any other commission.

**CHARLES "CHUCK" RADY**, 5118 Avenida de la Plata, is a member of the Utilities Commission. He agrees with all of the previous speakers and also agrees with Councilmember Wood's request for further study. He is concerned regarding the merge of the Utilities Commission with another commission. We are a very active Commission, and

we have nothing in common with any of the other commissions. He does hope that Council takes that into consideration when the decisions are made.

Public Input concluded on Item 1

**COUNCILMEMBER CHAVEZ** believes that the skills that the City receives from the commissions and committees are something we could not pay for. We have a lot of volunteers who are professionals giving their time to the City. With that understanding, it is also important that Council communicate their desires to the commissions and committees. In organization dynamics, even if it has been stated before, it is important every year to restate what you want from an organization as a review. It is also a good idea to relook at the commissions periodically. Anything that he can do to help in that effort, he would be willing to do. It is time that we do look at this. The Mayor is providing good leadership on bringing up this question, and we need to further the discussion.

**COUNCILMEMBER WOOD** has made his concerns known. He thinks there are a lot of issues and matters that can be brought up at a workshop. Again he recommended that the Mayor or himself and maybe our aides can contact the commission chairs and get recommendations from them regarding personnel, etc. He is trying to make it easy for the rest of the Council by having a person, a small group or an ad-hoc committee look into this and get back to us at a later date. He would personally like to do this because he has a lot of notes to himself about some of these. In case there is consolidation, he has a lot more input on what that consolidation might be. If not, the big factor is cost. If the cost factor is not that much, then he feels that the commissions can stay as they are now. He recommends that staff take this under consideration and that he and the Mayor go forward with getting more information for Council; that is his recommendation.

**MAYOR JOHNSON** agrees with Councilmember Feller on the possible consolidation of the Telecommunications, Integrated Waste and Utilities Commission. At this point he is very satisfied with the others. He suggested that he and the Deputy Mayor meet with the City Manager and sit with the chairpersons from the Integrated Waste, Telecommunications, and Utilities Commission to see exactly where some possible consolidation could work. If not, so be it.

**COUNCILMEMBER CHAVEZ** has 3 recommendations: 1) support the Mayor and Deputy Mayor to meet with the 3 groups: Integrated Waste, Telecommunications and Utilities, 2) Council should examine all the commissions, and 3) establish a process where Council communicates their designs for the year to all of the commission chairs.

**MAYOR JOHNSON** indicated this discussion has been heard by staff.

2. **Appointments to the following Committees and Commissions:**

Arts Commission  
Community Relations Commission  
Harbor and Beaches Advisory Committee  
Historical Preservation Advisory Commission  
Housing Commission  
Integrated Waste Commission  
Manufactured Home Fair Practices Commission  
Parks and Recreation Commission  
Police and Fire Commission  
Redevelopment Advisory Committee  
Senior Citizens Commission  
Transportation Commission  
Utilities Commission  
Youth Commission

**MAYOR JOHNSON** noted that everyone has received his recommendations/nominations.

Public Input

**JEAN KUJAWA**, 4914 Glenhaven Drive, stated some of the commissions require that their members know the City, especially the Parks and Recreation and Transportation Commissions. The Parks and Recreation members should know where all of the parks are located and where the majority of children are, etc., but this is not happening. So of the people appointed to these commissions, many of them do not know the City. Number 1 is they should know the City to be on any commission.

The Transportation Commission has never resolved the El Camino Real and Oceanside Boulevard transfer; it is terrible to try to transfer there. The Transportation Commission holds their meetings in the evenings so she cannot talk to them.

The Senior Commission is under Parks and Recreation but we do not have any Parks and Recreation people there to talk to. It is important that the commissions know the City and that we can talk to these people about our needs.

No one attends the Community Relations Commission meetings. They operate like a little sewing circle even though they dispense money for scholarships, etc. All community affairs should be under their jurisdiction.

She feels that communication is very important.

**MAYOR JOHNSON** asked to have his nominations read:

**CITY CLERK WAYNE** read the Mayor's recommendations [per his July 2 memo]:

**Term Expires**

**ARTS COMMISSION**

Appoint Sonya Nance-Herndon as regular (replacing Mark Whaley)	7/1/06
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**COMMUNITY RELATIONS COMMISSION**

Reappoint Theresa Mathison as regular	7/1/06
Reappoint Gwen Sanders as regular	7/1/06
Appoint Robert Rivera as regular (replacing Joseph Li)	7/1/06

**HARBOR AND BEACHES ADVISORY COMMITTEE [new] – terms will be drawn by lot**

Appoint Raymond Moon as regular  
(Liveaboard permit holder in Oceanside Harbor)

Appoint John R. S. Charlton as regular  
(Oceanside Yacht Club representative)

Appoint John Guth as regular  
(Commercial fishing permit holder in the Harbor)

Appoint John Metz as regular  
(Non-boat owner Oceanside resident)

Appoint Fayrene Erickson as regular  
(Chamber of Commerce representative)

Appoint James Enright as regular  
(Oceanside Beachfront property owner)

Appoint Frank McDonald as regular  
(Community at Large)

Appoint Robert Norvet as regular  
(Community at Large)

**HISTORICAL PRESERVATION ADVISORY COMMISSION**

Reappoint John Daley as regular (30-year resident)	7/1/06
Reappoint Lynn S. Shoger as regular (Architect)	7/1/06

**HOUSING COMMISSION**

Reappoint Ronalee Elsberry as regular	7/1/06
Appoint Lula McLemore as regular (Tenant)	7/1/06
Appoint Joanne Sorensen as regular (Tenant over 62)	7/1/06
Reappoint Joseph Farmer, Jr. as alternate	7/1/05
Reappoint Fr. Michel Gagnon as alternate	7/1/05

**INTEGRATED WASTE COMMISSION**

Reappoint Charles Bradshaw as regular	7/1/06
Appoint Kimberly Bergeron as regular (replacing Nadine Scott)	7/1/06

**MANUFACTURED HOME FAIR PRACTICES COMMISSION**

Appoint Mary Lou Elliott as regular	8/22/05
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**PARKS AND RECREATION COMMISSION**

Reappoint E. Charles Adams, Sr. as regular	7/1/06
Reappoint Vernon Allen as regular	7/1/06
Move William Kaiser from alternate to regular (replacing Mary Azevedo)	7/1/06
Appoint Hal Koch as regular (replacing Barney Fleishman)	7/1/04

**POLICE AND FIRE COMMISSION**

Reappoint Louis Keiner as regular	8/1/06
Move Lynn Briley from alternate to regular (replacing William Samuel)	8/1/06
Move William Harms from alternate to regular (replacing David Baker)	8/1/04

**REDEVELOPMENT ADVISORY COMMITTEE**

Reappoint Virginia Tompkins as regular (Cultural Arts)	7/1/06
Appoint Gregory Force as regular (replacing Richard Young)	7/1/06

**SENIOR CITIZENS' COMMISSION**

Move Joseph Barreras from alternate to regular (replacing Geri Whaley)	2/10/06
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**TRANSPORTATION COMMISSION**

Reappoint Richard Fox as regular	7/1/06
Reappoint Lynn Gardner as regular	7/1/06
Reappoint Philip Provencio as regular	7/1/06
Appoint Nestor Espiritu Mangohig as regular (replacing Reed Nelson)	7/1/05
Appoint Jayne Hall as regular (replacing David Nack)	7/1/05

**UTILITIES COMMISSION**

Reappoint Reynold Blunk as regular	7/1/06
Reappoint Lloyd Prosser as regular	7/1/06
Reappoint Charles Rady, Jr. as regular	7/1/06

**YOUTH COMMISSION**

Appoint Torrey Jarvis as regular (replacing Richard Coppack)	9/20/04
Appoint Ruth Xochihua as regular (replacing Jesse Wisniewski)	9/20/05
Appoint Yvette Nicole Givens as regular (replacing Lucille Boss)	3/20/05
Appoint Allison St. Clair as regular (replacing Eva Peters)	3/20/05
Appoint Shannon Sellinger-Mertz as Adult Advisor (replacing Carol McCauley)	9/20/05

**COUNCILMEMBER CHAVEZ** moved approval of the appointees as read.

**COUNCILMEMBER WOOD** asked about the Housing appointment of Lula McLemore. From her application she has had dealings with Community Housing and there are 2 contracts pending with them: one on Old Grove Road and one on Lake Boulevard. Is there a potential conflict?

**MARJERY PIERCE**, Director of Housing and Neighborhood Services, did not know the affiliation that Ms. McLemore had with Community Housing Works. The Housing Commission has a requirement that representatives that are receiving rental assistance be appointed to the Commission. She did not know.

**COUNCILMEMBER WOOD** was concerned with a potential conflict and questioned if we could find out before we voted on this. Also, he asked about the Integrated Waste Commission replacing Nadine Scott. He knew that the he and the Deputy Mayor had input that Ms. Scott has done an excellent job. He would like to see her remain on the Commission. He asked for that to be reconsidered.

**MAYOR JOHNSON** acknowledged that his letter of support for Nadine Scott had been received, along with a letter from Deputy Mayor Sanchez.

**MARGERIE PIERCE** reviewed Ms. McLemore's application and that a couple of years ago, as an Americorp volunteer she was assigned to work for Community Housing of North County.

**ANITA WILLIS**, City Attorney, stated that because she was a volunteer and there was no financial interest, there was no conflict of interest.

**COUNCILMEMBER FELLER** seconded the motion

**Motion was approved 4-0;** Deputy Mayor Sanchez - absent.

3. **Appointments to the El Corazon Planning Committee**

Public Input

**JEAN KUJAWA**, 4914 Glenhaven Drive, stated that one of the main issues for El Corazon is that it needs to serve all of the community. There should be public transportation so that people can get there from any area of the City. El Camino Real at Oceanside Boulevard is a horrible crossing. The park area is needed for the children, and there should be transportation to get them to the park. She hopes that the people on that Commission will take this into consideration.

**JIMMY KNOTT**, 124 Sherri Lane, stated the balance of pro and con groups should be maintained, with the facilitation of the City Council. What to do with the property is still a contentious issue. He submitted, for Council's consideration, the inclusion of other

interested parties that are directly impacted. For example, a representative from the City Manager's Biosolids Composting Research Committee should be included on this because they have been working for almost 2 years on this project; he believes this will save the City ratepayers about \$1,000,000 per year. There should also be a representative from Agri-Service as they already operate a business under the City's auspices at El Corazon. They need to have adequate representation with Waste Management. If these two items are considered, that would be more inclusive.

**MICHAEL BURGE**, *San Diego Union Tribune*, pointed out that the City is typically very good about providing background material, but he and the public do not have access to the lists that the Councilmembers have of the appointments. If the Council is working from material on the dais, it should be provided to the public.

Public input concluded

**MAYOR JOHNSON** asked City Clerk Wayne to read the list of appointees for the public information.

**CITY CLERK WAYNE** responded by reading [from City Manager Jepsen's memo dated July 1] the following:

Mayor Johnson submitted the following: Catherine Anderson, Joan Bockman, George McNeil.

Deputy Mayor Sanchez submitted: Jan DesRosiers, Shari Mackin, Diane Nygaard.

Councilmember Chavez submitted: Lou Fenton, John Hoffman, Mike Miller.

Councilmember Feller submitted: Ken Hacker, Bob Kline, Hugh LaBounty.

Councilmember Wood submitted: Margaret Hernandez, Carolyn Krammer, Elmo Ross

**COUNCILMEMBER FELLER** thinks 15 members is very inclusive. We had a chance to review the names and he apologized for not having it available to the public. Everyone on the list is aware of the issues that are going on in Oceanside, and the list is satisfactory.

He **moved approval** of the list.

**COUNCILMEMBER CHAVEZ seconded** the motion. He felt that, as there were 7 women and 8 men, the gender was split evenly, and there is also an even split between those in support and those opposed to Proposition M.

**Motion was approved 4-0;** Deputy Mayor Sanchez – absent.

**COUNCILMEMBER CHAVEZ** said that he wanted to call attention for the press that there was also another document, which was the memorandum from the Rick Alexander Company, that was a wrap up of the workshop that the City had. He felt that it was very favorable; it talks about the expectations, the committee process, the plan parameters and the appointment process.

4. **Public Communication on City Council Matters** (off Agenda items) -- None

**MAYOR JOHNSON** adjourned this adjourned meeting of the Oceanside City Council at 10:53 AM, July 2, 2003. [The next regular meeting is at 2:00 PM today]

**ACCEPTED BY COUNCIL:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside

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California

# **CITY OF OCEANSIDE MINUTES OF THE CITY COUNCIL**

**September 17, 2003**

**ADJOURNED MEETING                      10:00 AM                      COUNCIL CHAMBERS**

**Mayor**  
Terry Johnson

**Deputy Mayor**  
Esther Sanchez

**Councilmembers**  
Rocky Chavez  
Jack Feller  
Jim Wood

**City Clerk**  
Barbara Riegel Wayne

**City Treasurer**  
Rosemary Jones

This adjourned meeting of the Oceanside City Council was called to order by Mayor Johnson at 10:01 AM, September 17, 2003 for the purpose of a Mayor and Council Workshop. The Pledge of Allegiance was led by Deputy Mayor Sanchez.

## **ROLL CALL**

Present were Mayor Johnson, Deputy Mayor Sanchez and Councilmembers Chavez, Wood and Feller. Also present were City Manager Steve Jepsen, City Attorney Anita Willis, and Assistant City Clerk Charles Hughes.

## **WORKSHOP ITEMS**

### **1. Presentation of the Oceanside Downtown Parking Study**

**JOHN AMBERSON**, Transportation Planner, stated that we had engaged in a parking study analysis over the last couple of years. July of last year we contracted with Katz, Okitsu and Associates to do an assessment of the existing supply and demand in the downtown core area. From that we were able to develop a detailed assessment of the supply and demand that exists, as well as an action plan that can be used by staff to monitor and produce additional parking facilities as future needs dictate.

The presentation outline goes over the study objectives, the approach and process. We have a study area that encompasses a large part of the downtown core area and the coastal beach areas for near-term and future parking issues, and we have recommendations for both, including parking needs and various funding and policy strategies. We are looking at planning for additional parking opportunities, both off- and on-street spaces.

**DEPUTY MAYOR SANCHEZ** questioned when the parking study was completed.

**JOHN AMBERSON** responded this parking study is in its final completion stages, now pending the input from Council today. This study uses data that was collected last summer in the 2<sup>nd</sup> and 3<sup>rd</sup> weeks of July by Katz, Okitsu and Associates. Based on Council's input today, staff will provide a final parking study report to Council.

**DEPUTY MAYOR SANCHEZ** stated you are asking us to vote on something we do not have yet.

**MAYOR JOHNSON** suggested hearing the presentation from staff, then the public, and then Council will have their opportunity to question and comment.

**MR. AMBERSON** continued that the approach/process was to assess the existing supply and demand ratios to look at near-term issues and to attempt to assess future supply and demand, with focus on the downtown area and the beach coastal areas. We have actually run some preliminary analyses by the various commissions and received input from them and others throughout the City. The study identifies various opportunities in the near-term and long-term for additional parking facilities to develop plans for both to deal with supply and demand issues occurring downtown. We want to get input from everyone and refine the action plan based on the input received.

The study area includes a good portion of the Redevelopment area encompassing the downtown core area and existing and future uses that would affect parking. We have a dynamic situation in the downtown core area with respect to parking demand; the shared parking spaces at times can be difficult. We are looking at a condition that can sometimes be influenced by the weather/seasonal. This will change in the future as we continue to infill downtown with new developments that generate their own parking demands.

The study area is bounded by Horne Street to the east; The Strand to the west; Wisconsin Street to the south; and Neptune Way to the north. That, for the most part, was the area that the data was collected by Katz, Okitsu and Associates last July. There is a downtown core area that this study focuses on [per the staff report]. It is broken down into 2 core zones with the number of available on-street and off-street parking spaces.

**DEPUTY MAYOR SANCHEZ** asked for a copy of the information being presented.

**MR. AMBERSON** responded that copies are not available due to copying problems. Hopefully copies will be available this afternoon.

**BILL DVORAK**, with Kimley-Horn and Associates, Inc., stated there was a previous study completed earlier this year, and that study primarily collected data throughout a large area of the downtown regarding demands at different times of the day, different days of the week, etc. It had forecasting based on some information on future land uses, and it gave a general assessment of the future parking needs. Kimley-Horn was hired to take a more focused look at the downtown area. With some more detailed information specifically about some of the redevelopment projects, what is likely to happen in this core downtown area because of some of the parking going away is that a lot of the off-street parking is temporary parking; it is temporary parking on privately owned lots or lots that will be redeveloped. We were directed to look at that area and say, with some of the redevelopment that is occurring in the 5 and 10-year period, what will happen to the parking demand and how the City should react to that by providing additional parking supply.

So in the core area referred to, you see about 2,200 parking spaces; the majority of those are off street in lots. About 815 of those spaces are on the street. Some of those spaces will go away because of the redevelopment plans.

Some existing issues include that even though you only have an average demand of 40-65% in that core area, you have peak demand problems, especially near the beach there is an average of 80-90% on some of the on-street parking and 70-80%. A lot of the parking in certain areas is used a lot during certain times of the day. The demand has increased somewhat in the last couple of years; there is more activity in the downtown in general. There is not enough City-owned parking downtown; because some of those spaces are temporary, you cannot rely on them for long-term needs as redevelopment activity continues to occur. Of course some of the free lots fill up before paid parking, and that will become an issue as time goes on in that as parking demand increases; more people will be paying for parking in the future.

He displayed a summary of demand in the core area by percentage, which changes during the day and on different days of the week, and general guiding principles that cities typically use, such as when you have areas with an average demand of about

70%, you need to be planning for providing additional parking facilities. In the 80% range, you should be designing, and at 90% you better be constructing because at 80% or 90% you have a real and perceived parking problem. Perceived is when people cannot find a parking space easily or quickly and are likely to go on. Businesses probably think that problem is at 60-70%, and they get concerned when there are no parking spaces immediately adjacent to their businesses, feeling that they are losing customers and losing business. There is an expected distance and how far people are willing to walk in certain downtowns, which plays a big part to that demand and how it is identified as a concern to some business owners.

There are a lot of development plans in this core area, and it will change both your parking supply, which will go away, and the demand, which in general will increase with more activity. The Catellus lots are expected to be developed along with other areas in the next 10 years. Lot 23, which the City owns, is ideally located and is an appropriate size to be considered for something other than a surface lot; it should be a structure.

The development in downtown will reduce the number of spaces to about 1,766 spaces, a loss of 476 spaces at a minimum. You will also lose some on-street spaces because as those sites develop, some of the on-street parking will go away as well, for driveways, loading, etc. So your supply will go down when your demand goes up. The OTC [Oceanside Transit Center] parking structure will provide additional spaces, and coincidentally it is roughly the same number of spaces that is lost, but they will not take care of all of the demand.

Regarding some future issues, in addition to losing those 476 spaces and even though the development projects will be providing on-site parking, that on-site parking will be for that development. When you are losing general public parking spaces, they are not replaced by private parking that is dedicated to specific uses. The demand will increase. You have a downtown that is changing, and as the land development changes, your downtown will be more ideal for future development. That has been seen already where market forces are increasing demand for residential development, and that residential development will in turn force the demand for entertainment, restaurants, shops, etc. So the future is going to change the parking demand quite a bit.

The OTC structure may not be able to provide all the spaces at all the right times, depending on the need and demand for the transit users. Your OTC will increase in ridership according to some of the transit agency forecasts, so that parking structure during the daytime will be used more. As downtown develops with more office, it will have the same parking demand times: Monday through Friday, 8:00 AM to 5:00 PM, and more parking will be needed. However, there is opportunity for shared parking there on evenings and weekends.

You need to start planning for the parking needs now. That is what this study is. You are doing the right things with the OTC structure. There is work underway on using some redevelopment escrow bonds to start considering developing Lot 23 into a structure in order to address these increases in demand.

Regarding the 5 and 10-year needs and strategies, more residential will turn into more redevelopment in general and will increase the parking demand. There are some small sites that he feels should be acquired in the downtown, if not for structures than for parking lots so that there are more publicly owned lots that are around for a long time. Some near-term approaches that you can enact to increase the supply would be angled parking on some of the streets; it is always a balance between capacity needs on a roadway and taking parallel parking and turning it into angled parking. In general you can increase the on-street parking spaces by about 20-25% with angled parking. He believes staff is looking into the feasibility of certain roadways where angled parking could be applied.

There are needs for financing and funding. Where there is some money that will be dedicated to parking facilities, there will be smaller developments that happen downtown, and development regulations require those developments to provide their own

parking. However, a smaller development cannot, so there is an in-lieu fee in place that is not consistently enforced. Therefore money is not consistently collected. It is a \$3,500 fee now. The value of a parking space is probably more than that. He believes the City needs to start collecting your in-lieu fees from those smaller developments so you can build up a fund to pay for some additional parking facilities, acquiring property on small lots, designing/constructing structures on some of the larger lots. On the \$15,000,000 in escrow bonds, which he believes needs to be spent within the next 3 years on parking facilities, part of that will be for the OTC structure. If the other part of that is going to be used for Lot 23, the design for that should start to occur within the next year so that those funds can be expended.

Regarding walk distances in general, as a downtown gets larger, the distance that people expect to walk from where they park to their destination grows. You have a fairly small-sized downtown, and your expected walk distance now is about 1 to 1½ blocks for most people, or about 600 feet. As redevelopment occurs with more destinations downtown, that parking distance can grow; it can also grow through signage, the walkability plan, etc. A goal would be to try to direct longer-term parkers to the structures and short-term parkers into on-street to try to stretch out that walk distance. By stretching the walk distance away from those 5-6 core blocks, you in a sense increase the parking supply without building more parking.

He displayed items where parking will be needed. Your demand is along the beach and in that core downtown area like at Mission and Coast Highway. There are a couple of facilities that will serve that demand: the OTC and your Lot 23. These will go a long way in serving those demands.

Regarding policy issues to consider when planning and designing for parking facilities, you will be losing some of the citation and fee revenues when you eliminate some of the public off-street parking; free parking may have to be converted to metered parking to make up for some of the revenue loss, etc. Cities typically do not do a good job in allocating/directing money specifically for parking facilities, and it should be one of the strategies here to develop a very defined plan for how you continue to fund parking. Ways that cities do that with meters now is to use meter revenues to build off-street parking. In-lieu fees can also be used to generate and build up a fund for additional facilities on an on-going 5-, 10-, and 20-year basis.

He again noted how the parking supply can be increased just by stretching the walk distance and by parking turnover. There is a lot that cities can do to manage the supply that they have now through enforcement of restricted time spaces for a certain number of hours. An example is that, if one car is parked in a space for 8 hours, it serves as one space for that 8-hour period. If you have more consistent turnover, such as 4 hours, you get 2 cars per space which is like doubling your spaces just by enforcing time limits on parking. Increased walk distance does the same thing; when you can get people to park further away and walk 2-3 blocks instead of 1-2 blocks, you generally increase the available parking supply for people downtown. He thinks that will happen in part because of some of the redevelopment. As more blocks become more attractive to people, people will want to walk to more than one location when they park. Also signage and strategically locating additional parking facilities can help.

Regarding some of the longer-term needs, the office uses that are expected to occur downtown also will require parking. As you know, offices have 2 types of parking: all day and the come-and-go parking throughout the day. This is where you can direct the longer term into structures and the shorter term to on-street parking. The public parking facilities will need to be constructed at specific locations at other places away from downtown.

While much of the focus of this study and the study by Katz, Okitsu is downtown, when you go out 20 and 30 years, you have other areas throughout the City where we expect increased parking demands because of other development. Parking policies you have now need to be reviewed and possibly updated to provide for that consistent funding stream and to take into consideration the changes that are going to occur downtown

because of redevelopment. There are already some redevelopment policies related to parking and they need to be updated regularly as redevelopment occurs and depending on the time of when they occur. It also depends on the timing of when you provide new facilities such as additional structures.

The beach parking will always be a high demand. If there were double the number of spaces out there now on weekends in the summer, it would still be in the 90% range. What happens is people are willing to park further away when they go to beaches; they are use to that. So the more parking you put near the beach, the more demand you will have at the beaches.

He reviewed areas outside of the downtown core area that will experience some increased demand because of vacant land where there will be activity/development. These areas need to be studied in more detail where you have some defined land use changes, etc. The point is that, in addition to focusing on the downtown area in the next 5 and 10 years, staff does need to consider the longer-term implications of parking needs throughout the City, including at gateway points where people come into and out of the City and other areas with high activity.

He reviewed that site dimensions are important when you are looking at acquiring new land for parking facilities; also location and walking distance and where new development will occur is important for parking. Environmental, architectural, aesthetic issues, etc. all need to be considered, along with zoning, height, any Coastal Commission issues if on the west side of the railroad tracks, etc. When cities are trying to locate sites for parking, it needs to be done somewhat quietly because expected land values can increase.

He further reviewed Lot 23, which is about a 61,000 square foot site at 370 feet by 165 feet. It is currently 183 spaces. If that were to be developed as just a 3-level parking structure, there would be about 710 spaces. The way parking structures are often assessed in terms of how efficient they are is the cost per space. So we have a cost per space of \$17,500, which is about in the middle of what typical parking structure spaces cost. They can range anywhere from \$10,000 to \$35,000 per space, depending on the architectural features of the building, land costs, etc. You lose 183 spaces when you gain the 710 spaces so the net gain is 520 spaces, which increases that to \$23,600 per space roughly.

He reviewed general parking costs in looking at different action items. Whether it is parking meters, enforcement staff or surface costs, these are costs that staff needs to consider in planning for new facilities. In the end everyone pays for the parking facilities. New developments will have to pay their fair share through agreements with the City, build their own facilities on site, and pay in-lieu fees if small developments. As existing businesses become more successful and the sales tax increases, a portion goes to the City, and part of that can be used for parking facilities. In the end, user fees is what is likely to happen in your downtown in the future when demand is high and activity is high. There will be more people paying for parking more often, which is a true user fee. No cities like to think that they need to charge for parking, but as downtown areas become more successful, like Huntington Beach, it becomes more expensive to park nearby.

There are a lot of different financing options available with advantages and disadvantages with some of the different options, such as assessment districts, public/private partnerships, meters, fines, development fees, private investment and in-lieu fees. It is likely that your strategy to finance different parking facilities will include a variety of these different options, depending on the location, developments and mixed use. Some of the more common ways are through assessment districts in a lot of cities, as well as meters to start to fund some of the off-street parking through meter fees.

In conclusion, he believes the City is in a real good position to start planning for public facilities, mostly because you own Lot 23. Acquiring the property to build a facility is the biggest hurdle; Lot 23 is ideally located and is the right size with some funding already in place. So where there are some peak hour parking demand problems right

now, they are likely to increase as some of your public parking facilities go away. You have 2 things: the OTC structure which will come on line with parking spaces and Lot 23.

The overall plan does need to be completed for downtown that puts more detail to all of the land uses, and not just the redevelopment projects, and puts a timeline to those with a parking demand that says exactly when you are going to start to exceed those thresholds where the Urban Land Institute says you need to start planning, designing and building structures. Right now it is tough to put a timeline on some of those things because it is a little uncertain as to what some of the land use changes will be other than those specific development projects. For new land uses with new parking demand and transportation issues in general, i.e. traffic, roadway capacity, etc., it is hard to come up with a concrete plan for how you move forward on all of them at one time if you look at them independently. That overall view is what you need to be doing and yet now there are some independent issues—land use redevelopment, etc. You can address that in specific plans.

You also look in more detail at some of the outlying areas outside of downtown, which he believes are longer-term parking issues as far as when the City needs to address that by increasing the parking supply.

**CITY MANAGER JEPSEN** stated one thing that concerns him about downtown Oceanside is if you look at it, it is more like a shopping center. There are different uses that take place and opportunities for shared parking, and the Urban Land Institute had talked about these opportunities. One thing we are trying to do in downtown is to get more day uses when the parking is not peaking; now it peaks in the evening hours. He questioned shared parking and the types of uses that would fit in with the parking supply we already have in the downtown area.

**MR. DVORAK** thinks the OTC structure is a great example of how shared parking is going to work. The majority of the daytime parking will be those taking the train to work; and then you have a different peak because of the theater and a different peak on weekends because of the beach when those transit people will not be there. So it is a great example of shared parking, and the City needs to watch that and see how it works. As more day uses occur downtown, likely development would be smaller offices that are not likely to build their own parking structure on site. If the City has a parking structure, there are a lot of different things that can happen. You can enter into agreements with those office developments to pay in-lieu fees, and the City gets to use those spaces twice: once during the daytime office uses and again for the nighttime and weekend demand.

**CITY MANAGER JEPSEN** believes that office is a good match for day use; the transit users are not there if they got on the train. If you add up all the numbers for all the demand based on the Urban Land Institute, and you do not consider the shared parking opportunities, you will end up with a parking supply that greatly exceeds the need.

**MR. DVORAK** noted that office and theater is a perfect example of one structure serving both uses. We did consider the shared opportunities. The data was collected on an 'every other hour' basis throughout the entire downtown, for every block face and all the lots, and you can see when demand goes up and down. The data did not say where the cars came from, but it is common, and you can tell based on how long a car is parked, etc.

**MR. AMBERSON** added that we are looking at current developments on the Catellus properties and Parcel B locations where we are actually looking at that shared dynamic and turnover during the daytime hours between office and restaurant and retail. So we are looking at those aspects with the new development projects that come on line downtown.

**MAYOR JOHNSON** questioned why there was no duration study done.

**MR. DVORAK** noted that study happened last year, and he was not a part of it.

The study last year was of the whole downtown. In those downtown studies, you pick a few selected spots in lots and on the street to get a general idea of the turnover. The appropriate way is to take Lot 23, as an example, and pick 10 of the spaces and monitor them for a couple of days to see the turnover to see what your real supply is. So the average and peak demand here is really a snapshot in time, but it is based on good data that was collected every 2 hours.

**DEPUTY MAYOR SANCHEZ** questioned if there was a draft available of the study.

**MR. DVORAK** responded there are a couple of different studies. One was the Katz, Okitsu report of December 2002. What I was hired to do was assess that information. It is a technical report. While it does have demand and supply information, I was hired to talk about what I think is happening in plain speak: to consider land use, transportation, parking demand, land use changes, etc. The executive summary attached to the staff report is the report that was completed for my effort. It will be modified somewhat to include the 20- and 30-year snapshot of those areas outside of the downtown, but the product of this study is a number of different presentations like this one that have been refined as we have gone before different groups/bodies and talked about it and received more input.

**DEPUTY MAYOR SANCHEZ** stated you did not mention the demand for use from the east/west rail. This is a very truncated presentation, and she would have felt more comfortable if she had had an advance copy of the slide show presented and her own copy of the study. At this point she has more questions and is not in a position to vote on acceptance of a study that we only had a very small presentation on.

**COUNCILMEMBER WOOD** always thought parking was a big issue in the redevelopment/downtown area. Some of his issues include the shared parking. He does not want to subsidize developers for parking. If they want to build in downtown, one of their cost factors will be parking. If shared parking is feasible, it needs to be explained in great detail to him and the citizens because we have a facility on Parcel B for shared parking, but he worries that as things go forward in redevelopment with more developments, we will get to where shared parking will take up most of our parking facilities. He realizes the time factor for shared parking, but he is concerned. He does not want to subsidize parking for facilities like one of our projects going forward now. Even though we are subsidizing them and it is shared, maybe there should be an in-lieu fee, etc. He does not want to start a policy where we take spaces and give it to a commercial business downtown, and after 4 or 5 of them, they have taken much of the parking. As long as there is some sort of an in-lieu fee, that needs to be considered. Do the in-lieu fees work out in the end?

**MR. DVORAK** responded he has done parking studies in small downtowns also. The projects in downtown will be self-parked, with parking on-site for those uses; however, now is the time for the City to act with other sites in your control to preserve those and try to find some more so that as development increases, you can provide parking. There are opportunities for shared parking because the residential will bring office, and the office will bring commercial and entertainment uses, etc. It will happen somewhat naturally, but it will happen a lot better if it is planned and thought out and those locations are known. In-lieu fees are a great way to make development easier for smaller developments, and that in-lieu fee should increase as time goes on as spaces and land, etc., become more valuable.

**CITY MANAGER JEPSEN** wanted to provide a clarification on Mr. Dvorak's role. When the study was done, it was such a big area that Katz, Okitsu had said there was no parking problem because the area was too broad. There are temporal problems in this area, which is why Mr. Dvorak was brought in — to take that data and look at more of the sub-areas. He has gone to some of the commissions and Council. Council does not need to take any action on anything today. Part of the workshop is to educate, get information, and possibly look at more things.

Regarding the demand for rail parking, it is obvious that NCTD is going to have to make a broader effort as the demand for rail increases; particularly the east/west line and the Coaster will increase. They need to be moving on structures in the OTC to take care of the transit parking. The 450-space garage that we are building has a certain number of spaces that are restricted to preclude the entire parking garage from being filled by commuters.

**COUNCILMEMBER CHAVEZ** suggested that as we look at restaurants and places that people want to go, a benchmark or metric could be the value of parking spaces; one example as mentioned are the parking structures by the water in Long Beach. So it is important to use this as a measurement because, as the cost per space increases, so does the value of the community.

**MR. DVORAK** noted that the value per space is not the same as an in-lieu fee, especially when you consider shared parking. When you can use that space 2 or 3 times, that is why typically in-lieu fees are much less than the cost of actually building a space.

**COUNCILMEMBER CHAVEZ** stated that, looking at staff's recommendation on providing policy direction relative to new and redeveloping downtown businesses to either provide its own parking or the City will provide parking in planned structures with adequate in-lieu fees and/or development fees, he feels it is all of the above depending on the situation and location; it will be a combination.

**CITY MANAGER JEPSEN** stated that is true. Based on what we have heard today, it needs to be ferreted out better and in more detail. As we consider a shared parking concept, that is important in determining an in-lieu fee and what is fair, and then Council needs to have a discussion about the role of redevelopment in this. There needs to be more of a policy level discussion about that.

**COUNCILMEMBER CHAVEZ** believes it is important in redevelopment to look at the atmosphere and image that we want to see, i.e., a walkable community with walking and places to sit and looking at bistros and art. It is the environment that brings a different economic status to the city. Parking plays a role in this, rather than just talking about parking by itself. So parking is just a component of the larger issue of a walkable community and an atmosphere, etc., in its entirety.

Regarding the long-term items, he suggested to staff that we look at the parcels Mr. Dvorak discussed in the outlying areas as a way of acquiring them. Also, we should look at south Oceanside, particularly off Oceanside Boulevard because with the transit centers going in there, it will be our new redevelopment area. He would also say look at the Harbor area. One of his key areas is that Camp Pendleton is very interested in the large NCTD lot next to the harbor, so he would recommend we look at that.

The duration study interests him. He has students that have the time and ability to do this work.

**MR. AMBERSON** stated that we will be engaged in an on-going monitoring process that would require data collection and monitoring of the existing sites to reassess the thresholds that Mr. Dvorak explained earlier, so he appreciated that source.

**COUNCILMEMBER CHAVEZ** noted that, with the modification of the last recommendation to put "and/or," he **moved** approval of staff's recommendations [to accept the Downtown Parking Study; to direct staff to begin efforts to implement the recommendations for future on-street and off-street parking facilities as described; and to provide policy direction relative to new and redeveloping downtown businesses to either provide its own parking and/or the City will provide parking in planned structures with adequate in-lieu fees and/or development fees].

**MAYOR JOHNSON** seconded the motion.

**DEPUTY MAYOR SANCHEZ** thought we were continuing this because she is not

prepared to vote; the presentation being given without the information beforehand is an issue. The City Manager raised some good issues. She has not bought into the shared parking idea, etc. We are almost at the end of our redevelopment, so what happens then? Are we stuck with situations that we cannot change where the City has tied its hands with respect to revenue? Redevelopment takes up a lot of our City investments. Most of our police spend a lot of time in the redevelopment area, fire, etc. We need to look at this in terms of our goals and perhaps have redevelopment pay the fair share of its costs because the rest of the City will not be able to pay for redevelopment issues. The revenues are going to have to pay for increased policing, cleaning, etc. We need to study that. We should not proceed with a vote at this point. She would feel more comfortable getting more information and perhaps having another workshop to discuss this further. We should also have more public outreach.

**CITY MANAGER JEPSEN** noted that in terms of the recommendations, he believes all of those would have to come back to Council for further action anyway.

**MAYOR JOHNSON** responded absolutely; there is no question about that.

**COUNCILMEMBER FELLER** wanted the term in the report "way finding" clarified.

**MR. DVORAK** stated it is signage to try to increase the expected walk distance; it is signage that indicates where more public parking is so you can park in one place and walk 2 and 3+ blocks to get to different destinations, etc.

**COUNCILMEMBER FELLER** questioned if in the future if there is a need for parking fees in all of the structures mentioned today.

**MR. DVORAK** responded that if it is in one, then it almost needs to be in all, depending on the location. Free parking will always fill up first. There are some companies that will come in and build parking structures, and they will design, build, operate and maintain it but it is for fee parking. If there is any free parking in the City, it jeopardizes that agreement with that company, and they will not come in.

**COUNCILMEMBER FELLER** stated that in the OTC there is no fee at this time and asked if there can be a fee.

**FRANK WATANABE**, Deputy Director of Public Works/Transportation Engineer, stated that based on his knowledge, we are not charging fees in the OTC structure. He is not sure about the details of the funding from the federal government.

**JOYCE POWERS**, Redevelopment Manager, further responded that the OTC cannot charge for their parking. We have, however, in the design of the building, provided space to add a ticket booth later on to collect fees if the Council so decides. We can do that in the future.

**MR. WATANABE** felt this expands back onto the bigger question with the east/west rail line and other parking uses. He knows NCTD is looking at expanding parking facilities within their own site. As more parking is available, it gives us more flexibility when we can start charging within our facilities. The structure is more on their southern side and provides better access to the rail systems; that becomes better access to the rail systems for transit. Things will change. This was just to show Council what is going on with the parking and the big picture and that we do not have a shortfall right now. They may come back later on with these recommendations. This was more just an acceptance of the study that we did.

**COUNCILMEMBER FELLER** noted that parking over there right now is just horrendous, especially now that the development south of the station has started. That took a look of spaces, and they are on the street. That is an issue. Is it cheaper on a parking structure to build up vs. down.

**MR. DVORAK** responded it is absolutely cheaper to go up. To go down are issues

with the water table, etc.

**COUNCILMEMBER FELLER** noted that in Lot 23 he saw it was proposed to go down one level. Is that any different than the lot at OTC, because you cannot go down at OTC.

**MS. POWERS** responded that the difference between the 2 sites is the contamination at the B & SF site next to the transit center.

**COUNCILMEMBER FELLER** thought in the presentation it looked like Betty's Lot as a consideration for the future, but he could not clearly tell for sure.

**MR. AMBERSON** stated it is a potential opportunity that we are looking at; we are looking at all potential opportunities for the long-term, particularly in those areas west of the railroad tracks where the demand is highest, near the beach.

**COUNCILMEMBER FELLER** stated that when we are built out, like in San Diego with validation of restaurants, etc., do you foresee when it is all pay parking?

**MR. DVORAK** responded that most validation is in privately owned lots, and it is an agreement between that business owner running the parking facility and other business owners. The City can do the same thing, and that would be reasonable depending on the demand. His opinion is that downtown Oceanside will change quite dramatically because of its location, etc. People will be paying for parking in the future. Validation is more of a business decision than a City decision. However, if the City owns the majority of the parking structures, you will be paying back bonds or some sort of financing mechanism for that. Whether you collect it as a user fee from those parking or as a validation from the business, you end up about the same.

**COUNCILMEMBER FELLER** questioned the air rights since the top of the parking structure has potential for a lot of different things to offset some of the parking fees.

**MR. DVORAK** stated that in the course of doing this study, we talked about development partnerships/mixed-use sites such as a parking facility with commercial on the bottom, etc. Most would require some sort of zone change or height issues, etc. It decreases the cost per space and opens opportunity for mixed-use.

**COUNCILMEMBER WOOD** noted that people are not going to walk 6 blocks to a fancy restaurant. This is important and needs to go forward and be studied. He is in favor of both parking facilities when the money is available. We have a lot of questions that we do not have the answers to yet. He is in favor of moving forward with this, as long as all the other issues are covered, including public input and issues of shared parking, in lieu fees, OTC and fees, etc. We want answers before we make a mistake. If this is a vote to show we are in favor of this, that is fine, but he still wants the answers to the concerns mentioned.

**DEPUTY MAYOR SANCHEZ** stated we all agree we have had a parking problem for years. We have a boondoggle staring at us every day on the corner of Mission and Coast Highway that was really bad planning, with no parking on prime land. We have a motion to approve a study that we have not even seen. We are being asked to rubber stamp something with practically no information; the presentation was very inadequate to the point that we did not even get a copy of the items being presented. There are some real philosophical issues that this Council has yet to address. She does not want to continue down the kind of road we have been on that leads to a boondoggle. She is very disappointed in this going forward; it shows a lack of leadership on our part.

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

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

September 17, 2003 – 10 am

Council Workshop Minutes

**ADJOURNMENT**

**MAYOR JOHNSON** adjourned this Mayor/Council Workshop at 11:14 AM, September 17, 2008. [The next regular meeting is at 2:00 today]

**ACCEPTED BY COUNCIL:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



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

# CITY OF OCEANSIDE

## JOINT MINUTES OF THE:

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

**NOVEMBER 14, 2007**

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

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

**Mayor**  
**HDB President**  
**CDC Chair**  
Jim Wood

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

**Councilmembers**  
**HDB Directors**  
**CDC Commissioners**  
Jerome Kern  
Jack Feller  
Esther Sanchez

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

**Treasurer**  
Rosemary Jones

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**City Manager**  
**HDB Chief Executive Officer**  
**CDC Executive Director**  
Peter Weiss

**City Attorney**  
**HDB General Counsel**  
**CDC General Counsel**  
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:01 PM, November 14, 2007 by Mayor Wood.

#### **ROLL CALL**

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

#### **COUNCIL, HDB AND CDC CLOSED SESSION ITEMS**

**CITY ATTORNEY MULLEN** titled the following agenda item to be heard in closed session: Item 2 [Item 1 was not heard]. Closed Session and recess were held from 4:02 PM to 5:00 PM. [See the report out on this item at 5:00 PM, Item 3.]

November 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

**5:00 PM**

**MAYOR WOOD** reconvened the meeting at 5:01 PM. All Councilmembers were present. Also present were City Manager Weiss, City Clerk Wayne, City Attorney Mullen and Treasurer Jones.

Mel Vernon from the San Luis Rey Band of Mission Indians gave the Invocation. Aleshanee Ventura and Natane Castaneda led the Pledge of Allegiance.

**PROCLAMATIONS AND PRESENTATIONS**

Off Agenda - National American Indian Heritage Month -- November - the proclamation was presented to members of the San Luis Rey Band of Luiseno Indians.

Presentation – SUN 2007 Volunteer Appreciation

**MARGERY PIERCE**, Director of Neighborhood Services, and **DAVE MANLEY**, Neighborhood Services Division Manager, thanked all of the Oceanside SUN volunteers and sponsors and look forward to partnering with them next year for SUN 2008. A computer photo presentation was also shown of the event.

Presentation - The "100 Best Fleets in North America" Award

**MAYOR WOOD** presented the 2007 "100 Best Fleets in North America" plaque to our City Fleet members. This award was based on criteria which included accountability, performance, staff development, etc. The City of Oceanside's Fleet Division was ranked 16<sup>th</sup> out of the top 100 fleets in the United States. David Mills, Fleet Supervisor, and his staff were presented with the plaque.

The fleet means the City's vehicles and moving stock. For a City our size to come out 16<sup>th</sup> of the top 100 is really fantastic.

**DAVID MILLS** is proud of the fleet staff. They received the award for meeting challenges, and they are ready to meet the new challenges, which is the price of fuel. They are looking into alternative fuels. Their next goal is to be the next City to pump E-85 fuel in California. This group is ready to meet those challenges.

**CITY MANAGER WEISS** agrees the fleet division has done a wonderful job. There were approximately 3,500 different fleets that were involved in this. To be 16<sup>th</sup> in the United States is a testament to the wonderful opportunities, skill and dedication that these employees are giving to the citizens.

**CLOSED SESSION REPORT**

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

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

**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)**

November 14, 2007

Joint Meeting Minutes  
Council, HDB and CDC

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

No closed session was held on this item.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SECTION 54956.9(a)) Speights v. City et al., Superior Court Case No. GIN057318

This item was discussed; there was no reportable action under the Brown Act.

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

Advance written request to reserve time to speak: None

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

**SLEENE KOSINER**, 711 Pier View Way, expressed his views regarding various items. He is back after suffering a brain seizure, which affected his ability to speak clearly.

**CONSENT CALENDAR ITEMS** [Items 5 – 14]

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**DEPUTY MAYOR CHAVEZ** removed item 10 from the consent calendar for discussion.

5. Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the February 21, 2007, 4:00 p.m. Regular Meeting, and October 10, 2007, 4:00 p.m. Regular Meeting
6. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. Council: Approval of plans and specifications for the La Salina Wastewater Treatment Plant Upgrades project and authorization for the City Engineer to call for bids; and approval of a professional services agreement with Carollo Engineers of San Diego in the amount of \$56,191 for engineering office services during construction of the project, and authorization for the City Manager to execute the agreement (**Document No. 07-D0677-1 – La Salina Upgrades – Phase I**)

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Council, HDB and CDC

8. Council: Approval of closing Change Order 2 in the amount of \$155,909.28 to the agreement with CCL Contracting, Inc., for the Buena Vista Force Main Replacement Phase 2 project, for additional work requested by the City, some previously unanticipated work, and construction credits for reduced quantities of work; authorization for the City Engineer to execute the change order (**Document No. 07-D0678-1**); acceptance of the improvements constructed by CCL for the project; and authorization for the City Clerk to file a Notice of Completion (**Document No. 07-D0679-1**) with the San Diego County Recorder
9. Council: Approval of Amendment 1 to the Encroachment Permit Agreement with Sprint Telephony PCS, LP, for use of the right-of-way at 2080 California Avenue for wireless telecommunications services, for the installation of a 30-foot-high concrete pole to contain a street lighting fixture and telecommunications facility within the right-of-way, at no cost to the City; and authorization for the City Manager to execute the amendment (**Document No. 07-D0680-1**)
10. **Removed from Consent Calendar for discussion**
11. Council: Approval of Amendment 3 in the amount of \$151,050 to the professional services agreement with Project Design Consultants for civil engineering and surveying services for the El Corazon Senior Center project, for additions to the scope of work; and authorization for the City Manager to execute the amendment (**Document No. 07-D0682-1 - La Salina Upgrades - Phase I**)
12. Council: Approval to install three sets of speed humps on Morse Street between Alvarado and Stewart Streets

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**PAUL PACE**, Transportation Operation Engineer, stated that this neighborhood has been working with staff for over 2 years. He did not have any records from previous transportation staff of how many humps were proposed. Upon staff's recent evaluation, they are recommending 3 speed humps for this street.

13. Council: Adoption of **Resolution No. 07-R0683-1**, "... establishing certain traffic controls within the City of Oceanside"; specifically, all-way stop controls at the intersection of Darwin Drive and Peacock Boulevard
14. Council: Adoption of **Resolution No. 07-R0684-1**, "...establishing certain traffic controls within the City of Oceanside"; specifically, establishing stop controls on Monroe Street and Madison Street at Adams Street

**COUNCILMEMBER SANCHEZ** moved approval of the Consent Calendar [items 5-9 and 11-14]. **COUNCILMEMBER KERN** seconded the motion; which was approved 5-0.

The Mayor determined to hear Item 18 at this time.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

18. **Request by Councilmember Sanchez for a presentation by John Daley regarding the removal of historic structures on Pacific Street; and direction to staff**

**COUNCILMEMBER SANCHEZ** remarked that very early in the process, several of us got together to ensure that there would be no wrinkles in going forward with the hotel project. We knew that we had some historic structures that we had to address, and we wanted to make sure that everyone was at the table, including the Save Our



# CITY OF OCEANSIDE

## JOINT MINUTES OF THE:

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

NOVEMBER 14, 2007

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

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

**Mayor**  
**HDB President**  
**CDC Chair**  
Jim Wood

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

**Councilmembers**  
**HDB Directors**  
**CDC Commissioners**  
Jerome Kern  
Jack Feller  
Esther Sanchez

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

**Treasurer**  
Rosemary Jones

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**City Manager**  
**HDB Chief Executive Officer**  
**CDC Executive Director**  
Peter Weiss

**City Attorney**  
**HDB General Counsel**  
**CDC General Counsel**  
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:01 PM, November 14, 2007 by Mayor Wood.

#### **ROLL CALL**

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

#### **COUNCIL, HDB AND CDC CLOSED SESSION ITEMS**

**CITY ATTORNEY MULLEN** titled the following agenda item to be heard in closed session: Item 2 [Item 1 was not heard]. Closed Session and recess were held from 4:02 PM to 5:00 PM. [See the report out on this item at 5:00 PM, Item 3.]

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**5:00 PM**

**MAYOR WOOD** reconvened the meeting at 5:01 PM. All Councilmembers were present. Also present were City Manager Weiss, City Clerk Wayne, City Attorney Mullen and Treasurer Jones.

Mel Vernon from the San Luis Rey Band of Mission Indians gave the Invocation. Aleshanee Ventura and Natane Castaneda led the Pledge of Allegiance.

**PROCLAMATIONS AND PRESENTATIONS**

Off Agenda - National American Indian Heritage Month -- November - the proclamation was presented to members of the San Luis Rey Band of Luiseno Indians.

Presentation – SUN 2007 Volunteer Appreciation

**MARGERY PIERCE**, Director of Neighborhood Services, and **DAVE MANLEY**, Neighborhood Services Division Manager, thanked all of the Oceanside SUN volunteers and sponsors and look forward to partnering with them next year for SUN 2008. A computer photo presentation was also shown of the event.

Presentation - The "100 Best Fleets in North America" Award

**MAYOR WOOD** presented the 2007 "100 Best Fleets in North America" plaque to our City Fleet members. This award was based on criteria which included accountability, performance, staff development, etc. The City of Oceanside's Fleet Division was ranked 16<sup>th</sup> out of the top 100 fleets in the United States. David Mills, Fleet Supervisor, and his staff were presented with the plaque.

The fleet means the City's vehicles and moving stock. For a City our size to come out 16<sup>th</sup> of the top 100 is really fantastic.

**DAVID MILLS** is proud of the fleet staff. They received the award for meeting challenges, and they are ready to meet the new challenges, which is the price of fuel. They are looking into alternative fuels. Their next goal is to be the next City to pump E-85 fuel in California. This group is ready to meet those challenges.

**CITY MANAGER WEISS** agrees the fleet division has done a wonderful job. There were approximately 3,500 different fleets that were involved in this. To be 16<sup>th</sup> in the United States is a testament to the wonderful opportunities, skill and dedication that these employees are giving to the citizens.

**CLOSED SESSION REPORT**

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

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

**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)**

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

No closed session was held on this item.

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (SECTION 54956.9(a)) Speights v. City et al., Superior Court Case No. GIN057318

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**COUNCILMEMBER SANCHEZ** moved approval of the Consent Calendar [items 5-9 and 11-14]. **COUNCILMEMBER KERN** seconded the motion; which was approved 5-0.

The Mayor determined to hear Item 18 at this time.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

18. **Request by Councilmember Sanchez for a presentation by John Daley regarding the removal of historic structures on Pacific Street; and direction to staff**

**COUNCILMEMBER SANCHEZ** remarked that very early in the process, several of us got together to ensure that there would be no wrinkles in going forward with the hotel project. We knew that we had some historic structures that we had to address, and we wanted to make sure that everyone was at the table, including the Save Our

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Heritage organization.

The Grave's house successfully has been incorporated by the hotel, but there are 2 other structures that have some historic significance. Recently the Historic Preservation Commission received a staff report recommendation regarding what to do with these historic homes. The Rorick house at 106 Pacific Street, which is next to the Graves house, also known as the Top Gun house, was the one that was really the focus of the conversation during the Historic Preservation Commission deliberations. There is 1 other structure, which is the 1 behind the Top Gun house-Grave's house, which is called the Carriage house.

She has asked John Daley, member of the Historic Preservation Commission to do a presentation. Following that she will bring forward a recommendation that has been presented by Mr. Doug Eddow, Real Property Manager, regarding the Rorick house.

**JOHN DALEY**, 631 South Coast Highway, is not here to represent the Historic Preservation Commission. He was asked to come in, and he is speaking for himself. At that meeting we talked about the Top Gun house, and also talked about the possibility of doing something we did not think about. Quite a bit of the architectural integrity is still in this building, so while it seems like it is falling apart on the outside, it is intact and should be a relatively easy preservation restoration. He presented a computer graphic depiction of what the house looked like originally. The palm trees on the street adjacent to it now are 60 or 70 feet tall. In those years since 1907, they have grown to that height. He showed the original design of the house, which was by David Rorick, David's father who designed and built the house. There were 3 David Rorick's in our community over the years and they were named David. David Rorick, the father, designed and built this house. His design was kind of a craftsman style. Even though the color is different today, the integrity of the building, with the exception of the porch that has been enclosed, is almost exactly the same. The house is actually in fairly good shape. We had an opportunity to go through the house again and take a look inside. The architectural features inside are still there that were built originally. There are some minor changes.

One thing we had really forgotten is to offer the buildings that would be demolished to the general public for the possibility of moving them. Preservationists do not believe in moving the structures; the most important part about architecture is keeping it in context to the place it was originally. When you move it out of there, it loses all of its significance. We still are in favor, if we can recycle these, by keeping them in our community and being able to still see them in their original form in another location. We support that.

The Carriage house behind the Top Gun house was built in the 1880s; not 1907, like the Rorick house. This is a building that should be considered for being moved also. We would hope to pursue people in a very earnest way and hope that the City stands behind your staff to try to find someone to move these. We have been dependent on the local press to let people know that this is actually happening. We have received 6 calls.

The Carriage house was converted to a duplex years ago, so it has lost a great deal of its desirable preservation look. It is worthwhile to ask the community if they would like to see this building moved, and get the support of the City to at least have that as an opportunity. At OHPAC's meeting, we said that we do not want this to stand in the way of the project. We would like the opportunity to move it if it does not hold the project up.

He thanked Council for looking towards preservation as a way to develop a community; it is an important way of keeping the past in the present and making us feel that sense of place that is so important in a community that has so much history.

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**COUNCILMEMBER SANCHEZ** stated that the Councilmembers did get a memo from Doug Eddow, Real Property Manager, through City Manager Weiss, regarding 106 Pacific Street, which is the Rorick house. The goal is to make sure that whatever happens to these homes will not in any way affect the time line of the hotel.

In order to expedite the removal and/or demolition of the house, in conjunction with the EIR certification process for the hotel project, the CDC is prepared to issue a Request for Proposals (RFP) to sell the house and have it removed from the underlying real property. The RFP for the removal of the house would be conditioned upon certification of the EIR, indicating that the removal of the house is an acceptable method of eliminating the house from the hotel project site. In addition to the standard RFP language setting forth a selection process, procedures schedule and submittal requirements, the RFP would also contain specific criteria that must be met in order to qualify to purchase and remove the house. The specific criteria to be met by the purchaser are as follows: 1) ability to remove the entire house from the hotel project site by April 1, 2008. That is very important. We had some lag time when we agreed to sell the house that was located on Mission at Pacific Street. That took 5 years. That was a major concern with past experience in how to avoid that situation in terms of this house and to ensure that there is no effect on the timeline of the hotel; 2) in order to do that, there were some suggestions to pay for all costs associated with the removal, i.e., permit fees, etc., and deposit \$50,000 into an escrow account to cover the cost of removing the house from the hotel project site if the house is not completely removed by April 1, 2008; 3) provide evidence to the sole satisfaction of the CDC that the purchaser has a) proof of fee, title and ownership of a legally subdivided vacant lot to where the house would be relocated; b) proof of the requisite lot size, legal setbacks, and amicable design review approval, without the need for variance from the appropriate jurisdiction; 4) evidence of the ability to also construct a 2-car garage on the lot in the event the vacant real property on which the house will be relocated is within the City of Oceanside; 5) documentation from the applicable utilities and other entities providing services of the ability to provide the requisite residential utility services; 6) documentation of the suitability of the physical condition of the vacant real property to where the house will be relocated, for example geotechnical and environmental compliance without the need for remedial measures such as the construction of retaining walls, removal of contaminated soils, etc.; 7) the house is to be sold in an "as is" condition without any representations or warranty by the CDC. Preference would be given to a purchaser who is a resident of the City of Oceanside. That is a summary of the memo that Council received.

She **moved** approval of staff's recommendations and sending out the RFP. All of the conditions sound very reasonable and would ensure that we keep a little bit of history in Oceanside and yet welcome the progress on the hotel.

**DEPUTY MAYOR CHAVEZ** **seconded** the motion.

[No Public Input]

**COUNCILMEMBER KERN** thinks it is important. He was on the Historic Preservation Advisory Commission (OHPAC) to preserve these buildings. At the OHPAC they discussed that, if for some reason these houses cannot be moved and we get down to the deadline, we make these houses available to SOHO or the Historical Society so that they can come in and harvest all of those historical fixtures to maybe go towards restoring another house someplace else.

**CITY ATTORNEY MULLEN** commented that when the EIR is brought forward, there will be mitigation measures included relative to these properties. So photo documentation and all of the other required mitigation will be included within that document in the mitigation, monitoring, and reporting program in the event that Council determines that these homes are not feasible to be preserved or moved to another site. That should all be part of the EIR that will be brought forward in the future.

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**COUNCILMEMBER SANCHEZ** stated that time is of the essence. We would like to have this go out tomorrow. Staff will accommodate the interest of those that would like to go inside the house. An open house is something that they are contemplating to show it, show it off as a bit of history, the view and truly the last of its kind in San Diego County.

Motion was **approved 5-0**.

The Mayor determined to hear Item 17 at this time.

**GENERAL ITEMS**

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

17. **Council: Approval of an increase in the amount of \$900,000 from previously allocated Housing funds to the City loan for the development of La Mision Village located at 3232 Mission Avenue, increasing the loan amount from \$5.344 million to \$6.244 million; authorization for the City Manager to execute an amendment to the loan agreement; and authorization for the City Clerk to file the deed of trust with the San Diego County Recorder**

**DAVID MANLEY**, Neighborhood Services Division Manager, highlighted the staff report requesting approval to increase the City loan on the La Mision project for an additional \$900,000 from the current City loan of \$5,344,000 to \$6,244,000.

The project is located on the 3200 block of Mission Avenue. If you have been down in that area lately, you can see that the walls are moving quite quickly. It is about 50% complete and the framing portion of that is moving along very quickly. It is a mixed-use project, consisting of commercial/office space, as well as 80 affordable large size units - a majority of 3 bedrooms/2 bath units. It was approved by Council approximately 2 years ago. At that time we did anticipate there being some soil issues. The complexity of the project had a lot of engineering issues with it. We expected there to be some increases on that, and also development impact fees. Those were unknown at the time. Going through the development process, we incurred those costs and that is the resulting increase of the \$900,000 to go to the loan.

At the onset of the project, Council unanimously approved a loan up to \$8,214,000 loan for the project. Through competitive bidding and financing we are able to reduce that down to \$5,344,000, but with the additional costs, we are increasing it another \$900,000. There is no request to appropriate additional funding. We are far below our original appropriation. We are asking that Council approve the funding. This will result in a subsidy of a loan of \$78,050 per unit. This is another example of Council leveraging their money and approving projects to leverage money very successfully. For every dollar we put into this project as a loan, we are able to capture \$3.00 from the State and other funding sources to finance this project. He requested Council's approval to increase the loan. In the audience there are representatives from the development company, formerly SoCal Housing Development Corporation; now National Community Renaissance.

[No public input]

**COUNCILMEMBER FELLER** read that the consultant reviewed this prior to going into this. He questioned if the consultant ever heard that the soil was bad in that area, and if that was a consideration early on. He has heard from 5-6 long-time residents that said they could not imagine why anybody would build down in that area.

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**MR. MANLEY** explained that there was consideration. It was known that there were liquefaction issues in the entire valley area. Due to the compact design of the site and the parking requirements, they wanted to make sure that the parking was over-parked for this development and that they did not impact the neighborhood like older complexes do. They knew there were going to be significant impacts, but until you actually get into the design of it, you approve the budget up front with the best guess estimate of the budget. Until you start getting into the actual value engineering and the design of everything, you are not going to know the exact cost. That was known that there would be challenges with the soil up front.

**COUNCILMEMBER FELLER** expressed concern that if that was the case, why didn't they build up. It probably would have been easier.

**MR. MANLEY** stated that they get into different design requirements and start going into 3-story buildings with residential, with different requirements for elevators, etc., and it would have a whole myriad of additional costs with that. With the compact site, it was the most reasonable design at the time.

**COUNCILMEMBER FELLER** asked if that difference might have been \$900,000.

**MR. MANLEY** responded that there are unknowns on any project. This is actually minor compared to the overall budget. It is only a 3½% increase on the overall budget.

**JOHN SEYMOUR III**, National Community Renaissance/Southern California Housing, explained that the reason they had to do the basement parking was to comply with the City parking requirements. Should we have chosen to do a podium parking from the ground up, we still would have had to stabilize that soil. Should we have chosen to reduce density by half, then the project probably would not have penciled out financially for the City.

What the consultant, Mr. Manley and Ms. Pierce look at on these projects is something very simple; the 3-1 leverage. Of the \$26,000,000 project, we are bringing to the table \$20,000,000 that the City cannot get, that we only can get as an affordable housing developer. That money can only be used for rental affordable housing. The City's part of the puzzle, with the extra \$900,000 is \$6,244,000, which equals about \$78,000 per each affordable unit. What we do to make sure that it is going to pass muster with Council, staff and the community is that we look at other developments around the County, on what that gap subsidy is. Today, he went to the City of San Diego, where most of the projects are occurring, just because of the size of the City. He compared our \$78,000 gap with the gaps of other like projects, that of basement type parking. He was surprised what the recent gaps are showing, and there is a plethora of projects: \$75,000 a unit, \$98,000 a unit, \$81,000 a unit, \$97,000 a unit, \$112,000 a unit, \$95,000 a unit, \$82,000 a unit, \$70,800 a unit, \$143,000 a unit, \$100,000 a unit, etc. So our \$78,000 is very reasonable in terms of a comparison to other affordable housing projects. The only reason is because we are able to bring in the other subsidy. Otherwise, your subsidy would be larger. In the end, the City is getting a pretty good deal in terms of the leveraging and the product.

The product is not cheap. The City will see that this is market rate housing. This is not low cost box housing, except that who is going to occupy it is the workforce citizens of Oceanside. The proof is in the pudding. When it gets done we will have the grand opening. Be assured that the \$800,000 that was previously reserved for this project, we are well below that. When you look at the actual loan amount to us, it is still far below the average of all of the other projects in San Diego County since 2005.

**COUNCILMEMBER FELLER** is not going to be satisfied with this one.

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**DEPUTY MAYOR CHAVEZ** moved approval [of staff's recommendations to increase the amount by \$900,000 to the City loan for the development of the La Mision Village, and authorize the City Manager to execute an amendment to the Loan Agreement (**Document No. 07-D0685-1** - Oceanside Housing Partners aka SoCal Housing Development Corp.) and for the City Clerk to file the Deed of Trust (**Document No. 07-D0686-1**) with the County Recorder, increasing the total loan amount of Housing Funds from \$5,344,000 to \$6,244,000].

**COUNCILMEMBER SANCHEZ** seconded the motion and stated that we get change orders all of the time on projects; there are things that are unexpected. This is still a great project. She is sure that we will end up with a good project.

**MAYOR WOOD** was previously on the Housing Commission and did site visits throughout the community regarding affordable housing projects. Mr. Seymour was on most of them, and he was pleased with the results of the construction and building in other cities too. He knows increases are something they do not like to see, but he still supports the project.

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

**6:00 P.M. - PUBLIC HEARING ITEMS**

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

15. **Council: Introduction of an ordinance establishing the Interim Agricultural Water Program Reduction Plan and implementing penalties imposed by the Metropolitan Water District as a pass-through penalty rate to City of Oceanside agricultural customers for exceeding mandatory agricultural water reductions; and direction to staff to implement the pass-through penalties**

- a. Mayor opens the public hearing - Public hearing was opened.
- b. Mayor requests disclosure of Councilmember and constituent contacts and correspondence - Disclosures were made.
- c. City Clerk presents correspondence and/or petitions - No correspondence was received.
- d. Testimony beginning with:

**LONNIE THIBODEAUX**, Water Utilities Director, gave an overview of the staff report. He discussed the Metropolitan Water District (MWD) proposed Interim Agricultural Water Program (IAWP), the reductions and pass-through penalties. We are facing a water shortage. Our river system is in the 8<sup>th</sup> year of a historic drought. The snowpack from the Colorado and Northern California Sierra's have been significantly low last year. Current conditions around the State are extremely dry, and legal challenges because of the Delta smelt are threatening our water supply from up north. Currently we have a 10% voluntary reduction program that has been called the "20 gallon challenge." That is across the whole metropolitan region.

The IAWP is a management strategy MWD uses. It was instituted in 1994. The agricultural customers receive a reduced rate for water used to irrigate their crops. In exchange for this discount rate, which is as much as 30%, MWD called for a cutback in water of up to 30% prior to all other customers being called for a cutback. They face a penalty if they do not meet the cutback.

The program started in the 1950s as an interruptible water supply program. It

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was discontinued in the drought of the early 1990s, and reinstated as this program, the IAWP, in 1994, with discount rates and cutback obligation. In June 2007, MWD called member agencies to get a reduction plan going as a response to the current conditions. In October 2007, MWD gave official notification of a 30% reduction [and a pass-through penalty]. In January 2008, the City of Oceanside, along with all other MWD agency members will begin a 1-year period of monitoring, administering and reconciling the 30% reduction for all of its agricultural customers.

To measure this, IAWP customers will be provided month-to-month consumption histories for the targeted fiscal year 2006-2007. The monthly notifications will be included with the utility bill identifying the 70% allocation and the 30% reduction. Pass-through penalties will be applied monthly when the reduction is not met. Annual reconciliation of water over- and under-use will be completed for each customer. Regarding the penalty rate, to the MWD guidelines, a pass-through penalty rate will be assessed monthly. Customers exceeding their monthly allocation will pay a pass-through penalty rate of approximately \$3.82 for every unit of water over a month's 70% allocation. For customers who do not exceed the 70% allocation, it is \$1.69 per unit.

The process has been that on September 20, 2007, we notified all of the agriculture customers of the intent to impose a reduction plan. September 27, 2007, we participated in the Outlook Conference in Escondido, which is sponsored by the Farm Bureau. On October 4, 2007, the City had a workshop with all of its agricultural customers, to provide background information and answer their questions. October 22, 2007, official notification was given us by MWD of the 30% reduction. November 1, 2007, the City mailed every agricultural customer consumption histories and targets/charges of their monthly reduction plans.

Staff is recommending the adoption of an ordinance to establish the IAWP, and to implement the pass-through penalty rates.

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

**MAYOR WOOD** questioned if there is an appeal process for rates, overuse, etc.

**MR. THIBODEAUX** explained that there is a process by which a person who got into the program late, can get out, if they got into it prior to December 2006. It is a voluntary contract between the agricultural users and MWD, and they received a 30% discount rate. Currently there is no process to get out of the program once you are in and have received the discount.

**MAYOR WOOD** stated that they have had some e-mails from the public stating that this could wreck their business; however, they have benefited over time because of the rates, and now this is a deal that they agreed to, etc. They knew about this for quite some time.

**COUNCILMEMBER FELLER** stated that we are again suffering from other agencies' decisions like not producing surface storage, etc. The environmentalists are shutting down storage and new avenues; hopefully they are not going to take it out on us on the Poseidon or future developments like that. He questioned why MWD did not go to the agencies and say people's rights are more valuable than a Delta smelt. He does not understand that. Are they pursuing anything to offset this cut?

**MR. THIBODEAUX** responded that MWD, along with San Diego County Water Authority (SDCWA) is actively involved with the legislative process in order to try to get money to fund solutions to the Delta smelt issue. The governor has also proposed some solutions. There are 2 bills in the current legislature with different goals in mind. One is primarily to solve the canal issue bringing water around from the north to the south. The other is to increase storage. Both of them have positive effects.

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There should be a bond issue on the ballot next year. That is one of the things the Governor is proposing. There is a lot of lobbying going on at the State and Federal level now to try to increase the water supply in Southern California and the whole west. It is a critical issue, not just in this region. This agricultural cutback is happening region-wide throughout Southern California so it affects a large population of farmers.

**COUNCILMEMBER FELLER** questioned if this is going to continue, i.e., is next year going to be another 5%, etc., heading towards real trouble here.

**MR. THIBODEAUX** responded that there are some projections for next year that currently could be 10-15% mandatory cutbacks throughout the region. A lot depends on the rainfall and the snowpack in the Sierras come April. The storage supply is looking slightly better than it did a few months ago; the latest reports from MWD show that there is a possibility of improvement this winter if we do get good snowpack. It is a long-term problem. Water supply in the southwest is not an easy fix. It has been a problem since we first settled here.

Technical solutions are part of the answer, as mentioned. Desalinization technology does improve our water supply from the ocean. It is expensive, but there is only so much water in the Colorado and only so much that we can get from northern California via snowpack. There are many minds working on the issue now throughout the State as well as the Federal level, as far as bringing money as a solution in projects.

**CITY MANAGER WEISS** explained that the SDCWA has a presentation that they are willing to provide on the program that they have in place now, which involves the voluntary cutbacks graduating toward more stringent and mandatory cutbacks, if Council is interested.

**COUNCILMEMBER FELLER** thinks that would be a wise idea.

**COUNCILMEMBER KERN** stated that we could blame the Delta smelt, but that was just a trigger. It is an 8-year drought in the Colorado River basin. The snow melt is not there; the water is not there. The Delta smelt was a temporary thing.

He thinks we need a full presentation, maybe something we could put on KOCT because this is a long-range problem. He went to the water conservation summit and talked to some people there. They have tree ring studies that go back to the 1300s, and California will go into 100 years of drought. This is something that we and Councils after us may be facing for the next 100 years. Technology is one way, recycled water, purple piping and all of these other things. Now, we are really going to have to think about how we use water and what kind of infrastructure we need to put in place for 20- to 25-year cycles, etc. This is something that is going to be very important and is going to be one of the biggest issues in California unless there is a miracle and the climate changes. We may be struggling with this for a long time, and it is going to take up more of our time and budget to try to figure this out.

He **moved** approval of staff's recommendation [to **Introduce the ordinance** "...amending Oceanside City Code, Chapter 37, establishing the Interim Agricultural Water Program reduction plan and implementing penalties imposed by the Metropolitan Water District of Southern California as pass-through penalty rates for agricultural customers for exceeding mandatory agricultural water", and direct staff to implement the penalties].

This is the tip of an iceberg. We may be at mandatory cutbacks by next June. We should have the presentation by the SDCWA no later than January or February, so people will have an idea of what is going to happen.

**COUNCILMEMBER SANCHEZ** seconded the motion.

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**DEPUTY MAYOR CHAVEZ** asked the City Manager about the economic impact on the agricultural businesses in the City.

**CITY MANAGER WEISS** responded the finance department is doing some research to see if we can quantify the direct and indirect impacts. They do not have that number at this time.

**DEPUTY MAYOR CHAVEZ** would like to see that number. He thinks it is going to be more the indirect impact because we have a number of people in the City who work out there so we will see a drop in people who are buying things in the valley. We will see it in the sales tax. This is a big issue because it affects us as we look in our general funds for police and fire.

A couple of Council meetings ago, he made the point to look into doing housing that is more energy efficient. We will be seeing that in the new year. When he was on the Utilities Commission, if he remembers correctly, we actually have a plan for purple recycled water. Maybe we need to bring that back in. We are at the point where we need to make that the standard in Oceanside. It is going to be a number of years to phase into it. As we build new industry, we ought to be looking at how we are going to do that.

He requested that staff come back to Council and talk about purple water piping and a plan to implement it throughout the City.

**MR. THIBODEAUX** stated that the City has a recycled Water Master Plan that Council will be reviewing at the beginning of next year. It is part of the Integrated Water Utilities Master Plan, and it is phased over several years. We were looking at starting the first phase in the next fiscal year, expanding the San Luis Rey reclaimed water system. The limitation is always in the distribution system. The first 2 phases will handle the area where we have existing pipe that we can utilize to distribute the water. We are looking at recycled water. In fact, as part of the plan, ultimately we were looking at replacing 40% of our potable water supply that is imported now with desalinization from the well field, the ocean, as well as recycled over the next 20 years. So we do have some options out there, but it does not replace all of the imported water.

**DEPUTY MAYOR CHAVEZ** stated he and Councilmember Kern have spent some time talking to people about how to make our Council packets more electronic and make it paperless. There are a lot of opportunities in the future in construction and electronic so that we can save money and be more efficient. He looks forward to seeing the numbers because agriculture is #1 or #2 in the entire State of California as a business. It is an important business and we have a lot of it in Oceanside.

**COUNCILMEMBER SANCHEZ** stated that this is framed as a pass-through, but it still is difficult. We are still very concerned about the impact on our residents and economically. If there is anything we can do to give them a heads up, say half way through the cycle to say how much they are using, she encouraged staff to work with our agricultural users to do that.

She attended a water agency program that laid out the issues of the Delta and the urging for conservation. It was an eye opener for her. We do need to conserve, and we need to do it aggressively.

It is a difficult thing for us. Obviously this is a very critical issue. It was a hot topic for a meeting that they had just had on how this is going to affect Morro Hills and our agricultural users. It is a pass-through. Any way that we can make sure that penalties are avoided by giving heads up half-way through the cycle, she would encourage that.

**MAYOR WOOD** expressed concern that this is an industry that is strong in

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Southern California, and we do not want to push anybody out of business. It would affect Oceanside and the general fund. Anything we can do to assist in keeping them updated on their usage would be helpful.

He acknowledged Don Hadley for his new position as Deputy City Manager. Last February we were in Washington, D.C. with Mr. Hadley and other staff. Most of the items we went to Washington D.C. on were water related. We have been on top of this for more than 1 year trying to address things. We are going back this February, and our list has a long scrutiny of water issues within the county, how we can get involved in making Oceanside more self sufficient in the water areas, and asking for funding. That will be our big push this year with our Congressional representatives, so we will be going back in February to address these important issues for Oceanside and the San Diego region.

**MR. HADLEY** commented that the Federal Water Resource and Development Act was vetoed by the President and overridden by the House and the Senate last week. We have a report coming from our lobbyist firm in Washington, D.C. on the impacts of that passing because that is going to look very favorable for some of the projects for the water utilities as well as some of the projects on our beach. We are looking forward to getting the real finding of what that is going to mean to us. Staff will have that update out for Council soon.

**MAYOR WOOD** remembered that last year when we were received pretty positive regarding items that we were going to bring back in February of this coming year. He is hopeful for our Congressional contacts at the State end issues.

Following the reading of the title, **motion was approved 5-0.**

**GENERAL ITEMS - Continued**

**16. Council: Approval of the Utilities Commission FY 2007-08 Workplan**

**PATRICIA COPE**, Chairman of the Utilities Commission, stated that during this past year we have been very active. We have been addressing the mandates of our Workplan. The Utilities Commission is very appreciative of the hard work of the Citizen's Advisory Committee. As a result of their recommendations, the Utilities Commission's sub-committees reviewed and evaluated the results, which is our practice for all issues before us. In turn, recommendations were made to the Commission as a whole.

With the expertise of our membership, we made the appropriate recommendation to Council, with consideration for the best interest of the citizens of Oceanside as a whole. The Commission also addressed the unfunded mandates required on storm drainage, and incorporated these into our budget. We are addressing these issues and incorporating them into our Master Plan. We are presently working on water conservation, conservation methods, requirements and incentive possibilities.

The Water Utilities Department has already addressed this [MWD rate and fee increases] and Council passed it tonight, which they are very thankful for as it is a pass-through.

She expressed the Commission's gratitude to the Council for enacting the new water and sewer rates. This will allow for continued maintenance of our infrastructure to assure that the citizens have a reliable utility. We are going to have to bring back more when our environmental study is finished and the Master Plan is complete. We will bring back future increases at that time.

**COUNCILMEMBER FELLER** requested a preview of conservation.

**MS. COPE** explained that we are trying to develop a plan for conservation. At

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present everybody is being encouraged to cut back, but it is voluntary. We are going to have to work on how we can bring it into control so that they can, without too much penalty, ensure that people will cut back and conserve.

**COUNCILMEMBER FELLER** stated that we are all concerned about conservation. He **moved** approval of the Workplan.

**COUNCILMEMBER SANCHEZ** seconded the motion.

**COUNCILMEMBERS** thanked the Commission and the Ad Hoc Committees; they had the most difficult job over the past year of trying to juggle all of these mandates that come down and all of the problems with the drought. He commended the Commission for hanging in there and coming up with some of these solutions.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS - Continued**

19. **Mayor Wood: Appointments to some or all of the City's Citizen Advisory Groups**

**CITY CLERK WAYNE** stated that Mayor Wood is recommending the appointment of Ric Matthews to the Economic Development Commission as the MiraCosta College representative to the term expiring September 26, 2009.

**MAYOR WOOD** reviewed that some in-house issues and changes had to be done to address that. He is appointing him to the vacancy on the Commission. This is MiraCosta College's appointed person. He recommended supporting that and appointing this person.

**COUNCILMEMBER SANCHEZ** moved approval.

**COUNCILMEMBER KERN** stated that we created a position for MiraCosta College. He was not under the impression that we were trying to fill a vacant slot. That slot is very important since it is the tourism position, and it needs to be filled. The MiraCosta College representative should be a position that Council created by an amendment to the Commission [bylaws], rather than trying to backfill a vacant position that is designated for tourism. He would approve the appointment, but not to put it into this vacant slot. It is a MiraCosta slot.

**CITY CLERK WAYNE** reported that staff had gone back to the Council minutes to review what was actually said. Council, at the time, said they really wanted a MiraCosta College representative. It was not to be added as a 10<sup>th</sup> member; it was to maintain a membership of 9 [regular members]. Typically, you do not have an even number for voting purposes. It was going to maintain a membership of 9. On the Economic Development Commission we still need to wrestle with this a little bit more because the way the Economic Development Commission is currently formed does not have categories in a strict sense; there are suggested categories, but those suggested categories are only that. We have been trying to maintain those suggested categories that Council has discussed in the past, but they are not in the bylaws or the resolution that formed the Economic Development Commission. If Council wants to really have those set categories, we will have to look at that again.

**MAYOR WOOD** explained that this was a way to expedite this gentleman sitting on this. We would have to actually change things.

**COUNCILMEMBER KERN** thought they had. He thought they made the change to add this position.

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**CITY CLERK WAYNE** agreed that Council had done that at the last Council meeting when the change in the bylaws was implemented. Council approved the change in the bylaws to allow for the MiraCosta College representative. However, it was still keeping the membership at nine.

**MAYOR WOOD** indicated they would have to change some title within that system to accommodate that position and remove one.

**COUNCILMEMBER KERN** stated that was not brought forward at that time. It did not say to remove one and add this one. It was just saying to add this one. That is where I am having a little bit of trouble. I thought we were adding a MiraCosta position. He would like those areas of the economy represented. It is very important. Tourism is a very big deal in this town, and I do not want to eliminate that particular slot for MiraCosta. MiraCosta is also an important part and should be represented. I would like to just add this position and not backfill a different slot.

**CITY CLERK WAYNE** recommended that her office bring back the categories, and have Council look at those categories they would desire to keep on Economic Development. In the meantime, we can put this person into this slot since Council has voted for this MiraCosta College representative. Staff would be happy to bring this back regarding categories for Council's concurrence for bylaws and the resolution on categories.

**COUNCILMEMBER KERN** would like to bring this back on an agenda in December, if possible. Then he would go ahead and **second** the motion for right now. However, we need to review that and make sure these categories are addressed.

**MAYOR WOOD** indicated that, rather than drag this out, we can put the representative in this position and will have to modify/change things in the future. In the meantime, MiraCosta College will have a representative that they picked, and he will be on the commission if this vote goes forward.

**Motion was approved 5-0.**

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

10. **Council: Approval of Amendment 1 in the amount of \$115,928 to the professional services agreement with HDR Engineering for the El Camino Real Bridge Widening at State Route 78 Project Study Report, to add evaluation of reconstruction of the interchange and an updated traffic analysis to the scope of work; authorization for the City Manager to execute the amendment; and approval of a budget appropriation in the amount of \$39,841 from unallocated Transnet funds to complete the funding for the project**

**DEPUTY MAYOR CHAVEZ** removed this item because in the staff report it talked about HDR Engineering getting this contract for the widening of the El Camino bridge at SR-78, which is a joint project with Carlsbad that he supports. However, the statement that caught his interest says "...assuming that the potential future interchange on Rancho Del Oro at SR-78 would not be constructed." He asked how these 2 relate.

**JOHN AMBERSON**, Transportation Planner, stated that HDR was directed to do out-of-scope analysis assuming that the interchange at RDO was not built in the future, which meant that it would look at other design concepts outside of the original scope in terms of what the interchange configuration would need to be at El Camino Real and SR-78. That was not part of the original scope of work for the project study report. They had initiated some work tasks and were ordered to stop. That amounted to \$95,000 of work that they completed that was not scoped or contracted for originally. We are trying to restart the project and re-engage the original scope of work

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Fish and Game, and try to put a little pressure on them. He and Deputy Mayor Chavez were on a conference call with Assembly Member Garrick and Senator Wyland this afternoon. Hopefully we can get some movement on their part. The only thing that we are really asking of them is that the U.S. Department of Fish and Game meet that December 31 deadline. Hopefully they can contact people in Sacramento to get that to happen.

He attended the League of California Coastal Cities Issues Group. We have had our problems with the Coastal Commission, but these people have had terrible problems with the Coastal Commission. The League formed a committee of coastal cities to figure out how to deal with the Coastal Commission. When he walked into the room, everybody knew who he was because of his letters back and forth with Peter Douglas about some of the processes that the Coastal Commission goes through and some of the ethical questions he has about how they process some of their information.

They are going to meet 4 times a year. Hopefully, the League will form some type of group that actually can start pushing back on Coastal because it seems like it is a staff out of control and it is getting wider and wider. They are going way beyond what their purview should be and going into sections of land use that they should not be involved in. Every coastal City has a problem with the Coastal Commission, and they are real adamant about forming some type of a group. Their first plan of action is to be nice and go to the Commissioners themselves and ask for change. After that, they are going to go to the legislature and ask for change. There was a plan of action that was not ratified, but was laid out of what has to happen. Hopefully we will see that.

He is going to the Coastal Commission tomorrow to talk on behalf of the desalinization plant [Poseidon] in Carlsbad. We are going to contract with it. It is 100% subscribed already. Everybody within this region will benefit from the desalinization plant. We are trying to figure out how we handle water, and this is the first step. Staff talked about technology solutions, and this is one of the solutions.

There is an outreach this weekend at John Landes park from 10:00 AM to 3:00 PM. He will not be attending as he will be out of town for 2 weeks.

Last night they had the Oceanside Boulevard Task Force here to make a presentation on the Oceanside Boulevard Visioning Plan. He thanked that task force on their hard work through this whole process.

24. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** reported on various events: the 5K walk/run for the Fallen Officers last Saturday; the East Side Neighborhood Association clean up; and the Elks Lodge Veteran's Day.

Regarding the San Luis Rey river clearing, the Army Corps of Engineers sent the Coastal Commission a negative determination submittal for the Arundo eradication, the 45-acre eradication. Coastal Commission staff sent back a letter saying we agree. Coastal Commission staff is on board. They have made the recommendation. The Coastal Commission will be looking at this in January. They were supposed to be on calendar for tomorrow, but they wanted to see if they could get U. S. Department of Fish and Game on board as well. Regardless of whether the U.S. Department of Fish and Game is included in on this request to have a negative determination submittal, that is to go forward with the 45 acres of clearing, especially of the Arundo eradication. They are going to be moving forward. This is wonderful news from the Coastal Commission staff.

She went out to Ocean Hills regarding some fire safety concerns that were voiced at the last Council meeting. We had a good discussion. There were some suggestions for things that we can do together. Some of the issues are broader in that

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they include a boundary with the City of Carlsbad. The Fire Department is very active in working with the Ocean Hills Community and education research. It is not just fire safety; the concern also is for earthquake safety.

She toured the historic homes, per the earlier presentation.

She attended the CityMark downtown development workshop. There is going to be another CityMark Development workshop in January.

Tomorrow night there is an initial meeting on an Oceanside charity - Oceanside Foundation. This is a beginning meeting with the Chamber of Commerce, at the Chamber of Commerce office at 5:00 PM.

Regarding the Pavilion where the twin theatres are on SR-76, we have a proposed 90-acre retail shopping center. There is a community meeting tomorrow night at 6:30 PM at Marty's Valley Inn on Mission Avenue. For those that want to know about the Pavilion, come to the meeting.

Other

**MAYOR WOOD** gave a reminder about the Sprinter. They are doing trial runs and testing their equipment. When you hear sounds and noises that sound like a train, it is a train. For safety reasons, they wanted to pass this on, especially at the crossings - do not try to pass them, because they are running. If the gates come down, it is probably going to be a train. It is going to start up in December full time. It was a budget of \$484,000,000 for right-of-way acquisition, engineering, design, construction. The main reason he is saying this is because of safety reasons. Be cautious along the lines.

**COUNCILMEMBERS** wished everyone a happy Thanksgiving.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 7:07 PM, November 14, 2007. The next regularly scheduled meeting is at 4:00 PM on December 5, 2007.

**ACCEPTED BY COUNCIL/HDB/CDC:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



California

# CITY OF OCEANSIDE

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

FEBRUARY 20, 2008

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

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

**Mayor  
HDB President  
CDC Chair**  
Jim Wood

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

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

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

**Treasurer**  
Rosemary Jones

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**City Manager  
HDB Chief Executive Officer  
CDC Executive Director**  
Peter Weiss

**City Attorney  
HDB General Counsel  
CDC General Counsel**  
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:01 PM, February 20, 2008 by Mayor Wood.

### **4:00 PM - ROLL CALL**

Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller and Kern. Councilmember Sanchez arrived at 4:02 PM. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

### **COUNCIL, HDB, and CDC CLOSED SESSION ITEMS**

**CITY ATTORNEY MULLEN** titled the following agendized items to be heard in closed session: Item 3B. [No closed session on Items 1, 2 or 3A.] See the report out on this item at 5:00 PM, Item 4.

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

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

**5:00 P.M.**

Mayor Wood reconvened the meeting at 5:00 PM. Present were Mayor Wood, Deputy Mayor Chavez and Councilmembers Feller, Sanchez and Kern. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

Pastor Carl Souza of First Baptist Church of San Luis Rey gave the Invocation. Nicholas Elementary School students led the Pledge of Allegiance.

**PROCLAMATIONS AND PRESENTATIONS**

The following presentations were made:

Proclamation – America Saves Week 2008

Proclamation – Spay Day USA, February 26, 2008

Presentation – Bicycle Friendly Community Award

Presentation – Mayor's Team of the Week - Oceanside Girls Softball Association -10 & Under "Red Hot Sizzling Sista's"

**CLOSED SESSION REPORT**

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

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

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

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

No closed session was held.

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

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

No closed session was held.

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

**[A) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9 )**

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

No closed session was held.

- B) **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Section 54956.9(a))** Mission Vista Condominium Association v. Earth Systems Engineering Group et al., Superior Court Case No. GIC849929

This item was discussed; there was no reportable action under the Brown Act.

**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

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

**SLEENE KOSINAR**, 711 Pier View Way, discussed money from mortgages and the financial fall, and donations made to the Museum and the Surf Museum. Additionally, he expressed his opinion about other issues.

**JOAN BRUBAKER**, 1606 Hackamore, stated that the rain has shut down some of the graffiti artists. We need to initiate a program for graffiti. In Morocco when someone is found guilty of stealing something, they amputate the person's hands. That is drastic for this land, but we need to make them feel a monetary impact, a work ethic impact by having them do community service, or maybe an institutional impact. She stated that the eastern end is now beginning to feel more of an impact. She believes when the school opens, they will have greater.

She also commented that the sound system in the Council Chambers is not properly projecting the voices so everyone is aware of what is being said, etc.

**ALEJANDRO SANCHEZ**, 519 North Citrus Avenue, Vista, stated on February 16, 2008, he attended an event sponsored by the City of Oceanside. There were a lot of people having a good time with Mariachi's and Folkloricos, and he commended the City Council for the support that the City has given to that event. He would like to see this kind of event in other parts of North County.

**COUNCILMEMBER SANCHEZ** stated that the event was the American GI Forum Scholarship Fundraiser.

**CONSENT CALENDAR ITEMS [Item 6-11]**

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

6. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. Council: Approval of plans and specifications for the Oceanside Skateparks project at Melba Bishop and Martin Luther King Jr. Parks, and authorization for the City Engineer to call for bids, including a request for prequalification of bidders

8. Council: Approval of Amendment 1 in an amount not to exceed \$26,384 to the professional services agreement with Taylor Group, Inc., for groundwater and geotechnical services for the Oceanside Boulevard Land Outfall Groundwater Investigation Services project located along Oceanside Boulevard from 600 feet west of Vine Street to 800 feet east of Crouch Street, for additional geotechnical services; and authorization for the City Manager to execute the amendment (**Document No. 08-D0070-1**)
9. Council: Approval of a budget appropriation in the amount of \$554,375 from the Proposition 50 Clean Beach Grant Program for the Lower San Luis Rey Bacteria Source Tracking Study project; approval of a professional services agreement in the amount of \$507,275.24 with MACTEC Engineering and Consulting, Inc., of San Diego to perform the study, and authorization for the City Manager to execute the agreement (**Document No. 08-D0071-1**)
10. Council: Adoption of revised City Council Policy 100-58, which clarifies the potential duration of a Council ad hoc committee and adds the category of Special Purpose Citizen Committees
11. Council: Authorization to award a contract in the amount of \$136,500 to A.B. Hashmi, Inc., of Oceanside for the Libby Lake Park Lighting project located at 500 Calle Montecito, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents (**Document No. 08-D0072-1**)

**COUNCILMEMBER SANCHEZ** moved approval of the Consent Calendar Items.

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

The Mayor determined to hear Item 15 at this time.

#### **GENERAL ITEMS**

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

15. Council: **Presentation on the current status of the funding of the wastewater treatment plant construction on Camp Pendleton as required by the State of Understanding between the United States Marine Corps at Camp Pendleton and the City of Oceanside for Sewage Capacity in the City of Oceanside Ocean Outfall that allows for an initial duration of five years with three one-year extensions if Camp Pendleton obtains full funding**

**LONNIE THIBODEAUX**, Water Utilities Director, introduced Colonel Storey, Marine Corps Base Camp Pendleton, to discuss the developments on the base in regards to their wastewater system. We are in the final year of a 3-year extension. The City has received a letter from the Base asking for a possibility of looking at additional extensions.

**COLONEL GARY STOREY**, Assistant Chief of Staff of Facilities at Camp Pendleton, provided background information about compliance with their ability to discharge. They are working toward a solution, which is really a phased construction program and maximizing their water reuse. Camp Pendleton brought a tertiary treatment plant on line in 2006, which brought their standards up to allow them to at least pump out using the outfall out to the ocean. Previously they were pumping into the San Margarita basin, which, as standards changed, became a no go for them and they received notice of violations.

Now as they move forward, they have a military construction program (MILCON), and they are working toward solutions; that is something that they have to deal with. It

is typically a 5-year program to get items constructed, and they need to move forward with their efforts to get off the outfall and have their own solution.

Issues driving their priorities are compliance with the National Pollutant Discharge Elimination Systems (NPDES) permits and the continuing Federal Court consent decree, which says that they need to use any outfall, and they cannot pump it into the San Margarita basin anymore. One of the issues that they are going to contend with right now is their growing force; thousands of Marines added to the base, and infrastructure which will increase their need to discharge wastewater. They are dealing with these things as they try to build their infrastructure to handle these issues.

Some of their key milestones include the tertiary treatment plant that came online in 2006. They have 2 other advance water treatments; P-113 and P-114, which are MILCON projects. Those advance water treatments will run through a reverse osmosis machine and once they get those on line, their water quality should be good enough to either pump back into the San Margarita or use it for anything else.

The project P-110 is reclamation. They are trying to use their treated effluent, which meets state code and federal codes for reuse for watering lawns, etc.; they are watering golf courses in some of their locations. They are expanding that infrastructure; it is not completely done yet. As they expand that, hopefully they will use more of their treated effluent. Their goal on the base is to completely reuse all of their water. They are not there yet, but that is their goal and what they are working for.

They are not at the point where they can disengage and still meet the consent decree and their permits. As part of that, they have requested an extension for at least 1 year; they were looking for 5 years and eventually maybe a use for emergency use down the road to give them time to get these MILCON projects built and be reliant on themselves.

**COUNCILMEMBER KERN** is excited about the ReUse Water Membrane Filtration. He hopes that Camp Pendleton does all of the research and development and get this running so that 5 or 6 years from now they have a proven technology that we can bring out into the civilian world. Water is a very important infrastructure item that we are struggling with now. He is going to Las Vegas next week for the Metropolitan Water District (MWD) tour of the lower Colorado because that is our water source now. Three weeks ago Orange County brought on the new tertiary treatment plant that will actually recharge their aquifers so they can actually reuse the water.

**DEPUTY MAYOR CHAVEZ** asked how long the City can continue to allow Camp Pendleton to use our outfall until we start running into a problem. Originally we built to the capacity that we had, and had to do it with the development that we are doing in the downtown area, i.e. the CityMark project with 5 blocks, the hotel, Wyndham, etc. He was on the General staff when this was the first issue he had to deal with when he was in the other side of the street, before the row houses went in. There has been a lot of development here. When do we start having a problem?

**CITY MANAGER WEISS** responded that in the next few months the Council is going to see an update of the Master Plan for all of our utilities, along with some funding strategies to include as well. He believes we are doing a study on the outfall capacity.

**MR. THIBODEAUX** stated that there are 2 answers to the Deputy Mayor's question: 1) We have analyzed the outfall as part of the Master Plan. There are some problems internally - some friction loss curves since we are higher, so we are going to do some examination of the outfall. We currently have enough capacity to meet our needs for the next several years without anything happening. We could extend the contract under those premises, but we need to examine the outfall. That is in our Master Plan; we will be looking into what the ultimate capacity can be, and if there are any problems internally; and 2) We can manage the existing capacity with storage that they have on base now. In the past when we had problems during rain events, we had Camp Pendleton cut off and store their wastewater, so that they minimize any impact on our outfall during any times of crisis or flooding. There are manageable solutions to any capacity issues in the short term.

**DEPUTY MAYOR CHAVEZ** stated that 5 years from now we know that the population in the downtown area that is using the outfall is going to increase. He is concerned because he is very supportive of the Marine Corps, but he also wants to let the Colonel know that there will be a time that the City may not be able to help. Knowing the Federal budget, he imagines that Camp Pendleton is competing now for dollars that could be supporting a new effort in the Middle East. If in 5 years Camp Pendleton is going to have a problem, the City probably needs to take it to a lot higher level than Major General Lehnert and start talking to Congressmen and Senators, that if they do not have the infrastructure to train the number 1 fighting force in the world, we need to be talking about it. He asked if 5 years is going to be a problem.

**MR. THIBODEAUX** replied that at this time he does not anticipate a problem in 5 years, with the information that WE have currently. He cannot guarantee it, and that is why he would not recommend more than a 1-year extension at a time. We can manage what the flow is now under existing conditions without causing us a problem. We do have to examine the internal mechanisms of the outfall line itself to analyze its condition.

**DEPUTY MAYOR CHAVEZ** will be supportive of this. Colonel Seaton is responsible for this. Tell Colonel Seaton that we are good neighbors, but there may be a point where the City is going to be in trouble. If the City needs to do anything to help Camp Pendleton, the City needs to know about it.

**COLONEL STOREY** commented that the original agreement was 3,500,000 gallons. As they bring these other things on and use reclaimed water, it is a possibility that they could work towards a graduated decrease, such as your ability to do 3,500,000 gallons 5 years from now may be nil, but your ability to do maybe 1,000,000 or 500,000 gallons 5 years from now may be much better. He is anticipating that, as they use reclaimed water more and more, they bring some of these things on-line, like the first advanced water treatment plant, our need, outside of emergencies, will go down hopefully.

**COUNCILMEMBER FELLER** expressed concern with the 1-year extension. He asked if that will allow the Marine Corps enough time to get something in place. If the City gives them 1 year now, maybe 1 more year later, and all of a sudden we are slammed and have a problem, what will the Marine Corps do?

**COLONEL STOREY** responded that starting from scratch would not give them enough time since MILCON takes 5 years effectively from the start. Some of these projects are already in the works. On the reclamation, they are already building the pipes for some of that, and they will start using more and more of that water as they can. The first advanced water treatment plant is in fiscal year 2009. That means that it will probably be awarded in 2009, and it will be another year or so before it is completed. From his standpoint, a year is a start. As they go through, hopefully they can show a decrease in use, and their need will not be as great. That will be something they can discuss as this plays out.

**MR. THIBODEAUX** clarified that their existing contract gives them 1 more year.

**COUNCILMEMBER FELLER** understood but suggested that they be prepared.

**CITY MANAGER WEISS** clarified that one of the issues we are looking at is that the City has initiated the Master Planning and visioning efforts for the Coast Highway corridor and the Oceanside Boulevard corridor and is looking at an alternate use for Goat Hill. All of those have the real potential of increasing the amount of water and sewage use. He does not believe that in the next 3 to 5 years we are going to have a significant issue with capacity in the absence of any real problem with the outfall now, particularly if there is a graduated reduction. From that 5-year period out, if we move forward with implementing some of these Vision Plans and Master Plans as Council is contemplating, not only is the current condition of the outfall going to be a problem, but your overall infrastructure needs are going to be woefully inadequate. To implement any of these visions, there is going to be a significant need to increase water and sewer capacity, not just in the outfall, but in the plants as well. Those are things that will be

looked at as we move forward. It is not just an issue for the military; it is going to be an issue for the City as well.

**MAYOR WOOD** thanked Colonel Storey. This item was for information only.

#### **MAYOR AND/OR COUNCILMEMBER ITEMS**

16. **Request by Councilmember Sanchez to help eradicate the public safety issues of flood, fire, and water preservation within the San Luis Rey River and other watersheds by establishing an ordinance banning non-native invasive species of *Arundo* (*Arundo Dornax*, Giant Reed), Pampas Grass (*Cortaderia Selloana*), Tamarisk (*Tamarix*, Salt Cedar) within the City of Oceanside; and direction to staff**

**COUNCILMEMBER SANCHEZ** stated that there is no question that these issues of flood, fire and water conservation have become more and more critical and are reaching critical mass. People have concerns about what is happening in the river and in our creeks. We have had presentations about concerns in terms of the San Luis Rey River and the Army Corps of Engineers (Corps) and what we were willing to do to address the really thick vegetation that has been allowed to be created there - the non-native invasive species.

A few of us got together to talk about what we can do. The critical people whom she has seen out there have been members of the fire department. They have been battling these arson fires - 35+ over a matter of months. The wildfires that came very close to threatening our borders and our residents reached such an extent that residents have been calling to find out what else can we do, either as individuals or as a City to make our city safer.

[Councilmember Feller left the dais at 5:54 pm]

Meetings have taken place at Capistrano, Francine Villas, Ocean Hills, of course all along the San Luis Rey River, and Loma Alta Creek. This group that got together included City staff, Judy Mitchell and Jason Giessow from Mission Resource Conservation District, Dianne Nygaard, Joan Bockman from the Buena Vista Native Plant Club, and myself. We have also done some outreach to others. We have prepared a presentation today to talk about addressing this as directly as possible and really making a difference in the next few years that would eradicate the non-native species, including the *Arundo*, *Pampas Grass*, and the *Tamarisk*.

Jason Giessow will give a presentation on how they have been successful in clearing the San Luis Rey River, east of College Avenue. Their challenge is in terms of keeping it that way.

**JASON GIESSOW**, consultant for the Mission Resource Conservation District, discussed the giant stands of *Arundo* that are along the San Luis Rey River. This is a great opportunity to assist in the eradication because there has been a substantial investment by the City, Federal government and State government to remove *Arundo* and other non-native species from the San Luis Rey River and Loma Alta Creek.

The 3 main impacts with *Arundo* are: pronounced flood risks associated with it as clumps and materials dam against culverts and bridges. It probably contributed to the loss of the Murphy Bridge. On the Santa Margarita they have had similar problems. Council had a presentation by Camp Pendleton, which had the initial *Arundo* eradication project and program in San Diego County. They are about 90% done, and they will be winding up their program over the next 2 years. You are going to have your ground breaking on Friday. There has been a lot of work done, and we need to protect that investment.

The other impacts associated with *Arundo* are fire and the habitat degradation that occurs as it crowds out native species and changes the functioning of the ecosystem.

Oceanside had 32 individual fires last year on the lower river and some on the upper river. *Arundo* will carry fires. Normally, riparian areas block fires. You do not want to create a situation where you have corridors conveying fires. When you have *Arundo*, it will do that. It has the perfect fuel load and the structure to burn any time of the year. That initial fire on the San Luis Rey last year was at 98% humidity at night in October. Not good optimal fire conditions, but *Arundo* will burn. Part of the reason it will burn is you have a lot of encampments in *Arundo* because it contains a lot of structure that allows individuals to occupy the area. This is not a good idea for numerous reasons. You are getting the ignition source directly in the fuel load, and almost all of the fires that have occurred have been from encampments or arson. Encampments also allow a lot of human waste and trash to occur, and you have a lot of non-point source discharge that you have been unable to track and see exactly where it is coming from. A lot of that fecal contamination is non-approved use of the waterways essentially.

[Councilmember Feller returned to the dais at 5:50 pm]

It is a risk to public safety if you have to put out the fires, and you also have to save individuals during flood events. This is occurring in Los Angeles. There are several documented instances where you have a flood situation, with people living down in the rivers and stream corridors, and you have to go down there and save them. It is extremely dangerous rescuing people during peak flow events.

Displaying photos depicting camp sites, he stated that it is the match up of fuel load as a risk, the ignition source, and combining them together. This is not unique to San Luis Rey. This is occurring in Orange County, Los Angeles and the San Diego River. These are all sites on the San Luis Rey. There are open fire rings. It is amazing the amount of use and the risks associated with that type of use.

Flooding is the big concern, and it is hard to get your head around all of the different dynamics that are associated with *Arundo*. You have the *Arundo* structure, which is blocking and diverting flows, but the fact that you have so much *Arundo* in the river actually changes flow velocities and causes sedimentation. If you accrue sediment over time, you lose your flow capacity in your levied structure. Removing sediment is insanely expensive, and the permitting is a nightmare. Removing *Arundo* out of the system allows the system to discharge the sediment that is supposed to flow through the system and not be trapped in the system.

*Arundo* also uses a prodigious amount of water, over 4 times as much water as native vegetation, which makes the channel go dryer faster and creates fewer ephemeral pools, which are necessary for a lot of the endemic organisms that live in the watershed.

Mission Resource Conservation District (MRCD) launched its program. Looking into the future, they knew something would be happening on the lower river with the CORPS program. All that work would be for nothing if you have 600 or 400 acres of *Arundo* upstream continuously re-infesting and re-infesting the areas. So the MRCD launched its program centered around Fallbrook, Keys Creek, and the main stem of the San Luis Rey; we are fully funded and almost nearly done with the eradication program. Many of you have seen the sites. The regulators, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the regional board support the programs and, in many cases, fund the programs. Most of it is through water bond funding.

Photos were shown depicting *Arundo* stands, before, after being treated, after being reduced and with the native vegetation coming in. Aerial photos of the site were shown depicting the bands of *Arundo*, at the College Avenue bridge, as well as afterwards, with the native vegetation coming in. Wildlife can move in and out of the system more easily, and you get the structure that is needed for wildlife. USGS Avian experts love this program. This project is allowing the system to recover and function the way it is supposed to. Fallbrook had a lot of *Arundo* because it is a very old historic community. A map of the watershed was shown. The tributaries have been treated, and most of the main stem has been treated. The Army Corps' project will be treating over 140 acres of *Arundo* through implementation of their project. They have already done 40 acres between Benet and I-5, which they will start to reduce on Friday.

*Arundo* is not the only plant. It is the worst out of 3 in particular at San Luis Rey, but you also have patches of Tamarisk, which uses a lot of water and pumps salts to the surface and impacts the functioning of the system. It is already rated a California Department of Food and Agriculture (CDFA) [list C] noxious weed. *Arundo* is a CDFA-list B noxious weed.

The other big one that we are seeing more of is *Pampas grass*, which is particularly bad because it is in riparian zones in the wet lower areas, but it also creeps up the hills and the side canyons. It is a prolific seeder, and during wet periods it becomes established. The pictures show plants approximately 16 feet high [Encinas Creek area] and they have basil root wads chest high. Half of this site had burned before so it has a lot of the same characteristics of the *Arundo* stands in terms of the fire risks, wetland impacts and so forth. The distribution of *Pampas grass* is not restricted to the city. It is up and down the coast and particularly bad in San Diego County and Orange County. Orange County is also looking at working on *Pampas grass* in addition to several of the other coastal watersheds.

**COUNCILMEMBER SANCHEZ** introduced Fire Chief Terry Garrison, who has been sending people to meetings and has been teaching them about why this is so critical to fire.

**TERRY GARRISON**, Oceanside Fire Chief, stated that we have been working with a group of people. Division Chief Mark Alderson is our resident expert and has been informing and educating him about the river, the fire features and flood features of the river. He knows more now about these grasses and bamboos. He is here to answer Council's questions and to take direction.

This is a fire issue. We talked about it several months ago. Deputy Mayor Chavez brought up the issue of the river itself, and we talked about topography, fuel loads and weather. You can see that this fuel in itself changes the dynamics of the weather, where you can have some tremendous fire potential and have some pretty positive weather. We are concerned from a firefighting standpoint and a flood control standpoint. We have people who live in that area.

He thanked Council for helping the Fire Department in creating the Urban Services Division, which is our division that focuses on public education. This may be an arena for the fire department where we can start looking at all hazards, community education and some management in those areas. The definition of learning is a change in behavior, and if we can teach our citizens about these 3 grasses and get on the front end of this, maybe we can eliminate some of the fire and flood issues.

**COUNCILMEMBER SANCHEZ** understands that these are the top 3 for the fire department.

**CHIEF GARRISON** responded that these are the 3 that seem to keep coming up over and over again, and they grow so fast.

**COUNCILMEMBER SANCHEZ** asked that in terms of fighting fires, when they have these 3, burning them does not erase them. It actually helps to multiply them.

**CHIEF GARRISON** further responded that it seems like it does. We are learning more about that. His job as the Fire Chief is to help mitigate and minimize the amount of fire potential in the city. We do that through code enforcement with our building prevention division, and we also do that through educating people. We need to educate everybody and identify those issues.

**COUNCILMEMBER SANCHEZ** introduced Joan Bockman and Dianne Nygaard to do presentations.

**JOAN BOCKMAN**, Buena Vista Native Plant Club, presented computer pictures to focus on the 3 plants. We did consider how to approach this, and these are the 3 truly indefensible plants. There is no reason to have these plants in any landscape in

southern California. There is no defense for them or for anyone planting, selling or having them. When you see these plants, she would like Council to envision that they are seeing taxpayer dollars, because to remove it costs money. Some agency somewhere is spending our taxpayer's money to eradicate this. There is a lot of power to just saying that these are the 3 worst of the most indefensible plants and in that education. Hopefully, by saying it, they will get far down the path. The ban would be very effective.

**COUNCILMEMER SANCHEZ** asked Mr. Giessow why we would be seeking a ban that would include code enforcement. MRCD has cooperation up to 97%.

**MR. GIESSOW** responded yes, especially on *Arundo*, it does not have viable seeds so it is only fragments of the plant that spread down stream. That is why we started at the top of the watershed, why we work in a tributary, and why we work with all of the private property owners. We use the neighbors to talk to neighbors. We have permission from over 387 property owners. There are a few, 3 or 4, that jeopardize the long-term effort. Right now we are trying to complete the project, weigh it, use more of the neighbors and maybe get the fire department to talk to them. This is in non-Oceanside areas. This is our strategy at this point.

Within the City, Council could enact an ordinance that really motivates property owners, especially if you come to them with educational materials and with funding from the State to remove the plant and replace it with something that is non-invasive. For the 2% or 3% that are really jeopardizing things, it would be an amazing tool to have an ordinance that motivated them to allow the fire department or the City to remove the plants. It is the only common sense thing to do because it jeopardizes that investment.

To remove the plants, a lot of things will work on a small scale. On a larger scale they are using chemical methods to control them. In small areas, you can dig it out. You cannot dig it out on the San Luis Rey River size. They have already spent something like \$5,000,000. If they were to mechanically extract everything, they would be talking \$30,000,000 or \$40,000,000. In urban areas people tarp it or dig it out. Property owners can use herbicides on their property or hire a licensed contractor. It is fairly reasonable. The biomass reduction can be more costly, depending on the size of the stand. It is amazing what people do once they know. It is that last 2% that really jeopardizes things.

**COUNCILMEMBER SANCHEZ** asked if having code enforcement for that smaller amount would actually bridge that gap.

**MR. GIESSOW** responded yes. Cities have so much more power. The CDFA does not have much leverage. CDFA regulates the growing industry and contamination within nursery stock and sometimes with what they are selling. It has nothing to do with going onto private property and encouraging a property owner to do something. It is the City's responsibility to do that, to protect other citizens, and to protect the infrastructure and resources. This is property, life and flood risk. You could not have it in a clearer demonstration than you have on the San Luis Rey River.

**DIANE NYGAARD** stated that this is really a win-win for everybody.

Regarding the cost, in her local area, upstream from us in North County, through the watershed network, we have been working on grants for the removal of these invasive plants. The first one was 4 years ago, \$3,700,000 for removing these plants and a grant from the Regional Water Quality Control Board (which came from all of us taxpayers in this area), followed up by 2 more years of multi-million dollar grants to remove these plants from North County. How much better could we be with an ounce of prevention and saving these millions of wasted dollars and removing them after the fact. This is a great kind of program that can really be started in phases: first banning the sale, planting and distribution, and then later moving towards removal of those that already exist in our environment.

Through our local watershed network, which is made up of NGOs, government agencies and resource agencies, we have been looking for a project to volunteer in the community to really help the cities with public education and bring the community on board to recognize the benefits of this program. It is a win-win for everyone.

To conclude, **COUNCILMEMBER SANCHEZ** stated the proposal is to eradicate the most dangerous, invasive, non-native plants of *Arundo*, *Tamarisk* and *Pampas Grass* within the borders of our City. First, would be through extensive education outreach for maybe the first 2 years, with a goal of achieving most of the removal of these plants through cooperation. The balance, probably around 3% - 4%, could be achieved through existing code enforcement, which would necessitate an ordinance to include language to allow the removal, and, if desired, replacement with native species of equal or better visual and environmental quality. Savings would be realized by the mere fact that the City and Conservation District would not be battling over the same territory, over and over again, for the same removal. A complete solution would be attainable, and the City would save valuable resources in the form of tax dollars and ground water in a short period of time.

She **moved** that an ordinance be established banning the sale, distribution and planting of these 3 specific plants, with provisions for working cooperatively with residents, and then by means of code enforcement. Eradication could be achieved in 8 years, about the same time frame of the completion of the flood control project.

If we do not want to address sale distribution, there is the planting; that is actually the crux of this. It is having it and getting rid of it in our borders. Something that is easily transferred by wind, by air, by birds and by the trunks of these shrubs that can sometimes have 30 foot roots.

**MAYOR WOOD** seconded the motion.

#### Public Input

**NADINE SCOTT**, 550 Hoover Street, is on the board of the Resource Conservation District of Greater San Diego County. They are Mission District's neighbors. Our property jurisdiction goes up through Loma Alta Creek. Every waterway has this issue, not just San Luis Rey; even though San Luis Rey's is more spectacular, every waterway has this problem. It is starving us of our ground water. That is one of our primary concerns.

She was the State President of the California Association of Resource Conservation Districts. We worked on this during my tenure for over 10 years, trying to get California Department of Food and Agriculture to do more than just have a listing; however, because of budgetary concerns, it falls into your local municipalities and your local agencies, like RCDs, to work with private property owners and secure their cooperation. Our groups are especially successful because we are not a regulatory agency; we can go onto people's property, and they do not start getting nervous that we are going to give them a ticket or going to report them somewhere. Use RCDs if you want to sublet out work like this. It is a tremendous opportunity for you. She strongly urges Council to move forward on this proposal. Council will be very happy that they did, and they will be cutting edge.

**PAMELA MYERS**, 910 North Pacific Street, brought a bamboo pole which is 25 feet tall. She is talking about invasive versus non-invasive plants. An invasive species is a non-native species whose introduction does or is likely to cause economic or environmental harm, or harm to human, animal or plant health. To be considered invasive the negative impacts caused by a non-native species will be deemed to outweigh the beneficial effects it provides. Bamboo can get 100 feet tall. She brought a giant timber bamboo, which we have to treat with this bamboo. The huge quantity of dead and decaying biomass becomes a potential source of pests and diseases which can adversely affect other landscape and public health, and is a serious fire hazard.

North Coast Village is where the bamboo came from, and some is 35-40 feet tall. She showed photos depicting North Coast Village and the bamboo.

Additional impacts caused by non-native invasive bamboo are: impacts to human health, root impacts to natural resources, possible decreased soil stabilization (bluffs), excessive use of resources (ground water and soil nutrients), decreased property values at North Coast Village and around, and altered recreational opportunities. Bamboo is blocking ocean views, sunshine, sea breeze from the balconies and inside the units.

This is a major issue. This bamboo can grow 100 feet tall. It is a health and fire hazard to North Coast Village. It is going to increase the rodents. She supports Councilmember Sanchez's motion regarding the 3 species. She asked that Council add bamboo. If not citywide, please ban it in the coastal zone. It is a major problem that they have been dealing with, and they cannot seem to get anywhere. The only other resource they have is Council to add it to the ordinance.

**DANIEL ADAMS**, 999 North Pacific Street, stated that most of the pictures shown by Ms. Myers were taken from his balcony and some from his living room. He has lived at North Coast Village for 13 years and has enjoyed our beautiful ocean and pier view until a few years ago when the previous owner of the property next door to the south side of the A building planted bamboo shoots, which in a few months grew up to the second floor. The bamboo trees have now grown to the fourth floor and are still growing. He is very concerned with these issues. The trees release a small substance that causes burning, itching, and lasts often 1 to 2 days. We are all aware of how dangerous tall trees can be and how they can cause fires, especially trees that are so close to homes and rooftops. He supports Councilmember Sanchez's ban on the 3 non-native plants. He would like the giant timber bamboo to be included.

**LISA HAMILTON**, 323 South Ditmar Street, is speaking for herself and the board of the Oceanside Coastal Neighborhood Association. We support this for the 3 plants; we did not discuss the bamboo. Bamboo has many manifestations. She would hope that we will stick to the original proposal of the 3 and work on bamboo another time, along with other non-native plants.

Public input concluded.

**MAYOR WOOD** asked if the maker of the motion would like to add in that particular type of bamboo. He knows there are numerous types of bamboo, and a lot of them are popular in yards, but not this stuff.

**CITY ATTORNEY MULLEN** thinks it is arguably within the scope of the notice. There are some issues that Council may want to consider with respect to the direct regulation of the sale of these species, which he has some concerns about as being potentially preempted. If the Council were interested in adding these as a species that would be a nuisance with our City Code Section 17.16, we may be able to draft an amendment and eradicate these species through the nuisance abatement process. However, the direct regulation of the sale of these species through nurseries would potentially be preempted under state law, and we would certainly want to work with the County and the State Department of Agriculture before bringing an ordinance to Council that attempted to do so.

Addressing the bamboo, **COUNCILMEMBER SANCHEZ** stated that, when we discussed these issues, we were especially concerned about the rivers and streams and the fact that it does not matter where it is in the City, it gets to our rivers and streams. This issue has become so critical that police, fire and water conservation issues are what they focused on. She would support giving direction to staff to come back with language regarding bamboo on the coast, or at least Pacific Street, and then study it longer. She knows that there are different kinds of bamboo, and Ms. Myers has been very specific about the specific specie. She would support that.

As to the issues of the U.S. Department of Agriculture (USDA), the main focus is the code enforcement. If we were to include language that would address it in terms of a nuisance abatement but would add that critical piece about education, she believes that in terms of the sales, we would be able to work with retail to cut that out of the City. The bottom line is in order to really be effective, we are going to have to make it so that it no longer exists in the City. It is going to take some time. There are a lot of people who are interested in working on this as volunteers such as the Mission District,

which is able to receive funding through different sources. This would be a phenomenal thing for the City.

**MAYOR WOOD** wants some clarification on the motion that is going to come up for a vote.

**COUNCILMEMBER SANCHEZ amended** her original motion to move that Council give direction to staff to come back with language that would address abatement of *Arundo*, *Tamarisk*, and *Pampas Grass*; that it is a process that would include an education outreach where we would achieve maximum cooperation, and then go into the enforcement of it. With respect to bamboo, she would ask staff to come back with language regarding the giant bamboo on the coast.

**MAYOR WOOD seconded** the amended motion.

**COUNCILMEMBER KERN** has done some research on this and has talked to the County Agricultural Commission office. This ban was tried in San Diego, and they found out that the State Secretary of Agriculture can ban plants but cities have no authority. San Diego went through this exercise. He is a little concerned already that the motion has not even been completed, and now we are adding 1 more plant; he has a problem with that. Since these plants are already rated B according to the California Department of Food and Agriculture (CDFA) website, they are already banned by the Secretary of Agriculture for sales. This is not something the City needs to get involved with because they are already banned for sales. This is just superfluous.

He is all for education. All of the resource agencies and public talk about it. We do not need an ordinance to carry forward with education. This is something that needs to happen. The Mission Resource Conservation District is working to the east of College Boulevard; they cannot work to the west of College Boulevard because that is within the mitigation area for the Corps, and we will handle that.

What really bothers him is he keeps hearing code enforcement, and every time he hears it, he sees dollars. He does not think we have anything budgeted in code enforcement to go out there and get plants out of peoples yards. We have a difficult enough time getting wrecked or junked cars out of people's driveways or getting boat trailers off the street. He does not want to spend time for a code enforcement officer going to people's backyard to rip up plants. Now we talk about a species of bamboo. What species of tamarisk are we going to talk about since there are 54 species. There are only 24 listed on the State of California Agriculture website. Are we going to go through and enumerate these 24 and leave the other 30 off?

We are going down a path he does not think we should be going down. The idea of going out and saying which are good plants and bad plants is fine, but he does not think an ordinance is needed right now. The education portion is needed. If the resource agencies of people that have some money want to print up some brochures that we can put into the water bills to get the information out, he would be glad to do that if they can identify a funding source. One of the reasons that they have struggled in the San Diego River with the *Arundo* is there is no funding source. He is sure that Chief Garrison has submitted his budget already and does not think they budgeted for eradication of plants, likewise with code enforcement. We have to have a common sense approach. It is not having the City Attorney staff try to draft an ordinance, which San Diego has already tried, and where they came up with the conclusion that the State is the only one that can ban these plants. As far as the bamboo at North Village, if it is part of the home owners association (HOA), go to the HOA and have them remove it. If you live there, have the board deal with that.

These are actually class B plants, and according to the State website the class B is an organism known for economic importance, subject to eradication, containment, control or other holding action, at the discretion of the individual County Agricultural Commissioner. It is the County that has jurisdiction through the State, or if economic importance, the State has endorsed holding action eradication only when found in a nursery. He has no problem banning the sale of these at retail outlets, but the State has already done that for us. Going forward to have an ordinance that duplicates what the State does is a waste of our time. He could support a ban of the sale at the retail

outlets, and it is already done. We do not need an ordinance to educate people. He thinks we can educate people without an ordinance. He cannot support this program. It is a duplication of effort. We do not need to spend staff time doing something the State has already done for us.

**COUNCILMEMBER SANCHEZ** asked the City Attorney if we are preempted to exercise authority with respect to the nuisance abatement.

**CITY ATTORNEY MULLEN** does not think so. The preemption issues are largely in the areas of the sale, distribution and cultivation for sale through the County. If there were a fire issue or a flood issue with respect to the presence of these, we would be able to use our existing weed abatement program pursuant to Section 17.16. If you wanted to amend that section to make it very clear that these particular species constitute nuisances, then we could make that more clear. That way, if the owner did not eradicate them, the City would have the authority to do so. That is a policy call for the City Council to make.

**COUNCILMEMBER SANCHEZ** noted that Ms. Bockman had additional comments.

**MS. BOCKMAN** stated that the State has not banned the sale. *Pampas Grass* cannot be found in Oceanside in most places because when Evergreen came in, it was one of the Planning Commission conditions. WalMart has agreed to ban it. You can still buy it at some other outlets. There is no demand for *Arundo* and *Tamarisk*, but *Pampas Grass* is alive and well on the retail market. The State has not banned those plants, even if they say they did.

**COUNCILMEMBER SANCHEZ** stated that if the reason why the motion cannot be supported is because we want to treat the bamboo separately at a different time, she would be willing to do that. Right now what we are dealing with is a very critical issue. Council has heard from the fire department, and there is funding for this. The critical piece is the 3% to 4% of people will not agree to take it out. There would be some teeth to it, to be able to eradicate it and not get it. There are millions of seeds in a lifetime of one of these plants. At a time when people in this City are so concerned about fire, flood and water conservation, it is the responsible thing to do to go forward on this. She asked for Council's support.

**DEPUTY MAYOR CHAVEZ** likes the education component of it but is also not in favor of spending dollars in the City in this budget crisis for a new program. He thinks the economic argument is that we are spending millions of dollars right now for the river, and will this prevent future problems.

He noted that Council did not receive any backup material from Councilmember Sanchez on anything we were going to be presented. In fact, the motion that we have now is not the one that was referred to in the agenda. He has not had the opportunity to have anything from Councilmember Kern, though he saw a little bit of it earlier today, but he wishes he would have had the depth on it that Councilmember Kern had on it right now.

He is intrigued by the issue because it is obviously a safety/fire issue, but he also does not want to have governmental creep. He is not going to be supporting the motion as it is right now. However, he would support a postponement to allow Council to have more information and more education on this item, and to come back at a later date. He **moved to postpone** this issue to a later date to allow the Council to become better educated on it, and then to vote on it at a later meeting.

**COUNCILMEMBER SANCHEZ** asked about having staff bring back information and a presentation with materials, far in advance. She did not have a chance to put together things until now, and the presentation was by the Mission District, which has had the experience and knows what needs to happen to be able to stop wasting all of the tax dollars that would be wasted if it is not cleared.

**DEPUTY MAYOR CHAVEZ** thinks it is appropriate to look at the economic impact. He agrees with Councilmember Kern that there is an agency that is already

doing this and questioned why we would be using our resources to do this. However, if there is a way to address this issue in a fiscally prudent way without developing new governmental programs, but addressing this issue, he would be willing to be educated and learn how to do it. Maybe it is just an education issue.

**COUNCILMEMBER SANCHEZ** thinks that the City Attorney has suggested that it would not be a new program; it would just be included in the definition of a nuisance.

**DEPUTY MAYOR CHAVEZ** needs to read it and understand it. He reiterated his motion to postpone this to a later date to bring back the information, the education, and how we want to do this; then we can actually know what we are going to vote on.

**COUNCILMEMBER KERN** seconded the motion to postpone.

**CITY ATTORNEY MULLEN** clarified that to postpone is to continue to a later date, a date certain or some time period where staff would report back. Under the Council rules, that motion would take precedence over the main motion.

**COUNCILMEMBER KERN** seconded the Deputy Mayor's motion if we can add one line that would be to identify a funding source along with this. That is his main concern. We'll bring it back so staff can look at this and bring back some type of funding source for this.

**DEPUTY MAYOR CHAVEZ** agreed there needs to be a funding source. He asked for Councilmember Sanchez to pick a date since this is her issue, and she is going to have to work the issue with the staff.

**COUNCILMEMBER SANCHEZ** would like to see it in 30 days because they have all of the materials, etc. She is withdrawing her motion in the spirit of getting something done for the goal of eradicating these 3 species within the City. She will be supporting the substitute motion.

**COUNCILMEMBER KERN** thinks this is a good idea of the funding source, and they will not duplicate effort. He clarified that nobody is for these plants. We do not need to duplicate the funding effort because they are at a funding crunch.

**COUNCILMEMBER FELLER** asked if we have a fire danger from coastal sage.

**CHIEF GARRISON** stated that he would have trouble answering that question, but if we have a large amount of coastal sage in an area that would become dry, that would become a fire danger.

**COUNCILMEMBER FELLER** believes there is a lot of coastal sage, and it would burn readily. We probably should have put that river channel as a concrete channel to begin with, and we would not be having this discussion. We had to replant it to make sure that we would have all kinds of species and all of these plants that are in there. He is sure that *Arundo*, or any of these plants, is not going away, no matter how hard the Mission District works at telling people up and down the rivers and streams they are going to end up with this huge problem forever.

He is not in favor of the *Arundo* police going door to door in our community. They have no business doing that. He is going to support the education component. He thinks education is fine, and if the agencies want to pony up the money to put flyers in water bills, etc., we will do that; however, that is as much money as he wants to spend on this. He is going to support the delay, but he is not going to support any bigger government, not another person involved in this.

**COUNCILMEMBER SANCHEZ** stated that the bamboo is a separate issue, but she is hoping that after this motion is heard, we entertain a motion addressing this.

**MAYOR WOOD** remembers people at this dais complaining about the San Luis Rey River and that we should go out there and cut paths through it right then and there because of the fears of fire. We can always come back at a later date and time to get the input regarding what we should or should not do, cost, etc. He thinks we would be

the first group of people that, if there was a fire, would jump to say that we should have done something.

It sounds like we would have been better off if we did not try to do a flood control channel and that the people that were already clearing out the *Arundo* and the other invasive species would have probably done it in Oceanside by now through the normal processes through the County. We tried to put a flood control channel in for public safety, and we have been tied up for 15 years with federal and state agencies and cannot do it; it is frustrating.

**Motion** to postpone for 30 days was **approved 5-0**.

**COUNCILMEMBER SANCHEZ moved** that Council direct staff to address the bamboo and come back in 30 days and see if there is something we can do to address this issue.

**MAYOR WOOD** understands the property where it is has been sold. Maybe we can check into that aspect of it. He knows there have been some calls on bamboo. We are not interested in banning bamboo as a whole in yards, but just this particular one. He **seconded** the motion.

**Motion failed 2-3**, with Deputy Mayor Chavez and Councilmembers Kern and Feller voting no.

#### **6:00 P.M. - PUBLIC HEARING ITEMS**

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

12. **Council: Approval to allocate FY 2007-08 Community Development Block Grant contingency funds in the amount of \$50,000 for development of a preschool [with Camp Fire USA] and \$10,000 for acquisition of graffiti cameras; and approval to amend the 2007-08 Action plan accordingly**

- a. Mayor opens the public hearing - Public hearing opened.
- b. Mayor requests disclosure of Councilmember and constituent contacts and correspondence - Disclosures were made.
- c. City Clerk presents correspondence and/or petitions – There was no correspondence received.
- d. Testimony, beginning with:

**JOHN LUNDBLAD**, Management Analyst, reported that we are looking to allocate \$50,000 of Community Development Block Grant (CDBG) contingency funds for development of a preschool in the existing Crown Heights Camp Fire USA building, plus \$10,000 for acquisition of graffiti cameras. We are doing it now because when we get into the CDBG funding cycle, those monies cannot be allocated and made available until after July 1. This way we can allocate the funds, if approved tonight, to Camp Fire USA so that they can move forward on the opening of the preschool as quickly as possible. The primary reason for supporting the opening of a preschool is that the existing preschool, which is on the campus of Oceanside High School, is closing. The high school needs the room, and in effect we are losing far more spaces for child care than we are able to replace at this point for people at Oceanside High School and especially for those in the Crown Heights neighborhood. Since we were coming with this one item, the Code Enforcement Division also asked if they could come with a second minor item, which is the acquisition of the graffiti cameras to reduce the incidence of graffiti in particular areas prone to it, one of which happens to be the back wall of the Camp Fire USA building that backs onto Interstate 5.

Public Input

**KATIE ZOLEZZI**, Executive Director of Campfire USA, is excited about the preschool. We have been serving the children of the Crown Heights neighborhood for over 21 years through elementary, kindergarten and teen programs. With the closing of the high school preschool, as well as the Head Start program that was located in the neighborhood several years ago, there is a real need to serve the children of the same families in this neighborhood. She has over 40 years of experience in early childhood education, in addition to her position with Campfire USA. She is excited to have the chance to open this preschool.

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

**DEPUTY MAYOR CHAVEZ** thinks this is a great program and looks forward to helping the kids. Regarding graffiti, he and Councilmember Feller were talking about having cameras all over the city in some of the hot spots, and he is really behind that. He **moved** approval [of staff's recommendations and authorize the Neighborhood Services Director to sign the necessary agreements (**Document No. 08-D0073-1**)].

**COUNCILMEMBER FELLER** **seconded** the motion. Graffiti is a blight on the City. He is not satisfied that \$10,000 is enough for the cameras that we are talking about, but this is a start. He talked to the City Attorney about these suspects that were arrested and the consequences. It is not about education, it is just these people need some "come-upins," a sense of responsibility and social skills. This is the blight on this City. We are a major City, and we cannot allow this graffiti to exist. Graffiti is a very serious issue, and it affects property values.

He is in favor of taking care of the children, and he knows that staff is going to do a great job at Campfire USA; however, graffiti and the blight it causes in this community has to be a priority. Sooner or later we are going to get a truck on the road that can go to any color fence, paint it and get rid of the graffiti immediately. It is easy to support this. He guarantees that if the community is serious about graffiti, we need to have enforcement and punishment.

**COUNCILMEMBER SANCHEZ** questioned the locations of the cameras because she is very concerned about what they are talking about. She asked if they were talking about placing cameras at businesses or certain places being tagged. They are not going to put them in neighborhoods because tagging teams cross social-economic levels. If you are going to start putting them in neighborhoods, it should be evenly throughout. If they are going to put them all over, some people are going to be concerned about the government looking into their backyard and seeing what they are doing.

**DAVID MANLEY**, Neighborhood Services Division, stated that they will evaluate the areas that have the most graffiti problems. What we will find is that most of them are in commercial areas, not in the neighborhoods, and especially along SR-76, industrial areas, along the freeways, and other commercial areas. They will be focused just on the surface that gets tagged, not anywhere else into the property or anything. Some areas will be the airport area along SR-76; going down the Mission grade there are a couple of spots; along SR-78 and I-5, there are a couple of walls that get hit all of the time; one in the church and one in the WalMart center. There are a few, and mostly they are in the commercial areas.

**COUNCILMEMBER SANCHEZ** questioned if they are not going to be in parks or residential areas.

**MR. MANLEY** responded that that is not the plan at this point; however, there may be a location that comes up with a big wall, but probably not on individual houses per se. The criteria used are the most affected areas.

**COUNCILMEMBER SANCHEZ** asked if there is a procedure that staff is following to decide where those are; is it the most affected?

**COUNCILMEMBER KERN** asked how mobile the cameras are. If we put them in a spot, after intensive enforcement, could they move them to another place? He wants to know how they work and if they are on a loop that they can see that a wall is tagged and they download the information, or is there some monitoring ability from a remote location?

**MR. MANLEY** is working with IT to set up the actual configuration. They are somewhat mobile. Usually you can have them wireless and set them up on a 24 hour recorder so that if it does get hit, you can catch the person and go the next morning and see the evidence.

**CITY MANAGER WEISS** stated that we have looked at some commercial cameras that specifically do graffiti-type abatement. They are set up so that, if there is a prolonged period where someone is at a specific location, it will automatically either phone or text message a specific phone number. We can have it wired to go to the police department so that they can actually catch people as well. They are set up so you have both the ability as a proactive measure, to apprehend, and also as an after-the-fact measure for prosecution.

**COUNCILMEMBER KERN** stated that if they put the cameras up so that people know there are cameras on the wall, it might be a deterrent. Also, if they can get fake cameras and put them on other walls, it might be a deterrent. It would be cheaper in the long run if they brought some casings to cut that down.

He questioned the start date of the preschool; will it be at the beginning of the school year?

**MR. LUNDBLAD** stated that that is what staff is working with Camp Fire USA on as quickly as possible. There is actually one project underway already, in which they have to do some improvements to the site, which is separate from it. The other part is getting the equipment and all of those things. He thinks the beginning of the school year would be the latest date. This will operate year-round.

Referencing the discussion on the graffiti, **DEPUTY MAYOR CHAVEZ** stated that he has been contacted by residents who are in easements where they have kids going to school, and they routinely, every week have to paint their fences because of the graffiti. They have asked for this support. He has talked to a number of small business owners who have also been repeatedly tagged. For a small business owner, it is a considerable amount of money because they are always being tagged. This is actually coming from the business owners and a lot of residents in the City. He is sure we will be doing this in a judicious manner, but we pretty much know where the areas are that are being tagged.

They do have the fake cameras. One gentleman that has a house that is always being tagged has a fake camera up there, and it is not working very well for him. This is an issue that he is supportive of, and he looks forward to doing it.

**COUNCILMEMBER FELLER** stated that the new Mance Buchanon Park just had the whole front of the restroom facility completely tagged. He is at all of these parks all of the time, and there is graffiti on the buildings. These people disrespect people's property. It is time to take this to the next level and really make a difference in the future of Oceanside.

**MAYOR WOOD** requested input by Captain Tom Aguigui and Detective Sergeant Karen Laser. He is concerned that we are getting cameras, that when a photo is taken, we can identify the suspect from that photo. One of the reasons that we have a problem is that a lot of the commercial businesses' cameras take poor quality photos; then when we get the picture, we cannot identify the suspect from the pictures, as it is such a poor camera. He asked for some insight on appropriate cameras that can identify these people from the pictures.

**CAPTAIN TOM AGUIGUI**, Police Department, introduced Sergeant Karen Laser, who is assigned to investigations, and oversees our graffiti enforcement and investigative effort. Today we were asked to give an overview/update on our

progressive stance on addressing graffiti as a police department, our strategies for the future and some of our recent successes.

We have a great relationship with Code Enforcement, as well as Public Works, to go out and collect and document graffiti throughout the City. That information is collected and forwarded to a data bank, which we store and manage at our police department. We use that as a vital tool to further our investigations. If we were to arrest one person, for instance, with a particular graffiti to this one particular individual, we can search that data bank and link him to other previous graffiti instances throughout the City or neighboring cities. We have also worked with our crime analyst to forecast where these things are occurring: the time and place, who may be responsible for them, the method and how they are getting their locations. That will dictate and direct where we start to focus our efforts. We forecast this type of information, and it goes out to our field deployable personnel.

We work through our neighborhood policing effort, the community network and the business owners. A business that has taken a lead in this is the Cinema Star Theatre. That management group went on their own and purchased their cameras; they have an IP link that the police department can get to from our desks and look at these areas that are high in traffic, high in unlawful activity and also high in graffiti. They do have a recording ability to store for 30-60 days. They have the proactive ability for us to respond right away, and their quality is great. When we want to prosecute these people, accountability is one of the major deterrents. We are able to do that with good photographs. That particular piece of equipment has that ability. We also adapted a computer department so that we can do our own enhancing of security photographs from all of the security machines in the City. We have that in place already and are working to build that type of effort so we can further our chances of prosecuting criminals.

Speaking about the news articles that go out, he mentioned that we celebrate our successes. Last year in 2007, we made 20 arrests the entire year for graffiti. In February 2008, we have already made 6 arrests so we are progressing in the right direction; we are working together to make this happen. We are proactive and do take graffiti seriously. We send a message to those that are involved in or contemplating getting involved in graffiti, that it will not be tolerated in our City. That is why you see a lot of these articles. There is a reason behind that effort.

**SERGEANT KAREN LASER** stated that in the last 2 weeks we have made 6 arrests for graffiti; four of those were felony arrests, which means the damage made by the graffiti is going to take more than \$400 to repair. Four of those suspects were adults, and those age ranges were from 16 to 27. There is a range of participants in graffiti. Those arrests were made not only from our officers' own observations of actually seeing the crime occurring, but we also have community-oriented policing projects that entire patrol teams will create, and they will dedicate a portion of their entire shift to a topic or concern in their assigned beat areas. In this instance, the particular patrol team dedicated to graffiti actually caught some people in the act.

We also made arrests by citizens contacting us. They see people in the act, or in this particular instance, it was a security guard who detained the suspect until we arrived. In the database, we input all of the "crew" names, which is the entire team's name. They also input the moniker or the nicknames you see. Whatever nickname they make up, they misspell. All of those are put in the database, with the locations and suspect names. In the event someone is arrested and we know their nickname or their moniker, it can be put into that database and can be pulled up every instance any crime has been entered in that database with that name. Potentially all those crime cases can be charged to that individual that we arrested. In light of graffiti, there are not 2 of the same name. They take pride in their graffiti, or as they call it "art." Therefore, it is difficult to have 2 suspects with the same name because they want to claim their own art. Potentially, one individual could be charged with 20-30 cases for their graffiti.

In reference to the graffiti camera Mr. Weiss was discussing, Denver City is currently testing it, and there are some errors and concerns. They are going to work it out and get back to us. Ideally, it is a fantastic concept. There are issues as to whether we can see the individual at night and have that clear photo. It is very important to be

able to see the actual graffiti - what they are writing and the color. The suspect could have blue fingertips, and it would be great if we could match it up with blue tips or the blue cans in their pockets and backpacks.

You digitally set up the parameters of what you want to video. The camera has a sensor, and when it senses some activity, it captures a still photo, which can be sent to either your e-mail or a phone that is designated to that program, which an officer or a sergeant in patrol would be carrying. You could open up the picture on your phone and actually see what it is they are drawing. By doing that, it is immediate, and we can reduce our response time to that location and actually catch them in the act. The issue that they have had is that the photo and the information getting back to the officers have been delayed. By the time we get out there, the suspects are long gone. They do encourage citizens to report crimes that are occurring. The more they get reported, the more we can enter in that database. It is very important to build.

**Motion approved 5-0.**

[Recess was held from 7:30 to 7:33 pm]

**13. CDC: Consideration of a resolution approving Tentative Parcel Map (P-204-07), Development Plan (D-205-07) And Regular Coastal Permit (RC-206-07) for the construction of a two-unit multifamily development located at 516 South The Strand - Applicant: Seabreeze Investor 2, LLC**

- a. Chairperson opens public hearing - Public hearing was opened.
- b. Chairperson requests disclosure of Commissioner and constituent contacts and correspondence - Disclosures were made.
- c. Secretary presents correspondence and/or petitions - No correspondence was received.
- d. Testimony, beginning with:

**SHAN BABICK**, Associate Planner, gave an overview of the staff report regarding a Tentative Parcel Map, Development Plan and Regular Coastal Permit for a 2-unit project located at 516 South The Strand. The site is located in Subdistrict 4A, which is the area on the South Strand, and it is intended primarily for single-family multi-family residential, with a maximum density of up to 43 dwelling units per acre (du/ac). He reviewed photos of the site and the plans and elevations.

The project proposes a 2-unit multi-family residential. The 2 units are over 2,500 square feet in size and are situated on a 4,500 square foot lot. The density is just over 19 du/ac, which is less than the maximum of 43 du/ac. The project meets all development standards and exceeds development standards as far as the front yard setback. They are providing 1 more parking space than required, providing 5 parking spaces. The project height cannot exceed the centerline of Pacific Street; it goes below the bluff height. The proposed duplex is consistent with the development standards of the Redevelopment Project Area. It is a quality design that we have seen on the South Strand, and it is consistent with the newer type of developments in the South Strand area.

This was brought before the Redevelopment Design Review Committee and was approved on a 4-0 vote. It was also brought to the Redevelopment Advisory Committee (RAC) meeting on January 23, 2008, and it was approved on a 6-0 vote. There was a condition added to limit the number of occupants. That is under condition 79-d. However, the City Attorney's office pointed out that he has cited the wrong ordinance, and it should be under the Uniform Housing Code, which is something we would like to amend to that particular condition.

Applicant Input

**RICHARD SLEVIN**, applicant, along with his partners, Gideon Mann and Robert Sachs, are very pleased to play a part in the revitalization of Oceanside. We are

committed to producing a high quality building utilizing materials and finishes that will provide a comfortable living environment for the building's occupants and also provide an attractive addition to the neighborhood around the Strand that will also enhance the neighborhood as a whole.

We held a public meeting to present our project to the neighborhood, and of those persons who attended, all expressed their general support for the project. The project has also been shown to the Coastal Commission, at which time they had no issues with the design. As you have heard, the project does not require any ordinance variations, and the plans comply with Oceanside's Local Coastal Plan. We have worked closely with staff, and appreciate their assistance in fulfilling our project goals. We hope Council supports our project.

#### Public Input

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

**COUNCILMEMBER SANCHEZ** moved approval [of staff's recommendation and adoption of **Resolution No. 08-R0074-3**, "...approving a Tentative Parcel Map, Development Plan and Regular Coastal Permit for the construction of a 2-unit residential condominium project located at 516 South The Strand - Applicant: Seabreeze Investor 2, LLC].

**DEPUTY MAYOR CHAVEZ** seconded the motion.

**COUNCILMEMBER FELLER** stated that every project is so different down there, and it is exciting to see new things replacing what is on the Strand. This is great.

**COUNCILMEMBER KERN** inquired why RAC would put in condition 79-d to restrict the number of occupants per the UBC.

**MR. BABICK** explained that UBC is the Uniform Building Code, and he cited the wrong section, as was pointed out to him by the Attorney's office. The concern from the RAC is the renting of summer rentals on The Strand, which is a continuing problem not only for Oceanside, but for many beach cities during the summer months. So they wanted to make sure that the people are aware through the releasing agreement to not exceed the occupancy as required under the Uniform Housing Code.

**COUNCILMEMBER KERN** further questioned the intent.

**CITY ATTORNEY MULLEN** stated that he was not at the meeting, but the RAC probably wanted to reduce or limit the number of people who could reside there. That is effectively regulated by state law. We do not have the ability to come in and lower that, absent unique geological, seismic, or topographical conditions here, which he does not think are present. The occupancy standards are set by state law, and if there is a violation of that, it would be a code enforcement issue.

**COUNCILMEMBER KERN** wants to understand why they got to that. He cannot find a nexus here.

**MR. BABICK** responded that the only nexus is that they cannot have, for example, 4 families of 6 people renting a place for 1 week that has 4 bedrooms, obviously because of the traffic, parking and so forth.

**COUNCILMEMBER KERN** knows that this is a problem. He has talked to Councilmember James Bond in Encinitas, and they are really struggling with this. He knows that it is "out there" about these short-term rentals that we do not collect Transient Occupancy Tax (TOT) on and this turnover. He thinks it is a problem up and down the coast. It is a problem for the cities about collecting TOT on short-term rentals.

**MAYOR WOOD** stated that the Redevelopment Agency addressed that in their workshop today, and one of the concerns from all of the coastal cities is the TOT tax from these sub-rentals. It is a hot issue.

**Motion was approved 5-0.**

14. **Council: Consideration of an appeal of Planning Commission Resolution No. 2007-P64 Conditions No. 90 and 92 associated with Development Plan (D-24-06) and Conditional Use Permit (C-13-99) for the expansion of the Eternal Hills Cemetery located at 1999 El Camino Real - Eternal Hills Cemetery Expansion - Applicant/Appellant: Eternal Hills Memorial Park**
- a. Mayor opens public hearing - Public hearing was opened.
  - b. Mayor requests disclosure of Commissioner and constituent contacts and correspondence - Disclosures were made.
  - c. City Clerk Wayne reported receiving copies of correspondence that was sent to Council.
  - d. Testimony, beginning with:

**RICHARD GREENBAUER**, Senior Planner, gave an overview of the staff report. The subject project was reviewed by the Planning Commission on December 3, 2007, and they approved the motion to expand the cemetery, develop 7 mausoleums, and remediate drainage issues that have existed on-site. A lot of inter-agency coordination has occurred on the site in order to deal with biological, cultural, and drainage aspects. The Planning Commission found it crucial to condition the project's approval to provide 2 additional conditions, numbers 90 and 92, which are the subject of the appeal.

Condition 90 required that the applicant bring back all 7 of the approved mausoleum to the Planning Commission for final review of architectural design plans and specs before any construction would be permitted. They also conditioned the project to take a portion of a culturally sensitive site within the Eternal Hills Cemetery boundaries and preserve approximately 1 acre. Between the time of the appeal and the preparation of the staff report, numerous negotiations between the applicant, the representatives, the surrounding community of Fire Mountain, as well as the native American tribes have occurred. When the staff report was prepared, the ultimate outcome was not available to put into the staff report, so he has placed an attachment on the dais for Council's review; it has some amended language that both parties have agreed upon.

With that he summarized those amendments to conditions 90 and 92. Staff fully supports the work that has gone on between the various groups and the applicant, and we will support the amendments as proposed.

The first amended condition was number 90, which requires that instead of bringing the full design back to the Commission for review and approval, it was giving the authority to the City Planner. But it also required that a neighborhood consultation occur. The applicant is in agreement with that. Some of the finer points that are within Condition 90 include the meeting with the surrounding Fire Mountain residents to ensure they are able to have input on the types of materials, color, and the roof articulation within the overall design.

The second aspect of Condition 90 is dealing with the ability to not exceed a certain height of the mausoleum structures. That would be in coordination with the surrounding community.

Part C of the amendment to 90 would ensure that if there is any substantial disagreement between the applicant and the surrounding community, at that time we could move the project forward to the Planning Commission for final action.

The second condition being amended is No. 92, which is dealing with the culturally sensitive site within the property boundaries. Originally, the Commission took an acre of the property, which would reduce the overall expansion to 17 acres, and made them put aside that 1 acre for preservation. In conjunction with the Native American tribes' representatives, they have negotiated a suitable triangular rock outcropping that would be preserved for future residents of Oceanside to enjoy and connect to the past with the cultural aspects there. An illustration depicted the area and

the reservoir tank that is adjacent to the property. This is the site that both the Indian tribes and the applicant have determined to be the substantial aspect that should be preserved for cultural reasons.

Staff's recommendation is to move forward, to amend conditions 90 and 92 in accordance with the attachment that has been provided to Council this evening.

#### Applicant Input

**DEBORAH ALLEN**, General Manager of Eternal Hills, thanked the tribe and the fellow neighbors who were willing to come out and work with us. She is proud that we have worked together heartily, and we have come to an agreement that they can both adhere to. We ask for Council's approval.

**ANN GUNTER**, Lightfoot Planning Group, appearing on behalf of Eternal Hills, stated that, as difficult as it is after a 7-year process to not go into detail, she does not believe it is necessary. It was a difficult decision for Eternal Hills to bring this issue to Council because we were happy to have the Planning Commission's support for the project; however, these 2 issues were very important to Eternal Hills in being able to, after having set aside so much land for biological habitat, try to preserve the maximum opportunity to serve the families in Oceanside with burial facilities into the future. Eternal Hills stepped up to the plate. The neighbors and the tribe worked very closely with us, and we are very appreciative that we were able to come to resolution on these issues. We would appreciate Council's support for these revised conditions.

#### Public Input

**DAN DREAGER**, 3800 Azhar Street, Carlsbad, with his business at 121 Brooks Street, Oceanside, stated he has lived in Oceanside and Carlsbad since 1971, after his discharge from the Marines Corp Base Camp Pendleton. He hopes that Eternal Hills will be allowed to expand their operations. My family and my wife's family currently have 9 family members interred at Eternal Hills, and we support the expansion so that our future generations can be laid to rest in the same location as the previous generations. Eternal Hills has made a lot of concessions, and a large parcel of land has been set aside. He asked Council to allow a land owner to use their property for what the zoning allows, and considering the concessions that they have made, they deserve the ability to expand their business.

**JAY SCRIVENER**, 2593 Fire Mountain Drive, stated that as a resident of the neighborhood and a member of the group that negotiated with Eternal Hills and the Lightfoot Group, he approves of the amendment as presented to Council. We all understand that this is a document of intent; there are no real teeth in it. It is our understanding that the Eternal Hills current management is very much in favor of working with the neighborhood. The neighborhood hopes that Eternal Hills' parent company, SCI, with whom they have had no contact, would be of the same mind. We do not have any guarantees that this is the case. We got something done that worked to the benefit of the City. He thinks the applicant is satisfied with the conditions, and the residents are satisfied that they have a stake in the future of that particular piece of property and will have the ability to help Eternal Hills make that a place that Oceanside will be proud of in the future. He can only speak to condition 90 at this time. He does not have anything to say about condition 92. As far as condition 90, it was a very good process, and he thanks everybody involved.

**CHUCK MCDONELL**, 2613 Fire Mountain Drive, lives across from the cemetery. He stated that Mr. Scrivener summarized everything that he was about to say. The process was very rewarding. Everybody worked together to reach a consensus. He believes that the outcome is something that is mutually beneficial to the community, as well as to the City and Eternal Hills.

**MEL VERNON**, 1044 North Ivy, Escondido, is speaking on behalf of the San Luis Rey Band of Mission Indians. In the experience we have had working with Eternal Hills on these cultural issues, this was as close to a success as he has ever experienced.

The community coming together is what is important. Culture should not be looked at as an obstacle to progress or development. It should be addressed knowing that it is there. We are not coming into these negotiations as an adversary. If things are approached more openly, the negotiations with our attorneys and their attorneys will go on.

As he is sitting here [Council Chambers] he sees the *Arundo* plant. He talked about the impact on some of their sites due to spraying the *Arundo*, the graffiti, and development issues. Our culture is here for all of us to pass on to future generations. It impacts the quality of life that we want to pass on to our future generations also.

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

**DEPUTY MAYOR CHAVEZ** reviewed how he and his wife walked the area. His wife was involved as an archaeologist on some of the Indian sites. She started picking up things and stated that it is clearly an Indian site. She went through the whole area.

He is glad to see this happen. He thinks it is extremely important. When you sit there you can actually visualize, and hopefully we preserve this in a way that young people can go there and can visualize early American citizens there. It is a very unique site. He is excited that we are protecting it. It is also recognized that they could not have done it if we did not have a business like Eternal Hills, which is clearly a neighbor to the City. Eternal Hills is invested here, which is why they came to the table so quickly.

For projects like this coming forward, you cannot get them accomplished without the leadership of residents who are willing to come down anytime to address issues and work on finding a balance. Not a compromise, but a balance in the sense that it protects our heritage, our open space, and our business industry. At one time all of us are going to need the access to Eternal Hills.

He thinks it is important to recognize the City Manager and the leadership that he has given to everybody.

He **moved** approval of Planning Commission Resolution 2007-P64 revisions on Condition 90 and the Eternal Hills modification to Condition 92 [and adoption of **Resolution No. 08-R0075-1**, "...denying the appeal of Condition of Approval Nos. 90 and 92 of Planning Commission Resolution No. 2007-P64 associated with Development Plan (D-24-06) and Conditional Use Permit Revision (C-13-99REV.) for the expansion and development of the Eternal Hills Cemetery by 18.16 acres within the overall 130.50 acre site located at 1999 El Camino Real"]. He is happy to see this go forward. It is the right thing in so many ways.

**COUNCILMEMBER FELLER** seconded the motion.

**COUNCILMEMBER SANCHEZ** stated that this changed. It went through a kind of "us" and "them" at the first meeting, and it evolved. It evolved because of the players that were involved.

This part of the red rock, which you can only find one other place in San Diego County in La Jolla, is akin to a sacred site because you do see the view to Sleeping Indian, and you do see the view to the other site which, is part of the Native American Heritage. We walked it 3 or more times. Eternal Hills was willing to do 1 more piece: to include the total Red Rock area. This is wonderful. She thanked Debbie Allen of Eternal Hills for reaching out and the residents for coming together and preserving something for all of us. That is a wonderful view in that it is Fire Mountain, probably the only neighborhood that actually has a view preservation written into its zoning area that is supposed to maintain its views and rural, rustic nature.

Regarding the contact with the parent company, **COUNCILMEMBER KERN** had assumed that the parent company was kept in the loop the whole time and they know exactly what is going on. Ms. Allen represents the company, so the parent company understands.

**MS. ALLEN** stated that we are bound by these resolutions, and the parent company will be bound by these resolutions. The parent company is in full agreement. Even though we are a smaller entity in California, it is not a problem.

**COUNCILMEMBER KERN** inquired about the timing of the start to let people know when this may happen. He inquired about the first time they would see equipment out there.

**MS. GUNTER** responded that we do have a lot of final engineering work to do. We also have biological issues to resolve. We are hoping that we will be grading within about a year with the first phase of the grading. We will go through all of the staff review of final engineering, as well as all of the environmental permits. The Planning Commission requirement was to do this in phases, in small increments, so we will be presenting those increments to staff for review. The grading will happen for the burial sites, initially. The mausoleums within the expansion areas are expected to be further into the future.

**COUNCILMEMBER FELLER** has picked the site where he wants to go, but he wants to know what phasing it is in because it is just north of the water tower and the Indian site. He inquired if that is within the first phase or if he has to live for 30 years.

**MS. ALLEN** stated that that is considered phase 2. We will probably do this in 3 phases. The grading is 5-7 acres and that would be in phase 2.

**COUNCILMEMBER FELLER** stated that Ms. Allen is SCI's representative here and he has known that all along. This is a great community member besides being a great serene place to visit. He visited on the site with Mr. Scrivener and has seen the sacred Indian site. He inquired if that is going to be accessible or if it is going to be off limits.

**MS. ALLEN** stated that according to the conditions, there will be a path up to that site. There is mitigation and monitoring that must be done prior to actually opening up that site. It is not in the near future. There is a lot of work that does need to be done - a lot of mitigating and monitoring before any type of movement, cleaning up, or moving of dirt. If there are any artifacts that are found, they must be curated per Council's approval, and we are aware of that. We will have to plan that out for the archeologists to come in and do that.

**COUNCILMEMBER FELLER** thinks that the compromise is great and thanked Ms. Allen for the effort that she has put forth to help the surrounding community, as well as the Native American community.

**MS. ALLEN** thanked the surrounding community and the Native American community for their input. It is always difficult because everybody has a different opinion. Originally, we did not understand that there were issues. We are pretty good neighbors, and they would agree to that; however, the issues that were brought forward to us were very substantial, and we felt that we did need to do something about them. There is nothing better than to work it out.

**COUNCILMEMBER SANCHEZ** asked Mr. Vernon if he had anything to add.

**MR. VERNON** stated that our culture seems to be kind of left in the past. It needs to be brought to the present with interaction. He is concerned about the artifacts. He would like to share with Dennis Gallegos, who has been the archeologist there, that we have a good relationship going. It is important that people understand your culture. A lot of times there are people that come from out of State or out of county that are not associated with the local Luiseño culture here. Some of the stuff that happens is treated like a construction project. We get left out of the equation due to the profitability in some of these projects. There are ethic and moral questions that impact the people that care about these sites culturally.

He would like to say that we have a good working relationship with Eternal Hills right now and Dennis Gallegos (archeologist) on this project. When things come forth, he would like to see that good relationship continue and not have someone or somewhere else that is not involved with this project put a spin on this thing. He would like to keep the good intentions and the good relationships that we have built to go forward.

**COUNCILMEMBER SANCHEZ** stated that Mr. Vernon is the liaison to the City.

**MR. VERNON** stated that he is the liaison on projects. He is in a counsel also, but our tribal captain is here as a witness to what we are doing. He is sure that he is going to tell him some things also. He is not just operating out there and winging it. We have a council to address.

**COUNCILMEMBER SANCHEZ** stated that Mr. Vernon is accountable to the tribe. There was a letter that was received by the City that designated Mr. Vernon as the liaison, so he is the one to receive all of the notices to ensure that the tribe is notified.

**MR. VERNON** would like to be kept in the loop.

**COUNCILMEMBER SANCHEZ** stated that this did not happen on this project.

**MR. VERNON** said that it did not happen as it started off. However, he is acknowledging Ms. Allen and Ms. Gunter, and we are working together; that is a very good thing. We have a lot of ancestors at Eternal Hill's also.

**MAYOR WOOD** thanked the parties involved.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS - Continued**

17. **Request by Councilmember Kern to direct the City Attorney to draft an amendment to Oceanside City Code section 2.1.64(d) to ensure the City Council agenda identifies the names of the Mayor's proposed nominee to a City board or commission at least 72 hours before the City Council meeting at which the nomination will be considered.**

**COUNCILMEMBER KERN moved** that we agendize the nominations to board commissions so that the public has some input, or some idea that they know.

**DEPUTY MAYOR CHAVEZ seconded** the motion.

Public Input

**JOAN BRUBAKER**, 1606 Hackamore Road, stated that this almost appears politically motivated. Mayor Wood has done a marvelous job, and it has worked quite a few years in the past. She wonders why the change at this time.

**COUNCILMEMBER KERN** responded that he was going to bring this forward a few months ago, but we got caught up in rewriting all of our codes. This does not change anything. The Mayor makes the appointments, and Council votes on those appointments. But it does give the public the opportunity to know who those appointments are before we come into this meeting. The public can see the agendas on the internet, and they can see who is being nominated to these commissions. Other than agendizing these names, there is no other change. The Mayor will make the appointments; he will put them on the agenda; and Council will vote on them when they come up. It does not preclude the Mayor or constrict him in any way. It is now more of an open forum with more public input.

**COUNCILMEMBER SANCHEZ** thinks it is politically motivated. She raised this issue 7 years ago, and everyone looked at her like she was nuts. Then she worked with it. It did not matter to her. Of all of the appointments that have been made, she had

objections to perhaps 3. She has the opportunity to discuss the issue with the Mayor; timing was not the issue. She does not like this one bit. Are we going to try to convince him not to appoint someone, and to appoint someone else? You could do it the same night, at the same time. It does not take a lot to look at a list. People do come to them and ask if Council will support them.

She is going to ask the Mayor what his pleasure is, because if he wants to vote for it, she will vote for it. If he does not want to vote for it, she will not vote for it.

**MAYOR WOOD** thought he addressed this at the last Council meeting when he said it was not a problem, but he sees that it is still on the Council agenda. To explain this to people, all of the Councilmembers receive everything he receives about who the applicants are. They have a chance to go through all of the packets and see who is there and what is on it. The only difference is that, as the Mayor, he gets to appoint out of that packet. He has to go through those and review them and find out what is the best potential choice.

He does get letters and comments from the other Councilmembers regarding what they may want or who they might want. That is still up to me to present it. When he presents a name, it is up to the approval of the entire Council. He just has the ability to pick that name.

Some issues have come up in the past on this, and he was willing to take some of the consequences and the heat of asking people to either step down and/or replacing them when their term was up. That is hard to do. It is hard to have somebody who has been here a long time. He was willing to take that step, but Council made a rule change a while back that indicated that person(s) would stay in those positions basically forever, or until somebody else gets appointed or replaced by him appointing and Council approving it. In some cases he has seen where some would probably stay there forever through this Council because it becomes personal. He is interested in the people who helped him in some sense, than other Councilmembers. That is understandable.

He has not changed the past precedence in all of the time he has been on Council, 6 years, and in the past with other Mayors it has been the same way. It is just how it is, and he is assuming that it was not a big issue since everyone on Council gets to see the same package. If he puts it on the agenda a week before or the day before, nothing changes on that aspect. It is still up to Council to vote.

Maybe it is a situation where they do not want to look at the packet and take the time and effort to look at all of the applicants. He does not know what the reason or motivation issue for it is, and he does not mind. It is their concerns, their issue and that is a Council decision that they can make.

He is willing to listen to any member of the Council that has a suggestion that might help the City in trying to make these appointments. Certainly, he is open to anything they might say regarding their recommendations and process. If any Councilmember would like to make a recommendation on appointments, that is something that they can do. Councilmembers know they have the right to contact him. Some of them will not, or some of them do not wish to, so we have the last minute aspect of it.

The big issue is not the appointments; it is having enough members of the City that wish to come forward to fill up some of these openings. He hopes that more people would respond. If they do not know how to do that, they can contact the City Clerk's office, which will tell them where there are openings, all of the commissions and all of the information needed for those people to come forward.

As for doing it a week in advance, 72 hours in advance, or whatever, it seems to be a long standing past practice to do it the way it has been done. This particular Council wishes to do it now, and they can vote this in. He does not understand the motivation. It has been a long standing past practice. Other Councilmembers have done this before and did not seem to be concerned then. Now we have this.

He is open to all of the Councilmembers to address him regarding who they think is best for the position or the job.

**DEPUTY MAYOR CHAVEZ** stated that he and the Mayor talked about this last week. I am all for open government. To get this ahead of time is an advantage.

He was not on the Council when Councilmember Sanchez brought this forward. If he had been on the Council then, he would have voted for it. It does need to be put in there. He does not appreciate finding a list of names on the chairs when he comes to the Council meeting.

He does not see this being political because he and Councilmember Kern are not running for office for 3 years. There is no political gain. He just thinks it is better government. He likes to study these over the weekend when he gets his packet. He thinks he has a very good memory, but he cannot remember everybody who has put their name in to be on a commission. Having it ahead of time would help him out so that when he is voting, he would know who he is voting for.

As an example, he met a wonderful lady, who wanted to be on the Senior Commission. The packet came in, and he did not know who she was. She was told that he voted against her, and she asked why. He took her phone number and had a meeting with her. After that meeting, he wrote a letter to the Mayor requesting that she be on the Senior Commission. If Council has the names ahead of time, he would not have to experience that. He did not know who she was because he never had the opportunity to review the names until 5 minutes before going into a Council meeting. That's why we would change this.

Council can make good decisions when they have all of the facts. When they do not have all of the facts and open government is closed, they make bad decisions. That is why he will be supporting this. It is about open government and being fair.

**COUNCILMEMBER SANCHEZ** stated that when you have more than 1 person applying, you are voting for someone and voting against someone. It is a difficult situation. Volunteers are wonderful, and they make our job easier. She does not see this as a thing of open government because there is only 1 person that can make the appointments, and that is the Mayor. It is not like they have to go out and research issues or things. She does not think that if we got more time we would have had a difference of opinion.

**COUNCILMEMBER FELLER** stated that in the early 1990s he had to interview with a Councilmember for a position on a board, and that was probably because there were names put forward. If we are going to do this tonight, we then have an opportunity to interview that person to see what we think about them before the actual Council meeting. If it comes in on our agenda packet on Friday, now we have another chance to review.

Many times he has submitted names that he would like to see nominated, and he can guarantee you that the decisions are political, because the Mayor has said that it is people that have helped him. That is his prerogative, but at least Council has an opportunity to talk to these people that he is nominating, and see if they fit. You cannot gut every Commission or Committee just because people helped you.

In response, **MAYOR WOOD** clarified that he stated that some of these appointments are made because of political reasons because people want them. That could go 2 ways. This issue is not that important in the big scheme of things. Maybe it is to some, but we have a tough economy and other issues. This is not a big issue and is easy to resolve. Last Council meeting he said that it would be easy to do but Council insisted upon a vote on it.

We need to move on with the City's business and get it done. He knows that these positions sometimes are political in nature because he has put out some very outstanding people, and they have been turned down. He does not like putting people's names up and have them turned down because that is embarrassing for somebody who has applied for a position, and he would prefer not to do that. He is very leery of it

any more because a lot of names have been turned down that are very qualified people. On the other hand, he did get some requests from other Councilmembers, and they certainly are political in nature too on who they want. He understands that. However, he has seen people who put names in and then turn around and vote against those people that they nominated.

The important thing tonight is the need for more people to apply. Whenever he gets it to Council, 72 hours in advance, or on the next agenda before that, they will work on that and get it done. His offer to Council is if they have suggestions or recommendations, do that, and follow through on it. We need more people applying so that they can be the eyes and ears in the public to get things done.

The Mayor's process has not changed. He still gets to appoint.

**COUNCILMEMBER KERN** stated that there is no deviousness in this. All he wanted to do is to see the names, put them out there, let people see them and move on. He does not have the history that everyone else does of how it gets convoluted from past practices. Just because it was done that way in the past does not mean we have to do it that way in the future. He thinks this is a better idea.

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

### **CITY COUNCIL REPORTS**

#### 18. **Mayor Jim Wood**

**MAYOR WOOD** stated that one of the real highlights here was that the Oceanside Police Department has been trying to improve, getting a new Chief and making sure there is motivation to keep these people here and not lose them to other agencies after we have trained them. The Chief of Police gave him a letter that the crime rates at the conclusion of 2007 are the lowest levels in over 30 years. When we have talked in the past about the double digit down swing of crime, there are many reasons, but he thinks one of the big reasons is that the town is changing.

He thinks they are seeing a different type of clientele moving in here. The big thing is that the town is changing for the positive. Crime is down. For years, one of the things we have all wanted to do is make sure the message got out there that this is not the Oceanside of the 1960s and 1970s. We do not have that bad rap, and we should not have that bad rap. He hopes that everybody is pretty proud that we have that type of crime stats that are going down.

Opening day of Oceanside American Little League is this Saturday, February 23, 2008 at Ron Ortega Recreation Park. Also, on the same day is the grand opening for Oceanside Valley Little League at Melba Bishop Park. Little League and the Girls Softball League is a great way to get your kids involved in sports. It really pays off in the long run.

Saturday is the Veteran's Association of North County fundraiser at the Outback Steak House. It is about 26 different Veteran's groups trying to get them actively involved at the old police station. In turn, they can gather up and bring more of these young military into their organization.

Along with the City Manager and staff, he is going back to Washington, D.C. next week. They leave on Tuesday, and they are back there for 1 week. We are going back to contact our Federal counterparts in Congress and Senate, looking for appropriations in funds to address some of the important issues for Oceanside.

#### 19. **Deputy Mayor Rocky Chavez**

**DEPUTY MAYOR CHAVEZ** sent everybody a memo about the North County Transit District (NCTD). It says that NCTD is taking direct control on a proactive basis of the storm water issue and has assembled a new storm water inspection and reporting

team to identify the problems and provide specific actions. What that means is that the direction from the NCTD is that they will be more aggressive on addressing issues, and that they will be proactive in communicating to the public whenever there is an issue about the Sprinter, or the storm water or anything else. Here is another good example of them doing that. They are heading off in a different direction, and great things are happening.

20. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** stated that this is Black History month. We have had several events going on throughout the community as further noted. We celebrate the cultures in Oceanside. This is a very important part of our community.

We had a ribbon cutting at Ivey Ranch School for a new track for combating childhood obesity with athletic programs in the schools. He thinks that is fantastic.

American GI Forum put on a great show. They put on a fantastic show and it was fun to watch. He and Mayor Wood were at the pier to watch a fellow named Glen Turner, from Colorado, again raising awareness for childhood health. He is running across America, and he started at the head of the pier and is going across to the east coast to Georgia.

Jane McVey did a great job at the Chamber luncheon today, telling them about the great items coming forward in the downtown area, as well as throughout the community. We are going to see the grand opening tomorrow, of the Oceanside Terraces.

There is a spaghetti dinner tomorrow night to benefit the scholarship program for the Oceanside Kiwanis at the Flying Bridge.

The Army Corps of Engineers is having a groundbreaking near the Benet Bridge on Friday.

21. **Councilmember Jerome M. Kern**

**COUNCILMEMBER KERN** is going to Las Vegas to tour the lower Colorado with the Metropolitan Water District (MWD). Our water issues are a very important thing in California, and MWD is our major supplier of water. The lower Colorado River is our major source of that water. He was in Las Vegas a couple of weeks ago on vacation, and the lead story on the Las Vegas television channels is that Lake Mead is going to be dry by 2021. He is going to take a look and see where we are at. He was very interested tonight in what Camp Pendleton is doing about the reuse and reclamation of water. One of the major issues, if not the major issue in the coming years, is where do we get our water and how do we use our water. He can imagine that in about 50 years we will not have outfall pipes. We will take all of the water and recycle and reuse it and recharge our aquifers.

He attended the Coastal Cities Issues Group for the League of California Cities in Monterey. He has been active in that group, trying to work out some deals with the Coastal Commission and trying to work better with them.

He received some fairly good news today that Senator Ducheny has introduced a bill in the Senate that will eliminate an appeal by the 2 members of California Coastal Commission. He has had an ongoing concern about the lack of ethics by the Coastal Commission, having signed blank appeal forms. Evidently, the Senate in the State of California is having those same issues, so they are going to eliminate appeals by Commissioners. Only aggrieved persons and municipalities will be able to appeal. Hopefully, we are moving the rock forward. One of his issues when he came on has been to try to work out something better with the Coastal Commission. The Senate is finally taking notice of what we are trying to do at the League of California Cities. As time goes on, we will hopefully see some movement on that front. He received a letter from Executive Director Douglas about cutting 17 staff members at the Coastal Commission. If at any time they need to start working out a plan to make streamlining

the process, this is the time. He thinks this introduction by Senator Ducheny will go a long way to doing that.

22. **Councilmember Sanchez** - no report

**MAYOR WOOD** stated that Old Grove Road is now open from College Avenue to Mesa Drive.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this meeting to a Mayor/Council Workshop at 4:00 PM on Tuesday, March 4, 2008. This joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors was adjourned at 8:53 PM, February 20, 2008.

**ACCEPTED BY COUNCIL/HDB/CDC:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



# CITY OF OCEANSIDE

## JOINT MINUTES OF THE:

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

JUNE 11, 2008

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

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

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

**Mayor  
HDB President  
CDC Chair  
Jim Wood**

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

**Councilmembers  
HDB Directors  
CDC Commissioners  
Jerome Kern  
Jack Feller  
Esther Sanchez**

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

**Treasurer  
Rosemary Jones**

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**City Manager  
HDB Chief Executive Officer  
CDC Executive Director  
Peter Weiss**

**City Attorney  
HDB General Counsel  
CDC General Counsel  
John Mullen**

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:02 PM, June 11, 2008 by Mayor Wood.

#### **4:00 PM - ROLL CALL**

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

#### **CITY COUNCIL, HDB, and CDC CLOSED SESSION ITEMS**

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

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

Closed Session and recess were held from 4:03 to 5:05 PM.

**5:00 PM – ROLL CALL:**

All Councilmembers were present. Also present were Assistant City Clerk Trobaugh, City Manager Weiss, City Treasurer Jones and City Attorney Mullen.

Invocation: Pastor Carl Souza

Pledge of Allegiance: American Little League AAA Mariners members

**PROCLAMATIONS AND PRESENTATIONS**

Presentation – “Pet of the Month” presented by Julie Bank, Executive Director of the North County Humane Society & SPCA

Proclamation – Introduction of City Interns from Germany

Proclamation – Honoring KOCT Volunteer Brian Cook

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award

Off Agenda – Martin Luther King Scholarship recipients

Presentations were made.

**4. CLOSED SESSION REPORT BY CITY ATTORNEY**

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

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

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

No closed session was held.

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

A) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Property bounded by Pacific Street, Myers Street, Seagaze Drive, and Civic Center Drive (APN 147-261-01 through 12; 147-076-1, 2, 3, 10, 11, 12); Negotiating Parties: SD Malkin Properties; Negotiator for the City: Jane McVey, Economic and Community Development Director, Delmar Williams and Paul Marra; Under Negotiations: Terms of Disposition Agreement and Lease

Item was discussed; there was no reportable action under the Brown Act.

B) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: APN 145-021-24, approximately 14.7 acres, including the property underlying Alex Road, located on the north side of the Airport, east of Benet Road and west of Fousat Road; Negotiating parties: Negotiators for the City: Peter Weiss, City Manager, and John Mullen, City Attorney; Negotiator for AELD: Unknown; Under Negotiations: Terms for the exercise of an option to purchase the property

Item was discussed; there was no reportable action.

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

Item was discussed; there was no reportable action.

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

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

- A) Morgans v. City of Oceanside, Superior Court Case No. GIN048923

Item was discussed; there was no reportable action.

- B) Alvis et al. v. City of Oceanside, U.S. District Court Case No. 06CV0911

Item was discussed; there was no reportable action.

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

Advance written request to reserve time to speak: None

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

**ADRIANNE HAKES**, 1630 Lopez Street, Vice President of the Oceanside Unified School District, speaking as an individual, thanked the Council for their support and the voters in Oceanside for giving them 71% “yes” votes for the passage of Proposition H. They can continue to remodel our schools.

**JOAN BRUBAKER**, 1606 Hackamore Road, discussed a continuing problem of fire safety, with motorists flicking cigarette ashes out their car windows. As close as the wildfires got to the City last fall, we need to be cognizant of the problem, need a campaign on this, and not let people continue. We are already 4 inches shy of our normal rainfall. We should put signs along the road and have the cities unite on this.

**BEN SCOTT**, 516 South Horne Street, talked about a proposed dog beach in the City. Proponents have held several meetings and are putting together some points, a website, and a petition. They selected the site at the mouth of the San Luis Rey River where the bridge is being built; that is what they want.

**CATHY NYKIEL**, Event Coordinator for MainStreet Oceanside, announced the Freedom Days parade will be held on June 28, starting at Wisconsin and Coast Highway and proceeding to Surfrider. So far they have 100 participants. Native historian John Daley will be the Grand Marshall. The deadline for applications to participate is this Friday.

**Changes to the Agenda**

Public hearing Item 21 is continued to June 18; Public hearing Item 23 is removed from the agenda since the appellant has withdrawn his appeal; and Councilmember Item 27 has been removed from the agenda by Councilmember Sanchez.

**CONSENT CALENDAR ITEMS** [Items 6-20]

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

**ASSISTANT CITY CLERK TROBAUGH** noted a request to speak from the public on Item 17. **DEPUTY MAYOR CHAVEZ** pulled Item 8 from the Consent Calendar for discussion; **COUNCILMEMBER SANCHEZ** pulled Items 10 and 17.

The following Consent Calendar was submitted for approval:

6. Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the May 21, 2008, 4:00 p.m. Regular Meeting
7. Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
8. **Removed from Consent Calendar for discussion**
9. Council: Approval of plans and specification for the remodel of the former Police facility located at 1617 Mission Avenue, and authorization for the City Engineer to call for bids; and approval of budget appropriations in the amounts of \$400,000 from Unallocated General Fund Reserves (previously allocated for this project) and \$800,000 from the Unallocated Public Facility Fees Fund to fund the project
10. **Removed from Consent Calendar for discussion**
11. Council: Approval of a four-year Property Use Agreement with Oceanside Historical Society, Inc., a California nonprofit corporation, for their use of City-owned property at 305 N. Nevada Street as a public historical center, and authorization for the City Manager to execute the agreement (**Document No. 08-D0349-1**)
12. Council: Approval of budget appropriations totaling \$250,000 from various City fund reserves, including General Fund, Water, Sewer, Solid Waste, Gas Tax, Harbor, and Traffic Services funds, to the Fleet Operating Account for the purchase of fuel
13. Council: Acceptance of the Treasurer's Report for the quarter ended March 31, 2008, and adoption of **Resolution No. 08-R0350-1**, ". . . approving the policy for the investment of City of Oceanside funds" (**Document No. 08-D0351-1**)
14. Council: Adoption of **Resolution No. 08-R0352-1**, ". . . accepting the offer to dedicate 'Old Grove Road,'" real property to provide the required right-of-way to support the Old Grove Road realignment, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder (**Document No. 08-D0353-1**)
15. Council: Adoption of **Resolution No. 08-R0354-1**, ". . . approving the Final Map for Crystal Sands Condominiums," a nine-unit residential condominium project located on a .311-acre lot at 502 North Myers Street, and authorizing the City Clerk to record the Final Map with the San Diego County Recorder
16. Council: Adoption of **Resolution No. 08-R0355-1**, ". . . approving the Final Map for Libby Lake Village," a 23-lot residential subdivision project on 4.19 acres located along North River Road (4700 North River Road), west of Calle Montecito and east of the Lamplighter Oceanside Mobile Home Park, and authorizing the City Clerk to record the Final Map with the San Diego County Recorder [San Diego Habitat for Humanity, Inc.]
17. **Removed from Consent Calendar for discussion**

18. Council: Adoption of **Resolution No. 08-R0357-1**, ". . . requesting an extension of temporary employment from CalPERS for Development Services Director" [ Interim Director: Lauren M. Wasserman]
19. Council: Adoption of **Resolution No. 08-R0358-1**, ". . . terminating the California Public Entity Insurance Authority Joint Powers Agreement"
20. Council: Adoption of three resolutions relating to the General Municipal Election to be held on Tuesday, November 4, 2008:

**Resolution No. 08-R0359-1**, ". . . calling and giving notice of the General Municipal Election to be held on Tuesday, November 4, 2008, for the election of one Mayor, two members of the City Council, one City Clerk and one City Treasurer as required by provisions of the laws of the State of California relating to General Law Cities";

**Resolution No. 08-R0360-1**, ". . . requesting the Board of Supervisors of the County of San Diego to consolidate the General Municipal Election with the Statewide General Election to be held on Tuesday, November 4, 2008, pursuant to Section 10403 of the Elections Code"; and

**Resolution No. 08-R0361-1**, ". . . adopting regulations for candidates for elective office, pertaining to materials submitted to the electorate and the costs thereof for the General Municipal Election to be held in the City on Tuesday, November 4, 2008"

**DEPUTY MAYOR CHAVEZ** moved approval of the Consent Calendar, excluding Items 8, 10 and 17; and **COUNCILMEMBER FELLER** seconded the motion.

On Item 12, **COUNCILMEMBER FELLER** noted it says that in April 2008 gas went up to \$3.50 a gallon, but gas is probably \$0.50 more a gallon since that time. He questioned whether we would be covered by this amount.

**JOE ARRANAGA**, Deputy Director of Public Works, stated the numbers should carry us through the remainder of this fiscal year. We factored this based on prior usage.

**CITY MANAGER WEISS** added that we buy at wholesale prices.

**Motion was approved 5-0.**

Since it was not yet 6:00 for the time certain public hearings, Item 8 was heard next.

Items Removed from the Consent Calendar:

8. Council: **Approval of plans and specifications for the Annual Street Restoration and Overlay FY 2008 project; authorization for the City Engineer to call for bids**

**DEPUTY MAYOR CHAVEZ** pulled this item since it referred to streets, and he has been hearing from the community regarding potholes. This is \$5,000,000 we are doing for this year. He asked the life cycle for a street.

**SCOTT SMITH**, City Engineer, stated the typical design life would be about 17 years.

**DEPUTY MAYOR CHAVEZ** asked if the allocated \$5,000,000 meets the requirement to maintain our streets. He asked the number of miles of City streets.

**MR. SMITH** believed it was 400 miles of streets in the City. The estimate for this amount of money is 30-40 miles. To his knowledge, this is the best year as far as fixing the streets.

**DEPUTY MAYOR CHAVEZ** next asked the percentage of asphalt out of the \$5,000,000 since costs include construction costs, staff support and administration. One of the larger expenses is the asphalt that goes into the street.

**MR. SMITH** guessed it was about 70%. For the last contract, the cost for asphalt was about \$90 per ton, and we are anticipating it to be closer to \$120 per ton.

**DEPUTY MAYOR CHAVEZ** believed the price is based not just on the amount of asphalt you buy, but how far you have to transport the asphalt from the production site to where you are going to use it in the streets.

**MR. SMITH** indicated that would be factored into the price when the project is bid. Since they are bidding the whole City, the haul route is incorporated into their price.

**DEPUTY MAYOR CHAVEZ** asked where the asphalt would be purchased..

**MR. SMITH** stated it would be up to the contractor. However, he believed there was a plant in San Marcos and one in San Diego.

**DEPUTY MAYOR CHAVEZ** believed the plant in San Marcos has just closed.

**CITY MANAGER WEISS** believed the only 2 plants available are in Escondido and Mira Mesa.

**DEPUTY MAYOR CHAVEZ** emphasized that we are paying a distance cost to bring asphalt here. There are no asphalt plants in Oceanside. His point is that, if 70% of the \$5,000,000 is for asphalt and if we were to have an asphalt plant in Oceanside, we could spend the \$5,000,000, with 70% of it going as sales tax revenue to the City. We could also get more asphalt since it would be at a cheaper price because we would not have to travel as far. That means we would be able to do more streets. This is an important item because there is going to be discussion in the future about asphalt plants in the City. We could get more streets paved at a cheaper cost and make money for the City. He **moved** approval.

**COUNCILMEMBER FELLER** **seconded** the motion.

**COUNCILMEMBER SANCHEZ** would vote for this. We are anticipating discussion on a couple of asphalt plants that are in the proposal stage. However, there is a cost for everything, including what it costs a community to have a plant near a residential area. It is a cost to that person's ability to enjoy a good life. She asked which cost a community would rather pay: to be free of smoke and chemicals in the air or the cost of transporting asphalt a short distance from Escondido. The first would be higher than the transport cost.

**COUNCILMEMBER FELLER** stated that the cost has to be for the greater good of 180,000 people. He was glad to get this going.

**CITY MANAGER WEISS** explained that the City's overall street program has 2 components: 1) the major overlay that Council is approving tonight and 2) the slurry seal program, which is on the agenda next week and will do a broader, more comprehensive maintenance program for residential streets.

**COUNCILMEMBER KERN** stated that for every 20 miles you transport asphalt, the price almost doubles. Therefore, the closer we get from the source to our streets, the cheaper it will be. He corrected that we are not going to put asphalt plants in neighborhoods; we will put them in industrial zoned areas.

**Motion was approved 5-0.**

10. **Council: Approval of Amendment 1 in the amount of \$509,073 to the professional services agreement with North County Humane Society for the provision of animal control services to the City, extending the term of the agreement from June 30, 2008, to June 30, 2009, and authorization for the City Manager to execute the amendment (Document No. 08-D0348-1)**

**COUNCILMEMBER SANCHEZ** stated this is a good partnership that we have with the Humane Society. This is a total 5-year contract: 2 years and then 3 one-year extensions. This contract is for basic services, although there is more we would like to do in the community. One of the things she has been asked about is the fact that we do not

have a service for euthanasia. When an owner sees a pet suffering, they don't know where to go. Carlsbad does have that service, and the suggestion was for us to look into this. Not at this time, but sometime in the future we should see if this is something we could look into. This contract is the same plus the CPI increase. Again, this is a basic contract. She wished we could put more into it, especially in these financial times. However, the euthanasia is something she would like to see in the future. She **moved** approval.

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

17. **Council: Adoption of a resolution amending the FY 2008 Regional Transportation program (RTIP) to allow the City to draw Transnet Local Program funds according to the City's FY 2008-09 Capital Improvement Program (CIP) budget**

**COUNCILMEMBER SANCHEZ** pointed out that there is a list of 7 projects [included in the staff report]. She supported them all wholeheartedly except for the Melrose Drive extension Environmental Impact Report (EIR) at \$200,000 for this coming fiscal year. She attended the public meeting, and there were about 150 people from the community who were all against the extension. Sentiments that were presented were that we should wait until the widening of Highway 76; it does not make sense now. EIRs have a shelf life of 3-5 years. She thought this is not a good thing for taxpayer funds at this time. It is not the time; the community is quite upset about this; and we can look into this when we do our update to the Circulation Element. She asked that we have 2 votes on this. If we can't, she would vote for the item since she supported the other 6 projects. However, she voiced her opposition to the Melrose project since it is a waste of taxpayer funds. She **moved** to split the items.

**Motion died for lack of a second.**

**JOAN BRUBAKER**, 1606 Hackamore Road, felt that, at this time with the financial situation as it is, we need to preserve these funds for things that are definitely needed. Highway 76 may not have an impingement on this, but we are hurting bad as far as the highway goes. We are able to deal with Melrose. Money for Melrose is foolishly asked for at this time.

**COUNCILMEMBER KERN** reported that the Highway 76 widening is going to start by the end of the year, so it will be done before we get to the point where Melrose is going to be put through. We are at the right time to start working on the environmental work for Melrose. Also, at the SANDAG retreat last February, they talked about Proposition 1B money being pushed out to the State in order to revitalize the state and increase employment. We have an opportunity to have Proposition 1B money go to Melrose. The east part of Highway 76 from I-15 to Pala will be widened, and the west part of Highway 76 will start at Melrose and go to East Vista Way. That is the first section and will be done before we even break ground on Melrose between Santa Fe and Highway 76. Therefore, this is the perfect time to do Melrose. We should all support that.

He **moved** to approve Item 17 [and adopt **Resolution No. 08-R0356-1**, "... adopting the Transnet Local Street Improvement Program projects for fiscal years 2009 through 2013"].

**DEPUTY MAYOR CHAVEZ seconded** the motion. He highlighted that there will be a groundbreaking for the east side of Highway 76 on June 20, which is next week. He was also at the meeting at Jeffries Ranch. While he agreed there was a lot of discussion and opposition to the Melrose extension, there was also support for it. It was a heated meeting, and a number of people told him afterward that they supported it, but they did not want to get in that argument. We often find that it is the quiet majority voice that we do not hear, and the minority dominant voice that we have a tendency to react to.

All of the Councilmembers received some emails regarding a newspaper article about money going to other cities for street projects, with questions on why we don't have any in Oceanside. The reason is this item. If we had not pulled this off before, we would have been in line to receive that money. When Transnet was extended about 3½ years ago, the flyers throughout Oceanside said that if you improve Transnet, then Melrose will go through. The citizens of Oceanside are paying that money, and that money is going to

Carlsbad. If the City wants to get that money, then you need to go through this process, including the EIR, to finally get the money to build the roads. If you have a problem with traffic, you need to build the roads. That is why I support this.

**COUNCILMEMBER FELLER** added that it is for the greater good of the community. Transnet was passed by a large majority in Oceanside. This is a regional arterial that runs from Highway 76 almost to Rancho Santa Fe. This is a long road that needs to be completely finished. He gladly supports this for the greater good of 180,000 people.

Regarding the history of Melrose, **COUNCILMEMBER SANCHEZ** stated that at one point it did make sense because Melrose was to go all the way to Camp Pendleton, but that can't happen anymore because the City approved a major master planned community that basically stops that from happening. We have not updated our Circulation Element since then. The extension would only save 3 minutes. It is going to become a speedway, and it will require traffic calming, which will be pretty expensive and cut down on the time. The items that were on the ballot for the Transnet funds included a huge list of projects. The one in North County that is most important and is not on this list is I-5/Highway 78. She knows the reasoning is because of the widening on I-5 that Caltrans has decided to do first, so we are off 10 years, but we should be asking for these funds now. I-5/Highway 78 is a priority, and we were promised funds for that. She would like to see that on this list. Hopefully, the Highway 76 widening will happen; however, it will take many years to go from Oceanside to I-15 and beyond. She will be voting for this because of the other projects listed. This is like the county-wide ballot measure, where there are 10 things and one you don't support. The ballot measure included a lot of things. So it is not something that is a greater good. We also have to balance that against the community and the impacts to the community. When that doesn't make sense, we should be strong enough to say "no."

**COUNCILMEMBER KERN** stated that 3 minutes is not a long time unless you are having a heart attack. We have a fire station almost at the end of Melrose, and to get from there to Jeffries Ranch and cutting off 3 minutes would mean a lot to those people. During the campaign, the people in Jeffries Ranch talked about safety issues and accessibility. From the fire station, they have to go to Santa Fe and then take Highway 76 to the east. There is also the fact that there will be dual magnet high schools there. That was supposed to open in September, and they delayed that a year. The thing is to get Melrose done before those high schools became active. The EIR work is done on Highway 76 between Santa Fe and East Vista Way and all the way to I-15. That project will happen and should be completed by 2015. So this is the perfect time to get Melrose connected because of the high schools and because of the Highway 76 widening. This is a safety, quality of life and traffic issue regarding how we keep traffic flowing in the City. We have problems with traffic; if we don't build roads, we are going to have more problems.

**MAYOR WOOD** supported this item because of the other projects. Regarding Melrose Drive, he felt it was bad timing. It will happen in the future, but now is bad timing because of everything going into that area at the same time and impacting the neighborhood. However, everything else is very important. He explained that for SANDAG and Transnet money, Oceanside has the 4<sup>th</sup> largest amount of money in the county, behind the County, San Diego, and Chula Vista. We get our fair share.

**Motion was approved 5-0.**

#### **6:00 P.M. – PUBLIC HEARING ITEMS**

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

21. **[Council: Adoption of a resolution ordering the vacation of a portion of right-of-way located at the southwest corner of Crouch and Apple Streets, adjacent to 605 Crouch Street, reserving and excepting from the vacation an easement for public utility purposes over the most easterly 15 feet of the proposed street vacation, and authorization for the City Clerk to file a certified copy of the resolution with the County Recorder]**

This public hearing was continued to 6:00 p.m., June 18, 2008

22. **Council/CDC/Harbor: a) Adoption of a resolution approving the Appropriation Limitation as required by Article XIII-B of the State Constitution, as modified by Proposition III for FY 2008-2010 as calculated in the resolution; b) adoption of a resolution approving the FY 2008-2010 City of Oceanside Operation Budget; c) adoption of a resolution approving the FY 2008-2009 City of Oceanside Capital Improvement Program Budget; d) adoption of a resolution approving the FY 2008-2010 Community Development Commission Operating Budget; e) adoption of a resolution approving the FY 2008-2009 Community Development Commission and Redevelopment Capital Improvement Projects Budgets; f) adoption of a resolution approving the FY 2008-2010 Harbor District Operating Budget; g) adoption of a resolution approving the FY 2008-2009 Harbor District Capital Improvement Program Budget for FY 2008-2009; introduction of an ordinance increasing gross revenue fees for cardrooms by 1%, from the current fee of 4% of gross revenues to 5%; and adoption of City Council Policy 200-08, Fiscal Adversity and Healthy City Reserves, establishing a minimum of 12% reserve based on General Fund operating expenditures**
- A) Mayor opens public hearing – Public hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Disclosures were made.
- C) City Clerk presents correspondence and/or petitions – No correspondence/petitions.
- D) Testimony, beginning with

**TERI FERRO**, Financial Services Director, stated the budget process is a long process that actually starts in January. The departments work closely with the City Manager and the Financial Services Department, submitting their requests. Staff spent quite a bit of time analyzing the revenues this year, which has been a challenge since revenues have been pretty much holding steady. We had reviews with the City Manager, and Council has been provided with periodic updates. On May 6 we had a Council budget workshop and went over a lot of detail then. Tonight's public hearing is to ask Council to adopt the budgets. Council approval is required for the Gann Appropriation Limit and is part of the California Constitution requirement to establish the limit that we can adopt the budget on, and we are far below the limit. The operating budgets for the 3 entities (Council, Community Development Commission and Harbor District) are for 2 years – 2008 through 2010. The Capital Improvement Program (CIP) budgets for these 3 entities are for one-year budget adoptions, even though we have a 5-year plan. Also, there is an ordinance before Council, recommending to increase the cardroom fee by 1%. There is also formalization of a Healthy Cities reserve policy.

Basically, for the fiscal year 2008-09 budget, we are looking at an entire budget of \$356,000,000. The general fund represents one third; this is the day-to-day operations, and these revenues are the most discretionary. The enterprise funds include sewer, water, solid waste, airport and other restricted funds. The budget for fiscal year 2009-2010 looks very similar. As a reminder, the general fund is broken down into 5 basic categories: general government, public safety, public works, community development and community cultural services. The public safety budget has increased in both years by about 6%. All of the other departments were asked to reduce their budgets. The bottom line moved from \$119,800,000 for last fiscal year to \$120,300,000, which is pretty much a stable roll-over budget. The only difference is that development services took a significant 12% reduction because those revenues are very specific to development activity, and there has been a reduction in that. We continue to maintain a majority of the general fund for public safety (62%); general government services is 14%; and the other pieces make up the remainder. As of June 30, 2007, the general fund reserves was almost \$50,000,000, which was allocated for various categories. We anticipate by June 30, 2008 to be down to about \$42,400,000. That is not necessarily a bad thing since funds set aside for capital projects were reduced from \$20,700,000 to \$12,200,000 because we are building things. That is, we are using the money set aside to build things.

Tonight we are bringing forward a policy to establish the Healthy Cities reserve balance at 12%, which would allocate about \$14,500,000 for that purpose.

No Public Input – Public hearing closed.

**COUNCILMEMBER SANCHEZ** thanked staff in all departments. We have a very bright future. Like everyone else, we have to look at our finances, make sure we do the responsible thing and work together to come up with a budget we all can work with to provide that quality of service to our residents. She **moved** approval [and adoption of Council Policy 200-08; introduction of an ordinance, “. . . amending Chapter 8 Section 5 of the Oceanside City Code by the replacement of Section 8.5 regarding annual and gross revenue fees regarding cardroom fees; and adoption of the following resolutions:

**Council Resolution No. 08-R0362-1**, “. . . determining and adopting appropriation limits for the fiscal years 2008-2009 and 2009-2010 in accordance with Article XIII-B of the Constitution of the State of California”;

**Council Resolution No. 08-R0363-1**, “. . . approving the operating budget for the fiscal years 2008-2009 and 2009-2010”;

**Council Resolution No. 08-R0364-1**, “. . . approving the Capital Improvement Program budget for fiscal year 2008-2009”;

**CDC Resolution No. 08-R0365-3**, “. . . approving the operating budget for the fiscal years 2008-2009 and 2009-2010”;

**CDC Resolution No. 08-R0366-3**, “. . . approving the Capital Improvement Program budget for Fiscal Year 2008-2009”;

**Harbor Resolution No. 08-R0367-2**, “. . . approving the operating budget for the fiscal years 2008-2009 and 2009-2010”; and

**Harbor Resolution No. 08-R0368-2**, “. . . approving the capital improvement program budget for fiscal year 2008-2009”]

**COUNCILMEMBER KERN** **seconded** the motion. He then mentioned the Governor’s scheme about future revenue from lottery funds and asked if the City has some contingency if in September the State budget is not passed and they come and take 10% of our property tax. There is a big cloud hanging over us because the State is not as sound financially as we are.

**MS. FERRO** referenced the reserve amounts that included “economic stabilization,” which includes \$5,800,000 set aside. These are funds to address any potential State take-away. The Governor’s proposal is not recommending to take any city funds, and the last we heard from the League of California Cities is that the Senate and Assembly budget sub-committees are also not recommending to take local funds.

**COUNCILMEMBER KERN** stated he heard the same thing at the League of California Cities - that they would not take local funds at this time. A couple of the Assembly people indicated they are not even going to sit down and talk about the budget until almost August. I have a feeling we will be back in these Chambers in September to figure out what to do. I am glad to see that we are planning for that very contingency of the State taking some money from us. I don’t have much faith in the State or the Governor’s scheme to bond against future lottery funds. This is a good budget and something we can live with the next couple of years. There are still some things up in the air, and I am glad we are accounting for them.

**CITY MANAGER WEISS** pointed out that Council has some significant projects that will be drawing down the reserves as we start paying the bills. The Senior Center is under construction, and that is a significant outlay from these reserve accounts. Mance Buchanon Park is set for opening, but we will still be paying off the following bills. Those projects, along with Fire Station 7, are coming out of these reserves. Even though you see this \$42,000,000 number, you need to recognize that you have allocated a number of those

dollars to some fairly large projects. Within the next year, you will see that number drop significantly.

**DEPUTY MAYOR CHAVEZ** stated that one of the discussions at our workshop was internal service funds and employee benefits. The big issue was how we are going to pay for employee benefits. The previous numbers for this were significantly higher than now being shown for fiscal year 2009-2010.

**MS. FERRO** explained that there was a little bit more refining of the numbers and working with the departments on tightening up since the workshop.

**DEPUTY MAYOR CHAVEZ** would like to see before September the long-term costs for benefits so that we do not have the problem that the City of Viejo, etc. are having. We have great people working in the City, and we have an obligation as Councilmembers to have the wherewithal to provide the benefits that we say in a contract with our employees that we are going to give. He would hate to have people dedicate their lives for 30 years to the City and then not have the money to pay out what we said. He would like to see those numbers to be fiscally responsible and to be upfront and faithful to our employees.

**COUNCILMEMBER FELLER** stated this appeases him for now. People in the community are very wary/afraid about everything, i.e. the price of gas is unbelievable, etc. We as a community have to survive. Economic enhancement in whatever form it takes should be foremost in our thought process for going into these next couple of years. There are a lot of people afraid about their own survival, including City employees. Take heed, work hard to enhance our quality of life, and give great customer service because the community is going to expect that from us. They will expect us to be very forthright with them. Make their road as easy as you can; it will be important in these trying times.

**MAYOR WOOD** was sure that the Finance Director and City Manager would let us know if they saw any indications that we need to address any concerns. We have gone through this before, when cuts had to be made. Cuts may have to be made. He does not foresee that. The City is moving in a pretty good direction. When he first ran, one of the top 3 concerns was public safety. Now we have a 30-year low on crime and are the 3<sup>rd</sup> safest city in San Diego County. Those are the things that make quality of life improvements, as well as improve economic development. We have been changing the image of the City, and businesses now want to come here. On the other hand, things are costly, and we have been fiscally sound on this. Oceanside is not in trouble; it is the State. They have done badly in the financial arena and may take the city's money that they owe us. It is a tough time for everyone.

Following the reading of the ordinance title, **motion was approved 5-0.**

[Recess was held from 6:31 – 6:41 PM.]

23. **[Council: Appeal of an enforcement action to abate a public nuisance on private property within the City (APN 150-185-09-00), and adoption of a resolution setting forth findings and ordering the owner to abate the nuisance at 529 S. Tremont Street – Appellant: Krzysztof Olszewski]**

This item was removed from the agenda; the appellant has withdrawn his appeal.

24. **Council: Adoption of an ordinance of the City Council of the City of Oceanside amending certain sections of Chapter 11 of the Oceanside City Code by adopting the California Fire Code, 2007 edition, with certain amendments, additions, and deletions (introduced 5/7/08, 5-0 vote)**
- A) Mayor opens public hearing – Public hearing was opened.
  - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Disclosures were made.
  - C) City Clerk presents correspondence and/or petitions – No correspondence.

D) Testimony, beginning with

**MIKE MARGOT**, Fire Department Division Chief, stated the Council had seen this information last month. This is a culmination of a year's worth of work.

No public input – Public hearing closed.

**COUNCILMEMBER SANCHEZ moved adoption** [of **Ordinance No. 08-OR0369-1**, “. . . amending certain sections of Chapter 11 of the Oceanside City Code by adopting the California Fire Code, 2007 Edition, with certain amendments, additions and deletions”].

**DEPUTY MAYOR CHAVEZ seconded** the motion. Following the reading of the title, **motion was approved 5-0.**

25. **City Council: Adoption of an ordinance of the City of Oceanside amending Chapter 6 of the Oceanside City Code by the adoption of the 2007 editions of the California Building, Plumbing, Mechanical, and Electrical Codes (introduced 5/7/08, 5-0 vote)**

A) Mayor opens public hearing – Public hearing was opened.

B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Disclosures were made.

C) City Clerk presents correspondence and/or petitions – No correspondence.

D) Testimony, beginning with

**JIM ZICARO**, Chief Building Official, would answer any questions at this time.

No public input – Public hearing closed.

**COUNCILMEMBER SANCHEZ** noted that Council had had discussion on this previously, and she **moved adoption** [of **Ordinance No. 08-OR0370-1**, “. . . amending Chapter 6 of the Oceanside City Code by the adoption of the 2007 Editions of the California Building, Plumbing, Mechanical and Electrical Codes”].

**DEPUTY MAYOR CHAVEZ seconded** the motion. Following the reading of the title, **motion was approved 5-0.**

26. **Council: Introduction of an ordinance amending Chapter 7 of the Oceanside City Code by adding Article XII relating to the regulation and containment of shopping carts, and adoption of a resolution establishing a shopping cart containment plan processing fee**

A) Mayor opens public hearing – Public hearing was opened.

B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Disclosures were made.

C) City Clerk presents correspondence and/or petitions – Correspondence was received from the California Grocer's Association, as well as an email from Jerry LaFave, both of which Council has a copy of.

D) Testimony, beginning with

**DAVID MANLEY**, Neighborhood Services Division Manager, presented a proposed ordinance regarding the regulation and containment of shopping carts. This is an issue that has been raised at several neighborhood association meetings throughout the years as the next issue right behind graffiti that is commonly brought to Code Enforcement's attention. Abandoned carts throughout the City create blighted conditions and are found on the side of the road and in creeks, etc. The majority of the time, the carts are abandoned. Code

Enforcement and Public Works respond to complaints when the carts are on City property or in the roadway and do impound them per State law. We also have them available for the cart retrieval service to pick up at various locations on a regular basis per State law.

In addressing this issue, staff identified about 100 stores in Oceanside that provide carts to their customers, ranging from small stores with only a few carts to the large big box retailers that provide several hundred carts. We have only identified one store that provides an electronic cart containment system, which is the 99¢ Store on Mission Avenue. When the cart leaves the store, the electronic system disables the wheels.

The purpose in adopting an ordinance is to ensure that measures are taken to prevent unauthorized removal of carts by people and to facilitate retrieval in a timely manner. The majority of the stores contract with a cart retrieval service to pick up the carts and bring them back. A few smaller, independent stores and some of the big box retailers do not contract with that service. Oceanside is not groundbreaking on this ordinance; there are several cities in the state with ordinances ranging from very stringent ones in San Jose to local ordinances in Escondido and La Mesa that have similar ordinances that follow the guidelines of State law and add an extra layer. Cities can add a cart containment plan or some type of plan to regulate the carts on the property. Currently there is a State law that regulates carts, and it lays out what cities can/cannot do regarding retrieval and impounding carts. It also allows cities to adopt ordinances as long as they do not conflict with provisions of that State law.

We are not reinventing the code. The main components of this ordinance require that businesses providing carts maintain a cart retrieval service and require signs on all carts naming the store locations per State law. Some cities' ordinances require that all stores providing carts have a cart containment plan, whether they have a problem or not. Trying to be business friendly, we felt we should not penalize every store but only the stores that have problems. A majority of Oceanside stores are doing a great job containing their carts on site and are in compliance. However, for those stores where we have chronic problems with carts leaving the premises, the cart containment plan will go into effect. The plan would be administered through the Code Enforcement Division, and there will be a fee associated with that, which is why this is a public hearing. It will be revenue neutral. We anticipate, with the number of applications that come in and any increased staff assigned to the program, it should balance out. We are not prescribing how stores will be implementing this. Stores that have a problem can increase their cart retrieval service or move up to the electronic disabling device, which can be costly, or whatever works for that store. Staff will work with each store that has an issue. We want to make sure that the businesses continue to thrive, but we also want to follow the guidelines of the ordinance. We are committed to working with all of the stores to make sure they comply with the ordinance.

For enforcement, we will monitor compliance through sweeps, and the carts will be impounded per State law requirements. Any violations could ultimately be subject to administrative penalties that exist under the current City Code. We are not imposing any new fines over what is presently in the City Code. Again, fiscal impacts will be neutral to the City. We will not be adding any more staff costs, but there will be some clerical restructuring to process the plans that come in.

Council has received copies of a letter from the cart retrieval service, California Grocers' Association, and he spoke with them during the break. The letter is somewhat in support of the proposed ordinance, with minor modifications dealing with the cart containment plan.

Under State law, people who take carts from the property illegally could be subject to citation; the police have issued citations in the past.

#### Public input

**LARRY BISJOLIE**, 4575 Big Sur Street, Manager of Albertsons at 3925 Mission Avenue, emphasized a couple points in the letter from the California Grocers' Association. We feel it is in our best interest and the City's to control stranded shopping carts, and cart retrieval services are definitely one of the answers. Some of the problems we see, based on the proposal, is with the physical and electronic barriers. The Americans with Disabilities

Act (ADA) requires that we give room within our stores and check stands for people with wheelchairs to have access. Putting these barriers outside of our parking lots to prevent shopping carts from leaving also prevents wheelchairs from entering the premises. That poses a significant problem regarding access of services to some of our customers. The electronic barrier system becomes an extremely costly endeavor for larger stores, one that would ultimately have to be passed on to the consumers. We feel enforcing the current codes and sending the message out to the citizens that the code will be enforced for removing shopping carts is enough. That is a wonderful way to help prevent shopping carts from being taken from the premises and distributed through the communities.

**JOAN BRUBAKER**, 1606 Hackamore Road, thought it was about time something like this was proposed. Vons market has carts that get clear down to Frazee Road. She has told them about a cart that has been behind the fence at Carl's Jr. for 3 months; it is still sitting there. If a penalty is imposed, it will sharpen the people retrieving these carts because the stores would make that imperative.

Public input concluded – Public hearing closed.

**COUNCILMEMBER SANCHEZ** appreciated the dialogue because this is something the residents bring up often; after trash, it is abandoned carts. As part of the push to beautify Oceanside, it always comes up no matter what the neighborhood. We know it is a theft of a cart; it is a petty theft, which can be up to 6 months in jail or a \$1,000 fine. However, there has to be a joint response to this, not just law enforcement, to help get the carts back to the stores. These are valuable at \$400-\$500 a piece. She knew the stores had agreements and rewards to get the carts back, but that hasn't worked. At first she thought that if the 99¢ Store can do the electronic prevention device, then every store should be able to do this. She did not know that having this electronic device would affect wheelchairs, and she would like to know more about it. This action is something we need to do. She did not know how much it is to return the carts. The greater goal is to keep the carts off the streets. It is cost neutral, so we are not trying to penalize to the point that we are getting some kind of gain. We are trying to clean up Oceanside.

She **moved** approval [to introduce the ordinance]. Mr. Manley is not requiring any one specific approach. If the store owners talk to him, they will be able to arrange what is going to work for their particular store, the size of store, and the customers they have.

**COUNCILMEMBER KERN** did not second the motion, because he wanted more in the ordinance. Right now, we are punishing the victim, imposing restrictions on the victim. He asked if we are enforcing California Business and Professional Code Section 22434.1 or if there is something we can do at the local level about people who take the carts. We need a two-pronged approach. Obviously, the store owners do not want their carts gone and want to keep them contained. He questioned if we were requiring any electronic system. Albertsons has 3-4 different driveways, so there is no way to put up the stanchions to block people, and the electronic device would be horrendously expensive trying to encompass such a large area. He did not want to burden police, but he wanted to have some idea how we can address this problem systemically with Code Enforcement, police and the grocers.

**POLICE CHIEF FRANK McCOY** stated that shopping carts are not a new issue for any community; a lot of communities suffer from the blight of having abandoned shopping carts throughout the cities. The Business and Professions Code is the code that gives the police authority to issue citations to persons who are pushing shopping carts away from business locations. He supported an ordinance that mandates businesses in our community to follow the State law. In order for us to issue a citation for possession of a shopping cart, the cart has to clearly state the business name. It has to be on the cart in order for a citation to be issued. For a year's period, the Police Department has issued 9 citations. One of the driving forces of our enforcement activity is the community. We have a number of neighborhood police officers who go out to community meetings and then let the department know what the residents' concerns are. This is a first time that he has heard the shopping cart issue. We have put out an email to all police officers today, giving them that Business and Professions Code and reminding them that this is an issue for our community. He assumed we would see increased enforcement action from our officers. However, please keep in mind that some of the shopping carts are full of things, which presents a problem. Once officers identify the people who are pushing the shopping carts, they have to identify what is in the cart and how we deal with those items. He was not

aware that the City actually picks up shopping carts. That has a benefit for the Police Department that, not only can they call the storeowners' numbers, but they can also call the City.

**COUNCILMEMBER KERN** asked if we need a local ordinance to allow officers to cite people for taking shopping carts off the premises.

**CHIEF McCOY** believes the current Business and Professions Code that we currently have gives us the authority to issue a citation for someone taking a shopping cart away from its location. Again, he would like to instruct the storeowners that, in order for us to cite under the Business and Professions Code, the cart has to be clearly marked (permanent marking) and identifiable as to whom the owner is.

**COUNCILMEMBER KERN** asked Mr. Bisjolie if all of Albertson's shopping carts are identified or permanently marked with the Albertson's symbol and phone number.

**MR. BISJOLIE** confirmed that they are. Most retailers have their carts marked so that the cart retrieval services will know where to return them. They are clearly marked, usually on the handle, with the store identification. He could not speak for the independents.

**COUNCILMEMBER KERN's** biggest concern was that we are going after half the problem and not the other half. He asked what we are really requiring of the storeowners – to mark the carts and have a retrieval service; we are not requiring electronic stops, a stanchion plan, etc. It is just to have some kind of plan, and we are going to enforce the code.

**MR. MANLEY** explained that the ordinance gave suggestions of what other stores have done in the state, but it does not prescribe what needs to be imposed. It is just something that will be effective in keeping the carts off the streets. If the store wants to contract more with the cart retrieval service, change their route, focus on more areas so that the carts aren't out there for an extended time, that could be a solution. We are willing to work with the storeowners to get more awareness that the carts cannot be removed and that police will enforce it. It will not be an overnight fix; it is a problem that has existed for decades, and we are going to work cooperatively with the storeowners to resolve it.

**COUNCILMEMBER KERN** was satisfied and **seconded the motion.**

**CITY MANAGER WEISS** suggested that Section 7.110 of the proposed ordinance relates to any time a shopping cart is found abandoned, and perhaps we could put some language in there that a shopping cart containment plan would only be needed if we have an ongoing continual problem with any particular store. Obviously, the stores want to maintain their shopping carts.

**COUNCILMEMBER SANCHEZ** noted the comments or complaints were about abandoned carts. She asked how these complaints get back to the City. She was not talking about the homeless person as much as abandoned carts that seem not to be able to be picked up. She was willing to amend the language but wondered how people would report this so some action would take place.

**MR. MANLEY** stated that a lot of the carts do have phone numbers on them, along with references to the cart retrieval service. When people are stopped, the officers could call that number or call Code Enforcement, and we would contact the retrieval service to come get them. Carts are picked up routinely. There are some hot spots throughout town, and we will work with the retrieval service to focus efforts. They are usually pretty quick to pick up when we call them. If there is a certain amount that happens on a certain street, they will make an extra effort to get out there within 24 hours to pick them up. We do have cooperation from the retrieval service.

**CITY MANAGER WEISS** noted that any resident can call 435-4500 to report abandoned carts, and Oceanside Eyes is doing that as well.

**MAYOR WOOD** was a little uncomfortable about certain things. He knows the

**DEPUTY MAYOR CHAVEZ** had asked Mr. Manley whether he had had any direct contact from any of the stores, and he responded no, although he had sent letters out to 100 businesses. Now we have business representatives here that obviously have an interest in this. When we have interest, we normally work with the community. These are residents who work in the City and would like to work with us. He did not see why we would not afford them the same opportunity we do any other community effort.

**COUNCILMEMBER SANCHEZ** stated the majority discussion was trying to assure stores that it was going to affect only those always having the issue.

**MR. MANLEY** stated that when we bring this back for discussion, they would not only talk to business owners but the community as well. There is the possibility that the ordinance could become more restrictive. We looked at all the ordinances in the state and made it as less restrictive as possible to make it the most business friendly ordinance. If there is vagueness, we would entertain tying that down to a certain number of times within a certain given period. However, bringing it back has the chance of making it more restrictive, and he was not sure that was the direction the Grocers' Association wants to go.

**COUNCILMEMBER KERN** stated the public is aware we are doing this. He wants to solve the problem. He was hoping that if the discussion could happen over the next 30 days, staff could bring some language back that is agreeable to the grocers, Police Department and Code Enforcement. Then 30 days after that we could enact the ordinance. He would support the continuance, but just hoped it could be done more quickly than the 60 days.

**MAYOR WOOD** was uncomfortable with this ordinance from the beginning. He was concerned that 100 mailers went out, and nobody responded.

**CITY ATTORNEY MULLEN** explained that there are 2 motions on the floor. The motion that has precedence is the motion to continue for 60 days. If approved, we would report back in 60 days.

**Motion was approved 5-0.**

#### **MAYOR AND/OR COUNCILMEMBER ITEMS**

27. **[Request from Councilmember Sanchez to consider adoption of an ordinance regulating mini-dorms; and direction to staff]**

This item was removed from the agenda by Councilmember Sanchez.

#### **CITY COUNCIL REPORTS**

28. **Mayor Jim Wood** – noted condolences to the Jack Cassan family and had received emails and calls regarding naming something after Jack Cassan; he noted that the policy of the City is that it has to go to the Parks and Recreation. He would bring that up at their meeting tomorrow. One possibility is renaming the Benet Road Bridge to Cassan Crossing.

Mayor Wood also highlighted the Habitat for Humanity project at Libby Lake, where 20+ affordable houses are being built, and they built 4 houses in 5 days; KOCT-TV received a Home Video Festival award, which is nationwide; San Luis Rey Mission is celebrating its 210<sup>th</sup> anniversary on June 134; a lot of North County cities received the good Golden Fleece Award for dropping boundaries for law enforcement and fire, where the closest unit responds; and out of the 100 best places to raise a family in the United States, Oceanside was 27<sup>th</sup>, according to *Best Life*.

29. **Deputy Mayor Rocky Chavez** – was at the League of California Cities, and they listed their priorities. The League listed as a priority to 1) ask the Governor to restructure the State operations since they spend too much money; that 2) the State will get no local revenues, and the League will fight any local revenues going to the State since we have loaned the State money before and are still waiting for it to come back; that 3) when the Governor does come up with a budget, they start having reserves just as the cities do; that 4) if there is an increase in expenditures or funds, that they go to infrastructure and not

programs, such as water delivery infrastructure,, and that 5) the previous infrastructure bonds passed in 2006 and that the State has used for other items need to be invested in infrastructure. Driving these priorities are fiscal issues.

- 30. **Councilmember Jack Feller** – stated that the League of California Cities also spoke about the need for cities to be prepared to do things differently in our communities because of the State budget distress. Things are tougher for the entire state, and it won't be the same.

He highlighted the Martin Luther King, Jr. Scholarship awards reception for the 15 recipients; the Filipino American Cultural Association event; the Oceanside High School all class reunion; Oceanside and El Camino High School graduations on Friday; and the Jaycees carnival fundraiser for their projects.

- 31. **Councilmember Jerome M. Kern** – attended the League of California Cities as well, and he attended the water issues seminar. The Delta is very stressed, and the Metropolitan Water District (MWD) has declared a water alert. The day before we started, the Governor declared a drought. We are going to have serious cutbacks coming in the next few months; everyone will have to start cutting back. We are still into voluntary cutbacks; the next stage will be mandatory cutbacks. One of the biggest issues in California is how we are going to handle water and conserve, reuse and recycle water. MWD imports the same amount of water today as they did in 1990.

He attended the Fil-Am event and the Crown Heights Community Fair. The Oceanside Republican Women Federated put on a Great Gatsby event for the wounded warriors for traumatic brain injuries and raised a lot of money for that. Oceanside was in USA Today as one of the top cities in the nation in transit. We have over 350,000 people come through our transit center every year. We are only behind Los Angeles and San Diego. We are leading the nation in certain things.

He noted that Oceanside is 120 years old.

- 32. **Councilmember Esther Sanchez** - indicated she would bring Item 27 forward July 2, regarding an ordinance addressing mini-dorms. She has had people complain to her about mini-dorms, particularly one in Costa Serena. The City of San Diego passed an ordinance [defining mini-dorm as 6 or more unrelated adults] in January on this issue, and the issue has also been raised in San Marcos.

She highlighted the graduations for Vista High School, Oceanside and El Camino High Schools, Ocean Shores and Guajome Academy. She attended an international conference on livable cities. The theme was making cities livable for children, bringing families back to the core.

She also highlighted the Juneteenth event on June 14; "Protect Yourself from Identity Theft" on June 14 at the Mission Branch Library; Movies under the Stars on June 14 at Luiseno Park; the 12<sup>th</sup> annual Powwow for the San Luis Rey band of Mission Indians; and Old School Fathers Day Jam Concert on June 15. She was voted Legislator of the Year by the Democratic Party for the whole San Diego County. She announced that after 20 years, she is retiring from the County of San Diego.

**INTRODUCTION AND ADOPTION OF ORDINANCES** - None

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June 11, 2008

Joint Meeting Minutes  
Council, HDB and CDC

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:05 PM, June 11, 2008.

**ACCEPTED BY COUNCIL/HDB/CDC:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside