



California

CITY OF OCEANSIDE

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

SEPTEMBER 28, 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

**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 2:03 PM, September 28, 2011.

2:00 PM - ROLL CALL

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

September 28, 2011

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Present were Mayor Wood and Councilmembers Feller, Kern and Felien. Deputy Mayor Sanchez was absent. 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 2 and 3. [Item 1 was not heard]

[Closed Session and recess were held from 2:04 PM to 4:04 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 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))
Crowe v. County of San Diego, et al., Case No. 99 cv 00241 R (RBB)

Discussed; no reportable action

3. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

Property: 4.86 gross acres at northeast corner of Oceanside Boulevard and Rancho del Oro Drive (portion of APN 162-082-45); Negotiating Parties: City of Oceanside and Olson Real Estate Group, Inc.; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the sale of real property

Discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:04 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller, Kern and Felien. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

Changes to the agenda

ASSISTANT CITY CLERK TROBAUGH announced that Consent Calendar Item 6 has been removed from the agenda by staff, and Public Hearing Item 19 has been removed at the request of the applicant.

CONSENT CALENDAR ITEMS [Items 4-9]

The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of

the Council/HDB/CDC or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

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 Amendment 1 [**Document No. 11-D0660-1**] in the amount of \$69,458 to the professional services agreement with RECON Environmental Incorporated for construction monitoring, off-site mitigation monitoring, and maintenance for the Loma Alta Creek Detention Basin at El Camino Real project, adding to the scope of work habitat restoration services; approval of Amendment 6 [**Document No. 11-D0661-1**] in the amount of \$25,900 to the professional services agreement with Rick Engineering Company for engineering services for the El Camino Real and Garrison Creek Detention Basins project, adding to the scope of work updates to the Storm Water Pollution Prevention Plan, Operating and Maintenance Report, and additional landscape and geotechnical services for the Loma Alta Creek Detention Basin at El Camino Real project; and authorization for the City Manager to execute the two amendment
6. [City Council: Approval of a professional services agreement with Dudek of Encinitas in the amount of \$212,920 for the hydraulic analysis and environmental investigation for the North Avenue Channel Protection project, located within Loma Alta Creek and along North Avenue, and authorization for the City Manager to execute the agreement]
Removed from the agenda by staff
7. City Council: Approval of a Cost Sharing Agreement [**Document No. 11-D0662-1**] between the County of San Diego, the City of Oceanside, the City of Vista, and Caltrans in the amount of \$79,975 to carry out collaborative activities in the San Luis Rey River Watershed to support compliance with San Diego Regional Water Quality Control Board Resolution No. R9-2010-0001; and authorization for the City Manager to execute the agreement
8. City Council: Approval to accept \$9,400 in grant funds from the California State Library awarded to the City of Oceanside for the Oceanside Reads Literacy Program, and approval to appropriate the funds to the Library Department
9. City Council/Harbor/CDC/OPFA: Adoption of resolutions establishing the 2012 meeting schedule dates and times for regular meetings of the City Council **Resolution No. 11-R0663-1**, "...establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2012", Small Craft Harbor District Board **Resolution No. 11-R0664-2**, "...establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2012", Community Development Commission **Resolution No. 11-R0665-3**, "...establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2012", and Oceanside Public Financing Authority **Resolution No. 11-R0666-OPFA**, "...establishing the dates and times of regular meetings and establishing the regular meeting schedule for calendar year 2012".

DEPUTY MAYOR SANCHEZ moved approval of the balance of the Consent Calendar [Items 4 and 5, and 7-9].

COUNCILMEMBER KERN seconded the motion.

Regarding Item 5, **COUNCILMEMBER FELLER** stated it talks about the Loma Alta Creek at El Camino Real and he has had several complaints. One in particular is

that the flooding on that creek is still pretty serious, and he didn't see in the staff report that this is some sort of back up. He doesn't want to go through a winter season and flood out those businesses again.

CITY MANAGER WEISS is aware of that complaint. The completion of this basin just wraps up the one. We still have to build the basin at Rancho del Oro Road, which is in the permitting phase and will provide some additional relief. Unfortunately, the portion that is between Crouch Street and El Camino Real is still subject to some flooding as a result of some work we've had issues with from North County Transit District. We're still trying to work with them on that. We have also had conversations with one of the business owners and are working with them to put a plan together to look at one of the properties that's low-lying where the water has been historically coming through. Our City Engineer has been working with the owner of Master Tech and one of the other sites to look at what we can do or some recommendations we can make to help them. But it's highly likely that if we get moderate to severe storms, they may still see some flooding this year.

COUNCILMEMBER FELLER asked what is continuing to cause the flooding.

CITY MANAGER WEISS responded it's the vegetation in the channel.

COUNCILMEMBER FELLER asked why we don't just go in there with a bulldozer.

CITY MANAGER WEISS responded we're prohibited because a lot of the vegetation is protected habitat.

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.

10. **City Council: Approval of a five-year Property Use Agreement with the Oceanside Theatre Company for the use and operation of the Sunshine Brooks Theater located at 219 N. Coast Highway, with revenue to the City in the minimum amount of \$14,400 per year; and authorization for the City Manager to execute the agreement**

MEGAN CROOKS, Management Analyst, is requesting the Council approve the selection of Oceanside Theater Company to operate the Sunshine Brooks Theater and authorize the City Manager to sign the property use agreement. Due to public inquiry and interest in the operation of the Sunshine Brooks Theater, the City decided to open an RFP (Request for Proposals) process in the spring of 2010. At that time, the City entered into a 1-year property use agreement at the termination of New Vision Theater Company's 5-year operation agreement in order to prepare for the RFP process in the coming year.

In January of 2011, the Council approved an RFP that also authorized the proposal option to put in an offer for purchase of this property. In May of 2011, three proposals were received. There were no proposals received that included an offer to purchase the theater. At the end of May a review committee was formed to include City staff, theater professionals and one Parks & Recreation Commissioner. City staff, with oversight of the current New Vision Theater contracts, refrained from participating in that selection committee in order to provide an objective review of each proposal that came in.

The committee reviewed the proposals and interviewed each party, ultimately unanimously recommending Oceanside Theater Company for an award of contract. As stated in the staff report, the reasons for that selection included, but were not limited to, their operational plan that was responsive to the RFP; public economic benefits that they stated and provided evidence in support of; their financial resources that they provided evidence and support of; and relevant experiences and the vast majority of experience on their Board of Directors. Staff supported that recommendation and took those reports to the Arts Commission and Parks & Recreation Commission, both of whom also confirmed those recommendations.

Staff has since negotiated with Oceanside Theater Company for a 5-year property use agreement, with a 5-year extension of terms upon renewal that would come back to Council. Space rent shall be \$1,200 per month. Beginning in year 2 of the agreement, the City shall receive 50¢ per ticket sold and in year 3, \$1 per ticket sold. Agreement terms are subject to change at the time of the 5-year renewal.

Public input

FRANK RITTER, 5074 Dassia Way, stated the Parks & Recreation Committee appointed a very special committee to look into this. Not a single person on the committee knew anything at all about theater arts, productions or anything. Also, not a single member of that committee went down to the theater to do an inspection.

Oceanside Theater Company wants to put on many forms of entertainment, including musicals, but that isn't going to happen because the theater can't handle it. There aren't enough restroom facilities to handle the production staff or the crowds. They are promising something that can't happen.

There was no discussion about this; it was pre-decided that it was a done deal. Something is wrong here. He urged Council to keep it with New Vision or send it back to Parks & Recreation for a decent job.

DAVID FITZWILLIAM, 6041 Patmos Way, shares the concerns of the previous speaker. Park & Recreation were impressed by the offering that was being presented by the Oceanside Theater Company. He has nothing against that group, but he is concerned about the practicalities of this. He has been involved in various musicals, and there is no way to put on a musical like My Fair Lady with an orchestra at the Sunshine Brooks Theater. There simply isn't enough room. The decision to go ahead with this should take that into account.

His other concern is the suitability of this site for children's programs. Unfortunately, it's not in the best part of town, and it doesn't make sense to assume you can have children in and out of there all the time. He asked Council to consider this as well.

SUSAN PRINCE, 1085 Woodlake Drive, is here in support of the Kalbs and New Vision Theater Group for the Sunshine Brooks Theater. She is an actress who has been working there since 2006 and has had a lot of opportunity to expand on her craft. She also is speaking on behalf of a lot of the children she has talked to over at the Star Theater that have supported New Vision's cause. They are good managers and fair people. She is leery to see any changes because she doesn't know how that is going to better things. The Kalbs have been doing everything they can to keep the revenue coming in. She's seen a lot of full houses in the past. She urged Council to take everything into consideration and know that the Kalbs have proven themselves time and time again.

JERRY HAGER, 10092 Sir Lancelot Drive, Santee, is the Artistic Director of San Diego Pantomime Theater and an instructor in Theater Arts at Grossmont College.

Several years back he approached the Kalbs with the unique idea of bringing in masked theater. They allowed him to present his show. From that point on they have collaborated, and he has presented workshops and unique programming to add to their already wonderful taste. The word 'community' comes to mind when he thinks about Sunshine Brooks. A community is a collection of different people, and everybody has a different way of being engaged with the arts. Sunshine Brooks has a very wide variety of art programs that they do, from music to theater to workshops.

In the last 3 years we have begun a tradition with Sunshine Brooks by adding a family holiday program. It would be a shame to bring these to a halt when there seems to be such a strong momentum.

JOHN KALB, 3395 Fairview Drive, Vista, owns the New Vision Theater Group. We've put 7 years in at Sunshine Brooks Theater with the first 5 years under a management contract where we were directed and required to provide a number of civic events. We exceeded those requirements every year. We came to this Council every year to report, and every year we were given a glowing report. It was a bit of a shock to us a year ago when we were told you wouldn't extend or give us a property use contract beyond a year because you were putting it out for an RFP. At that point, we asked if we did or didn't do something, and the response was that everything was fine. He provided a copy of a letter that he previously sent to the Council.

One of the things that bothered him was the process. Parks & Recreation barely had a quorum there, which was made up of 5 commissioners, one of whom actually sat on the evaluation committee. He felt it was improper for that commissioner to vote again at Parks & Recreation, but in order to have a quorum that had to happen.

Also, the process was rushed. People did not get a chance to finish speaking because the commission wanted to get through it and get the vote done. He would agree that this was a foregone conclusion at that point of where they were going and what they were doing. That's not necessarily the way government ought to be working.

Regarding the youth theater, we've been at the Sunshine Brooks for 6 years, and 3 times during that time we've walked out to police with drawn guns or FBI with assault rifles standing outside one of the bars. There were people at Parks & Recreation who said it's safe; it's friendly bars. They might not think it's that friendly when the paramedics are there to pick someone up off the sidewalk, which he's seen more than 20 times. It's a tough neighborhood, and we don't believe it suitable for children's theater or classes. We've had children perform, and children's theater groups come there for performances. We're fine with that because there are a lot of parents around. But if you're doing classes, you don't have that.

TONI PERRINE, 3316 Harding Street #4, Carlsbad, is speaking in support of the Kalbs. She's been involved with them for the last 4 years, and they have done a wonderful job of running the theater for the last 7 years. They have put on many plays and a variety of entertainment and have given a lot of people chances to perform their art. They've had open mike, poetry reading and various classes. They have improved the building. If it ain't broken, don't try and fix it.

NAOMI OLSON, 3487 Garfield Street, Carlsbad, is President of the Oceanside Theater Company. Our group started out with 8, and we have gained a great deal of support in the last year. In the theater there is a term called a triple threat, which is somebody who can sing, dance and act. In our case, it's because we have proven artistic talent, business talent and a passion for the Sunshine Brooks Theater and downtown.

It takes more than one or two people to keep everything organized and running well. Our Artistic Director and Director of the Adult Workshop, Christopher Williams, has instructed and directed in 4 colleges, the Shakespeare Conservatory and 5 community

theaters. Our Director of Youth Academy, Deborah Didaro, has been an instructor of theater arts in the Oceanside and Carlsbad school districts since 1989. Our Technical Director, Kelly Kissinger, has been the Technical Director at MiraCosta College since 1975. Our Musical Director, Jeffrey Layman, has conducted over 30 Broadway-style musicals since 1996. With this proven artistic talent, we plan on creating a fully producing theater company and theater academy.

We are much more than a company who's going to put on children's musicals. We'll have drama, comedy and at least one musical, which we will be able to accommodate music for. We expect that attendance will grow, and we will generate the resources that we need to fund and grow the business, drive innovation and make the improvements that are needed at the Sunshine Brooks, including expansion of the bathrooms and some other very much needed improvements.

We have assembled this artistic team with a shared vision for the Sunshine Brooks Theater. They are the cornerstone of our company, but we also have proven business talent. On our Board, we have 8 founding members of 4 different theater companies, all of which have been successful and 3 of which are still in operation today. Three among us are private business owners in diverse industries with many years of combined experience. We also have respected business people on our advisory board. In response to the worry about the failure rate of new businesses, we have a pretty strong deck of cards, and we have the business experience to support our artistic goals. We also have a passion for the Sunshine Brooks and for Oceanside.

We envision making the needed improvements, being part of the community and enhancing the quality of life for residents and tourists alike. We would like to improve the reputation of the area. We'll cooperate and work together with Oceanside arts associations, collaborate with businesses and schools and partner in economic development objectives. We'll be active participants, and we will make a difference.

JOANNE KISSINGER, 2836 Rutgers Place, serves on the Board of Directors for the Oceanside Theater Company. She and her husband were part of the original group of theater lovers who gathered together some 15 years ago to propose to the City that the Brooks be made into a live community theater. We worked for 6 years to transform the building from an empty shell to the beautiful theater that it is today. We left reluctantly, but exhausted, feeling good that we had accomplished our goal. We hoped that we were handing over the reins to competent and knowledgeable people who would build on our hard work and make the Brooks a haven for artists in the downtown area.

Managing a theater requires talent on a lot of levels. Directors, actors, set/costume/prop designers, stage managers, technical directors, carpenters, lighting and sound engineers, administrators and especially a strong Board of Directors to give these artists the tools they need to succeed. Oceanside Theater Company has all of those and more. We have an Artistic Director whose talent will lead this theater in new and exciting directions and a Board of Directors who share a vision and recognize that without community support and volunteer manpower, we will never realize our dreams. We have the spirit to welcome new ideas and the experience to develop those ideas.

Regarding the notion that the Brooks is too small to do a musical, which is only a small portion of our planned season, these people have obviously never been to a show at New Village Arts in Carlsbad or the North Coast Rep in Solana Beach, whose stages are half the size of the Brooks Theater. The Brooks Theater is a gem that needs to be polished. We come to Council today asking for the opportunity to make it shine.

DIANE ADAMS, 2396 Ivy Road, is a local artist and an art teacher at MiraCosta College. She brings a high school arts show to the community each year and has been involved with the Oceanside Days of Art since its founding. She's not a performer, but she's lived in Oceanside most of her life and has seen it go through highs and lows. With

the founding of the Oceanside Days of Art and the museum that came shortly thereafter, it was a big turning point in the image of the City. Things began to turn around as the performers and artists were given venues and embraced in the City.

Opening the New Vision Theater was another example of opening the City to the cultural side of Oceanside. She has gone to the plays at the Sunshine Brooks Theater and has met the Kalbs. At the time they took over the theater, it was pretty run down. She's seen them make a lot of improvements and pour their blood, sweat and tears into the theater. She hasn't been disappointed in the plays she's seen there. They were very creative in how they used the theater not just for plays on the weekends, but they opened it up to poetry readings, workshops, open mikes and musical events. The thing that all artists want is a venue to be seen and heard. The Kalbs have gone a long way in providing this to the community, and she is grateful for their involvement and support of this community. It's disappointing that with all of the hard work they've done, they aren't being allowed to continue running the Sunshine Brooks Theater.

ADRIAN YOUNG, 234 Oleander Drive, is currently running the program at the Sunshine Brooks Theater for the original music concert series, which is held once a month and gives local musicians the chance to get up on stage and showcase their talent to their friends, family and the community. He's seen bands perform there that can barely play, and 6 months later they are headlining in San Diego after playing here several times. He's seen musicians grow and flourish. This theater works just fine. The plays and music are awesome. The shows are offered at an affordable price, and it is comfortable for families. He invited anyone who wants to know what's going on down there to come to the concert series tonight and see for themselves.

BROOKE McCORMICK, 12237 Carmel Vista Road, supports the Oceanside Theater Company. She spoke of the experience and talent that Christopher Williams would bring to this theater. Theater heals things in people who wouldn't otherwise have a voice. The types of productions that Mr. Williams would bring are funny and healing. She feels the Oceanside Theater Company would have the tools to take what's already being done even further.

RYAN LEE, 3740 Bluebird Canyon, Vista, supports the Oceanside Theater Company. He's known Kelly Kissinger and Christopher Williams for the better part of 10 years, and in that time he's done theater all around North County and Central California, and they are 2 of the most professional people that he's worked with. He believes the Oceanside Theater Company will bring a degree of professionalism, creativity and community outreach that would benefit Oceanside and North County. The Brooks location would be an ideal spot for them and he believes they will draw patronage from all of San Diego County. He asked Council to consider them for the spot at the Sunshine Brooks.

Public input concluded

DEPUTY MAYOR SANCHEZ thanked the New Vision Theater for what they have done these past 7 years for our community. It is hard to judge art. At the same time this was an objective examination of which group would do the best job for our residents and our City. Certainly it's difficult to have objective criteria; it is also a very subjective one. Performing arts are very important to our community. She has heard from many people over the last few years that the open mike opportunities provided to our budding artists in the area has been a tremendous plus for our community and the artists. She's proud that we have this kind of venue in Oceanside.

We were forced to look for someone who was able to take over the Sunshine Brooks Theater for the next couple of years and be able to do it financially. These are trying times for all of us, so we had to add that one condition that it be financially sustainable in the next few years. It was a tough competition. Oceanside Theater

Company placed number one; New Vision Theater Group placed number two and independent placed number three. The difference here is that we are looking for some kind of a payment of rent, starting off at \$1,200 a month, with some adjustments in the second year, etc.

She has been able to serve on some of the committees that we've talked about like the Arts Committee, Parks & Recreation, etc. She was not part of the process. It was set up to try and make it as fair as possible.

She **moved** approval [of a five-year Property Use Agreement [**Document No. 11-D0667-1**] with the Oceanside Theatre Company for the use and operation of the Sunshine Brooks Theater located at 219 N. Coast Highway, with revenue to the City in the minimum amount of \$14,400 per year; and authorization for the City Manager to execute the agreement].

She is pleased that these kinds of activities were fostered or developed, that we will continue to see that development and that the contract still allows for community events. That part of it has not changed. We still have a contract that includes access via Oceanside High, although she understands they will be building their own theater sometime soon. This community component is still there and very active.

She looks forward to these kinds of programs continuing. Picking is very difficult, but she's hoping that after that hard part, we embrace the contract and continue to support performing arts in Oceanside.

COUNCILMEMBER KERN seconded the motion. The Kalbs have done an excellent job, and it is difficult when we talk about art and talent. He's known Kelly Kissinger for 32 years, and he is probably the most talented craftsman in North County when it comes to set design, direction and acting. If anybody can stage a musical at Sunshine Brooks, it would be Kelly Kissinger. The talent is there. It's very hard to make that judgment on the subjective. But he knows Kelly and has some experience with the theater community through his wife, who has sat on the Theater Board at MiraCosta College for the last 30 years. So he knows what the talent pool in North County is through her.

If you have equal talent, then it goes back to being a business decision. Deputy Mayor Sanchez is correct that we're in a place now where we have to take a look at that bottom line, even though it may appear crass when you're talking to artists about the bottom line, but it's something that we have to do.

COUNCILMEMBER FELIEN thanked everyone who participated in the process. It sounds like this was a tough choice. He asked if anyone who served on the committee visited the site or had seen past performances by the current occupant.

MS. CROOKS responded there were individuals on the review committee that had experience. We did not do any type of formal process to go look at the facility itself. They were more objective just to the proposals and the interview questions and responses. However, we did have City staff who has experience with the library concert series in the theater, as well as all of the patrons that attend that, and City staff who are familiar with the facility. We did have some theater experience as well from the general public. A Parks & Recreation Commissioner has been involved with the Sunshine Brooks Theater during the contract term of New Vision Theater as well. So there was experience there, and they did have some knowledge of the theater. That is just a portion of the experience on the panel.

COUNCILMEMBER FELIEN stated it seems a shame to have to pick one over the other. He asked the status of the Star Theater and if there are any other facilities that might be able to accommodate both groups. Does the City have any interest?

MS. CROOKS wouldn't be able to give you the status of the Star Theater, but there is definitely a partnership between the theaters. She believes there always has been. We did inquire with the management at the Star to be part of our review process, but they weren't available. However, they did welcome either group and stated they would be supportive of the Sunshine Brooks Theater. Many times the theater refers user groups that may be interested in the theater and have a smaller venue need. She can't speak to whether or not there would be space available for all user groups.

CITY MANAGER WEISS stated the City no longer has any interest in the Star Theater. At one point in time we had a forgivable loan. That has now been taken care of, and it's all private.

COUNCILMEMBER FELIEN has received many emails from passionate defenders of each group who are proud of the work that has been done and is being done. It's a shame we can't accommodate both.

COUNCILMEMBER FELLER has attended events under New Vision, and he never experienced any wait for the bathroom or anything like that. He appreciates what the Kalbs have put into it. We spent well over \$1,000,000 renovating that building about 7 or 8 years ago, and that's when the Kalbs came in to manage it. He appreciates their concerns on this issue, and he hopes we do not lose touch with their contribution to this.

He's known Kelly and Joann Kissinger for over 20 years. We're talking about good people on both sides of the stage, and they're all trying to contribute. He will continue to support the arts in every way he can. He asked if Oceanside Theater Company is required to do community-type events in the contract.

CITY MANAGER WEISS responded Paragraph 7.07 does have a provision for community use of the premises, as well as 7.08 for the school district.

COUNCILMEMBER FELLER stated it's important to continue the relationship with the community because it is considered a community theater. Try not to worry about bar fights, etc.; we are not the Oceanside of the 60's and 70's. We're cleaning up, and we'll be able to have lots of great things happen downtown.

Motion was approved 5-0.

CITY COUNCIL REPORTS

11. **Mayor Jim Wood** – no report.

12. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ attended the League of California Cities on behalf of Oceanside and brought back a lot of handouts and information. There are several cities that are doing a lot to increase their revenue, and she will be sharing those ideas with the rest of the Council.

She also attended the Noche Mexicana and the American G.I. Forum, Oceanside Chapter, mariachi concert.

13. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Mexican Independence Day celebration. He also attended Harbor Days, which has become the biggest annual event in Oceanside; an Eagle Scout ceremony for Troop 752's James Talley; and the Tri-City Medical Center 50th Anniversary.

14. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the G.I. Forum and mariachi concert. He also attended the Tri-City Medical Center celebration, where they honored Dr. White for 42 years of service at Tri-City Hospital; the Eagle Court of Honor; and Harbor Days.

He attended Naomi Dixon's funeral service.

15. **Councilmember Jerome Kern**

COUNCILMEMBER KERN also attended Harbor Days and the Tri-City Hospital celebration.

[Recess was held from 5:05 PM to 5:18 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:18 PM. All Councilmembers were present.

INVOCATION – John Lundblad

PLEDGE OF ALLEGIANCE – exceptional readers in the 2011 library summer reading program

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – Senior Citizens Day & Senior Expo

Proclamation – Hispanic Heritage Month

Presentations were made

MAYOR AND/OR COUNCILMEMBER ITEMS

21. [Request by Councilmember Feller for presentation of Morro Hills development opportunities consistent with the City's current general plan, and direction to staff]

Removed from the agenda by Councilmember Feller

Changes to the agenda

ASSISTANT CITY CLERK TROBAUGH reported that Public Hearing Item 19 has been removed by the applicant. Councilmember Feller has now removed his Item 21.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: Items 2 and 3. [Item 1 was not discussed]

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

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

JOAN BRUBAKER, 1611 Hackamore Road, stated since we've had the present Council majority, we first experienced a government change that occurred the last evening the third member of a voting majority was in office, which was the Charter that was sprung upon the residents with no vetting or legal review by the City Attorney. Next was spending thousands of dollars on an EPA for a road extension, turned down unanimously by City Planners.

Claiming affordable housing construction to be insufficient, a request was placed to the Building Department to change the fees and remove some zoning and building restrictions to benefit the Building Industry Association (BIA). Supposedly, this would increase the amount of affordable housing. Then came a vacancy decontrol edict that could easily eliminate a comfortable lifestyle for residents of Oceanside who may be less fortunate than others.

Yesterday there was an announcement that paramedics should be exchanged for leased EMT's. Aside from oxygen, these are merely expensive taxis to the hospital. They don't fight fires, contact doctors or call the hospital on your way in. There was also the suggestion that the Police Department should be outsourced to the Sheriff's Department to balance the City budget. Earlier the same day a proposal of a reduction of costs of the Fire Department, exceeding \$1,000,000, was made to the voting majority, and they would not even consider it. Does this sound like a true spirit of compromise exists with the voting majority? It sounds like payback to her.

Lastly, a suggestion is in the wings, which was just removed from our agenda, that if implemented could result in an assessment for infrastructure be imposed on all Oceanside residents for the benefit of a select section of the City. In this economic climate, is this wise?

It would seem several of these items are aiding entities other than Oceanside residents. Are these things bettering our quality of life or are they aiding select groups and bringing down our way of life? To answer this, recall these mentioned items when you mark your ballots in the next 3 elections.

PETE PENSEYRES, 6535 Indian Trail Way, is Co-Chair of the Oceanside Bicycle and Pedestrian Committee and is a cycling instructor for the League of American Bicyclists. The League is the organization that has awarded Oceanside the distinction of a Bronze level bicycle-friendly community. We are still the only city in San Diego County to have that official designation. One area we are working on to improve our status is education. We offer traffic skills classes, which is like driver's ed for bicyclists.

One of the tools we are using to improve safety for all road users are called Sharrows, which are markings that are placed 11 feet from the curb to help cyclists position themselves in a lane that's shared with motorists and to help them avoid the door zone. They also help alert motorists where to expect cyclists to be riding. Currently Sharrows are installed on Pacific Street, Harbor Drive, Civic Center Drive and Bush Street.

The California Manual of Uniform Traffic Control Devices contains the design and application standards for Sharrows. It guides traffic engineers on how, where and why these markings may be used. A graphic was used to show a paving enhancement that will help move us to the next level of bicycle-friendly community and make cyclists more comfortable riding their bikes.

DONNA MCGINTY, 2405 Mesa Drive, would like to remind people regarding the bicycling in the City that they share responsibility of the rules of the road. They should be cited for running stop signs and stop lights.

She was at the workshop last night, and civility does not exist yet. Last night was the most uncivil, embarrassing meeting she has attended in a long time. Deputy Mayor Sanchez referred to the other Councilmembers as being interested in some sort of Nazi presentation and referring to the loss of children's lives because you're talking about the reduction or changes that can and should occur with the Fire Department and in public safety. She asked that the meetings be civil. When someone is out of order the Mayor needs to gavel the issue to a stop. That is not happening, and it needs to be taken to task.

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.

18. **City Council: Approval to appropriate \$355,000 from the FY 2011-2012 Community Development Block Grant (CDBG) Program entitlement grant from the U.S. Department of Housing and Urban Development for Code Enforcement activities; approval to transfer \$30,000 from the CDBG Program Contingency Fund for improvements to the Brooks Street Swim Center and \$17,500 for a new walk-in freezer at the Country Club Senior Center for the senior nutrition program; and approval to amend the 2011-2012 Action Plan accordingly**
- 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 Councilmember Feller reported contact with staff. Councilmembers Felien and Kern reported no contact.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

JOHN A. LUNDBLAD, Management Analyst, stated part of this item is to correct an error from last May. The appropriation of funds for Code Enforcement should have been included in the adoption of the action plan at the main meeting and thus included in the annual budget. Because of an error in handling the CDBG appropriation, it was not done, so we have to put that in at this point. This is not new funding; it is the continuation of funding we do for Code Enforcement every year. We're not adding on to what was done last May.

The other items are:

- \$20,000 for the work at Brooks Street pool. That contract will be coming to Council at your first meeting in October. The bids came in higher with the additional work that needs to be done. That takes the total project, including potential contingency, to \$120,000. The original estimate from 4 years ago was \$100,000. This takes care of all items that were brought up by the County in making those improvements; and
- \$17,500 for a new walk-in cooler/freezer at the senior center. The County in their inspection has recommended this because of the age of the existing equipment. We have 6 bids already and all except one of the bids will come in well below the anticipated amount. There would be 3-4 days when the kitchen would have to be closed while they are working on this, but this would not cause the senior nutrition program to stop. They will likely do it by catering or with sandwiches, as done before.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated he was at the senior center during the black-out, and there was some concern about the food that was in the freezer and refrigerator. He asked if there is going to be any back-up power for the new walk-in freezer. A lot of businesses suffered a loss during the black-out, so he was wondering if there is going to be some sort of back-up power for them and the senior center as well.

MR. LUNDBLAD responded this was addressed by some of the vendors who made bids. Battery back-up power for something that draws as much power as the walk-in cooler/freezer is not feasible. To install a back-up generator specifically for the kitchen would go beyond the scope of this particular project. Right now we're not looking at putting in a back-up generator for the senior center. Issues with installing a back-up generator for a facility include who is responsible for turning it on and off, maintaining it and working with SDG&E. There are the constant problems of generators running electricity back through the system and causing potential problems. Right now we have no plans for this. The County has said that if this situation arises and if the freezer is left closed, they do not anticipate a problem at this point.

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

DEPUTY MAYOR SANCHEZ moved that we approve the appropriation and approve the transfers and amend the 2011-2012 Action Plan to add the new activities.

COUNCILMEMBER FELIEN seconded the motion.

COUNCILMEMBER FELLER stated you can leave a freezer shut for probably 24 hours, as long as you don't open the doors. It's probably not a great use of resources to provide back-up for something like that.

COUNCILMEMBER KERN stated the senior center at Country Club Lane is getting to the point where, with the age of it, we're seeing more and more money put into it. Would the money be better spent to bring the senior center at El Corazon up to the point of taking over that nutrition program, getting a kitchen, and those type of things? It's like a used car; at a certain point in time you're probably better off to get a new car. We've done a lot of work to the Country Club Senior Center, and he asked if there are any long-term plans for what we're going to do with both of these.

MR. LUNDBLAD doesn't know specifically of long-term plans. There is a facility at the El Corazon center to install a kitchen, and the estimates were well beyond \$400,000+ to do that. That would not be an eligible CDBG expense at this point. Long-term, that's something between Parks & Recreation and the Council to determine. Right now there is very active participation at the Country Club Senior Center. They're serving 65 to 75 everyday, plus over 125 home delivered meals. At this point, until that decision is made longer-term for the future of El Corazon, this is something we need to do. It's going to be a 20-year freezer.

COUNCILMEMBER KERN just thinks over the last couple of years we've seen a lot of money put into that. It's just like aging infrastructure in water and sewer; we have older buildings where at a certain point in time it may be more advantageous for us to move on to something else.

Motion was approved 5-0.

19. **[City Council: Adoption of a resolution denying a petition by North County Transportation Services Cooperative, Inc., of Oceanside to modify the City Code and existing Franchise Agreement to convert Yellow Cab to a full stock cooperative]**

Removed from agenda by applicant

20. **City Council: Adoption of a resolution repealing Resolution 03-R418A-1 and any amendments thereto and setting new Business License Administration Fee amounts**

- 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, Felien and Kern reported contact with staff and the public.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

TERI FERRO, Financial Services Director, stated in 2002 the Council adopted an ordinance that updated the Municipal Code regarding business licenses. There is a section that spells out what the license tax is, and there is a minimum tax rate of \$50. There is also a section that spells out the business license administrative fees, and that's what she is here this evening about.

The administrative fee was adopted by Council in 2003 and has not been updated since. Council has been approached by members of the business community bringing forth concerns about the cost of the administrative fee, especially for the small business owners. The purpose of the administrative fee is to recover the cost of processing the application for issuing and renewing a business license, as well as any inspections needed to comply with the various codes.

We took this opportunity, since it's been 8 years, to look at the cost of providing the service. We looked at the cost of a new business license, which is a little bit more expensive than renewals. We have various departments and divisions that are involved in issuing a business license to make sure there is compliance with various City codes. A full cost analysis has been attached to the staff report so you can see all of the different departments that are involved.

Renewing a business license is not as extensive. Typically, it's pretty much the Finance staff reviewing to see if there are any changes and that there is compliance with the financial reporting. As a result of the analysis, it has been determined that we can reduce the cost of the renewal fees.

Within the business license categories we break it into 4 areas:

Category 1 – those businesses that are pretty much over-the-counter. That would include any businesses outside of the City and the simple applications that come in over the counter.

Category 2 – has a very high level of enforcement, for example a dry cleaner or liquor store; businesses with high maintenance.

Category 3 – would have medium enforcement, for example retail stores.

Category 4 – are home businesses.

Within these 4 categories, we analyzed what the cost was of providing the service to issue a new application or do a renewal.

The other thing we took into consideration was the Council policy that promotes a positive attitude toward businesses. Taking that into consideration, it's being recommended that small businesses located in Oceanside that are reporting \$50,000 or less would be subsidized on their fee by the City. The proposed fees are identified on Page 3 of the staff report. This did go before the Economic Development Commission, and they supported it.

As far as the fiscal impact, whenever there is a new fee or reductions, there are wins and losses. The analysis says overall the City will experience a revenue reduction of \$61,000, and we can address that in the budget process.

Public input

JIMMY KNOTT, 127 Sherri Lane, didn't see any charts or graphs presented so the public could actually view what's going on. Ms. Ferro talked about a subsidy. Where would those funds come from? We had a workshop yesterday where we were told that there's a deficit, and Council talked about laying off employees or cutting back services. Anytime something like this comes up, there has to be a benefit for someone, and there should be a designation as to where those funds would come from. He didn't see any equilibrium today. This needs to go back to staff until it becomes more solid so the public has a better idea of what's being talked about.

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

DEPUTY MAYOR SANCHEZ stated the renewal fee looks like we would be subsidizing \$283,000 of the proposal for businesses with receipts of \$50,000 or less. Is that correct?

MS. FERRO responded the subsidy would be for Category 4, home businesses earning up to \$50,000 a year. On Page 3, Category 4 is broken out between over \$50,000 and under \$50,000. The recommendation is a \$5 subsidy. Based on the business license renewals that were submitted last fiscal year, there were 600 that would fit that category, so that would be a \$3,000 subsidy from the City's General Fund.

DEPUTY MAYOR SANCHEZ is still confused. The point that Mr. Knott made about subsidizing is a very important one. Being a small business owner, she'd rather pay her fair share, just like everybody else is doing. This is supposed to be pure cost recovery. The City is not making any money off this program; it is purely to do the licensing. She sees that staff is also recommending enforcement of existing requirements. The staff report says that enforcing the minimum annual tax will generate an additional \$188,000. So you're talking about enforcing something that already exists, right?

MS. FERRO responded that's correct.

CITY MANAGER WEISS clarified that the subsidy is just for the one business category. However, we did a time and cost analysis for all of the different departments, and we can't justify at this point in time charging \$50 for the renewals. A lot of that is due to technology and other improvements. If Council recalls, we had a landscape business owner come in with some concerns about the \$50, which prompted us to look at what it actually costs us for the renewals. He doesn't know how they were established in 2002, but at this point we just can't justify that. If you kept the fees that high, then you would recover that money, but the renewals, with that one exception, is a cost-recovery for our actual costs.

DEPUTY MAYOR SANCHEZ stated that all she's concerned about is making sure it's just cost recovery and that the City is not making more money. That is what was presented to us, that the City was not just doing cost recovery, but was going above and beyond that.

She's paid \$100 per year for 2 years now, and we're not talking about a huge difference out-of-pocket. She didn't complain about it; she didn't know how much it was costing to actually process her application, and she thought \$100 represented time spent by an employee. She was not going to hurt the City by saying that you should

subsidize her; especially since she is a Councilmember. She was looking at this and trying to figure out what is the break even where we are not making money off small businesses. What she's hearing from small businesses is that they want to make sure that our businesses are safe, that we have a certain quality of life that brings people in, and they are not scared to come in. If we're not providing that, then it's a bigger loss to a small business owner in terms of making it, especially the first couple of years.

She still doesn't understand the renewal fee. It sounds like we were charging more than we should in terms of the time; however, we are still suggesting subsidizing businesses of \$50,000 or less, but also then enforcing something to generate more income. What she needs to understand is what are we enforcing. The General Fund is going to be hit \$61,000. How do we prevent that?

CITY MANAGER WEISS responded there are at least 2 positions that are vacant within Finance, and one of them is not going to be filled to accommodate this loss. That is what Ms. Ferro meant by saying we're addressing it through the budget process. That's been taken into account, and that position is going to be held vacant until the cost savings at least equals the \$61,000.

DEPUTY MAYOR SANCHEZ clarified her question is what are we going to do to insure that this is a net zero and not a \$61,000 hit to the General Fund.

CITY MANAGER WEISS responded that after the first year it will be a net zero.

DEPUTY MAYOR SANCHEZ asked if after June 30th this will be a net zero we will not be subsidizing.

CITY MANAGER WEISS responded your business is going to be paying \$15 for your renewal instead of \$20.

DEPUTY MAYOR SANCHEZ is not asking for special treatment, so is that the true cost of processing the application?

CITY MANAGER WEISS responded the actual cost would have been \$20. We're giving Oceanside small businesses under \$50,000 a \$5 break. After the first year there are 600 businesses at \$5 each.

MS. FERRO thinks the concern from the business license side is you have a business making \$18,000 and one making \$65,000, and they felt that disparity wasn't fair to them so that's why she suggested the \$5 subsidy.

DEPUTY MAYOR SANCHEZ asked if it's the same process. You aren't recommending a more streamlined process that would cost less.

CITY MANAGER WEISS responded if you want to make it equal to all, you can just change the \$15 for the small businesses to \$20, and then there is no subsidy. The process is the same. It takes \$20 worth of effort. We're just recommending that small businesses up to \$50,000 get a \$5 break.

DEPUTY MAYOR SANCHEZ recommended we change that to \$20 versus \$15, in the spirit of insuring that the General Fund does not suffer that loss. She **moved** that we adopt the resolution with the change from \$15 to \$20.

MAYOR WOOD seconded the motion.

COUNCILMEMBER FELLER asked for clarification as to whether we're going to charge them \$15 or \$20.

CITY MANAGER WEISS responded the proposal tonight is to charge \$15. Deputy Mayor Sanchez's motion is to change it from \$15 to \$20. So the renewal for Category 4 businesses, regardless of whether you're under \$50,000 or over \$50,000, would be \$20.

COUNCILMEMBER FELLER thinks \$5 is meaningful. Maybe some of the home-based businesses will get a business license now, and that could help bolster these extra dollars as we go forward. With the changes in the fee schedule, we're actually sweetening the pot for new businesses and jobs. He will support this.

COUNCILMEMBER FELIEN asked for clarification that the business license fee is separate from the business license tax. So we're charging a fee to process a tax, and it certainly isn't a favor to the business people. What he hears from the business people is that every level government overtaxes, over-regulates and over litigates. He commends staff for being responsive to the concerns of the small business community. These complaints came from very small businesses who thought that the size of the fee seemed inordinate to businesses who are just hanging on.

It's important to understand that the \$61,000 change in collections is based on the analysis to reduce the fee so that it matches the actual cost. So, there is no subsidy as he understands it. As far as the fee goes, we're trying to get to zero and reducing it by the \$61,000 get us close to zero. To the extent there is a lack of collection for the total cost, that's more than offset by the fee - the tax - that's actually collected. So there's no actual subsidy by the City for any of these categories when you factor in the tax as well as the fee. Is that a correct assumption?

MS. FERRO used the word subsidize because she was trying to find a way of accommodating the really small businesses under \$50,000. Maybe subsidize is the not the correct word. Their fee would be \$5 less than everybody else, but overall the cost to the City to provide this service is \$61,000 less than what we are currently doing.

COUNCILMEMBER FELIEN stated it's a cost recovery, and the analysis shows that the actual cost, based on comparing new applicants versus renewal applicants, that we were overcharging by \$61,000. We're now correcting the overcharging and bringing the fee in line with the costs. In addition to netting out zero, obviously we'll never be exactly zero but the goal is to get to zero, but off to the side we're actually collecting the tax as well, which is the business license tax. In round numbers, how much do we collect in business license taxes?

MS. FERRO responded that in very round numbers it is about \$2,000,000. That question came up at the Economic Development Commission as well. That is another process with a lot of public hearings. We would need the attorney's opinion on this, and we might run into some issues with Proposition 218. We didn't look at the tax, we were looking at the fee.

COUNCILMEMBER FELIEN stated that having a difference of \$61,000 over a \$2,000,000 tax that we're collecting, we don't need to nickel and dime the small business community for the extra \$5. He doesn't want to support the motion as amended or changed from the staff recommendation. He wants to vote for approval on the actual staff recommendation.

CITY ATTORNEY MULLEN stated the fee is not charged for purposes of collecting the tax; that would make it subject to Proposition 218. The fee is charged for all of the regulatory enforcement that goes along with issuing the business license. That's why the Finance Department has attempted to make it cost recoverable to the actual regulatory activities that staff is providing.

COUNCILMEMBER KERN is more in tune with Councilmember Felien's attitude

because this is just cost recovery, and he doesn't want to nickel and dime small business owners. He asked why we have the 4 categories. He cannot see a real estate sales office as a medium level enforcement requirement. What kind of enforcement do we have to do to an office? How do we determine what these levels are in order to charge them?

MS. FERRO responded that Page 4 of the staff report breaks out the 4 categories. That will show you, in Category 3 which might be a real estate office, what departments do different levels of things. For example, the Planning Department does Code compliance, users permits and hours of operation; they spend 5 minutes on that. The business license inspector spends 20 minutes. The attorney spends no time whatsoever on that level, but they would spend time on a high level: massage, liquor store, etc. When we put this document together, working with the departments, we asked how much time they spend on those things.

COUNCILMEMBER KERN stated that Page 4 actually supports staff's recommendation because these are the costs; these are the ones we are going to recover; and this is why staff recommended the charges that they recommended. He can't support this motion but he will support the original staff recommendation.

MAYOR WOOD doesn't believe we've been talking this long about \$5. At yesterday's workshop we were worried about the Fire Department and public safety, and tonight we're having this long conversation about \$5. He would support either motion. His concern is that he doesn't want to take any more out of the General Fund. Deputy Mayor Sanchez's motion makes it balance out.

DEPUTY MAYOR SANCHEZ had understood from the questions that she asked that making that change will make it a net zero cost to the General Fund, is that correct? The cost of the process equals the cost of this fee. Period.

MS. FERRO responded that's correct. We are not allowed, by law, to charge more.

DEPUTY MAYOR SANCHEZ stated that changing this by \$5 will make it net zero; the cost of the process equals exactly the same thing.

Motion failed 2-3; Councilmembers Kern, Felien and Feller – no.

COUNCILMEMBER FELIEN moved to adopt the staff recommendation [for adoption of **Resolution No. 11-R0668-1**, "...repealing Resolution 03-R418A-1 and any amendments thereto and setting new Business License Administration Fee amounts].

COUNCILMEMBER KERN seconded the motion.

DEPUTY MAYOR SANCHEZ can't vote on something where she's going to be subsidized. She feels that's a conflict, so she's taking herself out of the vote.

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

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.

22. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside, California, determining it will 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 (introduced 9/14/11, 5-0 vote)**

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption of **Ordinance No. 11-OR0669-1**, "...determining it will 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.

Motion was approved 5-0.

ADJOURNMENT

After a moment of silence for Encinitas Councilwoman Maggie Houlihan, who passed away, **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 6:38 PM on September 28, 2011. [The next regular meeting is scheduled for 2:00 PM on Wednesday, October 12, 2011].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside