



California

# CITY OF OCEANSIDE

## JOINT MINUTES OF THE CITY COUNCIL SMALL CRAFT HARBOR DISTRICT BOARD OF DIRECTORS COMMUNITY DEVELOPMENT COMMISSION OCEANSIDE PUBLIC FINANCE AUTHORITY

AUGUST 31, 2011

REGULAR MEETING                      2:00 PM                      COUNCIL CHAMBERS

2:00 PM - **OCEANSIDE CITY COUNCIL (COUNCIL),  
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND  
COMMUNITY DEVELOPMENT COMMISSION (CDC)  
OCEANSIDE PUBLIC FINANCE AUTHORITY (OPFA)  
- REGULAR BUSINESS**

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

**Deputy Mayor**  
**HDB Vice President**  
**CDC Vice Chair**  
**OPFA Vice Chair**  
Esther Sanchez

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

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

**Treasurer**  
Gary Ernst

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

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

For this regular and joint meeting, the Council sat as all 4 governing bodies [Council, HDB, CDC and OPFA] 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), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:04 PM, August 31, 2011.

**2:00 PM - ROLL CALL**

Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller, Kern and Felien. Also present were City Clerk Wayne, Assistant City Clerk Trobaugh,

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

August 31, 2011

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following item to be heard in Closed Session:  
Item 1.

**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**

[Closed Session and recess were held from 2:04 PM to 4:00 PM]

**4:00 PM – ROLL CALL**

**MAYOR WOOD** reconvened the meeting at 4:00 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller, Kern and Felien. Also present were City Clerk Wayne, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

**CONSENT CALENDAR ITEMS** [Items 2-14]

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** stated there is a request from the public to speak on Item 6.

The following Consent Calendar items were submitted for approval:

2. City Council/Harbor/CDC/OPFA: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the March 15, 2011, 2:00 p.m. Adjourned Meeting of the City Council
3. City Council/Harbor/CDC/OPFA: 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)
4. City Council: Approval of the plans and specifications for the Mission Avenue Widening at Valley Heights Drive Improvement project, and authorization for the City Engineer to call for bids; and approval of a budget transfer in the amount of \$500,000 from Fund 561 (Major Thoroughfare) to Fund 501 (General Capital Projects) for a total budget appropriation in the amount of \$500,000 in CIP account 901561400501
5. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials and services in amounts over \$50,000 from various Fire Department funds, for a total of \$1,483,569, and authorization for the Financial Services Director, or designee, to execute the annual purchase orders

6. **Removed from the Consent Calendar for discussion – public requests**
7. City Council: Approval of Amendment 2 [**Document No. 11-D0616-1**] in the amount of \$4,250 to the professional services agreement with Lance, Soll & Lunghard, LLP, for auditing services for the fiscal years ended 2010, 2011, and 2012, for preparation of the Community Development Commission Statement of Indebtedness as requested by the City; and authorization for the City Manager to execute the amendment
8. City Council: Approval of an Encroachment Permit Agreement [**Document No. 11-D0617-1**] with San Diego Gas & Electric Company in the revenue amount of \$3,000 plus payment of up to \$240 per year for the placement of smart meter network telecommunication devices on City streetlight poles within the public rights-of-way, and authorization for the City Manager to execute the agreement
9. City Council: Approval of a two-year lease agreement [**Document No. 11-D0618-1**] with the Mission San Luis Rey in the amount of one dollar per year plus annual maintenance expenditures in the amount of \$2,000 for the City's use of a portion of the Mission parking lot for Heritage Park, and authorization for the City Manager to execute the agreement
10. City Council: Approval of a Memorandum of Understanding [**Document No. 11-D0619-1**] with the Oceanside Unified School District to staff and fund the School Safety Enhancement Team with School Resource Officers for the 2011-12 and 2012-13 school years, with revenue to the City in the minimum amount of \$165,388; and authorization for the City Manager to execute the MOU
11. Harbor: Approval of the revised Oceanside Harbor District Permit for Slip or Dock Mooring which includes the addition of a \$300,000 liability insurance requirement for all permit holders
12. City Council: Adoption of **Resolution No. 11-R0620-1**, "...authorizing acceptance of \$74,619 of the Edward Byrne Memorial Justice Assistance Grant of 2011", from the U.S. Department of Justice, awarded to the City of Oceanside for qualified law enforcement programs, staffing, and equipment; approving the expenditure plan; appropriating the funds to the Police Department; and authorizing the City Manager or Police Chief, or their designees, to execute all necessary documents
13. City Council: Adoption of **Resolution No. 11-R0621-1**, "...authorizing acceptance of the State of California Office of Traffic Safety DUI Enforcement and Awareness Program Grant 2011", accepting \$196,790 in grant funds from the California Office of Traffic Safety awarded to the City of Oceanside for the DUI Enforcement and Awareness Program; approving the grant budget; appropriating the funds to the Police Department; and authorizing the City Manager, or designee, to execute grant documents
14. City Council: Adoption of **Resolution No. 11-R0622-1**, "...to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Oceanside", to allow the City to implement a two-tier retirement system for certain new hires and to modify the final earnings formula for the final compensation calculation

**DEPUTY MAYOR SANCHEZ** moved approval of the balance of the Consent Calendar [Items 2-5 and 7-14].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**Items removed from Consent Calendar for discussion**

6. **City Council: Approval of the First Amendment [Document No. 11-D0615-1]**

**in the approximate amount of \$358,428 to the Second Amended Agreement with KOCT; approval of a budget appropriation in the amount of \$149,428 from the General Fund (Telecommunications Technology Grant monies) to the Cable TV Contract Account; and authorization for the City Manager to execute the amendment**

**DONNA MCGINTY**, 2405 Mesa Drive, spoke in opposition to this and about her disapproval of Tom Reeser's operation of KOCT. The Board is equally responsible for the lack of accountability.

**JIMMY KNOTT**, 127 Sherri Lane, feels that with the dissolution of the Telecommunications Committee the public no longer has a forum to be heard regarding these matters. We need a better way for the public to be included in these things, and this agreement doesn't do that.

**DEPUTY MAYOR SANCHEZ** stated KOCT has been a wonderful partner to the City with award-winning programming that keeps our residents informed. With the necessity for cuts across the board due to the economy and the City's budget, it is unfortunate that KOCT is not going to get additional funding from the City. She encouraged them to continue their fundraising.

She **moved** for [approval of the First Amendment [**Document No. 11-D0615-1**] in the approximate amount of \$358,428 to the Second Amended Agreement with KOCT; approval of a budget appropriation in the amount of \$149,428 from the General Fund (Telecommunications Technology Grant monies) to the Cable TV Contract Account; and authorization for the City Manager to execute the amendment].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

#### **GENERAL ITEMS**

General Items are normally heard after any 5:00 p.m. Public Hearing Items. However, if time permits, some General Items may be heard prior to any 5:00 p.m. Public Hearing Items, following the Consent Calendar.

15. **City Council: Approval to select The Sudberry Properties/Soccer Field of Dreams as the developer for El Corazon, and authorization to enter into an exclusive negotiating agreement with the developer**

**PETER WEISS**, City Manager, stated this is the selection of the master developer for the City property El Corazon.

In 1997, the City approved the Vision Plan for El Corazon. Prior to that, the reason we got to the Vision Plan, was the result of two competing Citywide ballot measures that resulted in the City moving forward and developing that Vision Plan. The Vision Plan was adopted with a significant amount of public input, and following that the Council approved the formation of the El Corazon Planning Committee. That process went through a significant public input period and with that we created the overall Master Plan for El Corazon.

In 2005, the El Corazon Oversight Committee was established and, through another series of public processes and input, that resulted in the creation in 2009 of the actual Specific Plan and the environmental documents that went along with that. It's fair to say that if you asked anyone individually about what they'd like El Corazon to be, they'd probably have a little bit of a different opinion than what was adopted in the Specific Plan. However, the whole goal of the Specific Plan was to derive consensus throughout the community on what it should be. There is a balance there between open space, recreational components and revenue generating components. That whole process, as lengthy and painful as it was, resulted in a plan that community-wide has

received significant support, which bring us to this opportunity to move forward today.

In addition to the Specific Plan, the City also released the Environmental Impact Report (EIR). A number of comments were received; those comments were addressed; and the Council adopted that EIR in 2009.

In 2010, the City solicited proposals. The selection process in regards to how the City would treat those proposals and the criteria used for that selection process was very specific in both the staff report and the RFP. During the proposal period, there had not been any issues or questions regarding the actual process.

In 2011, we went through the proposal review and interview process, and throughout that entire process we did receive a number of public comments and input. All of the operating documents and the documents that went out to the development community were made public and were presented to Council before they were released.

Throughout the entire process there were numerous public meetings, community workshops and outreach efforts. We did surveys through the water bills, had email comments and a number of KOCT appearances. The result of that was what would the community expect and like to see. They were putting their trust in us that whatever happens at El Corazon is consistent with what was approved throughout the community process. As we went through this process it was not just staff, community participants and committees/commissions; we also had outside expertise that included a number of different consultant firms that assisted with economic considerations, the Master Plan and Specific Plan, environmental, etc.

Within staff we also looked at insuring that we had a multi-disciplinary approach to reviewing all of the various actions and documents, including the RFP, and included representatives from the Manager's office, the Attorney's office, Finance, Economic & Community Development, Property Management, Parks & Recreation, Planning and Engineering. We wanted to make sure that all of the various actions and efforts that were being done were coordinated and all of the different interest groups were represented as we went through the various development stages and processes.

The actual RFPs were due in March of 2011. The goal, as stated in the RFP, is to develop El Corazon in accordance with the Specific Plan in a timely manner and at the least public cost. As we developed the various Master Plans and Specific Plans, all along there was recognition that El Corazon was not going to be developed overnight. We're talking about a significant time period to plan, develop and actually go into an operational mode.

We do recognize that it's going to take a public/private partnership to get the type of recreational facilities that we are interested in and, in these economic times, part of the key consideration was that there be a significant retail component that would help offset some of the development and operational costs. In this market today, that retail component is likely not going to be developed in the next 2-3 years. However, that was a key component, along with some slight residential on-site, that the community demanded be part of El Corazon. Part of our review and analysis was whether the proposals were consistent with the Specific Plan.

#### Developer Presentations

**DOUGALL AGAN**, President of Stirling Development, 27422 Portola Parkway #300, Foothill Ranch, has a vested interest in the City and has been building toward this moment for 12 years. Together we created Ocean Ranch. For us, El Corazon is much more than just about developing a project; it about fulfilling a vision.

Per the City's detailed request, we have explored all development options related to El Corazon in accordance with the Specific Plan. When you compare our Vision Plan with the conceptual District Map from the Specific Plan, you can see that the placement

of specific uses is consistent with the City's vision. We have addressed all 6 land-use districts in accordance with the Specific Plan.

With regard to the funding of infrastructure, our intention is to use the same method of funding as we did at Ocean Ranch. We plan on issuing a community facility district bond with 100% of the repayment obligation to be paid by the businesses located at El Corazon. The City and its residents will have no financial burden or liability with this viable form of financing.

We have aligned ourselves with 14 innovative and strategic partners which we feel are the essence of our proposal. We view them as partners because they are not just interested in the possibilities; they are committed to the vision.

Our plan does sufficiently provide fields for soccer. In fact, our entire sports complex is designed with soccer, football, lacrosse and baseball fields strategically placed to be cross-utilized to handle overflow during peak seasonal sports. This will allow us to host 44 annual multi-sport events and tournaments with national and international draw, while allowing for year-round community leagues.

From the very beginning we decided to engage a variety of experts to make sure we develop this community to not only provide what the City is looking for, but to do so in a way that is economically sustainable. We conducted extensive research with Derrigo Demographic studies that concluded there is insufficient population and over saturation of retail to support additional retail development. However, the study did confirm that Oceanside's unique location in Southern California could support and justify an even larger vision for El Corazon. In fact, a large vision is exactly what is needed to create the revenue streams to support the community's dream for open parks, sports and recreation. For this reason, we feel establishing El Corazon as a unique west coast destination for health, wellness, sports, recreation and shopping will attract visitation from other cities, states and even other countries, resulting in activities that generate new business potential and increase visitation and revenue all year around.

The proposal we have put together for El Corazon has everything the City is looking for and more. Health, wellness, sports, recreation and shopping: these are the key components of our proposal that will be brought to fruition through collaboration with 14 reputable strategic partners. Their companies, like ours, want to shape the future of Oceanside.

We have retained portions of El Corazon as open space and natural habitat. We have provided active and passive recreation facilities and uses. We have allowed for both traditional and emergent sports that will be managed by Ripkin Experience. We have developed fiscally balanced future sport uses with the guidance of Oakley, Site Design, Camp Woodward and Tempest Free Running Academy. We have assured the compatibility of future uses with surrounding areas like Camp Pendleton, the VA Hospital and Tri-City Medical Center. We have provided an area to accommodate the growth of the health and life science industry. We have provided natural health treatment and educational facilities and uses led by Hippocrates Health Institute. We have included cultural activities and entertainment for people of all ages. With the insight and guidance of Carltis, we have provided a variety of visitor-oriented land uses, including a flower mart, organic shopping and a culinary institute. We have allowed for 300 units for residents to live on site and have incorporated hotels with the help of Hyatt and Hilton to provide full service hospitality.

We have included a unique shopping experience and have designated a place to celebrate and honor our community and our veterans. We've approached El Corazon with the diversity required to create revenue that will support the amenities and facilities and will make Oceanside a unique and vibrant west coast destination.

In conclusion, you have 2 fundamentally different proposals from 2 quality developers who share a common goal to make a positive difference in Oceanside. With

Stirling's expertise in creating sustainable communities and our partners' expertise in their respective industries, we are convinced that El Corazon can and will become a world-class destination that will fully satisfy the needs of the community and do so with sound fiscal stability. We care about job creation, economic viability and the future of Oceanside. He urged Council to give serious consideration to postponing the decision with regard to El Corazon development so that workshops can be conducted in order for both options to be better understood.

**PATRICK COLLINS**, Soccer Field of Dreams, stated in 2004 we established a non-profit organization to look for a complex in the San Diego County area for the youth of San Diego. We searched high and low, talked to the Navy and different cities and talked with Sempra Energy. In 2006 we came upon the El Corazon Committee and met with them. We talked about their vision and what they were hoping to do. We enjoyed their vision and went about finding out how we could best support their actions.

A graphic showed the approved Oceanside Specific Plan. There are multi-use fields in the central part; on the outside there is baseball and a recreation center; and then there is the retail and possibly a residential facility. With this plan in place, we looked at who we could best partner with to present our thoughts to the El Corazon Committee, and we selected Sudberry Properties for a brick and mortar developer.

In order for the City not to come out of pocket with any money, we had the thought that if we could put the fields in and establish an momentum for the project and have people coming to El Corazon and looking at what Oceanside had to offer, we might best be able to establish a catalyst to help develop the retail and residential portions of the property.

Our fields, although they say temporary, can be moved easily over to the future field area, allowing for the aquatic recreation center, the baseball fields and other multi-use sports, using the plan that's currently in place.

We went through the process, and we were unanimously recommended by City staff, the EDC and the El Corazon ad hoc committee on August 9<sup>th</sup>. We have a vision where we think we can bring a lot of activity and excitement to Oceanside through the running of tournaments, which will bring thousands of individuals from across the country to your city. In that, we would also work with the local community.

There are three phases. Phase I is sports fields, or multi-use fields, which will include soccer, lacrosse, field hockey, rugby and football, as well as special Olympics. We see that to run a tournament adequately, you need approximately 20 fields at a minimum to create a sizeable tournament and to be able to afford to run and take care of the fields and the facilities. With that, we will make available on a rotating basis portions of the property to allow the grass to regenerate so we have quality fields to present to the tournaments. Our Board is made up of a diverse group of developers: people who have been in recreation departments, people who have run hotels, people who have run tournaments and the local Soccer Club of Oceanside.

**COLTON SADBERRY**, Sudberry Properties, is excited to be part of this project. We view ourselves as part of the team to help facilitate and move forward the vision of the El Corazon Master Plan and put the wheels in place for the community and for the ultimate tournaments as well. We're not saying that the commercial is an afterthought; it is near and dear to our hearts, and we think it's an important part of the overall Master Plan. But the most exciting part of the proposal is the open space, the fields and the tournaments that will come along and the community use of these fields.

We are a 33-year-old family run company based in San Diego. We've developed over 8,500,000 square feet of commercial space, 90% of which has been here in the County of San Diego and a fair amount of it in Oceanside as well. One of our partners developed the adjacent business park, not the Stirling development but caddy-corner to that. Our combined team has quite a bit of experience in Oceanside and works well

with City staff. We think we'd be a good choice on this as well.

We've performed quite a few public/private ventures and bought land from other municipalities: from Santee, Imperial Beach, National City and San Marcos. We're familiar with working with cities, and we know how to be open, honest and transparent on DDAs and make a true partnership work. We're committed to that. Every project we work on, we take a lot of pride in, and we want to make sure we don't do anything to soil our reputation for the next project or community. If you talk to the other cities that we've worked with in the past they'll tell you that working with us was a good experience, that we do what we say we're going to do and that we built the quality we committed to.

We are not requiring any City financing or subsidy, and we are not looking to put CFDs or public financing in place. We will self-fund this; we have some debt that we will raise to help put the facilities in, but the equity will come from principals of Sudberry Properties and Field of Dreams. We also think an important component of our proposal is the commitment to put the fields in first. Putting the fields in is not contingent on any of the commercial development moving forward. We're optimistic that some of this commercial development, particularly apartments and some of the retail, could happen sooner than most of us would think given the economy. We can fund these fields and put them in without the commercial development, and that's our commitment to Oceanside.

Even given the economy, we've done a fair amount of construction this year. We are under construction on 3 projects, have had over \$120,000,000 in costs and have refinanced over \$180,000,000 worth of projects in the last 7 months. We are getting projects done, and we have no reason to believe we can't move this one forward as well.

Lastly, we're not merchant builders; we build for the long-term. We build in communities that we want holding our developments and that means we put a lot of extra time and commitment of money and resources into our architecture, landscaping and our people places to insure long-term success for our commercial development, whether it's residential units or shopping centers. If you look at our projects, we put extra detail in the quality of the architecture and landscaping; it makes a big difference. A lot of merchant builders build them and sell them right away and get out.

We think the commercial is something that can happen sooner than later. We are getting a few calls from retailers who are interested in working with us. He's optimistic that there is some demand here. We do commit that when the retail does come on line, we will do every bit the same quality as we've done in the past.

**MIKE CONNERLEY** is President of San Diego Surf Cup, Inc., a non-profit organization with the sole purpose of holding new soccer tournaments. Our goal is to get the best teams in the United States, get the college coaches out here and then get the kids college scholarships. We do a very good job of it.

Our economic impact is one of our impressive goals. We currently hold 9 days of tournaments – 3 weekends throughout the year. We just concluded one a couple of weeks ago. Economic impact is something that built out of running our tournaments and became extremely important to the community for allowing us to stay on the facility that we are on currently, which is the Del Mar Polo Fields. We cut over 300 teams from our tournament this year so we are looking to expand. Most tournaments don't even have 200 teams in them so we're not going to have any problem filling up another tournament on this facility. The key thing about all sports is the facility, and it's the one weakness that he's seen throughout the United States. He consults for many soccer clubs, lacrosse, rugby and quite a few different youth organizations on how to run tournaments, and the one thing that always comes up is the lack of facilities.

He was asked to be part of the Field of Dreams non-profit organization in 1994.

It became quickly apparent that San Diego is no different than the rest of the United States in lacking facilities, so he was happy to get involved with this. This is the dream of all of the people he's spoken to in every sport. We have had an enormous amount of people coming to us saying if this facility gets built they would love to bring their tournament to it; that includes 5 different sports at this point so we'd have no problem filling up this facility once it gets built.

The Sports Council and the Convention Visitor's Bureau in San Diego recommends that different events in the city use our format for an economic impact because it's realistic and it's not number-generated. It's information that's actually collected from the teams so we know exactly how many hotel room nights they had, how many rental cars, where they ate, etc. That's why we're able to justify the \$22,000,000 that it means right now to the community for only 9 days. It's realistic to come up with high numbers to the Oceanside community for other sporting events and soccer. We've have quite a few hotel chains that are interested and are also interested in helping to fund part of this. A video was shown of the Surf Cup soccer event in San Diego.

**MR. COLLINS** stated this is just one tournament. We have had interest from lacrosse and rugby. Mark Beasley from the Oceanside Pop Warner Club informed him that they have the ability to bring in over 400 teams to a facility just like this. He has letters from various people stating their need and who want to access these fields for tournaments. A graphic showed various organizations that are committed to using this facility when it's built. We have not even gone out to the public and tried to solicit, so we feel we'll be able to fill the number of weekends we want to. We don't want to do every weekend because we need the grass to rest and be a viable source. During the week we'll be making 5-7 fields available for community use.

Leslie Gaul from Visit Oceanside wrote a letter stating that they think just the surf tournament will bring in \$3,200,000 in hotel revenue for one tournament. As hotels get built, that figure should grow sizably. That \$3,200,000 would be 20% of what the tournament participants are spending in your community.

**FRANK ZIMMERMAN** has been attending these meetings with the Field of Dreams group. He represents 2,400 of the most diverse talented young people and families. We used to have to practice on school fields alone and the club was about 1/10 the size it is now. Through a lot of the Council's efforts and a lot of hard work as a soccer club, we're on the edge of greatness right now. He is involved with this group because of his personal friendship with Mike Connerley from Surf Cup. Through that tournament, Mike has been able to employ and help put our elite Oceanside kids to work picking up trash and selling things at the tournament to help their families offset the cost of playing travel sports. What's about to happen if this is voted for is that what is now available to the elite kids of our community is going to come here for all of our community's kids and families.

The economic impact is one thing, but the direct impact to our kids is immeasurable. Long before there was an El Corazon Committee or a Field of Dreams, he had a relationship with Mr. Connerley. When he reached out to me, I didn't hesitate because I trust him very much. This project is important because it's going to improve the youth sports experience for our kids in so many ways. We have such a rich history of athletic success, not just in soccer but across the board. Our kids deserve the best, and this proposal presents the only opportunity for that to happen in a reasonably short amount of time. All youth sports will benefit from this project.

This will turn Oceanside into a destination. Once people come here they fall in love with it. We'll be able to bring in local and State events, but the national and international events are going to fill our hotel rooms. We will need to build more hotels. He urged Council to make this happen for the citizens of Oceanside.

[Developer presentations concluded]

[Recess was held from 5:07 PM to 5:18 PM]

**INVOCATION** – John Lundblad

**PLEDGE OF ALLEGIANCE** – Lauryn Moses and Demi Mundo

**PROCLAMATIONS AND PRESENTATIONS** –

Proclamation – 50th Anniversary of Tri-City Medical Center

Presentation – Miss Oceanside 2011-2012 and her court, presented by Oceanside Sea Lions Club

[Presentation – Mayor’s Youth Sports Recognition and Appreciation Award] - none

Proclamation - Richard Helgren [Item 28]

**Presentations were made**

**MAYOR WOOD** returned to Item 15 at this time.

15. **City Council: Approval to select The Sudberry Properties/Soccer Field of Dreams as the developer for El Corazon, and authorization to enter into an exclusive negotiating agreement with the developer - continued**

**CITY MANAGER WEISS** stated Council has just had the opportunity to see the proposals by the 2 different development teams. As part of the staff and advisory group analysis, we wanted to make sure that we had a fairly diverse selection committee. The process was through staff, the El Corazon ad hoc committee and the full EDC. The analysis and criteria we used to evaluate the proposals was consistency with the Specific Plan; relevant experience with retail, sports and uses consistent with the Specific Plan; the proposed development finance plan; and the plan for the development of recreational uses.

Throughout that process, staff unanimously selected the Sudberry Properties/Soccer Field of Dreams proposal for 3 key reasons. First, the proposal has less deviation from the Specific Plan. The Specific Plan does allow for some flexibility but we wanted to make sure that the primary uses were consistent with the Specific Plan, and we didn’t violate the public trust in regards to what we were looking at proposing to be on the site. Second was Sudberry’s extensive direct retail and office development experience and, third, their use of developer equity and private financing with less dependence on public financing.

As a result of the detailed review by staff and the various committees and the commission, we feel strongly that the Sudberry team is the best one for the development of El Corazon.

We also looked at the opportunity to develop temporary athletic fields that are consistent with the Specific Plan and have the ability, as development occurs, to be replaced with more permanent fields. The temporary fields draw an immediate response to El Corazon as it starts bringing in the teams. Partnering with Surf Cup brings immediate demand to El Corazon. The resulting TOT, economic spinoff efforts and sales tax generation would be a significant benefit to the community.

The EDC/El Corazon ad hoc committee reviewed the proposals and also unanimously supported the Sudberry team, as did the full EDC. Keyser Marston Associates participated in the selection process, reviewing the financial documents from both developers.

**PAUL MARA**, Keyser Marston Associates, stated they are real estate economists working for the City. Our specialty is assisting cities in selecting developer partners and structuring public/private partnership transactions. Our role here was to review the developer proposals and serve as technical advisors to the selection committee.

We understand that Council's goal is to create a successful public/private partnership for El Corazon and that what you're about to embark upon is entering into a long-term relationship with a development partner who will finance, market and develop the El Corazon property in accordance with the Specific Plan. The development concepts presented by the developers are still in a very early stage; there is much work to be done, including further feasibility analysis. The developer will still be proceeding to analyze infrastructure costs to determine the ultimate mix of commercial and recreational uses and the phasing of the components. For this reason, we think that the key for the City's success with this property is to select the developer/partner who provides the greatest chance for a cooperative relationship with the City, leading to successful implementation of the property consistent with the vision.

We concur with the recommendation for the Sudberry/Soccer Field of Dreams team as the City's partner, and we cite the following key strengths:

- They are a locally-based developer responsible for very high quality commercial and mixed-use development, particularly specializing in town center developments
- They are both land developers and developers of buildings and they hold developments for the long-term
- They have engaged in similar public/private development partnerships with other cities in the San Diego region
- They have brought, as a committed member of their team, a local recreational organization that's an active member of the project and would bring the Surf Cup Tournament to the City
- Their proposed financing would rely on their own resources to raise capital through debt and equity and not rely on public financing mechanisms

We think their focus on the near-term implementation of temporary fields and the commercial and visitor uses following that will give greater likelihood of success for the project.

#### Public input

**JULIE VANDERMOST**, 2 Morning Dove, Laguna Niguel, represents Hippocrates Health Institute, an institute headquartered in West Palm Beach, Florida, that has been in existence for over 50 years. We are part of the Stirling Development team proposal for El Corazon. We are excited about the prospect of coming to Oceanside. We've been looking for a west coast facility for quite some time now. Our guests come to us from all over the world. People come to Hippocrates Health Institute when their doctors have told them they can't do anything else for them and they will need to get ready to pass away, when the doctors can't figure out what's wrong with you and something is, or when they just want to take their health and wellness to the next level. Our concept isn't just for people who get sick or are going to die; our concept is to be healthy throughout your life. We would be a wonderful asset for the City.

**NEAL HENDRIX**, 215 Saybrook Court, Costa Mesa, represents Camp Woodward and has been a professional skateboarder for 20 years. Camp Woodward started as a gymnastics training camp in Woodward, Pennsylvania, in 1970. Through gymnastics and cheerleading, it extended into action sports in the 1980s and now includes snowboarding, skiing, skateboarding, BMX, mountain biking and inline skating. We've now got 4 facilities around the world.

When Dougall Agan told us about the property here, we thought it was the perfect fit for Woodward. He loves what Oceanside has done with the skate parks in the community. We feel Woodward has put the backbone in action sports with instruction, digital media, graphic arts and web design. Both of the proposals this evening were great, but we would love to have skateboarding, action sports, cheerleading and

gymnastics be a part of this.

**JIM ARNOLD**, 2832 Dillon Street, Baltimore, Maryland, is the Director of Ripkin Baseball, which currently owns and operates some of the most sought-after sports complexes in the country and in the world. These complexes are part of a network we call the Ripkin Experience Network, which is created with facilities that offer 3 things: 1) to players and coaches they offer first-class professional and unique playing facilities; 2) to families they offer a safe family-friendly environment in combination with a city and a market that can offer them much more than a sports experience but a family entertainment experience; and 3) to a community they deliver economic impact – heads and beds – and also facilities that can host their local youth leagues and events, as well as a place where kids can learn lifelong lessons of sports.

The Ripkin Experience is much more than just baseball. While our roots are there, we've continued to spread our sports initiative over the last 10 years to include developments with Andre Agassi in tennis and Michael Phelps in swimming. We're currently working on a 12-field soccer complex. We view Oceanside as an unbelievable opportunity for our expansion out west, not only as a hub for our national west expansion but also an international hub. We view a soccer and baseball complex, as well as multiple other sporting opportunities that will fit the market demand. We envision 44 weeks of year-round programming, which gives us the opportunity to create full hotels throughout the week as well as weekends and to open the facility to those tournaments that are already in action here and have a great following.

We're committed to the vision presented by Stirling and to Oceanside should it move forward. We look forward to the opportunity to extend the decision process so we can more fully explain our business model and how we feel we can impact the community.

**BRIAN MOORE**, Site Design Group, 230 Grapevine Road, Vista, an action sports development company. When Stirling brought us onto this project we were ecstatic, not only about the vision they had but also about the vision the community has had within the last 10 years. One of the things noted on the Specific Plan was providing activities such as BMX and skate parks. With our plan, along with Camp Woodward, we would like to bring that to Oceanside to make it more dynamic and exciting. We understand the roots behind skateboarding here; this is one of the most well-known cities for skateboarding in Southern California and around the world. We would like to bring that excitement back into Oceanside.

We conducted a feasibility study in 2004 for Oceanside, where we were hired to identify spaces to put these skateboard and BMX parks. We understand that there were 2 parks that were designed and built within the last 2 years, and there is one more that's going to be built this fall. From that understanding, the El Corazon project always had a vision to have a regional size action sports facility. This was discussed with the community throughout the entire process. That is something that we are bringing with our vision with Stirling.

**GEORGE McNEIL**, 2153 Anda Lucia Way, stated that, as a member of both the El Corazon Planning Committee and the El Corazon Oversight Committee, he's spent about 10 years working on the development of El Corazon. In the beginning we wanted to get extensive input from the residents of Oceanside so we put a form in everybody's water bill asking what they thought should be done with the property. We received over 1,000 suggestions. After we constructed an initial plan, we presented it at open houses, spoke about it at community forums and we made presentations to any group that would have us. We then revised the plan based upon both the input we received from residents and the advice we were given by financial and development consultant firms that we had hired. The result of this effort is the El Corazon Specific Plan, which you have. This plan received unanimous support. Although we know this plan can be tweaked, we also know that this plan is what the residents want to happen on El Corazon.

He's reviewed the 2 plans that have been submitted for the development of El Corazon and the difference is obvious. The Sudberry proposal meets the needs of the residents; the Stirling proposal meets the needs of the developers. The relationship with Stirling has been beneficial to the City in the past, but in the case of El Corazon they simply did not present a workable project. The key to the development of Oceanside is the 18-20 playing fields. Sudberry can bring already established prestigious soccer tournaments that draw international teams. Hotels, restaurants and many types of retail outlets in Oceanside will benefit from an influx of players and their families.

Sudberry understood the Specific Plan and has the finances and the necessary contacts to make the park at El Corazon a reality for the residents.

**HEATH HENSLEY**, COO for Tempest Free Running Academy, 19821 Nordhoff Place, Los Angeles, explained that free running studies the efficiency and body movement so it's the most efficient way to get from point A to point B. We recently opened up in April and we are California's first and only facility dedicated to free running and parkour and from that we have wanted to branch out, which makes us excited to be a part of what Stirling is doing here. Most people think that traditional sports are the only kind of sports that exist right now, but there are emerging sports, such as impact sports, x-games, rollerblading and free running. There are a lot of kids who don't want to do the traditional sports anymore, like football, baseball, basketball and soccer. We give kids the opportunity to do something different.

**HOWARD LA GRANGE**, 2575 Jason Court, is a member of the Economic Development Commission and a member of the Visit Oceanside and MainStreet Boards. The staff, ad hoc committee and the EDC unanimously recommended Sudberry Properties/Soccer Field of Dreams over the other responder Stirling Development. This selection was based on 4 elements:

- Sudberry has a proven track records of retail, office and industrial projects. Stirling is noted primarily as a developer of Ocean Ranch, an industrial complex.
- Sudberry's proposal was closest to the El Corazon Specific Plan that was previously approved by Council. Stirling's proposal deviated from the original vision plan of El Corazon.
- Sudberry's proposal was not dependent upon public financing, while Stirling required either City or CDC bonds to finance the development.
- Sudberry partnered with Field of Dreams, which brings in the Surf Cup and has a related economic benefit of maybe \$22,000,000 to our community and also has an economic benefit for our children as they develop in this sport.

The value of the Surf Cup, along with the development of the children, are the most important things. The El Corazon Committee established a vision plan that had active community involvement. The purpose of this RFP was not for a new vision, but to develop the vision. Sudberry is the one to best develop that vision so he urged Council to select them as the developer.

**HUGH LaBOUNTY**, 2351 Cartagena Way, stated tonight marks the 16<sup>th</sup> year of committee meetings and planning for El Corazon. In all instances where we've had functioning committees, the El Corazon Planning Committee developed a Master Plan for the property, which you as a Council approved. The El Corazon Oversight Committee presented its response to input, and you approved their proposal. Thousands of people in Oceanside have participated in the development of El Corazon.

As a retiree from higher education, most of his career focused on planning and development. He has headed up planning projects in Tanzania, Greece, Yemin and China and knows a little bit about planning. He's read both of these proposals, and

based on his experience he urged Council to approve the proposal submitted by Sudberry Properties/Field of Dreams.

**DIANE NYGAARD**, 5020 Nighthawk Way, is one of the residents who has spent over 10 years planning this park in the heart of our City. She referenced drawings by children at Jefferson Middle School from almost 10 years ago of what their dreams were for El Corazon. Those dreams were incorporated into the Specific Plan that we worked on for 5 years. We adults know that some commercial development is necessary to create the funds to build this park and pay for it.

As part of the ad hoc review committee, she carefully compared both of these 2 proposals against our Specific Plan. The Sudberry proposal has some minor variations but the Stirling proposal is vastly different. It includes hundreds of residential townhomes creating a barrier to the park, a boisterous commercial recreation building next to the Senior Center, 3 hotels instead of the 2 that we planned and an office building. This was not our community's plan. We ask Council tonight to embrace this community's vision for El Corazon and the Specific Plan that we all worked so hard on and select Sudberry/Field of Dreams as the developer who most closely shares our vision for this wonderful park in the heart of our City. We'll all do our best working with you to hold them accountable to carry out this vision. Many of us will probably not live long enough to see the full build-out of this park, but we can still dream. Tonight let's take the first step to make all of these children's dreams come true.

**JOAN BOCKMAN**, 1017 Alberta Avenue, stated we have a project here that has had consensus. It is the most agreed upon project in Oceanside. She was on 2 of the committees, and at least 8 of the committee members are here tonight. We had diligent citizens that did amazing work with the consultants and City staff. We had the expertise we needed, and we came up with a great plan that has something for everyone. That is why we had consensus. At this point we don't want to change it. It's not just a City park; there's a lot more to it. The Sudberry approach is the right approach for the kids, as well as financially and for the City. She asked Council to please approve Sudberry.

**DON HENSEL**, 1846 Avocado Road, has been Treasurer of the Soccer Club of Oceanside for approximately 20 years and read a portion of a letter previously sent to Council supporting the Sudberry project. They turn people away because of a lack of fields, and this project will help accommodate all of the children who want to participate in the Soccer Club. He urged Council to endorse the Sudberry project. The benefit of having the Sudberry proposal is having a first-class developer with a long-term proven record. There will be enough athletic fields to host regional tournaments for many sports; the fields will be developed in a relatively short period of time; the tournaments will have a significant economic benefit to the City and local businesses; and there is a management team with a proven record who knows how to run successful sports tournaments.

No one development is going to please everybody, but this proposal by Sudberry provides the greatest benefits to the most people.

**LESLEE GAUL**, CEO of Visit Oceanside, 928 North Coast Highway, stated the tourism industry has come together in support of the Sudberry project, strictly looking at the return on investment for the lodging industry. We have 2 quality corporations here, but what makes Sudberry special is the timing; they are ready and have brought together a strategy and a team that can put together tournaments and can have a field in 6-8 months from the time the contract is signed. We need that demand and the opportunity to sell out our hotel rooms. It will benefit our hotels now and look more enticing for new hotels that want to come here.

We can't wait any longer. There are communities all around us that are looking for a similar type of sports complex to generate revenue. She'd like to see Oceanside come in first and be the epicenter for these types of sporting events in the community. She encouraged Council to vote for the Sudberry project.

**MARGARET MALIK**, 1611 Hackamore Road, urged Council to vote for the Sudberry project. She worked on El Corazon for 5 years, and they are the closest to what we dreamed we wanted. Stirling is not even close to what we wanted. El Corazon is for the children and not the commercial. There are not enough soccer fields, and we need these.

**TYRONE MATTHEWS**, 5288 Village Drive, had served on the El Corazon oversight committee and stated this was a property that was a source of much conflict in this City and great division. The El Corazon process was the result of that. The original conflict was a result of individuals other than residents setting what the vision for the City should be. The El Corazon committees were created to remedy that situation. The Specific Plan is a result of those many years and thousands of hours of work provided by Oceanside residents, not developers or consultants. The input we received from the water bill mailings was critical to the Specific Plan that Council unanimously approved regarding this process. He suggested we not be beholden to the Stirling vision of what's right for Oceanside, but what the residents have determined is right for their future.

**CAROLYN KRAMMER**, 904 Leonard Avenue, representing Citizens for the Preservation of Parks and Beaches, stated this has been a long haul. We've been through a ballot measure and committee meetings, and meetings are still going on. We hope that Sudberry will be Council's choice as it is our choice.

**KEN LEIGHTON**, 1109 South Nevada Street, is confused why we are considering Stirling at this late stage in the game and hopes it is not because of campaign contributions or a threatened lawsuit. Stirling wants to create something that nobody wants. They want to create a Mello Roos type of bond district so that future tenants can pay for the development. If they don't come in, then the City is on the hook. Meanwhile, Sudberry wants no handouts to do what they want to do, and they want to come in right now and build these soccer fields, which is the first step in the right direction for El Corazon.

**DAVE KERTON**, 4350 Melano Way, stated this has been a long journey, and Sudberry's proposal is closest to the plan that we all agreed this City needed. This process was built on consensus from day one. We have looked at this project from every angle; we've had committees, commissions, workshops and consultants; and we came up with a Specific Plan. Sudberry's proposal is the closest to that Specific Plan. We can delay no longer. We owe it to the children of Oceanside to proceed today. He urged Council to please approve staff's recommendation.

**BILL RIETMAN**, 5074 Corte Alcante, President of the Soccer Club of Oceanside, has had the opportunity to meet many other administrators, board members, parents and kids. The one challenge each organization faces is lack of quality field space. Sudberry's plan proposes 20-30 fields, while Stirling proposes about 10. He urged Council to partner with the wishes of the people you represent and partner with Sudberry.

**TOM NUNAN**, 1820 Hunsaker Street, has 50 years of experience in business and stated the City needs revenue. With the Sudberry proposal we can see some money within 6-8 months. We should depend on our EDC and other committees who have recommended Sudberry.

**LARRY BARRY**, 3973 Brown Street, stated the previous owner of the El Corazon property, Silica, saved about \$20,000,000 - \$50,000,000 by turning it over to the City because to make the property feasible they would have had to bring it back to its original state. He asked who will be controlling this park in the end. Twenty soccer fields is a little much because 90% of the time the fields are going to be vacant. He'd like to hear more about the other uses that will be there.

**RUTH JAMESON**, 3940 San Pablo Avenue, feels the Sudberry Group is the way to go. They have an affinity for the arts. Soccer is the primary goal here but overlaying that could be a wonderful educational resource dealing with the digital future of the arts. This is something that could be beneficial for the City because it would tell the story from the children's point of view, who would be doing videos. She asked Council to consider this project carefully.

**JERRY McLEOD**, 1517 Del Mar Road, is concerned about the safety of the kids and families in that area because of rattle snakes. He stressed how important education is and that Sudberry mentioned that in their presentation.

**AL FUCILE**, 3348 Tripoli Way, is on the Board of the Boys & Girls Club of Southern California and spoke in favor of this project. We have high unemployment; the economy is barely growing; and there's no relief in sight. The decisions we make on this project could impact Oceanside's economy going forward. The children need places where they can be competitive on all levels. This will have a positive impact on the economy so he asked Council to make those positive decisions today.

**TINA ORTIZ**, 160 Harrison Street, stated the development of El Corazon is long overdue. Many hours and dollars have already been spent to determine what the citizens want for this property. We want a park. We know that parks don't generate income, but when properly planned, like with the temporary soccer fields, it will bring in the tourists we need to bring in the revenue. The beach soccer tournament is a perfect example of what can happen with a soccer tournament; 300 teams come to our city for the weekend. The hotels are full; restaurants are crowded; and teams are excited to come back. Other than the Surf Cup, which is held in Del Mar, large tournaments are held in Bakersfield, Lancaster and Temecula, and those cities don't have what Oceanside has to offer. Selecting Sudberry and Field of Dreams to develop the El Corazon property is the right decision for Oceanside. Let's bring the tourists here to see what a great city we have, and let's keep the citizens' dream alive in building the park as discussed and approved by Council.

**TERRY JOHNSON**, 169 Mayfair Street, served previously on the Council for 12 years and 4 of those were as Mayor. One thing he was proud of was that we worked hard with staff to have an open, fair and democratic public process. Over the years we faced many tough and controversial issues and decisions.

In 1994 we could not decide what to do with the property that Silica Mining offered to us, along with \$1,000,000 to help reclaim the land. He made the decision to vote in support of receiving that property for future recreational use for our residents. He is a firm believer of what we need to do with the property regarding recreation. He made the right decision in 1994.

In 1998 we had a debate between Manchester and Catellus and his decision was going to be for Cattelus but we ended up having to adjourn the meeting for lack of a quorum. At a following meeting, the Council outvoted him for Manchester. The rest is history. Most EDC members who spoke tonight were appointed while he was on the Council, and he respects their opinions and expertise. However, in 1998 staff and Keyser Marston were leaning heavily toward Manchester.

He would like Council to take a little bit of additional time to consider this. This is the first time in a 17-year process that we've had 2 qualified developers speak to the public with their proposals. He's not in favor of either developer tonight. He'd like more time to hear what they're willing to propose.

Public input concluded

**DEPUTY MAYOR SANCHEZ** stated the vision from back in 1998 and 1999 is almost what you see in what staff is recommending. When kids are in tournaments in places like Bakersfield, all of that revenue is going to Bakersfield and not to Oceanside.

What she sees here is a wonderful project that we've been waiting for.

She **moved** approval of staff's recommendation.

**COUNCILMEMBER KERN** **seconded** the motion. He was part of the Oversight Committee for almost a year before he got elected to Council and had to give up his seat. He respects the people who have made these decisions. He supports the Sudberry project because it is soccer, which serves approximately 2,500 kids, far and away more than any other sport. More fields mean more opportunities for more sports, not just for soccer but for other sports as well.

Stirling did an excellent job. They came forward with some innovative ideas, but the community really wanted the soccer fields. After the 2002 Citywide vote, Mayor Johnson instituted the El Corazon Vision Committee, which came up with a vision; then there was an Oversight Committee. The Specific Plan was well thought out and a long time coming because they wanted to get it right, and they did. Some people want to delay, but 17 years is enough.

**COUNCILMEMBER FELIEN** recognized the experience and commitment to public service of the committee members. We have 2 great companies who participated in the process and came up with good plans, but we can only choose one. The ad hoc committee and the EDC came to unanimous decisions, as did staff. The community has come together, and it's time to move forward. Sudberry/Field of Dreams has the best chance to jumpstart our local economy and has a vision to bring a unique event and concept to the City to get out-of-town visitors into our hotels and restaurants. He supports the Sudberry/Field of Dreams option.

**COUNCILMEMBER FELLER** asked how long the remediation is going to take to get the graded surface for this. The Sudberry proposal says that's part of our job. Also, what about water?

**CITY MANAGER WEISS** responded the answer to remediation is going to depend on which of the prior ponds we are talking about. In relation to where the temporary soccer fields are going to be, we do not expect any remediation because there will not be any permanent structures associated with them at this point in time. The grading would be a partnership, and we do have a contractor who is operating on El Corazon now that we would use to do the grading. He cannot tell you right now if that's going to be solely at the City's expense or if Moody's through Mr. Perault will be doing that. Some of those details are going to be worked out when we enter into the negotiations on the development agreement.

**COUNCILMEMBER FELLER** asked if that would be truly the way we'd be negotiating with them for what we see as the future out there and how we get there.

**CITY MANAGER WEISS** responded that's correct. Whether it's Stirling or Sudberry, the next steps would be to negotiate a development agreement that would specify all the various tasks and timelines for the development of the property.

**COUNCILMEMBER FELLER** asked if there is art in the Specific Plan.

**CITY MANAGER WEISS** responded yes.

**COUNCILMEMBER FELLER** is impressed that people in business really want to be here. We heard from several companies that are outside the box, and he credits Dougall Agan with a world-class vision. He made a masterpiece out of Ocean Ranch; it's a great center for industry. We have kicked every world-class vision down the road, and it's not going to benefit us to do that any longer.

People hear that we're going to do something special for the youth and the organizations that are teaching our young people to do great things. The fields are

multi-use and, as negotiations go forward, we'll see what we can put on there besides soccer and football.

Besides TOT and sales tax, how does the City add to our coffers doing business as we go forward?

**CITY MANAGER WEISS** responded we are the underlying landowner so, as part of those negotiations, we would have to look at some type of long-range lease structure or other payment back. It's either going to be through that method or participating with the developer as a public/private partnership to get the recreation components built.

**COUNCILMEMBER FELLER** stated we can't miss this window. That's the bottom line. We've missed too many windows on too many projects for too long. He supports this recommendation from the developer.

**MAYOR WOOD** thinks one of the most important things that has happened to the City over the last 25 years has been El Corazon and the dream of what's going to be out there. He wants it to be something that the youth now and in the future would be part of, and that's the direction the plan went.

He was disappointed when the Oversight Committee was disbanded. This Council indicated they would stay out of El Corazon and not interfere until it came down to what was going to be recommended back to Council. He read about the recommendations for the unanimous pick for Sudberry in the newspaper. Because we stayed out of it, he wanted more information on the 2 groups that were going to submit their Master Plans. He asked staff and other people about it. His concern is that he wants a complete El Corazon, not just sports fields. He wanted to make sure whatever group did it had the ability to complete it and pay for it. The City was barely able to make our budget. We had to cut \$3,600,000 out of the budget and lay off 21 people to do that. So there's no money to go forward with El Corazon. He wanted to make sure whichever group was chosen had the ability to go forward and complete the project.

He had questions about the temporary fields, the commercial/industrial and residential and about who is going to pay for it without the City being involved. Who's going to pay for the grading, put the roads in, put the electrical and water in and who's going to take care of the fields, etc. He will support whatever group that ends up being. Either project would be a boon for the City regarding money in the future, etc.

We've had a long history with Stirling and Mr. Agan. They built Ocean Ranch and have been wonderful. He wanted to see both presentations and have the public see them as well. He asked Mr. Agan to elaborate on the economic presence of Ripken.

**MR. AGAN** wanted everyone to know that when they looked at El Corazon their number one objective was to figure out how you could achieve your dreams but have the community be economically sustainable. It took a lot of revenue in order for us to figure out how to support dreams for the fields and parks. He's spoken to a lot of people over the last 2 years who are excited about bringing revenue to the City.

**MR. ARNOLD** of Ripken understands the demand for soccer on the west coast and doesn't think this project works if soccer is not a part of it. This community and this location in Southern California has the opportunity to be so much more than just soccer and to accommodate all of the sports and allow them to grow to the same level as soccer. Our economic model as a company is very centered and focused on the economic impact to the community. In our Myrtle Beach facility when filled next year, is projected to bring in \$50,000,000 in direct spending. The way we do this is we partner with the community, hotels and restaurants and run week-long events, not just a 2-day or 3-day tournament. Families come in on Sunday and stay through Friday or Saturday. The tournaments are packaged in with the local community to where all of the hotel rooms, dinners, entertainment, etc. are paid for in one pass for all of the kids who are

participating in the tournament. With those kids come 3.5 guests per traveling party. Those 3.5 guests are paying full price in the community at the restaurants, hotels, etc. and are turning these tournaments into a family vacation.

**MAYOR WOOD** asked if someone from Sudberry could explain the cost of grading the area and getting roads and infrastructure in just to get the temporary fields in. He heard that there would be no cost to the City on any of those.

**MR. SADBERRY** responded there is no CFD or public financing. The proposal made it clear that we expect the site to be graded and stabilized for us. The road for the Senior Center is already in place so that isn't an issue. We would be paying for the grass, irrigation of it, the base material and all of the other facility needs. There is a well on site we would be using.

**MAYOR WOOD** knows it depends on when the City gets the grading done, but is there a timeframe where you think this would be done.

**MR. SADBERRY** responded it depends on how long it takes to negotiate the DDA. We're looking to get going as soon as we can. There's an immediate need for the tournaments and the youth soccer. As soon as we get the DDA done and the City can fulfill its side of the obligation, which is the grading of the parcel, then we can get going with the grass. It takes time for grass to grow, but we think from 6-8 months.

**MAYOR WOOD** asked if there's any particular reason they are leaving Del Mar.

**MR. SADBERRY** responded we aren't necessarily leaving Del Mar right now; the tournament is way over capacity, but there are some potential changes with the polo field and the use of that field by Surf Cup. Right now there is also the demand for a second Surf Cup to be in this area.

**MR. CONNERLEY** stated, regarding the current programs we have going, at Thanksgiving Surf Cup holds a college recruiting tournament for high school kids. We have another tournament for 9-15 year olds that is held at different fields all over San Diego County. That side of the tournament at Thanksgiving would be going to the El Corazon project straightaway. Also, we're over capacity by over 300 teams at our summer tournament that we'd like to bring to that facility.

**MAYOR WOOD** asked Mr. Agan, if they were picked what would be the starting point on something for them.

**MR. AGAN** responded in our proposal we didn't focus on temporary fields so when we defined our delivery schedule of negotiation of the DDA, design and permitting, it took us 24 months to be in a position to commence construction.

**MAYOR WOOD** asked for the cost for getting a set-up for temporary fields and if we have the money, time and ability.

**CITY MANAGER WEISS** responded we have interest from another developer for dirt from El Corazon that we are in the process of discussing an exchange of either money or grading activities. We also have a tenant on El Corazon that we have an agreement with that they are to provide grading on our behalf. Until we know exactly what the need would be if you select Sudberry for the grading and the site, he can't tell you how much it's going to cost, but we have opportunities on site that would reduce those costs or eliminate them altogether.

**MAYOR WOOD** wants nothing more than to have El Corazon move forward in any form or fashion and most of his friends have been yelling to get this done. He will support whatever group goes forward. His first pick was Stirling because they had done stuff in the past. This needs to be a unanimous vote, and he would support Sudberry because of the situation.

**Motion was approved 5-0.**

[Recess was held from 7:15 PM to 7:27 PM]

**5:00 P.M. – PUBLIC HEARING ITEMS**

Public hearing items are "time-certain" and are heard beginning at 5:00 p.m. Due to the time-certain requirement, other items may be taken out of order on the agenda to accommodate the 5:00 p.m. public hearing schedule.

24. **[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 July 6, 2011, is being further continued to 5:00 p.m. on November 9, 2011, at 5:00 p.m.

25. **[City Council/CDC: Introduction of an Ordinance adding Article 33A to the Oceanside Zoning Ordinance (ZA-200-09) regulating signage within the Redevelopment Project Area – Applicant: City of Oceanside]**

This public hearing is being continued to 5:00 p.m. on Wednesday, November 9, 2011

26. **City Council: Introduction of an Ordinance of the City of Oceanside amending Article IX of Chapter 6 of the Oceanside City Code establishing floodplain management regulations**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller and Kern reported contact with staff. Councilmember Felien reported no contact.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, begin with:

**SCOTT SMITH**, City Engineer, stated this item is a revision to the City's floodplain management regulations. The City participates in FEMA's CRS (Community Rating System) that enables property owners within the community to have flood insurance premium discounts. The revision to the floodplain management regulation came about through a program verification visit by FEMA, and they've asked us to include some program administration components that have been added since we originally adopted our ordinance. Those elements address notification of other agencies, base flood elevation changes due to physical alterations and changes in corporate boundaries. These are all administrative items, and they do not affect the current rate-payers' amount they pay or the discount they get. He encouraged Council to adopt this ordinance.

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

**COUNCILMEMBER FELLER** moved to introduce [an Ordinance of the City of Oceanside amending Article IX of Chapter 6 of the Oceanside City Code establishing floodplain management regulations].

**COUNCILMEMBER KERN** seconded the motion.

After titling of the ordinance, the **motion was approved 5-0.**

27. **CDC: Adoption of a resolution approving Regular Coastal Permit (RRP-11-00001) for an approximately 550-square-foot roof deck addition to an existing single-family residence located at 609 North Pacific Street – 609 North Pacific Street Roof Deck – Applicant: Gary Charlebois**
- A) Chairperson opens public hearing – hearing was opened.
  - B) Chairman requests disclosure of Commissioner and constituent contacts and correspondence – Councilmember Feller reported contact with staff and a site visit. Mayor Wood, Deputy Mayor Sanchez and Councilmember Kern reported contact with staff. Councilmember Felien reported no contact.
  - C) Secretary presents correspondence and/or petitions – none.
  - D) Testimony, beginning with:

**SHAN BABICK**, Associate Planner, this is for a Regular Coastal Permit for a roof deck at 609 North Pacific Street. Computer graphics were used to show the unit and the proposed deck. The roof deck will be accessed from the second floor, adjacent to the master bedroom, via the stairway. There will not be any improvement to the roof with the exception of the access stair. The proposed access stair does not extend above any existing roof. The reason we're here is because when you do any improvement or addition in the appealable area of the Coastal Zone, you need a Regular Coastal Permit with a public hearing. The deck is already existing, they are just providing an access stairway to it.

This was brought before the Redevelopment Advisory Committee on August 17<sup>th</sup> and was approved unanimously. Staff recommends the Commission adopt the resolution.

Applicant

**BARBARA CHARLEBOIS**, 609 North Pacific Street, stated the deck was built when the property was built. We had a different set of plans for the steps and it wasn't working so we reconfigured them to be like the other 3 units that we're next to. Because we were in the course of construction, rather than stopping the project altogether, we decided to apply for the steps after the project was completed. We've done the process, and we're asking for approval at this point.

**JOAN BOCKMAN**, 1017 Alberta Avenue, has no objection to this particular roof deck; however, she asked Council to take this opportunity to request that staff look into some regulations for roof decks. The problem we are seeing in the downtown area is that entire roofs are becoming roof decks and that takes the perimeter of the building and pushes it up to the height limit, which makes for a big square box. One way to avoid that is to limit roof decks so they cannot go all the way from one side to the other on any dimension of the house. Architecturally, large empty spaces aren't inviting.

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

**COUNCILMEMBER FELLER** moved approval [of adoption of **Resolution No. 11-R0623-3**, "... approving a Regular Coastal Permit for the construction of a roof deck on an existing single-family house located at 609 North Pacific Street – 609 North Pacific Street Roof Deck – Applicant: Gary Charlebois].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**MAYOR WOOD** requested hearing Items 29 and 31 together.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

29. **Request by Councilmember Kern to provide direction to staff to initiate an**

**amendment to Chapter 12 of the Oceanside City Code to allow prepared food vending vehicles to operate on private property, subject to necessary permits**

and;

31. **Request by Deputy Mayor Sanchez to allow gourmet food trucks in Oceanside under certain conditions including but not limited to a preference for Oceanside businesses; to discuss an international gourmet food truck festival; and direction to staff**

**COUNCILMEMBER KERN moved** to provide direction to staff to initiate an amendment to Chapter 12 of the Oceanside City Code to allow prepared food vending vehicles to operate on private property, subject to necessary permits.

He was contacted several weeks ago by Ocean Hills who wanted to do an event, and they couldn't get a hot food truck in. There was maybe a gap in the regulations or something we haven't accounted for, and that's why he brought this forward. He dealt with the City Attorney's office, and the City Attorney wrote this.

**DEPUTY MAYOR SANCHEZ seconded** the motion. The economic backbone for Oceanside has been and continues to be our small businesses. We are fortunate to have a few large businesses but for the most part our economic backbone, as in the rest of the nation, is in our small business community. Our small businesses have been severely challenged with this continued economic climate. In the face of these challenges, as in the past, our businesses create possibilities through their entrepreneurship and willingness to invest in new ventures. This investment in their business is an investment in Oceanside. It is in this spirit and context that she was approached by the owners of Azafran Cuban Restaurant, and Juan Rojas, who has provided hot meals at the Oceanside Swap Meet for years.

Gourmet food trucks, which are huge in New York and have been for decades, hit Los Angeles and San Diego about 3 years ago. The trucks, often with a well-known chef on board, have been highlighted on the "Food Network" and on "Top Chef", generating cook-off contests that have captured local and national attention as well as crowds. These are meals prepared in front of the customer at a reasonable cost, boasting flavors from literally all over the world. These gourmet food trucks do not compete with existing restaurants inasmuch as you basically have to wait approximately 15 minutes for your meal and you generally eat standing up. They can also be found with other food trucks and they tend to attract a huge following. About a week ago the region experienced its first gourmet food truck festival in Del Mar, where about 40 food trucks participated and all of the food was devoured within a couple of hours. Businesses in San Diego invite gourmet food trucks to their parking lots on a regular basis in order to increase their own business, as each truck has a following that finds them on a particular day via the social media like Facebook and Twitter.

She has done her own research on the San Diego gourmet food trucks and the reviews are raves. She decided to follow a couple of the trucks on Twitter and found out where they were going to be. She went to Kearny Mesa where 5 trucks were and sampled their food. It was wonderful. The food trucks have a communal relationship and have meetings to discuss issues that come up. The public health and safety issues are governed by the County Department of Environmental Health, and the regulations are thorough. Cities determine whether or not to allow food trucks in their jurisdiction, and if so, what special conditions should be included. Oceanside allows food trucks that have food prepared off-site at a commissary.

Councilmember Kern's proposal seeks to allow food trucks on private property. Her vision, while definitely occupying the same subject matter, is a larger vision. Since staff was already going to be looking at changes to our City ordinance to allow food trucks, we decided to go forward now and see if we can come up with changes to our ordinance that will encourage and allow the kind of entrepreneurship of our small

businesses and also bring more people to Oceanside, addressing any possible issues that may be generated.

Part of our vision is to have an international food festival with perhaps 10 or so gourmet food trucks on a regular basis. One place that is currently available, though not for very long, would be the City property dedicated to our hotel on Pacific Street. Our dream hotel has been waiting for financing, and it appears we may have to wait another 2 or 3 years. In the interim, the property is perfect for a gourmet food festival on maybe Fridays and/or Saturday nights. Those trucks with their Twitter following will bring hundreds, or perhaps thousands, of people to Oceanside and may create the catalyst needed to decide to start a business here independent of the trucks.

She is asking tonight for direction to be given to staff to come back to Council with recommendations for changes to our ordinances allowing gourmet food trucks to operate in the City, including paving the way for an international gourmet food truck festival. This project has been well received by Kathy Baker and our goal is to increase the number of people coming to Oceanside to benefit our existing businesses as well as creating new business opportunities.

**SARA STELLA**, Owner of Azafran Cuban Cuisine, commented that having food trucks can provide meals to people working in Oceanside who don't have time to go sit down for a meal and don't want fast food. We wanted to implement the food trucks but found out from the City that hot trucks are not allowed. We have created a business plan [Azatruck], and we're ready to move forward if the City will allow us to provide this within the City limits. We're looking to increase the income of our business and to provide a good hot meal to people at their workplace.

A food truck is a low investment for us to make to try and increase our income. The market is basically open because Oceanside doesn't allow us at this time to provide this service to companies at this time. There is no competition at this time because Oceanside doesn't allow this service. We plan to comply with County and State regulations.

Azafran's business has decreased 50% since September of 2008 because of the economy. This year is the first time since then that we've seen an increase in business, averaging 12%. With the food truck we have estimated we can increase our income by 20-28%. The estimated cost to acquire a truck for this new source of income is \$60,000 to \$80,000. She gave suggestions as to what the process should include to obtain a permit for a food truck.

**JUAN ROJAS**, 724 Vista Village Drive, Vista, has a small family business of preparing and selling fresh cooked food in a Health Department approved and licensed mobile catering truck. He belongs to R&B Catering in San Marcos, which is an approved and certified commissary. He has been serving the swap meet in Oceanside for over 12 years. Through the years he has been inspected by different offices, including the Health Department, Fire Marshall, DMV and CHP and has met the requirements and needs of these inspections.

He recently sent a letter to Deputy Mayor Sanchez detailing a citation he received and the many steps that he and his commissary have taken to rectify the situation. With Deputy Mayor Sanchez's help he is speaking today to follow up on that letter and request an extension or revision of the City Ordinance, Section 12.58(a)(b), to allow mobile food preparation trucks to serve the Oceanside Swap Meet and possibly other sites in the City.

Mobile food preparation trucks were initially banned in Oceanside around 1984 because of a concern about competition between businesses.

Potential markets in Oceanside include the swap meet, City industrial areas, construction sites, special events, etc. All places where fresh, prepared food will be

readily available are places the cold trucks are already serving. We would not be in direct competition with downtown restaurants. We will offer quick, quality food to workers who do not have the time to travel to a local restaurant. We will not serve these local businesses without first obtaining their management approval, and we will only serve during the agreed upon time each day. While the large companies have been hesitant to put anything in writing on their letterhead, many have given verbal support and hundreds of swap meet customers have supported us with hundreds of signatures supporting a change in this law.

We already meet County Health Department regulations, as well as Fire Marshall requirements and CHP regulations. We use a commissary approved by the Department of Environmental Health as our primary source of the food we sell. The commissary also provides food, refrigeration, storage, grease removal, recycling, food trash support and daily electrical charging of the truck's deep cycle batteries. His hot truck operates under the same permission and restrictions as a fixed-place restaurant, including health permits, business license and sales tax and the truck also has to pass DMV and CHP regulations. The State of California, in its Swap Meet Food Sales Requirements, specifies and endorses the use of hot trucks.

He asked Council to either grant him an extension to the City Ordinance Section 12.58(a)(b), which will allow him to serve the Oceanside Swap Meet with a mobile food preparation truck and allow him to prepare food on the site or revise Section 12.58(a)(b) so the mobile food preparation trucks are allowed to serve at the swap meet, college campuses, city industrial areas, construction sites and special events and that the preparation of the food be allowed on site at these locations.

**DEPUTY MAYOR SANCHEZ** stated Councilmember Kern's motion covers most of this. What we didn't get to is whether there are any conditions that we should include, such as not parking in front of a restaurant, should they be allowed on streets, timing, etc. that we didn't get a chance to explore to see if it's necessary. That includes the preservation of existing businesses, ensuring the safety of the residents and allowing new expansion of the business, etc. She doesn't know if by passing this motion on the floor that it means we won't be able to look at some of those conditions.

**COUNCILMEMBER KERN** is sure the City Attorney took copious notes and if not he'll get the minutes and incorporate everyone's comments.

Public input

**BARBARA HAZLETT**, 4540 Cordoba Way, stated this is in Ocean Hills Country Club, which is a private gated senior community of 2,000 – 3,000 people. She thanked the Council for this opportunity to bring hot food trucks to our community for periodic events. Hot food trucks would give us an opportunity to offer a unique experience to our residents. Originally we did contact the City about 6 months ago, and we were not able to get any information about changing this ordinance. She contacted Councilmember Kern about 6 weeks ago, and he got on it right away.

We ask the Council to approve Councilmember Kern's recommendation tonight. His proposal would be very easy to implement and is very limited. She would like to see Council vote yes on this while you are giving more study to some of the things that Deputy Mayor Sanchez presented. We were asking for a very limited change to this ordinance; we have a lot of clubs and activities, and this would be a great way to go.

**DON LUTHER**, owner of Gandolfo's New York Deli, 3617 Ocean Ranch Boulevard, and the owner of a gourmet food truck. Over the last couple of months he's read in the newspaper some of the most outlandish arguments as to why gourmet food trucks should not come into the City limits: things like we just serve frozen burritos that taste like rubber, or that they are dirty. His favorite argument is that the trucks run an unfair advantage to the brick and mortar restaurants because of a lower cost to operate so that they can lower the price of the food they sell off of the trucks. He serves fresh

meats, cheeses and breads just like his brick and mortar store, and they don't taste like rubber. His food truck is regulated more than a brick and mortar restaurant by the San Diego Health Department. They call him in off the street anytime they want to inspect his truck. He charges the same price off of his truck as he does in his brick and mortar store, and he pays almost twice the amount in insurance because he owns a truck. He pays for labor, food, truck maintenance, equipment maintenance, etc.

He wants to provide a variety to the people of Oceanside. After reading the City ordinance, it sounds like he could get a business license and come in to do business. However, there is something in there that prevents him from doing that. He's hoping that Council will support us coming in.

**LARRY BARRY**, 3973 Brown Street, asked how the City will make money on this. In Los Angeles there is a lot of competition to get these into certain areas, and there is a rule that you can't park your truck in front of an existing restaurant. We'll need to regulate that. These trucks are showing up more and more at sporting events and tournaments to give people a variety. They pay a fee, they clean up and then they're gone. He supports the restaurants in Oceanside, so he hopes there isn't a diminishing of those because of this.

**JIMMY KNOTT**, 127 Sherri Lane, stated it will be some time before we get the funding to complete the kitchen at the El Corazon Senior Center. This could be an answer to that problem. He would like Council to encourage that until such time as the kitchen can be completed at the El Corazon Senior Center.

Public input concluded

**COUNCILMEMBER KERN** asked if we can grant an exemption, as requested by Mr. Rojas, while we're writing the legislation.

**CITY ATTORNEY MULLEN** responded we need to draft an amendment, but it's an issue of enforcement as well. There may not be a need to immediately go out and cite certain trucks if we know that we have an amendment in process.

He was contacted at one point by one of the operators of a truck that wanted to go into Ocean Hills a few weeks ago. The issue there was that the existing code does allow hot food trucks, but it basically limits them to events that are open to the public through a special event type process, subject to a permit. However, events that are purely private, the code doesn't expressly allow. We could make that change and bring it back to Council.

**COUNCILMEMBER KERN** asked how long it will take to bring it back to us.

**CITY ATTORNEY MULLEN** responded we should be able to craft something within 30 days or so. There are some issues like how far you have to be from an existing restaurant and County Health regulations. For example, if trucks stay at a particular site for over an hour, they have to have public restroom available within 100 or 200 feet. There are certain regulations that we'd have to make sure they are complying with. Also, Council would have to determine if there's a cap in terms of how many you want to have initially. We'll have to look at some other ordinances throughout the area and see how they've dealt with those issues.

**MAYOR WOOD** doesn't mind this. It's wonderful for the gourmet and the variety. On the other hand, we need to figure out the number of trucks that should be allowed, and we should check with other cities and their policies so we don't have to reinvent the wheel. The music at the food trucks concerns him as well, so we will need to regulate where and how loud, etc.

Does the City make any money from this, other than from the business license? Also, at sporting events the snack bars are usually operated by the sports teams that

make money off of it, so the regulations may have to take that into consideration. He asked about gated communities and putting something in the regulations that they have to be invited.

**COUNCILMEMBER FELIEN** likes the idea of the trucks being on private property for private events and the idea of a food truck festival. He asked if a catering truck with a business license in San Marcos makes a sale in Oceanside, do they charge sales tax? If they do, are they reporting it as San Marcos or Oceanside sales tax?

**CITY MANAGER WEISS** responded he believes they would be reporting it as an Oceanside sale. They should be reporting sales for each community.

**COUNCILMEMBER FELIEN** would like to make sure that's addressed. He's normally for the least amount of regulations as possible and the most free enterprise, but he wants to make sure our brick and mortar restaurants are playing on a level playing field. He wants the City to get as much revenue as possible out of a new idea.

**COUNCILMEMBER FELLER** stated if he was a small business, he'd probably go ballistic over this. He doesn't know how Gandolfo's or Azafran would feel if a competitor pulled up across the street and was able to utilize the parking. When you're in a strip mall, you're subject to other restaurants coming in, and that's a reasonable way to do business. You're all competing the same. We don't allow catering trucks of any kind right now. Catering trucks used to be at airports and such where there were no restaurants close by. He's guessing we're going to get zero sales tax out of this unless we have some sort of regulation. He's more inclined to support special event types of things and limit the number of trucks. He is definitely not in favor of infringing on the local restaurants. He will support something that is operated on private property and a special event type of thing. He's not in favor of just allowing a lot of them in.

**DEPUTY MAYOR SANCHEZ** thinks it will be good for us to figure out the comfort zone in terms of the kinds of regulations. We don't want too many because then it won't be profitable and it won't happen. It is something that will bring people to Oceanside. But we definitely want to protect the businesses. She asked the owner of Azafran what he would think if a truck parked right across the street from his restaurant, and he said it would be good because he knows he can do a better product and more people will go to his restaurant.

It's good to know that through [sfoodtrucks.com](http://sfoodtrucks.com), they all meet and are communal. They like having other trucks. It's like restaurant row; the draw is that people come to one restaurant and see other places they'd like to go to. It does get people to buy more.

She'd like to see what kind of balance we can strike here. She wants to do this before Carlsbad or Vista does it. We want the crowds here in Oceanside.

**COUNCILMEMBER KERN** doesn't think we're going to get overrun. The initial investment is about \$80,000 for just the truck, and that's not even outfitting it. It is probably \$100,000 to \$120,000 just to get the truck on the road.

Regarding Mr. Knott's idea about the trucks going to the senior center, they have to make a profit. If we could get some numbers from them, go out to an RFP or go through Parks & Recreation to maybe show up at a certain day and time. They would have to probably respond to something the City Manager put out to serve the senior center, just like Ocean Hills would do.

**COUNCILMEMBER FELLER** asked if these are divided up. He agrees with the idea of a special event, but he's not ready to approve a blanket anything.

**COUNCILMEMBER KERN** doesn't support the idea of just pulling over on the side of the street and parking, and there are City regulations preventing that already.

They can probably do a special event now with a permit.

**CITY ATTORNEY MULLEN** clarified that the event has to be open to the general public under the current regulations.

**COUNCILMEMBER KERN** stated what Deputy Mayor Sanchez was talking about is if you wanted to go down to the beach and have an event, they should be allowed to now because that's a special event, and they can get a permit and provide the bathrooms. Just like Harbor Days when the firefighters are out there serving pancakes, and they have to abide by the regulations.

**DEPUTY MAYOR SANCHEZ** is looking to Fridays and/or Saturdays. You have to be able to have some type of route in order for it to make sense financially. She would like to see if staff can come up with some kind of streamlining process to make that happen.

**CITY MANAGER WEISS** clarified that what he's hearing is that Council is looking for staff to come back to you with a policy to allow the trucks on private property that's not just a special event, and also to look at allowing them on private property throughout the City and open it up to the free market. That's what he's heard, so we're going to come back with some form of change to the ordinance that would allow them throughout the City.

**COUNCILMEMBER KERN** responded yes, that's what we're talking about.

**CITY CLERK WAYNE** asked if the motion on the floor is as it reads on Item 29.

**DEPUTY MAYOR SANCHEZ** responded that's right, and staff will be coming back in 30 days to address some of the things we've talked about this evening.

**Motion was approved 5-0.**

30. **Request by Deputy Mayor Sanchez to direct staff to initiate the design and construction of access to SR-76 at Jeffries Ranch Road and to appropriate \$1,000,000 from the City's Healthy City Reserve Fund as a loan to the project**

**DEPUTY MAYOR SANCHEZ** stated Caltrans has already started in on the design for and the concreting of the curb, and Dana Corso called to say that we have a 5-0 direction from the Council that we're going to address this issue of at least having a right-in/right-out. Now is the time; time is of the essence because Caltrans has given a window of 6 weeks. She asked Ms. Corso to explain what Caltrans said and why we need to act now.

**DANA CORSO**, 5838 Ranchview Road, reported that Caltrans laid the outer perimeters of the curb. She started receiving calls from people saying they were putting in a cul-de-sac in, and not a right-in/right-out, and that we got a unanimous vote from our Council that we need to reopen Jeffries Ranch. She called Caltrans, and the Project Manager said they are going on as planned and that the City has not stepped up to the plate to make this work at this point. The Project Manager told her that there is probably 6 weeks before they actually do the pavement of the center portion of the road, and they would be more than willing to cooperate and negotiate with the City. They put change orders in all the time when they're doing construction, and they can do that to perhaps put the right-in/right-out right now and negotiate with the City so we can have our access for safety purposes.

**DEPUTY MAYOR SANCHEZ** contacted the City Manager and asked him how we could make this happen without impacting operations or the General Fund, and if it's possible to get the funding to go forward on this project, which had basically received support from the Council. Mr. Weiss indicated to her that he can find a way to make this happen with a loan from the Healthy Cities Fund that would be paid back to the

fund over time, maybe about 10 years. She referenced a memo from him.

**CITY MANAGER WEISS** stated Council's prior direction was to not use local monies for the right-in/right-out. This project did not qualify for regional TransNet money. The only option you have at this point, since this roadway does not qualify as a thoroughfare and is therefore not eligible for Development Impact Fees, is that we did receive a \$1,000,000 signing bonus from Waste Management for the new contract. Council allocated \$600,000 of that to sand replenishment. Should they wish to move forward with this, then he would recommend Council put the remaining \$400,000 from the Waste Management signing bonus to the project. The only other money Council has that's available would be your local TransNet money. We've identified a project, which is the Rancho del Oro and Loma Alta Creek Detention Basin project, that you could delay and use that money to pay back that loan.

**DEPUTY MAYOR SANCHEZ** would like to hear from the public, and then she will make a motion.

Public input

**JOAN BRUBAKER**, 1606 Hackamore Road, stated when this EIR (Environmental Impact Report) first came out and she became aware that Jeffries Ranch Road was going to be closed, she called the Project Manager at Caltrans who told her that the City asked for Jeffries Ranch Road to be closed. She went to the Fire Department because she knew there had to be another exit out of Jeffries Ranch. They told her that there would be an access road, which there is now. The cul-de-sac curb has been poured, but there are cut-outs for this access road. It's true that it has a locked gate, but the Fire Department has the key. You already have one road going out, and it's time we get the right-in/right-out we were promised in all of those meetings. Somehow the City asked for it to be closed. Now is the time to do it. You've got a chance to divvy in some funds.

**JERRY McLEOD**, 1517 Del Mar Road, stated even one life that could be saved during an emergency would be worth the cost of this. We need to have this second in/out. People talk about the Melrose extension, but nobody knows when or if that's going to happen. It's hard to spend money in these times, but this is important and should be done.

**JOHN McMAHAN**, 1678 Trotting Horse Road, stated over the years more homes have been built in and around the Jeffries Ranch area with only one access out of the place, and that's Melrose. Whether you do anything with an in/out at Jeffries Ranch Road, it's still a fire hazard. It's only a matter of time until we have a gross conflagration over there, and a lot of lives are going to be lost. The only thing that's really going to alleviate the dangers of living in Jeffries Ranch is opening up Melrose to south traffic. He understands there are some issues with adding a lot of traffic into the neighborhoods, but for life/safety issues that's the only answer. Since they closed Jeffries Ranch Road, he doesn't think people have been terribly inconvenienced by going around to Melrose. We haven't had any wild accidents out there with people trying to make a left turn. This is an inappropriate use of the rainy day money; it's \$1,000,000.

**CHRIS CATE**, 7593 Caloma Circle, Carlsbad, on behalf of the San Diego County Taxpayers Association, is concerned about where the money is going to come from to pay for the project. The City over the last 2 years has had an issue with dipping into the Reserve Funds. You had a General Fund unassigned reserve amount of \$6,500,000 at the end of fiscal year 2009 and based on your own projection for the end of fiscal year 2011, that amount is now going to be \$655,000. There is an issue with this City about dipping into reserves to pay for projects that you otherwise cannot afford on an annual basis. When there is a need for a project, there should be identified funds to pay for it. As any good governing body would do, if you don't have the ability to pay for things, you prioritize. If this is a priority project, then you should find the dollars to spend for it. We have concerns about this issue of borrowing against Healthy Reserve Funds

where a policy for the City states that this money is for adverse financial impacts. You're going down a slippery slope where you've borrowed against funds to pay for ongoing projects, infrastructure projects, etc. where these funds are set aside based on your own policy that was adopted in 2008 for fiscal emergencies.

**MICHELLE HOLLOMON**, 1502 Surrey Court, stated nobody is arguing the issue that we need a secondary exit, but there is an issue with where that exit is coming from. You're very close to Melrose coming out of Jeffries; you're going directly from a 55 mile per hour (MPH) freeway into a residential zone, with no time for the drivers to know they are entering a residential zone. Right now, as you turn onto Melrose, you're slowing down to 40 MPH and coming to a stop sign before entering the residential zone. So you make a conscience effort of entering a 25 MPH zone.

The City doesn't have the money to fund this project. You're pulling from a fund that is in case of emergency, and this isn't an emergency. Melrose will eventually go through, it's inevitable. The City is getting bigger, and it needs larger thoroughfares. There will be an exit off Melrose from Jeffries in either direction, so there is your safety route.

**DAN HOLLOWAN**, 1502 Surrey Court, stated since the closure of the road at Jeffries Ranch, his neighborhood is a lot safer now. A lot of police have been added to make sure people are obeying the stop signs, and the added police protection and the reduction in traffic has been a positive. The new cul-de-sac that's already poured does have a safety exit. He feels removing that and opening that access, when Melrose is going to be opened, will invite people to come into our neighborhood that do not belong there and have no reason to respect it. It would introduce the same traffic mess we had before. He doesn't believe there will ever be any speed bumps or stop signs to prevent the traffic from being the same as it was.

**CHRISTINE RUANE**, 5779 Jeffries Ranch Road, lives at the corner of Old Ranch Road which is the stop sign that everybody runs. She urged Council to keep it closed. We need a second access, but opening Jeffries Ranch Road isn't going to help.

**JIM RUANE**, 5779 Jeffries Ranch Road, is concerned about the money. It sounds to him like voodoo economics. If we're going to invest like that, then why aren't we investing in something that will help all of Oceanside instead of one section or one street. The financing is suspect, and he would like to move forward and keep this street closed.

**LARRY BARRY**, 3973 Brown Street, urged Council not to go down this road of taking money from the City to pay for some narcissistic neighbors who want their own extension and for the rest of the City to pay for that. An assessment on the property owners in that neighborhood would pay for an auxiliary road. This should not come from the General Fund or put us into debt. There is access for the fire department to get in there, and the safety issue is just a red herring.

**JIMMY KNOTT**, 127 Sherri Lane, follows the budget, and there is a way for there to be no cost to the taxpayers. Take the capital gains of interest in our portfolio that is now being given to the City Manager to waste in other ways instead of reinvesting this interest into the portfolio. Why not use it for something the people need to be done. This could be easily done with no cost to taxpayers.

**TIM JEFFRIES**, 1256 Sagewood, stated we've got a lot of emotions going on here. The bottom line is that Council has agreed to do the right-in/right-out, and that's what we're here tonight to do. This should be referred to staff to find funding. The question is not how the City pays for the reopening of Jeffries Ranch Road, but why isn't Caltrans paying for this. The answer is that Caltrans' EIR failed to give ample notice to both Jeffries Ranch residents and the City in time to properly negotiate the reconstruction of Jeffries Ranch Road, so now Caltrans is trying to get out of it by putting the bum's rush on the City and thereby stiffing the residents of Jeffries Ranch

and the citizens because it looks like it could become a taxpayer issue.

As a real estate broker of 30+ years, when people buy a home they get a title policy and when your title policy gives you access, you can get redress by filing a claim. There are about 350 homeowners there who could theoretically file a claim for damage to their title company. The title companies will investigate, find out what happened and pay these claims. Then it will become the emergency that you'll need to have your emergency fund for because the title companies will ultimately have to address this. This is something he could discuss with the City Attorney as he's not too familiar with this other than as a real estate broker.

**MIKE BARTHOLOMEW**, 1510 Surrey Court, believes Jeffries Ranch Road should have been closed 15 years ago. The speeders that go down that road are unbelievable. He's only been in the neighborhood a couple of years and has almost been hit twice. He gave instances of neighbors who have been affected by speeders. He realizes that people think that Jeffries Ranch Road is the best thing for safety. Caltrans gave them an exit to get out at Jeffries Ranch Road; if there's an emergency the fire department can come and open the door and get a proper evacuation out of there. As far as emergency vehicles coming in, he believes the difference is negligible. We need to do some research to find out how many accidents have happened inside the Jeffries Ranch area because of the Jeffries Ranch Road.

Most of the people here want Jeffries Ranch Road open, but if you talk to the people on the north end from Jeffries Ranch Road to Old Ranch Road, they unanimously want it closed. It's become a major hazard. Since it's been closed we have a nice, quiet, tree-lined area, and he would like to keep that. Let's keep the Jeffries Ranch Road speedway closed.

**ERIN MORIN**, 1241 Chambord Court, drives by this neighborhood and sees the speeders, but she is curious on how the horse ranchers and the people with horses are supposed to evacuate in case of fire. It can be mass confusion if there is a fire, and they have big vehicles trying to get out.

**ERIK WELCH**, 5770 Jeffries Ranch Road, understands and appreciates fiscal responsibility. He's been listening to the presentations since 3:00 PM and congratulated Council on their fiscal responsibility with regard to El Corazon.

One of the Councilmembers said in the newspaper that funding for this project would not impact any other programs or services. The citizens are learning that we can no longer afford to accept political double talk without question. For every credit there must be debit. She was saying that the \$400,000 that's left from the Waste Management bonus could not possibly be spent on anything more important than a right-in/right-out at Jeffries Ranch Road. City employees lost their jobs because of a \$400,000 deficit. With respect to the remaining \$600,000+ in reserves if we dip into that fund, what will happen if we need it? Who's going to explain to the other 167,000 residents of Oceanside that we don't have their money because we made a project for a few very vocal members of one neighborhood.

This is not about safety exits. There is already a safety exit. If anyone needs to get out you can knock on his door and borrow his bolt cutters to get out. The fire and police department have access to that.

Finally, any in and out in that area will affect traffic for everyone traveling along Highway 76, and the December 2010 study mentioned that the intersection would cause an unacceptable grade for traffic delays in that area.

**POLLY FUKUHARA**, 520 South Ditmar Street, has worked in civil engineering for 30 years and has designed a lot of subdivisions. She's never seen one the size of Jeffries Ranch without at least 2 entrances. It is a safety issue to have free-flowing entrances in and out of a subdivision of that size. It just wouldn't be approved. There

was another entrance, and it was taken away because of a miscommunication between the City and Caltrans. It was essentially a snafu that closed that road. In an emergency you need free-flowing traffic. Fires don't just come from the west, and they are very unpredictable and fast. That's the whole point of these requirements for these subdivisions. She understands that people are concerned about speeds, but things can be done about that.

**DANA CORSO**, 5838 Ranchview, represents the 600 people who signed a petition to reopen Jeffries Ranch Road. Caltrans is moving forward with their project to widen Highway 76. We are here today asking that Council approve funding so that we can move forward in conjunction with Caltrans. Our Fire Department has stated their response time has slowed since the closure. This is unacceptable. On an average we have approximately 9,000 lives within Jeffries Ranch. It is imperative to have a second ingress and egress. There was a gas main leak last week, and Highway 76 was shut down. All traffic was filtered into Jeffries Ranch; we had cars, trucks and semi's circling our neighborhood looking for another way out. It was unbelievable. Safety should be first and foremost. The closure of Jeffries Ranch Road was a violation of our public safety and property rights. This project has gone through all the motions and meetings, and now it is time approved the funding.

She referenced Councilmember Kern's statement in the *North County Times* that this is the most fiscally irresponsible proposal he's seen since he's been on the Council. How can saving lives be a fiscal/irresponsible argument? Councilmember Kern has approved \$7,200,000 being spent on the Melrose extension, when even our own engineers have stated it would only benefit traffic by seconds. It would be destroying the homes of 14 individuals and taking portions of our regional State park, Guajome. You shut down our entire Planning Commission decision. That is the most fiscally irresponsible move that you have made.

Reopening Jeffries Ranch Road is a major safety issue, and we are depending on our Council to assure that our safety is first. Per capita, the City has spent a lot more money downtown and in other areas. Jeffries Ranch has not required a lot of services, and now we are in need of less than \$1,000,000 for safety purposes to follow through on a unanimous Council vote to reopen Jeffries Ranch Road. We are not looking for funding that will impact our City services. We are hoping that you will accept this repayment plan so we can proceed with the reopening of Jeffries Ranch Road.

**ERIN CLANCY**, 1508 Belmont Park Road, understands the concerns of the people on Jeffries Ranch Road, but their houses, unlike the houses on Spur Avenue and many others in the neighborhood, sit way back off the road so there is plenty of room for their kids to play without being in danger of being hit by a car. There are speeders everywhere in every neighborhood. We have to look at who is being impacted. Taking some of the traffic off Spur Avenue and away from those homes and putting it back onto Jeffries Ranch Road is not going to devastate their neighborhood. Our neighborhood is very vocal. She volunteers for the Registrar of Voters every time we have an election, and Jeffries Ranch has the highest voting percentages in Oceanside. We also have some of the highest voting percentages in all of the County. She urged Council to support the people who vote for you. We are asking you to support us by giving us back our right-in/right-out. Don't trap us like mice.

**NANCY CLANCY**, 1508 Belmont Park Road, agrees that we have a great turnout at elections and a lot of people have supported this right-in/right-out. The Melrose extension is going to be a thoroughfare for people to cut through our neighborhood. We need assurances that we're going to be safe in our own neighborhood.

**NANCY BERNARDI**, 1505 Del Mar Road, questioned the amount that is being proposed to do the right-in/right-out. She can't imagine that a simple reopening of Jeffries Ranch Road would cost that much money.

Spur Avenue was never meant to bear the impact of all of the traffic to and from Jeffries Ranch; it was always to be shared with Jeffries Ranch Road. The reopening of Jeffries Ranch Road was approved by the Council and should go forward as soon as possible. She feels for the residents of Jeffries Ranch Road who have enjoyed their cul-de-sac during this time, but reopening Jeffries Ranch Road to right-in/right-out traffic would have half of the impact of the original design, which allowed left-in/left-out. Also, residents knew when they moved there what the traffic impacts were. What nobody knew was that Jeffries Ranch Road would be closed permanently. The real probabilities of brush fires and serious accidents on Highway 76 will continue. For emergency ingress and egress it must be opened.

The question now is who will pay to reopen Jeffries Ranch Road. City staff made this mistake, so taxpayers should not have to suffer. Caltrans should be the agency to pay for this as it should have never been proposed in the first place. Caltrans made the proposed change that was never a part of the City's General Plan. What realistic plan would cut-off a large neighborhood's secondary access? The City may not have caught the error in the draft EIR, but the extremely poor planning on the part of Caltrans made this issue it has become. Despite numerous outcries from the residents of Jeffries Ranch after the closure signs went up on Highway 76 just 2 weeks prior to the closure, Caltrans wouldn't do anything about it. Work in this particular part of the extension would not start for many months, yet a lot of working expense could have been avoided if Caltrans had considered a way to reopen Jeffries Ranch Road. We are tired of being bullied by Caltrans and some of our Councilmembers, whose primary goal is the extension of Melrose.

The sudden permanent closure of Jeffries Ranch Road, which we were not aware of until just before it happened, was partly to force the extension of Melrose as a secondary access to Jeffries Ranch. The vast majority of residents adamantly oppose it. That is why these Councilmembers find it a waste of money to reopen Jeffries Ranch Road for emergency access; they would rather spend a minimum of \$30,000,000 for a 6-lane highway through our neighborhood, taking private property, open space and farm land then spend less than \$1,000,000 to insure the health, safety, homes and neighborhood of Jeffries Ranch. Are you protecting your political contributors or the residents you are supposed to serve?

**ROBERT GLEISBERG**, 1936 Palmer Drive, used a graphic to display the revenues and expenditures for 5 years. In the deficit column it says that we have an increasing amount of deficit, and that means that the revenues do not exceed the amount that we plan to spend. He spoke of our growing personnel costs and the need to maintain our Healthy Cities Reserves for emergencies. He compared Oceanside's reserve policy to Carlsbad. If the City wants to realign its budget to take care of this demand from the residents, that's okay. But we shouldn't loan out our Healthy Cities Reserves with no plan on how it's going to be paid back.

**DIANE NYGAARD**, 5020 Nighthawk Way, feels because of the technical and safety issues, the right-in/right-out makes sense. There is a timing issue now; everybody is concerned about the money and doing the best we can for our City. It would seem that by taking action now, Caltrans can save some money on a piece of a project they shouldn't be doing. Those dollars should get reallocated to Oceanside to pay for part of the cost of this. She understood that with regard to the thoroughfare impact fees, the issue with that is that it's not included in our current Circulation Element. We're in the process of updating our Circulation Element, so can't we include this road in that update and then use those thoroughfare fees to immediately pay back the General Fund?

**MARGARET MALIK**, 1611 Hackamore Road, is in favor of the right-in/right-out, but you must do something for the people up front like calming devices, etc. She knows Councilmember Kern wants Melrose, but it's stupid to put 27,000 cars through a neighborhood that has horses. It's the City Manager's job to come up with the financing for this. We want this open.

**JAMES SIANO**, 1618 Trotting Horse Road, saw that the latest argument for the cost of this thing is \$922,000, and that needs to be scrutinized. That's caused a lot of angst in the funding issue, and we need some hard numbers on that estimate. We're talking about 50 yards of pavement in either direction off what once was an existing road. This needs to be looked at in a serious manner and should be a hard money contract. If that is done, the funding gap will be much less.

Public input concluded

**DEPUTY MAYOR SANCHEZ** stated this is a big public safety issue. This was an existing road, and access was promised, not just by staff but by Caltrans. She went to those meetings and heard right-in/right-out. That was the bad news at the time because they were going to lose the ability to make a left turn. This community knew the tremendous impacts that the widening of Highway 76 would have on their community, and they supported the City on it. They did not complain. The project supported by the Council included traffic calming. There were definite statements that there must be traffic calming as part of this project.

There are over 1,000 homes in this neighborhood and only one way in and one way out. That does not make public safety sense, nor would something like this be allowed.

The promise to keep Jeffries Ranch Road open was made during the approval of a different project that would create even more homes. That's in the staff reports.

We have a history of borrowing money from ourselves to build projects. There was a non-public safety item where we borrowed a \$1,000,000 from the City's portfolio to build the Chamber of Commerce building and the Welcome Center. They pay \$1 a year. Also, the Chamber of Commerce and the Welcome Center have gotten hundreds of thousands of dollars from the General Fund over the last 10 years. This is a community that pays taxes and gets far fewer services than any part of our city. The crime rate is low, there is no park; we shouldn't be pointing fingers at which community deserves something and which doesn't.

The one condition that she placed on this was that it not impact our General Fund – our operating expenses – that not one person or program be eliminated because of this. She had that very direct conversation with Ms. Corso, who agreed that they did not want to have that happen. This is a public safety issue.

The Melrose extension was mentioned, and that project is going to cost millions of dollars if it ever gets built. It cannot and should not be seen as a substitute for this because that is many years in the future, if it ever gets built. We need to think in terms of now. It's not politic to talk about what's going to happen in 2012. There would be a lot of skeletons in the closet if we started pulling out who has cost the City's General Fund a lot of money. That's not where we should be. We should be talking about our future and maintaining the public safety of our residents. Fires can happen in a second and we need to protect our residents.

She **moved** to direct staff to initiate the design and construction of access to SR-76 at Jeffries Ranch Road and to appropriate \$1,000,000 from the City's Healthy Cities Reserve Fund as a loan to the project, with direction to staff to come back with how they will repay this.

**MAYOR WOOD** **seconded** the motion. He went to these same meetings where Caltrans indicated that there would be a right-in/right-out. He was there when they said that. When it turned out that it wasn't there, he was very upset; they did the wrong thing. We can point fingers all over the place about who should pay for this, but this neighborhood was promised this. Caltrans made the mistake. He and the City Manager talked to the Director of Caltrans and had no luck on changing their minds. It's stupid to

put a traffic signal in for the packing company when they can't put a right-in/right-out for Jeffries Ranch Road.

He can't make everybody in Jeffries Ranch happy. Every approach has its detractors. This is a big equestrian neighborhood with kids and horses, and it needs something there for safety. He is concerned about the cost as well. This shouldn't be a \$1,000,000 project, but maybe it is. He likes the potential of using the Waste Management money that's donated to us every year for our new contract and that we're not going to touch the General Fund. He doesn't want to touch the Reserves, but this will be paid back.

A promise made by the Council is important to him. This wouldn't have come up now if Caltrans wasn't saying they're doing it right away and now is the time to do this and save money. He's not sure it's actually going to cost that much when they get down to it. We're all worried about the money. He is supportive of this but with some concerns.

**COUNCILMEMBER FELIEN** knows this issue has gone back and forth for quite some time. He referenced a contract he acquired from 1994 between Caltrans and the City that specifically shows that Jeffries Ranch Road was going to be closed as part of this contract. He doesn't know what fell apart from there. He voted previously to support putting this road in if the community supported it, but he was very strict in that he supported it if we had outside money, i.e. Caltrans or SANDAG. He did not support bumping other projects within the City that were prioritized by the staff in order to build this road. Now we have another attempt to use City money to support this project that had a low priority.

Now the idea is that we're temporarily going to take it from the Healthy Cities Fund and then it's going to come from somewhere else down the road. That's like the accounting shell games that we see in Sacramento every day, and we see where that's left the State. He doesn't want to go down that road. Emergencies can come on very short notice, and that's what the Healthy Cities Fund is for. The Council policy for Healthy Cities Funds specifically says that any money used from that fund is for a very short-term purpose. The plan has to be put in place to repay it in a very short amount of time, not years.

The \$400,000 that's left unused or unallocated from the Waste Management fee is certainly going to have a lot of demand on it next year. In a couple of months we're going to be addressing the issue of our structural deficit and the fact that we're going to have millions of dollars in shortages every year as far as the eye can see. We drew the line last time and said we're going to have a balanced budget. We need to have a balanced budget for all of our projects, including road projects. If outside sources can be found for the money to do the road and the residents support it, he'd be supporting it.

There is an option the residents have in that if this costs \$1,000,000, and it may be less than that, and there are 1,000 homes in Jeffries Ranch, that's basically \$100 per year per home for 10 years to put in this access road. In the meantime, if 2 years from now the economy recovers and the money is rolling in, then a future Council can take over that obligation if they believe it's within the scope of the City budget or balancing out with other projects within the City. If this isn't worth \$100 per year to the residents, than it must not be very urgent.

Regarding emergencies, Jeffries Ranch Road access will be open for emergencies, but it won't be open for everyday traffic. There are 2 roads that go out to Melrose from Jeffries Ranch on the east side, and the Melrose extension is the long-term solution for both safety reasons and traffic. If Jeffries Ranch Road is open, that's what will invite all of the cut-through traffic in an emergency. If it's not open there is never any reason to have cut-through traffic. That's something for the residents to debate amongst themselves and decide. In terms of urgency, the assessment district option is

there. Melrose benefits not only Jeffries Ranch but the entire City as a whole as part of our Circulation Element. He will not support using the Health Cities Reserve Fund for a non-emergency.

**DEPUTY MAYOR SANCHEZ** responded the Jeffries Ranch of 1994 was far different from today. There have been over a dozen changes, including the Home Depot, elementary school, high school and additional residential projects that have changed the requirements for just one road in and out.

We keep throwing these words around as if we are Sacramento or San Diego; a Charter City that has been allowed to live off of some future earnings. We have had to pass a balanced budget every single year. We have never been able pass a budget that was going to cost more than what comes in. Talking about Sacramento and structural deficits has nothing to with Oceanside. That is the red herring that she keeps hearing.

**COUNCILMEMBER FELLER** asked if we have to designate all the money up front.

**CITY MANAGER WEISS** responded no, but then all you're going to do is appropriate enough money for environmental and design and then you'll have to come back a second time and appropriate money for construction.

**COUNCILMEMBER FELLER** asked what the timeframe is.

**CITY MANAGER WEISS** responded the environmental and design is probably a 6-month process. We do have a preliminary design done. We did have a conversation with Caltrans today, and they will not do them. We would have to process our environmental and design, and they've indicated to us that they will not even consider a change order to the existing contract. That's different than what Ms. Corso said, so he and Mr. DiPierro will be setting up a meeting with Caltrans as soon as they can. They have indicated to us that a change order over \$250,000 has to go to headquarters. Their target is to finish construction in December of next year, so they would rather have us do the project ourselves.

**COUNCILMEMBER FELLER** isn't sure what that does to this thought process. You're saying that we are going to consider doing this ourselves.

**CITY MANAGER WEISS** responded if Council appropriates the money today, staff would initiate the environmental and design. Upon completion of that we would come back to Council with a call for bids to go out for construction. The money will have been appropriated, and you will not have to take another financial action. If you want to break it up, then we would need to do the environmental and design and come back to Council to appropriate additional money before we went out to construction.

**COUNCILMEMBER FELLER** asked what the value is in Rancho del Oro and Loma Alta.

**CITY MANAGER WEISS** responded we had appropriated about \$2,500,000. Council is going to see some contracts coming before you for additional work because the environmental permits had expired and we have to renew them and do some additional design work. That project is going to be delayed slightly anyway. Taking this money will delay it one full fiscal year until Council appropriates additional money the following year.

**COUNCILMEMBER FELLER** asked where would that money come from.

**CITY MANAGER WEISS** responded a portion of that money is coming from our local share of TransNet money.

**COUNCILMEMBER FELLER** asked how long these lanes are. We just heard 50

yards.

**CITY MANAGER WEISS** responded there was a preliminary design done and the deceleration and acceleration lanes are roughly 1,500 feet long. It's a full widening; they wouldn't be using the existing lanes.

**DAVID DiPIERRO**, City Traffic Engineer, stated to do the right-in/right-out, we're looking at a deceleration lane of approximately 600 feet and an acceleration lane of about 1,100 feet. It's not just building a road into Jeffries Ranch. There is actually quite a bit of grading that would be required. There is also a grade differential.

**COUNCILMEMBER FELLER** asked how you address the speed going into the neighborhood.

**MR. DiPIERRO** responded that was discussed at the last Council meeting. If this access was granted, we would come back and look at possible traffic calming devices. We were not going to look at it unless the access road was built.

**COUNCILMEMBER FELLER** heard 10 years repayment from Deputy Mayor Sanchez.

**CITY MANAGER WEISS** responded there was discussion about that earlier. The repayment plan in front of Council, because it's TransNet money, when you amend the RTIP next year we would move that money right away in order to have an advance on those funds and amend the RTIP to get the additional TransNet money for the detention basins in 2013. It would be paid back in full by July 1, 2012.

**COUNCILMEMBER FELLER** asked if we already have \$2,500,000 in the capital budget for Loma Alta/Rancho del Oro.

**CITY MANAGER WEISS** responded correct.

**COUNCILMEMBER FELLER** stated then we actually wouldn't need to go to Healthy Cities.

**CITY MANAGER WEISS** responded you still need money in those accounts to at least advance those projects. If you didn't use the Health Cities funds, you cannot spend any of the TransNet money on this project until you amend the RTIP, which is not going to happen until next year. So if you want to delay this action until after you amend the RTIP next year, then we would include that as part of the CIP process for adoption next July 1<sup>st</sup>.

[Recess was held from 9:54 PM to 10:03 PM]

There was Council consensus to continue the meeting past 10:00 PM.

**COUNCILMEMBER FELLER** was not understanding that you cannot use the designated TransNet money at this point until we adjust the RTIP in March of 2012. He is not willing to use the Healthy Cities Reserve Fund at this time but is willing to use the \$400,000 to go as far as we can. If we are going to do this project ourselves because Caltrans does not support a change order, we now do not have to pay prevailing wage, which changes the price of this contract. He would suggest that at this point we have \$400,000 in one-time money; we should use that to go as far as we can; and then if we can adjust that RTIP to use some of that money, then he believes we can save considerable money. That's what he'll support.

**COUNCILMEMBER KERN** stated we shouldn't even be here tonight. There is no emergency to build this road. The City Manager said that Caltrans is not going to process the change, and it's not going to be rushed through in 90 days to put in a right-in/right-out. We can uphold the original Council motion from January 26<sup>th</sup> that we look

for outside funding, not the \$400,000 because we're going to need that for our reserves. He feels we are here under a false premise. There was this mad rush to get this done because people were saying that Caltrans would let us do it. Caltrans would not let you do it. We have to do a full EIR, so we're talking 18 months to 2 years if things go well. Then we have to submit it to Caltrans for their approval. Caltrans will take 6-8 months, or even a year, if they even approve it. They may never approve Jeffries Ranch Road tying in because now we're tying into a Caltrans project, and they have final say. We need to have some feedback from Caltrans about whether they're going to at least look at the project before we spend \$1,000,000 on it. That's a waste of time, money and effort. He cannot approve the \$1,000,000 out of our Healthy Cities Reserve; that's bad public policy and is fiscally irresponsible. He also can't see using \$400,000 of Waste Management money, the ratepayer's money, to pay for this road. If we're going to use \$400,000 of ratepayer's money, it should be going into a rate stabilization fund and returned to the rate payers. This should have never been brought up because there's nothing we can do with it. He will vote against using the Healthy Cities Reserve, and if there is an amended motion to use the \$400,000, he will vote against that also.

**COUNCILMEMBER FELIEN** stated originally there was a sense of urgency because if Caltrans was willing to hold off on doing construction, it made sense to look at the possibility of not having them pour some asphalt and concrete and then Council approve a project that tears up the same asphalt and concrete. It was a good idea to bring this forward if there was a window and a way to take advantage of that. He asked for clarification on whether Caltrans is saying no, they're going to pour the asphalt and concrete, and they're not waiting for anyone, so we're going to be tearing up the asphalt and concrete if we approve this project.

**MR. DiPIERRO** had a conversation this morning with Caltran's project manager on the SR-76 project and asked her exactly that question. Her comment to him was that anything over \$250,000 for a change order would have to go to Caltrans headquarters. Right then and there we're looking at something that will most likely take months to get approval for a change order. She also mentioned that it would probably need CTC (California Transportation Commission) approval because that's money that was funded for this project, and also the Access Agreement would have to be modified. She went on to say that if Caltrans were to approve it, we would still have to demonstrate a need and purpose as to why this road is needed. Right now the way it's being designed is for emergency access, but as part of the technical studies that would be required, we'd have to go a little bit beyond that to prove the perks and the uses for the road. It's not something that's going to just happen in weeks.

**COUNCILMEMBER FELIEN** asked if because Caltrans has approval, we could spend the money and do all of the design and go as far as we want, and they can say we haven't proved the need and they're not going ahead with it.

**MR. DiPIERRO** responded that is correct; it's Caltrans' property.

**COUNCILMEMBER FELIEN** stated it seems to him that if Caltrans has life and death authority over this road and they've said they don't like the idea of this entrance, we shouldn't be spending any money until we can persuade them otherwise. He has no objection to trying to persuade them that this project is needed. It doesn't make sense to spend our own money on the hope that they might approve it at some point when all of the signals from them are that they don't like the idea of Jeffries Ranch Road having access to SR-76. We need to get a commitment from Caltrans, at least for the idea, before we spend our own money.

**MAYOR WOOD** thinks that whatever is decided tonight, we probably aren't going to go out and spend money tomorrow. What is going to happen is our staff is going to tell Caltrans no, we aren't doing this or that Council has approved money to go forward with this. That might be a deciding factor for Caltrans if Council has approved the money and wants to do this. If we say yes to this tonight, we may not end up spending a dime on anything, but it may be motivating for Caltrans to know that we

have approved money to go forward with it.

**COUNCILMEMBER FELLER** will be the first one, if we find out this is a problem going forward, to put it back on the agenda to defund it. He's for open roads everywhere. He'll champion Melrose, continue to work on Rancho del Oro and hope we can get Mira Monte open. We should look at the exit speeds as you come off of the freeway and look at the design. Open roads create less tension on the rest of the streets. This is something that isn't completely for safety but also convenience, and that's what open roads are about.

**DEPUTY MAYOR SANCHEZ** amended her motion to direct staff to initiate the design and construction, including environmental, of the access to SR-76 at Jeffries Ranch Road using the \$400,000 identified by the City Manager and revise the RTIP in March or sooner in order to receive TransNet funding for this project and to report back in memo form if there is a problem.

**MAYOR WOOD** seconded the amended motion.

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

#### **INTRODUCTION AND ADOPTION OF ORDINANCES**

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

33. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside for Zone Amendment (ZA11-00001) amending Articles 41 and 43 of the Zoning Ordinance to allow automatic time extensions for discretionary permits other than Tentative Maps that are valid on the date this Ordinance becomes effective** (*introduced 8/17/11, 4-0 vote, Sanchez-absent*)

After the titling of the Ordinance, **COUNCILMEMBER FELLER** moved for adoption [of Ordinance No. 11-OR0624-1, "...for Zone Amendment (ZA11-00001) amending Articles 41 and 43 of the Zoning Ordinance to allow automatic time extensions for discretionary permits other than Tentative Maps that are valid on the date this Ordinance becomes effective"].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

#### **CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the item discussed in Closed Session:  
Item 1.

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

32. **Mayor Wood: Appointments to, or motions for removal from, some or all of**

**the City's Citizen Advisory Groups**

**Term Expires**

**ARTS COMMISSION**

Move Marilyn Huerta to Regular (Replacing Perez-Garcia)	7-1-14
Appoint Edward Fosmire to Reg: OMA Rep (Replacing Martinez)	7-1-14
Move Gregory Snaer to Regular (Replacing Needleman)	7-1-13
Appoint Angela McDowell-Nanning to Alt I (Replacing Huerta)	7-1-13
Appoint Mindy Martin to Alt II (Replacing Snaer)	7-1-12

**BUILDING AUTHORITY**

Appoint Michael Andrioff to Regular (Replacing Nack)	11-30-15
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**ECONOMIC DEVELOPMENT COMMISSION**

Reappoint Howard LaGrange to Reg: Retail	9-26-14
Reappoint Terry Bryan to Reg: Manufacturer	9-26-13
Appoint Albert Taccone to Reg: MiraCosta College Rep (Replacing Matthews)	9-26-12
Reappoint David Morris to Reg: Banking/Financial Services	9-26-13
Appoint Hugh LaBounty to Reg: Community at Large	9-26-12
Appoint Maria Russell to Reg: Community at Large	9-26-13
Reappoint James Schroder to Reg: Commercial Real Estate	9-26-14

**HARBOR & BEACHES ADVISORY COMMITTEE**

Appoint Karin Spink to Reg: Chamber Rep (Replacing Rhea)	2-28-12
Appoint Elizabeth Rhea to Reg: Community at Large (Replacing Sirchia)	2-28-13
Appoint Les George to Reg: Non-Liveaboard Boat Owner (Replacing Trusty)	2-28-13

**HISTORICAL PRESERVATION ADVISORY COMMISSION**

Reappoint Philip Buccola as Reg: Civil Engineer	7-1-13
Reappoint Andrew Guatelli to Reg: Member at Large	7-1-14
Reappoint Greg Root to Reg: Member at Large	7-1-14

**HOUSING COMMISSION**

Reappoint Joseph Farmer Jr. to Regular	7-1-14
Reappoint Jeannette Huskey to Regular	7-1-14
Reappoint Kay Parker to Regular	7-1-14
Appoint Allison James to Alt I	7-1-13

**INTEGRATED WASTE COMMISSION**

Reappoint Stephanie Clark to Regular	7-1-14
Appoint Edward Burns to Regular (Replacing Helmle)	7-1-12
Appoint Noralee Sherwood to Regular (Replacing DeMirjian)	7-1-14
Appoint Steven Branson to Alt I	7-1-13

**LIBRARY BOARD OF TRUSTEES**

Reappoint Marie English to Regular	12-31-13
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**MANUFACTURED HOME FAIR PRACTICES COMMISSION**

Reappoint Mary Lou Elliott to Regular	8-22-14
Reappoint Walter Hambly to Regular	8-22-13

Reappoint Rita Koor to Regular 8-22-14

**PARKS & RECREATION COMMISSION**

Reappoint Jerry Anderson to Regular 7-1-14  
 Reappoint Margaret Malik to Regular 7-1-14  
 Reappoint John Rhoad to Regular 7-1-13  
 Appoint James Stumpfel to Alt I (Replacing Kerton) 7-1-13  
 Appoint Marvin Foster to Alt II (Replacing Anderson) 7-1-13

**POLICE & FIRE COMMISSION** (REMOVED FROM AGENDA-APPOINTMENTS  
NOT MADE)

Reappoint William Harms to Regular 8-1-13  
 Reappoint Gene LaRue Jr. to Regular 8-1-14  
 Reappoint James Provenza to Regular 8-1-14  
 Reappoint Joseph Travers to Regular 8-1-14  
 Reappoint Timothy Probart to Regular 8-1-13  
 Reappoint Gwen Sanders as Regular 8-1-14  
 Appoint Christopher Jon Demateis to Alt I (Replacing Salyer) 8-1-12  
 Appoint Sean Sargeant to Alt II 8-1-12

**REDEVELOPMENT ADVISORY COMMITTEE**

Reappoint Richard Bartlett to Reg: Owner/Occupant in Project Area 7-1-14  
 Move Roxana Franklin to Reg: Real Estate Profession (Replacing Johnson) 7-1-14  
 Move Burton Johnson to Alt I: Real Estate (Replacing Franklin) 7-1-13  
 Appoint Jeffrey Simmons to Reg: Cultural Arts (Replacing Wallace) 7-1-12

**UTILITIES COMMISSION** (REMOVED FROM AGENDA-APPOINTMENTS  
NOT MADE)

Reappoint Brian Boyle to Regular 7-1-13  
 Reappoint Charles Rady Jr. to Regular 7-1-12  
 Reappoint Harris Schurmeier to Regular 7-1-14  
 Reappoint Alfred Theal to Regular 7-1-13  
 Appoint James Knott III to Regular (Replacing Cope) 7-1-13  
 Appoint Eileen Costa to Regular (Replacing Merrifield) 7-1-12  
 Appoint Ira Landis to Regular (Replacing Holden) 7-1-14  
 Appoint Robert Blanco to Regular (Replacing Homer) 7-1-12  
 Appoint Patricia Raetz to Alt I 7-1-12  
 Appoint Barrie Fischer to Alt II 7-1-13

**MAYOR WOOD** stated this is for committees/commissions. The Council changed this quite a bit, and we're down to a lesser number of committees/commissions. He hadn't appointed anybody while we were going through the process and people were saying they didn't have a quorum. We've intertwined some committees/commissions. He's looked at all of the applications and some didn't have any applications. There is a problem regarding the Police & Fire Commission and the Utilities Commission. The information from the sources said we needed 9 and he found out later that we needed 7. He's going to pull those two commissions off to be brought back at a later date and time.

He **moved** to accept the nominations as presented with removal of nominations for Police and Fire Commission and Utilities Commission at this time.

**DEPUTY MAYOR SANCHEZ** seconded the motion.

**Motion was approved 5-0.**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

22. **Advance written request to reserve time to speak:** Mr. Vic Brevard – absent.
23. **Communications from the public regarding items not on this agenda**

**CRYSTAL de la ROSA**, 345 Garfield Street, is a local college student and a medical marijuana patient. She expressed her disappointment that the elected officials do not represent the citizens of Oceanside in their wishes. You have managed to offend the senior citizens – a large voting block of this City. You have also put in motion the possible contamination of ground water in the City despite what the voters want. Now you're spending taxpayer's money to attack and prosecute the medical marijuana collectives in the City.

These are otherwise legal establishments that provide important medication to many of the citizens. Contrary to your narrow views, the medicinal value of marijuana is no longer at issue; it is proven worldwide in its healing, as it has been for centuries all over the world. In spite of this readily available documentation, you continue to exist in a world of Reefer Madness (the movie) and only see it as a recreational drug for hippies, social outcasts and those seeking to get hooked on heroine. These otherwise legal collectives provide medicine to many disabled veterans, AIDS patients, cancer patients and hospices for the dying all around this area. She uses it because she had surgery, and it helps to regulate her stomach. It also helps her with other things such as her advanced PMS, minor headaches and anything from minor aches and pains to anxiety and problems sleeping.

The closure of these facilities without due process, without allowing for a zoned area to exist within the City with access to all patients and without regard to those patients that vote in this City, you continue to waste valuable tax dollars from an already bankrupt city that is closing public facilities to pursue these collectives instead of regulating and taxing them. We ask that you regulate them and not ban them. Why are there pharmacies at every corner where all you have to do is give them your name and a birthdate and they'll give you whatever drug it is. When she goes to collective she has to sign up to be a member, they have to verify that she is a member, and that she is registered as a medical marijuana patient. It is apparent that you do not care about the citizens, and you do not represent their best interests. She asked Council to reconsider and meet them halfway.

**JOHN SCANDALIUS**, 913 South Coast Highway, is a former resident and current business owner in Oceanside. He is disappointed that the elected officials do not represent the citizens and their wishes. He has operated a legal business under the laws of the State for almost 16 years that has been made illegal by Oceanside. Liquor stores, pharmacies and topless bars are all able to obtain a City business license and operate as a regular conforming business in this City. The City will not provide him with an application for a business license because according to Council there is no place for his collective in the City.

You have made this decision without any input from your voters and without regard to the laws of the State. Unlike these other items before you, you have had no known public hearings, public committees, public input or research before you have made this misinformed decision on your own. Instead you have decided to spend thousands of taxpayers' money to close all of these businesses in the City, engaging them in costly court proceedings and exposing the City to lawsuits from those businesses that may cost the City millions of dollars in judgments, all of which will be paid by taxpayers.

He asked that Council regulate the collectives and not ban them. He extended an invitation to all of the Council to come by his facility, take a look and educate

themselves as to what a medical marijuana collective is. It is apparent that you do not care about the citizens of Oceanside and you do not represent their best interests. It is also apparent that you do not care about your re-election. He has thousands of voting citizens in this City that support this. He asked Council to work with him.

**DONNA MCGINTY**, 2405 Mesa Drive, referenced the ordinance that mandates protecting the decorum in the Council chambers. These are the people's chambers and not Council's. You are here to represent us. The chambers are not a happy place; it seems to be a place of contention, burden and argument. We see no need for any of that because this is supposed to be a non-partisan arena where you come to do our work. She understands how difficult that can be, but she asked that the ordinances that deal with decorum be honored. The Mayor needs to use the gavel more often.

### **CITY COUNCIL REPORTS**

16. **Mayor Jim Wood**

**MAYOR WOOD** wished everyone a safe Labor Day weekend; he wished Martha Bonsill a happy 100<sup>th</sup> birthday.

Sunday, September 11, 2011, at 2:00 PM at the Oceanside Pier Amphitheater, a memorial will be conducted marking the 10-year anniversary of the 9/11 tragedy.

17. **Deputy Mayor Esther Sanchez**

**DEPUTY MAYOR SANCHEZ** noted that the memorial for 9/11 is a free event that is sponsored by the Parks & Recreation Foundation and the City, as well as other partners.

Last Thursday the Senate did vote in favor of SB 833, the Vargas Bill, 15-0, and today the Assembly floor also voted in favor of the bill by 63-1. This is to save our San Luis Rey River and to insure that a landfill/dump will not be able to be built within 1,000 feet of a river and its aquifer. The next step is for it to go to the Governor, with a deadline of September 9<sup>th</sup>.

18. **Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** has attended several Eagle Scout ceremonies in the community. We've had 4 new Eagle Scouts from Troop 752, and there will be one more in 2 weeks.

He attended the San Diego Foundation announcement held in Carlsbad regarding a charitable contribution they received to benefit North County, and some of that donation will be coming to the Oceanside Foundation that will benefit charitable causes that the community supports.

19. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** announced high school football is back.

Marjorie Baldrige passed away last Thursday.

20. **Councilmember Jerome Kern**

**COUNCILMEMBER KERN** announced a colleague, Jerry Mello, was killed outside of Fort Bragg recently. He and Mr. Mello worked on the Coastal Cities issues group for the League of California Cities.

### **ADJOURNMENT**

August 31, 2011

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 10:39 PM on August 31, 2011 [The next regular meeting is Wednesday, September 14, 2011].

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



Present were Mayor Wood and Councilmembers Feller, Kern and Felien. Deputy Mayor Sanchez arrived at 2:10 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session: Items 2A), 2B), 2C) and 3A). [Item 1 was not heard]

[Closes Session and recess were held from 2:07 PM to 4:03 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]

**No closed session was held**

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

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

- A) Kalb v. City of Oceanside, et al., United States District Court Case No. 11cv0847-W-BLM
- B) DiGiovanni v. City of Oceanside, Case No. 37-2011-00051604-CU-PO-NC
- C) Dunex v. City of Oceanside, Case No. 37-2010-00061745-CU-EI-NC

**Items discussed; no reportable action**

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

- A) Property: A portion of City right-of-way at the terminus of Rancho del Oro Drive and State Highway 78 in the City of Oceanside; Negotiating Parties: City of Oceanside and William Alkire, doing business as Sunrey Media; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: terms and conditions for the use of City right-of-way

**Discussed; no reportable action**

**4:00 PM – ROLL CALL**

**MAYOR WOOD** reconvened the meeting at 4:03 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller, Kern and Felien. Also present were Assistant City Clerk Trobaugh, City Manager Weiss, City Treasurer Ernst and City Attorney Mullen.

**CONSENT CALENDAR ITEMS** [Items 4-13]

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.

**ASSISTANT CITY CLERK TROBAUGH** stated we have requests to speak on Items 10 and 13.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC/OPFA: 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)
5. City Council: Approval of three purchase orders: 1) in an amount not to exceed \$710,233 to Downtown Ford of Sacramento for fifteen new replacement vehicles for Water Utilities, Public Works, and Code Enforcement, 2) in an amount not to exceed \$135,358 to Pearpoint of Thousand Palms, California, for one new replacement sewer pipeline television van for Water Utilities, and 3) in an amount not to exceed \$69,974 to Hawthorne Machinery of San Diego for one lease-purchase vehicle for Public Works, totaling \$915,565; approval of in-house build costs totaling \$62,300; approval of a budget appropriation in the amount of \$89,641 to Water Administration from unassigned water fund balance; and authorization for the Financial Services Director, or designee, to execute the purchase orders
6. City Council: Approval of two purchase orders: 1) in an amount not to exceed \$103,270.24 to Hub Data 911 of Chesterfield, Missouri, for fifteen computers, and 2) in an amount not to exceed \$51,239.65 to Motorola of Chicago for fifteen radios, to be installed in fifteen police vehicles for which purchase orders were approved on March 16, 2011; and authorization for the Financial Services Director, or designee, to execute the purchase orders
7. City Council: Approval of Change Orders 17 [**Document No. 11-D0632-1**] and 18 [**Document No. 11-D0633-1**] in amounts totaling \$1,000 to MW Construction, Inc., for the Oceanside Civic Center Library Renovation project; authorization for the City Engineer to execute the change orders; acceptance of the improvements constructed by MW Construction for the project; and authorization for the City Clerk to file the Notice Completion [**Document No. 11-D0634-1**] with the San Diego County Recorder
8. City Council: Approval of a professional services agreement [**Document No. 11-D0635-1**] with Infrastructure Engineering Corporation of Oceanside in an amount not to exceed \$29,650 to provide engineering services for miscellaneous safety improvements at the Mission Basin Desalting Facility, and authorization for the City Manager to execute the agreement
9. City Council: Approval of seven one-year professional services agreements: with Rancho Del Oro Landscape of Oceanside [**Document No. 11-D0636-1**] for supplemental landscape services in various locations (\$250,000); with C.W. Doherty Concrete of Oceanside [**Document No. 11-D0637-1**] for concrete repair work (\$210,000); with King Masonry of Vista [**Document No. 11-D0638-1**] for concrete repair work (\$105,000); with J. Leon Construction of Oceanside [**Document No. 11-D0639-1**] for concrete repair work (\$156,000); with West Coast Arborists of San Diego [**Document No. 11-D0640-1**] for tree trimming services (\$60,000); with Mora's Equipment of Pico Rivera [**Document No. 11-D0641-1**] for concrete repair work (\$70,000); and with Perrault Bobcat Services of Bonsall [**Document No. 11-D0642-1**] for concrete repair work (\$100,000); totaling \$951,000, for which the City Council approved purchase orders on July 6, 2011; and authorization for the City Manager to execute the agreements

10. **Removed from Consent Calendar for discussion – public request**
11. City Council: Approval of a two-year professional services agreement [**Document No. 11-D0644-1**] with Executive Landscape of Fallbrook in the annual amount of \$222,552 for the landscape maintenance of the City's parks, and authorization for the City Manager to execute the agreement
12. City Council: Approval of a two-year Temporary Construction Easement [**Document No. 11-D0645-1**] in the amount of \$65,520 upon an Easement with John M. Siegel and Robert C. Siegel for construction of the 511 Pump Station for the Mission Basin Desalting Facility Expansion project, and authorization for the City Manager to execute the Permit
13. **Removed from Consent Calendar for discussion – public request**

**DEPUTY MAYOR SANCHEZ** moved approval of the balance of the Consent Calendar [Items 4-9, 11 and 12].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**Items removed from Consent Calendar for discussion**

10. **City Council: Approval of a professional services agreement with Washburn Grove Management of Hemet in an amount not to exceed \$149,800 for Phase I Re-mowing of the San Luis Rey River, and authorization for the City Manager to execute the agreement**

**JIMMY KNOTT**, 127 Sherri Lane, stated this seems to be the one-time addressing of an issue, and he would like to encourage Council to address this in a more permanent manner. He suggested setting up an assessment district and maybe a JPA (Joint Power Authority) of communities up river to insure that all costs are shared equally. What's coming down the river is affecting the insurance rates of everyone in the valley. There is a lot of miscommunication in the mobile home parks regarding FEMA regulations, and we are trying to work with the park owners and managers to correct those.

**FRANK MERRIFIELD**, 200 North El Camino Real, lives in one of the mobile home parks that are under this floodplain. In the year 2013 the City is going to have control of the clearing of the riverbed. He suggested clearing that area out completely, and then the vegetation won't grow. There are 7 mobile home parks within this flood control plain, and any time that a mobile home is in need of financing they have to get this flood insurance. This has been going on for almost 10 years. Council might want to consider that if the river gets wider, the \$120,000 isn't going to cover that every year.

**MAYOR WOOD** stated it's been a long battle with the Army Corps of Engineers and the federal government over this particular piece of property. He's sure the City Manager will look into every possible way to finance the costs and the recovery of those costs.

**DEPUTY MAYOR SANCHEZ** asked the City Manager to respond to the issue of flood control and the insurance.

**CITY MANAGER WEISS** responded what we are mowing as Phase I is the only width that we are currently allowed to mow. We are not allowed to clear it; we're allowed to mow it. We are prohibited through various environmental permits from clearing, meaning disturbing the ground, so we can only mow, and we can only mow

Phase I. We have no authority, approvals or permits to mow beyond Phase I at this point in time. Those have been restricted.

The Army Corps actually completed the construction of the levy in 2000/2001, so it's been 10 years. They currently estimate that we will not get flood insurance relief until 2016. Hopefully, they will be able to mow Phase II next year, at which point they will turn that over to the City. We have already preliminarily looked at financing opportunities when the entire river gets turned over because it's not just the maintenance of the flood control channel; there's habitat maintenance. Several years ago we did a preliminary alternative analysis, which includes an assessment district that includes the cost of flood insurance. Until we get closer to actually having it turned over and getting the full burden of both the habitat and the channel maintenance, it's premature to look at the long-term financing.

Several years ago we came before the Council under an emergency declaration to threaten the Army Corps to go in and mow everything, and that's what prompted some of the progress that we have had. If we try to do that again, we'd be violating a whole host of State and federal permits. We're doing everything we can at this point in time. We've been back to Washington every year trying to get additional funding. The Army Corps did get a significant and sizeable amount of funding for this next year, so hopefully we'll see a little bit more from them as we get into next year.

We are also prohibited from mowing except between September and March, so that severely restricts us as well. If we get a little bit of rain, we cannot go into any areas where there is standing water. We're trying to mow a river in the winter and we're doing the best we can.

**DEPUTY MAYOR SANCHEZ** believes that continuing to do this will help in terms of insuring that the cost of the insurance has some kind of a discount attached.

**CITY MANAGER WEISS** responded that's correct. We do have significant discounts. We participate in FEMA's Community Rating Service. Most agencies are at level 10 but because of what we do, we are at a level 8. Within the San Luis Rey River area, residents already get a 50% reduction in their flood insurance. As a level 8 they get another 20% reduction. He encouraged anyone who is obligated to have flood insurance to contact our Engineering Department, and they can provide you with some assistance. You do not need to insure the value of the land, and you can also opt out of certain other insurance requirements. The federal government is the one that actually issues the insurance through your insurance agent, but you do have a number of options available and you should be getting those discounts.

**DEPUTY MAYOR SANCHEZ** moved approval [of a professional services agreement **[Document No. 11-D0643-1]** with Washburn Grove Management of Hemet in an amount not to exceed \$149,800 for Phase I Re-mowing of the San Luis Rey River, and authorization for the City Manager to execute the agreement].

**COUNCILMEMBER KERN** seconded the motion. We'll never be able to mow the whole river at any one time. Even under the agreement, once we do it, it's going to be 1/3, 1/3 and 1/3 on a rotating basis because of the environmental constraints. Hopefully, once we get a plan in place, then the river will become less and less of an issue.

For the people who live out by Oceanside Municipal Golf Course, last year FEMA redid the maps, and a lot of those people were taken off the flood control map and were able to drop their flood control insurance around the Pilgrim Creek area.

**COUNCILMEMBER FELLER** stated if we had allowed that channel to remain as it was when it was ready to go, it was nothing but sand from one side to the other for 7

or 8 miles, and we would not even be talking about flood insurance for anybody. The environmentalists made us replant the river so we got what we got.

**Motion was approved 5-0.**

13. **City Council: Acceptance of the Treasurer's Report for the quarter and year ended June 30, 2011**

**JIMMY KNOTT**, 127 Sherri Lane, would prefer that Council set aside the interest off the portfolio, let it build up like other communities have done, and let it self-invest. That way we can have a self-investing portfolio. We can then use the profit off the investment for other sources. We could also take a percentage of the profit off the interest and use it to pay for other types of borrowing, i.e. from any reserve fund. This could give us viability and flexibility in our finances. He encouraged Council to look into this and adopt it as a matter of principal.

**COUNCILMEMBER KERN** moved approval [of acceptance of the Treasurer's Report for the quarter and year ended June 30, 2011].

**COUNCILMEMBER FELLER** seconded the motion.

**COUNCILMEMBER FELIEN** asked the Treasurer if he could explain, since we've gone through a lot of financial turbulence in recent months, how the City has been handling our money during these times and to what extent, if any, we've been affected by the movements in the financial markets.

**CITY TREASURER ERNST** responded during the second quarter of the year, revenues exceeded expenses as expected. For the City the trend is being reversed in the third quarter as we spend down somewhat and await additional tax payments later in the year. As Council knows, the City's cash flow is cyclical, and this year we are keeping with that tradition. Earlier in the year we saw market volatility as Councilmember Felien was alluding to. Primarily the short end and the long end of the bond curves. That has little effect on our portfolio, however, as we invest in what we call the sweet spot of the curve where the rate and the maturity length are optimized and still fall within established investment policy guidelines (maturities of 5 years or less). The average yield maturity for the investment portfolio has been eroding somewhat this past year as older, higher rate maturities are being called or come to maturity on their own and must be reinvested into the lower interest rate market.

On the domestic front, the overall economic picture remains troubling with a possibility of a double-dip recession looming and with mixed feelings on how Wall Street might view another stimulus package later this year. Yet, while we're economically challenged on the homefront, other areas of the world such as Greece, Italy and other countries are in much deeper trouble than we are in, and that's keeping money from coming into the U.S. Treasury and keeping the rates low. Economists don't see much change on the horizon with regard to rates probably not until well past the next election and possibly into 2013 or beyond.

As a final note, we do monitor the markets daily, and we have been conservatively diversifying into certain well-qualified municipal and AAA corporate bonds on a very limited basis in complete compliance with established protocol and portfolio guidelines, and we continue to do that.

**Motion was approved 5-0.**

**GENERAL ITEMS** - None

**CITY COUNCIL REPORTS**

14. **Mayor Jim Wood**

**MAYOR WOOD** commented on the success of the 9/11 10-Year Memorial last weekend. Junior Seau and his organization put in a professional football-type of obstacle course at Oceanside High School. Harbor Days are September 24<sup>th</sup> and 25<sup>th</sup>.

15. **Deputy Mayor Esther Sanchez**

**DEPUTY MAYOR SANCHEZ** reported that the Coastal Commission meeting was held this past month in Crescent City, and we appointed our new Executive Director, Dr. Charles Lester. The former Executive Director, Peter Douglas, stepped down with health problems.

This is National Hispanic Heritage Month, from September 15<sup>th</sup> through October 15<sup>th</sup>. Noche Mexicana, celebrating 201 years of Mexican independence, is tomorrow. The Annual Mariachi Concert is Saturday, September 17<sup>th</sup>.

This weekend is the Helping Hands Make a Difference in Bringing Recycling to Oceanside's Beaches, where we will be unveiling the first new recycling receptacles on Oceanside beaches, along with Coastal Clean-Up Day. She mentioned Harbor Days.

16. **Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** also attended the 9/11 ceremony on Sunday and participated in the Junior Seau event at Oceanside High School.

17. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** attended the SANDAG meeting on behalf of the Mayor a couple of weeks ago regarding SANDAG buying the Toll Road off the 125. It turned out that it really does make sense that we swap some lanes that are on the 805 to do that. He was worried they were trying to figure out a way to slow down projects in North County, but it looks like they are heeding our wishes and continuing.

He attended the Pier Swim. They are doing a follow-up event that is a 2.4 mile swim from the pier into the harbor in conjunction with Harbor Days.

18. **Councilmember Jerome Kern**

**COUNCILMEMBER KERN** thanked the Police and Fire Department for their response last Thursday when the lights went out.

He flew up to Sacramento last week on his own dime to protest against the last minute changes to SB 922. He will be talking about that on the Chris Reed Show tomorrow night.

[Recess was held from 4:42 PM to 5:04 PM]

**5:00 – ROLL CALL**

Mayor Wood reconvened the meeting at 5:04 PM. All Councilmembers were present.

**INVOCATION** – Father Charles Talley

**PLEDGE OF ALLEGIANCE** – Donna Pinckney

**PROCLAMATIONS AND PRESENTATIONS** –

Presentation – “Pet of the Month” presented by Elkie Wills, San Diego County Humane Society & SPCA

Presentation – Full Access & Coordinated Transportation (FACT)

Proclamation – Constitution Week, September 17-23, 2011

Proclamation – Childhood Cancer Awareness Month

Off agenda – Introduction of new Human Resources Director

**Presentations were made**

[Recess was held from 5:34 PM to 5:38 PM]

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in Closed Session: Item 2A), 2B), 2C) and 3A). [Item 1 was not discussed]

**5:00 P.M. – PUBLIC HEARING ITEMS**

Public hearing items are “time-certain” and are heard beginning at 5:00 p.m. Due to the time-certain requirement, other items may be taken out of order on the agenda to accommodate the 5:00 p.m. public hearing schedule.

**21. City Council/CDC: Introduction of an Ordinance determining that the City of Oceanside shall comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Oceanside**

- A) Chairman opens public hearing – hearing was opened.
- B) Chairman requests disclosure of Commissioner and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller, Kern and Felien reported contact with staff and public.
- C) Secretary presents correspondence and/or petitions – none.
- D) Testimony, begin with:

**KATHY BAKER**, Redevelopment Manager, stated this item is being used as a kind of safety net. As you know, the Governor signed AB 26, which was the elimination of Redevelopment, and AB 27, which was the continuation of Redevelopment. There were lawsuits filed regarding both of those bills with the California Redevelopment Association and the League of California Cities. Last month the Supreme Court issued a stay for the most part on the continuation bill, and there are several aspects of the elimination bill that were left in place. However, as a precautionary measure we decided to get the Council and the CDC to agree to the continuation ordinance. If the lawsuit does not prevail and we are in a continuation mode for Redevelopment, at least we’ve adopted a continuation ordinance so we can have those discussions come January when they do resolve what’s going to happen with the lawsuit.

**CITY ATTORNEY MULLEN** stated that under the existing legislation, AB 26 and AB 27, the continuation ordinance technically needs to be adopted by October 1<sup>st</sup>. The provisions of that bill are currently stayed, and there is some fear that if that stay is lifted sometime in January then we will not have adopted our continuation ordinance by the statutorily mandated date. That is why we’re bringing it forward now. Council is not obligated to make remittance payments, and you could also undo this ordinance in the future should you choose to do so.

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

**COUNCILMEMBER KERN moved** [for introduction of an Ordinance determining that the City of Oceanside shall comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Oceanside].

**COUNCILMEMBER FELIEN seconded** the motion.

After titling of the ordinance, the City Attorney added that in the body of this ordinance we have stated very clearly that we are not waiving any legal challenges that have been brought, so introduction of this ordinance will not prejudice our rights in court.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS**

22. **Request by Councilmember Feller to direct staff to initiate actions for the City to sponsor a Fourth of July Fireworks Display on El Corazon**

**COUNCILMEMBER FELLER** stated we've all heard from the public about not having fireworks for the last 3 years. There have been several hundred requests in his email to have fireworks. When we're at the beach we have clouds come in, and it destroyed the last fireworks display that was partially sponsored by private money. The only ones who could see those fireworks were the people who live inland. He started looking around for a central place. We have been using less public safety resources at the beach, and the crowds have been somewhat more calm than in the past when the fireworks were in place. He looked at El Corazon as a possible spot. When he asked the City Manager if there are any glaring details that might need to be worked out, he didn't see any.

He suggested the area behind the Senior Center at El Corazon, but encouraged staff to find the best area. It would be a great place to have the fireworks, and it would be visible from almost every part of Oceanside.

He **moved** to direct staff to initiate action for the City to sponsor a Fourth of July fireworks display on El Corazon and to come forward with their suggestions and ideas. He knows there are several major sponsors that are willing to help fund this.

**Public input**

**JIMMY KNOTT**, 127 Sherri Lane, thinks this is a wonderful idea. He has heard from the community about this for a number of years now; eliminating the fireworks display is one of the regrettable things we've done. It's understandable with our finances. We need to have a committee to figure out how to address this financially. Staff could be helpful in ascertaining how much this will cost. This will draw people to Oceanside for the weekend. It will shift the traffic congestion from the beaches to inland. That will have to be studied, as well as finances, security and fundraising.

**JOAN BRUBAKER**, 1606 Hackamore Road, stated there is going to be a workshop coming up about containing expenses for the Police and Fire Departments. These are items that are important to the citizens for their safety. If that is a prelude to outsourcing, it needs to be thought about very carefully, particularly if we're going to entertain the notion of using any City funds for fireworks. In the past, Councilmember Kern has said we need to address a structural deficit in the budget. This is definitely not going to be a structural deficit. If this is done, you'll need fire and police out there. Council should consider this very carefully.

**MARGARET MALIK**, 1611 Hackamore Road, disagrees with this. We should keep our fireworks on the beach. We can handle more people at the beach than we can at El Corazon, and we don't have to worry about fires. There is no way you can put the amount of people on El Corazon that you can on the beach. She agrees that it needs to be totally funded; we don't mind chipping in for stuff like this. If she understands right, Councilmember Feller isn't asking the City to pay for this, you're asking for the funding to come from elsewhere. This is a safety issue, and the fireworks need to be done over the water.

**CORA FROLANDER**, Oceanside resident, misses the fireworks. What is a birthday without the cake and candles? The Fourth of July is the birthday of our country, the time to honor our country and the young men that fight for us and walk our streets more than any place in North County. Other cities don't have water, and yet they have fireworks. She would like us to give this a try.

**ERIN MORIN**, 1241 Chambord Court, agrees that we do need our fireworks; it's our patriotic birthday, and we need to celebrate it with a bang. However, she doesn't feel that El Corazon is the appropriate place right now because we've got a lot going on there. People would join together and fundraise to bring fireworks back to the beach.

Public input concluded

**DEPUTY MAYOR SANCHEZ** misses the fireworks as well. The Fourth of July is about being with family and friends and looking up at the fireworks. The cost is what got us to realize that we could not continue the fireworks, along with having some potential issues with the crowds. There were out-of-town gang members who were causing problems; it was not our citizens. It's premature at this point; it's somewhere along the lines of \$300,000 for public safety because we pull out every police officer and firefighter. We continue to pull out all the plugs for Fourth of July because we still have crowds, not as large of crowds but still enough to have it be a public safety issue.

We have just recently closed parks and critical resource centers in the Back Gate area and downtown, where we've seen a rise in violent crimes against people. We've had 4 dead and there were 3 attempted murders just last week. Violence is something we have to continue to address even with smaller budgets. We've essentially closed one of our two libraries by cutting the hours to the point where it's like only having one open.

On September 27<sup>th</sup> we're having a workshop where the Council majority may push to close fire stations and contract out our public safety. We are talking about very serious issues here. It's not just the fireworks that cost, it is the City's response to larger crowds. The real joy in fireworks is being able to be where they are and look up, not watching from our yards or other places. At some point, once El Corazon is developed into a park, we're able to monitor the crowds there and we've come out of this economic downturn, then we could do this. She'd rather have fundraisers to build the kitchen for the El Corazon Senior Center. We have so many residents out of work, homeless and in need of assistance. We have to make sure the libraries remain open. The violence has to stop, and we've got to continue to work as a community to fix that. She can't support this motion.

**COUNCILMEMBER FELIEN** has mixed feelings on this. If he had to pick one item that the average citizen has talked to him on the street about, it's been the loss of fireworks. He misses them as well and would like to do anything we can to bring them back, but we have to consider the financial situation the City is in. He would support having some type of public/private partnership to get sponsorship for the fireworks. He likes the idea of having the fireworks inland because at the beach there is the risk of overcast. But it's the huge cost of the public safety personnel required to support it that impacts the City, and we can't afford to have a Fourth of July fireworks celebration for

all of North County paid for by Oceanside taxpayers. By having an inland location, we have the potential of being able to have fireworks for our residents and for having it in a location where it can be viewed by a large majority of private homes so the location the people need to come to can be much smaller. He supported looking at El Corazon, Mance Buchanon park or even the airport. This is worth crunching the numbers to see what we can do.

He asked the City Manager if there would be a significant difference in terms of the public safety support required for a Fourth of July fireworks display for an inland location versus the beach location.

**CITY MANAGER WEISS** can't give a definitive answer on that. We will still be deploying on the Fourth of July. Although it will not be as many public safety, particularly police officers because of the reduction over the last few years, but we'll still be deploying the majority of our staffing for Fourth of July in the downtown area. In talking to the Police Chief, one of the things we would look at is not allowing people on El Corazon itself so the areas of concern would be traffic issues with people parking along Oceanside Boulevard and in the business parks. Those plans have not been developed yet; we have not done any detail. Yes, there would be some additional staffing required because you have 2 venues, but the primary venue where you have the majority of people is going to be downtown. We would not expect to be overrun with people coming to El Corazon. As we get into January, we'll start the development of Fourth of July. Should you approve the fireworks, we would put those contingencies in place as well.

**COUNCILMEMBER FELIEN** would suggest that everyone come to the workshop and let us know where you think fireworks should fit in the priorities of the City expenditures. He would like to have the input of the residents. He would be willing to move forward to crunch the numbers and see what it takes, but he's very hesitant to spend City resources.

**COUNCILMEMBER KERN** has a problem with the wording of this. He **seconded** the motion for discussion. He has a hard time with the word 'sponsor'. He doesn't mind if the City hosts it, but we need to have private funding. If we initiate this action as sponsors, we're putting ourselves out there as trying to pay for this. Since we're going to come back with a Fourth of July plan in January, he would like staff and Councilmember Feller to come back with some type of funding plan to present to Council and the City to see if it's a viable option. It's not too premature. It may not happen next year, but he thinks El Corazon will be the spot for fireworks from now on. He knows that people like the beach, but we have to have Coastal permits now; it's harder and harder to do things over the water because of regulations. At least we control El Corazon ourselves. El Corazon is the perfect location to send them up in the air so everyone can see them.

He would like to have the motion amended to direct staff to initiate action for the City to host fireworks at El Corazon and that we come back with a funding plan by the end of January in order to know what we have to do.

One of the biggest costs of fireworks at the beach was the barge, which was about \$40,000. We can get more fireworks by not renting a barge. He would like to explore that.

**COUNCILMEMBER FELLER** amended his motion to direct staff to initiate action for the City to host fireworks at El Corazon and that we come back with a funding plan. He already has commitments from people who are ready and willing to do this.

**MAYOR WOOD** has some concerns about this. He loves the fireworks, but we have a workshop coming up here that is about a hot issue in the City. He is confused by

the Council majority who didn't want to have parks or swimming pools, but now they want fireworks. We're having a workshop on September 27<sup>th</sup> that's going to look at the financial structural aspects of the City, and there will probably be cuts to the first responders and public safety. If that is the case, he does not want to spend money on this.

He isn't saying he doesn't want fireworks. Over the last 3 years that we haven't had fireworks, the crowds have gotten smaller and many people have told him they like it better because of the nicer crowds. A lot of people also miss the fireworks, but they could still see the Camp Pendleton fireworks from the beach. If you put this at El Corazon, we'll still have the large crowds that come from out of town to watch the fireworks from Camp Pendleton at the beach. They will still be at the beach in large numbers, which requires massive police, fire and other staff. If you split that into 2 large crowds, then the police will have to monitor 2 big spots. Even if you don't let people on El Corazon, they'll be out there near it. He is concerned that will cost us more to have 2 crowds going on. You can collect the money for the fireworks, but what about the other \$300,000+ for the City employees.

If people are talking about collecting money to pay for this, not the \$50,000 for fireworks but the \$400,000+ dollars for the entire thing, then he's willing to look at this. No other coastal city in North County does fireworks, except the Del Mar Fair, so why should we bear the expense of fireworks for the entire North County?

He doesn't want to vote on any of this until after the workshop on September 27<sup>th</sup> because he's not going to vote for any money for fireworks if we're going to cut first responders and public safety or close fire stations. If we have fireworks, he would prefer it at the beach.

**DEPUTY MAYOR SANCHEZ** would not be in favor of absorbing any costs at all. She asked the City Manager how much it will be for this additional activity on the Fourth of July.

**CITY MANAGER WEISS** responded he can't answer that until we get a more detailed plan through the Police Department. We have an estimate of what the actual fireworks are going to cost, and we have a pretty good handle on what the costs are for the beach area. We won't have that information for some time with regard to El Corazon.

**DEPUTY MAYOR SANCHEZ** reiterated we're not in a position to absorb any costs at all and certainly not in light of potential cuts to our public safety.

**COUNCILMEMBER FELLER** stated the whole purpose of bringing this item forward is to find out the logistics and costs that go along with doing this. There are people willing to spend pretty considerable money to help put this on. At this point he is only asking for staff to come back within 60 days or so to tell us what it's going to cost and give us the opportunity to get out there and fundraise. He doesn't believe we've had any event at the beach that has cost us \$500,000. There is no intention on his part for there to be parking on El Corazon. There are many shopping centers or transit centers where people could park to see the fireworks, as well as the hundreds of homes that will be able to see them. This is probably the safest place to have it as there's very little combustion out there.

**COUNCILMEMBER KERN** asked if we should come back in January with the Fourth of July plan.

**COUNCILMEMBER FELLER** responded for people who need to figure out how to finance something, we should be starting as early as we can so he's hoping for 60 days.

**COUNCILMEMBER KERN as second, concurred.**

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

- 23. **Mayor Wood: Appointments to, or motions for removal from, some or all of the City’s Citizen Advisory Groups**

**Term Expires**

**HOUSING COMMISSION**

Appoint Inez C. Williams as Alternate II 7-1-13

**POLICE & FIRE COMMISSION**

Reappoint William Harms to Regular 8-1-13  
 Reappoint James Provenza to Regular 8-1-14  
 Reappoint Timothy Probart to Regular 8-1-13  
 Reappoint Gwen Sanders as Regular 8-1-14  
 Move Gene LaRue Jr. from Regular to Alternate I 8-1-12  
 Move Joseph Travers from Regular to Alternate II 8-1-12

**UTILITIES COMMISSION**

Reappoint Brian Boyle to Regular 7-1-13  
 Reappoint Charles Rady Jr. to Regular 7-1-12  
 Reappoint Harris Schurmeier to Regular 7-1-14  
 Reappoint Alfred Theal to Regular 7-1-13  
 Appoint James Knott III to Regular (Replacing Cope) 7-1-13  
 Appoint Eileen Costa to Regular (Replacing Merrifield) 7-1-12  
 Appoint Robert Blanco to Alt I 7-1-12  
 Appoint Patricia Raetz to Alt II 7-1-13

**MAYOR WOOD** stated at the last meeting he had to pull out Fire & Police and Utilities because he didn’t realize the regulations had changed from 9 members to 7 members. This is the new list. He would like to see everyone on these committees/commissions, including the Council liaisons, work together. He **moved** to approve the nominations.

**COUNCILMEMBER FELLER seconded** the motion.

**DEPUTY MAYOR SANCHEZ** stated for months we’ve had requests by the live-boards in the harbor to have a representative on the Harbor & Beaches Advisory Committee. She asked the Mayor to bring that forward next time.

**MAYOR WOOD** stated sometimes people put in their applications and don’t understand that it takes a few weeks to be approved by the Police Department.

**Motion was approved 5-0.**

**INTRODUCTION AND ADOPTION OF ORDINANCES**

The following items are ordinances for introduction or adoption by the City Council/HDB/CDC/OPFA. Ordinances are laws of the City of Oceanside and require

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

24. **City Council: Adoption of an Ordinance of the City of Oceanside amending Article IX of Chapter 6 of the Oceanside City Code establishing floodplain management regulations (introduced 8/31/11, 5-0 vote)**

After the titling of the Ordinance, **COUNCILMEMBER KERN** moved adoption of **Ordinance No. 11-OR0646-1**, "...amending Article IX of Chapter 6 of the Oceanside City Code establishing floodplain management regulations".

**MAYOR WOOD** seconded the motion.

**Motion was approved 5-0.**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

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

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

**JIMMY KNOTT**, 127 Sherri Lane, stated there is something missing in our Charter that other cities have. According to the California Constitution, we can modify our Charter to allow an Elections Code. He would like Council to establish a committee to bring forward an article that would be put on the ballot that would provide for our freedom to establish our own election dates, procedures, potential for district elections and voting by mail to save costs. We can also better control campaign donations and reporting.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 6:36 PM on September 14, 2011, to a workshop on Tuesday, September 27, 2011, at 4:00 PM.

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside