ITEM NO. 4

California

CITY OF OCEANSIDE

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

NOVEMBER 2, 2005

REGULAR MEETINGS 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
Esther Sanchez

Councilmembers
HDB Directors
CDC Commissioners
Rocky Chavez
Jack Feller
Shari Mackin

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Rosemary Jones

City Manager
HDB Chief Executive Officer
CDC Executive Director
Steven Jepsen

Interim City Attorney
HDB General Counsel
CDC General Counsel
Pam Walls

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order at 4:01 PM, November 2, 2005.

4:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Chavez, Mackin and Feller. Also present were Assistant City Clerk Holly Trobaugh, City Manager Steve Jepsen, and Assistant City Attorney Barbara Hamilton.

ASSISTANT CITY ATTORNEY HAMILTON titled Closed Session Items 1A and 2A(1) [Items 2A(2) and 3A were not heard].

CITY COUNCIL, HDB AND CDC CLOSED SESSION ITEMS

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

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

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

   Direction given to staff

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

   A) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

   1. Ward v. City of Oceanside et al., Superior Court Case No. GIN036726

   Direction given to legal counsel

   [2. Johnson v. City of Oceanside et al., Superior Court Case No. GIN042131]

   No closed session held on this item

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

   A) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Yucca Road Surplus Property, APN 165-020-10; Negotiating Parties: City of Oceanside and various individuals and entities responding to a Request for Proposals; Negotiator for the City: Douglas E. Eddow, Real Property Manager; Under Negotiations: Price and Terms for the purchase and sale of the property]

   No closed session held on this item

[Closed Session and recess were held from 4:03 PM to 5:14 PM]

The meeting reconvened at 5:14 PM.

INVOCATION – Pastor Carl Souza

PLEDGE OF ALLEGIANCE – Nina Guerrero and Marcus Cerda

PROCLAMATIONS AND PRESENTATIONS

Proclamation – Trauma Intervention Program (TIP) 20th Anniversary
Proclamation – In honor of Rosa Parks, February 4, 1913-October 24, 2005
Recognition of El Corazon Planning Committee members

Presentations were made.

ROLL CALL

Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Chavez, Feller and Mackin. Also present were Assistant City Clerk Trobaugh, City Manager Jepsen, and Assistant City Attorney Hamilton.

Changes to agenda

ASSISTANT CITY CLERK TROBAUGH stated, as noted on the agenda, Public Hearing Item 16 is being continued to November 16, 2005. Item 17 has been pulled by staff and will be rescheduled at a later date.

CLOSED SESSION REPORT

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

ASSISTANT CITY ATTORNEY HAMILTON reported on the items discussed in closed session. (See Item 1A and 2A(1) above for those reports).

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

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

A) Request by J. Paul Adkins to speak regarding the e-mail authored by Councilmember Sanchez, dated September 8, 2005

Item 5A, Mr. Atkins called and had an emergency and will not be able to make it.

B) Request by June Kristapovich to speak regarding airport issues

JUNE KRISTAPOVICH, 727 Rivertree Drive, stated last month a single-engine experimental plane crash landed at our airport. The pilot and passenger hung upside down until firemen arrived while fuel leaked from the plane. This is but one of a series of dangerous accidents that pilots are hoping will never be exposed. She cited accidents that have occurred at the airport and their outcomes since 1964. She has provided the City Clerk with documentation regarding these accidents.

The airport creates a noise nuisance affecting the quality of life and represents a multi-million dollar loss of income our City treasury desperately needs, but it also represents a physical danger to residents. The airport must go.

C) Request by Herbert Baker to speak regarding condo conversions

Item 5C, Herbert Baker, has spoken to staff and requested that this item be pulled.

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

JEAN DOKTOR, 1376 Temple Heights, talked about the traffic hazards they are experiencing on Temple Heights. She is also very concerned about the way Old Grove Road is opening onto College, which will pour right into their neighborhood. They've had experience with heavy trucks cutting through the Temple Heights area to Vista. She is begging the City for more traffic control. This is not just a senior neighborhood; there are children and Temple Heights School. She commented on the traffic problems throughout Oceanside. She believes more planning needs to be done, especially during rush hour on Oceanside Boulevard.

DONNA McGINTY, 2405 Mesa Drive, pointed out that more people die driving their vehicles than do in airplanes.

CONSENT CALENDAR ITEMS [Items 7-15]

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.

COUNCILMEMBER FELLER requested Items 8 and 10 be pulled for discussion.

The following Consent Calendar 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. **Removed from consent calendar for discussion - Councilmember**

9. City Council: Approval of Amendment 1 **[Document No. 05-D0634-1]** in the amount of $35,300 to the professional services agreement with Geopacifica of Oceanside for additional geotechnical services for the Garrison Creek Detention Basin project located east of El Camino Real and south of Mesa Drive, and authorization for the City Manager to execute the amendment

10. **Removed from consent calendar for discussion - Councilmember**

11. City Council: Approval of an encroachment permit agreement **[Document No. 05-D0636-1]** with New Cingular Wireless LLC, authorizing encroachment on a portion of the public rights-of-way at 5181¾ Douglas Drive solely for wireless telecommunications purposes, and authorization for the City Manager to execute the agreement

12. City Council: Approval of an encroachment permit agreement **[Document No. 05-D0637-1]** with New Cingular Wireless LLC, authorizing encroachment on a portion of the public rights-of-way at 4585½ Lake Boulevard solely for wireless telecommunications purposes, and authorization for the City Manager to execute the agreement

13. City Council: Adoption of **Resolution No. 05-R0638-1**, "...amending the budget for the 2004-2006 Fiscal Years", transferring $250,000 of Rental Rehabilitation Program funds to the Brother Benno Home Rehabilitation project for the rehabilitation of three properties; approval to reconvey existing loan documents; approval of new loan documents **[Document No. 05-D0639-1 (Deed of Trust – lot 45), Document No. 05-D0640-1 (Loan agreement – lot 45), Document No. 05-D0641-1 (Deed of Trust – lot 44), Document No. 05-D0642-1 (Loan agreement – lot 44), Document No. 05-D0643-1 (Deed of trust – lot 108)] and Document No. 05-D0644-1 (Loan agreement – 108)]**; and authorization for the City Manager to execute the documents

14. City Council: Adoption of **Resolution No. 05-R0645-1**, "...amending the budget for the 2005-2006 Fiscal Year", accepting $213,450 in grant funds from the California Office of Emergency Services awarded to the City of Oceanside and transferring these funds to the Fire Department for training and equipment used to respond to potential terrorist incidents

15. City Council/CDC: Authorization to reject all bids for the North Coast Highway Gateway project, and authorization for the City Engineer to call for bids

COUNCILMEMBER MACKIN moved approval of the remainder of the Consent Calendar [Items 7, 9, 11-15].

DEPUTY MAYOR SANCHEZ seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

8. **City Council: Approval of a purchase order in an amount not to exceed $1,248,296 to Pierce Manufacturing, Inc., of Ontario for the purchase of a 1500-gallon-per-minute triple-combination fire pumper and a 105-foot heavy-duty aerial ladder truck; adoption of a budget resolution in a total amount of $1,376,845 transferring $1,248,296 for the purchase of these two vehicles, plus $46,865 for build-and-parts from the Community Facilities Fund, and transferring $81,684 from the General Fund Unallocated Fund Balance for the remaining build-and-parts to the Fleet Operations Fund; and authorize the Financial Services Director, or designee, to execute the purchase order**

COUNCILMEMBER FELLER stated we are spending $1,300,000 on a truck, and we still have 2 other trucks. If we have these other 2 trucks, how often is this truck going to roll?

ROB DUNHAM, Acting Fire Chief, stated the 105-foot aerial quint that we are purchasing is a replacement vehicle for one of our existing quints, which is reaching its service life. It will be retired and go into reserve status for a number of years and then will eventually be moved out of the fleet. The purchase price of the new truck is $800,000. The remainder of the $1,200,000 is for the purchase of a Class-A pumper that we are also buying in the same year.

COUNCILMEMBER FELLER didn't understand that because it said a triple combination fire pumper.

ACTING CHIEF DUNHAM replied it is better known as a fire engine.

COUNCILMEMBER FELLER asked if this will be able to reach 8 or 10 stories.

ACTING CHIEF DUNHAM responded that the quint they are buying is a pretty unique vehicle. Its 105-foot reach - which is normally considered a 105-foot ladder and at 70 degrees you can get about 75 feet off the ground - actually it has a reach of 105 feet off the ground. We will be able to reach the upper levels of most of the buildings currently proposed for downtown.

COUNCILMEMBER FELLER thought it was critical that the public know that we are buying something that's going to be capable of servicing the buildings that we're building downtown.

DEPUTY MAYOR SANCHEZ moved approval [of Item 8, including **Resolution No. 05-R0633-1**, "...amending the budget for the 2005-2006 Fiscal Year"]

COUNCIMEMBER CHAVEZ seconded the motion.

Motion was approved 5-0.

10. **City Council: Approval of a professional services agreement with Right-of-Way Engineering of Oceanside in the amount of $50,000 to provide survey services for aerial photo control and aerial mapping for El Corazon, and authorization for the City Manager to execute the agreement**

COUNCILMEMBER FELLER wanted to know if this photo and mapping extends beyond the boundaries of El Camino, Rancho del Oro, Mesa and Oceanside Boulevard regarding traffic in that area and how things will spread out.

PETER WEISS, Public Works Director, replied no. This is just to do the aerial photography and develop the topography that will then be used for the development of

grading plans for the entire site and the utility plants. This is the first step. We will be coming back before you in December with additional contracts to start that mass grading to begin the Environmental Impact Report (EIR) process for El Corazon. As part of that there will be studies that will do the traffic portion of it. This is simply to take aerial photographs and do digital topography.

DEPUTY MAYOR SANCHEZ moved approval [of the professional services agreement **(Document No. 05-D0635-1)** with Right-of-Way Engineering].

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 5-0.

Mayor Wood determined to hear Item 22 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

22. **Mayor: Confirmation of Council appointees to the El Corazon Oversight Committee**

The committee members are: Diane Nygaard, Mary Abu-Shumays, Margaret Hernandez, Margaret Malik, Joan Bockman, Ben Sullivan, Tyrone Matthews, Jerry Kern, George McNeil, and Jerry Salyer.

COUNCILMEMBER MACKIN moved approval of confirmation of Council appointees to the El Corazon Oversight Committee: Diane Nygaard, Mary Abu-Shumays, Margaret Hernandez, Margaret Malik, Joan Bockman, Ben Sullivan, Tyrone Matthews, Jerry Kern, George McNeil, and Jerry Salyer. She thanked them for their service.

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 5-0.

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.

[16. **City Council: Introduction of an ordinance for Zone Amendment (ZA-8-05) to modify the Calls For Review procedures of Article 46 Appeals and Calls For Review of the Oceanside Zoning Ordinance – Article 46 Appeals and Calls For Review – Applicant: City of Oceanside** *(continued from October 19, 2005)*]

This item has been continued to November 16, 2005

[17. **CDC: Consideration of a resolution approving Development Plan (D-208-04), Conditional Use Permit (C-204-04) and Regular Coastal Permit (RC-207-04) for the construction of a 2,000-square-foot mini-mart located at 1601 North Coast Highway; the project site is located within Subdistrict 6A of the "D" Downtown District and is situated within the Townsite Neighborhood and the Coastal Zone – Chevron – Applicant: Chevron**]

This item has been pulled by staff and will be re-noticed and re-scheduled at a later date

Mayor Wood determined to hear Item 18 at this time.

GENERAL ITEMS

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

Items, following the Consent Calendar.

18. **City Council: Approval of the Parks and Recreation Commission FY 2005-06 Workplan**

MICHELLE LAWRENCE, Interim Parks and Recreation Director, is requesting that Council approve the annual Workplan for fiscal year 2005-2006.

CHARLES ADAMS, Chair of the Parks and Recreation Commission, would like to point out that we are probably one of the few commissions that does not make a fiscal impact on Council. There is no money spent by them. They have already submitted the listing to Council for the naming of the El Corazon Senior Center. They've submitted the listing to the name for the river park. Some of the things they have standing right now are the opening of the dog park, the skate park being relocated, the municipal golf course, standing committee, etc.

COUNCILMEMBER FELLER asked if there is progress to report on the upgrades to the golf course.

MR. ADAMS replied the upgrades are coming along fine. Their biggest problem is that, when they did a development on the ridge, they didn't pay attention to the fact that the over-run would run right down into the golf course and flood it again. That problem is being addressed.

Public input

THOMAS DEMPSEY, 3641 Esplanade Street, requested that Council add the procurement of a community parkland within the Lake area to the Parks and Recreation Commission fiscal 2005-2006 Workplan. We need a park in the Lake neighborhood.

Public input concluded

INTERIM DIRECTOR LAWRENCE replied that they currently do not have a park planned for that particular area of town.

MAYOR WOOD stated his correspondence to her indicated that he would like her to look into some sort of recreational/park facility in the Lake Boulevard area.

INTERIM DIRECTOR LAWRENCE stated one of the tasks that the Department is going to have to take on is the update of the Master Plan, so they will certainly put that on the list of things they need to consider when they update the Master Plan.

DEPUTY MAYOR SANCHEZ moved approval of the Parks and Recreation Commission FY 2005-06 Workplan.

COUNCILMEMBER MACKIN seconded the motion.

COUNCILMEMBER FELLER thought we had 2 parks on Lake Boulevard: Oak Riparian Park and Lake Park are on Lake Boulevard.

INTERIM DIRECTOR LAWRENCE responded that is correct.

COUNCILMEMBER CHAVEZ thinks it's important for the public to understand that staff is moving money to do these projects that impact the community. He reiterated some of the projects that the Commission is working on right now. These volunteers are dealing with real issues that define the character of Oceanside.

In response to Councilmember Chavez, **INTERIM DIRECTOR LAWRENCE** stated that a good portion of these projects are in the budget.

MAYOR WOOD thinks it would be nice to look into addressing the Rosa Parks issue somewhere in the City, i.e. a street, a community, a park, etc.

Motion was approved 5-0.

19. **City Council: Consideration of naming the facility located at the El Corazon site, currently referred to as "Second Senior Center", pursuant to City Council Policy 100-55 concerning naming of parks and City facilities**

MEGAN CROOKS, Administrative Analyst, brings to Council the nominations that came from a number of public citizens as well as volunteers in the City. We had a process that went over the course of the summer and into the fall to decide a name to recommend to Council for our second senior center.

We had an application period from June 1st through September 30th. During that time staff did extensive measures to get the word out to the public to get involved with this process. They put up signs where the second senior center will enter into El Corazon. They also put it in the senior center update, as well as the *Oceanside Magazine*, where it appeared twice. The Senior Commission, prior to submitting 2 names through the application process, held discussions on the item through all the months of the summer before ultimately deciding on the 2 names – El Corazon Adult Center, as well as The El Corazon Center with a room named 'á' wolum Pompurú 'ila, and they made that decision at the regular meeting in September.

A total of 10 applications inclusive of the Senior Commission applications came forward through the Parks and Recreation Department, with a total of 8 names being received.

Staff recommends 3 different actions to take. The first is to select a name from the recommendations proposed by the Parks and Recreation Commission. The top name came from the Parks and Recreation Commission as El Corazon Adult Center. The next 2 tied for second with Edward H. McCullloch Adult Center and El Corazon Adult Center with a room named 'á' wolum Pompurú 'ila.

The next alternative is to select a name from the applications submitted by the public. As well, Council has the option of creating your own new alternative name. The names that she will be presenting to Council and the public this evening are a representation of the application information only, and it is an unbiased representation. It's not intended to represent staff's opinion, nor the nominator's preferences. They are in order of priority based on the Council policy and within that priority they are listed alphabetically.

Under the first priority – geographic location – the 2 Senior Commission nominations are the El Corazon Adult Center and the El Corazon Center with a meeting room named 'á' wolum Pompurú 'ila. The next is El Corazon Senior Center, and there were 3 separate public nominations submitted for this name. The last under this priority is Reunión del Corazón, meaning a gathering place of the heart.

Under the second priority – other considerations based on a cultural or historical preference - 'á' wolum Pompurú 'ila, meaning a gathering place of the elders in the Luiseño language.

Under the third priority – extraordinary circumstances – there were 3 submitted named in honor of 3 different individuals. One for Dr. John McDonald - McDonald Adult Center. Dr. McDonald served many years as the president of the Oceanside/Carlsbad Community College and was also integral in its relocation to the current day MiraCosta College. He also served as a City Councilmember and a County Supervisor, as well he was a leader in many other organizations throughout the City. He passed away approximately 3 to 4 years ago. We also have Edward H. McCulloch, who was a known leader in Oceanside and was the Chairman for the Senior Citizens Commission. He was

also one of the individuals who helped get the initiative of the second senior center development going. He also fought for non-medical senior transportation needs and was a leader and member of many organizations within the City. The Mavourneen Senior Center is named for Maureen Fleming, who is the current Senior Center Supervisor, and it's also Irish for my darling and the name Maureen.

Those are the names that were submitted by the public as well as by the Senior Citizen's Commission. As stated earlier, staff recommends the approval of one name for the facility located on the El Corazon site currently referred to as the second senior center.

Public input

DONNA McGINTY, 2405 Mesa Drive, stated the language 'adult' as defined in the dictionary is a grown up person, a person of age as defined by law, usually the age of 21; senior being that of older individual. You're going to be dealing with a world of baby-boomer retirees very shortly. She doesn't think any of them are afraid to wear the badge of 'senior'. They've worked hard all their lives. Senior sounds refreshing. Council could just eliminate the word 'adult' all together.

JEAN DOKTOR, 1376 Temple Heights, asked why 'adult' center instead of 'senior' center. This was not the idea at first when we were planning a new senior center. We are seeing a marked increase in the senior population. She is proud to be called a senior. To her it is a journey of many years serving her community. We don't call them 'adult' volunteers, we call them senior volunteers. She urged Council to leave 'senior' in the title.

JIMMY KNOTT, 124 Sherri Lane, would like to ask that Council keep the term 'senior' in the name. A lot of different grants from public and private organizations are linked to 'senior'. Without that in there we may miss opportunities for additional funding for support, building, or refurbishment.

He thinks it is appropriate to designate a portion of this center as 'á' wolum Pompurú 'ila, which means a gathering place of elders. A majority of the votes approved having a separate room within the center or garden area named this.

MIKE FRANCIS, 1445 Burroughs Street, supports Edward H. McCulloch as the name for the senior center. Mr. McCulloch was a well-known leader in the community. He spent most of his retired life in Oceanside volunteering for others. He served as Chairman of the Oceanside Senior Citizens' Commission, where he was working to establish a transportation system. He also worked very hard to help start the process of the second senior center.

He was a long-time member of North County Lifeline because he realized that many seniors became isolated and dependent when they could no longer drive themselves. Unfortunately, in the final years of his life he came to know that all too well. In 2002 he won the volunteer of the year award for his tireless work at the California Welcome Center, having served over 10 years.

On Saturdays and Sundays during the summer you could always find him at the Transit Center greeting people on the beach train and trying to get them to spend their money in Oceanside. He was also the official photographer, documenting many civic events for the Chamber of Commerce and has actually won awards for his photos in *Oceanside Magazine*.

Ed served as an election judge for many years and he could be seen at most City Council meetings. He spent a lot of his time trying to make Oceanside a great place to live, especially for the seniors. He passed away July 2, 2003, at the age of 86.

I am not a senior but was raised to believe that the term senior citizen

commanded respect. To say 'adult' is someone who hasn't earned that respect yet.

OSCAR CULP, 235 Cottingham Court, stated when he arrived here in 1961 the only place an African American could live was what is now referred to as the East Side. He brings this up because there have been many changes in Oceanside for the better. He always feels good telling people new to Oceanside who want to know where the black people live that there is no predominantly black section here. People live wherever they can afford to live. He knows there was a committee that has worked hard to come up with a name for the senior center. He is suggesting to Council that the senior center be named after the late Rosa Parks.

Public input concluded

COUNCILMEMBER MACKIN was previously on the Parks and Recreation Commission and when they were in the process of discussing the senior center, there was discussion that we would have 2 rooms there. Is that still in the plan?

MS. CROOKS replied yes. There are still going to be 2 multi-purpose classrooms. Each one can be broken up into 4 separate classrooms, but there are 2 separate main multi-purpose rooms.

COUNCILMEMBER MACKIN stated there is a big part of her that wants to name this after Rosa Parks, but she is having a problem with that because of the process that has been gone through so far. We do have other facilities on line with the City, is that correct?

MS. CROOKS replied yes. With El Corazon, we will have a number of facilities ahead of us, as well as parks.

COUNCILMEMBER MACKIN has to respect the process that the Parks and Recreation Commission has gone through. She **moved** to name the center the 'El Corazon Senior Center'. Since we have 2 rooms, she thinks it is important that we look at our Luiseño people, and she would also ask that we name a room á' wolum Pompurú 'ila and call the second room Reunión del Corazón.

DEPUTY MAYOR SANCHEZ grew up respecting the word senior, and she feels that this center was meant to be for seniors in a part of town that is not that well served by our current senior center that is closer to the coast. She was having a difficult time calling it an adult center because to her that would be the first step in making it a joint kind of activity. There are so many things that we could do at a senior center that could be considered exclusive, and she wouldn't want anyone to feel like we were trying to exclude anyone. There is room at El Corazon for all kinds of activities.

She **seconded** the motion and encouraged the Parks and Recreation Commission to look into another element for Rosa Parks. She does believe we need to do that. She knows it must have been tough to narrow it down to 2 names, but she thinks we have done it.

COUNCILMEMBER FELLER stated we named a park for the Luiseño Indians. He thinks having a name that is not very easy to pronounce will make it difficult to direct people to. He is not in favor of á' wolum Pompurú 'ila for the room. He believes it would be more appropriate to name the rooms possibly after Mr. McCulloch and John McDonald. He really liked Mr. Culp's recommendation, giving an honor to somebody such as Rosa Parks who stands for everything that is right for this community. He thinks we are missing a great opportunity to put her in this mix. Rosa Parks Senior Center at El Corazon is a name everybody would recognize and recognize why it's there.

[Councilmember Mackin left the meeting at 6:45 PM]

He **moved** to name it Rosa Parks Senior Center, with the names of John

McDonald and Ed McCulloch as the possible 2 rooms to be named within the center. It's out of respect for what Rosa Parks stood for. There is no history that makes us any prouder than people who stood up for principles when it was a hard thing to do.

[Councilmember Mackin returned to the meeting at 6:48 PM]

COUNCILMEMBER CHAVEZ stated when he saw this on the agenda he talked to the City Manager and the Deputy City Manager. It is a great opportunity to make a clear statement that something is good, and this is a great thing. His concern when looking at it was we had 8 recommendations, and a number of other recommendations come forward. They have all been respecting something, i.e. heritage, ideals, individuals and cultures.

He doesn't believe that we are in a time critical situation. When are we having the ribbon cutting ceremony for the senior center?

MS. CROOKS plans on having a groundbreaking in late Spring of 2006. The estimated construction period is one year. If that stayed on timeline it would be Spring of 2007 for the ribbon cutting. We have a considerable amount of time ahead of us at this point.

COUNCILMEMBER CHAVEZ brings that up because he thinks we should go out again and work within the community. This is a really good thing. We don't have to make a decision right now.

He wondered if Councilmember Feller would change his motion to send all these items back to staff, and then he would be happy to second that.

COUNCILMEMBER FELLER asked if Councilmember Chavez is asking to put his suggestions out as an alternative as opposed to voting on this tonight.

COUNCILMEMBER CHAVEZ responded yes. We're looking at 18 months out. The groundbreaking would be 6 months out. He thinks all the discussion has been good. This is a public issue; it's on the table.

COUNCILMEMBER FELLER modified his **motion** to add a continuance for 90 days for any further input.

COUNCILMEMBER CHAVEZ seconded the motion.

COUNCILMEMBER MACKIN questioned policy where we are not to consider recently passed people for emotional reasons?

MS. CROOKS replied yes. It is a Council policy. It was driven by the Parks and Recreation Commission and approved by Council. Under the Priority 3 classification – extraordinary circumstances – the item is posthumous and under that it is recommended in the policy that you wait 2 years after the death of that individual to insure that it's not an emotionally based decision. Council can change their policy or adopt from the policy.

COUNCILMEMBER MACKIN understands that if we were to take this back to the Commissions that have worked on it for quite some time already, the Senior Commission and the Parks and Rec Commission, and open it for public input, then there would be this 2-year timeframe that Council would ask the Commissions to follow as policy, is that correct?

MS. CROOKS responded if it were directed by the Council, then we would be going back to the Commission. However, if it were originally submitted in the application process, staff would come forward with the recommendation that it did not meet the criteria. We'd still present it to inform the Commission that it was nominated by the public, but we don't recommend it because staff is strictly guided by the policy.

COUNCILMEMBER MACKIN asked if we directed staff to direct a Commission to consider a name then it really wouldn't be an open public process as we are giving direction that this is what we want. She thinks it is important that we look at it again. She stands by her motion out of consideration for the people who worked on this. She is the liaison for Parks and Recreation, and she will be glad to talk at the next meeting and discuss with Parks and Recreation how important it is to the Council to move forward to look at future facilities and naming them after Rosa Parks.

MAYOR WOOD called for the question.

DEPUTY MAYOR SANCHEZ seconded the call for the question.

Motion on the call was approved 5-0.

ASSISTANT CLERK TROBAUGH understands the second motion is they would like to send it back to staff for 90 days.

MAYOR WOOD requested a vote on the motion to send it back for 90 days.

Motion failed 2-3; Wood, Sanchez and Mackin – no.

MAYOR WOOD requested a vote on the original motion [for naming the center El Corazon Senior Center, with one room to be named á' wolum Pompurú 'ila and the other room named Reunión del Corazón.]

Motion was approved 5-0.

[Recess was held from 7:01 PM to 7:22 PM]

20. **City Council: Approval of the Community Relations Commission FY 2005-06 Workplan**

JOHN DICE, Chair of the Community Relations Commission, stated they are working on the same projects they have been working on for the last number of years, especially our highly visible Martin Luther King scholarships program and our Martin Luther King Civic Awards.

COUNCILMEMBER FELLER stated the other critical thing they have is reviewing the Community Development Block Grants (CDBG). He thinks some weight ought to be thrown behind that because that's where recommendations come for a great amount of money that Council distributes to the community.

MR. DICE responded that Councilmember Feller, as their liaison, has kept them very well informed, and they exchange information. CDBG is a very important program. They have been recommending allocations of monies for various programs throughout the community that are in need.

DEPUTY MAYOR SANCHEZ moved approval [of the Community Relations Commission FY 2005-06 Workplan].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

21. **City Council: Approval of the Library Strategic Plan 2005-2010**

DEBORAH POLICH, Library Director, stated this plan has been in development for about a year. It was part of the Library Department's goals and also was a goal in the Library Board of Trustees' Workplan. This is a road map for the next 5 years. We

know that new technology and new innovations are constantly changing libraries. Many of the things that are in this plan are things that we would not have even considered or dreamed about 5 years ago. We also know that many things will emerge over the next 5 years that we have not anticipated. The Library Board has made a commitment to review this plan annually, to update it as we go along and to revise it based on new developments and changing information.

Tis plan is ambitious and there are many projects and goals. Some of these are internal goals, things that the library can accomplish within its own resources just by changing the way it does business - policies, procedures and practices. Other goals are more external in focus and they involve City management, Council and the community. They may require funding. Those goals and elements will be brought back to Council for consideration at the appropriate time as the plan proceeds.

As with any road map, we know that we should expect detours, bumps in the road, delays and also diversions. We've tried to strike a balance between insuring accountability in our plan and reasonable target dates, yet remain flexible and able to adjust. The plan is serving as a guide and gives direction as we work to improve library services for the community.

The Strategic Planning Committee and the Library Board of Trustees reviewed our mission and values statements and felt that they still reflected what the library was doing and were unchanged. Our mission is to serve the informational, educational, cultural and recreational needs of our diverse community by facilitating literacy, life-long learning, cultural enrichment, information equity and civic involvement in a welcoming customer-focused environment.

The Strategic Planning Committee had a number of activities. Being librarians, the first thing that we did was a literature review to determine articles and resources that we could use in the planning process. We examined best practices. Our Committee toured other libraries and spoke to other professionals about different concepts that we were exploring and to find other ways of doing things. We did a survey of our staff. Most of our library staff completed an internal survey about customer service, and we solicited their ideas. Many of those things are reflected in the plan.

We conducted several Strength, Weakness, Opportunity and Threat (SWOT) analyses. These exercises were done with the staff and with the Library Board. This is a very simple process, but it yields a remarkable consensus about what we needed to focus on. We also compiled benchmark data, and this data is in the back of the plan. It shows the library in comparison with other libraries in the County and also libraries of comparable size in California. We could see that the library does very well in some areas; we have very strong programming and rate the highest in the number of computers that we have for the public.

In some areas we fell short: our circulation, facilities and our hours. The basic measure for that, particularly for facilities, is based on square footage per person in the community. We examined those numbers and included those in the plan. The average in cities of a comparable population in the western United States is .5 square feet per person. The average of all libraries in our benchmark was .46 square feet. Oceanside is currently at .28, so we felt it was important that we include something in the plan that would look at this element.

We looked at our circulation, which has been declining in spite of our best efforts. We know it is related to facilities and hours. These are things you will see addressed in our plan. We also explored the demographics and the elements of our community. This information is also in the back of the plan. We felt it was important to really understand who we were serving.

We had focus groups that worked on 6 key areas in the plan, and each of them worked hard to put together the recommendations. We are proposing that we

implement a marketplace model for our library. We noted in working on the plan that libraries are looking at bookstores and retail businesses for ideas to be more successful and to respond to community needs. Some of the things that have come from this include more attractive displays of materials as you walk in the door to get people interested in using the materials; more copies of popular items; and staff out on the floor assisting and directing people, greeting them and welcoming them. Many businesses are now using self-service options. There are self-service options for libraries for checking out books.

Another element of our plan is customer service. This is a focus that we have always had, but we wanted to renew that focus and emphasize it even more. We want staff to look at everything we do as how it affects our users, our customers. You will see examples in the plan of ways that we want to do this.

Our plan includes new technology. We feel there are many opportunities that the library could take advantage of in terms of technology to provide better service and be more efficient. Resources available from home are one example. As the price of gas goes up and traffic congestion becomes an issue, more people enjoy being able to access materials from their home. We also feel that we can use our web page more effectively to provide services remotely. We plan to use a system to automate what is now a manual system for maintaining and reserving all of our computers for the public.

We looked at streamlining operations, getting rid of redundant processes, making things simpler, handling materials less and getting them on the shelves more quickly. We've already started doing some of this, and it's showing some results.

Another element in the plan is upgrading and expanding facilities. Going back to what we saw in our benchmarks, we included some steps that we feel could be taken as a planning approach to address some of these deficiencies. Increasing hours is something we know the community wants. She has been asked by the Library Board to look at it and come up with some options for them to look at and bring back when appropriate.

Finally, throughout our plan we have elements of continued staff and community involvement. We have advisory groups that we want to strengthen. We've established new methods of communicating among our staff. The plan helped a lot in many respects in terms of communication, and we want to maintain the progress that we've made in those areas.

We have an ambitious number of years ahead of us. In looking at the things that we wanted to achieve, many we wanted to get started on right away. We've already begun expanding remote access. We now have audio books that people can access from their home computers. There are other things like audio books that can also be used remotely.

In Year 1 we plan to replace our 16+ year old Bookmobile. We will be coming back to Council with recommendations on replacing that Bookmobile. We also would like to begin planning this marketplace remodel. We think it will revitalize our services, attract new users and be something that will increase our circulation. We want to begin planning that, with the consultant's help, to see what we need to do to achieve that. We would propose to hire a consultant for a broader facility plan. Our facility plan for libraries is dated now and we feel that planning for the future is something we need to be doing to be positioned for opportunities that may arise. We would like to begin this year, and we do have the funding in our current budget for our computer reservation system. We would be looking at options for our hours within the budget framework as possible.

In Year 2 we hope to be well under way in our Strategic Plan. If things are moving forward, we would be able to work on remodeling and re-carpeting the Civic Center Library. We would, at that point, hope to begin our marketplace display in the

Mission Branch and Civic Center libraries.

There is a bond measure for library construction. It is a $600,000,000 statewide bond that will be on the ballot in June of 2006. We don't know if that measure will pass and what all of the requirements will be, but we had a placeholder in our plan for that should it be possible to take advantage of any of that funding.

Also in Year 2 we thought it might be time to establish a Wi-Fi network within the library. People enjoy bringing in their computers and using them within the library, and this is something other libraries are doing. We could manage the technology to make that happen. If we are moving right along, we should be able to inaugurate our new Bookmobile.

In Year 3 we would follow up on the things we have initiated already. If we are on track for a facility design, we would be continuing to look at that. We might be able to begin offering electronic books, something along the lines of the audio book, it's an electronic book that people access from their home. By Year 3 there might be other things out there.

In Year 4 we would be continuing with whatever planning process might be in place. If there is a plan for a new facility in the future, we would want to study Radio Frequency Identifier (RFID), which is a new form of technology that replaces the bar code with a computer chip. It offers opportunities for more efficient handling of materials. You can actually check out a stack of books all at once using this technology. We'd like to see video conferencing capability. It's something that the community seems to have a need for. We have been exploring grant opportunities to try to get the funding necessary for video conferencing.

In Year 5 we would be working on unfinished strategies, continuing to plan on new facility development and talking about the next 5 years.

We have a vision here for our future. It's a step-by-step process. We know it is ambitious, but it's a road map that would enable staff to focus resources and energy on a shared vision of the future.

COUNCILMEMBER FELLER stated one of the computer graphics said marketplace installation. What is that?

MS. POLICH replied the bookstore model or the marketplace model is whereby the library becomes more bookstore-like in its initial appearance. We will still have shelving that has the main collection, but we would be using some of the techniques in the marketplace, the bookstore, in the retail to market our collection and have displays of materials that are attractive, self-service and people on the floor to assist.

COUNCILMEMBER FELLER stated the only thing he is worried about is comfortability for that one corner of the library that accumulates people. The smell is terrible, and he hopes we have something in there to address that. He is worried about making it too comfortable.

COUNCILMEMBER MACKIN thinks of Barnes & Noble when she thinks of marketplace marketing, and she could spend days in there. It's a great place to go and look at books and feel comfortable and have a cup of coffee, so she thinks that would be a wonderful addition to our library. It's a well thought out, great plan.

She **moved approval** [of the Library Strategic Plan 2005-2010].

COUNCILMEMBER CHAVEZ asked if the Strategic Plan is online yet.

MS. POLICH responded it could be, but not until it's approved. We have copies available.

COUNCILMEMBER CHAVEZ stated this is a wonderfully thought out document and he is excited about the marketplace model. It's important that when anybody comes to the library it's not just the books but the environment that encourages that.

He **seconded** the motion. He wanted Council to remember that there are a lot of things in here that are going to take money and will be competing with other demands within the City. When he met with the City Manager regarding this, that was one of the comments he made. This is a great document, and he hopes the public takes the time to read it.

DEPUTY MAYOR SANCHEZ stated the library has always been there for her, and she thinks it's great that it is adapting to the times and getting kids interested in the word, communication and the world.

MAYOR WOOD is very supportive with the understanding that we're all aware that every time there is a budget crisis, this is the first program to get cut. He had a dream of a library at El Corazon.

Motion was approved 5-0.

23. **Request by Councilmember Mackin for Council approval to correct previous direction to staff in minutes from 10/19/05 Council meeting, Item #20, to properly identify Subdistrict 5**

COUNCILMEMBER MACKIN would like to go back and restate corrections for the record. She mentioned the wrong subdistrict. She apologized for having to hold Redevelopment up.

She **moved approval** for direction to send the issue to the Redevelopment Advisory Committee to look at size and bulk of properties to the north and south of development on Pacific Street; to look at height in Subdistrict 5 (from maximum building height of 35' to 27'); to see if it is consistent with adjacent properties to the north and south and to bring back to City Council in 2 months.

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 5-0.

CITY ATTORNEY ITEM

24. **Approval of City Council Policy 100-57 regarding reporting of settlements negotiated in Closed Session**

ASSISTANT CITY ATTORNEY HAMILTON stated, pursuant to Council's direction on October 5, 2005, the City Attorney's office has prepared a proposed policy for the Council regarding reporting of settlements negotiated in closed session.

That proposed policy reads: "It is the policy of the City Council that negotiated settlements of cases or claims shall be finally approved by the City Council only after a proposed settlement agreement has been fully executed by all the parties other than the City. Following the final approval of the proposed written settlement agreement by the Council, the City Attorney shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

This policy does not affect the delegated authority of the City Attorney to settle cases or claims without the approval of the City Council except in those cases where the City Council has directed the City Attorney's Office to settle a particular case within the delegated authority of the City Attorney. In this later instance, the regular policy of the City Council will be in full effect".

COUNCILMEMBER MACKIN moved approval [of City Council Policy 100-57].

COUNCILMEMBER FELLER stated in the policy it says 'other than the City' and he's curious why it wouldn't be something complete with the City's signature as well. What happens if we discover something after all the signatures have been gathered and we have to back up when we've already announced we've got a settlement.

ASSISTANT CITY ATTORNEY HAMILTON thinks the notion behind this policy is that we wouldn't announce that we have a settlement until the Council approves that written settlement agreement that's been signed by everyone, and the only thing the City would be waiting for would be Council approval before signing.

COUNCILMEMBER FELLER asked if there would be no discussion of this until that actual moment.

ASSISTANT CITY ATTORNEY HAMILTON replied correct. There would be no reporting out of the terms until then.

COUNCILMEMBER FELLER seconded the motion.

CITY MANAGER JEPSEN clarified that the City Attorney does have authority to settle claims that are under $35,000 and those things normally would not come in front of the Council unless they were unusual. It does say in the text that the policy would continue to be in effect.

Motion was approved 5-0.

CITY MANAGER ITEMS

25. **Consideration to establish standard conditions of approval to regulate liquor sales in Oceanside as part of the Alcoholic Beverage Control process, and adoption of matrix standards**

ACTING POLICE CHIEF JERRY LANCE stated on October 19th Council requested that we look at our matrix as it related to alcohol licensing. On March 1, 2000, there was an alcohol licensing workshop held by the Police Department. As a result of that workshop, Council requested the Police Department create an alcohol licensing matrix. The matrix was presented and approved by the Council on May 10, 2000.

The State Alcoholic Beverage Control (ABC) determines public convenience or necessity for restaurants and hotels. The Oceanside Police Department determines public convenience or necessity for all other on and off sale liquor licenses in the City. The public convenience or necessity must be established in all cases where: 1) the proposed premises are located within a census track which is over-concentrated with alcohol licenses, and 2) where the proposed premises are located within a police beat having a crime rate of 20% or greater above the average for all of the beats within the City. This alcohol licensing matrix, which we've attached to Council's report, was created to provide consistency in the application of local control rules.

The police department also worked to decrease the sale of products of abuse: small containers of distilled spirits, single containers of beer or malt beverages. Modifications have been made to this matrix, which allow for more flexibility in the licensing of large specialty stores such as Beverages and More, Cost Plus and Trader Joe's. Additionally, greater restrictions have been placed on the traditional products of abuse, which impact the quality of life in our community.

The Police Department, in response to Council's request for information on this matrix, is requesting that Council affirm the Police Department's authority to continue to

act on matters regarding ABC applications using this new matrix. As you look at the matrix, you will see on the first page areas that are shaded. Those are the areas that we have modified and attempted to address the issues that were brought to Council's attention from Beverages and More.

DEPUTY MAYOR SANCHEZ asked if this is going to do it for that type of business.

CHIEF LANCE replied yes, this will address the issues that they have brought forth.

DEPUTY MAYOR SANCHEZ moved approval [to establish standard conditions of approval to regulate liquor sales in Oceanside as part of the Alcoholic Beverage Control process, and adoption of matrix standards].

COUNCILMEMBER MACKIN seconded the motion.

Motion was approved 5-0.

26. **Approval of a request by the Oceanside Boys and Girls Club for support in the amount of $25,000 to assist with the establishment of a recording studio at the Club 55 Teen Center, and authorization for the City Manager to utilize budgeted Special Event Funds and City Manager Contingency Funds in support of this request**

CITY MANAGER JEPSEN has reviewed this with the Boys and Girls Club, and it looks like a good program. It targets some at-risk youth in an area that we have difficulty reaching out to. The Boys and Girls Club has put together an estimate of the capital costs and asked the City to fund 50% of it. They originally asked for $15,000, but when they put the costs together, they found out that the actual costs were significantly higher. He thinks we should jump on this before the costs go up again. He recommended that Council fund approximately 50% of this, or $25,000. In addition to that, it has been suggested that we forward this as a challenge grant, which probably would be a good idea and that we would deliver the money to the Boys and Girls Club as soon as they demonstrated the capability to go ahead with the full installation.

RANDALL GODINET, Executive Director of the Oceanside Boys and Girls Club, thanked Council for considering this. About 1½ to 2 years ago, the Board of Directors had met with several of the Councilmembers and had requested that we entertain the thought of going forward with this as an opportunity to provide more service for our kids in Oceanside. Fortunately, we were able to raise substantial money for the project as well as in-kind services. The funding collaboration consists of Bill Horn's office, the Junior Seau Foundation, Direct Electronics of Vista, Bose Music, NAM of Carlsbad and Cox Communication. The kids in the community will benefit greatly from this project.

DEPUTY MAYOR SANCHEZ moved approval [of this item - for support in the amount of $25,000].

We have been talking as a Council about giving kids options to other exciting things to do with their lives, and a recording studio is going to open up so many doors for these kids. She appreciates the Boys and Girls Club stepping up to do this.

COUNCILMEMBER CHAVEZ seconded the motion.

COUNCILMEMBER MACKIN thanked the Boys and Girls Club for providing a service that the City does have a gap in. She supports this project wholeheartedly.

Public input

THOMAS DEMPSEY, 3641 Esplanade Street, stated Council requested an audit

of the Oceanside Boys and Girls Club, and he asked if there was a report on the findings and if the public was informed of the findings. The City Manager has problems finding funds for public safety in the Lake area including traffic signals.

Public input concluded

CITY MANAGER JEPSEN replied the Boys and Girls Club had an extensive audit done. They had some financial problem about 5 years ago, and we did a lot of work with the Boys and Girls Club to correct some accounting procedures to make sure that those problems didn't occur in the future. There was a report that was produced by an independent auditor for the Boys and Girls Club. He does not believe that we shared the results of that for this non-profit group publicly, but he was aware of that and has shared the information with the Council with regard to how they corrected some of the problems they had with their bookkeeping. They are required to have an accredited audit every year, which they do, and they have made numerous corrections to make sure that those problems don't continue. He is pleased with the progress they have made in their fiduciary responsibility.

Regarding finding funding for the Boys and Girls Club and not things for Lake Bouldvard, if you look at the report he is recommending to Council that we take these funds from 2 existing accounts, not from the City's General Fund Unallocated Reserves. It would draw down on both the Council's Special Event Fund and on the City Manager's Contingency Fund and leave those pretty constrained for the balance of the year.

Regarding Mr. Dempsey's reference to traffic signals, they generally cost about $100,000 to $150,000 each. We do have a priority list for those, and we are able to fund 1-3 of those a year. Certain traffic signals have not risen to the top of the priority list yet for funding. It isn't just a matter of trying to scrape together a little bit of money, like this support for the Boys and Girls Club, but a larger amount of money in terms of a traffic signal.

COUNCILMEMBER CHAVEZ has taken quite a bit of time looking at the funding. He had the opportunity a year ago to meet with the Boys and Girls Club, and go through the audit and the money and what they are doing. If you look at the list of people on this Board, they had a lot of great community people come forward to step up and this is a professionally run organization that is making giant strides forward to help children.

Last night at the 10-point meeting they had a map, and if you look at the City and see where the incidents are happening with youth, gang-related or otherwise, you will find that this area we're talking about here is significantly more impacted than you would see around the College Boulevard and Oceanside Boulevard area.

Motion was approved 5-0.

CITY COUNCIL REPORTS

27. **Mayor Jim Wood**

MAYOR WOOD recognized Judy Quinton, who was the first female manager at the Police Department, Louise Foussat and Rosa Parks, who all passed away recently. He requested a moment of silence for these 3 women prior to adjournment.

Last week there was an open house from Genentech. Their acquisition of the Biogen Idec facility is very important to the City.

He was asked to be the speaker at the 3 college's graduation on Camp Pendleton's facility. He was impressed by how many military personnel are getting their degrees.

He recognized the upcoming birthday of the Marine Corps.

28. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ wanted to recognize Guadalupe Garcia, who passed away. She was a resident of Oceanside for 64 years.

Louise Foussat meant a lot to many of us.

29. **Councilmember Rocky Chavez**

COUNCILMEMBER CHAVEZ also recognized Louise Foussat and commented on what a wonderful person she was.

Tomorrow at the Utilities Commission we're going to be talking about wastewater usage rate increases. If the public is interested, this is an opportunity to be part of the process with the Commission and express your concerns.

This weekend, as part of the Library's World Music, we're having the Russian Folk Trio.

Today he attended a Pearl Harbor Memorial Highway dedication, representing Council who had previously voted unanimously to fund one of the markers.

30. **Councilmember Jack Feller**

COUNCILMEMBER FELLER will be celebrating his 33rd wedding anniversary.

31. **Councilmember Shari Mackin**

COUNCILMEMBER MACKIN is headed to Sacramento this weekend for a funding fair hoping to get some results.

She thanked the Foussat family for sharing Louise's life.

She held a Caltrans update meeting, and hundreds of people showed up regarding the Interstate 5 widening and the Interstate 5 and Highway 78 interchange. Her office will be conducting 2 more meetings.

INTRODUCTION AND ADOPTION OF ORDINANCES

The Council/HDB/CDC have 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 Council 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 Council or the public.

32. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside amending Chapter 6 of the Oceanside City Code by the amendment of Article XI. Unreinforced Masonry Building Mitigation to extend the compliance deadlines and update the state code references** *(Introduced 10/19, 5-0 vote)*

Following the reading of the title, **DEPUTY MAYOR SANCHEZ moved** to adopt the ordinance [**Ordinance No. 05-OR0646-1**, "...amending Chapter 6 of the Oceanside City Code by the amendment of Article XI. Unreinforced masonry building mitigation to extend the compliance deadlines and update the State Code references"].

COUNCILMEMBER MACKIN seconded the motion.

Motion approved 5-0.

ADJOURNMENT

After a moment of silence in honor of those who passed away, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:43 PM on November 2, 2005. [The next meeting will be at 4:00 PM on November 9, 2005].

ACCEPTED BY COUNCIL/HDB/CDC:

_____
Barbara Riegel Wayne
City Clerk, City of Oceanside

California

CITY OF OCEANSIDE

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

FEBRUARY 23, 2011

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

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
Esther Sanchez

Councilmembers
HDB Directors
CDC Commissioners
Jack Feller
Jerome M. Kern
Gary Felien

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 4:10 PM, February 23, 2011.

4:00 PM - ROLL CALL

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

In the absence of Mayor Wood and Deputy Mayor Sanchez, Councilmember Feller was authorized to Chair the meeting.

City Attorney Mullen titled the following items to be heard in Closed Session: 1,

2(A), 2(B), 3 and 4.

[Closed Session and recess were held from 4:12 PM to 5:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

   Discussed; no reportable action

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

   A) Property: City-owned property bounded by El Camino Real, Oceanside Boulevard, Rancho del Oro Drive and Mesa Drive (APN 162-082-43); Negotiating Parties: City of Oceanside and JMM Diversified, Inc., dba Moody's; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: terms and conditions of the agreement for the use of City-owned property

   Discussed; no reportable action

   B) Property: City-owned property bounded by El Camino Real, Oceanside Boulevard, Rancho del Oro Drive and Mesa Drive (APN 162-082-43); Negotiating Parties: City of Oceanside and Stirling Development, LLC; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: terms and conditions for the use of City-owned property

   Discussed; no reportable action

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

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

   United States and State of California et al. ex rel Hendrix v. J-M Manufacturing Co., et al., Case No. ED CV06-0055-GW

   Discussed; no reportable action

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

   CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (SECTION 54956.9(c))

   Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: Two cases

   Discussed; no reportable action

5:00 PM – ROLL CALL

DEPUTY MAYOR SANCHEZ reconvened the meeting at 5:02 PM. Present were Deputy Mayor Sanchez and Councilmembers Kern, Feller and Felien. Mayor Wood was absent. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

INVOCATION – John Lundblad

PLEDGE OF ALLEGIANCE – Robbie Low, Carl McCullough

PROCLAMATIONS AND PRESENTATIONS

Recognition of Mrs. Kay Parker, recipient of the 2011 City of Oceanside – Martin Luther King, Jr. Community Service Award

Proclamation – 2011 America Saves Week

Off agenda – Recognition of Robbie Low, a 9-year-old member of the Oceanside Youth Basketball League, who is on his way to the national Elks Lodge Hoop Shoot competition in Massachusetts

Presentations were made

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: See Item 1, 2(A), 2(B), 3 and 4 above.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

FLO LIVERS, 900 North Cleveland Street, is a volunteer at the Country Club Senior Center and understands that some senior centers in California have closed due to financial difficulties and there have been rumors of closing ours. If the center was closed, the vandalism would be devastating. There is already a problem with some vandalism and if it were closed it would be worse. A lot of money has been spent to renovate the Country Club Senior Center. There are hot meals every day where many seniors have their only well-balanced hot meal for the day. She reviewed the services provided.

Many people come to socialize as well. It's comforting to be able to go to the senior center and meet some of our own. She urged Council to consider all of this before thinking of closing the senior centers.

MARGARET MALIK, 1611 Hackamore Road, complained that she requested a list of all commissioners from the City Clerk's office that took 2 days to get and they wanted to charge her for one page instead of faxing it to her. This information should be on the web site. She would also like to see Council meetings start at 5:15 to

accommodate the public better with parking.

JERRY McLEOD, 1517 Del Mar Road, complained that the Council chambers has been very cold but it is now warming up.

NADINE SCOTT, 550 Hoover Street, attended the PERS workshop. There are 3 Councilmembers who think reforming PERS is the budget fix. It's not going to be. The consultant made it clear that going two-tier was not going to save money or balance our budget. If anything, 20-30 years down the line 50% of the public employees would have to be in tier two before we realize savings. This isn't an instant budget fix like is being advertised to the public. The consultant's presentation and all the PERS figures have been put on the City's web site for everyone to read.

When asked if laying off/furloughing employees would solve the PERS issues, the consultant stated emphatically no, it would not, because the obligations to pay into PERS are still there for those employees, whether they are currently employed, not employed or part-time employed; the liability still exists.

Also, we had an outside consultant come in when we could have had PERS do a free consultation. She questioned why we spent that money. Council is talking about cutting programs, libraries, senior centers, etc. but spending money on consultants. Where is the cost control coming in?

There are no easy fixes. When you talk about budget you need to be a little more creative than continuing the war against public unions. .

LARRY BARRY, 3973 Brown Street, stated one of the biggest problems we have in our City right now is a lot of people aren't watching what's going on. He predicted that we will be seeing over $5.00 a gallon for gas and the price of food is going up. The biggest problem is not listening to the public input. The unions have the most money and the loudest voice here. He always thought the public could go to the commissions to vent ideas and the commissions would convey to Council where the public is coming from. He had a terrible time with the Police and Fire Commission; they don't listen to the public. Mayor Wood has hand picked certain people to be on his commissions and if you don't agree with Mayor Wood then the commissioners don't listen to you.

DINA DAVID, 914 South Tremont, teaches baton twirling at the recreation department.

She understands Council's loyalty to current and former employees, but their first obligation is to the taxpayers of this City. She remembers when volunteers took care of community events and asked Council to set an example by straightening out the budget mess. Volunteers may be an endangered species these days, but they are not extinct. Call in the senior citizens to help. They grew up in a volunteer world and know how to function without computers, cell phones, calculators or credit cards. We need to cut the red tape of over-regulations that we're drowning in to enable more volunteers.

GEORGEO KERPANI, 315 South Nevada Street, is the one who fundraised and decorated the pier and harbor bridge for the holidays. A lot of people have ridiculed him and asked where the lights are. He is requesting help from the City this time. The first time he put the lights up, City staff said he had defective lights. Luckily the supplier was willing to take the lights back. The second year, after purchasing new lights, he got the okay to put the lights on the pier but then certain individuals changed their minds and he couldn't hang them. People criticized him for that. The City Manager and Joe Arranaga have since gotten involved to help resolve this. The pier is our crown jewel and it's nice having it lit up for the holidays, as well as the harbor bridge. They hired a licensed contractor who has advised what needs to be fixed on the light poles and he

asked the City Manager to designate someone to help resolve the issues. We need to know early this year if we can continue this. Over 300 people donated and many more would like to.

CONSENT CALENDAR ITEMS [Items 7-21]

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

CITY CLERK WAYNE announced that there are requests to speak from the public on Items 11 and 13. Items 17 and 18 have been continued to the March 2, 2011, Council meeting.

The following Consent Calendar items were submitted for approval:

7. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the November 3 and November 10, 2010, 3:00 p.m. Regular Meetings

8. 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)

9. City Council: Approval of Change Orders 6 **[Document No. 11-D0124-1]**, 7 **[Document No. 11-D0125-1]** and 8 **[Document No. 11-D0126-1]** in amounts totaling $14,383.31 to Coastal Air, Inc., for the County Club Senior Center Room Addition project, for additional work requested by the City, and authorization for the City Engineer to execute the change orders; and approval of a budget transfer in the amount of $15,326 from CDBG Recovery Act Funds to complete the funding for the project

10. City Council: Approval of a twenty-year lease agreement **[Document No. 11-D0127-1]** with the Buena Vista Audubon Society for the premises at 2202 South Coast Highway, with educational programs and services about nature and wildlife provided to the community as valuable consideration in lieu of market rent, and authorization for the City Manager to execute the agreement [term from 7/7/09 – 6/30/29]

11. **Removed from Consent Calendar for discussion – public request**

12. City Council: Adoption of **Resolution No. 11-R0129-1**, "...authorizing the approval of a Memorandum of Agreement **[Document No. 11-D0130-1]** with the County of San Diego in the amount of $736,793 for Operation Stonegarden FY 2010", for the performance of grant-funded law enforcement services jointly with other law enforcement agencies under Operation Stonegarden FY 2010; appropriating the funds to the Police Department; approving the associated expenditure plan; and authorizing the City Manager or Police Chief, or their designees, to execute the agreement and all other required documents

13. **Removed from the Consent Calendar for discussion – public request**

14. City Council: Approval of an option to purchase agreement **[Document No. 11-D0132-1]** with the San Diego Association of Governments for approximately 37.34 acres of the 82.84 acres, more or less, of real property located along the San Luis Rey River, south of State Route 76 and west of Gird Road in the Bonsall/Fallbrook area, to be acquired by the City from the Rincon San Luiseno Band of Mission Indians (Assessor Parcel Nos. 124-140-22, 23 and 24, and 124-150-26), of which the remaining 45.5 acres of the total 82.84-acre site is required for offsite habitat mitigation for the San Luis Rey River Flood Control Clearing project; authorization for the Mayor to execute the agreement, staff to

conclude the transaction, and the execution of deeds **[Document No. 11-D0133-1]** and other instruments required to fulfill the terms of the agreement; and approval of a budget appropriation in the amount of $2,005,987.69 from the available Unassigned Fund Balance of the SLRR Major Water Course Fund 510 to the SLRR Flood Control Project expenditure account for the acquisition of the property from the Rincon San Luiseno Band of Mission Indians, and flood control activities

15. City Council: Approval to install speed humps in five locations on Bella Collina Street between Woodview Drive and Terracina Street

16. City Council: Approval to accept a contribution in the amount of $14,000 from the Mar Lado Highlands Homeowners Association, and approval to appropriate these funds to the Mar Lado Highlands Landscape Maintenance District operating account

17. [City Council: Adoption of a resolution approving the Final Map for the Morro Hills Village K project, a 125-lot residential project located on 33.41 acres on Vista Pointe Boulevard and Bellingham Drive, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder]

This item was continued to the March 2 meeting

18. [City Council: Adoption of a resolution approving the Final Map for the Morro Hills Village L project, a 79-lot residential project located on 109.679 acres on the east side of Vandegrift Boulevard at the terminus of Village Drive, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder]

This item was continued to the March 2 meeting

19. City Council: Authorization to award a contract **[Document No. 11-D0134-1]** in the amount of $927,000 to Select Electric, Inc., of Spring Valley for improvements to the City's traffic signal communications system, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

20. City Council: Authorization to award a contract **[Document No. 11-D0135-1]** in the amount of $201,918 to Charles Doherty Concrete of Oceanside for the Citywide Sidewalk Repair FY 2010-11 project for concrete-related repairs throughout the City, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

21. City Council: Ratification of the execution, delivery, acceptance and recordation of the agreement and relocation easement with Fish and Game by the City Manager and City Clerk under an emergency situation for the relocation of a portion of the Haymar Sewerline west of College Boulevard and south of State Route 78, within the City of Carlsbad on lands owned by the California Department of Fish and Game, and the Clerk's acceptance and filing of the document with the County Recorder
Document No. 11-D0026-4 (Non-Council approval on 01/11/11)
Document No. 11-D0136-1 (Council approval on 02/23/11)

COUNCILMEMBER KERN moved approval of the balance [of Consent Calendar Items 7-10, 12, 14-16 and 19-21].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0; Mayor Wood – absent.

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.

23. **City Council: Approval to issue a Request for Proposals for the sale, lease or other disposition of the Sunshine Brooks Theater with the condition that it continue to be used as a community theater**

MEGAN CROOKS, Senior Management Analyst, stated the Sunshine Brooks Theater Management and Operation Agreement ended in June of 2010. At that time, we entered into a 1-year property-use agreement with New Vision Theater with the intent to explore revenue-generating options through a Request for Proposals (RFP) process within the year. We have also had inquiries into the potential purchase of the property. We are here this evening to find out if Council is interested in entertaining the option to have it purchased as part of the RFP process. The RFP will still include the other options, such as lease or property-use agreements but adding the purchase option would expand the options of proposals that may come into the City.

With Council's approval of that, we would need to enter into a 60-day opening of surplus land and that would be to public good agencies for them to make an offer on the property prior to our putting an RFP out.

No public input

COUNCILMEMEBER KERN asked where the current operator of the Sunshine Brooks Theater comes into this process.

MS. CROOKS responded the current operators, New Vision Theater Company, may also participate in the RFP process and are well aware of that. That was one of the reasonings when we explored the idea of opening an RFP process. Adding the 1-year property use agreement would have also given them an opportunity to prepare for that type of process rather than a renewal at that time. In addition, they have started a lease/rent on the adjacent property at 219, and the City is acquiring revenue with that. They are also exploring how they could operate both facilities. They are interested in this process, which is also one of the reasons we're entertaining the idea of the purchase.

COUNCILMEMBER FELLER asked how long the RFP process would take.

MS. CROOKS responded we have the 60-day period that we would have to set this out for public good agencies. After that, we can put an RFP out for 45-days. Staff would have the RFP ready to go at the end of that 60-day period and we will wrap up whatever agreement or proposals we would be bringing forward to the Council as soon as possible after that. We'd probably be going into early fall, and have already talked to the current operators about making an amendment and extending some time so they can continue to allow the public access and use and continue that operation in the interim. It would be month-to-month.

COUNCILMEMBER FELLER moved approval of staff recommendations.

COUNCILMEMBER KERN seconded the motion. He asked if this is just for the theater and not the rest of the building.

CURTIS JACKSON, Property Agent, responded it would be for 217, which is the theater, and also 219, which they are currently renting.

DEPUTY MAYOR SANCHEZ is concerned about selling an asset during this economy, but it's important to see what opportunities there are out there so she will support this motion.

Motion was approved 4-0; Mayor Wood – absent.

Items removed from Consent Calendar for discussion

11. **City Council: Approval of a one-year professional services agreement [Document No. 11-D0128-1] with ValleyCrest Tree Care Services of San Diego in an amount not to exceed $90,000 for street tree trimming, tree/stump removal services, and as-needed extra work; and authorization for the City Manager to execute the agreement**

JOAN BRUBAKER, 1606 Hackamore Road, asked if when they are dispatched somebody will tell them to take a little care of people's fences. Last year they trimmed the trees and the branches fell indiscriminately, scraping the fences and knocking off paint and wood. She asked staff to ask the contractor to use a little more care toward peoples' property.

JOAN BROWN, 511 Rockledge Street, stated this is the second year that this has been done. They aren't just trimming trees; they're cutting down trees, especially in the OCNA (Oceanside Coastal Neighborhood Association) neighborhood. Just 2 weeks ago they took out a palm tree that had a girth of approximately 48" and the stump is still there. Last year they took out many trees in our area, not to be replaced. They say they are trimming the trees but they are actually flat-topping them. When she asks the workers who is doing this, SDG&E somehow gets involved. If it's coming out of our General Fund and SDG&E is involved, they should be replacing these trees, or we should. In most cities if you take out trees you have to replace them. The wires are more predominant when the trees are removed.

CITY MANAGER WEISS responded SDG&E does not trim trees on our behalf; this is a separate contract. When SDG&E trims trees they do flat-top them for wires. Depending on where they are, in most cases they let staff know. But in most places where they feel that the tree growth is a threat to their wires, they will go trim them. This tree-trimming contract is our routine tree-trimming contract. We do, if we removed them, follow up later on with the stump removal; it is not done by the same contractor. This contract does include some stump removal.

If trees are removed that are adjacent to private property, we do work with the property owner. We have an approved tree list and we try to replace those trees. If it's done out in a parkway area, we will replace them. In some cases they won't be replaced. The Council does have a policy on tree removal; the tree has to be either diseased or dying or it has to be causing damage to public or private property to be removed. We do have an arborist on staff who evaluates every tree and we have an ongoing process with representatives from the OCNA neighborhood to work out looking at some of those larger trees because there are some that are causing damage. In order to keep them, there are going to be some issues coming up and staff is working with them on that.

We don't simply replace trees in-kind; we have a species list. If any property owner has an issue with a tree in their yard, they can call us. We do have a replacement policy and we would work with them to replace those trees. The public can call Public Works.

COUNCILMEMBER KERN moved approval of the agreement **[Document No. 11-D0128-1]**.

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0; Mayor Wood – absent.

13. **City Council: Approval of a Consent to Common Use Agreement with Caltrans for City-owned sewer facilities within the State Highway 76 Bypass right-of-way at Jones Road; and authorization for the Mayor to execute the document**

JIMMY KNOTT, 127 Sherri Lane, stated we had an agreement with Caltrans in the Jeffries Ranch area and asked how we can make sure that Caltrans lives up to their end of the deal in this agreement if they didn't in the Jeffries Ranch agreement.

CITY MANAGER WEISS stated the utility in this case is there; it was built as part of the Highway 76 project. This is an after-the-fact Common Use Agreement that we are entering into with Caltrans. The portion that Mr. Knott referenced is that we don't have the ability to go under the freeway and dig it up to get to our sewer. They have already lived up to their end of the bargain; the sewer was relocated. This is simply the joint use agreement that allows us access and rights under an easement to the sewer.

COUNCILMEMBER KERN moved approval [of a Consent to Common Use Agreement **[Document No. 11-D0131-1]** with Caltrans].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0; Mayor Wood – absent.

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.

22. **City Council: Consideration of Zone Amendment (ZA-10-00001 Revision) and Local Coastal Plan Amendment (LCPA-10-00001 Revision) introducing Article 39A – Amateur Radio Antenna Regulations – to the current Oceanside Zoning Ordinance, as well as the Oceanside Zoning Ordinance in effect on May 8, 1985; adoption of revised City Council Policy 300-14, Enhanced Public Noticing Requirements, to allow Amateur Radio Facilities Conditional Use Permits to provide mailed notices to properties within 300 feet of the subject property; and establishment of a $500 fee for processing of conditional use permits for Amateur Radio facilities (exclusive of public noticing fees) – Amateur Radio Antenna Standards – Applicant: City of Oceanside**

This public hearing is continued from January 5, 2011

A) Deputy Mayor opens public hearing – hearing was opened.
B) Deputy Mayor requests disclosure of Councilmembers and constituent contacts and correspondence – Deputy Mayor Sanchez and Councilmembers Feller, Felien and Kern reported contact with staff and public.
C) City Clerk presents correspondence and/or petitions -
D) Testimony, beginning with:

JERRY HITTLEMAN, City Planner, stated as background on this item, on October 21, 2009, the Council directed staff to come to you with an update to our Telecommunications Ordinance and form an ad hoc committee, which we did. We worked over 2009 and 2010, and in October of 2010 the Council approved our Telecommunications Ordinance and directed staff to create a separate amateur radio Antenna Standards Ordinance because it didn't fit directly into the Telecommunications Ordinance as it is separate from the wireless community (the companies that put up cell towers). We had a number of meetings with the Amateur Radio user community; we met with them on December 29, 2010, and January 31, 2011.

The proposed actions before Council are a Zone Amendment and a Local Coastal Plan (LCP) Amendment to Article 39A. We'll also be amending Article 39 to take out the Amateur Radio Ordinance regulations and add in a definition. We will also be revising a Council policy [300-14] that requires public noticing requirements. We're going to a 300' notice for amateur radio Administrative Conditional Use Permits (CUP), instead of the 1,500' notice that's typically required. We're also recommending that the resolution be adopted reducing the fee for an Administrative CUP from $3,570 to $500. The reason behind this is that there is a federal law that says that we have to accommodate, however we can, these types of amateur facilities and the 2 requirements are means for doing that.

Article 39A sets a height limit of 51', or 10' above a roof height, whichever is higher. If a facility is under that height, they are exempt from Article 39A and do not need an Administrative CUP. Computer graphics showed what some of the facilities may look like. There are some around the City; some on rooftops and some that are stand-alone. Typically they are under 51' so we're really accommodating the amateur radio community by not making them go through a discretionary process.

Code Enforcement staff will not respond to any complaints of legally permitted HAM radio antennas and if there is one that doesn't meet the standard and is over 51', we would go through normal Code Enforcement procedures. We're not aware of any that are over 51' at this time. We do have one that was permitted on Carey Street, which was approved by the Planning Commission a couple of years ago.

Staff's recommendation is to approve a Zone Amendment and LCP Amendment introducing Article 39A, revising Article 39, revise Council policy so we have the 300' notice and reduce the fees to $500 for an Administrative CUP (ACUP).

JONATHAN KRAMER, Kramer Telecom Law Firm, 2001 South Barrington Avenue #306, Los Angeles, the City's outside counsel, stated we've had tremendous back and forth with the amateur community and they've been extremely helpful in developing these standards.

There was one last-minute item that just came up that we haven't had a chance to discuss yet and that is for antennas that are in a yard that are not attached to a building there is no minimum height that we've specified that would be exempt from a permit. He would recommend taking public testimony on this and we'll come back with a recommendation for Council at the conclusion of public testimony.

Public input

NADINE SCOTT, 550 Hoover Street, knows that staff and HAM operators went through a lot of negotiations to arrive at this fee but this is not going to cost recovery; the $500 fee will not adequately recover what will actually be expended by staff. She doesn't like lessening the notice requirement, but if the maximum is only 10' above the roofline then that's probably going to be okay. If it were any higher she would have a problem with the notice.

LARRY BARRY, 3973 Brown Street, was here at the October meeting and thought it was a scandal that our amateur HAM radio operators were going to have to pay $5,000, the same as the telecommunication companies. That's what caused this to come back. He is a member of CERT (Community Emergency Response Team) and HAM operators are a vital part of CERT. They are going to be working the HAM radios so we can have communication in emergencies. We've seen this time and again; when we had the Fallbrook fire, the Rainbow fire, etc. where communications were dropped from the towers. The HAM operators with their repeaters were the ones who got communications back to each other. These people just want to help the community. They are volunteers who do everything they can and we should do whatever we can to

help them.

FRED ATCHLEY, 4872 Cardiff Bay Drive, has been a HAM radio operator since 1957 and has been through a lot of disasters. We are volunteers. He would like to think that the City and the HAM operators are working together. He thanked Councilmember Kern for showing the leadership to start that dialogue.

DENNIS BACA, 659 Arthur Avenue, congratulated Council for extending the olive branch by reviewing and helping to complete this process. While there are some things that he does not agree with at this time, he believes the Ordinance we have, as written, is fairly well done. There are things that he'd like to revisit but that can be done at a later time. This was a learning process for the City. As an amateur operator he had the opportunity to help educate.

JIM KELLER, 3533 Normount Road, has been a resident for 32 years and a HAM radio operator for 43 years. He commended the City for creating an Ordinance that reasonably accommodates antenna needs for the amateur radio service. He thanked staff for working with our team to understand our needs so that a fair document could be generated, which it was. He encouraged Council to approve this Ordinance as it sets an excellent precedence that other cities can follow.

TOM HOWARD, 1010 South Cleveland, is a disabled HAM radio operator and during the fires we had a couple of years ago he spent an entire week helping the police and fire out that did not have communications in some parts of the County. They appreciated what we did. The fee that the City is asking them to pay would take him a year to save up for. He would encourage Council to pass the Ordinance and be aware of the fact that those of us who are disabled really depend on HAM radio.

ERIC ATCHLEY, 4872 Cardiff Bay Drive, thanked staff and Council and appreciated them not making it a political issue. This is HAM radio operators serving the community and being part of the volunteer process. These operators are ready and will do their best to help this community.

JOE GARDESKI, 1597 Ridgeway, relocated here with his wife about 2 years ago. The City instituted a citizen's academy and we were able to partake and learn a lot about the community. Through that we were exposed to CERT. We completed an 11-week training course with Oceanside CERT. The CERT team has a core group of HAM radio operators that we became involved with. Those operators established a net and we now hold weekly nets and practice. Now the whole County participates. This is an example of how these things grow because the City has kept an open mind, which has created leverage and excitement and we now feel empowered and that the City is behind us.

Public input concluded

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

MR. KRAMER stated we did resolve the issue beforehand through the language, we just had to go back and revisit to make sure we all understood what it was saying. The question had to do with Section 3902A(1)(a) and whether an amateur radio operator is required to get an Administrative CUP for an antenna that would be stand-alone in a yard, not attached to a structure. Under that section, they can go up to 51' with simply a building permit. The reason we require building permits it to make sure that the structure itself is safe.

COUNCILMEMBER KERN spent many hours with staff and the HAM radio operators. He **moved** approval of the recommendations [including introduction of **Ordinance**, "...for Zone Amendment (ZA-10-00001 revision) adding Article 39A and modifying Article 39 to the Oceanside Zoning Ordinance regarding amateur radio tower standards"; adoption of **Resolution No. 11-R0137-1**, "...modifying the Local Coastal Program with amendments to various sections of the 1986 Oceanside Zoning Ordinance to regulate amateur radio antenna standards and requesting California Coastal Commission certification of said amendment", and **Resolution No. 11-R0138-1**, "...adopting a reduced Conditional Use Permit development processing fee for amateur radio operate antennas"; and adoption of revised City Council Policy 300-14].

COUNCILMEMBER FELIEN seconded the motion. Participating with the HAM radio group was a great experience and it's a tremendous asset and we've been able to come up with a workable solution that solves 99% of the issues.

After titling of the Ordinance, the **motion was approved 4-0**; Mayor Wood – absent.

[Recess was held from 6:26 PM to 6:32 PM]

Deputy Mayor Sanchez determined to hear Item 26 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

26. **Request by Councilmember Kern to provide direction to staff to bring forward, within 30 days, an ordinance to repeal in its entirety Chapter 14C of the Oceanside City Code (Inclusionary Housing), and further, to bring forward voluntary builder incentives to meet the City's affordable housing goals**

COUNCILMEMBER KERN is bringing this forward to go from a tax based system to an incentive based system. There is a HomeDex study done by the North County Association of Realtors that shows that in Oceanside, in some zip codes, they have 80% affordability; attached homes in 92057 have 80% affordable. He doesn't think there is a need for an affordable program when you have 80% of the units in that particular area affordable.

This is not to do away with the program; we still have to meet the RHNA (Regional Housing Needs Assessment) housing goals, etc. However, the housing goals can be met by an incentive program versus a tax program. The City of Folsom did away with their affordable housing tax last month and the County of San Benito did away with it last year. Only about ¼ of the cities in California actually do an inclusionary housing tax, and most of them do it through incentive-based programs to meet their housing goals.

He **moved** to direct staff to bring forward, within 30 days, an ordinance to repeal in its entirety Chapter 14C of the Oceanside City Code and further to bring forward voluntary builder incentives to meet the City's affordable housing goals.

COUNCILMEMBER FELIEN seconded the motion.

Public input

KAY PARKER, 4372 Albatross Way, requested Council get the input from the subcommittee that Council requested several months ago. We've done a lot of work in these months and have had for-profit and non-profit developers on the committee. We have met Council's criteria and assignment; our work is finished and we would like to have it presented. It was scheduled to be presented to Council in March. It would be beneficial so she is asking for a schedule change. The composition was the BIA

(Building Industry Association), a for-profit developer, a non-profit developer, a member of the Housing Federation, a planner and a Housing Commission member. We would be most grateful if Council would take that input first.

On a different subject, she reported that the 80-unit senior complex on Lake Boulevard is under construction at this time providing jobs for our local craftsmen. 80 units will be available for low-income seniors and the need is great. She thanked Council for their approval of that project, as well as the fourplex that will serve disabled veterans as they return. We are doing good work and ask that this subcommittee's work product could be presented to Council before making this decision.

JIMMY KNOTT, 127 Sherri Lane, reviewed a few points: 14C.6 and 14C.8 provide the Council ample authority for review and setting of the fees. However, Council hasn't been proactive with this authority. Section 14C.5 sets up conditions and criteria of affordable and implementable. He agrees that 10% seems a bit silly, but that's Council's choice to set that criteria and you have not changed that. Section 14C.10 provides a clear exemption from the process set by the Director of Housing and Neighborhoods but there is no clear exemption criteria that Council has established. Therefore, the problem is not with the ordinance; it's with Council, who have not been reviewing the fees, indexing criteria or clarifying exemptions. Carlsbad has a series of questions to determine whether or not an affordable housing project will be difficult to integrate. He urged Council to look at where their responsibility sits.

JOAN BRUBAKER, 1606 Hackamore Road, asked if the mantra is that no item to aid the Builders Association should be overlooked. There was an agreement a couple of years ago to avoid collecting building fees up front, but instead defer the payment until final inspection is approved. That's one for the builders. Now there is a request to severely retard ample requirement for affordable housing presented by someone beholden to the Builders Association. She realizes campaign contributions are very important to those receiving them, but isn't this a bit much.

CHRIS MEGISON, President and CEO of North County Solutions for Change, stated without hearing and seeing specific details about how Council is going to replace inclusionary housing, he's interpreting this as a direct threat to the health and wellbeing of Oceanside families. Specifically, one population of the City needs Council's leadership. There are currently 20 Oceanside homeless families with 45 kids who are in our care and battling to overcome homelessness at the Solutions' university. We've raised hundreds of thousands of dollars and leveraged thousands of hours in volunteer labor to help them. They are fighting to find their way home. We've promised them that if they fight – get off welfare, get a job, pay rent, save their money and take care of their kids – we're going to fight with them to defeat homelessness. By fighting for them we, at the minimum, develop more access to permanent affordable housing so when they get through with the on-campus portion of the Solutions' university, they will have a place to call home.

This proposed action threatens their chances. Being a single mother with 2 kids battling homelessness is a big enough threat. He is here tonight standing with them against this threat. We get to look into the eyes of a 9-year-old kid when she walks into her new home and her bedroom and can't believe she really has a home, a bed and a pillow.

He is one of the non-profit CEO's who believes that the private sector should take a much bigger role in solving these tough issues and that's why we have received millions of dollars in private sector funding so that we can activate a long-term permanent solution. He's taken those dollars along with American Recovery and Reinvestment Act dollars and recently put dozens of Oceanside people to work rehabbing homes from around North County. As elected leaders of local government, Council has an important role to lead all of the people of this City and that includes the

ones who are fighting their way back home. He gets what Councilmember Kern is saying, but government does have a purposeful place at the table as an investor to solve these tough problems. He urged Council to vote to save inclusionary housing.

RONALD RAMOS, 111 East Pennsylvania Avenue, Escondido, is a home builder who has built about 1,300 houses in Oceanside, i.e. Peacock Hills, etc. During his career he enjoyed working in Oceanside because it seemed to him at the time that it was a place for the provision of housing, not the prevention of it. He's built FHA houses, farm labor houses, workforce housing and senior housing and when he read about what was being considered tonight, he felt obligated to come and give some historical perspective.

When the Friends of Mammoth decision came down years ago, suddenly there were Environmental Impact Reports (EIR) that had to be prepared for projects and those have spun into a great deal of cost per house and development. Then along came the Controlled Growth Ordinances from Petaluma that then spread throughout some of the cities in the State, and that reduced the production of housing. He read that the City of Folsom was taking this more enlightened look at it by saying that inclusionary housing ordinances do not build houses; they create another set of mine fields to the provision of housing. That is to say there are more problems to deal with.

In a market-based, incentive-based program houses get built. Carlsbad, with the set of traps that are laid down in front of the provision of housing in that city, makes it so that the only thing that gets built are very expensive houses. They make up for inclusionary housing by adding little rental units over the garages, etc. The difficulty that we have is we don't have the ability to produce the number of houses that are necessary. This is an enlightened look.

For some reason, during the 70's and early 80's the whole vision of home-building became different because growth came up, and it surprised people what the effects were and ordinances were laid on top of one another to slow down growth and keep things under control. What that really did was put a lot of people out of the market. At Peacock Hills we sold houses for the same prices as the City's fees are today.

CATHY HAMILTON, 2261 Oceanview Road, supports fiscal responsibility in our City. Oceanside is on the precipice of a crucial budget deficit in the next and subsequent years. She agrees the City's leaders were going to have to find new ways of doing things to combat the looming financial crisis. Councilmember Kern's proposal to eliminate the subsidized inclusionary housing ordinance as a tax is a new way of doing things that seems needed at this time.

In the last 10 years the City has expended $25,600,000 on this program and added only 241 new units to our housing stock. Oceanside has converted 270 already affordable existing units into affordable housing stock and now all of these units are 100% exempted from paying property tax for 50 years. In these times of tight budgets, everyone should pay their share and she is sure that residents of these units use the parks, libraries, pools and emergency services. It seems right to her to take the program from a tax-based system to a voluntary program with building incentives for building affordable housing, mainly in the transit corridors.

Councilmember Kern is seeking pilot payments – payment in lieu of taxes – to be required of such developments so local property taxes are received in the future projects. For instance, with the upcoming Mission Cove project, the vacant property adjacent to the gas station on Mission Avenue and Airport Road, we're seeking that this pilot be required for this development as well. It's hard to believe that this hasn't been occurring for years like in other communities. By not including this, it would add to the cost of the project. However, the exemption of property taxes – tens of thousands of dollars per year for each development needed to support City services - seems

irresponsible to the rest of the Oceanside taxpayers.

LILIANA KUCHINSKY, 3580 Normandy Circle, stated a few years ago she lost her home due to some hardships and poor planning on her part. She found herself homeless with her family and was so embarrassed for her children. She was in a bad situation and found herself depressed and scared and didn't know where to turn. She found out about Solutions for Change and applied. She was accepted and completed their program within a short period of time. Things started looking up and then her husband was injured on the job. Once again that scared feeling came through her. She was offered an affordable place to live that is funded by NSP money. She lives in a 4 bedroom home with her 3 boys and her husband and never imagined herself in such a nice home. She is employed, pays her taxes, shops locally and her boys are doing really well in school.

She is still worried about the future of her family. Her husband has been placed on disability and the same income that was coming in from his job has been cut in half. We struggle but our bills are paid every month. She takes great pride in where she lives today and works very hard to keep her place. She is asking Council to reconsider this decision. Many families can suffer from this and end up homeless like she was. We are not asking for a handout; we are asking for some help to get us back on the right track.

LAURIE FRAME, 4818 Siesta Drive, is in favor of the affordable housing program in Oceanside. Her family resideS in one of the affordable housing homes here. A little over a year ago she was diagnosed with a life-threatening disease and was told she needed a transplant in order to live. This devastating news was totally unexpected and turned the life of her family upside down. Suddenly she had to resign from her job of 5 years and we were faced with losing our home and moving in with family. She had to take her son out of a school where he was doing so well and life as they knew it was falling apart. She lived in constant fear of how she was going to make it through this heartbreaking time.

That was a year ago. Since that time she and her son were offered an opportunity to be part of the affordable housing program of Oceanside through North County Solutions for Change. Now she is on the road to recovery; not only from health concerns but from the devastation of homelessness.

The opportunity to have a home for her family and being a part of the affordable housing program has given her family a chance to recover. She is again employed and her son attends a great school. She is a taxpayer now where she was once financially dependent upon our government. Only through this program has she been able to break the cycle of homelessness. As a single mom she can't afford $1,500 per month for rent. If not for this program she and her son would probably be in a shelter, on welfare, dependent upon others and the resources of the community in order to survive. She urged Council to see how this program benefits everyone and vote to keep it alive.

JIM SULLIVAN, 900 North Cleveland, stated this is a tax break to the development community at the cost of the working poor. Because of the recent campaign and the indication that the majority of your funds are from developers and those that live outside of Oceanside, he asked Councilmembers Kern and Felien to consider not voting on this. The funds that are at risk are those that come from the State that are part and parcel with the affordable housing element. He understands a voluntary system, as opposed to a tax system, is always desirable. But why give this to the development community at the cost of those that vote for you.

ANGELA FRANCO, 4587 Big Sur, lived in Oceanside until she ran into hard times and lost her home and children. She didn't know where to go and had to give her children to her mom for a while, which was very hard for her. She went to Solutions for Change and she and her 3 boys had a place to call home. It was hard at first but she

got through it. Her 2 daughters came to live with them later and she is glad to have her whole family back. Through Solutions for Change she has completed what she needed to do. She is working full time, is not on welfare anymore and pays her taxes. She also pays her rent and bills on time. She lives in affordable housing and has a nice 4-bedroom house. She would not have any of this if it was not for affordable housing. She asked Council to save the inclusionary housing program for the families who will need it.

CHUCK LOWERY, 812 Alberta, questioned why any Councilmember would vote for this give-away. It's obvious that it is payback time. Developers will benefit. We need developers in this community, but we also need their money and their costs to keep this community functioning. Political party pals will benefit but tax-paying Oceanside residents will not benefit. We elected you to help taxpayers and not developers. Your support of this will be added right on to your property tax. Vote to keep people in their homes.

LARRY BARRY, 3973 Brown Street, stated this is an entitlement program and things have just gotten out of hand. His church is involved with Solutions for Change and they help out whenever they can. One of the problems he's seen is there are people who won't take job promotions or get married because they would lose their affordable housing. This should be a transition thing, not a permanent life style. The median price of a home in Oceanside is half of what the median price is of the same home in Carlsbad because of gang violence, murders, etc. We need to clean up before we start taking care of people. This should not be an entitlement program where we get more and more poor people; we have enough poor people in Oceanside. We need more rich people in Oceanside that are going to pay taxes. We need to improve our property values and make everyone pay their own way.

LAURA MAYER, 2226 Fire Mountain Drive, stated an important measure of any community is how that community takes care of their most vulnerable populations. The proposal to cut inclusionary housing funds affects some of our City's most vulnerable. Having worked at homeless shelters for years, it's clear that the choices facing an increasing number of individuals and families facing homelessness is shrinking. As witness to the heartbreaking reality of homelessness, she is grateful for programs that do exist to scare individuals from the dangers and brutality of life on the street. It's not a good time in America for a lot of folks. Why Oceanside would cut inclusionary housing funding in this time of great depression and need baffles her. She hopes her City representative don't take away the possibilities for homeless families.

ANNE CHRISTIAN, 4769 Westridge Drive, thinks it's unconscionable to propose the elimination in its entirety of the inclusionary housing provision to the City Code. She seriously doubts that builders would voluntarily agree to include a percentage for low and moderate income in their developments.

Through her church she has been involved with Solutions for Change and is impressed with the way they take people off the street and teach them job skills, etc. If we eliminate this inclusionary housing program, people will suffer. This is a very difficult time in our country and a lot people are suffering. People complain about entitlements, but aren't people who are suffering and poor entitled to something? She urged Council not to vote for this.

NADINE SCOTT, 550 Hoover Street, stated this is nothing more than a political pay-back and the taxpayers will end up subsidizing legally required inclusionary housing; the State requires it. Once Council passes this ordinance you will immediately be in violation of your State housing element because you cannot provide that housing based on what's in there and what our zoning is.

We're not Folsom, she's been to Folsom and the average cost of their homes is

about $180,000. It's inland and near a prison. We have the most valuable asset in Southern California – location. Councilmember Kern mentioned zip code 92057 that has an 80% affordability range, but her zip code has a 7% affordability range. That means they are all out of housing stock, are all in foreclosure and/or no one can afford to buy or rent there. That was for non-detached homes. The true story of affordability, which is why we have inclusionary housing, is that her zip code, 92054, has a 26% affordability rate for detached homes, which means 74% of people can't afford to live there. The 92056 zip code has a 40% affordability rate for detached homes, that means 60% of people can't afford to buy a home or live in that zip code. 92057, contrary to the 80% affordability for attached homes, has a 41% affordability rate for detached homes, which means 59% of people can't afford to live in those zip codes.

CHRIS BUTLER, youth, is 13 years old and has worked at the Solutions for Change and Bread of Life homeless shelters for years. My church just finished hosting the traveling homeless shelter for 2 weeks. The night I signed up to sleep overnight at the church with my parents we got new guests; a kid the same age as me showed up with his mom. His name was also Christopher and he was just like me – except he had to sleep with his mom on a mattress on the floor in a small room with 17 strangers snoring a foot away. I gave him my sweatshirt that night because he was cold.

That night in my own bed in my own room I asked myself why I had so much when Chris had nothing but his backpack and the clothes on his back. He deserves a safe place to lay his head at night just like I have. We were so happy to find out a few days later that the Interfaith shelter had found he and his mom a low-income apartment.

The City can't cut inclusive housing money because the funding is tight. I'm glad I don't have to lay awake anymore worrying about Chris, but there are so many other kids and families out there just like him that need help and there won't be anywhere to find it. I can't believe that cutting this funding is the best the City can do and I ask Council to remember me and my friend Chris when you vote on this issue tonight.

ERIN MORIN, 1241 Chambord Court, is the Vice President of Action 4 Neighborhoods. Our poor and people who are struggling in this economy are getting foreclosed on and losing their jobs. We need to keep this inclusionary housing. We have to try to help these citizens. This program helps to protect our citizens from homelessness. We have veterans coming home who are disabled and need places to transition from the military to housing. We need to keep this program in place.

MARGARET MALIK, 1611 Hackamore Road, resents the lobbyists and building people that are here this evening because if you don't live here, you need to stay out. She realizes Councilmembers have to pay back for the money that they've gotten, but this is not the way to do it. If Councilmembers received contributions from someone, they should not vote for those items because that is a conflict of interest. If you didn't get any money from the Building Industry then feel free to vote on it. Council is supposed to represent us. This is not the right thing.

The Building Industry complains about prices going up – prices do go up and they have to pay them. We have very little building here and they can cough it up. Nobody is building in Oceanside and not making money. We are a premier place to be.

GERALD JOHNSON, 4750 Milano Way, President of the North San Diego County NAACP, stated on December 18, 2009, the United Nations General Assembly proclaimed the year beginning January 1, 2011, the International Year of People of African-American Decent.

Inclusionary housing crosses all lines of our culture. A place to live is a necessity for all members of our community. Without requiring developers to include lower

income units in their development or helping to fund each housing unit in other areas through development fees, low to moderate income families will continue to be squeezed out of the market in Oceanside. People from these families often work in local service and commercial jobs. These jobs support the physical and commercial infrastructure.

Policies and programs are necessary that support and maintain our diversity. Our government needs to insure that all residents have access not only to affordable housing, but also to the programs that give families and their children the help they need to climb the economic ladder and improve their standard of living. We realize there is a budget crisis, but adopting a budget and discontinuing policies and programs which will adversely affect the least fortunate in our City is not the way to resolve it. He urged Council to re-examine our budget for other areas to cut and to maintain the important lower income support programs, like inclusionary housing.

DIANE NYGAARD, 5020 Nighthawk Way, stated one of the measures of a great country and a great city is how well it cares for the basic needs of all of its residents. You've heard many compelling stories tonight about the importance of housing being one of those basic needs. Another reason Council needs to take a second look at this and move very carefully is that the State requires every city to have a housing plan that shows how you're going to reach a target number of housing needed for the entire population; not just the wealthy. There are only so many ways the City can do that. It's not easy to achieve those numbers. A lot of factors go into figuring out how we are going to meet those numbers; how far we are in build-out, what the current housing stock is and how big the is gap in our housing numbers.

If we do not have a housing plan that's acceptable to the State, we are not just jeopardizing millions of dollars of housing money; we are jeopardizing millions of dollars of the discretionary transportation funds that come through SANDAG. A couple of years ago they adopted policy that said if you do not have an acceptable housing plan, you do not get the discretionary transportation federal and State dollars passed through the regional funding agency. If Council cares about supporting infrastructure like roads, you need to make sure that you are not jeopardizing that by approving such a poorly thought-through change to our housing.

SUSAN RIGGS TINSKY, 110 West C Street, #1013, San Diego, Executive Director of the San Diego Housing Federation, asked Council to postpone this action. First and foremost, we believe this program is invaluable to the creation of much-needed affordable housing for the veterans, seniors and low-income folks that live here and for your work force.

Regarding comments by the previous speaker, the City's Housing Element is currently out of compliance and by repealing this program, which is a core component of your Housing Element in terms of how you meet your housing needs, you will really shine a spotlight on the City and be putting yourself at significant risk of litigation. Ms. Parker referred to a committee that Council had asked for to look at inclusionary housing and she understands the report from that committee is supposed to come back next month. That would be the time to look at and have a discussion of the implications of the repeal of the ordinance. SANDAG is currently going through the RHNA process where they are actually looking at the new housing element. That is again an opportunity for Council to look at the program and how you're meeting the needs for affordable housing in your community. Those are 2 great times to do the analysis that is necessary to insure that you are not putting the City at risk of litigation.

In light of of the Governor's proposal to eliminate redevelopment agencies, this is a bad time to be eliminating other programs for affordable housing. She asked Council to take another look at this and postpone a decision until there is an opportunity to do more analysis and discussion.

MIKE CROGHAN, 4522 Coronado Drive, stated we need more rich people in this County, developers, to pay their way.

He's seen this City explode during the 14 years he's lived here. He assumes that one of the main purposes of the idea behind this repeal is to give developers an incentive for greater profits and less community-based responsibility. He asked if in the past 5 years the supporters of this repeal could give some examples of developers who have gone elsewhere with their projects because of this inclusionary housing.

MICHAEL HENDERSON, 1764 Via Allena, stated much of what he was going to say has been said already. He will email his comments to Council. The Councilmembers know that his church [Shiloh} has been deeply involved and committed to this issue of affordable housing. We had the privilege of participating on the affordable housing task force that was implemented by Council back in the early 2000's. We are rising to oppose such a proposal and urge Council to take the time necessary to look at this. We're talking about lives/families. Oceanside is a very diverse city and we want to make sure we're doing everything we can do to enhance and improve the quality of life for all people.

BORRE WINCKEL, 9201 Spectrum, San Diego, President of the Building Industry Association of San Diego County, is here to address a failed policy and the effect of a marketplace and economy that is making this failed policy worse. All this talk about this being a developer fee issue is misguided. The new home buyer or market-rate renter pays this tax without a say or a gain of any benefit. It inflates rent, property taxes and the monthly mortgage; yet affordable housing units so financed are taken off the tax roll. Full City services are still required and the taxpayer picks up the tab.

Imagine a new car sticker showing a 5% fee so someone else can buy the same car at half the sticker cost. Imagine the same type of tax on big consumer items, such as flat screen televisions or refrigerators; a tax designed to offer the same products at substantially lower costs to others. Of course these taxes don't exist. But when it comes to housing, the taxing of one group of residents to subsidize housing for others remains largely unknown. Yet, reasonable access to decent housing options for those most in need still falls far short of the mark. The system is clearly broken. Inclusionary and punitive housing policies likes this City Chapter 14C assigns false blame, passes the buck and perversely creates even more upward pressure on housing costs which increases the need for affordable housing. Truth be told, the inclusionary housing financing schemes are based exclusively on government exactions and they don't work.

Is this policy even relevant today? Oceanside is already one of the most affordable housing markets in San Diego County. Here housing affordability indexes range from 60% on the coast to 80% east of the freeway. These are record high affordability rates which will keep climbing. Blame higher gas prices. While an ever-higher affordability rate is welcome news in some quarters, it signals severe and continued distress in the larger real estate market and the economy in general. Are we not past the breaking point? We can keep a failed feel-good policy in place for which no economic justification exists or we can try to jump-start jobs and stop the decline of local housing and property values.

Council action can positively influence new job creation and higher private sector spending in the City which floats all boats. It should today abolish as written Chapter 14C. Next, it should convene an industry task force to come up with a fresh approach working with a sense of urgency. We need a program that works for all in bad economic times; a voluntary program that incentivizes the construction of affordable housing units. Please take action as the current policy hurts all sides.

RUSS HALEY, 3818 Park Boulevard, San Diego, CityMark Development, Chair of

the BIA, represents 40,000 people that are out of work right now in San Diego. We're tired of this. We've been out of work now for about 5 years and things are not changing. We need to kick start our economy and our industry and we need to get our people back to work.

Regarding building in Oceanside, in 2010 only 176 building permits were pulled in the entire City. We're not at work and we're not building any housing right now. If we're only building 176 homes, that does not increase our affordability. We need to lessen the barriers and get ourselves back to work.

He works for CityMark Development, who owns no property in Oceanside. We are a smart-growth builder and we've been looking at a lot of projects on the west side of the freeway. We've tried to make a lot of offers but we can't make anything work. The reality is that you have landowners that have a certain price and builders that have a certain price to make their profits work. Land right now west of Interstate 5 is basically worth zero in this City. That's why you don't see any new projects being built right now.

A previous speaker asked about other cities and we are making it work in other cities. We can't make it work here in Oceanside because of the current fee structure. We also talked about programs and the motion was not to do away with affordable housing but to come up with other incentives to make these programs work. He is an example of a builder who has built in La Mesa, San Diego and currently Encinitas where we are doing voluntary inclusionary housing. It's not a voluntary tax. It's actually providing housing.

This is not about giving profits to developers; it's about making projects work. It's about us being able to pencil something and take it to our lenders and saying this is a project that we think, based on the risks, we can make work. Oceanside is full of many opportunities and he looks forward to working with Council on this.

CHRIS HALL, 429 South Sierra Avenue, Solana Beach, has a family-owned home building business and has been building homes in Oceanside for 20 years. We have a 35-home project in Oceanside that has had permits for several years which we haven't been able to build. Currently the costs to build a project make it unfeasible. We've had to shelve it this entire time. Reducing the fees would make a tremendous impact on the ability to build this project and get people back to work.

This is unfair to working people and doesn't work. 7 years ago we were the first homebuilder in Oceanside to build affordable homes within our project instead of paying the in-lieu fees. The homes sold for $200,000 less than the market-rate homes in the community. Consequently, we had to charge the neighbors more for their homes to make up for the losses in building the affordable homes. Today the market-rate buyers are having trouble making ends meet in this economic slump. The affordable buyers now have new jobs and their income is at or above their neighbor's. In their garage in one of the affordable homes that we built is a new boat, all-terrain vehicles, a motorcycle and other expensive toys. It was like winning the lottery for them.

This is not needed. Prices have dropped and affordability is way up. If we can reduce the fees and costs to build, the price goes down and the affordability gets even better. It's easy economics; less costs, less sale price, more affordability and more potential buyers and the market comes back. There would be more building, employment, tax revenues, services supplied by the City.

A better solution would be if the City used a system that incentivized affordable housing, the builders would flood the City with affordable alternatives. There are hundreds of ways to incentivize building without costing the City anything. Density bonuses, flexible development guidelines, fast-tracking, fee deferrals/forgiveness,

redevelopment zones can all be looked at.

His father moved to Oceanside in 1972 to manage the Hungry Hunter, which is still here. Twenty years later he built his first subdivision in Fire Mountain. Oceanside has made amazing positive progress in that time and become a model coastal city. This is an opportunity to stay on the cutting edge of positive progress and keep Oceanside's reputation at the top.

We need help. We must borrow the $10,000 fees before starting a house and pay points and interest on the money. We then add it to the price, which increases the State tax, commissions, closing costs, etc. The $10,000 fee that the City gets costs the buyers $15,000 in increased price. This is a very big deal to the City, affordability of housing, and will make a big impact on our ability to start building again, get our company restarted and put people back to work.

MICHELLE TAYLOR, 259 Douglas Drive, was a resident of Solutions for Change in 2000. She resided there for a short period of time. Once she left there she was able to move into low-income housing, which allowed her to better herself by going back and completing her education and bettering her children's lives. She was able to transition out of low-income housing and into a place where she could afford to pay the rent on her own. She is here on behalf of people who have lost their jobs, single parents, disabled people, etc. This program is vitally important. Had it not been in place for her she doesn't know what would have happened. She asked Council to please consider keeping 14C in place. Everybody is not looking to stay there for the rest of their lives. Everybody has to be given a fair chance.

AMANDA BERGARA, 1360 Enchante Way, stated when she came this evening to learn more about this, she was surprised at Councilmember Kern's opening statement where he introduced the request to repeal inclusionary housing in its entirety, stating that other cities have done it and we could rely on builder voluntary incentives. But there was nothing spoken about a plan in place to insure that those voluntary builder incentives happen. There was nothing said about a guarantee that we will have enough affordable housing in the long term and for years to come.

Councilmember Kern also said that right now there is enough affordable housing but she was wondering where. She knows so many people who struggle to pay their rent and we have foreclosures on the rise. We really need some sort of guarantee before we just repeal it. The timing is not good; our economy is bad, unemployment is up and we live in a community with many seniors on fixed incomes, etc. This is bad timing for such a big decision without assurance that there's a clear plan in place to insure that affordable housing will continue long-term.

MATTHEW ADAMS, 9201 Spectrum Center, San Diego, is here on behalf of the San Diego BIA, an association that has served the construction industry for over 75 years. We have had to sit here tonight and hear some rather unflattering things about our trade association. Our trade association employs plumbers, electricians, carpenters, painters, etc. That's who we are and who we represent.

Tonight is not an attack on affordable housing; it's an acknowledgement that this is a program that is flawed; it over promises and under delivers. That has been the case in almost every city that has this in California. Contrary to what you've heard tonight, there is no law that says you have to have inclusionary zoning.

What we're talking about here to try and get people back to work and one of the constraints we face today is the inability to have projects make economic sense. When you're looking at what is essentially a tax paid by new home buyers, a select few who are being charged $10,000 or more for the privilege of buying a house in Oceanside to try and deal with a broad societal problem. It will never generate the amount of

revenues that are necessary to really meet the needs of the people that you heard from tonight.

We're here tonight to say what we have to focus on is job creation. Let's get the industry back to work. We've been doing some research and each new house that's graded touches almost 200 separate companies who have employees. We have to re-engage and prime that pump and this is a major impediment to do that.

He doesn't take kindly to being portrayed as a villain. This is a very sensitive issue and it's scary for some people. But the real villains are in Sacramento, they're stealing our money all the time. We only keep 17 cents of every property tax dollar that's generated here and they're coming back for more now with the local tax dollars that are generated in the redevelopment agencies. That's where the attention has to be focused; how do we keep the tax dollars that are generated here – here. There is nothing wrong with asking if there is a better way and as elected officials you have a duty to ask that question.

ROBERT MARKLEY, 200 North El Camino Real, Vice President of ACTION stated the developers will benefit if this motion is passed. Most of these people do not live in Oceanside. Who will suffer if this is passed are the working poor, veterans, disabled and retired people. He urged a no vote on this motion and urged the Oceanside voters to pay attention as to how each Councilmember votes.

SHEILA KADAH, 5301 Village Drive, stated we need to take care of people who need this affordable housing. The majority of people in Oceanside want to keep this affordable housing and Councilmembers are supposed to work for us; not for big business, who are only in it for the profit.

FRANCIS KAZERSKI, 278 North El Camino Real Space 8, stressed that Council table the motion of having a roll-call vote in the absence of Mayor Wood and postpone it for another meeting. He would be available to the Council if they ever have any public sessions regarding this inclusionary zoning with the builders, developers, etc.

JIM JENKINS, 1429 Calle Marbella, stated we need to open our eyes to affordable housing and the fact that people do need that helping hand periodically. That will be our next generation of people. He is a big proponent of this. Maybe there is some fine-tuning that needs to be done, but we need to keep our eyes and our doors wide open. If we don't help those that are in need to get up and out, then we're going to have people on the streets.

JERRY McLEOD, 1517 Del Mar Road, stated we're having a rough time right now in the nation and our area. Many people are losing their homes. This is not the time to change something that doesn't need to be changed. Apparently there are already things in the current ordinance that you can do yourselves. Why not do it? Most of the people who spoke on behalf of the BIA were from outside of Oceanside. The key to economic recovery and building is money. Banks are not doing good and they are not helping us out. The builders have to go through a lender to get the money and they're not loaning money. Let's wait for the report that Ms. Parker mentioned earlier. He believes that Councilmember Kern is trying to help out, but this isn't the way to do it. He knows that jobs are very important. We could be coming into a big change right now so he urged Council to take their time and not do this tonight.

DANA CORSO, 5838 Ranchview Road, represents ACTION for Oceanside, which is an alliance of citizens to improve Oceanside's neighborhoods. We have collectively 40 neighborhoods now that are active in our group. Her husband is a builder and they've been building single-family homes and apartment buildings across the country from Michigan to California for the past 20 years. Yes, the building industry went to zero, but her husband reinvented himself and does remodeling and plumbing and whatever it

takes to make money. Clearly as an investor in real estate, a builder, a landlord, a business owner and a citizen we feel that inclusionary housing is important. These developers that are here are clearly looking out for themselves and not the greater good of our community. These developers need to go to another city and build instead of trying to ruin our city and the citizens. Leave inclusionary housing in place; we need it.

Public input concluded

[Recess was held from 8:06 PM to 8:12 PM]

COUNCILMEMBER KERN appreciates everyone coming out to let us know how you feel about this. This is an emotional issue. He hopes he made himself clear that he's not doing away with the program; we just need to find a better way to do it. Everybody talked about their personal experiences with inclusionary housing. In the last 15 years we've only added 241 new units. That's all the housing stock we've added in Oceanside. We've taken apartments that were affordable and rehabbed them and made them affordable afterwards, but then we took them off the tax rolls; they don't pay any property tax. So the citizens of Oceanside have to pick up that cost for services in these affordable housing projects that we've converted.

If you take the emotion out of it, we've only produced 241 units in the last 10-15 years. We can do better. We need to look at how we work with the industry to bring these units on line and he'll bet in the next 10 years, with incentives, we can build more than 241 new units in Oceanside. Oceanside has grown maybe 40% in the last 10-15 years but we've only added 241 affordable housing units in that time. That's the definition of a failed program.

We need to look at another way to do this. He understands that change scares people. It is not State mandated that we have an inclusionary housing tax. Of the 481 cities in California, only 117 have this inclusionary housing tax. They solve their problems in other ways. The City of Folsom brought this forward a couple of months ago and they're going to change. He understands that people want affordable housing but we aren't supplying it. We need new ideas to get things done.

In response to some comments, right now we're not collecting any affordable housing fees anyway because nobody's building. It's zero. Next month it will be zero. Some people have the attitude that if we keep the inclusionary housing tax in place it will prevent building. The problem we have now is that people are out of jobs. The reason people are having their homes foreclosed on is because they can't pay the mortgage. The key to economic recovery is jobs. We need to get those plumbers, carpenters and drywallers working again. If we can incentivize people just to get their projects started and start employing more people, they can go out and spend more money and they can afford to pay their mortgage and their houses won't be foreclosed on.

Some people think he is personally involved in this. He makes nothing on this. He wants to get Oceanside started again. Right now people are stuck because there are no jobs. Once we get those jobs in place maybe they can afford higher rents or afford a home. He's all for helping people move up the economic ladder and the best way to do that is to get them working, not giving them a free or subsidized apartment.

One of the speakers said that government isn't the answer and he agrees. We are not the answer to everything. We need to set the table and let the market set the rate and let private industry do what private industry does. The City builds nothing; we have not sent a carpenter out on a job to build one stick on a house. We just make it available for other people to do. A lot of people are trying to make bad people out of the building industry, but all they're trying to do is make a living; all they want is a job. We need to get those people working again as soon as possible and doing this will help.

We're going to send this back to staff to work with the BIA and other people to come up with those incentive programs; what has worked in other cities and how do we make it work here.

COUNCILMEMBER FELIEN thinks Councilmember Kern hit the nail on the head and the reason why he supports this program is that when he campaigned for this office it was to do everything he could as a Councilmember to create private sector jobs. It was amazing to hear people lament about the sour state of the economy and then tear into the very private sector job creators who hire people and then not draw any connection between the hypocrisy of those statements.

There is another set of forgotten families and those are the families that benefit from those homes being built; but homes are not being built because we have an overly-burdensome regulatory program. There's a reason Texas has 8% unemployment and California has 12% unemployment; because we have these never-ending regulations where government is always the solution and we seem to hear a large crowd tonight who seem to believe in the failed old way of more taxes and more government bureaucracy for very little results that we see in this kind of program.

By removing the $10,000 tax for homes, it would then make homes more affordable, which then creates demand and then creates private sector jobs. That's the virtuous circle; not drawing some lottery ticket to participate in a government program. In the end it's a vibrant private sector that pays the bills that allows people to contribute to charity and be involved in programs that help the less fortunate. He's spent decades being involved in the Operation Hope homeless program that's currently located in Vista. He's able to do that because he's able to participate in the private sector. If he didn't have a job because the economy is bad he wouldn't be able to help out other people in need. At some point in time all of us may be down on our luck and we need help from those who are more fortunate at that time. But the key foundation is to go back to the private sector and create private incentives rather than relying on government programs and create private sector jobs. This is certainly not going to solve every problem but it takes the first step to try and revive an industry that's flat on it's back that will then provide jobs for families who need them. Then in the end they won't need these kinds of programs.

COUNCILMEMBER FELLER asked what we've taken in in the last 3 years in inclusionary housing fees (in-lieu fees).

MARGERY PIERCE, Neighborhood Services Director, doesn't know specifically what it's been over the last 3 years. Since 1991 she would say we've collected somewhere between $20,000,000 and $25,000,000. It has died off. Right now we've pretty much depleted our resources and over the last few years we've collected about $4,000,000.

COUNCILMEMBER FELLER stated we heard 176 permits were pulled last year. He asked if there is a level where they have to pay that inclusionary fee or is it a single-family house.

DIRECTOR PIERCE responded the fee doesn't apply until there is a minimum of 3 or more units. So anybody doing a duplex or single-family home is exempt, as well as everywhere in the Redevelopment Area is exempt for these fees.

COUNCILMEMBER FELLER asked if to her knowledge the only ones who have built homes is Hallmark, with the project off of Emerald.

DIRECTOR PIERCE responded the only developer that has provided the 2 units in the 22-unit development was that developer. Those units are restricted for a long-

term so that family that lives there, in order to move, their equity that they get is restricted as well as they need to find another moderate income family to purchase their home.

COUNCILMEMBER FELLER asked if take this action, are our State funds jeopardized.

DIRECTOR PIERCE responded there is no State requirement to have inclusionary housing. It is one program that we've identified in our housing element and we would need to come up with something that's going to replace that in order for us to get our housing element approved the next go-around. If you don't have a certified housing element, which we currently do, you are at risk of losing various funds on jobs/housing balance funds, transportation funds and other funds as well.

COUNCILMEMBER FELLER asked how Carlsbad handles their inclusionary housing.

DIRECTOR PIERCE responded that Carlsbad had a unique situation that Oceanside didn't have the luxury of. When Oceanside adopted the inclusionary housing ordinance back in 1991, it was still a pretty much built-out community, whereas Carlsbad had a lot of growth and had master-planned communities. So Carlsbad has a 15% requirement. Carlsbad divided their city into quadrants and if someone is building in quadrant A a development, then they are responsible for accommodating in some form, either by buying into a development or creating a development within that quadrant. What the developers there have done is partnered or sold off that piece to an affordable housing developer because the affordable housing developers are actually the ones that can put together the funding resources that create the affordability level by applying for tax credits, bonds and other State and federal money that a private developer would not have access to in the same manner.

COUNCILMEMBER FELLER asked if this prevents us from doing that. Can a builder do that in Oceanside?

DIRECTOR PIERCE can't say that they couldn't. The problem is the land; it's very limited in Oceanside. What land is available to provide affordable housing units is not in the for-sale market, which most of the developers are into. Not very many developers are developing apartments. So the State money that you get is all in the rental industry and that's where the tax credits come. If the developer is developing an apartment, and for example if they were to find a place and say this is where they are going to put apartments, they would most likely want to get a non-profit or a for-profit affordable housing developer to do those units for them because it's an animal in and of itself and there are groups that are very professional at getting that done, like National Core, Community Housing Works, etc.

COUNCILMEMBER FELLER asked how our inclusionary fees, our in-lieu fees, help with, for instance, Solutions for Change.

DIRECTOR PIERCE responded we have been very successful in taking inclusionary housing fees and leveraging those with private, State and federal monies in creating units that are long-term affordable units in perpetuity. We have been in discussions with Chris Megison (Solutions for Change) and he's in the process of trying to get site control, he's looking at a couple of complexes where he would be able to move people out of the university on site in Vista back to Oceanside where they originated from. The inclusionary housing money has been our largest source for providing affordable housing. We don't get that much; we have a very small Redevelopment Area where other cities have greater Redevelopment Areas and have accumulated a lot of money through that. This is our biggest source of affordable housing money that we have leveraged and brought millions of dollars and jobs into

Oceanside.

COUNCILMEMBER FELLER questioned how the subcommittee that we tasked with this fits into this action. Are their findings part of this 30-day process?

COUNCILMEMBER KERN responded the direction to staff is to come back with a program to replace this. It's more of a market-based one. He guesses that report will be out but he didn't know when that was going to come forward. He's been dealing with this for about 4 years waiting for this to come forward. He didn't know it was going to come forward in March. To get away from that inclusionary housing tax is probably a better way to go than this. The report could come out and we could see what they have to say and, hopefully we'll have the BIA, the builders and staff all working on this in the next 60 days to come back with a program or something to replace this. In the meantime, they can put that report out and make it available to Council.

DIRECTOR PIERCE responded the report that the task force worked on was actually the methodology for the calculation of the in-lieu fees. Council directed us to look at a method that would calculate the fee on a square footage basis and in the meantime there were other things that took place and the City Attorney helped us re-craft some of our ordinance to bring it into compliance with State law. The biggest piece of that was just the in-lieu fees that this task force was looking at; not alternative programs.

COUNCILMEMBER FELLER asked Mr. Winckel how he sees the building industry coming forth with voluntary incentives - some of the things that you see as possible for helping these organizations.

MR. WINCKEL responded we represent Community Housing Works and Chelsea Investments, which are all very large affordable housing producers. These are people we not only represent but who we would be working with on a program to replace what we see as the failed inclusionary housing fee. We would not like to see this fee come back because it's just a fee not a form. It's a fee now based on square footage. The intent of it was to differentiate between a large house and a small house and not have the small house pay the same fee. But it was a contentious discussion and we had severe nexus problems with the status of the work at that time.

He did not come here to outline a program; we need the time to come up with an incentive program because it's all news to us as well. We are now aware of the offer under consideration to produce an alternative and we're excited about it because we want to solve the issue. We are about producing housing, whether they are affordable or market-rate; it's still a job creation. If the charge to create affordable housing units is a part of the market-based housing units, it still provides jobs. Where there is a market, we will rise to the occasion. We would like to have at least 30 days to flush this out and he's encouraged by what some of their affordable housing producers have told us about; that they have incentives they've always wanted to have because they say those will work and create affordable housing units. Those will create more units than we are currently producing in Oceanside.

COUNCILMEMBER FELLER heard that builders and don't developers pay for sidewalks or sewers, etc. How does the system work if, in fact, somebody is building a house?

CITY MANAGER WEISS responded our normal development standards would require the developer of the project to put in the infrastructure necessary to serve the project, including streets, sidewalks, sewer, water, utilities, etc.

COUNCILMEMBER FELLER would like to give more time than 30 days because

there are some things that need to be flushed out. If we could go to 60 days, he'd be more comfortable with that. You need to have CORE, Community Housing Works and Chris Megison involved in working this out. Staff also needs to take into consideration the churches that have participated in the past and what they have contributed. Adding a little piece of that to this should make some difference.

He thinks these voluntary incentives can work. He's not sure how that works for somebody like Chris Megison who's leveraging the dollars. His expertise and Board can get involved with this, as well as the other organizations. There are opportunities for us to maybe increase density to allow more units in these parcels - whether they are close to transportation corridors, etc. and what we can do to incentivize for homes or apartments.

He trusts in God. This is about doing the right thing for communities; making a difference in our community going forward. We haven't been as successful as anybody wants. He equates this to 2001 when he still owned the sandwich shop; it was like having to charge $5.50 for the first 9 sandwiches and give the 10th one to somebody else for no cost. He'd rather just give the sandwich away on his own account to help somebody in need. That's how he helps people up. The churches should continue to do what they do; they're providing a great service and a hand up as well. He hopes we can include these people in this discussion.

DEPUTY MAYOR SANCHEZ stated the problem with the building industry, like all businesses, is the economy and getting financing from the now heavily regulated banking industry. We have been working cooperatively with the building and affordable housing communities for about the last 10 years. The in-lieu fee has always been considered an escape hatch. Builders have always opted to pay the in-lieu fee rather than build the affordable housing, either on-site or off-site. Compare this to Carlsbad, which she would much rather strive to be like than Folsom, and they require building on and off-site.

Incentives are already built into our ordinance; density bonuses, height allowances, etc. The in-lieu fees have been used to build and to leverage millions of additional dollars for our City. Our community's quality of life is increased because of our City's and volunteers' commitment to our community; faith based and non-faith based. Affordable housing means housing for our children, grandchildren, teachers, workforce, veterans and seniors. It does not mean a free ride. The only projects that are coming forward seem to be the affordable housing projects, creating jobs and housing.

We are already in violation of our housing element requirements. This will only emphasize and compound our non-compliance, which means lawsuits and the loss of transportation and housing dollars. We are already on the right path. She will vote against this motion. It takes 3 affirmative votes to get rid of our ordinance.

The BIA made it sound like Community Housing Works is supporting this but they are not. None of the affordable housing businesses are supporting this because they don't believe it can work. She doesn't believe it can work. This is misguided and we already have a task force that was tasked to look at this. This is just giving more money to the building industry for their pockets, not for our City. We already subsidize development, if you look at how much we subsidize Development Services in our General Fund; $2,000,000. It's been more in the past. When we had the money we didn't really look at that very closely. Now we do because we don't have that much money. It should be pay as you go, which this is not. She doesn't want to put down the BIA for trying to do this, but it's wrong for our community.

CITY MANAGER WEISS asked for clarification if it is Councilmember Kern's intention to bring back within 30 days an ordinance to repeal, in its entirety, 14C and

then a subsequent action on the voluntary program or do you want them both at the same time. Even 60 days to get a formal item back to Council is going to be difficult. We would have to have everything done in about 5 weeks in order to get it on the agenda within 60 days. If the issue is to bring an ordinance repealing, we could probably do that within 30 days. But working with the various groups to come up with a voluntary program is going to take longer than that.

COUNCILMEMBER KERN was going to defer to Councilmember Feller for 60 days, but there's not a mad rush to build anything right now so 90 days wouldn't be that much of a stretch to come back with another program instead of the inclusionary housing tax. It's his intent to repeal 14C in its entirety and come back with a program that replaces that. He agrees with Councilmember Feller that we should get all the stakeholders involved. There have been stakeholder meetings in the past and sometimes not all of the stakeholders were invited, which was part of the problem we've had in the past. This time he wants to make sure that all of the stakeholders get to come to the table every single time.

He **amended** his **motion** to 90 days with the concurrence of the second.

COUNCILMEMBER FELIEN as **second concurred.**

Motion was approved 3-1; Deputy Mayor Sanchez – no; Mayor Wood – absent.

Deputy Mayor Sanchez determined to hear Item 24 at this time.

24. **Request by Councilmember Feller for a discussion regarding advisory group consolidations and potential elimination of liaisons on City advisory groups, and direction to staff** – *Continued from February 2, 2011*

COUNCILMEMBER FELLER stated this matter came to us in September of 2009 and didn't go anywhere. We are trying to look at how to streamline the way we do business in the City. At this point we are just looking to review this process. We have a template that was given to us the last time which came at the request of the Mayor. He doesn't recall the reason the process stopped before.

We have many meetings where there are no quorums. There are other meetings where there is no reason to meet, or instances where there have not been appointments to committees or commissions and we end up not being able to have meetings for several months in a row.

At this point he is asking that we start the discussion again. We have individuals who are interested in talking about their position. He asked if their comments should be directed to Michelle Lawrence regarding the possible refining or streamlining. We need to turn this around in this budget cycle.

The other thing is the ethical hazards of Councilmembers attending these meetings. When he goes to a commission meeting, he does not sit at the dais and doesn't participate in their discussions. If Council is going to be voting on the item, he does not want to taint what they think may be important to them by his input. We could end up with an ethical problem. There is a good read in the *Western City Magazine* from the League of California Cities and he thinks it would be important for people to read and understand it. At committee meetings he will comment on items that aren't part of their agenda, but as far as him being there and participating in their meeting, it completely changes their discussion. He's looking to give 45 days to get the email comments in from the committee members and then come back to Council the middle of April.

CITY MANAGER WEISS stated the reason it stopped last time is that Council had a discussion and convened a workshop with representatives from all of those commissions and at the end of that workshop, after receiving the input from those individual commissioners, you decided not to move forward. If it's Council's direction that we solicit that input again, we could do that. The other option, from a staff level, is we could come back to Council with 2 or 3 options on restructuring commissions and you could invite the various commissions in at that point.

COUNCILMEMBER FELLER responded that would be okay with him. He would suggest that we not be required to attend these commission meetings, which is a separate item since we have too much influence when we talk about their issue. That's not a position that is fair to these commissioners.

DEPUTY MAYOR SANCHEZ just conferred with the City Attorney and you can't legally prevent someone from attending a meeting; it's a First Amendment violation.

COUNCILMEMBER FELLER asked the City Manager to come back with 2 or 3 recommendations and to eliminate the liaison as a requirement of the City Council.

Public input

JIMMY KNOTT, 127 Sheri Lane, sits on the Telecommunications Committee and has sat on numerous ad hoc committees. He has saved this City thousands of dollars by sitting on those committees because we are doing work that Council doesn't have to do. There are certain things we have to adhere to on the committees, such as background and experience, which helps Council and the City.

Part of the argument is that restructuring will save money. He did a study on well over 100 different cities and the restructuring will only help if you pair the restructuring with the restructuring of the departments.

Council will have to take on additional loads of work and public input. A lot of these commissions and committees take on a lot of the groundwork that Council isn't doing currently. We are volunteers and saving the City a lot of money. He doesn't see any benefit from this. The only benefit may be some new regulations regarding quorums.

LES GEORGE, 1520 Valencia Street, is not opposed to streamlining the organizations; we've got too much bureaucracy going on right now and we need to be more efficient. He is opposed to consolidating the Harbor Advisory Committee as this committee is the only voice that boaters have. He is a boater who has a slip in the harbor and a business. Whether perceived or actual, that's the input we have. We bring our concerns to the group who bring those to Council, who is sitting as the Harbor Board.

We are all taxed on our boats and slips and if we do not have any say it seems like taxation without representation. All of the positions on the Harbor Advisory Board are not filled. The boaters have found many deficiencies and problems with the budget that was presented by staff. We need somebody to be a watchdog for us.

Streamlining committees that don't really affect people monetarily or people paying taxes in the City might work and might not be a bad idea. A few minutes ago Councilmember Kern stated we want to be able to hear from the stakeholders, but how are you going to hear from us then? Last time this was on the agenda he came and it was tabled. We need a Harbor Advisory Committee so we have the right to bring our concerns to that committee and do some of the work that Council doesn't have the time to do. If you are going to consolidate, do not put the Harbor Advisory Committee with anything else other than the harbor.

JIM JENKINS, 1429 Calle Marbella, is on the Harbor Advisory Committee and owns 2 businesses in the harbor. Knowledge is power and we spend a lot of time to teach, train and educate the people on these committees to be able to make effective recommendations to the Council and now we have Councilmembers who don't want to sit in on the meetings in order to become educated as well. He can name 10 items in the harbor affecting permits, slip rent fees, etc. that Council would not be able to answer. By not having that education, how can Council make an effective decision that affects other people's livelihoods? There are slip-renters, live-aboards, residents and merchants. Is this about the efficiency of streamlining or inefficiency?

This proposal would take away the focus on sensitive matters that need true devoted attention to detail. We need to stay focused and have these organized committees. If we combine committees/commissions, it will take a lot of time for the members to come up to speed on the issues of the combined commission/committee. We are a tool for Council to use; don't cast us out.

DAVID ALBERT, 603 Seagaze Drive #306, has lived in Oceanside since 1951 and is a live-aboard in the harbor. With so much discussion and concern over Oceanside's Beaches and Harbor District, particularly the proposals on the table providing for options for fee increases to slip renters, it's refreshing to see that there's any interest in streamlining and efficiencies. The study of advisory group streamlining efficiencies dated September 23, 2009, was very well thought out; however, it was misdirected in certain areas. Page 3 of the study offers recommended efficiencies which list the consideration of eliminating Council liaisons. At a time when the public has a growing concern over the public servant's ability to relate to the cares, concerns and the best interests of the public, it seems a bit ill-advised to remove Council's involvement with public advisory groups. The cost savings in this area pales in proportion to the loss of the public's trust in local government.

Page 7 of the study proposes the integration of the Harbor and Beaches Advisory Committee with 5 others to form one Recreational Services Committee. Once again, it seems a bit ill-advised. If Oceanside's Beaches and Harbor District is in fact an enterprise entity, self-supporting from its own sources, and accounted separately from the City's General Fund, then he strongly advises against co-mingling the interests with such generally funded recreational services.

He urged Council to get in touch with the public's concerns; don't aggravate them. This page, Oceanside's entire expenditure budget, is where you need to go first for streamlining and efficiency. He's confident that staff can find ways to bring expenses in line with revenues at our beaches and harbor. In fact, Resolution 03-R418-2 can work if you will work it.

MARGARET MALIK, 1611 Hackamore Road, sits on the Parks and Recreation Commission and was here when we did this back in September. It was terrible then and we went down to 10. This is horrible. She can see where a couple of these can be put together and a couple can be cut out, but to go from 24 to 8 groups. Does Council think that someone that's interested in the Senior Citizen Commission would be the same people that are interested in the Youth Commission? She knows nothing about the Arts Commission or Harbor. The Planning Commission is busy and now you're going to ask them to do El Corazon and Historic Preservation as well. The Parks and Recreation Commission only meet if there is something to vote on. We met last month and that was the first time since October.

We have Mayor Wood as our Council liaison and he doesn't influence us at all, in fact he says nothing. This proposal is worse than the one from 2009, and that was horrible. [Note: the sample handout was the 2009 proposal]

NADINE SCOTT, 550 Hoover Street, is the Chair of Integrated Waste. She asked if this will actually decrease costs in any substantial way and will it more inform our elected officials of what's actually going on. Will the public have a chance to have more input when these commissions disappear? She doesn't think so.

The enterprise fund commissions should remain individual. They should be self-funding and she believes they are.

For Integrated Waste, we have a unique job to make sure the largest contract in Oceanside is implemented properly and that we are going to meet our zero waste goals. We do a lot of listening to the public and resolving problems at the commission level that Council never hears about or sees. We look at greater sustainability and green building codes.

As far as liaisons being at the commission meetings, she's chaired several different ones and different Councilmembers have been present and as the Chair she doesn't let them influence her meeting. They are there to provide a service and liaison our information back to the Council and the public. They aren't there to tell us what we're doing. We're there to inform them and bring them up to speed on the subject and topic matter of our Commissions. Her liaisons have never influenced her.

As far as Councilmembers going to Planning meetings, she doesn't find an ethical challenge there unless you're exceeding the Brown Act requirements. Every Councilmember has gone to Planning Commission meetings or hearings and everybody knows you're there. You are the people who got elected and you need to hear what the people are saying. It is not a time efficiency to suggest that people watch television or listen to a tape when they can easily come and listen to what's being said because even the minutes don't reflect actual public comments. They note them but they don't reflect them.

There may be some merit to some of these, but cutting down to 8 is just too extreme.

PAT RAETZ, 3837 Paprika Way, Chair of the Senior Commission, clarified that when Council started this program to consolidate commissions, we came to you and discussed how we would like to see this happen. Then it went to the Chairs and the Chairs went to staff and then it came back to the Council. That's when it was decided that, based on the program that was agreed upon by the Chairs and staff, we would go along with that. That had to do with only having meetings when necessary, either every other month or quarterly. The problem we were faced with is people didn't know we weren't going to have the meetings. One of the things that needs to be set up is if we are going to have meetings to have them either bi-monthly, monthly or quarterly so everybody has an idea of when we're going to be there.

Our commission has always had enough people to have a quorum. If there are commissions or committees that are not showing up then you need to disband them. If the other ones need to be combined because you think we have too many, let's combine them so that they work together.

INEZ WILLIAMS, 4117 Alabar Way, Chairperson for the Community Relations Commission, is not in favor of the consolidation or elimination of advisory groups. Council spends thousands of dollars each year on consultants but you have a treasure right here in Oceanside with those who volunteer their time, energy and effort and to do a job for you for free. She doesn't know if elimination of advisory groups is the answer. She has a full-time job and is a wife and mother, but still makes time to volunteer here. By consolidating the groups it would put more on her plate and that's not the answer either. If Council can't come up with something that works for all, then leave it the way it is.

DIANE NYGAARD, 5020 Nighthawk Way, stated that in 2009 there were quite a number of actions taken when this issue was last brought up. She's lived here 12 years and this is at least the third time consolidation of commissions has been talked about and nothing has been done.

In 2009 a number of cost-saving actions were taken: reducing the frequency of meetings, electronic agendas and reducing amount of staff time that was required. Now the question is really not saving money; the question is losing the value of volunteers to this community. These boards and commissions are the liaisons with many other community organizations. They are the pool of people where we get volunteers to deliver food to the seniors, hold our community fairs, do our beach clean-up, the HAM radio operators for CERT, etc. Why in a budget crisis would we even think of doing anything that reduces the value the volunteers can provide to our City? She suggested tabling this for a few months so staff can work on current priorities.

JOHN METZ, 1419 South Pacific Street, Chair of the Harbor & Beaches Advisory Committee, opposes any consolidation of that committee. The assets Oceanside has are the harbor and beaches. Harbor & Beaches deserves a committee of its own to deal with those specific problems. Our committee is one of the few that actually has a category requirement for positions - slip renters, beach owners, Chamber of Commerce, live-aboards, etc. We only have 4 meetings a year; if we don't need them we don't have them. We use all electronic communication; no mailing. We provide a great service to the community.

The big issue we're dealing with now is the harbor slip rate increase. This is the second time in 2 years that it's come back to us. It gives people an opportunity to voice their opinions and have some input. Joining other committees with our committee would mean a lot of members would be lost. If Council is going to consolidate this way, you might as well just do away with it.

KAREN WILLIAMS-GRAHAM, 1669 Avenida Oceana, has been a resident for 31 years and is on the Arts Commission, which is a very unique entity. There are 7 people who bring together different aspects of cultural events and means. We meet once a month and all of our agendas are given electronically. Our liaison was Deputy Mayor Chavez and he sat quietly at the meetings. It is necessary to have liaisons at the meetings because we want to know what Council thinks so we won't come here and make fools of ourselves. We are a separate entity that creates entertainment and cultural things so tourists and residents can enjoy our events. She asked Council not to consolidate the Arts Commission.

GERALD JOHNSON, 4750 Milano Way, was a 2-term Police and Fire Commissioner during the time when the expertise on that commission was vital to the community. We still receive vital information from the commissions and we do send information in. The commission is very unique. Volunteerism is power; it represents in-kind services. He believes if Council would take the volunteerism and look at the in-kind services that are provided through that, you would see that it is effective. He requested we keep the committees and commissions that are in place and continue to utilize the power of volunteerism.

MAX DISPOSTI, 616 South Nevada Street, and a 4-year commissioner. It seems like we have all the wrong priorities between cutting services and people and now considering cutting our volunteer efforts. Council is underestimating the volunteer forces for the City. We've done an amazing job and through the commissions over the years we have been representing the voice of the citizens. This is a civic duty, not just an option. This is what we do to be part of society and the governments that govern us.

Perhaps the City doesn't really know what the commissions do because it's unthinkable to combine 4-6 commissions who might appear to be similar but are completely different. That's scary because it seems like we've been working hard to advise our Councilmembers but at the same time it seems like you haven't heard or understood us and how important our effort is. This proposal is an offense to all of the commissions/committees that have been working so hard over the years.

Regarding the ethics of Councilmembers being present at meetings, they are there to listen to us and report back to the City; not to give us advice.

DEPUTY MAYOR SANCHEZ stated the one thing that sets us apart from many other cities is our volunteerism. That makes us great. These commissions provide valuable public input and but for these commissions, the Council would have to have all of those hearings. This is a layer of community input. If we were not to have these commissions, the entire process would become more politicized. What we have right now is a peer review and recommendations.

She's heard statements about cutting back on meetings – meeting 3-4 times a year versus once a month – that could easily be done. We could cut the meeting to every other month or not have staff at these meetings; only have them when there's an issue where staff would need to be consulted. Eliminating these commissions would result in taxation without representation, especially for things like the Harbor District and El Corazon, etc.

The worst result, which is a real possibility, is that we would have no commissions. The Mayor has not been able to get 3 votes to support his appointments so he is hesitant to come forward with names. She's concerned that if we do this, we will not have commissions.

With respect to liaisons, she's been a Council liaison for 11 years and she's never met a commissioner that felt that she could influence them. She's been on just about all of the commissions and our commissioners have their ideas and feel very strongly about them. She's heard negative things about Council, but that ends up getting resolved at these commissions.

It wouldn't be wise to eliminate the Council liaisons because we get a lot more done that way. They expect reports and their issues to be forwarded and have some kind of airing. We already cut out the annual reports. We used to have each commission come forward and talk about their workplan and that's been eliminated. We've done a lot of things to cut down on the cost of staff.

While she understands the need to be mindful of budget issues, she doesn't want to eliminate this community/public input because that's what makes our community great – volunteerism.

COUNCILMEMBER FELLER clarified that the example he provided copies of was the example from 2009 and it was only to spark conversation. This is not what I hope staff comes up with. The whole idea is to make things better for the community. He's been on commissions/committees as the liaison and has listened just like we're supposed to do. He hasn't participated in the discussion and he begs to differ - there are Councilmembers sitting here at the dais that have influenced complete decisions; a whole commission resigned.

We're not abolishing commissions. We have at least 24 of them. He tends to agree that the Harbor is probably a committee that does need to stay intact. Maybe we don't have to eliminate any of the commissions, just the number of times they meet. But we don't have any ideas out there so that's what he's asking staff to do; try to come up with ideas like maybe they only need to meet 4 times a year, etc.

As far as being a Council liaison, we should still have liaisons but not be required to attend the meetings; to preclude influence to the extent an entire commission resigned. He's not saying that Councilmembers can't attend and listen to commission meetings, but being in the room influences the input by the commissioners. He sits in the back listening to what they talk about and only if they ask him to come forward does he comment.

He doesn't dispute the fact that commissioners are great volunteers. We just need to try to make this better.

He **moved** to direct staff to develop 2 or 3 recommendations for streamlining this process - regarding how many commissions/committees, how often they meet, etc. – to make it better and bring those recommendations back to Council within 60 days. He questioned the city Attorney regarding liaisons.

CITY ATTORNEY MULLEN clarified what was mentioned before was to amend the by-laws to remove the Council liaisons from the commission, but allow individual Councilmembers to attend what is an otherwise public meeting of a commission.

COUNCILMEMBER FELLER thinks being responsible for a commission is still okay. He was considering eliminating the liaison requirement of attending.

CITY ATTORNEY MULLEN doesn't think there is a requirement in the by-laws, it's just that there's a liaison established according to each of the by-laws. We can review that.

COUNCILMEMBER FELLER will drop the liaison part then if that is the case.

COUNCILMEMBER KERN seconded the motion. He agrees with Nadine Scott that the enterprise fund commissions like Harbor, Integrated Waste and Utilities should be commissions all on their own since they are dealing with enterprise zones and very different.

On the flip side of that, the direction to staff he is asking for is a needs-base for a committee. The Youth Commission has already been discontinued. The Telecommunications Commission needs to be deleted. With the City not funding KOCT, Cox has gone to a statewide franchise. Tonight with Article 39A being passed and the cell tower issue resolved, there is no need for the Telecommunications. That's his suggestion to staff.

The other one that needs to be eliminated is El Corazon. We've done the plans; now it becomes a Planning Commission issue. All the things that come forward should come through the Planning Commission because they need to be voted on. He knows some people think we still need it but his feeling is we don't. We've done a lot of work and it's now a Planning Commission issue.

He asked if the Police & Fire Commission and the Fire Code Board of Appeals could both be handled by the Police & Fire Commission because he has no clue what the Fire Code Board of Appeals does or how often they meet.

CITY MANAGER WEISS responded part of it goes through the Fire Department and part of it goes through the Building Department in regards to appeals on certain Building Code requirements. We haven't had any appeals, but you're obligated to have the Fire Code Board of Appeals in the event there is anyone who would like to appeal something that was not resolved at staff level.

COUNCILMEMBER KERN stated then we can just make that part of the Police

& Fire Commission. His request is that staff look at these on a needs-base to see if we need these commissions and if there's no real reason to have them, then they should be eliminated.

COUNCILMEMBER FELIEN stated we certainly want to do everything we can to encourage volunteers and he doesn't see this as any kind of effort to discourage volunteerism. We're going to need our volunteers more than ever as we go through the difficult times ahead. There's no magic number of commissions or advisory groups that we need. Any group that has enough business and specialty, like the Harbor Committee, should be a stand-alone committee.

The one observation he would throw out for discussion is the threshold of when a commission should be a commission. As we know, a commission requires the Brown Act to be observed and staff time and paperwork. He sees this as a way to look at how to reduce staff time that's required to be involved with the committees/commissions and that only commissions that obligate the City by their activities, such as the Planning Commission, would retain that status and other groups would be reduced to advisory groups. He had an advisory group when he was Treasurer and being a commission would have done nothing to enhance its ability to give good advice.

In response to something Councilmember Feller mentioned, **DEPUTY MAYOR SANCHEZ** stated with the Integrated Waste Commission there was a perception that the Council did not want to hear from them. They expected the Council to go out for bid for our waste hauler contract and the Council was split, so we ended up going forward and, in a way, we skipped the Integrated Waste Commission and they were very upset. Hopefully, we won't do that again but we did get public input; the commission had been getting input for years. All of our commissions have a place in terms of getting that committee buy-off so when we have these Council meetings, they are a lot shorter.

She would like to have this not be from the top down, but from the bottom up or at least a coordinated effort because dictating to the commissions is not going to be met with any acceptance/positive work. She also believes the El Corazon Commission is still a viable commission. We're talking about 450 acres and this is something that she would want to keep intact.

COUNCILMEMBER FELLER clarified he would like staff to put out the 2 or 3 suggestions in adequate time for commissioners to be able to come to the meeting and give their input.

DEPUTY MAYOR SANCHEZ stated with that clarification she won't be able to support the motion. We should hear from the commissioners on thier ideas about cutting back with respect to the budget.

Motion was approved 3-1; Deputy Mayor Sanchez – no; Mayor Wood - absent.

Regarding Items 25 and 27, **DEPUTY MAYOR SANCHEZ** stated they are basically the same thing; with the clarifications she added to her Item 27, so they can be heard together.

COUNCILMEMBER KERN doesn't want his item combined. He wants his item heard separately.

DEPUTY MAYOR SANCHEZ requested the parameters from the City Attorney in terms of giving direction to staff, having equal access to staff and receiving information provided by staff.

CITY ATTORNEY MULLEN responded there are some legal and policy considerations at play in either of these 2 items. Under the City Code, Chapter 2, Councilmembers can't give direction to subordinate staff members. Council can, as a group, give direction to the City Manager, and as individuals can give opinions to the City Manager. Council can't give direction to individual staff members. That may be why Deputy Mayor Sanchez added direction to the Department Directors only. You could include subordinate staff; there's no legal requirement saying you can't have a meeting with subordinate staff. The legal issue is that you can't give direction to those subordinate staff; only to the City Manager.

The other issue is we do have Council policies that states that if documents or information are provided to a Councilmember, then it should be shared equally with all of the other Councilmembers. The reason the item is on the agenda is that we have the existing Council Policy 100-20 that requires requests for information that require/generate more than 4 hours to respond to, needs Council approval.

25. **Request by Councilmember Kern for staff assistance per City Council Policy 100-20 to facilitate recommendations from Councilmembers Kern and Felien for the FY 2011-12 budget, including recommendations for budget reform** – *Continued from February 2, 2011*

and;

27. **Request by Deputy Mayor Sanchez for staff assistance per City Council Policy 100-20 to facilitate recommendations from the Mayor and Councilmembers for the FY 2011-12 budget, including recommendations for budget reform, and providing that all Councilmembers: are given equal access to staff, receive any information provided by staff, are restricted to speaking to Department Directors only, and are prohibited from providing direction to staff**

COUNCILMEMBER KERN is only asking for more than 4 hours for Councilmember Felien and himself to ask questions. All the questions that we get information from will be shared with Council because the whole purpose is that Council has the information that we're addressing. Since he has delayed this item twice, he doubts seriously that he and Councilmember Felien will have any budget recommendations for this budget year. He's looking at longer term as far as what government does/needs to do. Some of the things are not even budget items; they're more regulatory, like the inclusionary housing on tonight's agenda. At the last Council meeting it was doing away with the undergrounding for lots of 4 or less, which was a regulatory issue and not a budget issue.

With some of these things we're going to be asking if we should be doing them at all. That's going to be a policy decision by the Council. He would like to bring back recommendations from the Council due to our inquiries and any information provided by staff. He's not going to direct staff to do anything; he's only going to ask questions. Councilmember Felien is the financial brains behind this endeavor as far as some of the budget issues.

DEPUTY MAYOR SANCHEZ stated her point is that we all need to have equal access. Her concern, since we're talking about impacts to staff, is do we have a limit. At what point do we say no overtime.

COUNCILMEMBER KERN wouldn't go outside of work hours or ask staff to work overtime. It would be during the day that he and Councilmember Felien would sit down with a supervisor or department director and ask a series of questions. The material that comes out of that we will gladly share with Council because the more Council knows, the better we can make these decisions going forward.

DEPUTY MAYOR SANCHEZ stated we all have equal access to staff and we'll all be doing the same thing. She wants to make sure that 2 Councilmembers are not being treated differently from the rest of the Council.

COUNCILMEMBER KERN responded the only difference they are asking for is the 4-hour limit per month.

DEPUTY MAYOR SANCHEZ thinks that should be extended to the rest of the Council. To the point that the City Manager coordinates to make sure we aren't spending too much staff time.

COUNCILMEMBER KERN thinks his is different because we are very specific about what we want to do and it has nothing to do with equal access for Council on all items. He **moved** to approve Item 25 for the additional time.

DEPUTY MAYOR SANCHEZ stated that anything that treats a certain Councilmember differently is, in her mind, against the law. We were all elected to represent the community and they want to hear from all of us, not just 2. She wants to hear from Councilmember Feller as well. The better policy would be to lift the 4-hour rule for all of us and if it becomes a problem, then we will hear from the City Manager.

COUNCILMEMBER KERN responded then that is his only **motion** right now is to take Item 25 separate from Item 27.

DEPUTY MAYOR SANCHEZ stated that would be fine and she would be taking out hers and imputing into Councilmember Kern's item equal access to all the Councilmembers because it would be illegal to not do so. She would be fine if we left out specific names and it applied to the whole Council.

Public input

JIMMY KNOTT, 127 Sheri Lane, thinks this sounds like doing away with sunshining and transparency. The public has asked for transparency, sunshining and public workshops. They want to be included in this process. They don't want Councilmembers to go into the back room and have it look like deals are being made. It doesn't serve the Council or the public well. If you're going to do something, bring it out in the open. This should be done like a lot of the workshops before; bring the staff in to do their presentations and then have it open for the public to come forward with questions or ideas. We don't have just one financial brain in the community. There are people out there that want to help Council so don't close the door.

MARGARET MALIK, 1611 Hackamore Road, agrees with Mr. Knott and thinks that one or two of you have no more rights than the five of you. She doesn't want this to go into the back room. She wouldn't want to be a City employee and sit down with 2 Councilmembers. What happened to workshops where the public has input and Councilmembers can ask whatever they want of the department heads. Every one of the Councilmembers has the same rights.

NADINE SCOTT, 550 Hoover Street, stated if Councilmember Kern is asking to violate and enlarge Council Policy 100-20 for 2 of you, that's inappropriate. We have a strong City Manager government. He and the City Attorney are Council's only employees that you have a say over.

Council should have as much information as you want. The proper way to do it is to go to the City Manager with detailed requests, make him implement your requests and let everybody know on Council what you are asking for. You are all elected at large. She didn't elect 2 people to interfere in the budget process with staff. If you

interfere with staff, you're probably not only violating personnel laws, but you're probably violating City bargaining agreements. She thinks Councilmembers Kern and Felien want to have unlimited access to staff. That is not appropriate. Your requests should go through the City Manager; he's your employee, not the other people.

DANA CORSO, 5838 Ranchview Road, President of ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods), which has over 40 neighborhoods. We're right back at the February 2, 2011, Council meeting where it was decided that we were going to wait for the results of the Los Angeles consultant, who is studying our budget, and we would also have a budget workshop so the residents could have input, like it should be. Why are we here today when none of these things have happened yet? It is her understanding that Councilmembers Kern and Felien, along with their aides, think that they should be allowed to monopolize the City Manager's staff and tell them what they want in the budget. This is ludicrous. Let the City Manager do his job.

We only want what is fair and what was decided at the February 2nd Council meeting. Clearly the residents don't want the pools, parks, libraries and senior centers closed. How about we stop paying for all of the ridiculous studies, i.e. the City paid $75,000 to an outside firm to study the closure of Jeffries Ranch Road. That consultant didn't tell us anything we didn't already know. The budget study consultant is getting $80,000. Why do we have to hire outside firms for the things the City should be able to rely on City employees for?

This whole budget deal is a problem for everybody; federal, state and local governments and all of the residents. We are all making cuts. However, it should be very transparent so that the taxpayers can see what is going on and be able to respond to any cuts; to give testimony and ask questions. We don't want any backroom deals. Wait until all of the data is in from the paid consultant and we have had the workshops so the community can make an informed decision on what needs to be cut.

SHEILA KADAH, 5301 Village Drive, agrees with Ms. Corso. At the February 2nd Council meeting the people spoke. They want to keep the money for parks and recreation, have budget workshops and have transparency. We don't want to have 2 people on the Council that get special treatment. We want it fair, just and honest. We want you to work through the City Manager. He does a great job so let him do his job. Have the workshops. You represent the people and you're supposed to do what the people want.

PAT RAETZ, 3837 Paprika Way, concurs with what both of the previous speakers said. Over 400 people who were here at the February 2nd Council meeting thought that we were going to have workshops and be able to come and propose different ways to help the City with their budget. We have many volunteers that are willing to help out with this budget crisis that we're in. if Council doesn't want the public, then you're going to have more problems because we as voters want to work with Council, the City Manager and staff to see what we're dealing with right now; come to the best possible conclusion to keep all of the services. We're willing to work with you and understand what this is all about but you have to be willing to give us that input.

Public input concluded

[Recess was held from 10:16 PM to 10:20 PM]

COUNCILMEMBER KERN stated this does not replace any of the budget workshops or anything. He agrees with Ms. Corso that the $75,000 on Jeffries Ranch Road was a waste of money and he voted against it twice.

The budget workshops and everything else are going to happen. He deferred to

Councilmember Feller to make a substitute motion.

COUNCILMEMBER FELLER supports what Councilmembers Kern and Felien are trying to do, but he also supports Deputy Mayor Sanchez in what she's saying because he would really feel offended if he couldn't have extra hours. What we're trying to do here is allow equal access and that's what Deputy Mayor Sanchez said. He will not support this at all if it's anybody other than the Councilmembers dealing with the directors. If Deputy Mayor Sanchez wants to use more than 4 hours, he would suggest a **substitute motion** that would allow all members of the City Council equal access, and if it requires more than 4 hours, than it needs to be done only with the Councilmember or Mayor. So if Deputy Mayor Sanchez wants to have 4 hours on a budget issue, we're all going to get the information back. If Councilmembers Kern and Felien want the same thing, than we're all going to get the information back. We're not going to have staff running from department to department to deal with this. That's the only thing he will support.

If the Councilmember wants to go directly to staff, he still thinks the City Manager should be made aware of every time that happens. He made a **substitute motion** to allow all Councilmembers equal access and if more than 4 hours per Council Policy 100-20, it must be Councilmember(s) [not their aides] and department director(s), with the City Manager aware of the meetings and all to share the information.

COUNCILMEMBER FELIEN seconded the motion.

DEPUTY MAYOR SANCHEZ thinks this sounds like what she had hoped to accomplish so she will support this. She emphasized that we are all very supportive of the budget workshops that are going to be happening. We have to do this together as a community.

Motion was approved 4-0; Mayor Wood – absent.

CITY COUNCIL REPORTS

25. **Mayor Jim Wood** – absent

26. **Deputy Mayor Esther Sanchez** – no comments due to time

27. **Councilmember Gary Felien** – no comments due to time

28. **Councilmember Jack Feller** – no comments due to time

29. **Councilmember Jerry Kern** – no comments due to time

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

DEPUTY MAYOR SANCHEZ adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 10:25 PM on February 23, 2011. [The next regularly scheduled meeting is March 2, 2011, at 4:00 PM]

ACCEPTED BY COUNCIL/HDB/CDC:

_____
Barbara Riegel Wayne
City Clerk, City of Oceanside

California

CITY OF OCEANSIDE

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

MARCH 2, 2011

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

NOT OFFICIAL
UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL

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
Esther Sanchez

Councilmembers
HDB Directors
CDC Commissioners
Jack Feller
Jerome M. Kern
Gary Felien

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 4:03 PM, March 2, 2011.

4:00 PM - ROLL CALL

Present were Deputy Mayor Sanchez and Councilmembers Kern, Felien and Feller. Mayor Wood was absent due to illness. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session: 1 and 2.

[Closed Session and recess were held from 4:03 PM to 5:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Discussed OPMA; no reportable action

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

Property: A 10.09-acre vacant parcel of land at the southwest corner of Highway 76 and El Camino Real in the City of Oceanside (APN 160-291-10); Negotiating Parties: City of Oceanside and Piazza D Oro, LLC; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: terms and conditions for the acquisition of real property

Discussed; no reportable action

5:00 PM – ROLL CALL

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

INVOCATION – John Lundblad

PLEDGE OF ALLEGIANCE – team members

PROCLAMATIONS AND PRESENTATIONS

Proclamation - Green Week 2011
Presentation - Honoring Library personnel for efforts in completing the Library Renovation Project
Off Agenda –Mayor's Youth Sports recognition - San Luis Rey Trojan Football Team
Presentations were made

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: See Items 1 and 2 above.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

MICHELLE BRAY DAVIS, 306 South Pacific, representing Soroptomists International Oceanside/Carlsbad announced the upcoming 31st Annual Salad Luncheon on March 10, 2011, at the Community Beach Center.

JIMMY KNOTT, 127 Sherri Lane, stated last week there was a meeting of the City's Mobile Home Park Financing Authority that basically governs Laguna Vista Mobile Home Park and only 3 of the 5 Councilmembers were present: Kern, Feller and Felien. They added an item to the agenda that was not properly posted or agendized and that none of the homeowners within the park knew about. The item was the possible sale of the park. This action has caused a lot of fear and anxiety among those elderly seniors. He encouraged Council to rescind this action, properly post it, meet with those seniors and give them an opportunity to respond.

CONSENT CALENDAR ITEMS [Items 5-7, 9-12]

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 were submitted for approval:

5. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:

August 18, 2004, 4:00 p.m. Regular Meeting
December 1, 2010, 4:00 p.m. City Council Special Meeting
December 2, 2010, 10:00 a.m. Regular Meeting

6. 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)

7. City Council: Approval of Amendment 1 **[Document No. 11-D0145-1]** to the Property Use Agreement and Amendment 1 **[Document No. 11-D0146-1]** to the Service, Maintenance and Operations Agreement with the Oceanside Boys and Girls Club for the Speed Soccer Facility located at 401 and 415 Country Club Lane, extending the term of the agreements from May 15, 2011, to May 15, 2021; and authorization for the City Manager to execute the amendments

8. [City Council: Approval of Amendment 2 in the amount of $15,000 to the professional services agreement with Keyser Marston Associates of San Francisco for financial consulting services for the Harbor, for additional work requested by the City; and authorization for the City Manager to execute the amendment]
This item was pulled from the agenda

9. City Council: Approval of a Community Development Block Grant Program Policy and Procedures Document **[Document No. 11-D0148-1]**

10. City Council: Adoption of **Resolution No. 11-R0149-1**, "...approving the Final Map for the Morro Hills Village "K", a 125-lot residential project located on 33.41 acres on Vista Pointe Boulevard and Bellingham Drive, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder

11. City Council: Adoption of **Resolution No. 11-R0150-1**, "...approving the Final Map for the Morro Hills Village "L", a 79-lot residential project located on 109.679 acres on the

east side of Vandegrift Boulevard at the terminus of Village Drive, and authorization for the City Clerk to record the Final Map with the San Diego County Recorder

12. City Council: Ratification of the execution of public works agreement **[Document No. 11-D0151-1]** in the amount of $245,240 with Vadnais Corporation of Vista for construction; Amendments 1 **[Document No. 11-D0152-1]**, 2 **[Document No. 11-D0153-1]**, and 3 **[Document No. 11-D0154-1]** in the total amount of $88,539 for additional services to the professional services agreement with Recon Environmental for preparation of a negative declaration; and professional services agreement **[Document No. 11-D0155-1]** in the amount of $68,600 with Affinis Environmental Services of El Cajon for archeological investigation for the Haymar Sewer Segment Emergency project located west of College Boulevard and south of State Route 78

COUNCILMEMBER KERN moved approval of the Consent Calendar [Items 5-7 and 9-12].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 4-0; Mayor Wood – absent.

MAYOR AND/OR COUNCILMEMBER ITEMS

16. **Request by Councilmember Feller for discussion and possible action to eliminate the City of Oceanside's Lobbying ordinance as it stands, and direction to staff to return in thirty (30) days with a reworked ordinance similar to the one used by the County of San Diego**

COUNCILMEMBER FELLER thinks most of the discussion tonight will be related to how this ordinance is working, which probably is not well if you read the City Clerk's memo. We need to simplify what is going on and bring it back to Council in 30 days. It doesn't necessarily have to be the County's ordinance. Most of the information that is being provided by the Lobbying ordinance is the information that can be obtained already from campaign reporting forms and this is duplication. It takes time and money to process the paperwork and it is a budget concern. We are looking to eliminate things that staff is directed to do.

If we put something on the table that says a lobbyist must report once a year whether he's still lobbying or not and he gives his information, it's not so necessary to designate what his companies are that he's representing except when he's in front of staff or Council. It's cumbersome to report every 3 months and he believes that if they are identifying themselves as lobbyists each and every time they appear in front of staff or Council, report who they are on an annual basis and the company that they are representing, that's enough.

He doesn't think anyone is chasing down the information. He's been told that some lobbyists are turning in blank discs and nobody has ever said anything about it. That's indicative of the amount of time that it takes to govern this. It could be done through the City's web site by clicking a link and entering a name, firm, address, phone number and email or going to the Clerk's office. It could be maintained in the office and viewed by the public or anybody.

He **moved** to have staff come back in 30 days with something very simple or eliminate it entirely.

DEPUTY MAYOR SANCHEZ asked if the City Clerk's office has a report regarding this.

CITY CLERK WAYNE responded we did submit an annual report on February

23rd to give Council a status of how it's working, the annual amounts of money collected and number of lobbyists. This has been an ongoing item with us on how the ordinance works and how effective it's been. Currently we have 21 lobbyists. In our report we indicated what the annual fees are - $150 per firm or individual, plus $50 per client. We did advise Council in the memo that this year was the highest total revenue collected of $4,530.

The annual and quarterly filings and some of the other issues are confusing to people. They don't understand the different filings and we have had multiple times each quarter that we've had to send out letters to lobbyists regarding the filings and lateness. That makes it cumbersome. We have also had issues such as hearing about someone who appears to be a lobbyist but has not filed, and we've sent letters to them to advise them of the Lobbying ordinance but no filing has been received. It's pretty much on an honor system; if they choose to, they will file or not. There is nothing in the ordinance to enforce it and no way to enforce when someone should be filing. We can only send a letter inquiring of them.

We've had a lot of trouble with aspects of the ordinance and have told Council over several years the issues that we have and the cumbersome parts of the ordinance. The original intent of the ordinance was to tell Council and the public about lobbyists. We have over all of the time that it has existed probably received 4 or 5 requests for the information from the public. Council gets the annual report. We don't typically get any other requests; its information that's sitting there and there is little interest in it by the Council or the public. It's a large volume of paperwork that doesn't seem to be helping anybody find out what anybody's really doing. We tried to put that in our memo to Council to indicate the issues; it's not addressing Council's original intent.

In response to Councilmember Feller, the only thing that would be on a disc is pictures but we also have paper pictures of them as well; she hasn't heard any issues of blank discs.

CITY ATTORNEY MULLEN stated the way enforcement works is if we get an inquiry whether someone is a lobbyist or arguably qualifies as a lobbyist under the ordinance, there is communication via the City Clerk's letter. He's also sent letters to individuals who he believes would qualify and hasn't had problems (maybe one) in terms of getting someone to register. We do have the enforcement of the Administrative Citation provision. If someone violates the ordinance, they get an Administrative Citation through Code Enforcement. There's only been about a handful of those. There is also the ability to file a misdemeanor. We haven't yet had to file a misdemeanor. If Council chooses to give direction to modify the ordinance, we could do that. We need a little clearer direction in terms of the specifics of an amendment.

DEPUTY MAYOR SANCHEZ recalls that a misdemeanor is up to 6 months in jail and a $1,000 fine, so there is enforcement. Councilmember Feller brought up some issues about language, as did the City Clerk, that it was confusing. Is there a way to resolve those confusions so the language can be made easier to understand?

CITY ATTORNEY MULLEN responded we could work on that. We've only had one filers training session on the ordinance and the Clerk and he have talked about setting a date this year to have another training session. He's not sure that it's going to necessarily help. He thinks there are 4 reports that have to be filed per year. He doesn't know that they are confusing but it may be viewed by the lobbyists as redundant information. One of Council's options is to reduce that to a semi-annual basis. That was brought before Council a couple of years ago but staff did not get direction to move forward on that or any other number.

COUNCILMEMBER KERN seconded the motion for discussion purposes.

DEPUTY MAYOR SANCHEZ didn't realize there was a specific motion.

COUNCILMEMBER FELLER restated the motion is as was read and to have staff return in 30 days with a reworked ordinance that is similar to the County of San Diego.

Public input

JIMMY KNOTT, 127 Sheri Lane, stated he remembers the debate on this and the conclusion was to sunshine this subject. He asked for a workshop on this. He appreciates the idea of posting this on the internet.

Four reports a year may be a bit too much, especially when you have 21 lobbyists. Maybe an activity sheet or posting would be better.

JOAN BRUBAKER, 1606 Hackamore Road, is not in favor of doing away with having the lobbyists register. The public has a right to know. A photo would be a better identification than just giving a name. She is not acquainted with the San Diego ordinance but doesn't want Council to do away with the Lobbyist ordinance.

CHUCK LOWERY, 812 Alberta, facetiously stated it's time to get rid of the Lobbyist ordinance as it is an unnecessary regulation; why should lobbyists who represent multi-million dollar developers have to disclose to City staff that they work for someone else? We need to streamline the process so that no one knows that a lobbyist is lobbying for their bosses.

We taxpayers want to know who is lobbying you to get their project approved. You can obviously make this regulation work without having to repeal it. This is another give-away to developers to simplify their process to save them time and money but it doesn't benefit the resident taxpayers of Oceanside. Please work for the residents.

NADINE SCOTT, 550 Hoover Street, respects the City Clerk's report, even though she hasn't seen it comments indicate that there is a problem with the ordinance. However, the intent is so that the public understands who is here trying to influence Councilmembers. If we had to wait for campaign filings that get filed late and after the fact, we wouldn't know who is coming to our town. She wants to know who is peddling influence in her town. That's her right as a taxpayer to know. Eliminating this or vaguely referring to something from the County without any specifics is a waste of our time.

We do not have a very good disclosure rule in this town. When projects come before the Council we hear vague disclosures about having contact with people, but we don't really know who is peddling influence with the Council. Tinker with our ordinance and put it on the internet; she's all for that. She can't imagine a lobbying firm that doesn't have the IQ to upload their own photograph, so if we're receiving blank discs, that's their fault, not our City Clerk's fault for not checking this childish homework.

We should get a form on the internet, have them upload their picture, have them do it twice a year and have them identify who they are lobbying for. Otherwise what's the point. They're lobbying for money for a firm that's trying to peddle influence in our town. We should get a nominal fee with each filing because someone has to review and process that item. It's ludicrous to say we'll have their name and their firm but not know on whose behalf they are peddling influence. Even the County requires that. The County or maybe the City of San Diego has also tied their ordinance into campaign finance in that there's a look-back and a forward-looking provision. Let's improve it, not throw it out.

MIKE CROGHAN, 4522 Coronado Drive, stated if there is a lobbyist who is not

following the City rules and is behaving illegally by not providing the information that is required to be a lobbyist, bust him. The word will get around; there are only 21 of them. The other thing that upsets him about this is he doesn't understand in Councilmember Feller's motion why we should remove understandings and rules for doing business with the City. If he should go out to a corporation tomorrow and want to speak to some executive council at that corporation, he suspects with some assuredness that they're going to want something from him in the way of identification – who are you, what do you represent, what's your business here. We need to know that ahead of time. If it's done in the private sector, then it should be done in the government sector. It's just doing good business. Finally, how does this motion extend and support transparency in representative government.

Public input concluded

COUNCILMEMBER FELIEN asked the City Clerk if she has an estimate of what the cost is to administer this ordinance every year.

CITY CLERK WAYNE responded provided in our memo to Council the estimated number of hours that is spent in our department. We're not sure of the number of hours spent in the City Attorney or Code Enforcement offices because we do refer some of this to them as well. It doesn't cover the amount of money it would take, but that person is on staff anyway so they would still be working the job but they could be working on something else if we didn't have the Lobbyist ordinance.

COUNCILMEMBER FELIEN asked Councilmember Kern, who worked on a possible amendment to the Lobbyist ordinance last year - what's the difference between what he was preparing versus the County ordinance.

COUNCILMEMBER KERN responded that what he was taking from the County ordinance was the registration; minimal registration and less work by the City Clerk. Our goal is to have people who represent other entities or clients for a fee register with the City so the public knows who is coming in and contacting City officials. That's what the public wants to know. He thinks Councilmember Feller brought this forward because we are going into a budget cycle and we're going to look for every nickel and dime to save costs. If we can save hours out of the Clerk's office than there's a cost-savings.

To balance that off is the registration of lobbyists so people know who is coming in and talking to City officials, not just Councilmembers, but the City Manager, Directors, etc. that represent a client or entity. Remember, attorneys don't count as lobbyists. He believes in having a one-time registration with an annual renewal and when they renew, they have to provide their AB 1234 ethics training through the State. The City is not going to provide that ethics training but they need to provide that certificate to the City when they register or keep it current; biannually perhaps.

The bottom line is you can't legislate ethics. He's quite sure that the Councilmembers in the City of Bell completed their ethics training but it didn't prevent them from doing some pretty unethical things. The ultimate responsibility lies at this dais so when people come to Council we know who they are and what they're there for and we make our decisions based on what we know. As far as disclosures go, when we have public hearings, and we go through disclosures pretty quickly, he usually says he's had contact with the applicant or applicant's representative; he doesn't say lobbyist but applicant's representative. That could be an attorney or someone that works for the applicant. All of the Councilmembers disclose that. Maybe we can do that disclosure better.

He doesn't know how detailed Councilmember Feller was going with this, but he would think that we would repeal 16C in its entirety and then come back with a new ordinance in 30 days. He's sure that's something that could be done, rather than trying

to fix it. He will leave it in Councilmember Feller's discretion as to what he wants to do.

DEPUTY MAYOR SANCHEZ asked if we can do this in 30 days while we're looking at the budget, Redevelopment, etc.

CITY ATTORNEY MULLEN responded if that's the desire of Council then we could do this in 30 days. Most of this ordinance deals with definitions so if the goal of the Council is to reduce the number of filings that lobbyists have to file with the City Clerk, we could do that relatively easily. If the goal is to just reduce the number of filings, he could just modify Section 16(C)(12) that deals with the quarterly and supplemental reports and bring that back in the time that Council designates.

DEPUTY MAYOR SANCHEZ believes the ordinance's goal was to insure that the public knew what lobbyists were coming in and speaking to individuals, be it on staff or Council. That needs to continue to happen, otherwise it's not serving the purpose. If someone is speaking to Development Services about a project and they're a lobbyist, a member of the public should be able to go somewhere, maybe the internet, and find out if in fact there is that kind of conversation happening.

CITY ATTORNEY MULLEN responded whatever the direction of the Council is. You might want to keep the annual registration requirement. We have a provision right now in the ordinance that, even though you have to file quarterly, if you pick up a new client and engage in lobbying activities, you have to file a supplemental report on top of your quarterly report. That may be what causes some of the confusion. He doesn't mean to speak for the City Clerk but one thing Council could do is keep the annual registration requirement and keep the supplemental requirement and do away with the quarterly reports. That way the public would still find out every time that a registered lobbyist is picking up a new client and engaging in lobbying activities.

COUNCILMEMBER FELLER stated the people that are lobbyists that aren't and can't be included are the public safety unions and they bought and paid for their side but they don't have to register because they are not considered lobbyists. He wants to make it clear that he'd like them included in the process whenever possible. If you looked at the phone records, you'd see lobbying all the time.

He agrees about disclosing better regarding our reports on public hearings. It doesn't say that somebody can't come and talk to us about Consent items and it could be cumbersome to remember all of those that are coming in for any other items that aren't public hearings. He'd like the ability to register by internet instead of coming in. It should be a simple one-page registration that says the lobbyist is representing a company and if he has a supplement, he can add that simply by internet. If we're eliminating the lobbyist coming into the City Clerk's office, we can eliminate the fee. As far as the ethics training, it should be on them to produce that via internet. We have a lot of one-project lobbyists who just don't register so we need to make it so that they are encouraged to register by making it as simple as possible. Enforcement is a huge issue. Right now they're filing 5 times a year and that's a little bit too much.

COUNCILMEMBER FELLER amended his **motion** to include the ethics training on their own and sending us a copy of the certificate by email/internet, to register over the internet, and put a little more on Council to clarify disclosures of who we're talking to. He would also love to see the public safety unions, and all unions, be put in there if that were possible.

COUNCILMEMBER KERN seconded the **amended motion**. He thinks staff has a pretty clear idea where we're headed with this – one-time registration and as simple as possible to lower our costs and come back in 30 days.

DEPUTY MAYOR SANCHEZ does not support eliminating the fees because this

should be as self-sufficient as possible.

COUNCILMEMBER FELLER asked how much it would cost if they register by internet as far as staff time.

CITY CLERK WAYNE responded we'd still have the staff time of processing it through. If Council wanted them to file online and then we post it on the web site, that can happen. If there is less filings per year than that's time saved. But as far as a fee is concerned, we charge per company and per individual a $150 filing fee. If throughout the year people change clients, that's where the additional $15 comes in.

DEPUTY MAYOR SANCHEZ stated we could have the City Attorney and the City Clerk get together and find out if the process is simplified then the costs may be less.

COUNCILMEMBER FELLER stated to have them come back with tentative fees.

COUNCILMEMBER KERN agrees on a cost-recovery basis. We have to recover our costs.

DEPUTY MAYOR SANCHEZ wanted to make sure we're still going to be able to let the public know if there are lobbyists coming in and speaking to certain individuals. If there seems to be activity, the public should know who is involved and what kind of conversations are being had. In the reporting there should be something regarding who they are meeting with so that the goal is still there for transparency in government.

CITY CLERK WAYNE questioned if Deputy Mayor Sanchez is referring to what Councilmembers are disclosing at Council meetings.

DEPUTY MAYOR SANCHEZ responded not just Council meetings. There needs to be a way of getting this information to the public. This is part of the supplemental, is that correct?

CITY ATTORNEY MULLEN responded right now under 16(C)(11) there's required information that you have to put in your annual registration and that's the exact same information that you have to put in your quarterly reports as well, and in your supplemental. He hasn't heard anything tonight to say take out any of the information we're already getting; what he's hearing is reduce the frequency of how often the lobbyists have to report.

DEPUTY MAYOR SANCHEZ stated as long as the same information is still available.

CITY ATTORNEY MULLEN responded you still have the information available if you require supplemental reporting when a lobbyist picks up a client and engages in lobbying that's not reflected in their initial registration.

CITY CLERK WAYNE clarified that it is a program that is on the honor system.

DEPUTY MAYOR SANCHEZ stated she likes the idea of a speaker that if you bust the one person, the rest get the word.

CITY ATTORNEY MULLEN stated when we have had cases that we felt we could prove, we filed Administrative citations, but they're rare.

To summarize what he understands the direction to be is revise this ordinance so that it's an annual registration, a supplemental report when a lobbyist retains a new

client, come back with a revised tentative fee, we would require registered lobbyists to engage in ethics training (similar to what AB 1234 requires), make this internet based and posted on line by the City Clerk.

COUNCILMEMBER FELLER stated that makes sense. He's not quite clear on the fees and how that will work so he'll have further discussion about that. So that is the direction.

COUNCILMEMBER KERN stated it will be an ongoing Council policy for full cost recovery and this is no exception.

Motion was approved 4-0; Mayor Wood – absent.

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.

14. **City Council: Introduction of an Ordinance of the City Council of the City of Oceanside amending Chapter 6, Article 1 of the Oceanside City Code by the amendment of Section 6.2(e), Section 304, permit fees to change the structure of the Building fee schedules; adoption of resolutions to increase development processing fees for Planning, Building, Engineering and Fire Prevention based on a recovery rate not to exceed full cost-recovery for services rendered as outlined in attachments; adoption of a resolution authorizing the City Engineer to update the Unit Cost Table; adoption of surcharges for General Plan and Technology updates; and adoption of a resolution for the annual update of fees for development services based on the budget of each division – City of Oceanside**

A) Deputy Mayor opens public hearing – hearing was opened.
B) Deputy Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmembers Feller, Kern and Felien reported contact with staff and a lobbyist from the BIA; Deputy Mayor Sanchez reported contact with staff.
C) City Clerk presents correspondence and/or petitions – none.
D) Testimony beginning with:

GEORGE BUELL, Development Services Director, stated we received and distributed an email this afternoon indicating that the BIA has requested a minimum 30-day continuation of this item. Before going into the presentation, he requested hearing from Council as to whether they want to grant that continuation or continue with the hearing.

DEPUTY MAYOR SANCHEZ wishes continue.

COUNCILMEMBER KERN asked what effect a 30-day delay would cause for staff versus going forward tonight.

[Councilmember Feller left the dais at 6:20 PM]

MR. BUELL responded that the Development Services Department is in the process of preparing our annual budget for the next fiscal year, and a 30-day delay could result in a substantial amount of work being needed to be made up not only by Development Services but there could be a ripple effect through the organization as a result of any additional change. Staff's position is that the Council continue with the public hearing this evening.

COUNCILMEMBER KERN responded okay, let's continue with the hearing.

DEPUTY MAYOR SANCHEZ clarified we are going to continue to have the hearing.

MR. BUELL stated Council has heard reports on fee studies 4 times over the last 22 years, dating back to 1989 when a comprehensive study was performed by the Vertex Consulting Group. The objective of that study was to identify the costs with each of our different operation and application types, as well as once those costs were identified, the Council gave authorization for immediate implementation. There was no phasing in. Two years later there were across-the-board fee increases adopted by the Council and those were implemented immediately. In 2007 the Council was presented with a proposal to increase planning fees. At that point the BIA said they would agree to 3 consecutive 25% increases to planning-related fees, provided that an efficiency study was completed and then a comprehensive look at where our fees were.

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

As Council may recall, in April of 2009 he presented to Council the findings of the efficiency study. Since that time we've been implementing that study diligently and have also experienced a significant economic recession. The Development Services Department has experienced a 40% reduction in staff at the same time that we are implementing efficiency measures. As a result, we not only became leaner but we identified means by which we could streamline our operation and bring a proposal to Council that in numerous instances results in adjustments to the fees that include decreases and increases, as well as maintaining other fees.

Regarding the fee study, we engaged Matrix to take the second part of their contract immediately after finishing the efficiency study.

The objectives that we had in conducting the fee study is fiscal sustainability. Our assumption was that Council wanted to know what the full cost is of each of our application types and then for staff to present those adjustments based on the costs of service. Secondly, as a result of the adjustments, to look for equity among all applicant types. In other words, that the fees that are applied to a large project would be equitable for the fees that are applied to a smaller project, based on the cost of service.

Looking at our budget, in the current fiscal year we have an estimated gap of $563,000, meaning we have a revenue shortfall that is in the budget and recognized. That $563,000 is described in a pass-through memo that was provided to Council early last week. To the extent that we were to continue with this type of gap, that means that the General Fund is subsidizing development-related services.

We have 3 divisions: Building, Engineering and Planning. With respect to the Building Division, we are proposing a new fee calculation method. Instead of basing fees on project valuation, we are looking at basing fees on the actual cost of providing the service. As a result, we're looking at a cost decrease for large projects, a cost increase for small projects and equity among all project types. Recommended are subsidies for water heaters, small residential solar and wind-to-energy systems. We're also looking at applying 2 surcharges: a 10% General Plan update fee and a 2% technology fee surcharge. Both of these were recommended by the Matrix Consulting Group.

The State encourages cities to revisit their General Plan on a periodic basis. There is no exact timeline that is prescribed, but generally speaking the State asks us on an annual basis if we've updated any part of the General Plan, and they recommend a 5-year period. We currently don't have any way to finance that type of venture and going through the process of engaging the community and going through the Environmental

Impact Report (EIR) that's associated with updating the General Plan, we're looking at conservatively about $1,000,000. Today for most cities of our size it would be closer to $1,500,000 or $2,000,000. This surcharge would be a way that we could start saving for that General Plan update.

Regarding the 2% technology fee, in early 2009 the Council authorized the purchase of software for tracking development and permitting and this would provide a means by which we could establish a fund to keep up to date on the technology as it evolves over time.

A computer graphic showed examples of proposed changes in the building fee methodology.

In the Engineering Division we're looking at primarily updating the unit cost table to reflect current construction costs. That unit cost table is used by the engineers to establish the amounts at which projects need to bond and secondarily establishes new fee types for new services. That's in addition to adjusting existing fees, where flat fees are used for providing service. A computer graphic was used to show examples of the adjustments in Engineering.

Regarding the Planning Division, we're looking at proposed decreases, increases, maintaining certain fees and deposit accounts. Decreases result from operational efficiencies and streamlining. The increases on project types are where costs exceed expenses and the maintaining fees are for revenue that is at or near our costs. Deposit accounts are proposed for large, complex projects as described in the staff report. Generally speaking, we're looking at large areas of land that would be subject to a General Plan amendment, Specific Plan, zone change, etc. The deposit accounts would require staff to keep track of time spent on each type of project and then we would apply the costs associated with that time and charge the developer the amount that it costs to process that application. A computer graphic was used to show examples of proposed adjustments to Planning fees.

Other noteworthy changes are the developer's conference. Currently we offer a developer's conference at no cost to the developer. Matrix recommended that we apply a small fee. The developer's conference is the first meeting that takes place between staff and the applicant, where we describe what codes and regulations the project would be subject to. We also help the developer identify a strategic path in the application proceeding through the development process and ultimately resulting in a decision by the Planning Commission/City Planner/City Council.

We'd be looking at a review fee when more than 2 reviews are required. So if an application requires more than 2 rounds of review, it would be subject to a 15% charge of the original application fee. This is recommended by Matrix. This does 2 things: it puts responsibility on staff to insure that they are doing a thorough review within 2 rounds and it also puts responsibility on the applicant to insure that the applicant or his/her consulting engineer or architect are also doing a good job. That mutual accountability can work very well ultimately for the applicant/customer.

We are looking at establishing a research fee of $50 per half hour. This is for work that would be done that is not required under the Freedom of Information Act under a public records request. This is research that is required and we would charge them $50 per half hour per planner.

We are also looking to subsidize historic permits and that's based on community value of the City's Historic Preservation Program. We have a Historic Overlay District that's immediately around the Mission. When historic permits are applied for, we would be looking to apply a flat fee of $500.

Regarding alternatives, if Council would prefer to not adjust Planning fees, you can direct staff to amend the Zoning Ordinance and essentially push down the decision-making authority to staff on various application types. This was discussed in 2009 with the efficiency study. We can have no change to our fees and in that instance the Council would be acknowledging and authorizing General Fund subsidies of the City's development operations and it could be viewed as a local incentive to stimulate local investment. We're also seeking a new Council policy for an annual fee adjustment. Fee adjustments would be taking place on an annual basis with the budget. This would be based on increase or decrease in costs and would be approved annually with the budget.

In conclusion, staff is recommending adjustments to fees in order to achieve fiscal sustainability, to close the gap between our revenue and expenses, increase General Fund subsidy, provide fee equity among all customers and is largely based on recommendations found in the Matrix study. Staff is committed to continuing streamlining efforts in order to control costs, to do quality work and to providing top quality customer service. We realize that our customers are forced to come and do business with us as a regulatory agency, but it's our goal to make them feel as though they're being treated just as they would in a quality retail establishment.

DEPUTY MAYOR SANCHEZ asked why you have set the revenue expense gap at $563,000 when the actual deficit is $1,171,000. Why are you choosing the lower rather than the higher number when we have a real difference between what comes in for development-related services and what is actually expended in terms of hours?

MR. BUELL responded in the budget for this fiscal year (2010-11) we have a forecast revenue of $2,200,000. The $563,000 that he displayed on the screen relates to this fiscal year. We have a forecast revenue budget of $2,200,000. We have an expenditure budget of $4,200,000. These numbers were presented to Council at the first meeting in February by the City Manager when he gave Council a financial update. Based on that, he used numbers for this fiscal year. Then we back out services that we provide for which we do not charge fees. Included in that is most of our transportation group, who handle the neighborhood traffic calming program as well as street signal timing and things of that nature. We also back out non-development related work. Staff estimates that about 26% of the department's time is spent on work for which fees are not collected, including answering the phone, giving setback information and providing guidance to citizens at the counter. So a little bit over ¼ of our time on average is spent on free services the City provides. The dollar amount associated with that work is about $955,000, which brings the total down from $4,200,000 in terms of expenditures to $2,700,000. If you subtract $2,200,000 from $2,700,000, it leaves a balance of about $560,000. That's how he arrived at that [$563,000] number.

DEPUTY MAYOR SANCHEZ stated it is simple math but it doesn't add up, unfortunately. Every year we seem to be subsidizing Development Services from the General Fund for millions of dollars and she still doesn't understand why we can't seem to get a hold of that. She doesn't know if it's because we're starting to get top-heavy or what is going on in terms of the costs of these services.

MR. BUELL stated if you were to back out the free services that we provide and put that in conjunction with the proposal that's before Council this evening, he believes we will make significant progress in reducing that gap. That's why we're proposing to adjust fees as recommended.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated most people who come in are there for plan checks. The staff works in the office and out in the field checking to make sure things are followed up. This could potentially be automated.

Regarding subsidies for water heaters, solar, wind energy, etc. he tried to share with Council some information about Assembly Bill (AB) 118 and Nunez Funds. To 2014 there is funding available in the State of $100,000,000 per year through the State's Department of Energy. There are 2 other sources of funding, which he has previously made known to Council, that we can apply for to get some funding to help support this.

Maybe we should link our fees to a CPI Index and compare them with other rates in the County as well.

JERRY McLEOD, 1517 Del Mar Road, would like to see home inspections built into the costs. How much does it cost the builders on a big project? Do they pay for the inspections or do we eat that cost?

STEVE MACIEJ, Public Policy Analyst representing the San Diego County Building Industry Association, was here to ask for a continuance this evening because he thinks the type of study that the City has undertaken deserves to be looked at by the regulated industry and the industry that's paying those fees. We represent developers, plumbers, contractors, etc. and we're trying to put our industry back to work. We're at 40,000 unemployed in the construction industry in San Diego County alone, which is about a 25-30% unemployment rate.

The Matrix study was one of the better ones he's looked at and he has looked at quite a few of them recently because many cities are looking to balance their budgets and close their gaps with fee increases. It's counter-intuitive. If you raise a fee, you're going to decrease the volume of activity and Oceanside is trying to create more development activity and have more revenues going to the General Fund.

One of the issues specifically with the report that we want to get deeper into was the interfund charges that are being recommended. Mr. Buell's presentation helped him understand a little bit more some of the costs the City is incurring as part of City functions. This may not be that big of an issue but he wants to take the time to have our industry professionals meet with City staff and dig into those issues.

Also, as a result of legal action that the CBIA took several years ago, cities now can no longer do evaluations of pricing and fee-setting, so you have to do these time/motion studies, which is what you've done. What you've seen from that is that over the years large industry development has actually been paying more than its fair share and we now see its costs come down and we appreciate that. There are some very good things in this study that we think we could support but there are a few issues that we have concerns about.

Another concern we have is the yearly automatic escalator. No matter what you tie that to, we've never seen these fees come down. Once cities have that fee increase in there, they maintain it; it never trickles down. We also have some concern about the direct deposit account; that's new for Oceanside. It works in some jurisdictions and doesn't work in some jurisdictions. Since we're paying the fees, we'd like to understand how it's going to be implemented and be assured that it's going to have the accountability that would help the department get more realistic budgets in the future.

We are still requesting a continuance in order to work on these issues.

CHARLENE KERCHEVAL, 533 South Nevada Street, stated at the February 3, 2011, Council meeting Councilmember Kern requested an initiation of amendments to the City's undergrounding of utilities ordinance whereby all approved and not-yet-constructed proposed and future residential land development projects of 4 or fewer lots or units would be exempt from the current undergrounding requirements and further directed staff to return to Council within 90 days with the amended ordinance. She and

another speaker addressed this request and asked questions. However, she and the other speaker were both dismissed as just stating our opinions. She would like at this time to ask her specific questions, which were: how will this practice benefit the City and homeowners of Oceanside and how does this benefit the developers?

Now as she reviews the Matrix study, she sees stated on Page 3, Item 1, listed as 'Consider Nature of Future Development in Oceanside', that project applications have leaned more toward infill developments as large sections of land have become scarce. In addition to the 2 prior questions, she is now requesting that we have a full count of all 1-4 infill lots or units that would be directly impacted by this change in ordinance. This is not a statement; it is a question. How many 1-4 lots or units are in the City? Considering these, what would be the loss of funds to Oceanside because the developers are able to waive these fees toward the undergrounding of utilities? In this economic climate, we need developers to pay all of the fees with respect to their projects.

With respect to the BIA asking to extend this another 30 days, she thinks this Matrix report is very thorough and we are not being run by the developing agencies, we are being run by Council so she is asking Council to honor these things and that the monies be returned to the General Fund.

With respect to our fees being changed from a valuation based method to an actual cost of service method, she believes it should always be actual cost of service.

NADINE SCOTT, 550 Hoover Street, stated this is a good report and Matrix knows what they're doing. She keeps hearing from everybody for cost recovery. This is a good first step. She's not sure giving 25% of your time away for free is lucrative but we do pay taxes and appreciate what you do for the public. She's not sure about the traffic calming; there's got to be some way to pay for that.

She likes the overall fee schedule except for the single-family residents; you shouldn't be increasing that because we're the people who've invested in this community. That's a penalty that disincentivizes us from improving our homes.

As always, BIA thinks they run our town. This is a partial fee recovery that we need to meet our budget gap. She wishes it could be more. She'd like to see full cost recovery but that can't happen right now because the economy is down.

She is in favor of the technology surcharge as we do heavily rely on technology programs in the Building and Planning Divisions. We should have these adjusted every year based on the budget that Development Services gives you. They know what things are costing.

BOB BERG, 1700 block South Pacific, was looking for Attachment 2 on the website but couldn't find it. It has something to do with the alternative to raising land-related fees, which would be reducing processing costs to substantially streamline the decision-making process, thereby reducing staff time on report and public hearing preparation. These amendments would push down the decision-making process to either the City Planner or staff level. As part of this the appeals process could be maintained to provide the public and Council the ability to further review staff-level decisions. It stated that examples of this are provided in Attachment 2, which is what he couldn't find. Thereby this should be continued.

He agrees with some of the statements made by the BIA about rushing into this. There are obviously some things missing in this report. It's a good report. Three years is a long time to streamline operations, especially in a downward-cycle market. There are a lot of efficiencies in software and a lot things could be done on a computer. We could really fine tune these departments with technology, fewer staff, not as fancy of

vehicles, etc. He asked Council to explore the alternative means of cost reduction and streamlining within your organization. He'd like to see a copy of Attachment 2.

DEPUTY MAYOR SANCHEZ responded it is on the website as she is looking at it right now. It's under agenda and the entire staff reports and attachments is 132 pages.

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

In response to issues raised - with respect to the length of time it took to produce this fee study, **MR. BUELL** stated we started work on this immediately and shortly thereafter we started to reduce staff. Going through a downsizing process, it made no sense to continue with the study because our overhead was decreasing. Seeing that staff costs are factored into each and every fee that we have, he put the study on hold for the better part of 2 years, until we knew that we were at a place where we had taken staff down to a level of being at the brass tacks. That explains why it took so long to get this study to Council.

With respect to the cost of permitting a single-family residence, if Council wants to subsidize part of that building permit fee, that would be a policy decision that Council can make and give direction to staff on that.

With respect to comments made by the BIA representative, the deposit account basis for fees on certain large projects, as he mentioned there are many good experiences that his membership has seen but there's also been some bad ones. His experience working in both the public and private sector is that it can work well provided that there are policies in place as to how the accounts are set up and administered. It makes it very clear to the applicant how much time is being spent. On a periodic basis they'd receive a report showing an accounting of the time. If there is anything that seemed out of line, there would be a process by which they could raise questions and resolve it.

With respect to the automatic update, he started his presentation by mentioning that over the course of 22 years the Council has looked at these fees 4 times. It is staff's recommendation that Council look at these on an annual basis, based on your costs. Even though that might not be something that the BIA would get behind, with respect to fiscal sustainability, it's something that staff recommends.

Finally, with respect to interfund charges and how those are factored into our costs and the fees, we do have Matrix Consulting Group here to speak to that in either general or specific terms, depending on what Council would like to hear.

CITY MANAGER WEISS stated on the annual adjustment, they aren't automatic. As Mr. Buell indicated, they would be presented to Council as part of the budget. Additionally, the fees that are being presented to Council in regards to development-related fees, the intent is to get full cost recovery for those development-related activities. If it is Council's interest for staff to look at the non-development related costs and look at some type of cost recovery, we could do that. As Mr. Buell mentioned, about ¼ of the effort that's provided in Development Services is for non-development related costs.

As examples of that, we have through the Engineering Department spent a lot of time with business owners along Loma Alta Creek. Those are services that are provided and subsidized by the General Fund because there is no one paying a fee for them to work with the business owners looking at flooding. Similarly, we have several streets that have had damage caused as a result of rains. In one we had a trash truck that got sunk up to his axles. We have had a number of staff out working with property owners

looking at how we are going to take care of that. Those are services provided by Development Services that no one is paying the bill for. If it is Council's interest for staff to pursue that, we could take a look at that and come back with some additional recommendations with regards to how we would do full cost recovery.

MR. BUELL stated in the process of his conversation with Councilmember Felien earlier this week, he raised a question about a fee that was proposed in the Planning Division with regards to special event permits. Looking into that further, staff would take that off of the table at this time. That is a fee that is administered through the Parks & Recreation Department. We would recommend that that fee be removed and looked at later.

COUNCILMEMBER FELIEN stated asking for money isn't necessarily getting it. He supports the idea of full cost recovery for developers who use our City services. Some fees are recommended to go up and some to go down. The effort truly isolates the costs and shows the good faith of the City to work with the development community to provide a service but make sure the taxpayers aren't subsidizing private sector activity. So he thinks the study is good, but in terms of asking for the money and expecting to break even which is our goal, we're in the middle of a recession and we've had approximately 200 permits that were issued last year and only 6 permits that have been issued this year. Even if our goal is cost recovery, if our fees are too high and the projects don't pencil out, we get nothing because no one builds anything. He wants to make sure the department is sensitive to this and that we monitor the actual cash flow coming in from this to make sure we aren't killing the goose that lays the golden egg. Wanting something but getting zero obviously doesn't recover any costs.

COUNCILMEMBER KERN stated part of these fees are to encourage certain behaviors. He called a couple of plumbers about hot water heaters and what they cost to install and with a $100 fee for a hot water heater permit, he doesn't think we're going to get compliance. Our eventual goal is that people have safe hot water heaters put in and if we put $100 fee on a hot water heater to install, people will not comply. Then we'll have hot water heaters out there that aren't strapped or ventilated. Council should look at our goal being to have safe hot water heaters versus having a fee that nobody will comply with.

We are not that far off on most of the issues with other cities; we're right in the ballpark so we're okay. He is concerned that our sign fees are almost 4 times anybody else's, except for maybe Vista and that's for 4 or more signs. Carlsbad's fee is $979 and ours is $2,300. Also our coastal development permits are 4 times that of Carlsbad. Ours is $4,000 and theirs is $979. He doesn't understand why ours are so out of whack with a city that's similar to ours with the amount of coastline and probably the number of permits pulled in the Coastal Zone. Hopefully, after we go forward with this, we'll review those and figure out what those costs are. We need to re-do our sign ordinance anyway. He gets complaints from businesses around town about our sign ordinance not being very business-friendly.

He is concerned about the deposit account. We're going down a road that we haven't gone down before. It has worked in some jurisdictions and has not in others. It is his understanding this will be a department policy and not a Council policy on these deposit accounts. He would request that staff work with the stakeholders and come up with a policy about deposit accounts and send Council a memo of what those are. Council doesn't need to vote on them or review them, but he would like to know what those are so everybody understands because we're going to get calls on what that deposit account is. He asked Mr. Buell what his experience has been with these.

MR. BUELL responded with respect to the deposit accounts, as a land development consultant working on a large project [a very large specific plan], our client had to deposit large sums of money with the jurisdiction; on a monthly basis an invoice

was presented to our client and he had the opportunity to review that to insure that the amount of time that the engineer and the planner were spending working on that particular task was appropriate.

From the public perspective, in having staff work on the tasks being billed, we always want to make sure that the customer is not having to bear the cost of transition in staff, if you have a planner that is no longer working on a project, that the applicant is not bearing the cost of re-educating staff and bringing them up to speed. It might take 10 hours or more on a large project for an individual to get up to speed on certain projects. It would not be appropriate for the applicant to pay for that. There would be checks and balances that provide an opportunity for the paying customer to review the bill and understand before he/she is asked to place on deposit another sum.

COUNCILMEMBER KERN stated hopefully we'll work with the stakeholders on the deposit account policy and just inform Council through a memo of what that will be.

His other concern is the interfund charges. It is his understanding that some cities don't attribute interfund charges on development service costs. Basically we're charging for rent and there's some concern that it can be manipulated beyond Development Services' control if Finance or the City Manager's office determine that we need to get more money into the system by raising everybody's rent on the interfund and then we'll have to raise Development Service fees because we've raised interfund charges. He asked how those are determined and if we're not charging one department more than another department and how we do it for cars, etc.

CITY MANAGER WEISS responded the building rent for City Hall, which is about 118,000 square feet, is based on utility, maintenance and debt service costs, totaled up and broken into a square foot basis and those costs are attributed to each department on that same square foot basis. Everyone is charged the same rate based on the square footage of usage.

Vehicles are the same way. If they add vehicles, their interfund vehicle rate will go up based on the replacement and maintenance costs of those vehicles. Development Services has turned in a number of vehicles over the last few years so those costs have gone down. Depending on the size and class of the vehicle is how those costs are attributed. We have a detailed spreadsheet on every vehicle and piece of equipment within the City with the amortized costs to replace and the maintenance costs, and those costs are split up in that way. They're all pretty fixed.

The other component of the interfund charges are computers and email.

COUNCILMEMBER KERN just wanted to make sure that we're not going to charge one department more than the other and that this is something that goes citywide. Does City Operations Center (COC) have a different rate based on their costs.

CITY MANAGER WEISS responded yes. COC has a different rate, as well as the Police and Library buildings.

COUNCILMEMBER KERN asked how the mileage and fuel costs are figured.

CITY MANAGER WEISS responded the fuel costs are divided by department, not by vehicle. So the Police Department has a higher fuel cost than Development Services would. We do an annual report on both maintenance and operating costs for the class of vehicle by department to make sure that the expenditures are in line with what they're paying.

COUNCILMEMBER KERN is going to support and make sure we get with stakeholders on the deposit accounts. He wants to allow greater decision-making at the

counter level and staff level. If there is clear direction of what projects are and when they come to the counter and meet those criteria, then it's approved at the counter as much as possible. That saves staff and applicant time, and it saves money. The more we can empower the employees to make those decisions, based on clear direction, the better off everybody will be. That's something we need to look at on a citywide basis, not just in Development Services.

COUNCILMEMBER FELLER was glad to hear Ms. Scott recognize that we could maybe start charging for those free services because we could make up that gap; especially when it's $1,500,000+ worth of fees such as traffic calming, etc. How much of our fees are related to hard costs, because almost everything that we're looking at is related to paying benefits to have a person handle the job.

MR. BUELL responded we haven't calculated that.

COUNCILMEMBER FELLER stated so we have to be watchful over the dollars that we're using for paying benefits as well.

When he had his hot water heater installed and went to the counter to get a permit, they couldn't believe somebody was actually getting a permit. Some of the things that we do encourage people to engage in unlawful activity and that might happen on home improvements and tenant improvements if we jack those prices up so high.

He asked for more information on unfunded mandates and what they've done to all of this.

MR. BUELL responded there are a number of regulations that are passed down to the City by either the State or federal levels. Examples of those are the Clean Water Act, the Clean Air Act and the Endangered Species Act and the regulations that are adopted through the different agencies are passed down to the City. While everybody would agree that we want clean air and water and we want to see certain plants and animals survive, those costs are borne in the development process as we're required to implement the regulations that are passed to us. A good example locally is the recent changes in the water quality standards that have been adopted by the Regional Water Quality Control Board.

COUNCILMEMBER FELLER noted that in the concluding remarks in the pass-through memo you gave Council, it said between 2008 and 2010 a total of 27, or about 40% of budgeted positions have been eliminated. Is that current?

MR. BUELL responded yes.

COUNCILMEMBER FELLER is afraid that with the fees we will price ourselves out of development; especially where he saw tenant improvements going up by $5,000 or $6,000 for a small business to start up in a 2,000 square foot building. He thinks the solar and other things like that should be more expensive as far as a fee. We don't have a cost-effective way of doing that yet. We're mistaken if we think that we can just go out and get State funds. The government doesn't have money until they take it from us. We'll be the ATM for all of these fun little projects that people want to get involved in such as solar and wind technology, etc.

He likes the alternative of pushing down to staff on the approvals. That is a better way for us to solve this problem at this point so he encouraged staff to look at those.

After reading the title of the Ordinance, with direction to staff, **DEPUTY MAYOR SANCHEZ moved** approval [of introduction of an **Ordinance**, "...amending Chapter 6,

Article 1 of the Oceanside City Code by the amendment of Section 6.2(e), Section 304, permit fees to change the structure of the building fee schedules"; adoption of **Resolution No. 11-R0156-1**, "...adopting revised user fee schedules for development processing fees for Planning and Engineering", based on a recovery rate not to exceed full cost-recovery for services rendered as outlined in attachments; adoption of **Resolution No. 11-R0156A-1**, "...establishing fees for permits, inspections and other services provided by the Building Division pursuant to Chapter 6 of the Code of the City of Oceanside"; adoption of **Resolution No. 11-R0157-1**, "...authorizing the City Engineer to update the Unit Cost Table"; adoption of surcharges for General Plan and Technology updates; and adoption of **Resolution No. 11-R0158-1**, "...to update development fees annually"].

COUNCILMEMBER KERN seconded the motion. We talk about full cost recovery and we're looking at this one department, but he would also like to see Neighborhood Services go through this same exercise to cut staff and their costs. There are certain things, like this 26%, that we'll never recover because people in Oceanside pay taxes to get that service, so you can't put it on developers to recover that cost. Likewise, we will never have full cost recovery at the libraries because people pay taxes and use them. With this program we're going to get the developers to pay their fair share. There are a couple of things that are out of whack but he thinks we can solve those. There are certain things that we need to pay for and certain things the developers need to pay for. Those glaring areas like the sign permits and coastal permits need to be revisited, etc.

DEPUTY MAYOR SANCHEZ thinks this is a good start. When staff shares information with the community, and when the developer works with the community, you tend to get the buy-off early, it does impact the costs; the costs end up being less. There are less appeals and reviews because of this coming together at an early stage. When that doesn't happen early on in the process, that's when we see a lot more steps needed that's when Council gets called about what's happening. In the years she has been here, Council had encouraged Development Services to have a list of contact people in the neighborhoods that the developer could call to have a community meeting. They could hear from the community and perhaps even adjust the project to make it a better project. This is a good start.

Motion was approved 4-0; Mayor Wood – absent.

[Recess was held from 7:24 PM to 7:30 PM]

13. **[City Council: Consideration of an appeal of the Planning Commission's action to revoke Development Plan (D-19-03) and Conditional Use Permit (C-29-03), and associated PC Resolutions (2004-P22 and 2007-P46) based upon the applicants' failure to perform as required by the subject permits and resolutions of approval for property located at 1660 Oceanside Boulevard; and adoption of a resolution denying the appeal – The Oceansider – Appellant: Edwin D. Housmann, Attorney for First Credit Bank]**

This public hearing, continued from February 2, 2011, is being further **continued to April 6, 2011, at 6:00 p.m.**

15. **CDC: Adoption of a resolution approving Development Plan (D-204-08), Conditional Use Permit (C-203-08), and Regular Coastal Permit (RC-205-08) for the construction of a 235-space surface public parking lot located east of Myers Street and west of the railroad tracks, between Oak and Tyson Streets – Oak-Tyson Public Parking Lot – Applicant: City of Oceanside**

A) Deputy Chair opens public hearing – hearing was opened.
B) Deputy Chair requests disclosure of Councilmember and constituent contacts and correspondence – Councilmembers Feller and Kern reported contact with staff

and emails from the previous hearing on this matter. Deputy Mayor Sanchez and Councilmember Felien reported no contact.

C) Secretary presents correspondence and/or petitions – 1 letter was just received.

D) Testimony, beginning with:

SHAN BABICK, Associate Planner, used computer graphics to show various views of the site between Tyson and Oak Street. The project is a former right-of-way that the City purchased from Atchinson, Topeka and Santa Fe Railway back in 1989.

The project proposes 8,600 square feet of landscaping, mainly along the 3-foot strip along the western portion of the project site. Also an 8-foot high combination fence will be adjacent to the residential property owners, again to the western portion of the site. The eastern portion is the Coastal Bike Trail and it's separated by a small fence. Staff believes that the proposed project meets all the development standards in the Redevelopment Area from the development standards in our Zoning Ordinance and the Redevelopment Plan. It also meets the coastal requirements in the sense that in the Local Coastal Plan (LCP) it states that effort should be made to provide additional public beach parking facilities to serve anticipated future demand, and priority should be given for new parking facilities to serve Tyson and Oak Streets. The project also meets all our development standards. The project was approved by the Redevelopment Advisory Committee (RAC) on February 16, 2011, by a 7-0 vote.

Staff recommends that the Commission adopt the resolution approving Development Plan (D-204-08), Conditional Use Permit (C-203-08) and Regular Coastal Permit (C-205-06) for the construction of the 235-space surface public parking lot located east of Myers and west of the railroad tracks between Oak and Tyson Streets.

Public input

KEVIN CROSWELL, 3066 East Live Oak Park Road, Fallbrook, is here because this project directly impacts property that he owns on Myers Street adjacent to the proposed project. He has two issues. The first is he is concerned that this project may disturb the tenants in his triplex. He asked that the City take action to minimize that disturbance as much as possible. Specifically, fences are going to have to be removed and when the 8' wall is built, they may be removing his fence and he wants to insure his tenants' privacy and the protection of their property which is kept in the backyard.

The second issue is he uses the ocean in that area quite a bit and is concerned that with a 235-space parking area there is going to be some pollution. He sees that there is a Certificate of Exemption for an environmental study; however, right now that area just has dirt and vegetation. When it rains there is not a potential for dispersion of oils, etc. from parked vehicles going into the ocean. That issue should be addressed because he doesn't think this project won't have an environmental impact.

POLLY FUKUHARA, 520 South Ditmar Street, asked who is going to pay for this parking lot. She also voiced her concerns about the environmental impact of a parking lot. Dirt is a good cleaner of pollution and that wide stretch of dirt is very good to clean storm water that's draining from all different sources and now you're going to pave that over and the water will come off that parking lot and go into places that will eventually end up in the ocean. That will be an environmental impact. She doesn't know why we need another parking lot right now; it's going to be expensive and we have plenty of parking. Since the new parking garage went up by the Transit Station, there's no off-street parking going on right now. We need to encourage people to use public transportation. Wisconsin Street has a parking lot that is only used during the 4th of July celebration.

CHARLENE KERCHEVAL, 533 South Nevada Street, noticed on the first graphic that it showed the Transit Center, but we have plenty of parking there in the new

parking structure that they built. She would like Council to reconsider and not have another parking lot in that area.

MICHAEL NORD, 502-512 South Myers Street, stated the project will eliminate 8 off-street parking spaces. If it proceeds, he would like to find out if the resident special parking permits that are allowed to be used north of Wisconsin and west of the tracks can be used in this lot.

He has a structure that predates the railroad's boundary definition by at least 4 years and that encroaches 5 feet onto the right-of-way. He asked if there is some provision in the adoption of the resolution that would make allowances for its preservation.

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

MR. BABICK stated as far as disturbing residents, we're going to work with the property owners and tenants prior to the construction. We're going to have to put a temporary fence up. We will have to secure the site and that's something that's part of the construction. We have phone numbers so when we hire the contractor and get to that point, they would be able to work with them as well as our inspectors. We want to make sure the site is secure.

As far as pollution, environmental and storm water, the project has Conditions 15, 16 and 17, which says we'll use our best management practices to clean all storm water prior to it going into the storm drains.

KATHY BAKER, Redevelopment Manager, stated we took pride in this project because we are also implementing pervious concrete and installing native landscaping. It's in the staff report but it wasn't mentioned. We have taken great strides to be as green and environmentally friendly in this project as we can. We're even using LED lighting.

We have standard boiler plate conditions that address the privacy of individuals when a construction project is occurring, whether it be a City project or a private project. We will protect the privacy of those individuals.

Regarding who is paying for it, this project is satisfying a condition of approval for both the Oceanside Beach Resort project and the CitiMark project in that they are displacing some parking west of the railroad tracks, so there is a fair-share contribution that will be divvied up between those 2 projects. As you know, there is a balance surplus of 47 additional parking spaces that are also being provided as part of this project and there is part of the extension of the Coastal Rail Trail, which is also being developed as part of this project. Tax exempt government bond funds were issued several years ago and we're going to be utilizing those bond funds to pay for the balance. That is also part of the reason why we have to build the parking lot. We don't have a parking problem necessarily now, but in the future we may and that's part of the reason we want to add parking right now. In addition, the parking west of the tracks is slightly different than the parking east of the tracks. We do try to encourage people to use mass transit east of the tracks, but we do have that seasonal population that comes down to the beach and we have to have beach parking for those people. We felt this was an important project to provide additional parking west of the railroad tracks.

The letter that was received was from an individual who said when she purchased her property there was an established fenceline and in looking up her address (406-408 South Myers Street), you may recall from the last hearing that we had in August of 2009 that we had several individuals that did have encroachments into the City's properties. At that time it was presented to Council that we could do a 3-foot

offset from the property lines to try to protect some of these improvements, in addition to Mr. Nord's building, or we said if Council wanted to grant even more property, we could not do the bike path and give them a 10 or 11-foot setback. Council unanimously agreed to stick with the 3-foot and the only reason we needed the 3-foot was because of a couple of structures for Building Code issues and Fire Code issues. Council all agreed that was the fairest thing to do as these people have had the luxury of using the City's properties for a number of years and it was time for us to move forward with this project. All of those people were put on notice that this was going to happen.

DEPUTY MAYOR SANCHEZ stated there was also a question about residential use of the parking lot because of displaced off-street parking.

MS. BAKER responded Mr. Nord does have 8 parking spaces that straddle the property line right now and those would be eliminated. We've had some internal discussions with staff and they see this as being a little bit problematic in terms of issuing special permits for people to have overnight parking in our public parking lots because currently there is no place in the downtown that we allow for overnight parking. In addition, do these residents really want to open up Pandora's Box because then other people can come back there and loiter and stay overnight. Right now we have a curfew on those parking lots, which is a good thing. We're still talking about it but it's problematic. We are looking at trying to recoup some of our costs with a nominal fee of $3 per day on some of those parking lots, which doesn't begin to cover the costs of the operations and maintenance of the parking lot, but if you start giving out parking permits, it eats into your revenue.

CITY ATTORNEY MULLEN reiterated that all Council is doing tonight is approving the entitlements, not the construction. That will be coming back to Council in the future. In the meantime, assuming Council approves these entitlements, we're going to continue to work with the property owners on encroachment removal agreements to make sure all of these issues get worked out so we can construct this as rapidly as possible.

COUNCILMEMBER KERN reiterated this is replacement parking because a lot of those parking lots down there are going to go away if we ever bring in CitiMark and the hotel. This is one of the conditions to bring those projects in - replacing the parking that is lost. There's a net gain of 44 spaces. The other almost 200 spaces are replacing the ones we're taking out. He understands wanting to park close to the beach in order to carrying all of your stuff down for a family outing and we need to provide that for people. He is concerned about the historic building and hopes we can work that out somehow.

As far as being environmentally friendly, this is a bike trail so it does encourage biking along the Coastal Rail. The alternatives of transportation are enhanced because of this project. He **moved** approval of staff's recommendations [including adoption of **Resolution No. 11-R0159-3**, "...approving Development Plan, Conditional Use Permit and Regular Coastal Permit for the construction of a 235-space surface public parking lot located east of Myers Street, west of the railroad tracks between Tyson and Oak Streets – Oak-Tyson Parking Lot – Applicant: City of Oceanside".

COUNCILMEMBER FELLER seconded the motion. It says in our staff report that 678 parking spaces are eventually going to be replaced. Those are somebody's land and some of it is ours that we need to find parking for besides what those will be intended for once they are built.

DEPUTY MAYOR SANCHEZ stated we have actually been having some parking issues, especially when the gas got over $4 a gallon and we, for the first time, saw the parking lot completely full. We do need the extra parking, especially for families to have access to the beach.

Motion was approved 4-0; Mayor Wood – absent.

CITY COUNCIL REPORTS

17. **Mayor Jim Wood** – absent

20. **Councilmember Jack Feller**

COUNCILMEMBER FELLER stated we all were in attendance this morning at the dedication of the newly remodeled library and complimented staff for their efforts. He attended the grand opening of the Extreme Center that Family Fellowship Church has installed at Douglas and El Camino for youth after school. He further highlighted other events.

He did an interview with Toby Ferguson from Tri-City Hospital Foundation over their feasibility study and their goings on that are going to affect the future of that hospital.

There is a retirement reception for Concha Hernandez Green.

19. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN stated it has been a long time since giving Council reports but in January he invited the Mayor to lunch in an effort to improve the tone here on the Council and we had a great chat. A lot of the acrimony or passion over issues doesn't necessarily translates into personalities. He wishes the Mayor the best in his recovery and in returning to the dais.

Last week he too was in the hospital and was diagnosed with diabetes.

He also attended the opening of the newly remodeled library.

He has also been attending SANDAG and NCTD meetings over the last few months and learning all about them.

21. **Councilmember Jerry Kern**

COUNCILMEMBER KERN also commented on the library renovations.

NCTD is planning a new bus line in Oceanside that is expected to start service this summer to provide military veterans with easier access to medical services. The line will connect Rancho del Oro Sprinter Station with the Veteran Affairs Clinic on Rancho del Oro Road. They have matching funds from SANDAG. The District will hold a meeting on April 21, 2011, at NCTD for input on that line.

18. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ had a chance to speak with the Mayor today and he sounded good and expects to be at the next Council meeting.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

DEPUTY MAYOR SANCHEZ adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 8:07 PM on March 2, 2011, to a Mayor/Council budget workshop on

Tuesday, March 15, 2011, at 2:00 PM.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside