



California

CITY OF OCEANSIDE

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

JULY 12, 2006

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
Shari Mackin

Councilmembers
HDB Directors
CDC Commissioners
Rocky Chavez
Jack Feller
Esther Sanchez

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

Interim:
City Manager
HDB Chief Executive Officer
CDC Executive Director
Barry Martin

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 4:03 PM, July 12, 2006 by Mayor Wood.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Mackin and Councilmembers Chavez and Feller. Councilmember Sanchez was absent. Also present were Interim City Manager Martin, City Clerk Wayne, 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: 2A, 3A(1) [one case only] and 4A(1) [Item 1A was not heard.]. Closed Session and recess were held from 4:05 – 5:04 PM [See the report out on these items at 5:00 PM, Item 5.]

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

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5:00 PM - INVOCATION

MAYOR WOOD reconvened the meeting at 5:04 PM. All Councilmembers were present. Also present were Interim City Manager Martin, City Clerk Wayne, City Attorney Mullen and City Treasurer Jones.

The Invocation was given by Pastor Carl Souza from the 1st Baptist Church of San Luis Rey. The Pledge of Allegiance was led by Arielle Jones.

PROCLAMATIONS AND PRESENTATIONS

- Proclamation – Employee Service Awards

Sarah McAfee, of the Human Resources Department, presented service awards to the following City employees: David Heering, Captain, Oceanside Police Department – 25 years; John Shepherd, Maintenance Worker III, Harbor and Beaches Department – 20 years; and Steve Kemp, Public Works Inspector – 20 years.

- Proclamation – 50th Year Anniversary of North County Bar Association

The proclamation was presented to James Lund, President of the North County Bar Association, in recognition of the Association's 50th anniversary.

- Proclamation – ~~National Recreation and Parks~~ Parks and Recreation Month – July 2006

Eileen Turk, Parks and Recreation Division Manager, accepted the proclamation.

- Proclamation – National Aquatics Week – July 16-22, 2006

Eileen Turk, Parks and Recreation Division Manager, accepted the proclamation.

- Presentation by the First Baptist Church of San Luis Rey concerning a future Child Abuse Workshop

BRENDA SOUZA, with the First Baptist Church, announced a workshop on child abuse and child crimes and will be held on August 12, 2006 at 1:00 PM at the church, at 101 Stallion Drive. This has been an effort between the church, and many other organizations.

CLOSED SESSION REPORT

5. 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)

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

No closed session was held on this item.

2. CONFERENCE WITH REAL ESTATE NEGOTIATOR ON TRANSACTIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (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 Development and Redevelopment Director, Delmar Williams and Paul Marra; Under Negotiations: Terms of Memorandum of Understanding

This item was discussed; there was no reportable action.

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

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

1. Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Two one case(s) [regarding June 2nd letter from Ronald Cozad]

This item was discussed; there was no reportable action.

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

- A) **PUBLIC EMPLOYMENT**

1. Title: City Manager

This 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

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

LORETTA HUDDLESON, 2745 Thunder Drive, spoke on behalf the Oceanside Girls Softball Association. The 16 and under Oceanside All Star team placed 4th out of 22 teams at the State Championships. This has qualified them to attend the National Championships in Texas.

BRIAN TRYCHTA, manager of the 16 and under Girls Softball All Star team, asked if the City would be able to provide support to enable the team to get to Texas. Unlike the Little League, this team is considered part of the Amateur Softball Association (ASA) and must pay for everything, including travel and lodging. The parents and team members are trying to raise the \$20,000 needed. By participating in the National Championship, the team would bring recognition to Oceanside.

The Mayor and various Councilmembers referred the matter to the City Manager to look into ways to assist in funding support and for the team sponsor forms to be provided.

MAUREEN FLEMING, supervisor of the Oceanside Senior Center, provided an update on the Senior Taxi Voucher Program, a 6-month pilot program with the Yellow Cab Company. Seniors are using the vouchers; however, it is difficult for the seniors to get to the Senior Center to buy the vouchers. Therefore, instead of only one day per month, seniors may now purchase vouchers Monday through Friday each week. The age requirement has also been changed from 70 to 65 years of age. They can now purchase up to 8 one-way vouchers instead of 4 per month. The vouchers cost \$3.50 each, and checks can now be mailed to the Parks and Recreation Administration Office, with the vouchers then mailed to the payer. Carpooling is allowed. Only one one-way voucher is necessary if,

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for example, three people use the same taxi. However, they must all be picked up together at one location and delivered to the same location. So far, the feedback has been positive.

VINA ANN SCHMITT, 4558 Beverly Glen Drive, hoped that some of the mobile home properties could be available to those who are less fortunate and want to live in Oceanside.

Changes to the agenda:

CITY CLERK WAYNE reported that Public Hearing Item 29 has been continued to August 2, 2006 at staff's request.

CONSENT CALENDAR ITEMS [Items 7 – 28]

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

CITY CLERK WAYNE stated that there was one request to speak on Item 27.

DEPUTY MAYOR MACKIN requested the removal of Item 21 for discussion.

COUNCILMEMBER FELLER requested the removal of Item 15.

COUNCILMEMBER SANCHEZ requested that Item 22 be pulled for discussion.

The following Consent Calendar was submitted for approval:

7. Council/Harbor/CDC: Approval of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of: May 3, 2006, 4:00 p.m. Regular Meeting and May 9, 2001, 10:00 a.m., Adjourned Meeting
8. 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)
9. Council: Approval of plans and specifications for the Wells 10 and 11 Raw Water Pipeline project, and authorization for the Public Works Director to call for bids
10. Council: Approval of plans and specifications for construction of the Loretta Street Waterline Replacement project, and authorization for the Public Works Director to call for bids
11. Council: Approval of a purchase order in the amount of \$85,074.67 to County Burner and Machinery Corp. of San Diego to replace the boiler at the San Luis Rey Wastewater Treatment Plant; and authorization for the Financial Services Director, or designee, to execute the purchase order
12. Council: Approval of a purchase order in an amount not to exceed \$158,382 to GCS Western Power and Equipment of Buena Park for the replacement of a street sweeper used by the Public Works Department; approval of a budget appropriation in the amount of \$158,382 from the Fleet Unallocated Fund Balance to the Fleet Operations Fund; and authorization for the Financial Services Director, or designee, to execute the purchase order
13. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials, and services in amounts over \$50,000 from various Water Utilities Department funds; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders

14. Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials, and services in amounts over \$50,000 for FY 2006-07 from various Public Works Department funds; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
15. **Removed from the Consent Calendar for discussion**
16. Council: Approval of a license agreement [**Document No. 06-D0457-1**] with North County Transit District (NCTD) for the construction, maintenance and operation of a public waterline within the NCTD railroad right-of-way and the grant of an easement [**Document No. 06-D0458-1**] to Continental Residential, Inc., over City-owned land for the construction, operation and maintenance of a private storm drain relating to the Renaissance Terrace project; and authorization for the Mayor to execute the documents
17. Council: Approval of a ten-year encroachment permit agreement [**Document No. 06-D0459-1**] with New Cingular Wireless PCS, LLC, authorizing encroachment upon a portion of public rights-of-way at 2420½ Winter Road solely for wireless telecommunications purposes, for a minimum total revenue of \$123,000; and authorization for the City Manager to execute the agreement
18. Council: Approval to grant an easement [**Document No. 06-R0460-1**] to San Diego Gas and Electric Company for the construction, operation and maintenance of underground utilities to be installed with the Mance Buchanon (formerly River) Park project, and authorization for the Mayor to execute the document
19. Council: Approval to accept \$377,260 in grant funds from the State of California Office of Emergency Services awarded to the City of Oceanside for reimbursement of funds expended for equipment and training used to respond to potential terrorist incidents, and approval to budget these funds to the Fire Department
20. Council: Approval to accept \$85,249 in grant funds from the State of California Office of Emergency Services awarded to the City of Oceanside for reimbursement of funds expended for emergency preparedness planning and Emergency Operations Center upgrades, and approval to budget these funds to the Fire Department
21. **Removed from the Consent Calendar for discussion**
22. **Removed from the Consent Calendar for discussion**
23. Council: Adoption of **Resolution No. 06-R0461-1**, ". . . authorizing acceptance of the 2006 Justice Assistance Grant Program funds," accepting \$72,316 in grant funds from the U.S. Department of Justice, Bureau of Justice Assistance, awarded to the City of Oceanside to supplement frontline law enforcement services including personnel, equipment, supplies and services, crime prevention and education programs, and the North County Drug Court; and approval to budget these funds to the Police Department
24. Council: Adoption of **Resolution No. 06-0462-1**, " accepting the irrevocable offer to dedicate 'Village Drive'," dedicating for public highway an extension to Village Drive, located on 1.657 acres at the east end of Village Drive, to provide access to Morro Hills Village L, Pilgrim Reservoir and Morro Hills Golf Course, and authorization for the City Clerk to accept the irrevocable offer to dedicate and file a certified copy of the resolution [**Document No. 06-D0463-1**] with the San Diego County Recorder
25. CDC: Adoption of **Resolution No. 06-0464-3**, ". . . approving the submission of an application for an allocation under the Mortgage Credit Certificate Program, an allocation of Qualified Mortgage Bonds, electing to exchange said bonds for Mortgage Credit Certificates, appropriating a deposit of \$5,946, an initial filing fee of \$600, and authorizing its execution by the Executive Director," authorizing staff to apply to the California Debt Limit Allocation Committee

26. Council: Adoption of the following resolutions of the City Council, acting in its capacity as the legislative body of Community Facilities Districts No. 2000-1 (Ocean Ranch), No. 2001-1 (Morro Hills), and No. 2001-2 (Trendwest Resorts), authorizing the levies of special taxes for FY 2006-07 [rate is same or lower than authorized]:

Resolution No. 06-R0465-1, ". . . acting in its capacity as the legislative body of Community Facilities District No. 2000-1 of the City of Oceanside (Ocean Ranch Corporate Centre) authorizing the levy of a special tax for Fiscal Year 2006-07"

Resolution No. 06-R0466-1, ". . . acting in its capacity as the legislative body of Community Facilities District No. 2001-1 of the City of Oceanside (Morro Hills Development) authorizing the levy of a special tax for Fiscal Year 2006-07"

Resolution No. 06-R0467-1, ". . . acting in its capacity as the legislative body of Community Facilities District No. 2001-2 of the City of Oceanside (Trendwest Resorts) authorizing the levy of a special tax for Fiscal Year 2006-07"

27. **Removed from the Consent Calendar for discussion**

28. Council: Authorization to award a contract [**Document No. 06-D0468-1**] in the amount of \$266,029.20 to West Valley Construction Co., Inc., of Campbell, California, for the construction of the Stewart Street Waterline Replacement project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

COUNCILMEMBER SANCHEZ moved approval of the remainder of the Consent Calendar Items [excluding Items 15, 21, 22 and 27]. **DEPUTY MAYOR MACKIN** seconded the motion, which was **approved 5-0**.

15. **City Council: Approval of Amendment 2 in the amount of \$30,600 to the professional services agreement with Rick Engineering Company for final plans and specifications for the Loma Alta Creek Detention Basin at El Camino Real project, and authorization for the City Manager to execute the amendment**

COUNCILMEMBER FELLER corrected that Oceanside Boulevard does not cross Mesa Drive, as indicated in the staff report. The report should state "the first basin along Garrison Creek at the southeast corner of Mesa Drive and El Camino Real."

He **moved** approval [of Amendment 2 (**Document No. 06-D0456-1**), which amends Document 04-D106-1)].

COUNCILMEMBER CHAVEZ seconded the motion. Motion was **approved 5-0**.

21. **Harbor: Approval to enter into negotiations with the Marina Del Mar Community Association to extend the term of the Lease Agreement between the Oceanside Small Craft Harbor District and the Marina Del Mar Community Association in order to determine the parameters and feasibility of a lease extension**

DEPUTY MAYOR MACKIN had received numerous phone calls on this item. She clarified that it is not a purchase agreement, but a lease agreement. This property is on tidelands and cannot be sold.

She **moved** approval.

COUNCILMEMBER CHAVEZ seconded the motion. Motion was **approved 5-0**.

22. **City Council: Approval of the El Corazon Senior Center Tile Fundraiser Campaign**

COUNCILMEMBER SANCHEZ stated this is a fundraiser for the public to purchase tiles.

JIMMY KNOTT, 124 Sherri Lane, reviewed that the second senior center to be built on the El Corazon property has limited funding. With the tile fundraiser, the public has the opportunity to become part owners by purchasing the tiles, which will be engraved. The tiles come in a choice of 6 colors (red, amber, olive green, blue, smoke and aqua blue).

MEGAN CROOKS, Administrative Analyst with the Parks and Recreation Division, stated the fundraiser will work for the funding and the architecture of the El Corazon Senior Center. The glass tiles will be placed in the foyer and in the south wing of the center. Major donors of \$500 or more will have golden tiles in the main entryway. Tile walls will begin in the resource area of the lobby. There will also be tile walls in the corridor of the south wing in front of the classrooms. The architect planned it so that the City can continue the fundraiser as Phase II is developed. The cost of the tiles is \$75 for a 4x8 inch tile, \$150 for an 8x8 inch tile, and \$500 for the gold tile. The ad hoc committee has set a goal of \$75,000. Other community organizations have come forward to support this fundraiser. All of the funds received will be used for equipment and furnishings inside the facility.

COUNCILMEMBER SANCHEZ asked when the groundbreaking would occur, noting that the staff report mentions the fall of 2006.

MS. CROOKS indicated that staff is looking more at January 2007 for the award of the contract, and the groundbreaking would occur after that. Once Council approves this item, the brochures on the tiles will be printed and the presale will begin.

COUNCILMEMBER SANCHEZ moved approval [of the tile fundraiser campaign].

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

27. **City Council: Adoption of a resolution establishing the revised car/expense allowance allotment at \$550 per month for the Mayor and \$500 per month for Councilmembers, effective July 1, 2006**

JIMMY KNOTT, 124 Sherri Lane, had no problem paying the Council a fair wage for their duties. However, he felt the funding for their transportation could be better used for finding alternative fueled vehicles. In reading the staff report, he found that only 4 of the 18 incorporated cities in the County were selected for comparison. Statistics can be manipulated. Using only certain cities, including 2 from Orange County can skew the numbers. He suggested using the data from San Diego County only. Those figures were not cited in the report, making it incomplete.

COUNCILMEMBER SANCHEZ was opposed to this.

Due to lack of a motion, there was no action on this item.

At this time, Mayor Wood determined to hear Item 37.

GENERAL ITEMS

37. **Request by Councilmember Sanchez for a resolution in support of the senior status of our senior neighborhoods, and direction to staff**

COUNCILMEMBER SANCHEZ stated that seniors in the community have lived through trying times in the country, and it is hoped that they can now live with some quality of life in their golden years. Council has traditionally been supportive of the senior communities, but there have been times that the State Legislature has suggested that senior-only communities should not exist. The seniors have fought back and been part of maintaining the senior status in their communities. Unfortunately, she received e-mails from Oceana regarding their fear that the Council would turn the senior communities into all-age communities. More recently, she has received calls and e-mails regarding the status

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of Costa Serena. In light of that, she requested that Council direct staff to bring forward a resolution strongly supporting the status of the City's senior communities and that they do what they can to ensure that the senior communities are maintained. The senior communities were made for senior living and therefore do not have large front and backyards. She **moved** to direct staff to return with a strongly worded resolution in support of the senior status of the senior communities.

DEPUTY MAYOR MACKIN seconded the motion.

Public Input

BOB DREW, 3185 Buena Hills Drive, spoke on behalf of the Costa Serena senior community, where he has lived for 12 years. Senior communities are an integral part of Oceanside. In that spirit, seniors are soliciting Council's help in protecting them from those who covet the communities for their own monetary enrichment. Costa Serena has been singled out by one individual, Robert Perkins of Carlsbad, who seeks to turn Costa Serena into open housing for his own personal profit. Costa Serena has no homeowners association or monthly assessment or dues. They are administered entirely by the Architectural Committee, which is comprised of volunteers within the registered homeowners. This has been in place since the conception of Costa Serena 30 years ago.

Costa Serena's status as a senior community has been established under both federal and state law. Their current Declaration of Restrictions (DR) will expire at the end of this year. They have gone to great expense to ensure that their revised DRs continue to follow the practices that have kept their community attractive and secure, are brought up to date to comply with changes in various state and municipal codes, are more logically arranged to enhance easier understanding and reference, and are sound. Throughout the entire revision process, public meetings were held, input and suggestions were made, and the community at large was informed through a monthly newsletter of the status of the revision. The adoption of the DRs is voted upon, following the established and open procedures by which all of their elections are held. The vote count was to be held in the community room at the Oceanside library. Anyone wanting to witness the opening of the sealed envelopes and the counting of the votes was invited to attend. The whole process was to be recorded on videotape. This process was not good enough for Mr. Perkins, who has filed a lawsuit against the Architectural Committee to demand a more structured, bureaucratic count of the ballots. This would not achieve any more openness or clarity but would egregiously drain the strained financial reserves of the Architectural Committee. Having a financial interest in 4 or 5 properties there, Mr. Perkins wants Costa Serena to go open so that he might realize a substantial monetary gain. For weeks he has been bombarding Costa Serena homeowners with unsigned and undated missives that foretell of untold riches to the residents should the proposed DR provisions be rejected. Mr. Drew asked that a resolution protecting all Oceanside senior communities be adopted unanimously.

DEE DEVINE, 3260 Calle Osuna, Costa Serena resident, read a letter stating that the Costa Serena homeowners have governed themselves with integrity. In the past few months, a new group called "The Costa Serena Owners Coalition" formed, trying to get the senior community open to all ages. The residents help each other and want to keep this a senior community. The real reason for wanting Costa Serena to become an open community is that the coalition states that each house would be worth \$100,000 more if it were open to all ages. That is true, and the members of the coalition would then sell the homes they had bought at a lower price in Costa Serena and make a huge profit. Money and profit is what is behind the coalition. Seniors have learned that there are more important things than money in life. Peace, security, trust, and dignity are what is really important. That is what they have in Costa Serena. She has been with Neighbors Helping Neighbors for 10 years. With all of the volunteers in Costa Serena, they provide transportation to doctors and hospitals. They have equipment such as wheelchairs and walkers that they loan out to people. They would hate to lose that sense of community.

PAULINE MARTIN, 3504 Santa Maria Street, stated that Costa Serena residents

have received unsigned letters from the Costa Serena Owners Coalition. The only name mentioned is Robert Perkins. The homeowners' names are public record, and the names of the coalition members should be made public also. They make untrue accusations about the Architectural Committee and about open housing and compare Oceanside to Encinitas. In the past several years, real estate investors have made enormous profits. Now they want to take away the peace that seniors have worked and fought for. A realtor stated in the *San Diego Union Tribune* that 5 miles east of them, a 3-bedroom/2 bath home with a 2-car garage and a yard sells for \$350,000. She asked why anyone would buy in Costa Serena at \$350,000 when they have only 2 bedrooms, one bath, and a one-car garage attached to a neighbor. The coalition claims the value of the homes will increase if they are open to all ages. If it is true that the prices would increase, she asked where the residents would find anything like this for the same price. She noted what happened to Vista Hermosa, Mission Hermosa and Pacific Hermosa in Oceanside and the negative results.

DIXIE BALES, 3615-34 Vista Bella, recalled that several years ago all of the Oceana's, other senior communities and all of the senior mobile home parks in the City fought very hard to have laws passed to protect their senior housing status. After 2 years of lobbying the State Legislature, they were successful in having laws passed to protect all of the senior communities. Now the Costa Serena people indicate that their senior housing status is under attack once again. Investors and under-aged buyers are trying to infiltrate the Costa Serena community and destroy their senior housing status. If they destroy one, they can destroy them all. The City must be constantly vigilant to protect the senior communities. On behalf of the Oceana community, they urge the City Council to strongly support the senior status for all of the existing senior communities and those that may be developed in the future.

DOROTHY McCORKLE, 1383 Broken Hitch Road, attorney and a senior in Peacock Hills, stated this issue is simply driven by greed. The seniors need this resolution to know the City is behind protecting all of the senior communities. A man who lives in one of the senior communities was in a traffic accident and is permanently disabled. He has no income other than social security and disability. He can afford to live in this house, and he has help from his neighbors in that community. If the senior communities go open, the prices will go up.

RHEA PARKHEARST, with McMillan Realty in Carlsbad, has specialized in senior communities for 30 years, including the ones that used to be senior communities. She is a strong advocate for senior communities because she has seen what happens to the ones that have gone open. The values have gone up some, but that takes time. Additionally, neighborhoods have deteriorated. Seniors do not feel as comfortable in the open neighborhoods. She is aware that some are gang neighborhoods now. She has seen drastic changes. The homes do not look as nice, and they are not maintained as well. These seniors have investments in their homes and cannot afford to replace those homes. If the neighborhoods change and are no longer safe or comfortable, the seniors have nowhere to go that they could afford. She hoped Council would take this into advisement.

MARJORIE FORBES, 4810 Northerly Street, past chairwoman of the Architectural Committee in Peacock Hills, has been authorized by the Peacock Hills Board of Directors to thank Council for this proposed resolution in support of the seniors. They need the Council's protection and appreciate their help.

RUTH GANS, 4918 Delos Way, Ocean Hills resident, stated that Costa Serena was designated as a senior community 30 years ago. In recent years State legislators attempted to eliminate this rule and allow younger families to live among seniors. Costa Serena homeowners and members of Ocean Hills joined with other age-restricted communities in Oceanside, formed a coalition and went to Sacramento to meet with the legislators. They prevailed, and the State backed down. It is time to help Costa Serena to maintain their age-restricted community. Seniors live longer and are happier and more secure with their peers; they look after each other. There are no young children darting between cars or riding bicycles or skateboards, which can be hazardous for less agile seniors. There are no public schools within walking distance. Most importantly, there is a shortage of affordable

senior housing in Oceanside. She urged Council to support the resolution and give direction to support all the senior communities to remain age restricted.

JIMMY KNOTT, 124 Sherri Lane, noted that there is a pending item on the senior only zoning overlay for the mobile home community. That moratorium is slated to expire soon. At almost every session of the Oceanside Mobile Home Association (OMHA), this issue is raised. This resolution is a good start, but he advocated a Citywide workshop to address the issues. Additionally, the moratorium should be established as permanent to protect the mobile home communities.

GEORGE McNEIL, 2153 Anda Lucia Way, echoed that the proposed mobile home overlay for seniors is needed. At every Manufactured Home Fair Practices Commission meeting, this issue is raised. Seniors in mobile home parks are very concerned. Tonight, Costa Serena is an issue. There is a world of difference between a senior community and a multi-generational community. It is not just the noise or the speed of people; it is the type of home. Seniors look out for each other. He hoped this resolution passed. He did not know what the City can do beyond this resolution, but he encouraged them to look for other steps to be taken. The seniors need protection.

CAROLYN KRAMMER, 904 Leonard Avenue, a realtor in Oceanside for over 23 years, recalled another out-of-town investor coming to town and waving dollars. His name was Doug Manchester, and he split the community in half, just like Mr. Perkins has done in the Costa Serena community. It is not about dollars to the seniors. They have earned the right to live in a senior community. The homes in a senior community are well kept. The other communities that have had the age restriction lifted, like Mission Hermosa, have become slums. She saw the property values decreasing, not increasing. She urged Council to protect the senior status for mobile home parks or single-family residences.

COUNCILMEMBER CHAVEZ had attended a number of meetings in Costa Serena, and there are 2 issues. One is the resolution, which would be a political gesture from the Council but would probably not have the weight desired. He is concerned about Costa Serena and so would ask for an amendment to the motion. He asked that Council direct the City Attorney and Neighborhood Services Director to meet with the Architectural Committee of Costa Serena. Costa Serena is already a senior community, and the way it was designed, that has to be reaffirmed by December 31. Therefore, he asked that Council direct staff to assist the residents in legal and housing issues to ensure this is done before that deadline.

COUNCILMEMBER SANCHEZ agreed that time is of the essence. Beyond directing staff to meet with and offer whatever they can to the committee, she noted that, as a lawyer, she can try to get some attorneys to volunteer assistance. As a Council, they had limited resources, and there will be a border between what the City can do and what the private sector must do.

CITY ATTORNEY MULLEN clarified that the motion is for staff to draft a resolution to bring back to Council, and his office would be involved to ensure they do not run afoul of any State zoning and planning laws, in particular Government Code Section 6508 that addresses this issue, and the Fair Housing Act. He would be happy to meet with the Costa Serena group and their attorney, but he added the caveat that he could not represent the Costa Serena group. However, he understood they were already represented in pending litigation.

COUNCILMEMBER SANCHEZ, as maker of the motion, concurred.

DEPUTY MAYOR MACKIN seconded the motion as clarified.

COUNCILMEMBER FELLER knows how tightly knit the senior communities are. There is a great camaraderie with the seniors. There is a huge need for senior housing, but the City has to go about this carefully. They need to identify all of the possibilities within the resolution with the help of the attorney. They need to scrutinize what will work for this community. He supports this, but noted some issues on property rights may come up.

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COUNCILMEMBER CHAVEZ repeated the December 31 deadline and appreciated that staff will be working with the Architectural Committee.

MAYOR WOOD stated that value and money became involved. This has always been a senior community. Many are retired military or spouses. Now there are people who came to town to make money, and the senior communities are under assault. Council supports the seniors.

Motion was **approved 5-0**.

[Recess was held from 6:43 to 6:54 PM. Councilmember Sanchez was absent.]

6:00 PM – PUBLIC HEARING ITEMS

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

29. [CDC: Consideration of a resolution approving Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06) for full alcoholic beverage service for an existing restaurant located at 311 North Tremont Street – Tremont Street Bar & Grill – Applicant: Coastal Food Concepts, Inc.]

As announced earlier, this item has been continued to the August 2, 2006 meeting.

30. **City Council: Approval of a loan agreement with Casa de Amparo in the amount of \$100,000 of FY 2006-07 Community Development Block Grant contingency funds for acquisition of modular units and furnishings for a child development center at Ivey Ranch Park [105 Rancho del Oro Drive]**

MAYOR WOOD opened the public hearing.

[Councilmember Sanchez returned to the meeting at 6:57 PM.]

Regarding disclosure of constituent contact, **DEPUTY MAYOR MACKIN** reported contact with staff and the public and heard the presentation at the Parks and Recreation Commission. **MAYOR WOOD** and **COUNCILMEMBERS CHAVEZ** and **SANCHEZ** had staff and public contact; **COUNCILMEMBER FELLER** reported contact with staff and previous contact with Casa de Amparo.

CITY CLERK WAYNE reported no correspondence was received on this item.

JOHN LUNDBLAD, Management Analyst with Neighborhood Services Department, presented the staff report, noting that the child development center is currently located at the Melba Bishop Recreation Center. By moving out into this new facility, it will free up space at the Melba Bishop Center for the potential development of a teen center. The new child development facility will be located at the front section of Ivey Ranch Park. The space is not currently being used by any of the other organizations, including Ivey Ranch Park Association or Canine Companions for Independence. It also will not impact the future development of those facilities or the existing park facilities at the back. The \$100,000 is technically a loan forgivable over 10 years. As long as Casa de Amparo uses the facilities for 10 years, the City forgives 10% of the loan for every year.

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

DEPUTY MAYOR MACKIN, as the Liaison for Parks and Recreation Commission, reported that this project was presented to the Commission. She was surprised that their comments had not been included in the staff report. There were a number of concerns

raised by the majority of the Commission members, such as the traffic plan. They were not willing to endorse the project until the concerns were addressed.

MR. LUNDBLAD explained that traditionally the allocations of Community Development Block Grant (CDBG) funds are reviewed by the ad hoc committee comprised of representatives from the Parks and Recreation, Community Relations and Housing Commissions, along with review of specific items by the Youth and Senior Citizens' Commissions. Allocations of CDBG funds during the year are not normally brought to any of the commissions for review since they are considered to be activities limited to the City Council. Since the lease had been signed between the City and Casa de Amparo and the approval of plans had progressed, it was at a point where there seemed to be no further need for review. Had they known that there were issues that the Parks and Recreation Commission wanted answered, Casa de Amparo would have been glad to respond. The concerns had primarily been dealt with in the lease negotiations and the approval by the Planning Commission.

MEGAN CROOKS, Administrative Analyst with the Parks and Recreation Division, clarified that the item presented to the Parks and Recreation Commission was a different item in regard to the approval of the plans and the Conditional Use Permit for the building of the site. It was presented to the Commission to approve that the site be developed at the park. The item this evening is the loan to purchase modular units for use in the meantime.

Further responding to Deputy Mayor Mackin, Ms. Crooks agreed to follow up with staff on the transportation concerns, as well as to review this item at the August Parks and Recreation Commission meeting for clarification on their previous item.

MR. LUNDBLAD further clarified that the CDBG allocation process does not go into the specifics of permitting, etc. They can, of course, only make the allocation if the permits are processed and the lease is approved. Under CDBG rules, they cannot enter into those permitting discussions. However, if issues are raised that have to be dealt with, funds cannot be dispersed to the organization until those have been fully satisfied and permits issued.

DEPUTY MAYOR MACKIN expressed her support of what Casa de Amparo does. She **moved** to approve [the loan agreement (**Document 06-D0469-1**) and the amendment (**Document No. 06-D470-1**) of the FY 2006-07 Action Plan of the 2005-2010 Consolidated Plan to add this activity].

COUNCILMEMBER CHAVEZ **seconded** the motion.

COUNCILMEMBER SANCHEZ felt Council needed a presentation by the Neighborhood Services Director, who was involved in the negotiations, to bring everyone up to speed on what has occurred.

MR. LUNDBLAD recalled that when the CDBG allocations were brought to Council in March and May, one of the items staff proposed for FY 2007-08 was this funding for Casa de Amparo. With CDBG funds, anything that is not spent or carried forward from one fiscal year to another is placed into a contingency fund. Following the first action and when they realized that there were more contingency funds available, there was strong encouragement to make the space at Melba Bishop Park available as soon as possible. Casa de Amparo was also progressing more rapidly than anticipated. Therefore, they were ready to move, and staff was encouraged to bring this forward.

COUNCILMEMBER FELLER was confused about the analysis portion of the staff report, which states that Casa de Amparo requested \$100,000, but Council can give an allocation of \$50,000 and extend the funds as a loan. He asked if they were giving \$50,000 and forgiving \$50,000.

MR. LUNDBLAD clarified that, under local policy, any allocation of funds over

\$50,000 has to be done as a loan rather than a grant, even though it will be a forgivable loan. For example, Council allocated \$25,000 to the Women's Resource Center to rehabilitate the battered women's shelter. That can be done as a grant. However, since this \$100,000 exceeds the \$50,000 maximum allocation, it must be done as a loan that will be forgivable over the 10-year period.

COUNCILMEMBER CHAVEZ highlighted that Casa de Amparo manages a residential crisis center, providing housing, care and supportive services for children and youth up to age 18. The 24-hour emergency shelter offers food, clothing, medical care, therapy and schooling for the children until an alternate home can be found. This refers to young children who are casualties of domestic violence. Casa de Amparo was founded in 1978, but was originally part of the Women's Resource Center, which was founded in 1973. This is an organization doing great things for the community. The City needs to help them whenever possible. This location is wonderful. The Planning Commission has already approved the Conditional Use Permit and the plans for the project. The total project is \$1,700,000. The loan of \$100,000 is a lot of money, but Casa de Amparo is bringing in \$562,000 in other funding; \$305,000 in State and local funds; and \$677,000 in donations. He strongly supported Casa de Amparo.

SHARON DELPHENICH, Executive Director with Casa de Amparo, appreciated Council's support.

Motion was **approved 5-0**.

31. **City Council: Adoption of a resolution approving the submission of an application to the U.S. Department of Housing and Urban Development for a Section 108 loan guarantee in an amount not to exceed \$3,500,000 for construction of Fire Station No. 7; and approval to amend the FY 2006-07 Action Plan of the 2005-2010 Consolidated Plan to add this activity**

MAYOR WOOD opened the public hearing.

Regarding disclosures, **MAYOR WOOD** and **DEPUTY MAYOR MACKIN** reported staff and public contact. **COUNCILMEMBERS CHAVEZ AND SANCHEZ** reported staff contact, and **COUNCILMEMBER FELLER** reported no contact.

CITY CLERK WAYNE reported no correspondence was received on this item.

JOHN LUNDBLAD, Management Analyst with the Neighborhood Services Department, clarified that staff is asking for Council's authorization for the City to apply to the U.S. Department of Housing and Urban Development (HUD) for a loan guarantee. Council did the same thing a year ago to obtain money for the Senior Center in the amount of \$3,500,000. However, as that application moved its way through HUD, their representative indicated that the City's age restriction of 55 conflicted with HUD's definition of senior as age 62 or more. That is still the limit on a number of HUD-sponsored senior housing programs. That meant that the City had to limit the senior center to age 62 or above, or make sure that 51% of them were 62 or above, or find an alternative. Given that the first 2 alternatives were unacceptable, staff went back and discovered that one of the few buildings for the conduct of government that can be constructed is fire stations if they serve a low- and moderate-income service area. They cannot build a city hall or library, but they can build facilities that are designed specifically to serve low- and moderate-income areas. Therefore, in talking with the Public Works and Fire Departments and looking at fire stations scheduled to be built in the near future, Fire Station 7 would be located in and serving an area with approximately 57% of low- and moderate-income families. That makes it an eligible activity. It would have this area as its primary immediate response area, while also being able to serve a large outlying area.

Mr. Lundblad stated that currently the City has a \$3,500,000 hole in funding for the senior center. In the current budget (FY 2006-07 and FY 2007-08), Council appropriated \$6,000,000 of Capital Improvement Project (CIP) money for Fire Station 7 for the current

fiscal year and \$2,000,000 for the next fiscal year. If Council approved the authorization tonight and the City is approved for the funds, staff would return to Council with the loan documents. Once the City can draw down the money, staff would ask Council to transfer \$3,500,000 of the CIP money to the Senior Center. That way, the senior center and Fire Station 7 get built. The HUD loan is paid off by future allocations of CDBG funds, just as is being done with the Libby Lake Community Center. Therefore, the money would be paid back without impacting the General Fund. The one caveat is that this is not risk free. If Congress eliminates the CDBG funding, the loan would default to the General Fund. In terms of future CDBG allocations, the repayment of that loan becomes one of the absolutes in allocating CDBG money annually. They make 2 payments per year: one of principle and one of interest in July and February.

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

DEPUTY MAYOR MACKIN moved approval [to adopt **Resolution No. 06-R0471-1**, ". . . approving the submission of an application to the U.S. Department of Housing and Urban Development for a Section 108 loan guarantee not to exceed \$3,500,000 for construction of Fire Station Number 7; and authorization for the City Manager to negotiate terms and conditions, and to sign and execute required application forms and certifications"; and to approve the amendment (**Document No. 06-D0472-1**) to the 2005-2010 Consolidated Plan].

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

32. **City Council: Public hearing regarding a proposed assessment increase for FY 2006-07 for Mar Lado Highlands, Assessment District No. 1-1988, and Santa Fe Mesa, Assessment District No. 2-1987**

MAYOR WOOD opened the public hearing.

CITY CLERK WAYNE explained that this is a public hearing for an increase in a proposed assessment for 2 landscape maintenance districts. The public input portion will be separated by the individual assessment districts. She announced that tonight, prior to the close of the public hearing, is the final time for participants to be able to vote. If anyone in the audience for this item has not turned in their ballot, they need to do so prior to the close of this public hearing.

Regarding disclosures, **DEPUTY MAYOR MACKIN** and **COUNCILMEMBER SANCHEZ** reported no contact. **MAYOR WOOD** and **COUNCILMEMBERS CHAVEZ** and **FELLER** reported staff contact.

CITY CLERK WAYNE reported no correspondence was received on this item.

HEIDI JANZ, Program Specialist, stated that tonight is to conduct the public input portion of the public hearings for a proposed assessment increase in the 2 districts. The Santa Fe Mesa Landscape Maintenance District (LMD) also has a proposed annual escalator that residents in the LMD will be voting on. The assessments have not been increased in the Mar Lado Highlands LMD since the district was formed 15 years ago, and they have not been increased in the Santa Fe Mesa LMD for 19 years.

Public Input – Mar Lado Highlands

NOEL HANSEN, 874 Rivertree Drive, stated the City does a good job, and the fees are reasonable. There is an ephemeral stream parallel to Rivertree in what used to be Lot 136. Some years ago he had talked to the City Engineer about this and was told not to worry about it. As long as the velocity from the drainage is fine, it meets the code. However, the code does not address the issue of erosion on a non-protected slope. This is at the toe of the slope, which is by his backyard. The ephemeral stream has eroded a gully in the property immediately adjacent to this LMD. This will become a significant slope integrity issue in the future. The homeowners association is not going to address it, and it

is not directly related to the LMD. He assumed the adjacent property owner would have to be brought into court to do something. This is an issue that falls between the cracks. If the City were to address the issue, the proposed assessment may not be sufficient.

Another related item is the issue of a development on Muirfield that was constructed about 5 years ago and has ingress/egress only through the Mar Lado Highlands LMD. He questioned whether this set of homes should be assessed since they accrue some benefit from the LMD. That would be an additional source of funds.

BRANDON EBELING, 917 Hillfield Court, President of Mar Lado Homeowners Association, is in favor of an assessment increase. He has a degree in forestry, has spent many years in land management and for the last 15 years he has spent the homeowners association's money on slope issues. He commended Tom Woodford, Public Works Inspector, who has worked with him on LMD issues, as well as on expanded maintenance on what the developer left as unmanaged areas. Over 5-7 years, they have converted that to a chaparral area, which is more fire resistant than the anise and mustard that had been there previously.

Mr. Ebeling was critical about not being able to speak to the consultant, Harris Associates, who were hired for the Proposition 218 process. Secondly, City staff ignored multiple requests regarding proxy voting. Homeowners associations are pseudo government entities that are excused from municipal government oversight. It is a struggle to maintain a board of 5 out of 132 homeowners. People do not take the time to read, mark or return self-addressed stamped envelopes, even when it is for a raffle for money. The whole issue of a proxy is extremely important to their management group that seems to understand what is going on and recognized the disengaged membership. He questioned the adequacy of the City's due diligence in satisfying the regulatory and statutory voting requirements of Proposition 218. That is important, because if the issue fails, their district will deteriorate. Slope stability will be compromised. They have significant slopes, and there have been significant rains. Additionally, the potential for fire will increase substantially. The consequences are serious. He hoped the assessment is approved.

CITY ATTORNEY MULLEN stated that his office did receive a request from the Public Works Department for informal legal advice with respect to the question raised by Mr. Ebeling. They answered that question in writing within a couple of days of receipt. The question presented was whether it is legal to allow proxy voting under Proposition 218, and his office ruled that it is not. There is no statutory authority under Article 13D of the California Constitution or under the Proposition 218 Omnibus Implementation Act.

Public Input - Santa Fe Mesa

With no one wishing to speak on this LMD, **CITY CLERK WAYNE** announced this would be the last call for any balloting on both districts. With no further balloting, she noted that the Mayor should close the public hearing at this time. The ballots will be counted at the City Clerk's office tomorrow. The item will be continued to August 2, 2006 for the results.

MAYOR WOOD closed the public hearing.

COUNCILMEMBER SANCHEZ moved to continue this item to August 2, 2006. **COUNCILMEMBER CHAVEZ seconded** the motion, which was **approved 5-0**.

33. **City Council: Adoption of a resolution confirming the costs of vegetation (weed) abatements and authorizing special assessments to recover those costs**

MAYOR WOOD opened the public hearing.

Regarding disclosures, **DEPUTY MAYOR MACKIN** and **COUNCILMEMBER FELLER** reported public and staff contact, and **COUNCILMEMBER CHAVEZ** reported staff contact. **MAYOR WOOD** and **COUNCILMEMBER SANCHEZ** reported no contact.

CITY CLERK WAYNE stated no correspondence was received on this item.

DAVID MANLEY, Code Enforcement Manager, stated the proposed resolution is to confirm costs associated with weed abatements that staff has completed on properties. The Weed Abatement Program was transferred to Code Enforcement from the Fire Department a couple of years ago. The City currently contracts with Fire Prevention Services, Inc. out of Alpine, which performs inspection and follow-up abatement action. This company contracts with 11 other agencies in the county.

The weed abatement inspection is done annually, beginning in late April. Staff notifies the owners and gives them an ample amount of time to clear the property according to minimum standards. They also provide an outline of the standards and a fee schedule should it go to forced abatement. Those fees are higher than if the owners voluntarily do the work themselves. Staff then sends a final notice, giving them another couple of weeks. This is sent to the owners of record through the County Assessor's office. About 45-60 days after the initial contact, abatement action is done, and staff proceeds to have the work done. Over the last couple of years, they have actually issued 1,662 notices. They took an active role after the Cedar fires to blanket the City. Safety is number 1 in protecting structures. There was about a 93.5% compliance rate, which resulted in only 109 properties going to forced abatement. There were 29 properties when the staff report was prepared, but 5 of those paid their bills. As of today, only 24 properties are going for special assessment, which is 1.5% out of the properties notified. The property owners were given an opportunity on several occasions to pay the original bill. This hearing is the last resort to recoup those costs and pay the contractor. The assessments will go onto the County Assessor's bill in 2 payments. Staff must submit that by August 1, 2006. Once the payments are received by the City, they will reimburse the contractor.

Public Input

BEBE GROSS, with Four Square Properties in Carlsbad, stated this had to do with a partnership long ago with H & H Oceanside Company. Her husband, Russell Gross, is the only local party involved. The H & H Oceanside Company only owns one little parcel along the edge of Vista Way. The first letter received from the City was dated June 29, and she and her husband have been out of the country. An individual in their office had handled the abatement notice letters promptly. Approximately, 1½ years ago they received a notice from the contracted company, which was dated January 31, 2005. That letter was accompanied by a bill for \$5,900.96. They never received the final notice that was apparently sent December 4, 2004 and January 7, 2005. They had requested information for proof of that notice from the party who sent the bill. Her staff spoke with someone in Fire Prevention Services in El Cajon where the invoice was mailed from, and she had no proof of service of the notice. Therefore, when the June 29 letter was received from the City, her staff spoke with David Manley and requested copies of that original notice. That was the first they had seen it. They also received a copy of a certified letter that had been returned as unclaimed, although that letter had been addressed properly to H & H Oceanside Company. She had an appointment with Mr. Manley tomorrow and asked that this matter be extended for their property to give her an opportunity to address it.

In response to the Mayor, **MR. MANLEY** stated that notification has gone out to the same address all along. He had spoken with Ms. Gross, and there is some confusion in her office regarding who handles this, whether it is the property owner representing the owner, etc. However, the proper notification was given. They do have an opportunity to settle the account up until this is processed through the County. He was willing to sit down with her, but at this time Council needs to confirm that the costs are correct on the property.

TED G. VALLAS, 2322 Snead Drive, has lived here for 35 years. He received a letter dated June 29, which stated they had the opportunity to discuss an assessment and proposed lean in the amount of \$5,877.34 for a small 2-acre parcel of land that was allegedly weed abated. He has an invoice from Fire Prevention Services where they had that same property weed abated for \$836. He had no idea why the bill was so high. He

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represents GTT, LLC, which is a family company. The letter stated that if they had recently purchased the property and were unaware of the abatement action, they should contact the prior owner for additional information. He did that, and his uncle would speak to that.

COUNCILMEMBER FELLER confirmed that Mr. Vallas' property is 2 acres. He asked the size of Ms. Gross' property.

MS. GROSS responded that their property was approximately 38,000 feet, and the cost was \$5,996. The bill contained interesting items, such as 94 cubic yards of trash that was dumped. She has it done by 4 men in one day.

MR. VALLAS said that in the past, they have performed the work with 2 people in a half day on the 2 acres.

COUNCILMEMBER SANCHEZ asked if the bill amounts represent actual costs to the City, and whether the City ends up with the bill if it is not forwarded to the property owners.

MR. MANLEY replied if the City does not go through the assessment process and recover the costs, they do have a contractual obligation to pay that amount to the contractor. He noted that these are some of the older invoices, where the City may have abated the property once and done a lot of clearing that had not been done in years. Subsequent years may only take half a day or \$800 to maintain the property every year. However, some of these properties needed all of the eucalyptus trees skirted up and dry brush cleared away from improved property lines. Once that baseline is done, it will only involve routine maintenance. This is a public safety issue.

COUNCILMEMBER CHAVEZ noted that the staff report shows 29 different properties with assessments.

MR. MANLEY confirmed that these are properties that have been abated and cleared of vegetation in the prior fiscal years, and staff is going through this process to recover those costs after proper notification.

COUNCILMEMBER CHAVEZ asked if Council had the ability to approve 27 of the 29 and allow time to look at these 2 properties to address at a later time. Ms. Gross is also involved in nonprofits in the area. He would like to pull those until Council has the opportunity to validate the costs.

CHENG SAN KUO, 809 Lake Street, Huntington Beach, is the property owner for Item 6 of the report. He has owned the property [located on Mission Avenue] for 20+ years, and there was no problem previously. He had used a City recommended independent contractor and had no problems until he received a notice last year from Fire Prevention Services. He called his contractor to do the work. He received a second notice, and the contractor indicated he had done the work on May 10 and May 11. He paid the independent contractor \$600. However, in June he received an invoice stating he owed Fire Prevention Services \$7,000+. He did not see any address, only a post office box. He did not know this company and felt they had made a mistake. He had several conversations and faxes with the company. He asked them for some authorization from the City to support their claim, and they did not do that last year. In April of this year, they sent him documents for authorization and also sent pictures of what they did. In May, he wrote them a letter stating he was willing to pay them what he had paid his independent contractor for whatever work they did. He heard no response from them. He was appealing to the Council to give him a reasonable number. He did his duty to try to clear the property.

THEODORE (TED) L. VALLAS, SR., 246 5th Street, Encinitas, is the former owner of the El Camino Country Club and a former Oceanside resident. He had received the same type of treatment. There has been a total abuse with the contractor doing this work. He had history on this and should probably talk to the City Attorney about it. He asked Council

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not to do anything at this point. He had a history of prior ownership of quite a few properties around El Camino Country Club. Over the years, he had the property cleaned according to the code at about \$400-\$500. At one point he received a bill for \$14,000 on one property. That property is close to the Henie Hills area, and there was absolutely no reason. There was 100 feet cleared in front of every house in that area. The house abutting his property had cleared even more than 100 feet. He found out they were going to place a lien on that property without notice. When he sold the property, he had to pay that lien of about \$30,000 for something that should have cost no more than \$1,500-\$1,600. He would like to discuss this with the City Attorney before Council takes a vote. He had contacted the contractor and received no response. He was given different names to contact was then told the people were no longer with the company. This is too short of a notice for Council to vote on it.

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

MAYOR WOOD had major concerns and questioned the time issue on this item.

MR. MANLEY stated the assessments have to be filed with the County by August 10. That is a reoccurrence every year. The program has not changed since the Fire Department oversaw it. This has been a long standing program. Staff would be happy to look at these individual properties.

MAYOR WOOD moved to forward the other items to the County for collection, and the 3 properties addressed tonight should be pulled for the City Manager and City Attorney to meet with these property owners. He asked if Mr. Vallas had brought the issue of the \$30,000 to the attention of Council in the past.

MR. VALLAS replied affirmatively.

In response to the Mayor, **CITY ATTORNEY MULLEN** confirmed that Council could pull the properties, as long as the properties were identified precisely so the records are clear.

MR. MANLEY clarified that the Vallas property was Item 24, which was 40 acres; the Gross property was Item 23; and Mr. Kuo's property was Item 6, which was 16 acres.

CITY ATTORNEY MULLEN indicated that Council should continue the public hearing for the 3 identified properties.

COUNCILMEMBER SANCHEZ seconded the motion. She was not sure whether an audit should be done, but Mr. Manley could get to the bottom of the issues.

MR. MANLEY agreed, stating that 3 properties out of 1,600 was a good record. Staff would work with the property owners.

COUNCILMEMBER SANCHEZ felt staff could also negotiate with the contractor to lower the cost. This is work that has already been performed.

COUNCILMEMBER FELLER ran into this issue several years ago with another property owner. These 3 properties are 25% of the total bill. He did not believe this contractor is being fair. If an independent contractor was doing the work for \$600, he felt these costs were out of line. Therefore, he did not support any of the assessments.

COUNCILMEMBER CHAVEZ felt it is important to highlight that 3 of the 29 properties listed is not a bad return. It is Council's job to listen to the public and be fair before they make a decision. The idea to pull these 3 properties and allow staff to work with the owners is appropriate. Therefore, he would support it.

Motion [to continue the public hearing on the properties numbered 6, 23 and 24 to August 2, to approve all the remaining properties' costs, and to adopt **Resolution No. 06-**

R0474-1, ". . . confirming the costs of vegetation (weed) abatements and authorizing special assessments to recover those costs" as amended to remove the 3 identified properties] was **approved 4-1**, with Councilmember Feller voting no.

GENERAL ITEMS – continued

34. **City Council: Adoption of a resolution increasing monthly tie-down rental rates 78 percent and monthly hangar rental rates between 19 to 50 percent at the Oceanside Municipal Airport to provide sufficient funds to cover operating expense shortfalls**

GARY GURLEY, Senior Property Agent, reviewed the airport budget and expenditures for next year. Expenditures include \$126,000 for personnel. At Council's direction, all staff time spent at the airport is accounted for. There is a full-time Maintenance Worker II and 2 part-time employees. The rest of personnel costs cover a percentage of time for his time and the Public Works Director's time. The buildings and facilities costs include the aviation fuel, electrical, and operations and maintenance. Out of the \$455,000 expenditures budget, these are the discretionary items. The City service charges include the in-lieu of taxes, insurance and interfund charges. The new hangar debt service is \$79,000 and is ongoing for the next 14 years.

The airport revenue from rents, aviation fuel sales and miscellaneous sales (charts, oil, etc.) totals \$375,000. That presents a budget shortfall of \$80,000. Staff has been working with the Airport subcommittee and members of the Aircraft Owners and Pilots Association (AOPA) to see what can be squeezed out of the budget. Over the last year, the AOPA has done a lot of volunteer work at the airport, manning the radios and phones, cleaning trash, etc. However, the airport is limited in how it can generate revenue. Since the City did not build the remaining 10 new hangars and when the 8 hangars at the easternmost building became too unsafe to occupy, they could not balance the budget. As it stands today, it is not possible.

The only buyable option is to look at increasing hangar rents. Staff has worked primarily through the airport subcommittee and has received input. They looked at the 3 public airports in the North County: Ramona, Fallbrook and Palomar. These have a total of 212 tie-downs. As of yesterday, only 8 were available. That is the type of market out there. The average rent on the tie downs was \$155.40. Staff is proposing that Oceanside increase its rates from \$70 to \$125. He noted that hangars are all different. For the comparisons, staff did not include the dedicated jet hangers and the community hangars. They also did not consider the port-a-ports at Fallbrook. Some of the hangars are in better shape than Oceanside's, some are in worse. As of July 11, there were 3 available. The Average monthly rent is \$606.03. The proposed average monthly rent for Oceanside is \$616.82. The AOPA asked that the City look at some means of trying to phase in any rent increases. The problem is that it would not cover the budget deficit. As it stands now, if the rent increases become effective August 1, 2006, and assuming the vacancy rate does not go above 5%, they would generate a little over \$81,000 this fiscal year, which is essentially just enough to cover the deficit.

Staff recommends that Council adopt the resolution increasing the monthly rent and tie-downs for the hangars.

MAYOR WOOD noted that a number of questions had been asked regarding the number of planes at the airport that are home based, etc.

PETER WEISS, Public Works Director, stated that some of the issues in that memorandum are that he and the City Attorney met with representatives of the AOPA and the Airport Association to discuss the methodology used to come up with the rate increases. There was not a significant issue in the methodology used, but they were concerned with trying to phase in the rent increase over time rather than in one shot. If the increase is phased in, it will result in an operational shortfall between the revenues and expenditures. One of the key issues in the memorandum is that the City charges the same

for residents and non-residents.

MR. GURLEY believed that of the 74 aircraft, 26 are residents of the City.

MR. WEISS indicated that there are alternatives to raising the rents. However, based on the Council's prior direction regarding not building any additional hangars until the economic study is completed, it limits what staff can do. One question asked was the overall amount in the airport fund. That amount is currently about \$450,000 in the hole. That is primarily because, a number of years ago, there were several general fund loans to the airport. There is a repayment schedule for that. There were also costs that ran the airport fund into the negative, and it has not recovered at this point. As the airport brings in more revenues than expenditures, they will draw down that negative balance.

MAYOR WOOD noted that some of the issues raised include that hangars increase the revenue, and the runway cannot be extended.

MR. WEISS stated the Airport Master Plan has 3 primary phases. The 1st phase was the hangars now there. The 2nd part of Phase 1 is to construct 10 additional hangars that would be on the pads that are already poured. Phase 2 is the replacement of the existing 30 hangars on the south side and would include a maintenance hangar and potentially a café. The City acquired 14.7 acres of property from the Deutsch Company. The current master plan has approximately another 100 hangars placed on that property under Phase 3. The City cannot lengthen the runway due to constraints at either end. The only ability to expand the airport would be to add more hangars and facilities.

Further responding to the Mayor, Mr. Weiss stated that to his knowledge Council has never directed or taken a vote to close the airport.

MAYOR WOOD had requested a use analysis. There is currently a study going on. The Council asked the consultants to look at cost factors for best land use and what it would cost in time and litigation in terms of any possible closure of the airport. They had litigation from people residing on the hill above the airport regarding noise.

MR. WEISS reported that staff has already met with the economic consultant, and those studies are underway. The conclusion of the economic portion of the study will be presented to Council in September. There is an assessment of the regional airport authority's plans on the surrounding properties and looking at the steps and costs involved should Council want to examine alternate uses at the airport.

MAYOR WOOD asked whether a special rate could be given to local residents.

CITY ATTORNEY MULLEN did not believe charging lower rates for Oceanside residents would be supportable under existing federal regulations, which prohibit unjust discrimination between users of the airport. Therefore, the City could not have a bifurcated rate scheme based upon residency.

COUNCILMEMBER SANCHEZ noted that in Phase 2, the City entered into a settlement that included an environmental impact report (EIR). That cost would also have to be absorbed into the airport enterprise fund.

MR. WEISS clarified that would have been for Phase 3 and involved the Deutsch property. The settlement agreement with the Citizens for a Better Oceanside would have allowed the City to move forward with the next 10 hangars and replacement of the 30 on the south side, providing those were upgraded hangars.

COUNCILMEMBER SANCHEZ understood that it would be a state loan to build the hangars, and that would also be included in the fund. She questioned what the difference in rents would be if the City were to build the 10 new hangars.

MR. WEISS replied that the rents the City would charge for those hangars would

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be the same. The difference is that the cost to build the next 10 hangars is less since all of the concrete pads for the hangars and the asphalt aprons are already there. The only thing missing are the buildings. The amount of rent that could be charged would be higher than the debt service for the loan to build the hangars.

Further responding to Councilmember Sanchez, he indicated that the City would have to apply for a state loan to build the hangars because they do not have the reserves in the airport fund to pay for it.

COUNCILMEMBER SANCHEZ asked what the terms would be and if it would be the same as the hangars just built.

MR. WEISS believed the City would be looking at a new 15-year loan. On the current loan, there is 13 years remaining. However, the federal obligation in that 20-year period is another 16 years.

Public Input

FRANK PENDLETON, 257 Blue Springs, recalled people hanging out at the airport when he was growing up. Marty's Valley Inn and the restaurant were built facing the airport so people could watch the planes. The Josepho's were smart enough to put the airport in the industrial park. He asked what the City has done to market this property over all these years. They no longer have airport shows and fly-ins. Instead, people now travel to El Cajon to do this. The double winged aircraft rents out of Carlsbad. He suggested having a restaurant at the airport to generate revenue. He advocated building up the airport. If Oceanside is turning into a resort community, they should encourage people in timeshare condos to bring in their private planes. The airport is accessible with the Highway 76 bypass bringing hundreds of thousands of cars by each month. If the airport were marketed with the timeshare programs, the airport could be viable and very profitable. He advocated making this a tourist attraction. This airport brought in Deutsch Industries because the owner could fly in from Hemet. He felt the City should build the hangars and spend the money to make this a viable airport. He asked Council not to raise the rates just because previous Councils did not do their job. Everything is ready for the hangars. All the assets are here; tourism is here; and this is a growing city. They need to build this airport to what it should be.

[Deputy Mayor Mackin left the meeting at 8:32 PM.]

JIMMY KNOTT, 124 Sherri Lane, opposed the proposed rent increase because it does not include a public benefit exclusion. If there is a dedicated youth group or low-income training group that wishes to use one of the aircraft, they should be granted an exemption and not be charged. With this exception, the charges are reasonable. There should be a challenge to those who hold an interest in the airport to raise the funds and make up the budget gap. He opposed the rate increase at this time because the public benefit has not been met.

JILL MONTGOMERY, 3287 Toopal Drive, owns a home overlooking the airport. She has no problem with the airport. She and her neighbors are proud to live across from it. However, they do object to their money being spent to pay lawyers to find the best use for something that should stay there by law. Her tax money is not being used to improve the Oceanside School District because it is being spent on lawyers. Her children do not attend the school district because the schools did not have anything to meet her children's needs.

[Deputy Mayor Mackin returned to the meeting at 8:36 PM.]

The drive-in theatre site is a cesspool of drug dealers, and nothing is being done about it. On the other side is the airport and its possibilities. Her children can see something they can do as an honorable profession. Someday they could be a Life Flight pilot or a commercial pilot. By deciding to try to close down the airport, Council is taking

away possibilities for the City. People have talked about using the land for pro football or Biotech. Executives are not riding in on the Greyhound Bus. Since 9/11, general aviation has been the route that more executives have wanted to use since they do not have to get to an airport 2 hours early. It ensures their personal safety. She would like to have her tax dollars spent to improve the schools, give children programs at the airport, and give more attention to what can be done for the City as opposed to spending time and energy in an attempt to close down something that by law is supposed to stay there. There is no noise issue with the airport.

RONALD COZAD, 2006 Palomar Airport Road, Carlsbad, is an attorney representing a fairly large group of Oceanside residents and airport users in this area and throughout the San Diego and Riverside areas. First, they need to recognize that there is a credibility issue. Council is talking about studying, but they already know these things. Mr. Weiss has stated on several occasions that this airport would make money if the City had stuck to the development plans. Had it not been for this Council's direction not to proceed with development of the airport, things would be different. Everyone else in this county knows that an airport like this cannot lose money unless the City really tries. Respectfully, this notion that the City has to raise the fees in order to make up for the shortfall is not credible. This vote is not about raising rates or making up the shortfall, it is about closing this airport. He asked that Council be upfront with the citizens and let them know that Council intends to close the airport and that they have hired the Chevalier firm [Chevalier, Allen, Lichman] in Orange County to do that. This vote is an incremental closure of the airport. However Council votes tonight, it will be seen as a major step toward closing the airport.

BEN MEYERS, 5119 Via Malaguena, President of the Oceanside Airport Association, stated that the Association opposes any increase in rental rates at this time. While it is normal for rates to increase, large increases at this time with no increase in services at the airport do not make sense. He understood Council is trying to balance the budget on the backs of the last 74 people left at the airport. He felt it made more sense to take a longer view of the problem. The airport was designed for about 250 airplanes. It was not designed to be supported by 50 or 74. It is a better plan to get more aggressive with developing the hangars and tie downs and the services that will produce revenue. The cost does not have to all be borne by the City. On numerous occasions people have provided Council with options on private/public partnerships to be able to fund these types of development. That is happening all over the county and can work here. It is a simple thing for the City to get an airport that becomes self-sustaining. This airport used to be self-sustaining. It sustained itself since 1962. The airport has been here since 1930; it is not a new issue. Something happened around 2000 that changed everything. He suggested going back to what they used to have and develop the tie-downs and hangars. The clientele is here. People want to be at this airport. They want services such as wash racks and restaurants. The airport has no services other than a self-service fuel rack. With very little effort, the City could make this airport extremely successful. A vote tonight to increase fees is seen as a vote to continue a desire by the Council to close the airport. The association hoped Council would advance the cause of the airport and vote not to increase the fees but to develop the airport.

BRUCE WILLBRANT, 127 Flamingo Drive, opposed the rent increases, stating this is another step toward closing the airport, which is the path the Council majority has been on the last couple of years. That is the larger issue, and they need to be clear. If it were just about finances and making a profit, the airport could have been making about \$1,000,000 per year, according to the City's own study, if they had followed through on the Airport Master Plan. However, the Council majority has derailed every improvement and blocked any attempt to further develop the airport's profit potential. He asked what kind of landlord would block improvements of a property and then raise the rent. The only obvious conclusion is that they want to force out the remaining tenants and drag the airport further into a pool of red ink. Their ultimate goal is for the airport to become such a money loser that they can tell the Federal Aviation Administration (FAA) that they are losing too much money and want to be released from the grant obligations and close the airport. It is obvious that they are trying to mismanage the airport right into the ground. He has a

collection of Council agendas, newspaper articles, editorials and letters over the last 5-6 years that outline the fiasco of the Oceanside airports He read headlines from some of those. Everyone can see how this airport could be managed and what Council is trying to do. It is a sham to say this increase is just about finances. They all know how the airport could have been generating profits years ago. They know what the airport could and should be. It is a fiasco to see the wasted opportunities thanks to the Council that has refused to support it.

JERRY KERN, 4597 Big Sur Street, stated there was a lack of vision. The pilots know the rates will eventually have to be increased, but the City cannot raise the rates on something that is falling apart. They have lost 3 hangars because they are falling apart, and now Council wants to raise the rents on the others that are continuing to deteriorate. If they do not invest in improvements and then try to get more money out of the people there, they are actually trying to force the airport to close. If Council votes for this rent increase tonight without coming up with some vision or plan, then it is a vote to close the airport.

RENE DE LATHAUWER, 4763 Gardenia Street, pointed out that they have been talking about the same thing for 5 years. The newspaper quoted the Mayor as saying he wanted the airport to be self-sufficient. Mr. de Lathauwer asked how the Mayor expected to do that. This is unbelievable. The City has the chance of making \$1,000,000 per year.

BOB LAMAR, 2682 Tonto Way, San Diego, had been flying over the fires currently burning in Yucca Valley and Anza. He flies fire research for the U.S. Forest Service based at Palomar. It is an asset that was created by NASA and the Forest Service. When he flew the Cedar, Paradise and Otai Fires, Oceanside was one of his options if Palomar had to close. Additionally, if the military needs to evacuate people, they might use Oceanside for a staging area for national events. In current times, he would not want to be on a city council that voted down an airport or made any kind of move to go in that direction. Other pilots use Oceanside's airport in times of emergency or when they need to get fuel. One good fire around Ramona could close the Ramona and Carlsbad airports at the same time. They would be forced to use Oceanside's airport. If \$80,000 is all they are lacking, it is a bargain compared to what they would be missing if they shut down the airport and then had a county emergency.

HERB CARLSON, 26126 Paseo Marbella, San Juan Capistrano, has a plane based at the Oceanside airport. He also has a plane at Corona, which charges \$35 per month for an outside tie-down and \$300 for a hangar. He has offered to build hangars here like Fox did. There, they built a hangar, and in 22 years the City gets the hangar for free. Mr. Carlson flies late in the evening, and he sees a lot of Life Flight helicopters using the Oceanside facility. He has also seen Palomar Airport closed due to a runway excursion and a crash. A lot of planes came to Oceanside to wait out the clearing of the runway. He did not know what other alternative they would have. The pilots are giving money to the City. He doubted that parks and bus systems pay their way.

He gives gifted children rides in his plane at no charge through the Young Eagles Program. It gives them a chance to become oriented to aviation. It is his public service. Some of the children have lunch at the airport on Thursdays.

He also noted that this is one of the hardest patterns to fly under the FAA and Oceanside's requirements for noise abatement, staying away from Camp Pendleton and houses. The airport is a vital link to Oceanside. He is against any rent increases, noting the pilots pay state fees, county fees, registration, insurance and maintenance fees. He believed the airport could be developed and asked Council not to close it.

PAUL ODDOU, 1446 Burroughs Street, opposed the rent increase and supported the preservation and development of the airport. Everyone knows how to make the airport profitable. The real issue is that the leaders of the City need to listen to the citizens.

[This concluded public input.]

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COUNCILMEMBER CHAVEZ had reviewed past minutes of the Council, noting that since March of 2003, airport issues have been before the Council 13 times. He presented what he felt was a time line of mismanagement:

- March 12, 2003 - Council implemented the Airport Master Plan. If they provided 100 hangars as called for by Phase 3, it would generate a revenue of over \$1,200,000.
- March 7, 2003 - the City purchased 14.7 acres from the Deutsch Company to implement Phase 3.
- February 2, 2005 - Council accepted the loan of \$850,000 for the first phase of the Master Plan.
- August 24, 2005 - Council denied the acceptance of grants of \$195,000 and \$150,000 for the security of the fence and to continue Phase 1. This was done by a 2-2 vote, which meant the City lost the opportunity to obtain this free grant money.
- October 12, 2005 - On a 3-2 vote, Council decided to do an alternate use study.
- November 9, 2005 - When they attempted to determine an alternate funding source, Council voted 3-2 to deny looking for alternative funding sources.

Those last 3 critical votes to not take grants, to spend money on an alternate use study and to deny even looking at alternative funding is why they are in this current position. He displayed computer slides on the current hangars that the City is asking to raise the rents on, pointing out the poor condition of the hangars. He noted that the staff report stated the recommended old hangar rent increases are based on the size and condition of the hangars. Hangar 5 has no roof, but the City is proposing to raise the rent 38%. Staff used Fallbrook to compare the rental rates; however, Fallbrook is a very nice airport with a restaurant and other amenities. He questioned if these increases made any sense in light of the poor condition of the hangars.

Later in the meeting, there will be discussions on enterprise funds. Council had previously heard 4 different presentations on airports that work. In response to Council's query on how many residents use the Oceanside airport, the figure was 33%. He pointed out that fewer than 30% of the people who have boats in the harbor are residents. The bottom line is that Council can continue to mismanage this great asset, but the airport could pay for itself and be a critical asset for the City for many years to come. He would have no problem increasing the rents of the hangar spaces if this Council would agree to move forward on investing the grants and using other options to build up this airport. However, until Council starts investing in this airport, he would not support the increase.

COUNCILMEMBER SANCHEZ stressed that this item is about rate increases. It is not about closing the airport. She had asked the length of time the City has an obligation to the FAA, and the answer was 16 years. Therefore, this item is not about closure of the airport. The first speaker was right in saying that past councils have caused these conditions to the airport. This airport has been around for about 50 years. It is not true that the current Council has a lot to do with the current condition of the airport. This new Council majority has only existed since June 2005. Prior to that, the other councils did nothing for the citizens. The conditions of the hangars as shown by Councilmember Chavez were created over several decades, not one year. The issue before the Council tonight is what would be a reasonable rate to charge since the City is losing money. She has heard that this airport would make money if it were run correctly. The airport is roughly \$450,000 in debt. She asked what period of time that debt represents.

MR. WEISS stated it was since the start of the airport. He believed the time the airport started losing money was in the mid-70s and early 80s.

COUNCILMEMBER SANCHEZ emphasized that the losses to the airport did not happen in one year. She asked if building the 10 hangars would erase the \$450,000 debt, and **MR. WEISS** replied negatively.

COUNCILMEMBER SANCHEZ then asked whether the City has hired outside counsel to close the airport.

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CITY ATTORNEY MULLEN replied negatively. He explained that in October 2005 the Council authorized a study. The Interim City Attorney at that time retained a private firm to assess the baseline existing laws that apply to airports in order to facilitate that study. Therefore, there was a retention agreement only to evaluate the laws that apply to airports.

COUNCILMEMBER SANCHEZ next asked staff if they have been given any direction to close the airport, and staff replied they had not. She stressed that there has been no direction to close the airport. The City's obligation is for 16 more years. Regarding this item, staff has looked into average rents. For tie-downs, bringing the rate to \$125 per month would still be below the average monthly rates. If the rates were structured to reach that average monthly rate, she asked how much of the \$80,000 gap and \$450,000 existing debt would be offset.

MR. WEISS stated that if Council only raised the rents half of the recommended amount, it would take twice as long to make up the difference. Staff is looking at a one-year period to make up that \$80,000. If Council chose to raise the rents at half the recommendation without some other type of planned increase, they will see an operational deficit for a longer period.

COUNCILMEMBER SANCHEZ understood that members of the Association were suggesting reaching that rental rate but not immediately.

MR. GURLEY agreed that the Association would like to see the rates raised incrementally. The actual phasing and amounts were never discussed.

COUNCILMEMBER SANCHEZ then responded to comments made. Mr. Knott had raised the public benefit exclusion. However, these are actual costs. The issue of differing rates between resident and non-resident users was not recommended by the City Attorney. The City is basically trying to recover costs.

Regarding schools, she noted that Oceanside has 4 school districts within its boundaries. The City is not able to tell the school districts how to spend their money.

She referenced Mr. Kern's comments on a lack of vision, pointing out that this is not a new issue. In reference to Council talking about the same thing for the last 5 years, she stated that there was a different majority and a different mayor. At that point the Association hired Jack Orr, and they received something from Council without an EIR. The City was then sued. The law says an EIR is necessary. It is a complete misnomer that the condition of the airport has dramatically deteriorated in one year and accumulated \$455,000 in debt. The bottom line is who should pay for the airport and whether the funds should be taken away from City projects in order for the users not to have to pay the actual costs of running the airport. If the users do not want to pay a reasonable rent, then they want everyone else to pay for it through tax dollars. That is difficult for her to do.

Councilmember Chavez has given presentations on airports that work. Unfortunately, none of those airports have anything to do with Oceanside's airport, which is finite. Deutsch industries no longer need this airport. The runway cannot be extended, and residential is built around the airport. The City is getting higher densities in residential, so there are more people. There are schools in the path of these planes. Therefore, they are not looking at an airport that existed with 30,000-40,000 people. Now there are 174,000 people.

She **moved** to give direction to staff to raise the rates in increments. While it may take longer to catch up fiscally, it would be the fair thing to do. The rates proposed are reasonable, and the market has determined those rates.

DEPUTY MAYOR MACKIN seconded the motion.

COUNCILMEMBER FELLER stated he and Councilmember Sanchez have been on

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this Council for nearly 6 years, and they have been on opposite sides of the airport issue for the entire time. They are the only 2 who are still here, and he cannot change what councilmembers did in the past. However, he knew that Councilmembers have done everything possible to stop the airport from succeeding up to this point. They did not accept the \$195,000 for the funding, and they did not complete the hangars when they were on the verge of getting the loan for the other 10 hangars. The City is going to hire a new grants writer, which is another opportunity for them to apply for grants for airport improvements. The harbor slip rental rate is not the highest in the state. If Council had spent the last 4 years doing to the harbor what they have done to the airport, the harbor would be a pathetic mess, too. Instead, they tried to expand the harbor and make it the best it could be. All the money that comes in goes back into the harbor for improvements.

The City should have accepted the \$195,000 and obtained a state grant to build the other hangars. They accepted grant money for the Deutsch property to seriously expand the airport. He believed that the airports shown that have the same rates as proposed are Fallbrook and Ramona, which do the best for their airports. The City's rents would ultimately increase once the airport is back on track. He was disappointed at seeing the number of empty, beat up hangars that are sitting there, or using the slabs for hangars for tie-downs at one-tenth of the rental rate. He advocated improving the airport.

He then asked where the money went when the City sold some of the land to Caltrans in 1990s [for Highway 76] and tore down hangars for that project.

MR. GURLEY responded that the City bought land from Caltrans in their surplus land sales to replace that acreage. He could not respond to the issue of the land bought by Caltrans.

COUNCILMEMBER FELLER asked that this be researched. If the money went into the general fund, the airport might not owe as much money as thought. He would not support the rental increase because Council is doing everything possible to torpedo the airport. They have halted things that were in process, such as building the hangars. They did not accept money for security fencing, etc. They need to improve the airport. The old hangars are an eyesore. There are a lot of things that can be done.

DEPUTY MAYOR MACKIN felt the motion to raise the rents incrementally was the fair thing to do. There is so much misinformation. She received a letter from a homeowners group in Ocean Hills, who said that airport supporters had met with them, told them the City was going to close the airport and that all of the little planes from Palomar would be buzzing over their homes if they did not stop the Council. She has sent a written response stating how untrue that is.

The mismanagement of the airport did not begin in 2005; it began in the year 2000. This has been an ongoing issue. When she came on the Council, she was appalled to discover that the airport was in debt. On the other side, children and others would ask Parks and Recreation for funds for programs that the City could not afford to fund. The City needs to make up that debt and be responsible.

She also had a hard time paralleling the airport with the harbor since there is a vast difference between the two. Not all of the money received in the harbor district stays in the harbor. She has made no overtures to any staff members to close the airport. She would support the increase since the users need to take responsibility. She hoped the half truths and scaring seniors stops.

MAYOR WOOD stated this issue is only about rate increases. There has been one lawsuit, and there is potential for more. That is why he asked in 2002 for an analysis on the use of this property. He believes the result will be that there is a better use for the airport land. He was more concerned about obtaining information on what it would entail to close the airport. He did not receive accurate information. Closing the airport would definitely cost the City a lawsuit or more, and he wanted to discover if it was worth the effort. He did not want to have a constant debate over the issues. This item is about rates

and having the airport support itself. He has never said he wanted to close the airport. In 2002, the majority of the Council wanted to close the airport, and he was on the minority side. The City Manager at the time wanted to close the airport or have it die a slow death. He had asked questions of the City Attorney, who has indicated that the City would probably be sued no matter what they do. He has heard one side advocate selling the property for \$25,000,000-30,000,000 and build commercial. That would result in jobs for the citizens and a better tax base. Council represents the citizens on both sides. The issue became personal. Mean-spirited supporters have called him. He has talked to people from Washington, D.C. representing the FAA, who made a veiled threat. Funding for the recall on a councilmember is backed by the Airport Association. That does not help the airport's cause. Council needs to determine what is best for everyone.

Another group suggested putting this on the ballot. The Mayor stated the ballot measure would depend on how it is worded. If the question is simply "Do you want to save the airport?" then the vote would be yes. However, the airport has a problem.

Regarding the accusation of mismanagement by Council, he has lived in Oceanside for a long time, and the airport has remained exactly what it is, even under pro airport councils in the past. Due to the threat of lawsuits, he felt past councils did not want to touch the airport issue. He objected to the issue becoming personal and political. He also noted that, for those Councilmembers who vote no every time fee or rate increases are brought forward, it is also mismanagement. That is how they fund the City operations. Until things progress downtown to improve the tax base, they are on a tight budget. He asked clarification on the motion to avoid bringing this issue back at another meeting.

COUNCILMEMBER SANCHEZ restated her motion to support staff's recommendation [to adopt **Resolution No. 06-R0475-1**, ". . . Approving rent increases at the Oceanside Municipal Airport," but to do it in increments.

MR. WEISS suggested 50% of the projected rate increase now and the balance in 6 months as an automatic adjustment.

COUNCILMEMBER SANCHEZ, as maker of the motion, concurred.

DEPUTY MAYOR MACKIN, as second, agreed. Motion was **approved 3-2**, with Councilmembers Feller and Chavez voting no.

[Recess was held from 9:39 to 9:49 PM. Councilmember Chavez was absent]

MAYOR AND/OR COUNCILMEMBER ITEMS

35. **Request by Deputy Mayor Mackin to discuss height restrictions for buildings on South Pacific Street, and direction to staff**

DEPUTY MAYOR MACKIN noted that the City has seen a lot of in-fill projects lately. In October 2005, she had brought forward the height issues raised by the neighborhood in the North Pacific Street area regarding development across the street from them, which would decrease their property values, quality of life, etc. Now the City has a view protection for these residents.

[Councilmember Chavez returned to the meeting at 9:50 PM.]

At this time, she **moved** that Council look at the exception rule under Section 3018 of the Zoning Ordinance and direct staff to bring back language to restrict the height on both sides of Pacific Street (from Neptune to Eaton) to 27 feet. The City's existing Zoning Ordinance, Section 3018 has a 10% rule. She has worked with the Redevelopment Manager to determine how to preserve the architectural movement of buildings along Pacific Street. She believed Section 3018 was brought into effect to prevent the serial box effect from occurring on Pacific Street. Since then, projects have come forward with added rooms, maintenance storage, elevator shafts, stairwells, etc. That brings most of the

projects above the 27-foot height.

COUNCILMEMBER SANCHEZ seconded the motion.

STEPHEN SANDBERG, 204 Oak Street, showed slides of Pacific Street and where the views are obstructed due to the 10% of the footprint exemption that is allowed.

Public Input

LON STEIN, 1619 South Pacific Street, has lived here since 1980. He supported the 27-foot height. In the legal language, he believed it was 27 feet or 2 stories. The east side of Pacific Street needs to be reviewed separately. The 2-5% for a pitched roof is reasonable. However, by going up the 10% and going subterranean 5 feet, it will create problems. It will make the structure 3 stories and fall under the bulk and scale issues that occurred previously. On the west side, 27 feet is adequate, with 2% for mechanical devices. He would not support 35 feet on the east side of Pacific Street. Because of the topography, he felt the City should take a separate look at the area of Pacific Street both north and south of Buccaneer Beach.

MARGIE HERNANDEZ, 1618 South Pacific Street, felt that the area from Eaton to Neptune is for the public as well as the residents. The pitched roofs are an excellent idea since that provides views between the homes. Mostly, the height is 27 feet on both sides. She lives on the east side of Pacific and has no problem with that restriction. There is a home across the street from her, and with the allowed 10%, she will lose the view. She hoped Council would protect both the citizens and the visitors.

JANICE MCGEE, 6499 Fairwater Place, Carlsbad, stated her family bought a home at 314 South Pacific in 1969. Her mother still lives there. There is a tremendous amount of character in the homes along Pacific Street. She opposed the block style home approved south of her mother's home. There will not be a view once this home is built. The height restriction should be kept at 27 feet. North Pacific is at 27 feet, and South Pacific should follow suit. South Pacific is the showcase coastal residential street. She was shocked with the project Council approved next to her mother's home, including tandem parking for 4 cars, a recording studio and a lounge, an elevator, etc. For the record, she supported maintaining the charm of Pacific Street and not turning it into a bunch of high rises that take advantage of every square foot, regardless of threatened lawsuits and tax advantages to the City. She urged Council to keep the height at 27 feet and no higher to maintain consistency to these streets.

RUTH CLIFFORD, 314 South Pacific Street, lives beside the project at 318 South Pacific that Council approved and did not receive a notice of the hearing. She only found out through a neighbor the day before. The project is going up to 27 feet in height, plus 10% for the elevator, air conditioner and mechanical room. This is not only an eyesore but ruins the view for people on Myers Street. She supported having the height restriction kept at 27 feet only. People walk by her home daily. They love the view and enjoy the varied homes, not large concrete buildings.

BRETT MAGEE, 303-309 South Myers Street, supported the 27-foot height limit and urged Council to take action quickly before any other projects are approved like the one at 318 South Pacific Street. On July 4, there were at least 30 minors in that front yard drinking beer. This is not the kind of thing the residents want there. The applicant is taking a nice looking little house and replacing it with a big boxy thing. Mr. Magee's family has lived on Myers Street for 100 years, while the applicant has only been here 3 years. Now he is going to lose his ocean view, which does not seem right.

CAROLYN KRAMMER, 904 Leonard Avenue, stated they are losing the character and charm of Oceanside's beach front. The Coastal Commission wants to see a stepped look. The little bungalows are now going to 3 stories. Out-of-town developers and investors are pushing the envelope. Instead of staying within the 27 feet, they are going the extra 10%. She urged Council to save the character of Oceanside and preserve it for those who

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live here, not those who make their money and then leave.

PAMELA MYERS, 910 North Pacific Street #35, felt the Council should be looking at the whole of Pacific Street down to Breakwater Way since there are some homes between Neptune and Breakwater. She supported the 27-foot rule or 2 stories. If 35 feet is allowed on Pacific Street, it will create a tunnel effect and increase the noise. She preferred the 27-foot height on both sides of Pacific Street and the pitched roofs on the west side in particular. She advocated a master plan for Pacific Street for uniformity and ease in planning.

ROBERT CAVE, 200 Pine Street #1, has had a lovely view of the pier for the last 16 years. The box project approved by Council will totally block that view. He urged Council to stick to the 27-foot limit without the 10% in order to preserve the views.

STEPHEN SANDBERG, 204 Oak Street, encouraged Council to change the ordinance to eliminate the 10% rule. North Pacific has the 27-foot limit, and the people on the Strand can only build to the bluff. In his area, they can go to 35 feet. This creates a step effect. The 27-foot maximum height preserves the views of the people behind them. A second issue is a form of revenue. If they take away views by allowing the 10%, property values will decrease, which in turn means less tax revenue for the City with resale. The views should be protected. He had provided packets to Council with signatures representing 40 properties. He questioned whether the interests of the developers or the citizens are being protected.

DEPUTY MAYOR MACKIN amended her motion to include both sides of Pacific Street from Breakwater Way to Eaton Street.

COUNCILMEMBER SANCHEZ as second concurred. She reported that the Redevelopment Advisory Committee (RAC) has been looking at this for the Redevelopment Area. Oceanside is becoming the place people want to be, and everyone wants to make money. The bottom line is that people from out of town come in and think about developing every square inch on these properties. This issue has become critical because the long-time residents are beginning to feel the effects of the City's success. The RAC is also looking at basements in the area, perhaps requiring a conditional use permit. They want any impacts to be contained as much as possible for new development. The project that the speakers had referred to was basically a home business recording studio. That has a big impact on the neighbors and probably should have been looked at separately. However, it is now done. If that were to happen all along Pacific Street, the residents who have been here for years would leave.

COUNCILMEMBER CHAVEZ stated the petition presented to Council talks about eliminating the 10% footprint of the building in the Redevelopment Area. The agenda item is to discuss the height restriction for buildings on South Pacific Street. They are talking about the rights of the community and zoning issues, as well as the rights of the owner. The City Attorney will have to determine what the City can legally do. There is also the issue that part of this is in Redevelopment and part is outside the area. There are a lot of parts to this. Therefore, he suggested holding a workshop or having staff review it and provide guidance on the issues. To approve a motion that is not on the agenda is also an issue. He was not comfortable with the motion as it stands. The issue should go back to staff.

MAYOR WOOD agreed that the agenda calls for direction to staff.

CITY ATTORNEY MULLEN clarified that Council is not adopting anything tonight. The motion would be to direct staff to work on an amendment to the Zoning Ordinance to bring back in accordance with all of the applicable procedures that will apply. He understood that the 10% floor plan does relate to height as it determines the maximum allowable height. Council should not pre-commit themselves on how they will vote in a future noticed public hearing.

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COUNCILMEMBER FELLER noted that people have made comments that Oceanside is becoming a no-growth city. These are the kinds of things that make that seem true. Mr. Sandberg was the first one to call him regarding quiet zones, getting his deferred undergrounding for utilities, and his 3-story home on Oak Street. Councilmember Feller questioned what happens to the view of the people living behind Mr. Sandberg. He asked the height limit on Myers Street.

SHAN BABICK, Associate Planner, replied it depends on the location on Myers. From South Myers to Wisconsin in the Redevelopment Area, it is 35 feet. Further south of Wisconsin, it is 27 feet or 2 stories on Pacific Street and Myers Street.

COUNCILMEMBER FELLER stated that this item is South Pacific Street only. He noted that the building that Pamela Myers lives in is 45-50 feet high. There are many buildings on that side of Pacific Street that are a lot taller than 27 feet. It is about property rights for those people living there. Eight of the people signing the petition that Mr. Sandberg submitted do not even reside in Oceanside. People change their minds as time goes on. He would support looking at this issue, but he did not think he would support a 27-foot limit for the length of Pacific Street.

COUNCILMEMBER FELLER called for the question, and **COUNCILMEMBER CHAVEZ seconded** the motion for the call. Motion was **approved 4-1**, With Deputy Mayor Mackin voting no.

The motion [to direct staff to work on a Zoning Ordinance amendment to limit height to 27 feet on both sides of Pacific from Breakwater to Eaton and look at Section 3018] was **approved 5-0**.

In accordance with Council Policy, Council voted on whether to continue with agenda items (after 10:00 PM). Motion was **approved 4-1**, with Councilmember Chavez voting no.

36. **Request by Deputy Mayor Mackin for a presentation by NCTD regarding the Transit Station Area Land Use Master Plan and Facility Redevelopment, and direction to staff**

PETE AUCKLAND, with North County Transit District (NCTD), discussed 3 studies being done regarding the long-term use of the Oceanside Transit Center and NCTD's and Oceanside's related properties. About 2 years ago, NCTD undertook a planning effort to look at 3 transit centers (Oceanside, Carlsbad Village, and Escondido) but ran out of funds. They have now obtained a Caltrans grant and are restarting those studies. In Oceanside, they will be looking at just under 13 acres that NCTD holds in and around the Transit Center. The railroad, the new parking structure and the underpass will all stay there. For the remainder, they are looking at what they would do if they could do anything they wanted. NCTD is a transit agency, so their transit mission is paramount. Under that is preserving their options for future transit, such as bus travel patterns and increasing rail ridership, which is dependent on parking elements. Having originations/destinations that people want to take public transit to is very important, as is revenue to help pay for improvements. They also want to work with the City and what is needed or desired for the Redevelopment Area. Finally, they are looking at what would be welcomed by the public.

NCTD staff has met with the Redevelopment staff and have established a board ad hoc committee made up of board members from the 3 cities affected. Deputy Mayor Mackin is on that committee. NCTD will coordinate public outreach with City staff. They are looking at projects that they could partner with other projects. They will walk all 3 transit centers to determine what they need to preserve the transit element.

Oceanside is one of the most diverse rail hubs in the entire nation, with Amtrak, Metro Link and the Coaster, and now the Sprinter coming in. The Transit Center will be a front door to Oceanside for many people.

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NCTD anticipates having the complete report done by the end of the year or January and the public process to be completed in September.

Public Input

JIMMY KNOTT, 124 Sherri Lane, was past Chairman of the Transit Productivity Advisory Committee for NCTD. He asked if this could be integrated within the Transportation Element of the General Plan, which will be coming up for public hearings. The public outreach could be overlapped.

DEPUTY MAYOR MACKIN reported that was discussed with NCTD, and they plan to plug this in so that people could provide input.

COUNCILMEMBER FELLER asked for an update on how the parking structure is being used and the status of parking on streets around the Transit Center, which was a big concern for the businesses.

MR. AUCKLAND responded that the lot has reduced the neighborhood parking. People have found that the parking structure is strategically located. As far as capacity, the day he checked, all of the covered parking was used. Therefore, about 65-70% of the structure was full. Any development on the part of NCTD in the area would involve working with the City to identify and address parking needs.

[Deputy Mayor Mackin left the meeting at 10:38 PM.]

COUNCILMEMBER SANCHEZ stated that last Saturday, the first two floors were completely full, and the elevator was not working. When the parking lots are gone and phase 2 of the theater property is done, they are not replacing that much parking. It looks like the structure will be at capacity even before the other uses are discussed. There is only one other parking structure that will be built, and that is on City property.

[Deputy Mayor Mackin returned to the meeting at 10:40 PM.]

MAYOR WOOD also felt that once the developer moves forward, the structure will be at maximum capacity. Oceanside is now a large city and is already reeling from traffic and transportation issues. The City will be impacted from the Sprinter and all of the stations, including the double tracking and the gate arms going down every 15 minutes on main corridors. He would like NCTD to be more aggressive in bettering the Oceanside area, since it will be the most impacted. When NCTD looks at the Transit Center, he would like to see the parking situation addressed. This parking structure may be too small.

[This item is for information only.]

AGENDA ADDENDUM

37(A). **Mayor Wood: Appointments to, or motions to remove from, some or all of the City's Citizen Advisory Groups**

MAYOR WOOD clarified that he is contacted daily by people who want to sit on committees and commissions. Sometimes people tell him they have worked hard, and it is someone else's turn. When he tries to change people on the advisory groups, the last thing he wants is for someone who has done a great job serving the community to feel bad. The City appreciates what they have done, but other people want a turn to serve. Everyone brings something special.

JIMMY KNOTT, 124 Sherri Lane, had received telephone calls from current commissioners. Many were hurt. They had heard from a Councilmember that they were not being reappointed after years of devotion to the City. They are mostly upset with the way this was handled. They were not privately told or thanked for their years of service. Instead, the way this issue was handled was demeaning. It has been years since any day

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of recognition has been held for the volunteers. He urged that the members be called to explain the reasons to them.

COUNCILMEMBER FELLER felt if this was to be a massive lay off of longevity, then it should go equally through all of the commissions. Otherwise, to get rid of the heart of the Senior Commission and the experience of the Utilities Commission only is nothing more than vindictiveness.

MAYOR WOOD moved to approve the following nominations to the Council for approval:

<u>ARTS COMMISSION</u>	<u>Term Expires</u>
Reappoint Penny Hill as Regular	7/1/2009
Appoint Lynn Weston as Regular (replacing Linda Kallas)	7/1/2009
<u>HISTORICAL PRESERVATION ADVISORY COMMISSION</u>	
Reappoint Lynn Shoger as Regular – Architect	7/1/2009
<u>HOUSING COMMISSION</u>	
Reappoint Geraldine Cooper as Regular	7/1/2009
<u>POLICE & FIRE COMMISSION</u>	
Reappoint Lynn Allen Briley as Regular	8/1/2009
Move Wallace Carlson from Alternate I to Regular (replacing Ryan Keim)	8/1/2008
Reappoint Louis Keiner as Regular	8/1/2009
<u>REDEVELOPMENT ADVISORY COMMITTEE</u>	
Reappoint Carolyn Krammer to Regular – Real Estate Profession	7/1/2009
<u>SENIOR CITIZENS' COMMISSION</u>	
Appoint Ben Scott to Regular (replacing Joseph Barreras)	2/10/2009
Appoint Patricia Ayers to Regular (replacing Catherine Duff)	2/10/2009
Appoint Terrecita Bernal to Regular (replacing James Spearman)	2/10/2009
Appoint Steve Conley to Alternate II	2/10/2008
<u>UTILITIES COMMISSION</u>	
Move Harry Homer from Alternate I to Regular (replacing Lloyd Prosser)	7/1/2009
Move Bryan Boyle from Alternate II to Regular (replacing Reynold Blunk)	7/1/2009
Reappoint Charles Rady, Jr.	7/1/2009

The motion to approve appointments as submitted died for lack of a second.

CITY CLERK WAYNE explained that no one will be appointed as this time. There is an item under introduction of ordinances that changes the way they operate. In the future and for most of the commissions, once a person's term ends, they will no longer be serving. This will create vacancies on those commissions until appointments are made.

CITY COUNCIL REPORTS

38. **Mayor Jim Wood**

MAYOR WOOD announced that at 2:00 PM, July 13 there is a meeting with the ad hoc committee [Mayor Wood and Councilmember Chavez] regarding a veterans hall.

39. **Deputy Mayor Shari Mackin**

DEPUTY MAYOR MACKIN thanked MainStreet for putting on the July 4 parade event. Following the parade, Council attended the American Heroes Tribute, which was a wonderful dedication ceremony. The American Heroes Tribute is strictly a nonpolitical organization, and their mission is to bring healing to the families through the recognition of these heroes. Over 70 American Heroes Tribute banners are on display in the Oceanside harbor and along Coast Highway. She recognized those who volunteered or made donations.

Fire Mountain Cleaners was recently recognized as the 2006 Best Of by the *San Diego Magazine*.

Ed Lockmueller, 82-year-old Oceanside resident, has been named Artist of the Month for July by the Vista Art Foundation. He did not start to paint until he started to go blind 3 years ago. He is also an outreach volunteer for the Braille Institute and leads a support group in Oceana.

The girls softball team will hold a fundraiser at the Flying Bridge Restaurant on July 15.

40. **Councilmember Rocky Chavez**

He encouraged people to attend the ad hoc committee meeting regarding the Veterans' Hall.

41. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the Samoan Cultural Celebration on Saturday and Sunday.

The police and fire did a good job suppressing any problems at the beach on July 4.

The Little League All Stars are doing well and playing for the district championship.

42. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ recognized those who made July 4 a great celebration. She announced upcoming meetings, including July 26 and August 3 and August 15 community meetings regarding skate park planning. On July 31, she and Deputy Mayor Mackin will hold an ad hoc committee meeting to discuss a "solar for seniors" program.

There will be a workshop on August 30 regarding the potential of Center City Golf Course. Council will receive the first draft of the convention center study in August.

INTRODUCTION AND ADOPTION OF ORDINANCES

The City Council/HDB/CDC has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that full reading of ordinances

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may be waived. After the City Attorney has read the titles, the City Council/HDB/CDC may introduce or adopt the ordinances below in a single vote. There will be no discussion of the items unless requested by members of the City Council/HDB/CDC or the public.

COUNCILMEMBER FELLER referenced the staff report, asking for clarification. He asked if only the Planning Commission and Manufactured Home Fair Practices Commission members would remain until their successor is named.

CITY ATTORNEY MULLEN confirmed that was correct.

Following the titling of the ordinance, **COUNCILMEMBER SANCHEZ moved** to introduce the ordinance, [". . . amending Chapter 2 of the Oceanside City Code by the amendment of Section 2.1.64(f) regarding expiration of terms of members of City boards, commissions and committees."]

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

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 11:09 PM on July 12, 2006.

APPROVED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside



CITY OF OCEANSIDE

California

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

AUGUST 2, 2006

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**
Shari Mackin

**Councilmembers
HDB Directors
CDC Commissioners**
Rocky Chavez
Jack Feller
Esther Sanchez

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

Treasurer
Rosemary Jones

**Interim:
City Manager
HDB Chief Executive Officer
CDC Executive Director**
Barry E. Martin

**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 4:20 PM, August 2, 2006 by Mayor Wood.

4:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Mackin and Councilmembers Feller, Chavez and Sanchez. Also present were City Clerk Wayne, Interim City Manager Martin 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 2A [Item 1A was not heard.] Closed Session and recess were held from 4:20-5:03 PM. [See the report out on these items at 5:00 PM, Item 3.]

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

5:00 PM – INVOCATION

MAYOR WOOD reconvened the meeting at 5:03 PM. All Councilmembers were present. Also present were City Clerk Wayne, City Treasurer Jones, Interim City Manager Martin and City Attorney Mullen. Pastor Carl Souza from the San Luis Rey Baptist Church gave the Invocation. Jessica and Catie Pentlarge led the Pledge of Allegiance.

PROCLAMATIONS AND PRESENTATIONS

- [Presentation by the City's federal lobbyist concerning the federal appropriations process and status of Oceanside's FY 2007 federal appropriations requests]

This presentation was not given.

- Off-agenda Presentation – Fuji Sister Cities visit

COUNCILMEMBER FELLER and members of the Sister Cities Foundation reported on their Sister Cities delegation trip to Fuji, Japan. The Mayor of Fuji, Japan presented the delegation with a beautiful scrolled mural of Mt. Fuji, a scroll "Award of Honor to the City of Oceanside," and a packet of information, which Councilmember Feller presented to Mayor Wood. He expressed his gratitude for the opportunity/privilege to represent Oceanside with its Sister City of Fuji.

- Presentation – "Pet of the Month"

JULIE BANK, the new Executive Director of the North County Humane Society & SPCA, in her third week of work, brought the "Pet of the Month," a dog named "Bootsie" that needed adoption. She also expressed her desire to work cooperatively with the City. She announced the coming grand opening of the new dog park.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN gave the following report on the item previously discussed in Closed Session:

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

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

No closed session was held.

2. **CONFERENCE WITH REAL ESTATE NEGOTIATOR ON TRANSACTIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (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 Development and Redevelopment Director, and Delmar Williams and Paul Marra; Under Negotiations: Terms of Memorandum of Understanding

The item was discussed; there was no reportable action.

Changes to Agenda

CITY CLERK WAYNE announced that Item 19, as reported on the agenda, is no longer needed. Item 20 has been removed from the agenda at staff's request and will be re-noticed at a later time. Item 24 has been continued to the August 9 agenda.

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.

4. **Advance written request to reserve time to speak:**

Request by Rick Kratcoski to speak regarding zoning changes in residentially zoned neighborhoods

RICK KRATCOSKI, 2110 Foster Street, lives at the corner of Grace and Foster, in a single family residential neighborhood. He displayed computer pictures of property being developed. There are a number of vacant lots/parcels in this area including on Dixie Street, Grace Street, the Elks property, etc. Developers want to rezone from RS (single-family residential) to a higher density, and nonprofits want to sell parcels and use the money to fix up their buildings and property. His concern is that these lots could end up in high-density apartments. There needs to be a better system to protect the RS zoning/neighborhoods and the General Plan.

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

JUNE KRISTOPOVICH, 727 Rivertree Drive, expressed her concern with the potential for flooding in the San Luis Rey River area. The Army Corps of Engineers has not kept their promises to clear the river of vegetation and prevent flooding. Council was elected to protect its citizens, and she hopes they will find a way to make sure that happens.

PETER WEISS, Public Works Director, believed the Colonel of the Army Corps of Engineers was planning to come to the next Council meeting for a briefing of where they are in the process.

POLICEWATCH.ORG -- Only identified as Policewatch.org, a gentleman stated this is truly an evil society and referenced quotes from unknown sources about the problems and crimes of police officers. He wanted electronic devices to watch the officers.

JIMMY KNOTT, 124 Sherri Lane, distributed a booklet of the Rincon Education Center titled "Katuktu – The story of Moro Hill". He reviewed the story and encouraged Council to consider the sacredness of this area and further protection.

NADINE SCOTT, 550 Hoover Street, submitted a letter from Phillip M. Needleman, 2717 Mesa Drive, who expressed opposition to rezoning Loma Alta to a higher density and more cut-through traffic. Ms. Scott, for herself, expressed how distressed she is that the Planning Commission voted approval for the Elks property to increase density, stating that these continuing massive density increases in single family neighborhoods has to stop. She advocated looking at the whole city to see how much it is impacted by traffic. She urged Council to reject the Elks' proposal.

KEN LEIGHTON, 1109 South Nevada Street, expressed his concern that the City Clerk is not producing timely minutes.

BEN SCOTT, 516 South Horne Street, was happy to hear about the dog park opening soon, and hopes the City moves faster with the skateboard parks.

JACKIE CAMP, Program Director of Able/Disabled Advocacy, stated that in her evaluation, the pier has never been inaccessible. The bumpy ride is due to the wooden planks of this historic pier. It would not be practical or advisable to change it in any way. The bumpiness can be eased by the type of wheelchair tire. She agreed that the pier is fine as it is.

GEORGE BARRANTE, 5044 Chalet Drive, reported that, as a Council candidate walking precincts, he is getting questions about the downtown hotel and the rumored funding gap issues.

With no one else wishing to speak, Public Comments were concluded.

CONSENT CALENDAR ITEMS [Items 6-17]

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

CITY CLERK WAYNE removed item 17 from the Consent Calendar for discussion due to the receipt of a Request to Speak.

COUNCILMEMBER MACKIN stated she would abstain on Item 6 and wished to pull Item 14 from the Consent Calendar for discussion.

CITY CLERK WAYNE advised Council of a correction to the agenda wording for Item 6 to show "acceptance" rather than 'approval'.

The following Consent Calendar was submitted for approval:

- 6. City Council: ~~Approval~~ Acceptance of Minutes of the City Council of May 16, 2001, 10:00 a.m., adjourned meeting [approved 4-0, Deputy Mayor Mackin abstaining]
- 7. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
- 8. Harbor: Approval of a purchase order in an amount not to exceed \$158,313.10 to Bellingham Marine Industries, Inc., of Bellingham, Washington, for the purchase of replacement docks for the Y-Dock at the Oceanside Harbor, and authorization for the Financial Services Director, or designee, to execute the purchase order
- 9. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials, and services in amounts over \$50,000 for FY 2006-07 for the Information Technologies Division, and authorization for the Financial Services Director, or designee, to execute the annual purchase orders

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10. City Council: Approval of an agreement [**Document No. 06-D0491-1**] with San Diego Habitat For Humanity, Inc., in the amount of \$2,700,000 for the development of Libby Lake Village, an affordable for-sale housing project located at the intersection of North River Road and Calle Montecito; approval of a budget appropriation in the amount of \$2,700,000 from the Inclusionary Housing In-Lieu Trust Fund to the project account to fund the agreement; and authorization for the City Manager to execute the agreement and related documents [**Document No. 06-D0492-1** (loan agreement)]
11. City Council/CDC: Approval of a professional services agreement [**Document No. 06-D0493-1**] with the San Diego North Convention and Visitors Bureau in the amount of \$45,000 (\$20,000 for FY 2006-07 and \$25,000 for FY 2007-08) for services related to the marketing and advertising of the City of Oceanside, and authorization for the City Manager to execute the agreement [7/1/2006 – 6/30/2008]
12. City Council: Approval of a one-year professional services agreement [**Document No. 06-D0494-1**] with APB Consulting, Inc., in the amount of \$62,400 for project management services for various Public Works Department projects, and authorization for the City Manager to execute the agreement
13. City Council: Approval of two utility agreements [**Document No. 06-D0495-1** and **Document No. 06-D0496-1**] with San Diego Gas and Electric Company (SDGE) in the total amount of \$170,125 for the underground conversion of overhead electric facilities and for the extension of the underground electric facilities for the Mance Buchanan (River) Park project; authorization for the City Manager to execute the agreements; and approval of a purchase order in the amount of \$139,623 to SDGE for the two agreements less an existing credit of \$30,502 related to the project, and authorization for the Financial Services Director, or designee, to execute the purchase order
14. **Removed from the consent calendar for discussion**
15. City Council: Approval of a budget appropriation in the amount of \$60,000 from the Trust Deposit for Condominium Conversion Fees to the Women's Resource Center for support of the transitional housing facility; approval of a nine-month professional services agreement [**Document No. 06-D0497-1**] with the Women's Resource Center for use of the condominium conversion fees funds to operate a 23-unit transitional housing program; and authorization for the City Manager to execute the agreement
16. City Council: Authorization to award a contract [**Document No. 06-D0498-1**] in the amount of \$257,182.46 to A.B. Hashmi, Inc., of Oceanside for the Capistrano Park Slope Repair project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents
17. **Removed from the consent calendar for discussion**

COUNCILMEMBER CHAVEZ moved to approve the balance of the Consent Calendar items, excepting Items 14 and 17. **COUNCILMEMBER SANCHEZ** seconded the motion; motion was approved **5-0**, with Deputy Mayor Mackin abstaining on Item 6.

14. **City Council: Approval to accept \$248,000 in grant funds from the U.S. Department of Housing and Urban Development awarded to the City of Oceanside for the El Corazon Senior Center (formerly Second Senior Center) project; authorization to transfer these funds to the project account; and authorization for the City Manager to execute the grant documents**

DEPUTY MAYOR MACKIN had pulled this item to bring it to the public's attention. She **moved** approval of this item. **COUNCILMEMBER CHAVEZ** seconded the motion; motion was **approved 5-0**.

17. **City Council: Authorization to award a contract in the amount of \$18,062,414.70 to FCI Constructors, Inc., of Vista for the Pacific Street Bridge across San Luis Rey River project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

BEN SCOTT, 516 South Horne Street, expressed his delight in this project. He questioned what happened to the previous grant about 4+ years ago, when about \$10,000,000 was given to the City.

PETER WEISS, Public Works Director (PWD), stated the City no longer has the \$10,000,000 grant. They actually have federal approval to fund over 88% of the total bridge project, so the amount is now closer to \$14,000,000.

COUNCILMEMBER SANCHEZ reviewed questions she had previously asked staff regarding a public arts component, as well as public access to North Coast Village. That is being worked on. She further asked staff about the contractor's reputation and whether they will be asking for additional funds, i.e. change orders. Staff's response was favorable for FCI and the work they have done in the past.

COUNCILMEMBER CHAVEZ highlighted that this project was previously a \$10,000,000 project, and now it is over \$18,000,000. Maybe as future agendas are developed, the City Manager may wish to look at the major issues for public awareness.

DEPUTY MAYOR MACKIN had previously made a point that the public access be reserved, with that portion of Pacific Street to be left open to the public. She asked what assurance they have that this item is included and is a condition to accepting this project.

CITY ATTORNEY MULLEN recalled that it was included as a condition of the Regular Coastal Permit, which has already been approved by the Council.

PUBLIC WORKS DIRECTOR WEISS concurred that the condition was part of the Coastal Permit and has no tie at all to the grant or funding issues. At this point, the only way that access would go away is by another action of the Council to rescind their previous action. Otherwise, the public access and use of that portion of Pacific Street will remain in place.

COUNCILMEMBER FELLER expressed his thanks to staff member Peter Biniaz and the prior Council for their action.

With Council concurrence, one late request to speak was heard:

TERRY JOHNSON, 776 Cuchillo Street, former Mayor, is very supportive of this project, which was started by prior Councils.

DEPUTY MAYOR MACKIN moved approval of Item 17 [to award a contract (Document No. 06-D0499-1) to FCI Constructors]. **COUNCILMEMBER FELLER** seconded the motion; motion was approved 5-0.

6:00 P.M. – PUBLIC HEARING ITEMS [Items 18-21]

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.

18. **CDC: Consideration of a resolution approving Conditional Use Permit (C-204-06) and Regular Coastal Permit (RC-206-06) for full alcoholic beverage service for an existing restaurant located at 311 North Tremont Street – Tremont Street Bar & Grill – Applicant: Coastal Food Concepts, Inc.**

(This hearing was continued from July 12, 2006)

MAYOR WOOD opened the public hearing.

Regarding disclosure, **MAYOR WOOD** reported contact with staff and the Police Department, and **DEPUTY MAYOR MACKIN** reported contact with staff and the general public. **COUNCILMEMBERS CHAVEZ** and **SANCHEZ** reported contact with the applicant, staff and the public; and **COUNCILMEMBER FELLER** reported contact with staff.

CITY CLERK WAYNE reported that CDC just received a packet of (9) form letters supporting this item, as submitted by Redevelopment staff.

SHAN BABICK, Redevelopment Associate Planner, briefly reviewed the staff report. This business has operated since 2005, and they currently serve beer and wine. No police incidents have occurred at this site. Article 12 of the Zoning Ordinance requires a Conditional Use Permit when changing from a beer and wine license to a full alcoholic beverage use. A Regular Coastal Permit is also required since it is located within the coastal zone.

Staff believes full alcoholic beverage service is an ancillary use to the restaurant. The Police Department has conditioned this thoroughly (Conditions 11 – 26). One condition [No. 21] states that alcohol sales cannot exceed the quarterly sales of food service. Also Alcohol Beverage Control (ABC) and the Police Department can add additional conditions to this license as warranted.

Staff recommends approval of the full alcoholic beverage service for this use. Last Monday, the Redevelopment Advisory Committee reviewed this use and unanimously recommended approval by a 7-0 vote. This also has MainStreet approval.

Applicant

JASMINE ROY, one of the owners of the Tremont Street Bar and Grill, is a native to Oceanside. They would like the chance to expand the business they have already created. They want to provide a better service to this changing area. They are a family restaurant. They have had no problems, and the police are already checking the area. They have great plans, if given the opportunity.

Public Input

PAMELA MYERS, 910 North Pacific Street, has had dinner and drinks at this restaurant several times. She is in support of this and hopes there will be more similar uses.

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

COUNCILMEMBER SANCHEZ moved approval [and adoption of **Resolution No. 06-R0500-3** " ... approving a Conditional Use Permit and Regular Coastal Permit for providing full alcoholic beverage service for an existing restaurant located at 311 North Tremont Street – Applicant: Coastal Food Concepts, Inc."].

DEPUTY MAYOR MACKIN seconded the motion.

COUNCILMEMBER FELLER asked about the ability to drink outdoors.

MR. BABICK believed they are allowed to drink outdoors. The concern is the height of the railings, etc. Police are concerned about passing beverages outside. As long as they keep a higher barrier, then it is okay.

COUNCILMEMBER FELLER then questioned if all the fencing was out of the right-of-way.

MR. BABICK responded that the fencing is within the right-of-way; however, the outdoor eateries have to provide a minimum of a four-foot access way with no obstructions. As long as they are providing that access way, it is fine, and they can have an encroachment permit.

COUNCILMEMBER FELLER questioned any legal repercussions if an incident were to occur.

CITY ATTORNEY MULLEN advised that if there was ever a lawsuit that the City was brought into, they would tender that to the business owner, and there are conditions in the encroachment permit in that regard.

SERGEANT RUDY SANDOVAL, Police Department, reported that the Police Department does support this business since calls for service there have been almost nil.

MAYOR WOOD stated that the liquor license is great, but he cautioned about problems that could be caused by any improper handling.

Motion was **approved 5-0**.

18. **[City Council: Adoption of a resolution confirming the costs of vegetation (weed) abatements and authorizing special assessments to recover those costs**

(This hearing, continued from July 12, 2006, is now moot as the City has settled outstanding charges for weed abatement with the owners of Assessor's Parcel Numbers 146-140-22, 165-120-21, and 165-350-04; therefore, the public hearing is no longer necessary)]

As noted, **CITY CLERK WAYNE** stated that Item 19 was a continued hearing, but is no longer needed and has been removed from the agenda.

20. **CDC: Consideration of a resolution approving a revision to Tentative Parcel Map (P-200-04), Development Plan (D-200-04), Conditional Use Permit (C-200-04), Variation (V-201-04), and Regular Coastal Permit (RC-200-04) for a four-unit residential condominium development located at 313 South Myers Street – Sombrilla Condominium – Applicant: Matt Sumek**

CITY CLERK WAYNE noted that this item has been removed from the agenda at staff's request and will be re-noticed for a future meeting.

21. **City Council: Continuation of hearing from July 12, 2006, regarding the proposed assessment increases for FY 2006-07 for the renewal and levy of annual assessments for two Landscape Maintenance Districts: Mar Lado Highlands, Assessment District No. 1-1988, and Santa Fe Mesa, Assessment District No. 2-1987**

CITY CLERK WAYNE noted that Council did have the public hearing with public input on this item previously, so tonight is the report on the balloting and Council's action.

HEIDI JANZ, Program Specialist, reported the results of the balloting. The Mar Lado Highlands assessment increase did not pass: 42% yes; 58% no. Staff will ask Council to consider a cost saving alternative for this district.

The Santa Fe Mesa District had 2 ballot issues: 1 for an assessment increase and 1 for a CPI escalator. Both failed. For the assessment increase the results were: 39% yes; 61% no. For the CPI escalator, the votes were 16% yes; 84% no. Staff will ask for a cost saving measure in this district also.

For the Mar Lado Highlands District, staff recommends that reductions be taken from costs to maintain the landscaping--water consumption is anticipated to remain the same, and they would forego replacing any trees, shrubs or other landscaping in order to balance the budget.

For the Santa Fe Mesa District there are 2 options. The preferred option is to discontinue general maintenance throughout the landscape district. Maintenance will primarily focus on fire abatement measures, and watering will only occur as minimally necessary. The second option is to discontinue maintaining slopes that abut private property. The City would return the maintenance responsibility to the individual homeowners adjacent to the landscaped areas, including costs on the homeowners' part to separately install irrigation systems.

The resolutions before Council are declaring the results of the ballot proceedings, confirming the diagrams and assessments and approving the modified Engineer's report as submitted for 2006-07.

[The public hearing was closed at the last meeting.]

COUNCILMEMBER FELLER hoped the people who denied the increases understand the situation, and he expressed concern in the look and maintenance of the area. He **moved** approval of staff's recommendations, including staff's preferred option for Santa Fe Mesa [and adoption of the following resolutions:

Mar Lado Highlands

Resolution No. 06-R0501-1, ". . . declaring the results of a property owner protest ballot proceeding for the Mar Lado Highlands Landscape Maintenance District, Assessment District No. 1-1988";

Resolution No. 06-R0502-1, ". . . approving the City Engineer's modified engineer's report regarding the 2006-2007 fiscal year renewal of the Mar Lado Highlands Landscape Maintenance District, Assessment District No. 1-1988";

Resolution No. 06-R0503-1, ". . . confirming the fiscal year 2006-2007 diagram and assessment for the Mar Lado Landscape Maintenance District, Assessment District No. 1-1988";

Santa Fe Mesa

Resolution No. 06-R0504-1, ". . . declaring the results of a property owner protest ballot proceeding for the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987";

Resolution No. 06-R0505-1, ". . . approving the City Engineer's modified engineer's report regarding the 2006-2007 fiscal year renewal of the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987"; and

Resolution No. 06-R0506-1, ". . . confirming the fiscal year 2006-2007 diagram and assessment for the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987"]

COUNCILMEMBER SANCHEZ seconded the motion, also expressing concern with the future appearance of the area. She hopes pride in ownership will continue in this area.

DEPUTY MAYOR MACKIN noted her conversations about a year ago with Mar Lado property owners of Lots 28, 29 and 30. Their concern was that they did not have access to something they were paying for.

TOM WOODFORD, Public Works Inspector, responded that there is a large open space beyond those lots, and it is designated as open space. There never has been any other use for it.

DEPUTY MAYOR MACKIN stated it was her understanding the neighborhood wanted access, and they had approached the City.

MR. WOODFORD responded that this is the first he has heard of that, and he deals directly with their homeowners association president and Board of Directors.

DEPUTY MAYOR MACKIN stated it is something they might want to bring up in the future if they want people to buy into these landscape districts regarding access to something they are paying for.

Motion was **approved 5-0**.

GENERAL ITEMS

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

22. **City Council: Introduction of an ordinance of the City Council of the City of Oceanside amending Section 13.6 of the Oceanside City Code relating to Illicit Scavenging of Solid Waste and Recyclable Materials**

ESTER BEATTY, Senior Management Analyst, briefly reviewed the staff report explaining that the proposed ordinance is to add more teeth to Chapter 13 of the City Code, which presently explains that the material set at the curbside is the possession of the property owner. Once set at the curb, it is the waste management hauler's property. This is part of the contract with Waste Management. The present ordinance is somewhat vague, and there presently is an increase in theft. There was a request to put additional language in the ordinance regarding the pilfering and removal of this valuable commodity that offsets the cost of running the program for the City's waste hauler.

She recommends approval of the ordinance as submitted.

Public Input

SILVIA PETERS, no address, read that the City loses about 10% of its recyclable items. However, in her neighborhood it is probably 100% lost. She is very tired of having people driving through her neighborhood on trash day, going through their trash and recyclables and scattering stuff all over the street. She is shocked at the lack of recycling. She questioned why the City does not have the large recyclable bins and a center where they sort the items. The City is not going far enough to recycle or to encourage the citizens to do so. Oceanside is one of the few cities in this area without a sorting center. The City is not encouraging the community to recycle.

CAROLYN KRAMMER, 904 Leonard Avenue, has the same issues in her neighborhood. Before their trash day, as soon as it is dark the pillaging begins. Many neighbors now set out their recyclables in the morning.

MS. BEATTY suggested that the materials be set out in the morning. Additionally, she suggested getting the description of the people and vehicle(s) and letting the police or code enforcement know who is stealing material curbside. Waste Management does pay back to the community over \$300,000 at the buy-back center. So loss of recyclables is also money lost to the community.

Further responding, she noted the City has had calls/requests to expand the recycling, including providing the larger container for co-mingled material. Staff would

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have to work with the City's waste hauler for a different type of collection system. Waste Management had done a study a few years ago, and the Integrated Waste Commission has asked to review that study again.

COUNCILMEMBER SANCHEZ moved approval to introduce the ordinance [as titled: "... amending Section 13.6 of the Oceanside City Code relating to illicit scavenging of solid waste and recyclable materials".

COUNCILMEMBER FELLER hoped the City would not need to hire people to work during the midnight hours to make up the \$40,000. He reviewed that in 1988 the waste hauler had a plan and location on North Avenue for a recovery facility with access to the railroad. It would have been a total material recovery facility, but it was killed by Melba Bishop and others. Now we are asking them to do exactly that. He hoped we could get more information to the citizens in the utility bills, etc., about this illegal activity. Some enforcement is needed but not if it costs \$150,000 to saved \$40,000. He **seconded** the motion.

MS. BEATTY stated there is no plan to hire any extra people.

DEPUTY MAYOR MACKIN is liaison to the Integrated Waste Commission, and they are looking to do all they can to make recycling easy.

COUNCILMEMBER CHAVEZ noted that it is important to recycle. One solution to the problem is the neighborhood watch. He asked Ken Ryan to speak.

KEN RYAN, District Manager of Waste Management, appreciated the work on this ordinance. They have worked hard to educate the public about recycling. They are working on various items at the beach, etc. He would encourage people to work with Ms. Beatty, Code Enforcement and the Police Department if anyone sees people taking these valuable commodities. Every little bit helps. They will do whatever possible to get the highest diversion rate possible.

Motion was **approved 5-0**.

MAYOR AND/OR COUNCILMEMBER ITEMS

22. **Request by Deputy Mayor Mackin for a report by Mary Driebelbiss of the City of Vista regarding the Out and About Program; and direction to staff**

DEPUTY MAYOR MACKIN reviewed the background on Ms. Driebelbiss.

MARY DRIEBELBISS, Parks and Community Services Department of the City of Vista, [using computer slides] provided a brief overview of the City of Vista's program, which is going into its 7th year. The program is to make life better for their seniors, and transportation is a key factor. They wanted to promote independence and make it affordable and workable. Three components of their current program are: 1) shuttle service with shuttle buses within City limits; 2) mileage reimbursement, which uses volunteer drivers in the community using their own cars; this can be outside the City limits at \$.48/mile up to 150 miles per month per client; and 3) information and referrals (over 3,000 calls last year).

She further reviewed other items of the program and their budgets (\$54,500 budget this year). She discussed the challenges and successes and what they have learned over the years of this program. Funding is always an issue.

Their program has been used as a model for other cities. It is a small program, but it is making a dent in the needs. There are others looking into regional transportation.

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Another factor in their program is the social component, which is very important and is what they are focusing on as well.

In response to Deputy Mayor Mackin, Ms. Driebelbiss stated the FACT program allows someone to go across city boundaries without changing at the borders. With Vista's program, they know the people.

DEPUTY MAYOR MACKIN stated she brought this program forward as something many in Oceanside would like to have.

Public Input

BEN SCOTT, 561 South Horne Street, having served on the Senior Citizens' Commission in 1997/98, stated that transportation for frail seniors was a pet project. This "Out and About" program could work for Oceanside and had been brought to the Council. The problems were funding, maintenance and liability, so the proposal died. He had written letters over the years to the *North County Times* which he referenced. Oceanside needs to implement a similar program.

JIMMY KNOTT, 124 Sherri Lane, referenced the history of meeting with the folks in Vista and bringing the program to the Oceanside Senior Commission. There was an idea of merging and overlapping services. However, the program was always the cities' borders. Councilmember Feller worked diligently to get \$1,500,000 in funding and do something through NCTD and SANDAG, and still the borders issue was and still is there. That money is now lost. The idea of a regional system fell through because of Vista's success with their local program. Oceanside residents suffered because of a lack of cooperation of Vista and Carlsbad. So, they currently have a taxi voucher service, but there is a fear that it will not continue. The biggest issue to affect everyone is the national threat to the CDBG funds. They need to break the 2 issues of funding and borders.

COUNCILMEMBER FELLER questioned the subsidy for this program.

MS. DRIEBELBISS responded they have \$25,000 in general funds this year. Previously it was completely grant funded through CDBG and other available grant funds. The City was covering the in-kind costs. CDBG dollars are changing. There is a nominal fee. The senior taking the shuttle pays \$2 round trip. The City's cost is about \$7 per trip. The City is paying the volunteers to drive. The goal was to make it accessible. The seniors on the program are low income/extremely low income. \$11,000 is an average annual amount for the seniors. The age they are serving are the frail elderly averaging 83 years old.

COUNCILMEMBER FELLER, in response to public input, clarified that the \$1,500,000 has not been lost. It just will not be available until 2008. In the meantime, they need to do what they can to help. Oceanside has done a lot of work on this in the past. The taxi voucher program is a temporary measure for 4 months.

DEPUTY MAYOR MACKIN stated that since they have the pilot taxi program, she does not believe that will go anywhere. They have a need for senior services for those who cannot afford the taxi service.

She **moved** direction to staff to look at this and come back in 30 days and see what it would take for such a program to work in Oceanside, reviewing any liability issues.

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER FELLER stated there is a difference in that, with the Yellow Cab, they can have as many as 4 people in the cab for \$3.50 to go to the same place.

COUNCILMEMBER SANCHEZ feels that Oceanside really needs to do more than the taxi program. At least if they can get a status report in 30 days that would be helpful.

COUNCILMEMBER CHAVEZ stated that this is important for the Senior Commission. A number of people are on FACT. He is hearing good reviews on the taxi program. He feels the Senior Commission should be involved in this. It is interesting to note that they are only into the 5th week of a 2-year budget in which they allocated everything but \$91,000. With a project such as this costing \$54,000, they would have spent over half of the \$91,000 unallocated reserves in their 2-year budget. The City Manager will have to figure out how to pay for this. They need to be fiscally prudent as well.

DEPUTY MAYOR MACKIN questioned if this has been to the Senior Commission before.

COUNCILMEMBER SANCHEZ and **BEN SCOTT** responded yes.

DEPUTY MAYOR MACKIN stated this has been around for 6 years and looked at quite a bit. It is time for the City to get serious about this.

COUNCILMEMBER SANCHEZ stated they have a lot of recommendations from these commissions on what they want. They have brought it to Council many times.

COUNCILMEMBER CHAVEZ called for the question [to close debate]. The call for the question was **seconded** by **DEPUTY MAYOR MACKIN**. The motion was **approved 5-0**.

The main motion was **approved 5-0**.

MAYOR WOOD commented that Frank Watanabe had a study, a mailer and other things already done. However, the results are unknown since he is no longer with the City.

23. [Request by Councilmember Chavez for a presentation regarding "Cops Are People Too!" by L'Tanya Y. Gordon, CEO; and direction to staff]

This item has been continued to the August 9, 2006 meeting.

CITY COUNCIL REPORTS

24. **Mayor Jim Wood**

The Mayor commented on the hot weather. He thanked his wife for all of her support. They are celebrating their 29th wedding anniversary.

26. **Deputy Mayor Mackin**

The Deputy Mayor updated Council on the Sprinter and meetings on the impacts, with the most recent meeting held yesterday. They worked through solutions to possible problems. The report is a work in progress. As soon as she hears any more, she will make that available to Council.

She reported on the closure of State Tree on August 14 for approximately 2 weeks. She contacted Cavalier regarding the simultaneous closure of Park Way and Commerce Street [entrance to Von's shopping center] from August 28 through Sept. 9. A pedestrian access will hopefully be retained for access to Oceanside Boulevard. She asked for notices to the neighborhoods regarding cars accessing the back access of Cavalier during this time.

On September 11 through 22, Wisconsin Street will be worked on and will be a full closure. All road improvements will not be completed until everything is done. The City is watching this. NCTD will be notifying the City Manager regarding street closures. The final closure will be Coast Highway at the railroad tracks new Paradise RV Park, but it will be open until after Labor Day and the tourist season.

There was further discussion about Crouch Street closures at the crossing, and safety issues are being considered.

Tomorrow she will be attending the NCTD workshop and will report back on that.

She was not sure how often Council wanted her to report on NCTD and SANDAG issues. She would like some consensus at some point. She is there as a Councilmember and feels it is important to bring the information back to the full Council.

The pier tram is working and is being run by the Scooter Bug company.

27. **Councilmember Rocky Chavez**

Councilmember Chavez noted that it has been 3 weeks since the last Council meeting, and many things have gone on. Council may want to consider taking this time off in the future because a lot of staff had a great opportunity to have time with family and take vacations.

There was a series of Veterans Ad Hoc Committee meetings, and he and the Mayor will be bringing that back at the next Council meeting.

He and the Mayor also attended a broker event, which was great. He also attended a birthday part for Governor Schwarzenegger.

He displayed computer graphics of Camp Pendleton and their multi-cultural event.

[Deputy Mayor Mackin left the dais at 7:47 p.m.]

He also reported on attending the National Association of Retired Federal Employees [NARFE] meeting.

Further, he reported on the Angel's Depot which opened recently, and they are there to take care of seniors. Starting September 18 at the Senior Center will be a distribution of this food for Oceanside seniors.

He introduced Janene Shepherd, his new Council Aide.

[Deputy Mayor Mackin returned to the dais at 7:52 p.m.]

28. **Councilmember Jack Feller**

Councilmember Feller reviewed the Arthur Hemmingway Foundation golf tournament fundraiser for disabled young people.

He did get to go to Japan as indicated earlier. He appreciates being able to attend.

29. **Councilmember Esther Sanchez**

She attended last night's Circulation Element update public meeting, which is the first of about 9 meetings. She suggested the 3rd meeting be moved to October since it is difficult for people to attend in the summertime. She would ask staff to consider that. The next meeting is August 8 at the Libby Lake Community Center. Due to Brown Act

considerations, only 2 Councilmembers could attend, so she and Deputy Mayor Mackin attended last night's meeting.

She reported good news from Police Chief McCoy, stating the City has had a significant 11.6% drop in the crime rate for the first 6 months of this year compared to last year. One reason is the retention of police officers by providing competitive salaries and a new chief who is leading in a very positive way. They have also increased the number of officers. She contrasted this to the sad state of affairs in San Diego.

She announced the next meetings regarding skateboard parks.

OTHER

COUNCILMEMBER CHAVEZ requested clarification on the Brown Act, since there are a lot of these community meetings, so that the Councilmembers and the public can understand the rules.

CITY ATTORNEY MULLEN responded that as a general rule it is not a violation of the Brown Act for a majority of members of the City Council to attend a meeting of another entity, provided that at that meeting they do not discuss among themselves issues that are the subject of their jurisdiction. There are some exceptions to that, and he will send out a memo to clarify. The general rule is that the majority can attend the meeting of another entity or some other public agency. If it is a City meeting, they can attend but they should not discuss among themselves anything that relates to the subject matter that could come before them.

COUNCILMEMBER SANCHEZ advised that it was a City meeting. She responded that she did not report that Councilmember Chavez was there because she was uncomfortable in that she did tell him it would be a Brown Act violation. They were all talking, and it is unfortunate that that was happening. It was a very small room and people could certainly hear what other people were saying. It was uncomfortable to have 3 Councilmembers there because these are issues specifically coming before Council. This was a City meeting.

COUNCILMEMBER CHAVEZ stated for clarification that he did not approach either Councilmember on any issue nor discuss anything with them.

CITY ATTORNEY MULLEN would issue a memo on the rules that apply in that situation.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

30. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside amending Chapter 2 of the Oceanside City Code by the amendment of Section 2.1.64(f) regarding expiration of terms of members of City boards, commissions and committees (Introduced 7/12/06, 5-0 vote)**

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COUNCILMEMBER FELLER had a chance to think about this and will not support it. He does not feel it is good policy to have a position where the Mayor could allow an advisory group member to have their term expire and literally never replace them. It makes a very powerful tool for the person that is allowed to appoint and may not reappoint.

COUNCILMEMBER SANCHEZ would like to continue this matter. She received several e-mails, phone calls and discussion about this item. The discussion included suggestions about how the advisory groups can get involved in assisting the Mayor if the policy is to have newer members and members serving only a term or two. She would like an opportunity to discuss this with the Mayor. Therefore, she wishes to continue this matter, or hold a workshop.

MAYOR WOOD moved for approval, noting this had previously been a 5-0 vote.

DEPUTY MAYOR MACKIN seconded the motion for discussion. She would like an opportunity to do more work on this. There are some issues that came up, so she would concur to continue it.

Following discussion, **COUNCILMEMBER SANCHEZ moved** to continue this item to the August 16 meeting.

MAYOR WOOD retracted his motion. DEPUTY MAYOR MACKIN concurred and seconded the motion to continue. Motion was **approved 3-2**, Councilmembers Feller and Chavez voting no.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:11 PM on August 2, 2006.

APPROVED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside

NOT OFFICIAL
UNTIL AFTER SUBSEQUENT
MEETING BY CITY COUNCIL



California

CITY OF OCEANSIDE

JOINT MINUTES OF THE:

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

AUGUST 9, 2006

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
Shari Mackin

Councilmembers
HDB Directors
CDC Commissioners
Jack Feller
Esther Sanchez
Rocky Chavez

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

Interim:
City Manager
HDB Chief Executive Officer
CDC Executive Director
Barry E. Martin

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, August 9, 2006.

ROLL CALL

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

COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

CITY ATTORNEY MULLEN titled the following agendized item to be heard in closed session: 3A(1) and 4A(1). Closed Session and recess were held from 4:02 to 5:00 PM.

5:00 PM - INVOCATION

The Mayor reconvened the meeting at 5:02 PM. Pastor Carl Souza gave the Invocation. Michael Lyons led the Pledge of Allegiance. All Councilmembers were present. Also present were City Clerk Wayne, Interim City Manager Martin, City Attorney Mullen and Treasurer Jones.

PROCLAMATIONS AND PRESENTATIONS

- Presentation – “Images of America, Oceanside Police Department” by Matt Lyon

MATTHEW LYON, Oceanside Police Department (OPD), author of his first book: Images of America, Oceanside Police Department, stated the book chronicles the history of the police department from the 1800s to present and features many historic images and artifacts. He provided Councilmembers with a copy of his book. All royalties from the sales of this book are being donated.

- Presentation – Cops Are People Too, by L’Tanya Gordon

L’TANYA GORDON, founder of CAP 2 [Cops Are People Too], a 6-month old organization, explained the reason for the organization is to let children know how police officers really are and to dispel any problems of children being afraid of police officers. She wrote a song and displayed the video.

VINA ANDERSON, wife of a police officer and Board Member of CAP 2, announced that the next event is August 26 at OPD.

MS. GORDON stated the organization wanted to get Council’s backing. They are an organization started by a few women. They are a nonprofit and will be coming to Council in the future for support.

CLOSED SESSION REPORT

5. CLOSED SESSION REPORT BY CITY ATTORNEY

CITY ATTORNEY MULLEN gave the following report on items previously discussed in closed session:

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

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

No closed session was held on this item.

[2. CONFERENCE WITH REAL ESTATE NEGOTIATOR ON TRANSACTIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (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 Development and Redevelopment Director, Delmar Williams and Paul Marra; Under Negotiations: Terms of Memorandum of Understanding]

No closed session was held on this item.

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

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

1. TG Oceanside v. City, Superior Court Case No. GIN043886

In closed session, Council authorized filing an appeal of the trial court's judgment.

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

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

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

There was no reportable action at this time.

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

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

JUNE KRISTAPOVICH, 727 Rivertree Drive, talked about the effects of Hurricane Katrina and wondered if such devastation could happen in Oceanside. She asked why the Army Corps of Engineers has not reached a solution regarding the San Luis Rey River. She also asked why the federal government was divided in its control of local rivers. With only 2 access points, thousands could be cut off. The trees are allowed to remain in the river, and the riverbed has not been cleared. She questioned why the nesting of birds is more important than humans. Oceanside needs a permanent solution immediately to protect its citizens.

MAYOR WOOD advised that the City met with the Corps of Engineers today.

PETER WEISS, Public Works Director (PWD), reported that the Corps of Engineers will not make a presentation this evening. The City met with them briefly this afternoon and the Corps expects to have a draft environmental document for public review in the next 3-4 weeks. Following that, there will be a public review period. The Corps' plan for going into this rainy season is to do an initial phase of clearing 170 feet for the length of the river. There is currently \$1,000,000 in the draft budget. That is all they have, and the total cost of the project will greatly exceed that. The initial steps of getting approvals and agreements from the various agencies appear to have been resolved based on the information received from the Corps today.

COUNCILMEMBER SANCHEZ stated that initially this was to protect the City from a 250-year flood, was then reduced to 150 years, and then to under 100 because the wildlife agencies were insisting on more protection for habitat. She asked what the agreement for protection is now.

PWD WEISS stated that under the current plan, the protection level would be slightly above 150 years. Staff has a preliminary outline from the Corps for distribution to Council tomorrow.

SLEENE KOSINAR, 711 Pier View Way, wanted to see fair campaigns and for people to win on their own merits, without sneaking and lying. He discussed federal, state and local politics. He hopes the Oceanside incumbents get re-elected.

JIMMY KNOTT, 124 Sherri Lane, presented his ideas about how to handle and set standards for contributing to worthy groups. He encouraged Council to study the matter and suggested the following standards: 1) the group should have an Oceanside history; 2) the group should have legal non-profit status; 3) they should have attempted co-sponsorship papers; 4) they should provide full disclosure of volunteers; 5) they should provide clean-up after events; 6) there should be a City commitment of a forgivable loan only with efforts; 7) the presence of a City official is no reason for funding; and 8) if residual economics outweigh the loan, the Council should consider that in the forgiveness of the loan. Finally, if there are any unanticipated costs, then there should be a prohibition of any request from that group for 2 years.

GEORGE BARRANTE, 5044 Chalet Drive, commented on people's reactions in the paper to his remarks at last week's meeting. People were interested in the proposed hotel, and he was attempting to dispel rumors. He was labeled in the paper and wondered why. Also, Councilmembers responded with a defensive attitude. He feels every citizen should be treated with respect.

CONSENT CALENDAR ITEMS [Items 7-11]

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

The following Consent Calendar [Items 7-11] was submitted for approval:

7. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
8. City Council/Harbor: Approval to grant an easement [**Document No. 06-D0523-1**] to San Diego Gas and Electric Company for the relocation of underground electrical facilities within Harbor Parking Lots 6, 7 and 9, related to the Pacific Street Bridge over the San Luis Rey River project, and authorization for the Mayor to execute the document
9. City Council: Approval of a professional services agreement [**Document No. 06-D0524-1**] with David Paul Rosen and Associates in an amount not to exceed \$125,000 for the implementation of the Council's Comprehensive Affordable Housing Strategy, and authorization for the City Manager to execute the agreement
10. City Council: Approval to select an employee benefits broker and direction to staff to enter into to negotiate an agreement [**Document No. 06-D0525-1**] with Driver Alliant
11. City Council: Adoption of **Resolution No. 06-R0526-1** "...ordering the summary vacation of a public street right-of-way (Northwest Corner College Blvd. and SR76 Expressway)," vacation of excess street right-of-way located at the northwest corner of College Boulevard and State Route 76 Expressway; and authorization for the City Clerk to file a certified copy of the resolution [**Document No. 06-D0527-1**] with the San Diego County Recorder

DEPUTY MAYOR MACKIN moved approval of the Consent Calendar as submitted, and **COUNCILMEMBER CHAVEZ** seconded the motion. Motion was **approved 5-0**.

MAYOR WOOD called for Item 16 to be heard next.

MAYOR AND/OR COUNCILMEMBER ITEMS

16. **Request by Deputy Mayor Mackin to adopt a resolution supporting the efforts of the Oceanside Pacific Kiwanis Club to implement a community defibrillator program**

Following a demonstration by the Oceanside Pacific Kiwanis Club of how the portable automated external defibrillator works and the advantages of their availability, **DEPUTY MAYOR MACKIN moved** the adoption of the resolution [**Resolution No. 06-R0529-1** "...supporting the efforts of the Oceanside Pacific Kiwanis Club to implement a community defibrillator program"].

COUNCILMEMBER SANCHEZ felt these should also be in all public buildings.

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

MAYOR WOOD called up Item 15 to be considered next.

GENERAL ITEMS

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

15. City Council: Approval of the Senior Citizens' Commission's FY 2006-08 Workplan

JOE BARRERAS, Senior Citizens' Commission Chair, reviewed the workplan and the goals with additional amendments. One change was for a 2-year workplan to 2008. They wish to recognize National Senior Health and Fitness Day annually in conjunction with the Senior Center staff and to make an assessment of the 6-month pilot taxi program and form a recommendation for Council consideration. Lastly, they will participate in fundraising, planning and implementation [for the El Corazon Senior Center].

Public Input

JIMMY KNOTT, 124 Sherri Lane, thanked the Commissioners for all their efforts.

COUNCILMEMBER CHAVEZ, as liaison to the Senior Citizens' Commission, stated the Commission is handling some tough issues such as transportation. He thanked them for all their efforts and **moved** approval [of the workplan]. He announced the Senior Expo would be held October 14.

MAYOR WOOD seconded the motion; 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.

12. City Council: Adoption of a resolution denying General Plan Amendment (GPA-7-05) to change the land use designation from Office/Professional to Residential on a 28.2-acre site located in the Rancho Del Oro Master Plan area, west of College Boulevard and north of Old Grove Road; project site is currently zoned PD-1 (Rancho Del Oro Planned Development) and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood – Rancho Del Oro Village XII – Applicant: RPRN Land Co., LLC

Regarding disclosures of constituent contacts; **DEPUTY MAYOR MACKIN** and **COUNCILMEMBER CHAVEZ** reported contact with the public, developer, staff and a lobbyist. **MAYOR WOOD** reported the same, with many e-mails; **COUNCILMEMBER SANCHEZ** disclosed the same and also filed the e-mails she received for the record, noting there were 31 against and 14 in favor; and **COUNCILMEMBER FELLER** reported many contacts.

CITY CLERK WAYNE reported receiving e-mails from Michael Jimmink and Joe Ellis in opposition.

JERRY HITTLEMAN, Acting City Planner, gave an overview of the staff report to change the land use designation to about a density of 10-12 units per acre, which would give a maximum of 339 dwelling units on the site. The current zoning would allow up to 1,200,000 square feet of office development. [The applicant requests to change the land use designation and add a new village referenced as RDO Village XII, with a future marketing name of Terraza at Rancho Del Oro.]

He reviewed the location and the surrounding land uses. He also displayed computer slides of the site and surrounding area, with areas of the site about 35-50 feet above the residential neighborhoods.

The Planning and Economic Development Commissions reviewed this application, and they both unanimously recommended the staff recommendation of denial for this application.

Under the original Rancho Del Oro (RDO) plan, the intent was to have the office/professional use to provide a buffer between the residential to the north and the industrial to the south. Staff still thinks that would work well. The RDO Master Plan does show 2 alternatives for office campuses on the site. The campus envisioned was similar to others in the City. Office development can be designed to be sensitive to the residential to the north; staff would encourage a smaller, low-scale building next to the residential. He reviewed other alternatives possible.

The impacts of changing this site to residential are:

- The City would lose a potential for 1,200,000 square feet of office/professional space, which equates to approximately 3,700 to 6,700 high quality, higher paying jobs.
- The site is a good location for office/professional.
- There would be a reverse traffic pattern. With residential, people will likely head to the freeways and out of town for work, rather than people coming into Oceanside to work and spend money.

He displayed an exhibit showing office space in the county per capita. Oceanside's low per capita is about 4.35 square feet of office space per person, where other cities have a much higher ratio of population to office square footage. Oceanside is only above Coronado and Santee in this category.

Another exhibit showed the jobs-to-housing ratio and depicts Oceanside as second lowest in the county, with the only city lower being Imperial Beach.

If this acreage were removed, Oceanside would have less than 20 acres of vacant office space left.

Staff is confident that a nice office campus could be developed on this site and would not impact either the industrial or the residential. Staff's recommendation is to keep office/professional on this site because it is important to create jobs in Oceanside and provide a balanced plan, as was developed under the RDO Specific Plan when it was first created in the 1980s.

If Council does, however, approve the residential zoning, staff would ask that 10% of the units on the site be affordable. Rather than paying the in-lieu fee, there should be actual affordable housing at approximately 30-33 units.

Applicant

MARCO GONZALEZ, representing the applicant, urged Council's approval of the proposal.

ANN GUNTER, with the Lightfoot Planning Group and representing the property owner in this request for a land use change, stated that staff has consistently expressed their concern about the potential long-term loss of office employment capacity in

Oceanside. While she agrees there is a need for offices in the community, changing this site to residential will not create an imbalance in the community. The reality is that there are many sites in Oceanside that are not only suitable for office, but are also more appropriate.

They did a market study at staff's request to look at the potential for office development over the long term – through 2030. That study showed that Oceanside has plenty of capacity to accommodate office development over that period of time, even without these 28 acres. Part of the reason is that Oceanside's value on jobs generation and offices is already reflected in the zoning regulations. Offices are allowed in many other zoning categories, i.e. industrial, commercial, etc. That is where a lot of office development does occur.

She reviewed that the original Specific Plan was adopted in 1980 and amended in 1985. When the plan was done, there was an assumption that the uses were going to be more segregated. But what has actually happened over the last 20+ years is that the industrial/business parks have evolved, and offices are more integrated within that entire business community.

This is an opportunity to take a new look at this piece of land. Everything is built up around it and is committed to development. It is Council's chance to reevaluate whether this is an appropriate site and what its use should be.

She thinks the surrounding land uses and the placement of this site next to Old Grove Road makes it much more suitable for residential. In looking at the relationship to the neighborhood, she felt putting the intensity of office use on this site was not the right thing to do. Using a major street like Old Grove Road as a dividing line between residential and industrial is very appropriate.

Since this property is within a Specific Plan, there are more controls. A maximum number of units on this site would be 339. The plan presented is less than 339 units and is a rough example of what could be done on the site. It is meant to give some assurance that Council knows the kind of product that is being asked for.

Ms. Gunter stated they have done substantial community outreach and a lot of door-to-door work, meetings with homeowners associations, etc. One of the communities' concerns was traffic. There are drastic differences in the number of trips generated between an office and residential product on this site. She referenced charts that showed over 14,000 trips in one case and 7,500 in the other for different office sizes. For residential, it shows 2,700 trips. When staff talks about the reverse flow of trips direction, there are dramatic differences in total trips at the peak hours. If there was the same amount of trips for both, staff's argument might make some sense. But when talking about substantial differences, the project would result in an improvement in traffic flow and keep trips off of those very congested roadways.

They also looked at segments out of the traffic report for both Oceanside Boulevard and College Boulevard. From the long-range build-out forecasts for the total volumes on those roadways, there are 4 scenarios, and the total volumes are huge. This residential project contribution is included and is a very small component of the total trips. Even with this small component, there is still an obligation for this project to mitigate their contribution to that cumulative affect. So this project would have off-site obligations to pay their fair share toward long-term improvements in those roadways. The estimated cost of that is over \$250,000 for this project.

Regarding land use compatibility, staff reviewed the concept drawings for the office complex. They did studies on both the 3 and 5 stories, which seemed unrealistic, and the 2 and 3 stories. Staff had pointed to the residential cross sections that showed the existing residential, the existing slope, and the new units being built on top at a 2-story level. An office complex, with the needed parking, would end up with imposing buildings that are at a much larger scale than the existing single-family homes at the base of the slope.

Regarding schools and their capacities, they have been working with the School District, which is currently in a period of declining enrollment. However, they are also

opening a couple of new schools to accommodate the long-term future demands for the District. They have agreed with the District to provide a disclosure to the homeowners as to which school these students will go to. Currently this site is within the Garrison Elementary School boundaries. Those are subject to change, but that disclosure will be provided based on what the School District advises. They have also agreed to pay the statutory school fees at the time the first building permit is pulled. That gives the School District an assured set of dollars they can use to make the needed improvements to the schools at an earlier time. They have an agreement they provided to the District and understand it is close to being signed and taken to the Board.

Addressing the jobs-to-housing balance, staff had referenced the big trend for industrial lands to be re-designated to residential and how that encroached into employment-generating lands. However, they do not see the factual data to support that. She is aware of the history of RDO and Ivey Ranch, but the City also has Ocean Ranch and Pacific Coast Business Park, which are very substantial industrial projects. The few proposals for changes in land use in Oceanside are marginal sites where it is appropriate to take a new look at land uses. These are in-fill sites to be reviewed. Ms. Gunter agreed the statistics in the jobs-to-housing from 2000 are somewhat limited, as staff acknowledges. But more importantly, what staff excluded is the effects of Camp Pendleton. As provided by SANDAG, Camp Pendleton has a huge ratio of jobs-to-housing. Combining Oceanside and Camp Pendleton drastically changes Oceanside's ratio. To ignore Camp Pendleton is to ignore the unique relationship that Oceanside has in providing services and housing to both civilian and military employees of the base. If only accounting for one-half the employment in Camp Pendleton and none of their housing, Oceanside is basically at a one-to-one jobs-to-housing ratio. It certainly is important to get jobs, but the numbers displayed are misleading.

SANDAG has come out with recent forecasts, and their 2030 forecasts show that housing production will continue to lag behind job production in this region. In the long term, the residentially zoned land will be consumed well before the jobs-producing land. That means people are moving to other counties and will continue to drive into San Diego County to work, and they will drive through Oceanside. So providing appropriate housing on a site suitable for housing is the right thing to do with this piece of property.

MARCO GONZALEZ reminded Council that, although not a condition of approval, the applicants have offered a \$1,200,000 site in the Pacific Coast Business Park for a fire station use or whatever use the City finds most suitable. This is a public benefit. It is not offered as a condition of approval, but because the applicant is committed to the betterment of Oceanside.

Public Input

GREGORY J. SMITH, San Diego County Assessor/Recorder/Clerk, was asked by the applicant to review both these proposals from their property tax perspectives. For the record, he was not present to advocate one way or the other for the project but only to look at the property taxes. Mark Miller, Supervising Appraiser for North County, did the work. Following performing their analysis, which projecting out 12 years, he submitted a letter with the Pro-Forma attached. The residential would generate about \$22,900,000 in property taxes; the office during that same 12-year period would produce about \$10,000,000 in property taxes. He noted that is a shared amount between jurisdictions.

TERESA MASTERS, 1644 Corte Verano, explained the changes from 2-car families to 5+ cars, and the number of kids coming and going. She drives past Genentech every day. She drives down Avenida de la Plata to Corporate Center to Oceanside Boulevard to the Coaster. She has not been delayed by any commercial traffic. She thinks RDO is well planned as it is.

SLEENE KOSINAR, 711 Pier View Way, supports this rezoning/land use.

DAN IVES, 1361 Via Isidro, moved into RDO 20 years ago. What sold him was the master plan, i.e. live, work and shop within a small area. That strategy should continue. He advocated keeping the master plan intact and urged Council to vote no on this project.

LOU TASCHNER, 128 South Pacific Street, stated that the office professional there has no real impact on City services, which is the key. With local jobs supporting their own community, they are ahead. He urged no more residential impact on services.

SHIRLEY MOLTZ, 1720 Corte Viejo, lives directly across the street to the proposed project, and the traffic is of great concern. She would like the zone change enacted.

WILLIE LITTLE, 3201 Mesa Drive, stated that years back the City decided to move from a bedroom community to a mixed community with professional jobs in Oceanside. They should not change any professional area back to housing.

JACK JENKS, 1345 Via Isidro Street, lives right behind the disputed area and was concerned with the traffic. The City should protect the citizens and the buffer area. The citizens of his residential area are 100% against this for many reasons.

RICK KRATCOSKI, 2110 Foster Street, supported this neighborhood and urged denial of the zoning change and the condominiums.

HELEN JENKS, 1345 Via Isidro Street, is opposed to the zone change. There are plenty of areas developing with homes. The land should be used as commercial/industrial. This would provide employment for the City's students/people.

JIMMY KNOTT, 124 Sherri Lane, noted that Camp Pendleton folks are not highly paid, so he believes some figures presented are erroneous. He asked where else commercial/industrial will it be placed if it is removed from RDO. The City is at build-out. He felt this should be denied.

GRETCHEN BASHAW, 4524 Corte Suave, had e-mailed Council. She would like Council to deny this project. Living off Mesa Drive, she noted that non-peak hour traffic lasts until 1:00-2:00 AM during the week during summer. It is horrendous. On weekends it is worse. She questioned where the quality of life is for the children, with bussing, etc.

DON SCHROEDER, 4811 Glenhollow Circle, feels the addition of a high-quality residential property will complement RDO and Ivey Ranch.

ANNA MARIE EVANS, 4515 Corte Suave, stated that the other speakers have already addressed the traffic and schools, but she wanted to emphasize how important the community is. She has seen the difference in the traffic, with the street like a parking lot during peak hours. She is in real estate, and there is much inventory in condominium conversations. There are over 300 condominiums in the 92056 zip code.

KEVEN STOTMEISTER, Chair of Economic Development Commission (EDC) and speaking on behalf of EDC, wished to re-state their views. EDC has been concerned about the City's ability to achieve balance in its land uses for some time. They perceive this shortcoming to be a real threat to the long-term vision for the City that includes economic viability, development and sustenance. Rezoning commercial/industrial/office lands to residential use exacerbates the already imbalanced land use for the City, and it has the potential to negatively impact the matrixes that already factually show Oceanside to be at or near the bottom of all communities in San Diego County relative to such things as jobs-to-housing ratio, per capita tax contributions, average wage rates, commute times to work and numerous other indicators of poor quality and quantity of jobs and related quality of life issues.

In reviewing various SANDAG and historical labor data, the EDC has learned some critical points, such as residential land uses may provide short-term bumps in revenue, but in the longer term, commercial/industrial uses provide the better economic returns for the City. This is evident when net income, which is the difference between property taxes and other sources of revenues minus the expenses incurred by the City for public works, safety protection, etc., are taken into account. The data clearly reveals that office jobs pay the highest wages compared to other categories such as service, warehouse, or manufacturing sector jobs. He questioned why the city should give up

currently zoned office lands, a rapidly depleting asset, to convert to residential use if long-term economic stability and balance are part of the City's vision for the future. He also asked why they would eliminate quality job-producing land for the higher expense-required reality of residential use. The EDC strongly believes and advises retaining this important parcel of office-zoned property. This decision, at a time when so little business park land use remains, represents a defining moment for the community. City staff, the Planning Commission, and the EDC have unanimously rejected this request, and they request that the City's future not be altered by the decision tonight.

VAN MARTIN, Director of Community Development for John Laing Homes, Carlsbad, represents the ownership interest and is the company constructing the St. Cloud project in Ocean Ranch. They believe the residential land use in this location is appropriate, and they are in support of the general plan amendment. He submitted 4 letters from Oceanside residents who are in support as well.

WILLIE R. BENJAMIN, 1591 Via Otano, did not want this in his backyard. With more driving and living in the area, the streets will be jammed. The more people, the more noise there will be, along with the more inconsiderate and the more gangs. He is asking Council to vote no on this land use change.

RUSTY WILLIAMS, 4882 Gardenia Street, is a commercial real estate broker in the area but is speaking as a resident. He referenced a 400-acre business park development on the City's aerial map. To the right of that is another 124-acre Pacific Coast Business Park development that will bring a tremendous amount of jobs to the City. Therefore, they have the jobs on the way, and they need the proposed site for those people to live. He encouraged approval.

LILLIAN KEY, 4490 Mesa Drive, believes this project would create significantly less traffic in RDO and Ivey Ranch. Less traffic would help air quality.

JOAN BRUBAKER, 1606 Hackamore Road, stated if her figures are correct, this project would add over 1,000 people in this area. That would mean another 800 cars. Until the City widens the arterials by some miracle, the Council better reconsider before adding more houses and cars since the main issue now is traffic. She advocated keeping this site as originally planned.

ALAN NAVARRO, 1571 Corte Daniel, deals with developers and their agendas on a daily basis in his profession. A lot of data was presented, but he urged Council to listen to the staff recommendations and the concerns of the citizens to make the best decision for all.

LARRY STRICKLAND, 5737 Lake Vista Drive, Bonsall, is a commercial real estate broker and active in the North County industrial office parks. He felt there were 2 issues: the demand for office development and the economics behind that demand, which he reviewed. There is less than 500,000 square feet of office development from I-5 to I-15 on the Highway 78 corridor, which is the highest transportation corridor in North County. Office tenants want to be visible and close to the freeways. The plan presented is the best option for that property.

SUSAN SCHWEIKER, 1605 Via Otano, a realtor, does not want to see the value of the properties go down, especially on her street. She opposed the view of a huge office complex.

RICHARD ENSENDRATH, 115 South Tremont Street, agreed with Mr. Strickland. They are afraid to change a zone and wonder if they have any other area for commercial/office development. Presently there are 80 acres sitting dormant by lack of changing the use. The market here is responding to the highest and best use and is in support of this project.

NADINE SCOTT, 550 Hoover Street, stated the City is already suffering from increased densification in all of the neighborhoods. This project will be a drain on City resources, and she felt the daily trips study of residential was laughable. She did not feel there was a right to change the master plan at whim. She wants the

commercial/professional space maintained. Jobs are needed, not more condos, which are not selling. She urged Council to keep this property as is.

DIANE ACKERMAN, 706 Bel Aire Drive, Vista, is one of those commuters driving into Oceanside to work everyday. Getting into Oceanside is not easy. Traffic everywhere is horrendous. However, there is no guarantee that the commercial will be a 9:00 AM – 5:00 PM operation. For example, she works at Fairwinds Ivey Ranch, which is a 24-hour facility. She is in favor of residential.

MARGARET MALIK, 1611 Hackamore Road, thinks rezoning this is about one thing—how a developer can get the most money. She hopes Council will vote against this project.

DAN GOUGH, 711 Pier View Way, is a broker and is in support of this project. A lot of zone changes have occurred throughout the years. Traffic is a problem along with the energy use. Therefore, the general direction today is a virtual office with the use of computers, etc. He favors this project. (His residential address is 909 California Street.)

LOUAY ALSADER, a commercial broker at 705 Palomar Airport Road, Carlsbad, is in favor of the proposed general plan amendment. This is a difficult site to make work for office. The distance from the property to the freeway does not work for many businesses. Another challenge on the site is parking requirements. He recommends this change.

JON WALTERS, 4928 Alameda Drive., is a commercial real estate broker in Oceanside. He represented Oceanside Office Park, Oceanside's largest office complex at 95,000 square feet. He agrees with some brokers that, with the base office space, there is a reason it is not as large as some office centers in San Diego County, i.e. access. Also the demographics would show no people using office space to the north, so it is only ½ of the radius. He supports the change in use.

BRIAN SULLIVAN, representing the Oceanside Unified School District (OUSD), wanted to make certain Council has the correct information regarding the impact on the schools. There is an agreement being worked on. The statutory fees would be paid early to the district, which is to its advantage. This property presently lies within the Garrison Elementary, King Middle and El Camino High School boundaries. The closest school is Ivey which is severely impacted. They expect next year to open Foussat Elementary [750 students] and Cesar Chavez middle school in the valley [1,000 students]. This will necessitate adjustments to school boundaries. The Board will be making considerations for new boundary adjustments. They are considering creating walkable schools.

TOM HESTER, 1320 Calle Ultimo, stated his home looks up at the area to be developed. In observing those in favor and against this project tonight, he noted that those opposed are mostly homeowners in the area, and the people in favor of the project are either building developers or commercial real estate brokers and businesses that do not live in the area or have an interest in what is happening to the citizens. The residents are the ones directly affected, seeing and hearing all the noise from above. He works out of his home. He strongly advised Council to not rezone the property.

[Recess was held from 7:37 – 7:50 p.m.]

Rebuttal

ROD STONE, one of the principals of Monarch Group and a member of RPRN LLC, stated they have built in the City since 1972. They have over 30 years experience in San Diego and Oceanside, and they have extensive experience in building residential. When they purchased the property, about 152 acres with 125 acres earmarked for industrial and the other 28 acres earmarked for commercial, they knew at the time that use did not work. It is not a commercial site but instead speaks for a residential site.

They understand the need for jobs, which is a reason they got involved in the industrial park. When they complete the industrial park [improvements of

\$22,000,000+], they feel the jobs will be here for the City for both industrial and office. There was a need for a fire station in this area since the response time was not good. There is currently a temporary fire station in the area. In the future the response time would not be adequate. The Fire Chief at that time looked at the Pacific Coast Business Park and one 1.6-acre parcel that they have dedicated to the Fire Department for the use of a fire station if necessary. He stated that: "I make the commitment now to you that, if the fire station is not something that the Council decides to do at a later date, either the proceeds from that land or the land itself can be used for sure for a public benefit."

MARCO GONZALEZ, with Coast Law Group, registered lobbyist, wanted to make clear that Greg Smith came to tell the City that \$22,500,000 for a residential project over 12 years is a lot of property tax, while \$10,000,000 for an office project is less than 1/2 of that. He asked Council to focus on specific considerations. Regarding traffic, there is no dispute on staff's analysis of the applicant's traffic report that the office project will, in fact, reduce traffic. School fees will be paid upfront. They also submitted a detailed long-term economic study showing that the City has more than enough office capacity to last for the next 20 years. Regarding the jobs-to-housing ratio, Camp Pendleton is a part of this community, and a significant portion of the civilian jobs are housed here.

Buffers do not mean the same thing they did in 1980. Light industrial is more akin to office use. Regarding the fire station, as Council knows a \$1,200,000 gift does not come around all that often. In quickly crunching numbers, they believe they can meet 25% of their inclusionary housing requirement on site. They can put 25% of their requirement on site, with the other 75% in in-lieu fees.

MAYOR WOOD closed the public hearing.

COUNCILMEMBER FELLER wished to confirm that it is not State law to require affordable housing within a project.

MR. HITTLEMAN responded that is correct. They can pay an in-lieu fee for housing, but staff recommends they build units on site. Further responding to questions, he stated the applicant proposes 10-12 dwelling units per acre (du/ac).

COUNCILMEMBER FELLER asked whether this would be a critical issue for the City and whether Council would be having this same discussion if the scenario was that there was more office/professional available.

MR. HITTLEMAN replied that it is critical because staff feels there are less than 20 acres of vacant commercial/professional-zoned property specifically for offices. The Rancho del Oro Master Plan was designed to provide places to live, work, and play. Staff feels that is still important today, and it can reduce the traffic by having people live near where they work. Staff also still feels the buffer issue is important between the residential and the industrial.

COUNCILMEMBER FELLER questioned if El Corazon was part of the RDO Master Plan.

MR. HITTLEMAN replied affirmatively.

COUNCILMEMBER FELLER referenced Genentech and its square footage, with its office professional piece. He asked how many trips 3,700 office professional jobs would generate in that area.

MR. HITTLEMAN felt that 3,700 jobs would be on the low end for that site. He estimated between 12,000 and 14,000 trips per day, noting that 14,000 would be more towards the 6,000 jobs size.

COUNCILMEMBER FELLER questioned how many car trips would it generate using the low end of the condo unit number of 296 units.

MR. HITTLEMAN replied there is a mixture of condominiums and single-family homes that might go on the site, which makes it hard to estimate, but he believed it would be anywhere from 8-10 trips per day for that use. That would mean about 2,500 – 3,500 trips per day.

COUNCILMEMBER FELLER stated one of his concerns is the elimination of an employment center, as noted in the staff report. He questioned the reference to the study regarding the San Diego Airport.

MR. HITTLEMAN explained that staff just used that information to determine how many employees might be on site. They have a certain density that they assign per acre for office parks, which is based on a survey of various office parks. This is the Airport Authority's draft plan.

COUNCILMEMBER FELLER noted that the staff report under 'economic analysis' stated there was no complex economic analysis work. He questioned if there are any studies available.

MR. GONZALEZ responded that Council received copies of a study that was conducted by Economic Research Associates at the request of staff to answer questions on how much demand there is for office and how much supply there is for office professional. They got the best numbers available from SANDAG, so the study was objective, to show how much office was typically built in the City in the last 7 years, the supply available, how much to expect in demand between now and 2030. The demand was between 2.4 acres and 27.5 acres. The available land is around 124 acres, so Oceanside has more than 5 times the amount of land they would need. Staff is looking at a long-term planning horizon in some totally different economy that does not exist today to say this may be a viable use. Based on similar concepts as this study, the applicant is saying that City locations like this, that are far away from freeways and do not have the amenities, will never attract the office/professional use at the size contemplated by staff. That is what the economic study showed.

COUNCILMEMBER FELLER highlighted the pyramid-shaped buildings on Oceanside Boulevard at State Tree. This site sat vacant for years and is somewhat close to I-5. He is not sure the City is looking for more of that. Many neighboring cities, i.e. Del Mar, have office professional right next to I-5, which makes a big difference.

Some change is good. This matter has brought out some very difficult discussions and comments by many. He wished he saw the same kind of vigor and full participation in the decision to turn the 450 acres now called El Corazon, which is zoned industrial, into parkland, open space and habitat. El Corazon's southern border between RDO and El Camino Real is mostly open land not designated on the multiple habitat conservation plan. In the El Corazon master plan, 100 acres are designated open space, which could be used and rezoned from industrial to office professional. The land is ideal and close to mass transit. That would be considered smart growth. They are caving in to those who want to change the true business corridor into an open space corridor. That would be a travesty. Even if a sliver of land was taken for business use, there would still be 200+ acres for parkland/habitat. It would also allow the parkland to be paid for. Also the Veterans Administration is looking for a location of 6-8 acres, and this would be a perfect location. The City just bought 14 acres of industrial land on Mission Avenue to develop lower-income housing.

They are picking on the wrong site. They need funding to improve El Corazon, and this could do that. Also needing consideration is the 90+ acres called 'goat hill' [Center City Golf Course] located next to I-5, which is probably the perfect location for a convention center with 10-story office buildings. At South Coast Highway and Oceanside Boulevard, there will be a transit center and that could include several floors of office space above buildings with commercial on the ground floor. That makes sense for a transit-oriented society. The city reduced jobs by declaring El Corazon completely parkland. However, a portion could be used for office professional.

He does not believe the site under discussion is accessible for anything other than residential. If it remains office professional and nothing happens for 15-20 years, the City may try to rezone it to light industrial. He also appreciates Ms. Brubaker's

insight about widening roads, which goes hand-in-hand with building interchanges and extending other roads. Those are very important to traffic flow.

COUNCILMEMBER SANCHEZ questioned how many residential units Monarch has approved on Vista Way and RDO Road, which is on land zoned commercial.

MR. HITTLEMAN responded between 150-200 units.

COUNCILMEMBER SANCHEZ reiterated 200 residential units within the last year, and this is the second project to be changed into residential.

MR. HITTLEMAN noted that there is a commercial component of about 10% or less on the Vista Way project.

COUNCILMEMBER SANCHEZ stated this is a critical issue as the City nears build out. In planning for the City's future, there are things that have been discussed, including the concept of master planning in order to achieve the quality of life everyone wants.

She **moved** to adopt staff's recommendation to deny the general plan amendment and zone change request. This is a request to change 28.2 acres into 339 dwelling units with only 20 acres left for office professional. As staff pointed out, Oceanside has the lowest ratios within the County. It is the third lowest at 4.35 square feet per person office space in the county, and it is the second lowest in jobs-to-housing ratio at .66. This is the time to really focus on the economic development of the City. She doubts that they have taken into consideration the 4,500 dwelling units that are currently being developed, and all the projects in the process of being filed requesting changing from commercial or office or industrial to residential. This is a cumulative effect; it is very fluid. It is difficult to look at this as a snap shot and say this is a good project. In two thirds of the e-mail she received, residents were opposed. Among the Oceanside residents speaking tonight, it was again two thirds opposed. With respect to schools, it would add to traffic since right now they do not have bussing. So if the agreement is reached that the children of the existing neighborhoods have first priority for the local schools, it means adding traffic. She doubts that was included in the traffic counts.

Historically, and this current owner bought the property 2 years ago, there has been a push for this specific land to be zoned residential. In the past the City's Economic Development Director had several referrals of people interested in doing office here, and the previous owner was not interested. They were only interested in residential. Therefore, it is not a real picture of what this land is worth when they have land that has been zoned office/professional from the beginning of the master plan but with a constant push to try to make it residential.

The benefit cost to the City is beyond just the tax base. This is a flight of City capital and City resources. She would differ with the economic study by the developer. Hearing the presentation at the Economic Development Commission, she noted there was an assumption made and disclosed at that meeting that only Carlsbad is able to attract Class A office space. Oceanside was designated Class B or C. She believes these studies are not really taking into consideration what is truly happening in the City, where they are having higher standards and achieving what they could not before.

The truth is that the consultant on this project, as all consultants are in this area of business, seeks to change most of Oceanside's commercial land to become residential. That is the pattern Council sees. A lot of pressure is put on this Council. The idea is that they should just build residential because that will make the bigger buck for the developer. It is important to remember that, that cannot be the primary factor to consider. The bottom line is that the City is attempting to achieve a quality of life that includes an El Corazon park for the children so families do not have to travel to different parts of the state to see their kids participate in sports. It is important to realize the City's potential. They can be a sustainable community. That is the most important thing. Her brother lives in RDO across the street from the site, so she spends time in that area and feels it is extremely important to maintain the master plan. A

general plan amendment should be done only rarely and under very drastic conditions, and she does not see that in this area at all. The City needs these jobs.

COUNCILMEMBER CHAVEZ seconded the motion.

DEPUTY MAYOR MACKIN clarified that the El Corazon site has 50 acres of land designated for commercial use along Rancho del Oro Road. It is not going to be solely a huge park.

She was not on Council for the rezoning of La Mision Restaurant on Mission Avenue.

MR. HITTLEMAN noted that project did not come to the Council. It was approved at the Planning Commission because it was a mixed-use zoning. It was zoned commercial, which allowed a mixture of commercial and residential uses on the site.

DEPUTY MAYOR MACKIN pointed out that there are movements in change of land use. She was not on the Council when the St. Cloud project came forward, but she thought Council voted unanimously on that project. In talking to people during the last election, people questioned why the City gets nothing from developers. Her response was that she did not know but that the City and its citizens should get what they deserve for the impacts of added development.

She is pleasantly surprised to see that this developer wants to kick in 1.2 acres for a fire station [off-site at Pacific Coast Business Park area.] She asked if this would be a benefit to the fire response times.

DARRYL HEBERT, Fire Battalion Chief, stated Station 8 was brought to the Council as a mechanism to improve response times, especially in the Peacock Hills area and some of the RDO area. It is a temporary station and is on the border of Vista, so it would be a benefit to have a piece of land on which to build a future permanent fire station.

DEPUTY MAYOR MACKIN emphasized that this is the first time a developer has made such an offer. Regarding the schools, she knows elementary school children are still bussed, and that will continue. Middle school students will begin bussing again this year. Regarding Class B or C office space, she asked to have that explained.

MR. GONZALEZ stated the reference to types of office spaces has to do with how they are built and the construction materials that are used, whether it is a steel-based construction or a wood-based construction. Ultimately it has to do with supply and demand. His office is in Encinitas in a Class A building, and he pays less. Encinitas has a predominant amount of Class B office space. It just happens that the market forces affect the type of construction and the amount of money that can be charged a tenant over a long term. If the City tries to put a Class A office construction product at this site, it will be a shell because no one can afford to rent it.

DEPUTY MAYOR MACKIN referenced that a councilmember is bringing forward the 'goat hill' golf course to look at land use options. The point is there are times when land use change is appropriate. There are times when a City benefits from such change. As far as jobs-to-homes ratio, she asked the ratio estimated at build out.

MR. HITTLEMAN explained that chart was based on information on 'built' items. They have had more housing and a little more commercial since that study was done. But the ratio is still within that range.

DEPUTY MAYOR MACKIN felt some cities on the chart are at build-out. She believes the City has room to move. She is not one to want to do big land use changes; however, in this proposal the developer has, for once, actually offered the City something in return. She is also glad to hear the developer is willing to go with the 25% inclusionary.

MR. GONZALEZ clarified that in 2004 the City did an affordable housing study on the implementation of its 2003 ordinance. Developing on-site inclusionary housing

involves a whole host of considerations to go through. Staff has had no opportunity to do an analysis on those considerations. The developer wanted to respond to the comments in the staff report where staff recommends that an on-site inclusionary housing component be added if Council approved this item. For this to be viable, the developer can do 25% of their obligation on-site and 75% in in-lieu fees. They understand there is a process currently underway to require more on-site units without the opportunity for in-lieu fee. While they do not want to be a test case, they wish to reaffirm their commitment to the community to do whatever they can. They will not skirt on the 75% of in-lieu fees, but they have committed right now to do this much on site.

In response to Deputy Mayor Mackin, **MR. HITTLEMAN** stated staff was hoping for the full 10%. 25% of 10% might equal 8 or 9 units of affordable.

In response to Deputy Mayor Mackin's question on whether the developer can do any more, **MR. GONZALEZ** stated the affordable housing study that the City commissioned in 2004 contained a very detailed set of recommendations if going forward with an on-site inclusionary housing mandate. There would be a much more involved economic analysis, and at this time the developer cannot commit to doing that and have this project remain economically viable.

DEPUTY MAYOR MACKIN reported learning from the Public Works Director about the City's desire for a strong office presence in the downtown area due the transit center downtown. It makes sense with the transit hub. However, she feels they will see a change in how people will conduct their business in Oceanside with an increased use in transit. She does see more office coming to the City. Regarding the cited buffer zone, she asked what the buffer is other than a road between housing and industrial.

MR. HITTLEMAN replied that would be the only buffer. Old Grove Road would be the only buffer if residential was approved. There could perhaps also be a landscape strip along the road and probably a noise wall.

MAYOR WOOD stated this is an important issue. He felt Council should consider each individual project on its own merits. All Councilmembers have heard from a lot of people on both sides of the issue. He met with the developers on this project, and they are nice people. They were upfront about their reasoning for this project. He was open to their suggestions because it seemed to make sense, rather than having industry/office next door. The option was whether the City wanted dirt there for a long time, or a project with a tax base. There was a compromise to benefit Oceanside by having the buffer with residential and having professional office and light industry on the remaining 120 acres on the other side of the street. The developer was also concerned about the traffic on College Boulevard, and they indicated they would assist with money for the traffic signals along College Boulevard, including the computers and synchronized networks. Then the fire station need was discussed, and they offered to give the City the land.

In response to Mayor Wood's query on the number of square feet that had been built in the last 1 ½ to 2 years, **JANE McVEY**, Economic Development and Redevelopment Director, responded the City has had 1,130,000 square feet built, but that also included retail, industrial and office. Industrial is where most of the construction occurred. On the retail side, construction has been quite small at less than 200,000 square feet.

MAYOR WOOD stated this has been a bedroom community for a long time in a sense, and the City has not had the economic development, which pays for all the services the citizens want. The choice is whether to build and have a tax base or not. They have heard from many people, and the people in Ocean Ranch want office space. Professional office space brings in far better jobs for the citizens, but the question is whether this space would rent. What has been moving is industrial. Regarding office space, it may be preferable to have office downtown more than in the east. Part of the problem is they put Ocean Ranch/El Corazon in the middle of the city, not near the freeways, which would work better. The corridor issue is part of the consideration.

This developer wants to do both, a residential on one side, which would probably be a better quality of life for the adjoining residents and with the buffer being Old Grove Road, and the other side with several hundred acres for office and light industry. They are also giving something to the City with the fire station.

This project is only in its early phases of zoning. The developer will go through many phases to build this project. It may not even be the same project. It may be a lot less, with a different make-up, etc. It all still has to go through the entire City process. The condos might turn into single-family homes or something else.

COUNCILMEMBER SANCHEZ stated the original vision for El Corazon included a fire department, as well as a police department site, so the issue of land availability for a fire station is really mute and a red herring here. It has nothing to do with meeting the City's needs first. They are looking at public safety possibilities at El Corazon. Therefore, the only issue before Council with respect to the developer is residential versus office, and nothing about specific zoning.

MR. HITTLEMAN responded that is correct, although in the Specific Plan area changing from office to residential also changes the zoning.

COUNCILMEMBER SANCHEZ asked if the high density of 340 units was part and parcel of what Council is deciding tonight.

MR. HITTLEMAN confirmed it is. It would allow that density of 10-12 dwelling units per acre, but not specifically this particular project. That would have to go through the process.

COUNCILMEMBER SANCHEZ questioned if it was possible to take that out and just do the land use/general plan amendment versus including the high density.

MR. HITTLEMAN responded that the City would have to designate the site with some type of density, either single family densities of 3-6 dwelling units per acre or a more medium density of 10-12 dwelling units per acre.

COUNCILMEMBER SANCHEZ urged the Council majority to reduce the density to mirror RDO, which is single-family residential and not this high a density, because the City cannot handle this traffic. That is the bottom line.

DEPUTY MAYOR MACKIN noted there is also a military base on Coronado, etc. and questioned if those were included in the jobs-to-housing ratios.

MS. McVEY responded those numbers came from SANDAG. They are merely a division of the number of jobs in a community to the number of houses in that community. Therefore they are within the city. Regarding the Camp Pendleton jobs and based on a payroll sort that Camp Pendleton did for the City a few years ago of the people who work on base and do not live there, there were about 2,000+ people that lived in Oceanside. If those were added in, that would increase. Those numbers are already in the City's statistics of employed persons but are not in the jobs. If those were added in, the number goes up to about 70%. If the Ocean Ranch jobs are included, the number goes up to about 72%.

COUNCILMEMBER CHAVEZ believed it is very important that the public gets involved in the process. He does not see developers as a bad, but rather sees them as partners in making the City what the community wants. It is also important the City has its vision of what it wants to be in order to provide those things. He asked what an expected vacancy rate is for office. He knows the expected rate of unemployment is 4-6% in a healthy economy.

MS. McVEY replied that the vacancy rate depends on where the City is in the market. Right now the City's industrial rate is quite low and is probably in the mid 5% range. Retail tends to be the highest, and those change constantly. She expected it to be in the 10-12% range. The office vacancy rate is really a function of how much a city has, how much is coming into production, and what the demand is. The bulk of the City's office tends to be small space.

MR. GONZALEZ responded that, as of the 2nd quarter of 2006, the commercial vacancy rate for office was 8.4% for the City. The 2nd quarter of 2006 was 8.9% countywide.

COUNCILMEMBER CHAVEZ further questioned what is considered a healthy economy, since it has been reported that presently there is a healthy economy. The vacancy is 8.9%. He had learned what Class A, B and C construction means. Class A is really on major thoroughfares with high amenities. He referenced the booklet provided by Mr. Lightfoot regarding Oceanside's capacity to accommodate long-term office demand and discussed the supply and demand concept. He referenced the chart on page 24, which shows Oceanside as flat. That means they are not building any office space, which refers to total A, B, and C office. The chart also shows the percentage of office space in North County. Oceanside is generally 9%. Page 26 shows total office vacancy rates in the county, and it shows Oceanside sitting at 4%. A healthy vacancy rate is 9%. That shows they have a shortage of office space. On Page 27 for Class C, the bottom chart shows Oceanside's 2002 vacancy for Class C at 2% and went to 8%, which means it was spiking. On Page 13, it says the negative absorption of Class C space may be attributed in part to tenants moving to higher class space. They have a changing economy in Oceanside. These tenants were moving to Class B and A, and Oceanside did not have an. Therefore, they are losing businesses because people are going somewhere else.

Oceanside's Class B vacancy is 4%, and on page 25 Oceanside's class B space is flat. They are not building any Class B.

In response to Councilmember Chavez, **MR. GONZALEZ** responded that conclusions drawn from these numbers have both qualitative and quantitative elements to them. What was just stated was a quantitative assessment based on the numbers. The assessment results showed that businesses are moving up in reflection of a strong economy, and there is no supply to accommodate that move. Therefore the businesses are flying from C to B and perhaps to A. However, the assessment leaves out location. The developer has stated that Oceanside could probably absorb more office space if appropriately located and redeveloped to a higher class. That means the market could be captured if the existing C and B spaces upgraded the amenities. These numbers do not say that these people would be willing to take their businesses from a Class B currently located next to a freeway and move it to the middle of an industrial park and residential development at RDO, which takes 15 minutes during traffic times to get to Highway 78.

COUNCILMEMBER CHAVEZ concurred that his analysis did not include the location of the land. His point on the charts was to highlight that the City has a need for office space. This site has the capability for Class B and C. Regarding the Sprinter, this ties to the greater issue of the Circulation Plan, which talks about how to move people. What they have now is a major industrial park with great potential for Class B and C office space without roads such as RDO or Melrose.

This proposal is a significant issue for the City. It has long-range implications. The City is in the middle of looking at the Circulation Plan, which will add value to land. For that reason, he may support this later, but not now. He would like to see the roads go through, and his vision is to have the amenities for people to want to live and work here. Therefore, he cannot support the change.

The vote on the **motion failed 2-3**, with Councilmember Feller, Mayor Wood and Deputy Mayor Mackin voting no.

COUNCILMEMBER FELLER moved to approve the General Plan Amendment (and adopt the mitigated negative declaration).

MR. HITTLEMAN clarified that the motion is not only the GPA but also the Specific Plan Amendment to transfer the density from the unallocated residential areas to allow 339 dwelling units on this site and add the new Rancho del Oro Village 12. Also, staff suggests adding the inclusionary housing requirement to the motion, whether it be 10% or 25% of that 10%, as well as possibly the fire station allocation.

CITY ATTORNEY MULLEN reported that the fire station could be part of the resolution that is brought back to Council. The thought would be to make the GPA as the applicant has applied for effective upon the receipt of an irrevocable offer of dedication or some comparable document that conveys the property to the City.

COUNCILMEMBER FELLER is not in favor of putting any inclusionary housing in the motion. He is satisfied with the in-lieu fee, so that is not part of his motion.

DEPUTY MAYOR MACKIN stated the only way she can support this is for the City to get that land [for the fire station].

CITY ATTORNEY MULLEN reiterated that the resolution will ensure that the City gets the land. For clarification about the inclusionary housing issue, the applicant has offered to provide a certain amount on site, albeit not exactly as required by the City's ordinance. However, the approval of this GPA does not create any vested rights under the resolution. So if the regulations were to change and the inclusionary housing requirements became more onerous, the applicant would have to comply with those.

COUNCILMEMBER FELLER is willing to take the developer's word for their offer, so he would not include it.

COUNCILMEMBER CHAVEZ questioned a new rule that the inclusionary housing should be on site. That was the direction Council was headed.

MAYOR WOOD seconded the motion. He would also take the developer at his word, with the understanding that the 25% offer from the applicant could be discussed to address the aspect of affordable housing while this process moves forward.

COUNCILMEMBER SANCHEZ urged Council to lower the density. There should be no transfer of density from one place to another. For the folks that bought there, she pointed out that from the very beginning, it has been single-family residential. To add 340 units on the other side will turn the intersection on Old Grove into a nightmare.

DEPUTY MAYOR MACKIN wanted assurance that the affordable housing issue will be discussed, as she is not a big fan of large affordable inclusionary housing projects. She would prefer a more gentle method of including this housing.

MR. GONZALEZ responded that there are multiple opportunities to condition the project so long as there is an appropriate nexus. The Council can condition the project now at 25% of the 10% and the rest in in-lieu fees. That is fine, and the developer could never change that downward. In the alternative, this discussion can be deferred to the tentative map stage, but the opportunity may be lost to lock this project in to the 25% of the 10%.

COUNCILMEMBER FELLER felt that traffic is far more increased by office professional in a day than by residential, so he is not sure where the traffic nightmare is that was referenced. Residential has much less impact on traffic.

COUNCILMEMBER CHAVEZ called for the question. MAYOR WOOD seconded the call, and the motion was **approved 5-0**.

The vote on the **motion** [to approve the GPA, the mitigated negative declaration, transfer the density to a maximum of 339 units, and with the offer to convey the property] was **approved 3-2**, with Councilmembers Chavez and Sanchez voting no.

[Recess was held from 9:26 p.m. – 9:36 p.m.]

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13. **City Council: Adoption of a resolution denying General Plan Amendment (GPA-3-05) to change the land use designation from Single Family Detached Residential to High Density Residential or another appropriate residential land use designation on a 1.6-acre site located on the southeast corner of Maxson Street and Country Club Lane, and denying Zone Amendment (ZA-4-05) which would change the zoning from Public and Semipublic to High Density Residential or another appropriate residential zoning designation, and denying a zone text amendment to allow recreational vehicles in the PS (Public and Semipublic) zone when associated with a club or lodge; project site is currently zoned PS (Public and Semipublic) and is situated within the Loma Alta Neighborhood – Maxson Street and Country Club Lane – Applicant: The Olson Company**

Regarding disclosure of constituent contact, **DEPUTY MAYOR MACKIN** and **COUNCILMEMBER CHAVEZ** reported meeting with the applicant, Elks members, and neighborhood residents. **MAYOR WOOD** reported the same and also receipt of e-mails on both sides; **COUNCILMEMBER SANCHEZ** attended the developer's public meeting at the Elks Lodge and meetings with residents, developers, e-mails, and staff; and **COUNCILMEMBER FELLER** reported contact with staff, the developer, e-mails, and phone calls.

CITY CLERK WAYNE noted the e-mail to Council that was received from Joe Ellis requesting denial.

JERRY HITTLEMAN, Acting City Planner, gave an overview of the staff report stating this project site is located just south of Maxson Street and to the east of Country Club Lane. The property is developed with an Elks Lodge, parking lot and an RV parking area to the north. To the west of the site are apartments; to the northwest are condominium and apartment uses; and single family is predominantly on the rest of Maxson Street. He stated Cadillac Circle is single family. The Elks site is at a higher elevation to Cadillac Circle. He displayed computer slides of the existing area. There is a mixture of uses around this site, including the Boys and Girls Club to the southwest of on Country Club Lane.

This is a request to change the zoning on the site from Public and Semipublic (PS) to residential high density on 1.6 acres on the northern part of the project site.

The current General Plan designation is single family detached for this lot. The applicant would like to change that designation to high density on the northern 1.6 acres of the lot adjacent to Maxson Street, Country Club Lane, and Cadillac Circle. There is also a zone text amendment requested to allow RV parking for clubs and lodges in the PS zone.

Staff is not supporting this request for the various reasons, including the impacts it would have on this neighborhood from the high density development and its incompatibility with the single-family residences adjacent to this site. With the elevation difference, there would be homes overlooking homes, and staff is very concerned with neighbors looking down on other neighbors. There is no buffer between the two uses so it would not be a good change to this area. Also, there is a parking issue because of inadequate parking at some of the existing uses. The apartments are old and do not meet the City's current ratios for guest parking or resident parking. The City's current regulations are even being examined because they may be inadequate for guest parking. There is spillover parking at night and weekends, and staff is concerned that adding more high-density residential to this area could make that problem worse.

There was a traffic study done for this site. On the surface, it shows there may be no traffic problem. However, in talking to the residents and traffic planners, there is some cut-through traffic that occurs in this area from Oceanside Boulevard heading to Mission Avenue along Maxson Street. That is a concern. Due to these issues, staff is recommending denial.

The Planning Commission voted 5-1 to not go to high density but to Medium Density-C. This which would give the developer the same amount of units, but they would be above the base density and so would have to apply for a conditional use permit (CUP) to reach the 27 or 30 units they seek. Staff does not feel the Planning Commission recommendation did anything other than require a CUP. If development went to residential high density, they would not need this CUP. Alternatives were discussed at that meeting but are not part of this hearing.

Again, staff recommends denial of the GPA and zone amendment to preserve the character and integrity of this neighborhood.

Applicant

RIC PEDRAZA, Director of Development for the Olson Company, stated that for 18 years in over 60 cities, the Olson Company has earned a reputation as a careful developer who cares about its relationship with the city and neighborhoods. They have a vision of development to create walkable communities that promote a sustainable lifestyle and reduce dependence on automobiles. They target first-time homebuyers, middle class families, young families, and retired folks downsizing. They work carefully with design to implement an architecture that is sensitive to the community and responds to the conditions on every side. The company's promise to the City is their intent to achieve that in the design process. If successful in tonight's approval, they would work carefully with all of the neighbors, the Planning Commission and Council to achieve these design objectives.

LOU LIGHTFOOT, land use planner with the Lightfoot Planning Group and registered lobbyist representing the Olson Company, stated the issue is transitioning between residential land uses. He highlighted the surrounding uses of the site itself because that figures importantly into why the Elks Club and the Olson Company feel their request is appropriate. The 1.6-acre site is surrounded on 2½ sides by something other than single-family residential. On the south side is the Elks Lodge and the parking lot, which is where they would like to transition their RV parking to in the future. On the west side is a very high-density, old and deteriorated apartment project, which is causing a lot of the problems that the neighborhood is experiencing. On the north side, ½ is higher density, attached condos/apartments. There are 6 single-family homes that abut the property: 2 on Maxson and 4 on Cadillac Circle. The challenge is to come up with a residential project that works in transitioning from these 6 single-family homes to the high density apartments that will back up to the Elks parking lot and not cause those homes to be of lesser value than the homes in the single-family neighborhood.

The people in the neighborhood are suggesting that nothing should be built other than single family next to their single family, but they are also suggesting that it is appropriate to build single family adjacent to the higher density and the Elks parking lot, thereby putting the future residents in the same situation that they are trying to avoid. It is a real land use challenge.

The Olson Company is highly qualified and works with neighborhoods such as this with land use plans that meet the institution's goals and provides a quality project that accomplishes the transition necessary on this small piece of property. He further reviewed land uses in the area. Transitioning is being done through medium and high density zoning from single family to the higher activity areas. Putting that same type of zoning on this property helps in making that transition from single family to the higher density uses. They were originally asking for high density, as is directly adjacent to the property. In another part of the neighborhood, Medium Density-C has been utilized for making the transition. That is what the Planning Commission is recommending as more appropriate than what was originally requested. The Olson Company goes on record supporting the Commission's recommendation. If Council endorses their recommendation, the developer will work with that.

[Councilmember Chavez left the dais at 9:51 PM.]

The Planning Commission saw this as a need for a very well designed project, one that can transition within itself from the lower density to the higher density. They

recognized that drawing an arbitrary line across the property would not work, and the need was to integrate the project within itself to make that transition. They recognized the ability of the Olson Company to do that. This Planning Commission probably has more design experience on it than any he has worked with for the last 30 years. The Commission, in their professional opinion, felt this transition is required in order to make this work for a project that will maintain the values of this single-family neighborhood.

It is a design problem. By requiring the developer to get the CUP, the Commission has insured that the plan will have to meet their exacting design requirements, or the CUP will not be approved. For 20 years the CUP has traditionally been used by the City to force developers into a higher quality design than what would happen if they were only meeting the base density.

The developer suggested that 8 different design points be incorporated into the general plan, and the Planning Commission indicated those would all be required anyway through the CUP process. The applicant understands they may be looking at lower buildings, maybe some one-story elements, perhaps open space adjacent to the single family dwelling, and perhaps doubling the on-site guest parking, etc. Those were all discussed at the Planning Commission and deemed appropriate to look at through the CUP process rather than adding them into the general plan.

[Councilmember Chavez returned to the dais at 9:54 PM.]

The Olson Company has already started that process and is looking at revising the original site plan in terms of moving the open space adjacent to single family, reducing the 6-plexes to duplexes, and providing more parking. They started to share that with the neighborhood this afternoon. They know they have a long way to go, but there are many design items that could address the neighborhood's concerns and still get the Elks where they need to be financially on the property, while still accomplishing the transition on this small piece.

They are asking for Council's support of the Planning Commission recommendation for Medium Density-C and the CUP requirement, for the appropriate zoning amendments to go with that, and also to include the RV parking for the Elks.

Public Input

DAN J. BOURG, 307 Avenue San Carlos, San Clemente, is the current Exalted Ruler of the Oceanside Elks Lodge. He is one of the few members of the Lodge not living in Oceanside. He referenced petitions [submitted to the Planning Commission] supporting their project. The Elks Lodge currently has 578 members and is a national, family-oriented Club operating in this city for 77 years. They hope to continue their charities with the proceeds of the sales.

JACK GILMORE, 4142 Galbar Street, is a member of the Elks Hall Association, which holds title to the property and the building. He reviewed the existing facility and the declining membership through age/attrition. The Olson plan allows the Elks the opportunity to refurbish the parking lot and building and assures their continued presence at this location. The Elks anticipate spending about \$600,000 for improvements and an annuity for their operations. Careful financial management will allow the property to be an asset to the area, but Council's approval of this project is needed to provide that opportunity.

RICK KRATCOSKI, 2110 Foster Street, was in opposition to this General Plan Amendment (GPA) and Zone Amendment. He used a computer presentation showing pictures of the surrounding area. A developer in their neighborhood, Red Point Homes, is great and is what they want for their neighborhood. He expressed various concerns including that the project allows others to view into their homes, the zoning should have stayed RS, and the proposed density is too high.

GEORGE BRITTEN, 1920 Maxson Street, wanted housing that will fit in with their neighborhood with single-family homes. There is a real parking problem, and this development will make it worse. Traffic is getting worse, and it needs to be slowed down. Additionally, privacy will be gone.

NADINE SCOTT, 550 Hoover Street, lives in the Loma Alta Neighborhood adjacent to this project area. It is clear this area cannot handle increased densification. With the traffic, it is dangerous for pedestrians. She questioned what the Planning Commission was thinking to grant this high density. The neighborhood should not be forced to have high density to subsidize the Elks Lodge for their repairs. Council must look at the cumulative effect of the traffic and density.

MIQUEL VALLES, Jr., 1732 Maxson Street, lives directly across the street from this site and does not approve of the increased density in the area. On Country Club Lane there are 90+ apartments that used to be senior housing and are now multiple families in small apartments. That is causing problems, with no place for the kids to play. Issues are parking, traffic, etc. The neighborhood has a petition of 30+ names opposing this project. They would like 12-14 single-family detached homes.

MARC KALB, with property at 309 Cadillac Circle and an Oceanside Police motor officer, reviewed various areas stating they are doing nothing but packing more people into this City. That results in constant fighting. There is too much traffic.

WALLY STEVENS, 2323 Maxson Street, made 10 phone calls last night, and only one family was against the project. The neighborhood has been working with these developers for almost 5 years. They have met with the community 5 times, with opposition raised only at the last 2 meetings. The Country Club apartments are a problem, with 8 sexual predators living there. This project will have a homeowners association and CC&Rs. It will be a benefit to our community. Regarding cars, he noted various single family homes in the area that have with multiple cars in the driveways and on the streets. His neighborhood has 257 homes. Only Cadillac Circle residents expressed opposition at the last 2 meetings.

JOAN BRUBAKER, 1606 Hackamore Road, has heard about the number of cars on this street. As a senior, one item is the traffic going down Country Club Lane to the Senior Center. Traffic out of high density might be a problem. She urged either a close patrol or a reduction in density. She appreciates the Elks Lodge position, and they should not be denied the opportunity to develop their property.

JOAN BROWN, 511 Rockledge Street, also expressed concern with the high density. The City should get their master plan started and figure out what is best for this area. A convention center would be good to really fix up the neighborhood.

MARGARET MALIK, 1611 Hackamore Road, wants the density brought down a little on this project.

[Deputy Mayor Mackin left the dais at 10:29 PM.]

JIMMY KNOTT, 124 Sherri Lane, thinks this property could have a better use such as a mixed use accentuating the social service aspect, along with some housing. The City has a General Plan and a Master Plan, and lately Council has been throwing those out the window. High density is the word, and he does not like it. It is a virus spreading. It is not quality homes.

[Deputy Mayor Mackin returned to the dais at 10:33 PM.]

CHRISTINE KRATCOSKI, 2110 Foster Street, expressed concern regarding the impact more high density housing will create. There is much evidence of poor planning and zoning surrounding the immediate neighborhood, with lack of privacy, traffic cutting through our streets, constant noise, etc. If this is the trend of the future for our neighborhoods to become more high density, they will relocate.

LUIS SERRANO, 313 Cadillac Circle, used to live in high density apartments on Greenbrier 2 years ago, so he knows about lack of parking and burglary. There are other options for this property to upgrade the Elks facilities and still keep the low density area. The issues now are parking, density, traffic, etc. He asked to keep the community as single family.

MIKE VALLES, SR., 1732 Maxson Street, stated they are really concerned about the high density proposal. He reiterated issues at the apartment complex and in Crown Heights. He urged Council not to allow that to happen to their neighborhood.

LOUISE TIBBELLS—FODE, 301 Cadillac Circle, lives at the corner on Maxson Street and has a large slope in the backyard. She is very concerned about privacy, sunlight, and high density.

KATHY HAMMAN, 304 Cadillac Circle, stated her house faces the Elks property. There are 4 things the neighborhood is concerned about: high density, height [above their neighborhood], traffic and parking.

MARGARET TIBBETTS, 301 Cadillac Circle, asked that the zoning not be changed from single family. 35 of the people who live within 300 feet of this property had signed the petition [in opposition]. She asked that Council maintain their privacy and community.

HEATHER ROBERTSON, 2404 Saratoga Street, has a business, and she receives business from the Elks RV park. She does not feel that adding housing to the neighborhood will increase the traffic in an exorbitant manner as depicted and hoped Council approves this item.

DANIEL WALKER, 304 Cadillac Circle, looks across the street to the project, felt the best approach to this is to vote no without prejudice, which gives everyone a chance to review and come up with better ideas for this property. This project does not make sense the way it is.

Rebuttal

LOU LIGHTFOOT stated they do not take issue with the neighborhood's concerns, which are all legitimate and real. Some concerns have risen to the level of fear because of what they have seen in neighborhoods where high density is involved. He pointed out, though, that the types of projects referenced are not the kind of project that will result on this property if Council approves their request. Those older units are in the 30-40 dwelling units per acre range and were developed under no standards for parking, etc. It was built before all the regulations.

The current proposal is for medium density, 2-story townhomes with attached garages, with a homeowners association that can enforce garage use. It has common open space, with on-site guest parking, which single family projects do not provide. The townhomes offer the best opportunity for transition. The Red Point project and other lots depicted are completely surrounded by single-family homes. This property is not.

As a planner, he routinely turns down projects that propose high density in the middle of a single-family area; that is bad planning. But here they are dealing with edge conditions. About 10 single-family homes could fit on this property, and each would have driveways with people backing out. On the other hand the townhomes would not have any driveways onto streets, and people would pull out forward into the streets. Traffic calming devices could be placed in the project as a condo project on Maxson Street. Driveways with single family homes would eliminate on-street parking on Maxson and Country Club Lane. which would not happen with townhouse projects. Also, single-family units have 7½-foot side yards with the same 2-story unit as townhomes, but with a setback of 15 feet or larger through CUP requirements. There is an opportunity to put common open space against the Cadillac Circle area. Duplexes, triplexes, fourplexes, etc. in different arrangements are all possible. But they cannot build \$700,000 single-family homes next to Country Club Lane. There will not be the same quality of single family here; hence the reason for the transition.

A transition is necessary for economics and to preserve the housing values in the neighborhood. There is a greater opportunity to address all the issues raised through the design process. The Planning Commission understood that. We hope Council will

agree with the Commission and allow that transition to be properly planned for on this property.

MAYOR WOOD closed the public hearing.

COUNCILMEMBER SANCHEZ believes that lowering the density would still provide the Elks with money to do their renovations. She **moved** to adopt staff's recommendation to deny, without prejudice. She would prefer single-family residential. She has been aware of the traffic problems in the neighborhood for some time. Maxson Street and Country Club Lane is an unusual off-set intersection. To have a large amount of traffic dump onto Maxson would make it more dangerous. If single family, the traffic would be easier to deal with.

Regarding the parking, Council just approved parking permits on Foster Street because of the horrendous parking situation, which is a drastic thing to do. This needs to be sent back.

DEPUTY MAYOR MACKIN **seconded** the motion. She questioned if all these things can be worked out.

MR. LIGHTFOOT stated that at the community meeting today, they talked about a variety of options, i.e. drawing a line down the property, with single family on one side and the other side being something else. They reviewed how that might look with different configurations. Mr. Pedraza has done some preliminary work since the Planning Commission meeting to try to address the issues as they requested, showing open space against the Cadillac Circle area and some duplexes looking like single family. They could place 4- and 5-plexes closer to Country Club Lane. They have not explored other access points yet. There are many things they can do, but the Olson Company typically does not do all single family. If the neighborhood wants to talk about a transition in some fashion, then Olson Company may stay involved. If it is all single family or nothing, then it probably will be nothing with the Olson Company, and the Elks Club will have to look for someone else. They are willing to talk about some sort of a line that makes the transition.

DEPUTY MAYOR MACKIN questioned if the neighbors are willing to talk.

MR. KRATCOSKI felt they were getting really close to a compromise. In fact Mr. Lightfoot brought up some good options, including showing 14 units on the property, rather than 30. They also discussed switching things around and keeping RS on Cadillac and Maxson, while doing some work on the high density side. The key thing is the density. If they can get into the 12-14 range, that is reasonable.

COUNCILMEMBER CHAVEZ would make the recommendation to not only deny without prejudice, but also to have the residential development plans and the proposed general plan and zone amendments run through the process concurrently. That way, if they go to a medium density, the issues of what it will look like will be included with the site plan. He would ask for the maker of the motion to include that.

COUNCILMEMBER SANCHEZ, as maker of the motion, isn't sure that is necessary since it is being sent back to the Planning Commission for some resolution between the neighborhood and developer and Elks.

MR. HITTLEMAN responded that either way would work. Through creative zoning they could limit the density possibly to single family on one side and high density on the other, and maybe limit it to 14 units. The site plan could be brought forward, but there is no guarantee that the developer will go forward with that site plan. The City could be left with higher-density zoning and with someone else coming forward with a different site plan in the future.

CITY ATTORNEY MULLEN felt that Councilmember Chavez' intent was that if this is denied without prejudice, the Council would allow the GPA and Zone Amendment to be processed concurrently with any subdivision map, etc. It would provide Council authorization for concurrent processing, but not necessarily dictate what the project looks like.

COUNCILMEMBER SANCHEZ is not necessarily interested in combining all the steps together, feeling it causes concern. There is a large indication that more discussions will be held. She believes there is enough direction.

COUNCILMEMBER CHAVEZ believed this would protect the community.

MAYOR WOOD commented on the Elks, their good work and the City's desire to keep them here. The Olson Company is a good company that will work with the community. If the Elks leave, it will be high density. He is not in favor of this project with high density. The developer tonight said they would go medium density with a CUP, which the City can enforce. That seems reasonable, with the density at the middle or bottom range.

COUNCILMEMBER FELLER supports what Councilmember Chavez said and believes it gives a level of protection to the neighborhood. The City does need to work with overcrowding in residences and come up with regulations, which is part of the health and safety of the residents. The parking would be a side benefit. This area is on a bus route. Traffic at this Senior Center will be reduced with the completion of the new senior center at El Corazon in 2008.

As noted earlier, the Country Club apartments may be considered for purchase, upgrading, affordable housing, etc.

COUNCILMEMBER CHAVEZ moved to amend the motion of denial without prejudice to include allowing for the residential development plans and the proposed GPA and zone amendment to be processed concurrently [and adoption of **Resolution No. 06-R0528-1**, as amended ". . . denying a General Plan Amendment (GPA-3-05) and Zone Amendment (ZA-4-05), an amendment to the land use designation and zoning on certain real property located southeast of Maxson Street and Country Club Lane (Applicant: The Olson Company)".

COUNCILMEMBER FELLER seconded the amendment.

In response to questions, **CITY ATTORNEY MULLEN** clarified that the purpose of the motion is simply to allow all of the various entitlements that would be involved in this project to be processed at once. So the GPA and zone amendment and all of the discretionary approvals would be processed at the same time. There would be more project detail with concurrent processing. Council retains the full discretion to approve or deny.

In response to Mayor Wood, **MR. LIGHTFOOT** stated they already have an application for a tentative map on file. They will be working with the neighborhood and staff and bring it all forward at one time.

COUNCILMEMBER SANCHEZ wanted assurance that no rights inure at this point.

MR. HITTLEMAN responded that is correct. The applicant would need to come back with a new proposal to take to the Planning Commission.

COUNCILMEMBER SANCHEZ stated that, with that assurance and with direction regarding single-family residential on Maxson and Cadillac, she [as maker of the main motion] is willing to accept the amended motion.

COUNCILMEMBER FELLER stated this is an opportunity for the applicant and the neighborhood to understand what the project will really be.

The **amended motion**, as accepted by the maker of the main motion, was **approved 5-0.**

Due to Council policy regarding no new items after 10 PM, all Councilmembers concurred to continue the remainder of the meeting.

14. **[CDC: Adoption of a resolution approving a Regular Coastal Permit (RC-211-05) for an addition to an existing single-family residence located at 702 North Cleveland Street – Takach Residence – Applicant: Eric Takach]**
(This hearing is being continued to 6:00 p.m. on Wednesday, August 16, 2006)
This item is automatically continued to August 16, 2006 at 6:00 p.m.

CITY COUNCIL REPORTS

17. **Mayor Jim Wood** -- Reported no comments due to the hour.
18. **Deputy Mayor Shari Mackin** -- announced the final Circulation Element meeting and skate park meetings. She reported on the taxi voucher program, cool zone areas, and Sprinter road closures.
19. **Councilmember Rocky Chavez** -- deferred items due to the hour.
20. **Councilmember Jack Feller** -- thanked the City Clerk for all her good work. Since a few people are so eager to hear Council's words, he felt the audio and video should be put immediately on the City's web site so that it is available word for word. That is a perfect solution.

[Councilmember Chavez left the dais at 11:28 PM.]

He advised that the concept alternative study for State Route 78, El Camino Real to College, is now available at the Planning Department. It relates what the effects are on College and El Camino Real if the Rancho del Oro interchange is not built.

He questioned how Deputy Mayor Mackin voted on last Friday's vote on the support for the bond measure for Statewide infrastructure.

DEPUTY MAYOR MACKIN stated it was a unanimous decision.

COUNCILMEMBER FELLER had hoped she would have checked with him first.

Regarding the Arts Commission, they have concerns over the Sunshine Brooks Theater groups report regarding space, restrooms, kitchen use, etc. More will be discussed later.

21. **Councilmember Esther Sanchez** -- advised there is an additional meeting for the Circulation Element update in October.

[Councilmember Chavez returned to the dais at 11:33 PM.]

INTRODUCTION AND ADOPTION OF ORDINANCES -- None

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 11:33 PM on August 9, 2006.

APPROVED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne, CMC
City Clerk, City of Oceanside