



California

CITY OF OCEANSIDE

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

APRIL 20, 2011

REGULAR MEETING 4:00 PM COUNCIL CHAMBERS

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

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

Mayor
HDB President
CDC Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
Esther Sanchez

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

City Clerk
HDB Secretary
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

City Manager
HDB Chief Executive Officer
CDC Executive Director
Peter Weiss

City Attorney
HDB General Counsel
CDC General Counsel
John Mullen

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to order by Mayor Wood at 4:00 PM, April 20, 2011.

4:00 PM - ROLL CALL

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

City Attorney Mullen titled the following items to be heard in Closed Session: Items 1 [MECO and OCEA], 2A(1), 2A(2), 2B and Addendum Item 2.5.

CITY CLERK WAYNE announced there are 4 requests to speak on Closed

Session Item 2.

JAMES STACY, North County Americans for Safe Access (ASA), feels we are doing this backwards. We've had 15 years to set up regulations for medical marijuana and nothing has happened. We had a moratorium and nothing got done, and now the City is suing the places that are open. It's difficult for the citizens of Oceanside to get access to their legal medicine if you close the places down. Oceanside is a Marine town, and we have so many Marines who are coming back from a 10-year war with missing limbs, PTSD (Post Traumatic Stress Disorder) and other issues that the federal government has said marijuana does treat. The Veteran's Administration has recently issued a proclamation that they will not withhold treatment for people who are in the states where medical marijuana is legal. He asked that Council consider putting in the proper regulations, as opposed to lawsuits. We have a lot places in Oceanside that are empty and we need businesses here.

MELISA BOBROW, North County ASA, is an attorney and applauds Council for taking efforts towards regulation. It's very important that we have regulations regarding medical marijuana in San Diego. She is concerned with the approach that every city and county has taken to date. It would be in the best interests of the City to meet and confer with dispensary directors, patients, concerned citizens and law enforcement and come up with regulations that work for everyone. The ordinance as proposed is so restrictive that it is inviting litigation. As you know, 2 dispensaries have been sued, but they are cross-complaining and rightfully so based on the overly burdensome ordinance as it's written. She implored Council to meet and confer with all aspects of the community before making a decision.

EUGENE DAVIDOVICH, North County ASA, stated ASA is the nation's largest medical cannabis patient's rights advocacy group, and we strongly focus on the implementation of Proposition 215 across the State. What we've seen here in Oceanside is a lack of that implementation. He's here to ask Council to follow through with the responsibilities that have been placed on them by the voters in implementing this law that goes to protect the most vulnerable patients in our communities. In Oceanside we have elderly, veterans coming back from wars, etc. that need safe, local and reliable access to this medicine. Instead of filing litigation and going through expensive lawsuits that don't progress the implementation of this law, he urged Council to set up a committee, like San Diego did, to hear from the citizens about what the regulations should look like here and proceed with a regulation rather than a ban, which is what we're looking at currently.

MICHAEL WINKELMAN, 5422 Avenida Encinas, Carlsbad, is a Medi-care specialist and has a lot of seniors who are using medical marijuana. He's in the government drug access business under Medi-care Part D and would like to see easier access for seniors and that we tax medical marijuana, as well. Alcohol and tobacco are available at a 7-11 and regulated to not allow easy access to kids; he asks for the same treatment. He would like to see Council implement the laws and avoid using a lot of legal loopholes to close it.

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 MECO and OCEA; no reportable action

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

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

1. People v. Abaca Medical Collective, Superior Court Case No. 37-2011-00052269-CU-MC-NC

Discussed; no reportable action

2. People v. Green Ocean, Superior Court Case No. 37-2011-00052273-CU-MC-NC

Discussed; no reportable action

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

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

Discussed; no reportable action

ADDENDUM

ITEM 2.5 PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957(b))

PERSONNEL EVALUATION

- A) City Attorney
- B) City Manager

Discussed; no reportable action

[Closed Session and recess were held from 4:06 PM to 5:09 PM]

5:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 5:09 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Kern, Feller and Felien. Also present were City Clerk Wayne, City Manager Weiss and City Attorney Mullen.

INVOCATION – Chaplain Brad Lambert, Oceanside Fire Department

PLEDGE OF ALLEGIANCE – Team members

PROCLAMATIONS AND PRESENTATIONS

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

Presentation – Update on Oceanside Charitable Foundation by George Brown

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award – Vista American Little League AA Blue Jays Team

Off Agenda – Event for Friends of Oceanside Parks
Presentation – Employee Service Award

20 year award	Department	Hire Date
Jon Anderson	Harbor Maintenance	01/07/1991

25 year award	Department	Hire Date
Matthew Stephens	Neighborhood Services	01/19/1986
Linda Wood	OPD	02/04/1986
Leonard Cosby	OPD	02/24/1986
Juan Gomez	Water Meter Services	03/09/1986
Paul Orozco	Public Works/Fleet	03/10/1986
Kelvin Harris	Water	03/10/1986
Steven Wise	Sewer	03/23/1986
Mark Patnode	Sewer	03/24/1986
Armentha Griggs	Code Enforcement	03/24/1986

30 year award	Department	Hire Date
Paul Hojo	Water	02/11/1981

Presentations were made

CLOSED SESSION REPORT

3. Closed Session report by City Attorney

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session:
See Items 1 [MECO and OCEA], 2A(1), 2A(2), 2B and Addendum Item 2.5 above.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

DONNA MCGINTY, 2405 Mesa Drive, stated KOCT is looking for support from the public and asking for another \$90,000 from our General Fund, which would pay one Police Officer, Firefighter, etc. They've had 25 years to garner public support and funding, and that has not been done yet. Also, the *North County Times* references a statement by Mr. Reeser indicating that the technology grant funding has been used to operate that station. She is calling Cox Cable out to do an examination of those documents to make sure that the funds were used for what they were intended, which is equipment according to our City Manager and City Attorney. She will be at the workshop next week and would like everyone who is not satisfied with what they're hearing or seeing to email the Council and be at the workshop to voice your concerns for the way KOCT has been doing business.

CONSTANCE MURCHISON, 4638 Magens Bay, stated in this time of fiscal instability and shrinking budgets, she knows that the members of the Council have had to make difficult decisions regarding City facilities and programs. On behalf of herself and many others who attend classes at the El Corazon Senior Center, she thanked the members of the Council for implementing creative measures that will permit the center to remain operational this year. The El Corazon Senior Center is a beautiful facility that is conducive to providing the educational stimulation and social interaction, which contributes to the health and well-being of the citizens in our community. Exercise, involvement and social interactions are key to warding off age-related health issues such

as bone and joint disorders, memory loss and depression. We are grateful that the City recognizes the values of the activities provided at the center. The classes she takes since retiring from the Oceanside Unified School District have provided her with a new sense of self and interaction with a new group of peers. She hopes that despite ongoing fiscal constraints, the future of the El Corazon Senior Center will not be in jeopardy. She asked Council to continue to explore ways to maintain and operate the facility.

MEREDITH FORD, 4402 Arbor Cove Circle, stated students enrolled in classes at El Corazon Senior Center are concerned with the distinct possibility that some changes may be in store in the near future at El Corazon. All of the classes currently scheduled at El Corazon play an important and vital role in the lives of those who attend. For some the physical, emotional and mental health benefits are crucial to their well-being and represent personal achievements never before attained. For others this may be the single social interactive activity available to them and/or the only respite time while care-giving for a loved one. Whatever the reason, there is no way to measure the benefits and impacts of these classes for our community. Not being able to avail ourselves of these classes would be an injustice as well as a devastating blow to many individuals.

We appreciate the efforts made thus far by the City to keep El Corazon up and running, allowing these classes to remain available throughout the year, understanding that from an economic standpoint these are difficult days for all. Of equal importance is finding the means to maintain the vital programs already in place. Without these classes there is no way to know beforehand the physical, medical and mental expenses that might be incurred by many seniors for depression, mobility decline, fractures, strokes and cardiac conditions requiring hospitalizations, medications and rehabilitations in skilled nursing facilities. Far less costly and far more beneficial is maintaining the status quo at El Corazon Senior Center. These concerns are also important to the baby boomers right behind us. Hopefully the means will be found to assist us in remaining active, healthy and important members of our community.

REGINA GILL, 1771-C Ivy Road, is a tai chi teacher at El Corazon and has been teaching at the Oceanside senior centers since 1987 through MiraCosta College. This semester she's had 73 students enrolled in her tai chi class. There was a waiting list, and she had to turn several students away. Her intermediate class had over 60 students enrolled. The center is thriving with students coming and going. Every step we take in keeping these centers open is insurance for people to come and enjoy these facilities we have to offer seniors. It provides a place for social activity as well as spiritual, emotional and psychological benefits.

NORALEE SHERWOOD, 1526 Hunsaker Street, was diagnosed 3 years ago with glaucoma and faced going blind. She had read some information about medical marijuana, and her eye surgeon confirmed that there have been studies confirming that there is some benefit to using medical marijuana. At that point she took her diagnosis and documentation to a dispensary in San Diego, and their process is extremely monitored, controlled and professional. For the last 2 years she has been a medical marijuana user, and the pressure readings behind her eyes for glaucoma have been reduced. She encouraged Council to consider allowing the dispensaries in the City to continue their business. She appreciates the fact that Council wants to monitor and regulate them, but for people who get relief she would hope that you would not deny us the ability to receive that kind of medication. Otherwise, we're being forced out onto the street to buy it.

CONSENT CALENDAR ITEMS [Items 5-20]

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 reported that on Item 10 Council received a note from the City Manager withdrawing one of the vehicles. Item 17 does also authorize the filing of a Notice of Completion.

We have requests to speak on Items 10, 14, 17 and 20.

The following Consent Calendar items were submitted for approval:

5. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council from the November 17, 2004, 4:00 p.m. Regular Meeting, and the December 7, 2004, 10:00 a.m. Regular Meeting
6. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
7. City Council: Approval of plans and specifications for the Shadowridge Drive Radar Feedback Sign project to be located on Shadowridge Drive north of Via Cabrillo, facing southbound traffic; and authorization for the City Engineer to call for bids
8. City Council: Approval of plans and specifications for the Bella Collina Speed Humps project which will install speed humps in five locations on Bella Collina Street between Woodview Drive and Terracina Street; and authorization for the City Engineer to call for bids
9. City Council: Approval of plans and specifications for the Annual Slurry Seal FY 2011-2012 project located on various streets throughout the City, and authorization for the City Engineer to call for bids
10. **Removed from the Consent Calendar for discussion – public request**
11. City Council: Approval of Change Orders 1 [**Document No. 11-D0271-1**] and 2 [**Document No. 11-D0272-1**] in the amounts of \$68,996 and \$271,004, respectively, to Granite Construction of Watsonville, California, for the Annual Overlay FY 2010-2011 project for repair and asphalt overlay of arterial streets throughout the City, for additional work requested by the City including repair of a large pothole in Eastview Court and the addition of several locations damaged by winter storms; and authorization for the City Engineer to execute the change orders; and approval of a budget appropriation in the amount of \$340,000 from the GF Community Facilities CIP Fund to the project account to fund the change orders
12. City Council: Approval of Amendment 1 [**Document No. 11-D0273-1**] in an amount not to exceed \$171,813.17 to the Professional Services Agreement with Maris Imaging Solutions, LLC, of Carlsbad for the Annual Citywide Document Imaging System Licensing and Technical Support, extending the term of the agreement from June 30, 2011, to July 1, 2014, for annual technical support, software licensing and upgrades, scanner maintenance, and licensing for the Citywide system, including the City Clerk Department, Information Technologies Division and Police Department electronic document imaging installations; and authorization for the City Manager to execute the amendment
13. City Council: Approval of an agreement [**Document No. 11-D0274-1**] with the County of San Diego for the City's participation in the North County Regional Gang Enforcement Collaborative, administered by the San Diego County Sheriff's Department (SDSD) and supported by grant funds from the U.S. Department of Justice, Office of Justice Programs awarded to the SDSD, which will reimburse the City in an amount up to \$19,779 for overtime and benefits for officers and sergeants involved in gang-suppression activities; and authorization for the Police Chief to execute the agreement

14. **Removed from the Consent Calendar for discussion – public request**
15. City Council: Acceptance of grant funds in the amount of \$18,835 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
16. City Council: Acceptance of grant funds in the amount of \$2,500 from the National Endowment for the Humanities awarded to the City of Oceanside for the Louisa May Alcott Library Outreach Program, and approval to appropriate these funds to the Library Department
17. **Removed from the Consent Calendar for discussion – public request**
18. City Council: Acceptance of improvements constructed by HMS Construction of San Marcos for the Five Traffic Signals at Various Locations project, which included new traffic signals at the intersections of Lake Boulevard/Mira Monte Drive, Lake Boulevard/Emerald Drive, and Melrose Drive/Meadowbrook Drive, and modifications to existing traffic signals at the intersections of Oceanside Boulevard/Crouch Street and Coast Highway/Morse Street; and authorization for the City Clerk to file a Notice of Completion [**Document No. 11-D0276-1**] with the San Diego County Recorder
19. City Council: Adoption of resolutions initiating the proceedings for renewal of the City's eleven Landscape Maintenance Assessment Districts for FY 2011-12, and setting a public hearing for May 18, 2011, at 6:00 p.m. for the Del Oro Hills, Douglas Park, Guajome Ridge, Mission Meadows, Mar Lado Highlands, Peacock Hills, Rancho Hermosa, Santa Fe Mesa, Sunburst Homes, Sunset Hills, and Vista Del Rio Landscape Maintenance Districts

Del Oro Hills

Resolution No. 11-R0277-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987"

Resolution No. 11-R0278-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Del Oro Hills Landscape Maintenance District, Assessment 1-1987"

Resolution No. 11-R0279-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Del Oro Hills Landscape Maintenance District, Assessment District No. 1-1987 and setting a public hearing on the proposed assessments"

Douglas Park

Resolution No. 11-R0280-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Douglas Park Landscape Maintenance District, Assessment District 5-1981"

Resolution No. 11-R0281-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Douglas Park Landscape Maintenance District, Assessment 5-1981"

Resolution No. 11-R0282-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981 and setting a public hearing on the proposed assessments"

Guajome Ridge

Resolution No. 11-R0283-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989"

Resolution No. 11-R0284-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Guajome Ridge Landscape Maintenance District, Assessment 1-1989"

Resolution No. 11-R0285-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Guajome Ridge Landscape Maintenance District, Assessment District No. 1-1989 and setting a public hearing on the proposed assessments"

Mar Lado Highlands

Resolution No. 11-R0286-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988"

Resolution No. 11-R0287-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Mar Lado Highlands Landscape Maintenance District, Assessment 1-1988"

Resolution No. 11-R0288-1 "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Mar Lado Highlands Landscape Maintenance District, Assessment District No. 1-1988 and setting a public hearing on the proposed assessments"

Peacock Hills

Resolution No. 11-R0289-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Peacock Hills Landscape Maintenance District, Assessment District 1-1977"

Resolution No. 11-R0290-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Peacock Hills Landscape Maintenance District, Assessment 1-1977"

Resolution No. 11-R0291-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Peacock Hills Landscape Maintenance District, Assessment District No. 1-1977 and setting a public hearing on the proposed assessments"

Mission Meadows

Resolution No. 11-R0292-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Mission Meadows Landscape Maintenance District, Assessment District 2-1979"

Resolution No. 11-R0293-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Mission Meadows Maintenance District, Assessment 2-1979"

Resolution No. 11-R0294-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Mission Meadows Landscape Maintenance District, Assessment District No. 2-1979 and setting a public hearing on the proposed assessments"

Rancho Hermosa

Resolution No. 11-R0295-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982"

Resolution No. 11-R0296-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Rancho Hermosa Landscape Maintenance District, Assessment 3-1982"

Resolution No. 11-R0297-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Rancho Hermosa Landscape Maintenance District, Assessment District No. 3-1982 and setting a public hearing on the proposed assessments"

Santa Fe Mesa

Resolution No. 11-R0298-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987"

Resolution No. 11-R0299-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Santa Fe Mesa Landscape Maintenance District, Assessment 2-1987"

Resolution No. 11-R0300-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987 and setting a public hearing on the proposed assessments"

Sunburst Homes

Resolution No. 11-R0301-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Sunburst Homes Landscape Maintenance District, Assessment District 1-1980"

Resolution No. 11-R0302-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Sunburst Homes Landscape Maintenance District, Assessment 1-1980"

Resolution No. 11-R0303-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980 and setting a public hearing on the proposed assessments"

Sunset Hills

Resolution No. 11-R0304-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Sunset Hills Landscape Maintenance District, Assessment District 2-1982"

Resolution No. 11-R0305-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Sunset Hills Landscape Maintenance District, Assessment 2-1982"

Resolution No. 11-R0306-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982 and setting a public hearing on the proposed assessments"

Vista Del Rio

Resolution No. 11-R0307-1, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001"

Resolution No. 11-R0308-1, "...approving the City Engineer's 2011-2012 Fiscal Year Report on the Vista Del Rio Landscape Maintenance District, Assessment 1-2001"

Resolution No. 11-R0309-1, "...declaring its intention to levy and collect assessments for fiscal year 2011-2012 within the Vista Del Rio Landscape Maintenance District, Assessment District No. 2001 and setting a public hearing on the proposed assessments"

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

DEPUTY MAYOR SANCHEZ moved approval of the Consent Calendar [Items 5-9, 11-13, 15, 16, 18 and 19].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

10. **City Council: Approval of two purchase orders: in an amount not to exceed \$427,116 to Haaker Equipment Company of Laverne, California, for one new Vactor sewer cleaner for the Water Utilities Department; and in an amount not to exceed \$257,791 to Downtown Ford of Sacramento for one new Hydrant/Valve Exerciser Truck for Water Utilities, one new sign truck for the Traffic Division, one new Ford Explorer for the Fire Department, and one new Ford Escape for the Property Management Division; and authorization for the Financial Services Director, or designee, to execute the purchase orders**

JIMMY KNOTT, 127 Sherri Lane, stated a lot of people don't know that these vehicles are going to be bought from Sacramento, and he wondered why Oceanside isn't getting that business. We need to take that extra step to get Oceanside businesses involved in this. He asked if the replacement vehicles are really needed.

CITY MANAGER WEISS stated the staff report lists each vehicle, the mileage and the year they were purchased. They are evaluated for both mileage and cost to maintain. We do not have any local companies that make a vactor truck, which is the big piece of equipment that cleans out our sewers. We do not have any local Ford dealers either. We either put them out to bid or use other agency bids to order to buy these pieces of equipment. The police department undercover cars are purchased locally, and we do provide opportunities for local dealers to participate in that program. We do as much local business as we can, but in some cases it's just not available.

COUNCILMEMBER KERN had a conversation about this item with the City Manager earlier in the week. That's why one of the vehicles was removed that we're not going to purchase because Development Services, in the budget reductions, are turning in a vehicle. We're going to use the vehicle that's turned in by Development Services in place of the vehicle that's not being purchased now. We are doing an ongoing evaluation of our vehicles. It is a budget item, and we're going to have to revisit this again and again. We have to get the best deal we can for the citizens of Oceanside, whether that deal is in Sacramento or San Diego. The Ford dealer in Sacramento supplies vehicles throughout the State so they specialize in that particular item.

He **moved** approval [of two purchase orders: in an amount not to exceed \$427,116 to Haaker Equipment Company of Laverne, California, for one new Vactor sewer cleaner for the Water Utilities Department; and in an amount not to exceed \$257,791 to Downtown Ford of Sacramento for one new Hydrant/Valve Exerciser Truck for Water Utilities, one new sign truck for the Traffic Division, one new Ford Explorer for the Fire Department, and one new Ford Escape for the Property Management Division; and authorization for the Financial Services Director, or designee, to execute the purchase orders] as modified by the City Manager to remove purchase of a new Ford Escape.

COUNCILMEMBER FELLER seconded the motion.

DEPUTY MAYOR SANCHEZ did inquire about this as well and was assured by the City Manager that this was the best deal possible for the City and that we had no local suppliers. In order to insure that we continue to provide the services that our residents want for our parks and recreations programs, this was something that needed to be done.

Motion was approved 5-0.

14. **City Council: Approval of a budget appropriation in the amount of \$250,000**

from the Fleet Maintenance and Operating fund balance to the Fleet Maintenance Account for the purchase of fuel

JIMMY KNOTT, 127 Sherri Lane, knows that we're going to alternate fuel vehicles. What are we doing to convert over and what fuel are we talking about? With the cost of gasoline predicted to reach \$5.00 per gallon, this is really going to hurt our City's budget. There are some federal and State grants that are still out there for alternate fuel vehicles.

GARY GURLEY, Public Works Division Manager, responded that currently we buy biodiesel. As far as procuring other alternate fuel vehicles, all of the vehicles we buy that have it available, we buy the flexfuel vehicles. Right now that is a better deal. We got out and do 3 bids every time we buy fuel. As far as usage, 2 years ago we reduced our usage by over 20,000 gallons. This year we're on pace to reduce it by another 14,000 gallons. Unfortunately, those lines are crossing at a point where it's costing us more money. We haven't replaced any vehicles that are not safety or specific vehicles in the last 3 years.

When we do start to replace vehicles, once the current fleet starts to wear out, we will start looking at alternate fuel vehicles. Right now the difference in an all-electric vehicle and similar vehicle we could buy that's traditionally powered, the math doesn't work. For example, to buy a flexfuel Ford Escape would have cost us another \$14,000. That's not good economic sense. We are trying; every department has cut their fuel usage, and we're continuing to look at alternate means. We'll be going to a motor pool, and we're trying to reduce the fleet number. Right now he believes that is our best option to continue to reduce our fuel usage.

COUNCILMEMBER KERN stated what we're approving here is \$250,000 in fuel costs just to get us to the end of this fiscal year. The issue was raised of added fuel consumption costs. A large part of the fuel consumption is subsidizing the City's take-home vehicles. He asked the City Manager to provide the Council with a report at our next Council meeting on every City take-home vehicle by department, the annual mileage traveled back and forth from the City's work station to home, an estimate of all the related fuel costs for take-home vehicles, and bring back a recommendation or policy to reduce the City's take-home vehicle usage to the least number possible. The fuel consumption is one thing, but it does not take into consideration our liability, exposure, mechanical wear and tear, additional mileage caused by taking vehicles home and back, etc. All of the cities in the State are looking at these costs, and reducing take-home vehicles is one way that we can get our budget under control as far as fuel costs.

He **moved** approval [of a budget appropriation in the amount of \$250,000 from the Fleet Maintenance and Operating fund balance to the Fleet Maintenance Account for the purchase of fuel].

DEPUTY MAYOR SANCHEZ seconded the motion.

COUNCILMEMBER FELIEN would support Councilmember Kern's request for that information. As we discussed in the budget workshops, this directly relates to the expense related to take-home vehicles. We need to make sure we're not providing free commuting and that take-home vehicles directly relate to likely needed services. It seems our take-home policy has become far too lenient and liberal. We need to get more strict on it. He noticed the funding is coming from accounting line item from 2 budgets ago. If that item is still there, why wasn't it rolled into last year's budget to be available for last year to avert any spending cuts.

CITY MANAGER WEISS responded the funding is coming from the fund balance within the Fleet Fund. At the end of each year, if there is a balance it is rolled back into that fund; we treat it as an Enterprise Fund. That money is actually being

allocated and will be pro-rated from what would be the replacement costs from all of the vehicles consolidated. At some point we will be adjusting the fleet rates among all of the departments to make up the difference.

Motion was approved 5-0.

17. **City Council: Acceptance of the improvements constructed by Vadnais Corporation for the Haymar Sewer Segment Emergency project [and authorization for City Clerk to file a Notice of Completion (Document No. 11-D0275-1) with the County Recorder]**

DIANE NYGAARD, 5020 Nighthawk Way, representing Preserve Calaveras, is relieved that the sewer line has been repaired and is pleased that the City used the lateral drilling method that reduced the impact. However, now we have 440 feet of nice new sewer line connecting on both ends to over 50-year-old sewer lines. We also still have a sewer line going down our creek, so we're still at risk for on-going and possibly damaging sewer spills. We were told a few months ago that this was a relatively minor spill: about 180,000 gallons. More recently the Regional Board has estimated that this spill was 5,000,000 gallons. That's 5,000,000 gallons of raw sewage in the creek down to the lagoon and along our coast. That's something nobody wants to see happen again. We ask everybody to make sure that it becomes a priority to remove these sewer lines from our creeks.

DEPUTY MAYOR SANCHEZ moved approval [of acceptance of the improvements constructed by Vadnais Corporation for the Haymar Sewer Segment Emergency project and authorization for City Clerk to file a Notice of Completion (Document No. 11-D0275-1) with the County Recorder].

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELIEN thinks it would be helpful to have the Water Director explain the effort the City has gone to for many years to get this necessary repair done and the obstacles the City has faced. The City was not just twiddling their thumbs; we've been beating our head against the wall for a long time to get these repairs done in time, and we didn't quite make it.

CARI DALE, Water Utilities Director, doesn't have the exact dates but staff has been working since approximately 2005, obtaining permits and permissions for easements to move the sewer lines and get permits to remove debris that's in the creek that would have damaged the pipe. It has been a significant effort by staff.

GREG BLAKELY, Water Utilities Division Manager, stated in 2005 we identified a problem. Personnel at that time noticed that a portion of the pipe was uncovered at the top. We did get permission, after some permit applications, to remove foliage or dead debris in the creek. Since that time we started negotiating with the Sherman family. It turned out they did not want to negotiate with us because they are in the process of selling the property. They ended up selling the property to Fish & Game.

In 2007, when the property was actually sold to Fish & Game, we contacted them and initiated the process to secure easements to relocate the facility. It took from 2007 until the end of 2010 before we were able to get those easements. That's a long and exhausting time to get easements. Many times there were no responses from Fish & Game.

We were able to come up with a less intrusive method of relocation of the sewer line by using directional drilling versus traditional open cut. We realize that we have a couple of ex-manholes to remove from the creek, and we propose to do those. It will take time because now that we're getting back into the creek, we'll need a 404 and a 401 permit.

Right now with the existing contract, we are contractually obligated to accept their project. Other than that, they have some recourse upon the City. We are continuing to go forward and realize we have mitigation that we have to complete. There was a meeting with Ms. Nygaard, some of the Indian tribes and Fish & Game earlier this morning. Recon is an environmental agency that's been working for the City to layout what needs to be mitigated, and we will continue in that vein to mitigate.

As to the rest of the pipeline that is on the south side of the road, our long-range plan is to move the sewer line to north of the freeway and Vista Way. That's going to take time and a lot of money because we're looking at a lift station and drilling the freeway in a couple of different locations at an angle to get up to an area that we can actually work on at Vista Way.

DEPUTY MAYOR SANCHEZ stated when she first ran for Council in 2000 this had been going on for years with complaints and urging the City to move that sewer line. It was Shelley Hayes that had been advocating and trying to protect the creek. She was also very concerned about what a spill would do to the funds for the City. This has been an ongoing problem for probably decades. She appreciates that we're doing this now. Putting sewer lines in creeks does not make sense and should never have made sense.

Motion was approved 5-0.

20. **City Council: Adoption of resolutions initiating the proceedings for the FY 2011-12 annual renewal of the Oceanside Lighting District, Assessment District No. 2-1991, and setting a public hearing for May 18, 2011, at 6:00 p.m.**

JIMMY KNOTT, 127 Sherri Lane, stated last year staff brought before Council a proposal for a new tax to be put in for the whole City to be covered by a lighting district. There was a lot of public outcry on this. Staff brought forward the information that we're going into arrears by hundreds of thousands of dollars because of the lighting issue. He hopes that in this new public hearing process, the direction of Council will open this up and allow the public to address what they would like in a lighting district and maybe consider some options that staff may not have considered before.

CITY MANAGER WEISS stated this is just setting the public hearing for later in May. However, based on Council's direction last year, there is no rate increase to the public. We're not asking for any additional money from the public; we are subsidizing the lighting district with gas tax funding.

DEPUTY MAYOR SANCHEZ moved approval [of adoption of **Resolution No. 11-R0310-1**, "...directing the City Engineer to prepare a report on the fiscal year 2011-2012 renewal of the Oceanside Lighting District, Assessment District No. 2-1991", **Resolution No. 11-R0311-1**, "...approving the City Engineer's report regarding the 2011-2012 fiscal year renewal of the Oceanside Lighting District, Assessment District No. 2-1991", initiating the proceedings for the FY 2011-12 annual renewal of the Oceanside Lighting District, Assessment District No. 2-1991, and **Resolution No. 11-R0312-1**, "...declaring its intention to levy and collect assessments within the Oceanside Lighting District, Assessment District No. 2-1991, for fiscal year 2011-2012 and setting a public hearing on the proposed assessments", setting a public hearing for May 18, 2011, at 6:00 p.m.]

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

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

24. **Discussion regarding potential advisory group efficiencies and consolidations**

MICHELLE SKAGGS LAWRENCE, Deputy City Manager, stated at Council's February 23rd meeting Councilmember Feller had an item on the agenda regarding potential consolidation of advisory groups. At that time Council asked us to reagendaize the item and come back to you.

The presentation tonight reflects the comments that we heard at the February 23rd meeting and some follow-up conversations with Council as well. As you recall, back in 2009 we spent quite a bit of time dealing with this issue, meeting with advisory group Chairs. At that time Council decided not to make any changes to the advisory group structure.

The City currently has 23 advisory groups. Of those 23, we have 6 that have statutory authority. The staff continues to recommend implementing a number of efficiencies whenever possible for all of the groups, which includes eliminating postage and photocopying by going to on-line agendas only, reducing meeting frequency whenever possible, holding meetings during the day, online action minutes and biennial workplans.

There are items on the recommended consolidation that staff believes would be relatively easy to implement. There is no right or wrong answer to this question. Each legislative body has to decide how many advisory groups they want. For the sake of discussion, we are offering about 6 different options for Council.

The first one would combine the functions of the Community Relations Commission into Housing. This makes sense because both of these bodies are managed out of the Housing Division. You have the potential for taking the responsibilities of El Corazon and folding that into Economic Development. Council has approved a specific plan for the site, and we're just waiting for the right project. Council does have a commission identified for El Corazon, but they have not yet been seated.

Historic Preservation and Transportation could be folded into Planning. Again, this is an economy-of-scale issue because all 3 of these groups are managed out of Development Services.

The Fire Code Board of Appeals meets very infrequently, and it would be easy to fold that into Police and Fire.

Senior functions could be rolled up into Parks & Recreation. This is again an economy-of-scale issue; both of these groups are managed out of the Parks & Recreation Department.

The Design Review could be folded into Redevelopment Advisory. Both are taken care of out of the same department.

What that means is that the following groups that are on the list are not being recommended for any changes: Arts, Harbor, Waste, Library, Manufactured Home, Building Authority, Rehabilitation Loan Committee, Appeals Board and the Utilities Commission. These scenarios do include the elimination of the Telecommunications Committee.

This presentation was sent to the advisory group chairs and many of them shared with other members. We have received a bit of feedback. She hasn't received any feedback from anybody who wants to walk away from a group, have their group

disappear or have it folded into another group. She heard fairly stridently from the Senior Commission, El Corazon, Harbor & Beaches and Telecommunications that they would like to remain as is.

If Council were to implement these options, there would be a 35% decrease in the number of commissions. Also, in your staff report is the summary of comparably sized cities in the County and how many advisory groups they have in order to give Council an idea of what other jurisdictions provide.

Staff would appreciate Council's collective direction on how you'd like to proceed. Whether Council does one or all of these options, we would have to return to Council in the future with the appropriate enabling documentation.

Public input

DIANE NYGAARD, 5020 Nighthawk Way, stated our boards and commissions provide hundreds of volunteer hours to the City. In these tough economic times, we don't want to cut back on that free service to the City. She is particularly concerned about eliminating El Corazon and putting all of their functions under the Economic Development Commission. El Corazon means the heart, and we know that the people of this community see the future parkland at El Corazon as the heart of our community, a special place with something for everyone. Two prior El Corazon citizens committees have worked hard to lay a solid foundation to complete the plans with a lot of community input, as well as a plan that said half of the previous commissioners would continue so that we wouldn't lose the value of all of those years of effort. If you eliminate the El Corazon Commission, you're saying you don't care much about that old plan because this is all about economic development.

The third El Corazon Commission was planned to implement the plan. We've got a wonderful plan, and we've had lots of community input over many years. Now comes the critical part of making it real. A committee was appointed in November but has never met. We are all ready, willing and able to continue to serve this community. She urged Council to keep the El Corazon Commission to show that you share this vision for something wonderful and special to be built at El Corazon and that you recognize that it's a lot more than just economic development.

JIMMY KNOTT, 127 Sherri Lane, is speaking on behalf of the Telecommunications Committee, which has been recommended to be dissolved because the State has taken over the Cable TV Franchise Authority, the City has adopted an antennae ordinance and KOCT is in the process of being unfunded. This is not all that the Telecommunications Committee does. He provided a list to Council of things the Telecommunications Committee has done in the past. We also deal with the FCC and its interactions with the City. Often we're ahead of the game because we have people on the Committee that have the background and know what's going on. He would like to see Council give better direction to the commissions and committees. In these hard economic times we don't need less volunteers, we need more.

REX MARTIN, 306 Benevente Drive, is the Chairman of the Arts Commission. He was disappointed to see this brought up again. In 2009 we beat this dead horse, and nothing was done, which was good. He was happy to see in the presentation that the Arts Commission was to be left as-is with no change. Out of the recommended efficiencies, the Arts Commission is already doing 3 out of the 5, and there are 2 that would severely affect the Arts Commission. Where it says to reduce meeting frequency from monthly to quarterly, that would hurt our commission. Also trying to hold all meetings during business hours would eliminate almost all of our Commissioners who have full-time jobs. He asked if leaving the Commission as-is means they might not have to follow those 2 efficiencies. He read from a 2007 *North County Times* article regarding investment in the arts.

LARRY BARRY, 3973 Brown Street, spoke about democracy and how these advisory groups are a way for people to get their voices heard. Many of the advisory groups have political appointees. Some of the people have been on these advisory groups for 10 or 12 years without getting any new blood in there with new ideas. We need more diverse people on these with different points of view.

NADINE SCOTT, 550 Hoover Street, is the Chair of the Integrated Waste Commission. Our commission has a vital mission. Right now we're charged with making sure Waste Management implements the contract that the City just signed with them. It's a rather lengthy contract, and they need a watchdog, a partner and some cooperation from the citizen's commission to make sure they do what they're going to do. We're also charged with implementing a strategic zero waste plan, which is a sign of the future and where green jobs and financial opportunities are going to come from. She appreciates that staff has left this commission as-is. It's a commission of separate funding and should remain with its integrity as a solo commission. We have done electronic agendas for quite some time. We do action minutes only and meet during the day. Our work is so important that we can't meet quarterly. We generally end our meetings within an hour, and we get a lot done. We have subcommittees and ad hoc committees who moved forward with public volunteers that are doing a great job for the citizens of Oceanside.

The Utilities Commission has a similar charge with similar unique subject matter, as does Harbor & Beaches. She's not sure how often Harbor & Beaches needs to meet, but the Utilities Commission and Integrated Waste need to meet once a month during business hours to promote big programs in the City.

She agrees that the El Corazon Committee is crucial. They are not part of economic development; they are part of community development. They're part of making amenities that are going to raise property values in this town by providing recreation services. She would like to see that particular commission carved out in a separate fashion. Whether they meet quarterly or ad hoc on particular issues that come before them, they are too important to let go.

Public input concluded

MAYOR WOOD reminded people that the issue of commissions, committees and the people on them came up a while back. He brought it up because of financial reasons. We had a lot of committees/commissions that took up a lot of staff time and City money. We were concerned because of the economy. Most cities have 10-12 committees/commissions, and we have 23. Getting free advice at street level from committees/commissions is handy, but it does cost time and money for those them to hold their meetings and use staff. We had all of the Chairs from those committees/commission meet with staff and decide what to do. After those meetings we decided not to do anything, with the understanding that they couldn't use as much staff or attorney time and would try to keep it under control by only having meetings when there is a quorum and there are items to meet about.

This came back as a request from Councilmember Feller who wanted to address it and eliminate or intermix some of them. Some are required to be here by law. He'd like to see El Corazon as a separate one because all of those people have had a lot of input on it. As to the other ones, whether combined or kept, as the Mayor he gets to appoint to those with Council's approval. It was very hard to get nominations for a lot of these committees/commissions. He didn't appoint everyone on the commissions. Some of them have been there longer than he's been on Council. He's been approached because sometimes we don't have enough people for a quorum because he hasn't filled those positions that are open. He wasn't going to fill any of those with this pending action because he didn't want to appoint somebody to a committee/commission that's going to be deleted and obsolete. Also, once we combine some of these, there are going to be too many people, and we may need to let some go.

COUNCILMEMBER FELIEN agrees that we need to take advantage of all of the volunteers in these economic hard times. In terms of trying to make the committees/commissions work more efficiently, he asked for confirmation that anything that is called a commission is covered by the Brown Act, and we have to abide by all of the bureaucracy. If that's true, why would we have anything called a commission that isn't one of the 6 groups that have statutory authority?

MS. LAWRENCE responded that anything called a commission is subject to the Brown Act. If Council has approved a body by resolution or ordinance, then it is automatically subjected to those provisions.

COUNCILMEMBER FELIEN asked if there would be any harm, based on the recommendations you have in terms of the groups, in eliminating the commission title from any of the groups you've recommended keeping that don't have statutory authority.

MS. LAWRENCE's understanding is that the Brown Act would still prevail regardless of whether you call it a commission or a committee, if it's a group that's been appointed by Council.

CITY ATTORNEY MULLEN responded the key issue is not the name, it's the function and how it was created. If it's appointed by Council, nominated by the Mayor, ratified by Council and exercising legislative authority or making recommendations to the Council, then it's going to be covered by the Brown Act.

COUNCILMEMBER KERN was on the second El Corazon Committee that was tasked to come up with a specific plan. One of those tasks was to form a 501(c)3 so they could stay involved as time went on. It wasn't to form another committee that went on and on. Part of the problem with government is that, once we establish something, we have a hard time doing away with it. This is the opportune time to do away with the El Corazon Committee, let them go forward as the group to form the 501(c)3 that they were tasked to do and continue helping El Corazon.

We have a Request for Proposals (RFP) out right now for El Corazon, and we have a couple of respondents. We're going to come forward with the plans to the Economic Development Committee and the Planning Commission about how to deal with El Corazon.

He worked with the El Corazon Commission for a long time and it was a lot of heavy lifting. However, now it's moved into another phase so he doesn't think the commission is needed anymore.

Regarding Telecommunications, the task that was given has been eliminated. Telecommunication was formed to be oversight for KOCT, and then it became oversight for Cox and other franchises. Now Cox has a statewide franchise and is no longer franchised through the City. KOCT more than likely will not be getting any General Fund money this year so there's not going to be any oversight function needed for KOCT. As far as the Telecommunication Ordinance and the cell towers, that's going to come back through Planning. Those are Planning Commission issues now. When somebody wants to put up a cell tower, they get administrative approval and that can be appealed to the Planning Commission and City Council.

We're trying not to have meetings just to have meetings. He would encourage the Chairs that if they see an agenda that's really light and we can delay it for a month, then we should do that. What people don't realize is the cost of staff time to write a staff report. It's not just the time that staff sits in the meeting, it's all the time and effort to get to this point. We have to reduce some of these soft costs of staff time.

Redevelopment and Integrated Waste have a lot of work they're doing and probably do need to meet once a month. Utilities, Integrated Waste and Harbor and Beaches all are Enterprise Funds and have very different functions and basically have authority over some money coming in and how that's addressed. Those are very functional items.

Some of the appointees on the Utilities Commission, he thinks Mayor Bagley appointed them; that's how long some of those people have been on there. We have vacancies on Utilities, and he encouraged people to apply. It deals with water and sewer. It's difficult to get people with knowledge on those things, and the learning curve on that is very steep. He started working on the ad hoc committee for water and sewer in 1991, and he still doesn't know everything about water and sewer. It's a specialized item.

He **moved** that we adopt staff's recommendation and come back at a later time and evaluate how we're doing. We can't be afraid to change.

COUNCILMEMBER FELLER seconded the motion.

DEPUTY MAYOR SANCHEZ stated these are critical economic times and we do look to our volunteers. The City is extremely fortunate to have the number and caliber of volunteers that we have. They serve a tremendous public process function, being able to address issues long before they get to the Council. By the time these issues do get to Council, they have made our process much easier because they have reached out to the public and articulated the issues to the point where it's ready to be presented to Council for some kind of decision. Because of what they do, it isn't the right thing to end their functions by making all of these dramatic changes. We need to make cuts, and the commissions she has been liaison to seem to understand that need. There have been discussions about meeting every other month or as needed. Some obviously have tasks that are critical and timely so they meet every month. She sees that they are doing their part to be as effective and efficient as possible.

With respect to the El Corazon Commission, it was a process. We had an initiative that divided the City, and then-Mayor Terry Johnson suggested putting together a committee where each Councilmember picked 3 people. Those 15 people were able to something Council couldn't do, they were able to come up with a consensus. Sometimes you have to take the politics out to be able to get to discussion of what the real issues are, how to best approach them and what is best for the City.

At the time that initiative came up, it was a product of years of the City holding meetings to decide what to do with this land that was basically gifted to the City, along with \$1,400,000. There are not a lot of changes in terms of the vision. Now it's at a critical point of implementation, and we still need to have this non-political process to continue to make sure that vision for our future generations actually happens. We all understand that it has to make economic sense and that's why we've talked about making it better. She never believed that this commission would end until we break ground and see a park out there. This is one commission that has done a lot of work that you can see, and she hopes they will be around to review the RFP's so we can continue to go forward. The community has asked for that.

Regarding the Telecommunications Committee, if there is any subject matter that is constantly changing, it's technology. We recently had updates to our wireless ordinance. Now we need to make sure that there is oversight for implementation. There are so many things coming on in terms of technology. If it means meeting less often, then perhaps that's the way to cut back. In terms of whether or not it's something that is needed, she would hope that members of the community would review these new things before they get to the Council. They provide such a valuable service.

She asked whether or not there has been any conversation by the members of the Senior Commission regarding becoming part of the Parks & Recreation Commission.

MS. LAWRENCE responded no, we have not received a collective response from the Senior Commission.

DEPUTY MAYOR SANCHEZ stated that what staff presented were ideas that they heard from different Councilmembers in terms of how we can cut down on costs. Staff is asking for our direction. She would direct staff to go back to the commissions and have them talk about how they can cut down on costs and then make those recommendations to Council via staff. They can come up with a lot of good ideas that we can implement. She is not prepared to go forward on this. All of the commissions are doing a tremendous job for us.

COUNCILMEMBER FELLER explained this is about looking for financial savings for our City. We have a lot of volunteers, and we have at least a 25% vacancy rate on the number of members on the commissions. For years he has seen people show up for a meeting, and there is no quorum. Nothing is discussed while staff has prepared a report and there's been ongoing dialogue. Some consolidation is important. Staff has come up with some ideas to consolidate. When you have 4 vacancies on Transportation and 6 vacancies on Utility, there are some opportunities there. Every time we have appointments, he tries to recommend people to the Mayor because he's the one that actually makes the appointments. Sometimes it doesn't work, and sometimes we agree. That is one of the problems.

Regarding El Corazon, it would be great if we could have something permanent in 10 years, but the only thing that's going to drive improvement on El Corazon is economic development. That's on the commercial side of that property.

Most of our committees have 9 members, including alternates. There are a lot of spots to. Many of our commissions meet too often, and maybe they can be brought in as needed. He's not ready to go to quarterly unless it comes as a recommendation.

There are a lot of committees/commissions that remain the same. Integrated Waste will have a lot to do. The Arts Commission had a great event over the past weekend. There were lots of tourists in town so it is an economic driver. If we put this out for you to evaluate how to make the application process work with some of the commission members, that's good for us. He will support the recommendation at this point and try to figure this out for the vacancies that are there, as well as what the new groups will look like.

CITY MANAGER WEISS clarified the motion was about staff's recommendation, but we didn't actually make a recommendation. He believes the direction would be to move forward with the commission/committee consolidations as outlined in Attachment B of the report and then return to Council with the appropriate resolutions to reconstitute the groups.

DEPUTY MAYOR SANCHEZ asked if it is possible to have commissions with 7 instead of 9 members and not end up hurting any commission.

MS. LAWRENCE responded Council can do it however they want.

Following discussion, **CITY MANAGER WEISS** stated staff can get Council a list of the current standing of the commissions. As we look at reconstituting them, the direction is to try and keep them at 7 members, except those that have specific requirements for more than that. We'll identify those for Council.

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

[Recess was held from 7:19 PM to 7:30 PM]

Mayor Wood determined to hear Item 21 at this time.

6:00 P.M. – PUBLIC HEARING ITEMS

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

21. **City Council/Harbor: Adoption of a resolution setting fees in the City of Oceanside Harbor, specifically, the Oceanside Harbor Slip Rental Fee Schedule, including increases; and the Oceanside Harbor Miscellaneous Fee Schedule, including, among others, impound, transfer, slip waiting list, dinghy rack, and storage locker fees**

- A) Mayor opens public hearing
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence
- C) City Clerk presents correspondence and/or petitions
- D) Testimony, beginning with Frank Quan, Harbor and Beaches Coordinator

MAYOR WOOD stated this has been continued over many years. He has received comments, phone calls and emails requesting a continuance on this, along with other Councilmembers, because they had information they wanted to address. He doesn't mind doing that for the public to address the issues.

DEPUTY MAYOR SANCHEZ attended a special meeting of the Harbor & Beaches Advisory Committee, which had an opportunity to review the latest recommendation. There were several reports and information that were just provided within the last week. The motion to approve this evening's agenda item recommendation failed because they wanted some additional time to review it and make a recommendation to Council. The request is for a continuance to the May 18, 2011, Council meeting. This is a short continuance in light of the new material that they'd like to review. They are in the process of developing a recommendation and sharing it with the other commission members and the public, especially the members of the public that are in the harbor.

She **moved** to continue this public hearing to May 18, 2011.

MAYOR WOOD **seconded** the motion.

COUNCILMEMBER FELIEN stated everyone came here tonight, and he would not favor a continuance. This has been going on for 2 years, and that's enough time to make a decision. We need to move ahead.

COUNCILMEMBER FELLER has thought about this and has a continuing concern that we are getting further behind in the harbor. He's had a number of people that have given him information and offered to have him on the docks. He has refused because the information is going to come out when we hear this. He believes that the slip renters, the tenants in the harbor, all need to understand that this harbor is a jewel. He's been accused of saying this should be a luxury type of harbor, and he's not sure why that would be a problem. He will allow one more month for this. He can guarantee that he's going to do what staff recommends in one more month.

CITY ATTORNEY MULLEN stated if anyone wants to speak as to the motion to continue it would be appropriate for Council to allow members of the public to address that. It seems that the motion to continue to May 18th is going to pass and at that time everyone can make their comments about staff's proposal.

Public input

BILL ROUSH, 3228 Ricewood Street, stated the continuance alone will not work. The citizens are at odds here. Currently we have a Harbor Advisory Committee that doesn't represent the constituency of the harbor, a harbor staff that is in contention with the Harbor Advisory Committee and citizens who feel they are being taken advantage of. The true issue is not whether we should raise the harbor fees but rather that we have 3 groups that are at odds with one another and we're not working together. The system is broken. We don't know what fair fees are and we want fair fees. What we need to have added to the continuance is that the Harbor Advisory Committee be restructured to truly represent the constituents of the harbor. Demand that the harbor staff work with the Harbor Advisory Committee; we need to work together as a team. In addition, demand that the next time the Harbor Advisory Committee and the harbor staff come before this Council they are in agreement or we'll never get anywhere.

CLYDE WICKHAM, 1365 Cynthia Lane, Carlsbad, stated the continuance seems manipulative and like we're just pushing something off, but the idea of Councilmember Feller agreeing to continue an item and making the statement that he's already made up his mind before the items is heard seems arbitrary and capricious.

WAYNE HILL, R Dock, Oceanside Harbor, is asking that with this continuance the slip renters' seat on the Harbor Board gets filled and that we get the correct representation with live-aboards. We understand the Harbor & Beaches Advisory Committee has elections coming up next month and would like to have those 2 seats filled by them.

JIM JENKINS, 1429 Calle Marbella, stated there was a lot of new information that was just provided as of Monday and it's the profit and loss statements that we haven't had the access to in the past that shows a lot of additional overspending. The continuance is requested to allow us to review this new information that's a more accurate budget detail description.

DALE ROSS, Harbor resident, favors the continuance and asks for a little more advanced notice of what the recommendations are so we have a chance to review them before we have to come down here with no time to study this.

CRAMER JACKSON, 1826 Burroughs Street, suggested the City look into using HHO vehicles that run on water in the harbor.

STEVE FORD, 3080 Lincoln, Carlsbad, spoke about the slip rental fee increase.

TOM GARDNER, 2821 Ocean Village Way, agrees with the continuance but believes that Council needs to provide staff with some additional direction to make that continuance effective. During the course of all of this the harbor is in the hole because its expenses exceed revenue, but the staff has never been directed to present reasonable alternative management operational schemes to reduce the cost of the harbor. That's a serious question that we're in disagreement with and the staff refuses to present any reasonable alternatives to the current operation of the harbor. Unless they do that, we're just paying fees for the harbor to keep operating as its operating and that's not acceptable.

Secondly, staff continues to refuse to acknowledge all of the revenues generated by the harbor. There are revenues generated by this harbor that, notwithstanding the existence of this harbor, neither the City nor the harbor would have. Those revenues are not identified in the report and they add up to more than \$800,000 per year. If Council doesn't direct staff to look at expense reductions and identify all revenues of the harbor then we're just wasting our time. This harbor is in the red because you don't acknowledge those 2 facts.

SHERRI AHTAN, R Dock, Oceanside Harbor, would like to have the representative for the live-aboards talk to them and take what they have to say to the Council.

JOE PHARES, 2817 Sequoia Crest, Vista, has a boat in the harbor and questions what the new services are with the new increases. He has a concern in just continuing this with no new direction. He agrees with a previous speaker about the funding and not looking at the revenue sources.

JERRY McARDLE, 1540 Harbor Drive North #132, asked Council to direct staff to use the next 30 days to give us the information that we've been requesting. They gave us a new report 2 days ago and now we have the time to go over it, but they need to be directed to give us that information so during this continuance everybody can have all the information to bring here. Let's take advantage of this continuance and work together to make this happen for everybody.

COUNCILMEMBER FELLER would like staff to have any input that this group deems necessary and make sure the same recommendation is going to come across. If not, staff needs to be ready to change the recommendation.

DEPUTY MAYOR SANCHEZ amended her motion to request a continuance to May 18th with additional direction to staff to provide whatever information they have to the commission and interested parties.

MAYOR WOOD as the second concurred.

Motion was approved 4-1; Councilmember Kern – no.

22. **City Council: Consideration of adoption of a resolution approving an Historic Permit (H11-00001) locally designating the property and single-family residence located at 618 South Freeman Street and referred to as the Rutherford Property as a Local Historic Resource within the City of Oceanside and situated within the Townsite Neighborhood – Applicant: Larry Beck**

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

RICHARD GREENBAUER, Senior Planner, stated this is to review an historic permit to add one of locally significant history to our inventory. He's been on the Historic Preservation Advisory Commission for 4 years and this is the first designation that he's brought forward personally.

The local resource is located in the 600 block of Freeman Street. In our 1992 survey a number of residences along that block were identified as being potentially significant. The 600 block of Freeman goes all the way back to 1885 with the original Bryan's Addition subdivision. This was lot 12 of that subdivision. Over time the property has switched hands up until 1926 when Ed and Annie Rutherford engaged in development within the City and created the 926 square foot craftsman bungalow style residence. There are an additional 12 resources that they were part of so it was determined that there was significance associated with the developer, time-frame and period of Oceanside.

Over time a couple of modifications to the original structure have occurred. It's been reviewed and surveyed by a historian and those additions, one in 1944 and one in

2010, did not alter the historic significance of that house and hence us bringing this forward for designation as a local resource. The current owner has done numerous rehabilitation methods to the house to maintain it in that original state and we applaud him for doing that.

The City has reviewed the survey by the historian regarding the criterion they would have to meet in order to be a local significant resource and potentially a State resource and it does contain significance based on its integrity, materials, workmanship, building and location within the City. Under the California Environment Quality Act it qualifies for listing under criterion C for architectural aspects.

Staff's recommendation is to move forward with approving Historic Permit 11-0001 and officially designate 618 South Freeman Street as a local historic resource.

Applicant

LARRY BECK, 618 South Freeman Street, invited Council to come see this house. It's the gem of Oceanside and you'll be as proud of it as he is to bring back the history of Oceanside and keep it going. This house will probably stand now for the next 200 years.

Public input

CHARLENE KERCHAVAL, 533 South Nevada Street, is thrilled with this project. It's a beautiful home and the documentation that staff has done is incredible.

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

DEPUTY MAYOR SANCHEZ moved that the City Council adopt the attached resolution approving Historic Permit H11-00001 designating the property and single-family residence located at 618 South Freeman Street and referred to as the Rutherford Property as a locally significant historic resource.

COUNCILMEMBER KERN seconded the motion. He was part of the Historical Preservation Commission in 1992 when we ordered the first survey. It looks like a tremendous home and he's done a lot of work on it. One of the things about rehabilitation of a home like this is it qualifies for the Mills Act as far as money available for restoring historic homes. It's a great designation and great project.

Motion was approved 5-0.

23. **City Council: Consideration of adoption of a resolution approving General Plan Amendment (GPA10-00003) and Zone Amendment (ZA10-00003) to change the land use designation from Light Industrial (LI) to Open Space (OS) and change the zoning designation from Limited Industrial (LI) to Open Space (OS) for Lot 22, a 36.03-acre site located south of Mesa Drive and north of Ocean Ranch Boulevard, within the Ivey Ranch/Rancho Del Oro Neighborhood – Ocean Ranch Business Park Lot 22 – Applicant: Ocean Ranch Business Association/Merit Property Management**
- 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, beginning with:

RICHARD GREENBAUER, Senior Planner, stated we have the most simplistic General Plan and Zone Amendment brought forth since he's been a City Planner and

that would be to change a Light Industrial zoned parcel to Open Space. Staff has conducted the prerequisite Senate Bill 18 Native American Consultation that's required. The Native Americans had no issue with the proposal and we brought the project forward based on that and the Planning Commission's advisory review.

The Ocean Ranch Business Park was originally subdivided in 1999 and it included 21 industrial lots and 2 open space lots. The lot in consideration is cross-hatched, it is lot 22 and is located south of Mesa and just north of the Ocean Ranch Business Park downslope. The cross-hatched area was encumbered with an open space easement irrevocably offered to the City as such and we are currently completing the 5-year restoration habitat for the habitat that exists within the parcel.

The reason for the applicant to move forward with a change in designation was for tax purposes to get tax relief from the IL zoning and passing that on to potential clients that want to reside within Ocean Ranch Industrial Park and provide additional tax revenue from their services to the City. He used computer graphics to show various views of the site.

Staff recommends that Council move forward with approval of the General Plan Amendment and Zone Amendment, switching it from Light Industrial to Open Space.

Applicant

JIM HOULIHAN, 18 Rimani Drive, Mission Viejo, is an employee of Stirling Development and the current President of the Ocean Ranch Business Association. The Ocean Ranch Business Association accepts the conditions that are proposed on the property and we concur with the recommendations of staff.

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

DEPUTY MAYOR SANCHEZ will mourn the loss of \$2,000 annually in property taxes, but she agrees with staff and the applicant that this will help attract more businesses to the location.

She **moved** that that City Council adopt the attached resolution approving General Plan Amendment GPA10-00003 and Zone Amendment ZA10-00003, changing the land-use designation and official Zoning Map to Open Space for the undeveloped 36.03 acre parcel, referred to as Lot 22, and located on the north side of Oceanside Boulevard south of Mesa Drive and west of the Rancho del Oro Technology Park.

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELLER stated it pains him a little bit to lose industrial land but that was pretty constrained land. He supports this, it's a good use. Sometimes it just makes good sense.

COUNCILMEMBER KERN asked if we get credit for this as mitigation land or can we bank this so next time we have to do mitigation on a project we can use this open space land as mitigation.

MR. GREENBAUM can let our Environmental Resource Officer speak to that but his understanding is that it would have to be accepted as suitable habitat for mitigation and at this time it doesn't qualify for that without being reviewed by the agencies.

JERRY HITTLEMAN, City Planner, stated it actually was mitigation for the original Ocean Ranch project so we couldn't double dip on that. They did some wetland mitigation, especially on the west side of this property.

COUNCILMEMBER KERN asked how that happened if it's zoned industrial.

MR. HITTLEMAN responded it was zoned industrial when the Ocean Ranch Tentative Map was put in place, they just didn't do a Zone Amendment at that time. It was all legal.

COUNCILMEMBER KERN would love to double dip but if it's already counted in some way then we can't go back and ask the agencies. The agencies keep wanting more and more land and if we can sell them the land twice it would be fine with him.

CITY MANAGER WEISS stated as Council heard during the presentation, one of the requirements of the development was to put an open space easement over it. That was done to set it aside as mitigation. What we're doing now is changing the underlying zoning to eliminate the property tax burden. It's already open space, they can't do anything with it.

COUNCILMEMBER FELIEN lives in that area and has walked along that street quite often and this is a great opportunity to set this aside as open land. It has a slope that he doesn't believe would be developable in any way. He likes having it open and keeping it that way.

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

CITY MANAGER ITEM

25. **City Council: Discussion regarding City Council/CDC/Harbor Board meeting times** *(continued from April 6, 2011)*

CITY MANAGER WEISS stated this item is to look at several options in regards to Council meetings. He has received input over the last several months in regards to the time that they have been going until, some past 10:00 PM. Council's current policy requires Council to take a vote to take any new items after 10:00 PM. However, for the most part the meetings are generally starting around 3:00 PM with formal Closed Session at 4:00 PM, which has been going late. There have been some issues with regard to dinner breaks.

In the back up materials we have provided Council with a memo that has several options. One that would start Closed Session in the morning, have a lunch break, do the Consent Calendar and General Items in the afternoon and the Public Hearings in the evening.

The second option would be similar to what we were doing before, which would be starting your Closed Session at 2:00 PM. That would give you at least an hour and a half and in some cases, depending on how long you need, up to 2 hours for Closed Session. The General Items and Consent Calendar, the routine business, would be at 4:00 PM. We would schedule the presentations and proclamations and Public Hearings at 5:00 PM. The Public Hearings wouldn't start right at 5:00 PM as the presentations and proclamations take approximately 25-30 minutes. Regarding Oral Communication on Items Not on the Agenda, if you advertised them for 5:00 PM then if you finish those at 5:30 PM or 5:45 PM, you could start the Public Hearings and still have them in the evening hours.

The third option is to add a third meeting in the month. At this point in time we are at about 8:30 PM and had you had your other Public Hearing the City Clerk has informed him that even though it's a Public Hearing and you don't have to turn in speaker slips, we had 33 speaker slips. The opportunities are there to look at how Council wants to proceed. We can leave it as it is or look at some other option.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated every time the Public Hearings have changed from 5:00 PM, they have always come back. The public has demanded that the Public Hearing items begin after they get off work. Council isn't having enough workshops to give people time to work on things, get their viewpoint and bring forth ideas. Council also needs to get out among the people rather than just staying here. He would recommend adding an additional meeting and doing more workshops.

Public input concluded

MAYOR WOOD brought this item up partly because of medical reasons. He noticed at 10:00 PM he was getting tired and feeling bad. He also knows that this is a work night and people in the audience are tired as well. He doesn't think anyone wants to be here that late. He doesn't have another job so whatever the schedule is he'll be there. He would like to request that we don't stay so late. We want to accommodate Councilmembers who have other jobs and we want to hear from the public. When we have staff working late at night there is overtime and we're in the middle of the budget. Adding an extra meeting is a good compromise.

DEPUTY MAYOR SANCHEZ doesn't know if she's the only Councilmember who is still working. While she has her own business, she still has to work within the parameters of the court system and others who have 9-5 jobs. She would like to speak to the second option; however, she's not sure that we would need 2 hours for Closed Session. Perhaps we could start that at 2:30 or 3:00 PM. She would suggest starting the proclamations and presentations at 4:30 PM. When we started doing proclamations and presentations they were limited to 15 minutes and if we did that we could get to more items on the agenda. We could get to the Closed Session Report, Consent Calendar and public comments and then try to get to the General Items. We should have time certain for the public hearings of perhaps 5:30 PM. We could be a little more efficient; maybe limit Council reports to 2 or 3 minutes each.

COUNCILMEMBER KERN thinks we need to start earlier as far as Closed Session. If you notice tonight, we didn't get started until almost 10 or 15 after because Closed Session ran long. We are going into negotiations with our bargaining groups and we need time in Closed Session to really discuss those, at least until June. At that point, maybe we can readjust the time. He would do Closed Session from 1:00 – 3:00 PM, have a break and come back at 4:30 PM with presentations and proclamations and really start the meeting at 5:00 PM.

He reminded Council that May 18th is scheduled to bring Melrose back to Council for the Environmental Impact Report (EIR) and if we keep to that schedule then Melrose and the slip rental fees are going to come on the same night so we'll be here until midnight. He doesn't think workshops are going to help because people want to have their say in front of the Council on a Public Hearing item.

MAYOR WOOD stated sometimes Council doesn't get a dinner break and it's 10:00 PM before we eat. It's nice to have Closed Session in the middle of the day or have the meeting start at 4:00 or 4:30 PM, that way if we finish early we have a few minutes to eat before we have to be here for the rest of the night.

COUNCILMEMBER FELIEN would like to put the third option on the table. His observation has been that there have been very few meetings that have wrapped up early. What we would have seen tonight had we not continued the slip renter item is far more typical. We seem to have enough work that we're always going near 10:00 PM. Even if we start earlier, duration of the meeting is also a factor. He believes we do need more time in Closed Session, especially while we're discussing the labor contracts. He would be willing to start Closed Session at 2:00 PM, the meeting at 4:00 PM and have the public at 5:00 PM for the time certain items. We've all promised to try and be more efficient and say a little less but that hasn't happened and probably won't. He would like to add a third meeting and if in the end Council is standing around with nothing to

do then we can go back to 2 meetings.

DEPUTY MAYOR SANCHEZ stated with respect to anticipating some additional discussions for Closed Session, perhaps we can get a heads up from staff and maybe schedule an extra Closed Session in sometime during the week. She doesn't know that we have to schedule extra time every single meeting.

CITY ATTORNEY MULLEN stated one of the issues there is when the Mayor adjourns the meeting he has to adjourn to a time certain of the next meeting and sometimes we may not know when that is. It's pretty rare that we've gone over the hour in Closed Session other than today. There are times we cancel Closed Session because there is no litigation to discuss. He doesn't think that's likely in the next few months as Council continues with negotiations; you'll probably have frequent updates. If it were just litigation he would say that an hour is sufficient but it's up to Council's discretion if you want to have more time for the labor.

COUNCILMEMBER FELLER prefers the second option. He pointed out that we all committed to being here every Wednesday for every hour that was needed. We've made concessions to Deputy Mayor Sanchez to go to Coastal Commission and that eliminated that Wednesday. You're only talking about Consent Calendar, General Items and Councilmember Reports at 4:00 PM. The rest is the dog and pony and then Public Hearings and public comment. If the attorney needs an extra hour and we're doing 2:00 PM on 2 Wednesday meetings a month, there is plenty of time to notify us of the need for that extra hour to start at 1:00 PM on those days.

CITY ATTORNEY MULLEN would just need 72 hours to agendize the meeting.

CITY MANAGER WEISS stated if you started Closed Session at 2:00 PM it's going to be rare, with 2 meetings a month or even 3, that you're going to have 3 Closed Sessions that are going to be 2 hours long each. If you schedule it at 2:00 PM you may have one meeting that goes 2 hours but the rest of them should not take that long.

COUNCILMEMBER FELLER would guess that none of them are going to take 2 hours.

MAYOR WOOD agrees. If we start Closed Session at 2:00 PM we will generally be done before the 4:00 PM meeting starts, which gives us a break and if we finish the 4:00 PM meeting early that would give us time to get something to eat. The complaints he mostly gets are that the Councilmembers speak too much and that the City Council Reports could be limited to 3 minutes. Sometimes we don't have anything and he doesn't know that the public cares that he went somewhere last week. If we don't stop eliminating these late hours then we are going to have to have a third Council meeting per month. It's going to require him to start putting the light on the Councilmembers. He tried 5 minutes and that didn't last. No matter what we come up with there will be somebody that doesn't like it. It seems like we're leaning toward the second option with the understanding that if that doesn't work we'll probably have to add a third meeting.

COUNCILMEMBER FELLER stated it's written here that the proclamations and presentations go at 5:00 PM, before the Public Hearing.

COUNCILMEMBER KERN asked the City Manager what the consensus is so far.

CITY MANAGER WEISS so far has the second option. This will not be effective for Council's first meeting in May. He will also recommend that we add a meeting in May. May 25th is open. Council doesn't have the ability to add a third meeting in June or July because of the way things are booked up. At the second meeting in May we can try to go through May and June and see how this works and we can add an item on Council's last meeting in June to revisit this and see if over the next

few months it's been working.

DEPUTY MAYOR SANCHEZ asked if we could limit the proclamations and presentations to 15 or 20 minutes.

MAYOR WOOD responded yes. He keeps getting people who want to add to it. Lately there have been a lot of Mayor/Councilmember Items that have been taking up time.

DEPUTY MAYOR SANCHEZ asked what the proposal was for having a meeting on May 25th.

CITY MANAGER WEISS responded Council just continued the slip rental fees to the May 18th meeting and we had tentatively scheduled the Melrose EIR for that same meeting so we would look to add an additional meeting in May because May 4th is already full with hearings and the 18th has at least 2 others on it already.

DEPUTY MAYOR SANCHEZ asked what would be heard on May 25th.

CITY MANAGER WEISS doesn't know. Council has already continued the slip rental fees to May 18th so we'd probably move Melrose to the 25th.

DEPUTY MAYOR SANCHEZ thought that when she asked if May 18th was okay for continuing the slip rental fees staff said it was okay. Perhaps staff should have explained that there was already something busy on that day.

COUNCILMEMBER FELIEN likes the idea of the public meeting starting at 5:00 PM and he'd like the presentations and proclamations to start at 4:30 PM. The only issue he has with Closed Session is he felt when we're dealing with labor issues they are going to be a lot harder negotiations in the future than they've been in the past and he doesn't think we've been thorough enough in Closed Session. He agrees that for the most part Closed Session can usually be wrapped up in an hour but for labor issues he would like to have more time. If we can be notified in advance and we'll only have a longer session for those meetings, he's happy with that. He would like Council to be open to the idea of a third meeting when we have multiple major items.

COUNCILMEMBER FELLER doesn't see a problem with doing Public Hearings at 5:00 PM and doing the proclamations and presentations at 5:00 PM. We should try to clear what we can between 4:00 and 5:00 PM. We need precise times and to try to make this work as best we can.

COUNCILMEMBER KERN stated if there's an item that seems contentious it's up to the Chair to move it to later in the evening and make it available for people to come and comment on it.

CITY MANAGER WEISS stated we'd only be looking at 4 meetings on this schedule and then Council would have the opportunity to revisit it.

DEPUTY MAYOR SANCHEZ asked if Council items would be at 5:00 PM too.

CITY MANAGER WEISS responded if Council would like those items at 5:00 PM, we could include them in that portion of the agenda as well.

CITY ATTORNEY MULLEN stated we'll take these comments and get a resolution drafted to implement this for the next 4 meetings and bring it forward on the May 4th Consent Calendar.

INTRODUCTION AND ADOPTION OF ORDINANCES

31. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside repealing Ordinance 10-OR0369-1 relating to the establishment of fees for the recovery of certain costs for emergency related services (introduced 4/6/11, 3-2 vote, Wood and Sanchez-no)**

JIMMY KNOTT, 127 Sherri Lane, asked what Council is going to do to replace these fees in our budget. You are cutting a lot of different programs in sensitive areas that are important to a lot of people in this City.

CITY MANAGER WEISS responded when the Council directed staff to repeal them we did not have a discussion or direction of how they are going to be replaced. That will be part of the budget process as we move forward with the workshop next week and then with the adoption in June.

After titling of the ordinance, **COUNCILMEMBER KERN moved** [adoption of an **Ordinance No. 11-OR0315-1**, "...repealing Ordinance 10-OR0369-1 relating to the establishment of fees for the recovery of certain costs for emergency related services"].

COUNCILMEMBER FELIEN seconded the motion.

DEPUTY MAYOR SANCHEZ agrees with Mr. Knott. We were talking about cost recovery and every department is charged to do that and the Emergency Services/Fire Department did a wonderful job in terms of trying to zone in on those that we are subsidizing. She is voting no on this.

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

CITY COUNCIL REPORTS

26. **Mayor Jim Wood**

MAYOR WOOD attended the Ironman event at the harbor and the Oceanside Relay for Life for cancer last Saturday at MiraCosta College. The Republican Party Foundation sponsored a Foundation for Brain Injured Vets and it was a great event.

27. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ announced the Push Ups for Charity Challenge is April 23rd to support the Wounded Warrior project. The 19th Annual Easter Egg Hunt is April 23rd at Balderrama Park from 9:30 to 10:00 and at Buddy Todd Park from 10:00 to 11:00. The International Day of the Child is April 30th at Balderrama Park.

28. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the fundraiser for the Foundation of Brain Injured Veterans.

29. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the badge-pinning for the Fire Department; the Oceanside Police Department Luncheon at the Beach Community Center; and the Laurel Elementary School's Hall of Fame.

30. **Councilmember Jerry Kern**

COUNCILMEMBER KERN announced the Oceanside High School Golf Tournament on Saturday. He attended the 7th Annual Membership Recognition Luncheon at the Beach Community Center for the Police Department.

April 20, 2011

Joint Meeting Minutes
Council, HDB and CDC

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 9:10 PM on April 20, 2011, to a Council workshop on Wednesday, April 27, 2011, at 6:00 PM.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL

JANUARY 10, 2012

SPECIAL MEETING 9:00 AM COUNCIL CHAMBERS

9:00 AM - OCEANSIDE CITY COUNCIL (COUNCIL)

Mayor

Jim Wood

Deputy Mayor

Esther Sanchez

Councilmembers

Jack Feller
Jerome M. Kern
Gary Felien

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Ernst

City Manager

Peter Weiss

City Attorney

John Mullen

The special meeting of the Oceanside City Council (Council) was called to order by Mayor Wood at 9:03 AM, January 10, 2012.

9:00 AM - ROLL CALL

Present were Mayor Wood, and Councilmembers Kern, Feller and Felien. Deputy Mayor Sanchez arrived at 9:06 AM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen. The Pledge of Allegiance was led by Gary Ernst.

DISCUSSION ITEM:

- Adoption of a resolution to elect the City of Oceanside to serve as the successor agency to the Oceanside Redevelopment Agency pursuant to Health and Safety Code Section 34173 and to elect the Oceanside Housing Authority to retain the Housing assets and Housing functions previously performed by the Oceanside Redevelopment Agency pursuant to Health and Safety Code 34176**

KATHY BRANN, Redevelopment Manager, stated this item is related to the City agreeing to be the successor agency for the Redevelopment and Housing Funds. On December 29, 2011, the Supreme Court held that AB26, which dissolved the Redevelopment agencies in California and struck down AB27, which would have allowed for the Redevelopment agencies to remain.

CITY MANAGER WEISS stated the Supreme Court upheld one of the bills that

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

allows for Redevelopment agencies to be dissolved and found that the continuation bill that had been submitted is not constitutional. Effectively, that means that, as of February 1, 2012, all Redevelopment agencies in the State are dissolved. There are, as we speak, changes occurring. There have been bills that have been submitted and have not yet been voted on that will extend that dissolution date from February 1st to April 15th. There is a second bill pending that addresses some of the in-lieu housing monies that have been set aside and are unencumbered. As of today, in the absence of those bills being voted on, all unencumbered funds in the City's low and moderate-income housing fund would be transferred to the taxing entities that would derive a benefit from Redevelopment being dissolved, as well as all unencumbered funds in the Redevelopment Fund balance.

The exception to those funds would be the bond funds that we have in reserve. Those bonds had been issued some time ago and are allocated to downtown projects. There is some ambiguity about whether or not those bond funds could be used for projects; there's specific language that allows for the bond funds to be used for their intended purpose. However, there is also conflicting language, so that has not been fully resolved yet. At this point, we have previously identified a number of downtown projects that include Mission Avenue, a new parking structure and the improvement in the waterfront restrooms. At such a time as we determine what happens with those bond funds, we will be coming back to Council to prioritize those projects because a number of them were relying on future bonds to be issued, based on the future tax increment that, once Redevelopment agencies are dissolved, will no longer be available. As these things start to play out over the next few days, weeks and months, some of those decisions will be coming back to Council in some form or another.

The action today allows the City to become the successor agency. There will be an oversight committee formed that will also be involved in dealing with the unencumbered assets, which include properties that are still assets of the agency. We're still looking at what that actually means. This provides Council the ability to become a successor agency for both the Redevelopment assets and the Housing funds as well.

CITY ATTORNEY MULLEN stated under AB26 the City actually is designated/defined as the successor agency and the Oceanside Housing Authority. Should you take no action, it would take over the functions and the assets of the Redevelopment Agency as it relates to the affordable housing component. However, Council has the ability to opt out, not becoming the successor agency, and that election would have to be made by Friday, hence the reason we calendared this item. Our recommendation is that you should become the successor agency so that we can have some control in this process and that the Housing functions and assets of the Redevelopment Agency be transferred to the Housing Agency.

CITY MANAGER WEISS stated the only actions we are allowed to take after February would be to initiate activities that will wind down the agency and what we do with the agency. At this point, even with the assets that you have, the primary responsibility will ultimately fall to the oversight committee. There is a very specific membership for the oversight committee. Those oversight committees have not yet been established, but they will take over full responsibility. Essentially, the tax increment that the City collects now will go through the normal tax allocation process to all of the various taxing entities. How much money is left over will determine how much we will ultimately receive.

There will be a benefit to the City's property tax revenues, depending on if we have to defease bonds. We still have a number of outstanding obligations that we have to pay out of the tax increments that are obligated to be paid. However, the General Fund loan to the Redevelopment Agency that was issued in the early 1980's is essentially wiped out. The outstanding balance of that loan, because it's been accruing interest for 20 years, is approximately \$19,000,000. That loan will essentially be

forgiven, so we will not be receiving any of those monies. We will have to do a new Reportable Obligations Schedule in which we will identify all of the various costs we have to pay, but that loan will no longer be part of that.

CITY ATTORNEY MULLEN stated that AB26 does not recognize most agreements that were entered into between the agency and the City. There are some exceptions to that; however, there is litigation that's been filed in Northern California over the issue of the city's loan to the agency involving Cerritos, and he's monitoring that and has the pleadings in that case. We're certainly going to be reserving all of our rights in the event that results in a determination that that section of AB26 violates the contract laws.

CITY MANAGER WEISS stated staff recommends adopting the resolutions.

COUNCILMEMBER KERN asked what happens if we opt out.

CITY ATTORNEY MULLEN responded if Council chose not to become the successor agency, they would have to adopt a resolution to that effect, and that would have to be filed with the County and the Department of Finance. Then there would be a process to determine who is the successor agency, and the statute provides that there be a designated local authority with 3 members appointed by the Governor who are residents of the County.

COUNCILMEMBER KERN asked what the relationship is between the successor agency and the oversight board.

CITY ATTORNEY MULLEN responded the successor agency will have to have all or many of its actions approved by the oversight board. The board effectively will be overseeing the disposition of the agency's assets. To the extent that there's real property that needs to be sold, the oversight board would have the final say on decisions like that.

COUNCILMEMBER KERN stated then the successor agency has no real authority at all.

CITY ATTORNEY MULLEN clarified the successor agency's obligation is to make all of the payments under the Enforceable Obligation Payment Schedule, as well as the Recognized Obligation Schedule that will need to be adopted by March 1st. The successor agency's role principally is to make sure that those commitments are paid.

COUNCILMEMBER KERN moved to [adopt **Resolution No. 12-R0058-1**, "...electing to have the City of Oceanside serve as the successor agency to the Oceanside Redevelopment Agency pursuant to California Health and Safety Code Section 34173 and electing to have the City of Oceanside Housing Authority retain the Housing assets and Housing functions previously performed by the Oceanside Redevelopment Agency pursuant to Health and Safety Code Section 34176"].

DEPUTY MAYOR SANCHEZ seconded the motion. It is feasible that as a successor agency we'll be able to make recommendations to the oversight committee and present plans for what would be the optimal thing to do with our property.

CITY ATTORNEY MULLEN thinks that's correct.

With respect to the lawsuits being filed to address the vagueness of the Cerritos case that was just issued having to do with the city's loan to the agency, **DEPUTY MAYOR SANCHEZ** asked what the advantages or disadvantages would be of deciding either way. It's a loss to us of \$19,000,000 to the City's General Fund, but realistically how would that happen anyway? What would be the way to collect that? If there is an advantage to pursuing that, are we going to file an Amicus Brief?

CITY ATTORNEY MULLEN responded there is a preliminary injunction hearing scheduled next week in Sacramento, where the judge will be deciding whether they will preliminarily enjoin the enforcement of the statute. He believes, to the extent that there are going to be Amicus Briefs filed, it would be better to come from CRA since that represents all 400 agencies. Having said that, we, at an appropriate time, may want to meet in Closed Session to discuss potential litigation to invalidate that portion of AB26 as a violation of the contract clause. That is an option we're exploring. We don't have a recommendation at this date; it's a little premature right now. That is something that we could explore as a potential claim that, that portion of the statute is unconstitutional.

DEPUTY MAYOR SANCHEZ thought the loan was more like \$9,000,000 - \$11,000,000.

MS. BRANN stated it's around \$11,000,000. By the time all of the interest and everything was paid, it was much more. The way that would be paid back is through the tax increment. Right now we have to submit an Obligated Debt Schedule to the oversight board. If this was to be found a legitimate expense to the agency, then it would be paid off in future tax increments.

DEPUTY MAYOR SANCHEZ stated it would be a huge advantage for our City to join with Cerritos.

CITY ATTORNEY MULLEN responded we'd probably have to file our own or in conjunction perhaps with other agencies. We're going to be meeting with the other City Attorney's in the region to discuss this issue in the near future. He will report back to Council on their recommendations.

DEPUTY MAYOR SANCHEZ asked if the City Attorney's interpretation is that, of the bonds outstanding that were specifically targeted toward projects and certain projects that have been prioritized for the use of that money, it actually may be something we could continue to do, is that correct?

CITY ATTORNEY MULLEN thinks there is some ambiguity in this issue, but there is a provision in AB26 that says specifically that bond proceeds shall be used for the purposes for which the bonds were sold unless the purposes can no longer be achieved, in which case the proceeds may be used to defease the bonds. Provided we can show the purposes for which the bonds were issued can still be met, then we should be able to use them.

DEPUTY MAYOR SANCHEZ stated we've talked about this before where she's asked some very obvious questions like could some of this money be used to pay back the loan to the City and the obvious answer was no. We would not be able to use those funds for any other purpose.

CITY ATTORNEY MULLEN responded no, only for public improvements.

DEPUTY MAYOR SANCHEZ asked if the only other option would be to give that money back.

CITY ATTORNEY MULLEN responded it's either spend it for the public improvements for which they were issued or to defease the bonds.

DEPUTY MAYOR SANCHEZ stated we have a strong argument to maintain those bonds and use them for the purpose that they were contracted for. The City Attorney had anticipated that we would be in this position where the Supreme Court would be splitting on the 2 issues before it, and it's a very difficult situation for us. She urged that we go forward and get as much out of this as possible in terms of advocating for the bonds to be used for the projects and wherever you feel that we can add our

voice, please let us know so we can do that.

COUNCILMEMBER FELLER asked if we have any other pots of money that have come out of Redevelopment that we stand to lose.

MS. BRANN responded the way AB26 is currently written, the Housing funds would go back to the County. However, there was a bill submitted by Steinberg that is now in the process of trying to protect those funds and assets.

MARGERY PIERCE, Neighborhood Services Director, stated the Transportation and Housing Committee will be reviewing that. There are no other funds that have Redevelopment monies in Housing, other than the existing fund balance.

COUNCILMEMBER FELLER asked what that fund balance is.

MS. PIERCE responded it's a little over \$4,000,000.

COUNCILMEMBER FELLER asked what the total value is of the projects that we think we can continue with.

MS. BRANN responded we have about \$11,000,000 outstanding bond funds that we could potentially spend down. It would be a matter of prioritizing what the best use of those funds would be, assuming that we find that we can use those funds.

COUNCILMEMBER FELIEN wanted to follow up on Councilmember Feller's question. In terms of the projects we've talked about – the different parking structures, etc. – how far does \$11,000,000 go?

CITY MANAGER WEISS believes the top priorities that Council had were a new parking structure and then Mission Avenue. He believes for the Mission Avenue improvements that Council just heard a few weeks ago, the total cost was \$3,500,000 - \$4,000,000. A parking structure would probably be \$7,000,000 - \$8,000,000. It's possible, depending upon magnitude of scale and cost-savings, that you could get a good portion of Mission Avenue, at least Phase I, and the second parking structure. Council also had identified the restrooms and the waterfront improvements. He recommended, if we have the ability to spend the money, would be to focus on the parking structure and Mission Avenue because those would probably be the best source of your expenditures, plus they're further along than most other projects.

Regarding returning any money that is unencumbered, **COUNCILMEMBER FELIEN** asked if that's unencumbered as of the time of the bill, as of today or as of January 31st.

CITY ATTORNEY MULLEN responded you're to do a new Recognized Obligation Schedule that will include all of your debt through December 31, 2011.

CITY MANAGER WEISS stated the bond money is separate than any additional tax increment. He believes the intent of the legislation was whatever unencumbered money is in the tax increment account goes back to the taxing entities. If we had access to that, we could comfortably complete both projects.

COUNCILMEMBER FELIEN asked if there is a difference in interpretation here. Do we have an option to do anything before February 1st that would benefit the City?

CITY ATTORNEY MULLEN responded you don't have the authority to enter into new contracts, as the Redevelopment Agency was suspended last August or so.

CITY MANAGER WEISS clarified that his answer is how do we maximize the return to the agency and the City. Under these bills, the fiduciary responsibility is to the

taxing agencies. So there is a complete, separate and opposite approach to who you are trying to benefit. The way the bills are written, the goal is to maximize the return to the taxing agencies, which is why the unencumbered funds go back to those agencies.

COUNCILMEMBER FELIEN grew up in Cerritos and would be in favor of jumping on board with their case if it looks like it will help us out.

MAYOR WOOD is frustrated with the State for putting the burden on the cities' backs even though it was their fiscal mismanagement that got us into this situation. This is devastating for a lot of cities, not as much for Oceanside as for some other cities in the County. Every other city is going through this exact same process and probably with a little bit more impact.

CITY ATTORNEY MULLEN clarified that the motion includes the Housing component as well, so it's the draft resolution in front of Council.

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

2. **Communications from the public regarding items not on this agenda** - None

ADJOURNMENT

MAYOR WOOD adjourned this special meeting of the Oceanside City Council, at 9:26 AM on January 10, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, January 18, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

JANUARY 18, 2012

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 2:02 PM, January 18, 2012.

2:00 PM - ROLL CALL

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

Present were Mayor Wood and Councilmembers Kern, Feller and Felien. Deputy Mayor Sanchez arrived at 2:07 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, 3A and 3B [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. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: approximately 460 acres at northwest corner of Oceanside Boulevard and Rancho del Oro Drive (El Corazon – APN 162-082-06, 08, 09, and 50); Negotiating Parties: City of Oceanside and Sudberry Development, Inc.; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Terms and conditions of a Development and Disposition Agreement for the use of the property

Item discussed; no reportable action

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Center City Golf Course consisting of 95.31 acres east of Interstate 5 and north of Oceanside Boulevard (APN 151-011-11); Negotiation Parties: City of Oceanside and Stirling Development LLC; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the recreational lease and use of real property

Item discussed; no reportable action

C) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Property bounded by Pacific Street, Myers Street, Seagaze Drive, and Civic Center Drive (APN 147-261-01 through 12; 147-076-1,2,3,10,11,12); Negotiating Parties: SD Malkin Properties; Negotiator for the City: Peter Weiss, City Manager, and John Mullen, City Attorney; Under Negotiations: Terms of Disposition Agreement and Lease

Item discussed; no reportable action

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

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

- A) Dunex v. City of Oceanside, Superior Court Case No. 37-2010-00061745-CU-EI-NC
- B) Dunex, Inc. et al. v. City of Oceanside, et al. U.S. District Court Case No. 10 cv 1478 JLS CAB

Items discussed; by 5-0 vote, Council authorized the filing of an appeal regarding Item 3A once a judgment becomes final

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.

CONSENT CALENDAR ITEMS [Items 4-6]

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 plans and specifications for the Douglas Drive Radar Feedback Sign project to be located on Douglas Drive west of Festival Drive, facing northeast-bound traffic; and authorization for the City Engineer to call for bids
- 6. City Council: Approval of a Community Health Component for the Crown Heights/Eastside Neighborhood Revitalization Strategy Area Plan

COUNCILMEMBER KERN moved approval of the Consent Calendar [Items 4-6].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS – None

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.

- 15. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside amending Sections of Chapter 12 of the City Code regarding food**

vending vehicles *(introduced 1/4/12, 4-1 vote–Feller, no)*

After titling of the ordinance, **DEPUTY MAYOR SANCHEZ** moved for adoption of **Ordinance No. 12-OR0064-1**, "...amending Sections of Chapter 12 of the City Code regarding food vending vehicles".

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELLER is voting no on this. He thinks we're going to be sorry we approved this because it's bad competition for our brick and mortar businesses.

Motion was approved 4-1; Councilmember Feller – no.

16. **City Council/Harbor: Adoption of an Ordinance of the City of Oceanside amending Chapter 29A of the Oceanside City Code by the addition of Section 29A.37 requiring commercial service providers to obtain a permit from the Oceanside Small Craft Harbor District** *(introduced 1/4/12, 5-0 vote)*

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption of **Ordinance No. 12-OR0065-1**, "...amending Chapter 29A of the Oceanside City Code by the addition of Section 29A.37 requiring commercial service providers to obtain a permit from the Oceanside Small Craft Harbor District".

MAYOR WOOD seconded the motion.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

14. **[Mayor Wood: Update of Councilmember appointments to Boards, Commissions and Committees, including nomination for Deputy Mayor]**

Continued to February 1st meeting

CITY COUNCIL REPORTS

7. **Mayor Jim Wood**

MAYOR WOOD acknowledged this year's nominees from Oceanside for the MLK Community Service award given by the North County NAACP.

He attended the Brain Injury Veteran's Association event last Sunday at the Star Theater.

8. **Deputy Mayor Esther Sanchez** – no report

9. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Soccer Club of Oceanside's annual awards night and the Brain Injured Veteran's Association event.

10. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the MLK ceremony at MiraCosta; the retirement celebration for Rita Gelder, the former City Manager of Vista and our former Fire Chief's wife; the Brain Injured Veteran's Association event; the Soccer Club of Oceanside's awards night, and the community breakfast.

He attended the funeral service for Irene Duehren.

11. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the community breakfast. Last week he met some people at the San Luis Rey Wastewater Treatment Plant to take samples of our wastewater and send it to Florida to see if we're eligible to take our wastewater and convert it to biodiesel. We're waiting for those results to see if we can get a grant for a pilot project at the San Luis Rey Plant.

This Saturday, on behalf of Diane Harkey, he will be presenting our Veteran of the Year at the Veteran's Association North County meeting. Tomorrow he is attending the 28th Annual San Diego County Economic Round Table at the University of San Diego to hear what the economists feel the future holds for the region.

He's been working on a collaborative project throughout North County - the Highway 78 Sprinter corridor, and one of the projects that came forward is that Southwest Innovation Cluster is applying for a grant to do robotics. They needed a test bed to do the project, and Tri-City Hospital has agreed to do the project. He thanked the Mayor for sending in a letter of support for that project. Hopefully we can bring something more high tech to this region for those high-paying jobs.

Tomorrow night he is a guest speaker at the Orange County Taxpayer's Association to discuss Charter cities in Southern California.

CLOSED SESSION REPORT

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

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

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 4:55 PM. All Councilmembers were present.

INVOCATION – John Lundblad

PLEDGE OF ALLEGIANCE – Soccer Club of Oceanside

PROCLAMATIONS AND PRESENTATIONS

Presentation – Mayor's Youth Sports Recognition and Appreciation Award

Presentations were made

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

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

MICHELLE PIUS, Fresh Start Surgical Gifts, 2011 Palomar Airport Road #206, who does reconstructive plastic surgery and dental at no cost to families. They are

hosting a patient resource fair at the end of the month in one of the Community Rooms at the Civic Center. She showed a video about their program. On January 28th we are holding a Patient Screening Fair. If a child is uninsured or underinsured, doesn't qualify for a State-funded program and has a physical deformity due to accident, disease, abuse or birth defect, they are here to help. They can meet with Fresh Start medical representatives and talk about whether they qualify for help with Fresh Start.

POLLY FUKUHARA, 520 South Ditmar Street, stated there was an article in the *North County Times* about the firefighters recently that talked about the possibility that we are going to go to EMT's or that we need to adjust our City's money because they are too expensive. She knows that they offered a concession that was rejected by the Council. She doesn't know if anything was positive about talking to them and trying to reach some kind of other agreement. It would be nice if that could happen, that there could be further discussion between the Fire Department and the Council before we go to EMT care. It's unfair to compare our City to Vista and Carlsbad; both of those cities are very small compared to us now. We've grown and the Fire Department has not grown. They're actually operating on a very lean basis compared to a city like Pasadena, which has a far larger department and is more of an equivalent size to us. Losing the paramedics would be a terrible blow to the City because, although we don't want to have to use them, many of us will end up eventually needing to call a firefighter to our house for a medical. If an EMT shows up, you might not make it. That affects everybody sitting on the dais too. The City is here to protect us and give us basic safety services, and this is one of them. She urged Council to go to the Fire Department and continue talks with them and perhaps save the paramedics from being discontinued. This City will be at a big disadvantage if we don't have them. Vista and Carlsbad will no longer send paramedics in here if we don't have them also.

JACQUELINE EGAN BARRY, 3252 San Helena Drive, is concerned about the guardrail on El Camino Real. We notice that people go very fast in that location, and there is an elderly population there. She and her children are concerned that there could be a horrific accident because the drop is extremely far.

She also believes there should be a noise curfew on the Sprinter because it's waking them up every morning at about 5:20. She asked if there are any restrictions on noise this early.

MAYOR WOOD stated federal law governs trains and their whistles. We're working on quiet zones along with other cities. He advised her to call North County Transit District (NCTD) to talk to them about it.

MS. BARRY stated it's the loud speakers making announcements.

MAYOR WOOD advised her to speak to NCTD.

DAN MATLOCK, 1709 South Pacific Street, is Vice-President for ACTION (Alliance of Citizen's to Improve Oceanside Neighborhoods) and represents the coastal zone, from St. Malo to the harbor. Last week he had the proud opportunity to bring 1,200 troops home from Iraq. Some of these troops, when discharged or retiring from their service to our Country, face some very daunting challenges in this economy. One of those challenges is the likelihood of homelessness. In Oceanside, if vacancy decontrol passes, the likelihood of senior veterans facing homelessness will become a reality. He is astounded and angered to see the back-slapping, befriend attitude of some of our Councilmembers towards our elderly veterans. He would characterize it more as back-stabbing.

Councilmember Kern is responsible for the attempted amendment of our ordinance governing vacancy decontrol that no doubt will create homelessness amongst some of our most elderly veterans. This amendment was introduced May 4, 2011, as

January 18, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Item 20, and 132 speakers signed up to speak in opposition. Some 700 and counting veterans in Oceanside are in jeopardy of losing their homes. Those of you watching television, this is your wake-up call to get educated on the true facts and not the spin. He will be personally calling on all veterans in Oceanside to help protect your fellow veterans from possibly losing their homes. Do not let this greedy assault on senior veterans prevail.

5:00 P.M. – PUBLIC HEARING ITEMS – None

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 5:22 PM on January 18, 2012, to a workshop on January 25, 2012, at 9:00 AM.

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE

CITY COUNCIL AND

COMMUNITY DEVELOPMENT COMMISSION

JANUARY 31, 2012

SPECIAL MEETING 2:00 PM COUNCIL CHAMBERS

**2:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL)
COMMUNITY DEVELOPMENT COMMISSION (CDC)**

Mayor
CDC Chair
Jim Wood

Deputy Mayor
CDC Vice Chair
Esther Sanchez

Councilmembers
CDC Commissioners
Jack Feller
Jerome M. Kern
Gary Felien

City Clerk
CDC Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

City Manager
CDC Executive Director
Peter Weiss

City Attorney
CDC General Counsel
John Mullen

The special meeting of the Oceanside City Council (Council) and Community Development Commission (CDC) was called to order by Mayor Wood at 2:03 PM, January 31, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, and Councilmembers Feller and Felien. Deputy Mayor Sanchez arrived at 2:05 PM. Councilmember Kern was absent. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen. The Pledge of Allegiance was led by Kathy Brann.

DISCUSSION ITEM:

- 1. City Council/CDC: Adoption of a Resolution of the Oceanside Community Development Commission authorizing the submission of an amended Enforceable Obligations Payment Schedule to the State Department of Finance and the Auditor-Controller of San Diego County and approving the payment schedule, and authorize the Executive Director to file the Schedule with the appropriate agencies; and adoption of a resolution of the City of Oceanside designating authorized personnel for the Local Agency Investment Fund**

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

CITY MANAGER WEISS stated last year we adopted a payment schedule that provided for the City and agency to make payments through December. We're doing this to provide for payments on our existing obligations through the balance of this fiscal year. The deadlines that have been established require certain things to happen before tomorrow, which is why we're having this special meeting today.

KATHY BRANN, Redevelopment Manager, stated Council did adopt a similar schedule last August, and those payments only took us through the end of the year. Staff found out this week that we need to submit a new schedule as of today, which is the reason for the last-minute notice. Basically, this new schedule allows us to continue to make payments from January through the end of June. We've provided Council a new schedule. The resolution and schedule need to be emailed to the Department of Finance, the State Controller, the County and it's to be uploaded to our City's website, which we intend on doing this afternoon.

MICHELE LUND, Treasury Manager, stated the other part of this action is to adopt a resolution authorizing personnel to open an account at the State level for the Local Agency Investment Fund (LAIF). The State notified us again on the 25th that they were no longer going to be able to accept transactions on behalf of the RDA (Redevelopment Agency) because it would no longer be in existence as of February 1st. In order to continue our operations, we need to adopt this resolution so we can continue using the LAIF account.

COUNCILMEMBER FELLER asked if essentially, in layman's terms, you need us to act today to allow us to be able to pay bills through the end of June.

MS. LUND responded yes.

COUNCILMEMBER FELLER asked if they're ready to go.

MS. BRANN responded yes. We have the attached schedule, and our Finance Department has been actively setting up those accounts and doing everything necessary to have everything in place this next week in order to continue operations.

COUNCILMEMBER FELLER moved adoption of staff's recommendation to adopt [**Resolution No. 12-R0080-3**, "...of the Oceanside Community Development Commission establishing an amended Enforceable Obligations Payment (EOP) Schedule pursuant to Assembly Bill Number 1X 26", to the State Department of Finance and the Auditor-Controller of San Diego County and approving the payment schedule, and authorize the Executive Director to file the Schedule with the appropriate agencies; and adoption of **Resolution No. 12-R0081-1**, "...of the City of Oceanside designating authorized personnel for the Local Agency Investment Fund"].

COUNCILMEMBER FELIEN seconded the motion. He asked if there has been a resolution to the issue of City loans to Redevelopment. Is there any news from Sacramento that our loans to our agencies can be repaid?

MS. BRANN responded we did include those still on our EOP Schedule.

CITY ATTORNEY MULLEN stated under AB26, the loan from the General Fund to the Redevelopment Agency will not be recognized unless it was either to secure debt or was in the first 2 years of the existence of the agency. The City doesn't meet those requirements. There is litigation going on in Northern California that several RDA's have brought and are pending in the trial court. We're still waiting on a decision in that case.

CITY MANAGER WEISS recommended that we do still show that loan as an obligation in the event that litigation is successful.

DEPUTY MAYOR SANCHEZ wanted to clarify and add a couple of words to the resolution to make sure that it's all 3 that would be required to be the authorized personnel to order the deposit or withdrawal of monies in the local agency's investment fund. Listed is that the Agency Treasurer, Treasury Manager and Financial Services Director are all 3 required to sign in order to be able to deposit and withdraw funds. Is that correct?

MS. LUND responded no, not all 3. The Treasury Manager has the day-to-day operations so as designee she is able to make those transactions. If, in the event that she's not available or we later designate a Treasury Technician, any 3 of us can designate other authorized personnel. We don't all 3 at the same time have to do that.

DEPUTY MAYOR SANCHEZ asked if the Agency Treasurer would be the City Treasurer.

MS. LUND responded yes.

DEPUTY MAYOR SANCHEZ stated in light of one being a politician and in order to insure that we have staff and one of our elected representatives be required, that would make her feel better about doing this. How can we do this; what would the wording have to be?

CITY ATTORNEY MULLEN responded the reason this is in front of Council now is because the LAIF will not recognize any RDA transactions after February 1, 2012. Currently for the City, all 3 of those officials are designated to transact business with the fund, so the purpose of this item was simply to make the successor agency officials have the same ability they have as the City.

DEPUTY MAYOR SANCHEZ understands that, but now we're talking about something that we have not done before. She would feel more comfortable having the City Treasurer and a staff person, or two signatures at least, required.

MS. LUND responded the 2 signatures are required by the State for business other than making transactions. We have deadlines that we have to meet on a daily basis; we have to make our transactions by 10:00 AM. To have the Treasurer or Finance Director there is not part of our working practices. However, in order to change bank accounts, add additional personnel, make deletions or additions to the account overall, the State requires 2 signatures. Their resolution, which is what we are actually passing, states the deposit and withdrawal of funds, but in essence it's really one staff person that executes that and the oversight is for the 2 people on other transactions that have to do with the fund.

DEPUTY MAYOR SANCHEZ stated that's specifically why she's bringing this up. She's sure there are checks and balances. We have had an issue in the past, not involving the City Treasurer. She's not looking at this in terms of who is here, but in terms of what will happen in the future. There are only titles here and not people. She thought this was an 'and', but it's an 'or'. Either one of these 3 can do this with one signature. Maybe this could be better addressed in terms of internally requiring 2 signatures. She just wants to have the checks and balances that it be at least one staff person.

CITY ATTORNEY MULLEN responded maybe we could bring a Council policy back to address that issue. This resolution just identifies who can transact business. He thinks Deputy Mayor Sanchez is talking about our own internal controls and perhaps we could deal with that through a Council policy.

MS. LUND stated we could bring that forward later.

DEPUTY MAYOR SANCHEZ asked if Ms. Lund is usually the ones who signs?

MS. LUND responded the way it transacts is we give verbal authority over the phone. They have a list of who's authorized. When we call we have to say our name, and we have a PIN number and verifications in place. Only the Treasurer's office and the Finance Director has access to that information. So when we do our transactions, it's very secure. They ask for it every time we call. For withdrawal they ask for the bank account to deposit to, and we have to verify back to them what that account is. There are safeguards in place for the verification process. There are no signatures required when we do the transactions because it's all done verbally. The verification when we add personnel or change bank accounts, that's when the two signatures come in. The wording is from the State. As far as internal policy, we have the same type of account with the City and the Harbor District. Those verifications are in place.

DEPUTY MAYOR SANCHEZ asked if some kind of paperwork gets generated from an oral transaction.

MS. LUND responded yes. We have trade tickets, and the City Treasurer reviews those on a monthly basis. For the transactions with LAIF, he's given a list of all of the transactions that we've done, and he checks those. All of our trades are executed that way. The authority to enter into trade agreements with brokers or the State are done by staff, and then the City Treasurer has to sign off on those transactions. However, with the nature of the account, because it's a daily in and out, makes it not feasible for us to get a second signature on the transactions.

DEPUTY MAYOR SANCHEZ asked if it's ever possible to make a mistake or to have someone agree to something, and it is not authorized or has not been reviewed.

MS. LUND responded no, it's not possible. Right now we have instructions just on our overall business, not just with the LAIF.

DEPUTY MAYOR SANCHEZ asked if, on the phone with these oral transactions, is it possible to have a mistake done, inadvertently or not, in terms of authorizing a withdrawal.

MS. LUND responded it is possible. We could make mistakes, but it's not a mistake where we could put the City's funds in jeopardy. Let's say we meant to withdraw \$1,000,000 and we only withdrew \$100,000, then the ramifications of that is that our accounts would be overdrawn, and we'd be charged money for that. We have limitations; we can't withdraw more than \$10,000,000 without 24 hours notice. Most of the mistakes made are just human error. If she was not in the office, the Treasury Technician was not in the office and we absolutely had to have those transactions executed, then it is feasible that the City Treasurer could come in and do that. Most likely it's not. They would ask all the same questions to anybody that called and they have to have that name authorized on there. The City Treasurer would have to be versed in how to go through the script.

COUNCILMEMBER FELIEN, having been in the position of the City Treasurer, stated the accounts having a single person involved are already pre-approved accounts that belong to the City that have already had multiple signatures and approvals to set up. Basically, you're doing internal transfers from various funds to optimize the financial situation of the City. It is possible someone in hindsight decides something shouldn't have been done, something being in one City fund that might need to be in another. It's all an internal issue, and any attempt to send money outside of a pre-approved City fund would require multiple signatures and approvals.

MS. LUND responded that's correct.

COUNCILMEMBER FELLER asked Ms. Lund if she does 2 or 3 of these a year.

MS. LUND responded no. With the RDA funds, that is more limited. We don't do those processes with the LAIF. For the City's account, we are in and out of that quite often. We're limited to 15 transactions a month, so we have to carefully monitor how that works. We liken it to a checking or savings account in that we have daily liquidity. If we have our Waste Management payment that needs to be made and is in excess of \$1,000,000, we are fully invested; we don't keep or maintain \$1,000,000 at our DDA account with Union Bank. We will call the LAIF, withdraw \$1,000,000 to cover that wire, and that's how we keep fully invested and we're able to have access to those funds. We do use the City's LAIF account a maximum of 15 times per month.

COUNCILMEMBER FELLER stated that adds up to about 180 a year. How many times have you made mistakes?

MS. LUND responded in her 17 years in the Treasurer's office, maybe once or twice.

COUNCILMEMBER FELLER thinks we're pretty well protected.

CITY MANAGER WEISS stated as of right now, and he's not sure if the bill is pending any kind of vote or not, the RDA will be dissolved. So what you're doing with this action is passing on the obligations to the successor agency, which you recently approved as yourself.

DEPUTY MAYOR SANCHEZ appreciates the new information and didn't know about the oral thing. She feels a little queasy about it. She wants to go forward. She just has some questions about the designated authorized personnel part of this. She understands there could be an inadvertent mistake, but there could be mistakes. She asked if all cities transact orally.

MS. LUND responded yes, that is the method in which we withdraw our funds. There are safeguards in place when we transfer funds up to the State. When we do that transfer between the bank and the State, we call Union Bank to transfer money to the State, those are oral instructions, but there are safeguards there as well.

DEPUTY MAYOR SANCHEZ asked if we have ever made a mistake. If you say no then she can vote for this.

MS. LUND responded no, we have not.

Motion was approved 4-0; Councilmember Kern – absent.

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

2. **Communications from the public regarding items not on this agenda -** None

ADJOURNMENT

MAYOR WOOD adjourned this special meeting of the Oceanside City Council at 2:25 PM on January 31, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, February 1, 2012].

January 31, 2012

Special Meeting Minutes
City Council and CDC

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside