



California

# CITY OF OCEANSIDE

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

APRIL 6, 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

**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

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**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 6, 2011.

**4:00 PM - ROLL CALL**

Present were Mayor Wood and Councilmembers Kern, Felien and Feller. Deputy Mayor Sanchez arrived at 4:06 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: 1, 2A, 2B, 3A and 3B.

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

**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 OCEA, WCE & MECO; no reportable action**

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

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

**Discussed; no reportable action**

B) 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: City of Oceanside and SD Malkin Properties; Negotiator for the City: Jane McVey, Economic and Community Development Director; Under Negotiations: Terms of Disposition Agreement and Lease

**Discussed; no reportable action**

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

A) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

**No closed session held on this matter**

B) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

**Discussed; no reportable action**

[Closed Session and recess were held from 4:02 PM to 5:00 PM]

**5:00 PM – ROLL CALL**

**MAYOR WOOD** reconvened the meeting at 5:06 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Kern, Feller and Felien. Also present were City Clerk Wayne, City Manager Weiss, City Treasurer Ernst and City Attorney Mullen.

**INVOCATION** – John Lundblad

**PLEDGE OF ALLEGIANCE** – Color Guard – Boy Scout Troop 709

**PROCLAMATIONS AND PRESENTATIONS**

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

Proclamation – Fair Housing Month – April 2011

Presentation – Mayor’s Youth Sports Recognition and Appreciation Award – Oceanside Valley Little League team

**Presentations were made**

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in Closed Session: See Items 1 [OCEA, WCE and MECO], 2A, 2B and 3B above [Item 3A was not heard].

**CONSENT CALENDAR ITEMS** [Items 6-17]

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 there is a public request to speak on Item 16.

The following Consent Calendar items were submitted for approval:

6. City Council/Harbor/CDC: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the following meetings:
  - May 5, 2004, 2:00 p.m. Special Meeting
  - May 12, 2004, 10:00 a.m. Adjourned Meeting
  - December 1, 2004, 4:00 p.m. Regular Meeting
  - December 8, 2010, 3:00 p.m. Regular Meeting
  - December 21, 2010, 2:00 p.m. Adjourned Meeting
  - December 22, 2010, 3:00 p.m. Regular Meeting
  - January 5, 2011, 3:00 p.m. Adjourned Meeting
  - January 5, 2011, 4:00 p.m. Regular Meeting
7. City Council/Harbor/CDC: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
8. Harbor: Approval of Amendment 1 [**Document No. 11-D0216-2**] to the Percentage Property Lease Agreement with Nautical Bean Coffee Company, Inc., for the premises located at 240 Harbor Drive South, two adjacent concrete slabs, and storage area, extending the term of the agreement from July 1, 2010, to May 31, 2015, for a minimum total revenue of \$73,287; and authorization for the City Manager to execute the amendment
9. City Council: Approval of a professional services agreement [**Document No. 11-D0217-1**] with Tory R. Walker Engineering, Inc., of Vista, in the amount of \$509,790 for an update to the Master Plan of Drainage, and authorization for the City Manager to execute the agreement; and approval of budget appropriations in amounts totaling \$250,000 from the Unassigned Fund Balances of Drainage Funds 510, 512, 514, 522,

530, 531, and 550 to complete the funding for the project

10. City Council: Approval of a professional services agreement [**Document No. 11-D0218-1**] with Sylvania Lighting Services of Poway in the amount of \$428,652.64 to replace existing lamps, ballasts, incandescent lamps, high bay fixtures, and other various lighting fixtures with more energy efficient, cost effective lamps, ballast, and fixtures in various City buildings, to be funded with grant monies received from the U.S. Department of Energy; and authorization for the City Manager to execute the agreement
11. City Council: Approval of a professional services agreement [**Document No. 11-D0219-1**] with RBF Consulting of Carlsbad in the amount of \$18,700 for engineering services for the College Boulevard [at Vista Way] Median project, and authorization for the City Manager to execute the agreement; and approval of a budget appropriation in the amount of \$240,000 from the Thoroughfare Fee Fund to fund the cost of design, construction, and contingencies for the project
12. City Council: Approval to remove the two rubberized speed lumps on Northerly Street between Darwin Drive and Panorama Ridge Road
13. City Council: Adoption of **Resolution No. 11-R0220-1**, "...establishing certain traffic controls within the City of Oceanside", establishing stop controls on Apache Street at Arroyo Avenue
14. City Council: Adoption of **Resolution No. 11-R0221-1**, "...establishing certain traffic controls within the City of Oceanside", establishing stop controls on Navajo Avenue at Blackhawk Avenue, creating an all-way stop at the intersection
15. City Council: Acceptance of a one-year Supportive Housing Program renewal grant [**Document No. 11-D0222-1**] in the amount of \$146,702 from the U.S. Department of Housing and Urban Development (HUD); approval to appropriate these funds to the Neighborhood Services Department–Housing and Code Enforcement Division; approval of an agreement [**Document No. 11-D0223-1**] with the Women’s Resource Center for use of the HUD Supportive Housing Program funds [\$139,717] for operation of a 21-unit Transitional Housing Program; and authorization for the City Manager to execute the agreement
16. **Removed from Consent Calendar for discussion – public request**
17. City Council: Authorization to award a contract [**Document No. 11-D0226-1**] in the amount of \$43,550 to Charles Doherty Concrete of Oceanside, for the ADA Bus Stop Improvement project located along Oceanside Boulevard between Interstate 5 and El Camino Real, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

**DEPUTY MAYOR SANCHEZ moved** approval of the Consent Calendar [Items 6-15 and 17].

**COUNCILMEMBER KERN seconded** the motion.

**Motion was approved 5-0.**

**Items removed from Consent Calendar for discussion**

16. **CDC: Authorization to terminate the Mobile Home Rental Assistance Program (MRAP) effective June 30, 2011, and adoption of a resolution approving a revision to the Section 8 Housing Choice Voucher Administrative Plan to adopt a preference for MRAP participants, and associated actions**

**JIMMY KNOTT**, 127 Sherri Lane, thanked the City on behalf of all of the people

this program has helped. The number of people who are extremely low income may be small, but within the manufactured home community those people have found that this help is much appreciated. The need still continues but we recognize that the funding has been exhausted. If the funding does become available in the future, he would appreciate having the MRAP program resurrected at that time.

**DEPUTY MAYOR SANCHEZ** is voting against this because this is a really bad time for people and she has heard several stories of working families that are living in their cars or in alleys. These are families with kids. This involves 16 families and we have a 5-year waiting period for Section 8. This means we are consolidating 2 programs into 1 and 16 families will be waiting that much longer. This is something we need to step up and maintain.

**MARGERIE PIERCE**, Neighborhood Services Director, explained that 7 years ago the Council adopted a program that was to help elderly or disabled people that live in mobile home parks pay their space rent. The funds that were originally allocated to fund that program were funds that we had in reserve that we made off of our Section 8 program; we were always in the black. We felt that we had 5 years' worth of funding to help so many people and one of the requirements for the folks to come on the MRAP program is that they had to be on the Section 8 waiting list. All of these 16 people are on the Section 8 waiting list and have been for at least 4 years and in most cases 5 years. It would be anticipated, based on past history, that by 2012 they would all be on the Section 8 program anyway. We can't guarantee that because we haven't received any new Section 8 certificates so we base it on attrition, when someone is terminated from the program either voluntarily or non-voluntarily.

In this situation the 16 senior or elderly persons that are on this program would be transitioned smoothly and would have no loss of funding in assisting them. They would go to the head of the waiting list, which would delay the next 16 on the list being helped, but it is an insignificant amount of time. There are a lot more people that are either homeless or finding themselves in bad financial situations and our Section 8 waiting list has grown tremendously. We did project, when we started this program, that you would get on the Section 8 program after being on the waiting list about 5 years and now we're exceeding close to 7 years before families that sign up now will receive assistance.

**COUNCILMEMBER FELLER** moved approval for [authorization to terminate the Mobile Home Rental Assistance Program (MRAP) effective June 30, 2011, and adoption of **Resolution No. 11-R0224-3**, "...approving the revised Administrative Plan [**Document No. 11-D0225-3**] for the Section 8 Housing Choice Voucher Program adopting a preference for Mobile Home Rental Assistance Program (MRAP) participants", and associated actions].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 4-1;** Deputy Mayor Sanchez – no.

Mayor Wood determined to hear Item 26 at this time.

#### **CITY ATTORNEY ITEM**

26. **City Council: Introduction 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, per City Council action of March 16, 2011**

**CITY ATTORNEY MULLEN** stated at Council's last meeting you directed that staff bring an ordinance to repeal the emergency response fees that were adopted May 10, 2010. That ordinance is in front of Council now for introduction.

**JIMMY KNOTT**, 127 Sherri Lane, stated after Council's last meeting direction was given to the City Attorney, he wondered what would take place. We have within one week a massive spill that took place and the questions came up of how this was going to be handled and who was going to pay for it. What if the people involved with this company decided to go bankrupt; who would be responsible. There are a lot of issues that have not been clarified. What Council is doing is strange in the sense of who you want to be financially responsible. This is one of the most irresponsible things financially that you can do with the budget in these times.

**DEPUTY MAYOR SANCHEZ** agrees. We need to be fiscally responsible and this is a cost recovery. She was so concerned about this and then to hear soon after this action from the last meeting that we had this spill. This is irresponsible. The only thing the ordinance allows is for the insurance company to be charged. That is why people buy insurance - because accidents happen. This is going to take money away from the General Fund and impact our libraries, parks, and our quality of life. Because other people from outside of our City end up in this situation, the taxpayers of Oceanside will be paying for their accidents. This is not right.

**COUNCILMEMBER FELLER** asked the City Attorney if a fuel spill is handled by insurance.

**CITY ATTORNEY MULLEN** responded under the existing ordinance the Fire Department would simply bill the responsible party for the costs incurred in cleaning up. If you adopted the ordinance, we would have to seek some alternative remedy to recover those costs. Generally, you can only recover emergency response costs when there is a DUI (driving under the influence) incident.

**COUNCILMEMBER FELLER** asked if there is no way the City would not be going after the responsible party.

**CARI DALE**, Water Utilities Director, stated the contractor who had the fuel spill was contracted with the City for transport of our bio-solids. They are covered under our general contracting procedures, which includes insurance provisions, including environmental damage. We're working with the Risk Management Department to recover all costs associated with both the environmental clean-up as well as utility personnel, fire and police personnel time that responded to that. So there should be no General Fund costs; it should be covered by the insurance company that the contractor contracts with.

**COUNCILMEMBER FELIEN** thinks this item was debated at length at the meeting where it was discussed.

After titling of the ordinance, he **moved** approval [to introduce 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", per City Council action of March 16, 2011].

**COUNCILMEMBER KERN** seconded the motion.

**DEPUTY MAYOR SANCHEZ** stated that was lucky for us that we had a contract. What about everybody else.

**MAYOR WOOD** agrees. We asked all of our department heads to come up with ways to bring in more financial recovery. Nobody in the City that had an accident would ever be charged. It's people from out of town that have insurance only. Rescinding this means the money has to come from somewhere else so he was disappointed in this.

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

Mayor Wood determined to hear Item 23 next.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

**23. Request by Councilmember Feller to direct staff to install the previously approved traffic signal on Rancho del Oro Drive at Cameo Drive**

**COUNCILMEMBER FELLER** stated the purpose of bringing this forward is the fact that we took down an installed light built by a project on Rancho del Oro at the Veteran's Clinic and this actually should have been a vote of the Council for removal. At this point he would like to move forward with the installation and direct staff to come up with the financing through developer fees to install this traffic signal at Rancho del Oro Drive and Cameo Drive. There's a lot that has happened and there are questions to be answered by our Transportation Division.

Public input

**JOAN BRUBAKER**, 1606 Hackamore Road, finds it curious that that signal was put in about a year or so ago and the projects around there were built quite a few years before that. If they were going to afford a signal that was needed, it seems they would have put it in when they constructed the projects. She wonders how it's a good idea to put a signal in there when there's already a stop sign that works quite well. There is no maintenance for a stop sign, unless somebody puts graffiti on it; whereas with a signal there will be some upkeep that will cost money for the City. If Council is being extremely frugal, why is this being brought forward at this time.

**MAGDA "MAGGIE" CONANT**, 2130 Sorrento Drive, has lived there for 20 years and was curious as to the verbiage of 'previously approved' so she called Mr. DiPierro who directed her to the Planning Commission staff report. She reviewed this staff report, which says that you gave notice to the residents within 1,500 feet of the VA facility; however, that maybe goes to Oceanside Boulevard, but not to the residents that live near Rancho del Oro and Cameo Drive. It also says it was published in the newspaper, probably the basic legal publications saying they are building a VA medical clinic; however, the notice is deficient.

Her constitutional rights were violated to notice and opportunity to be heard. she would have liked to have known that the traffic signal was a part of that plan. She would have been at any community meeting to oppose it. She doesn't want this to become a thoroughfare. She doesn't understand the necessity of this. There are a lot of kids who go back and forth there. People don't speed up to a stop sign but they do to a yellow light. This report is deceptive to the citizens who live near there.

**GARY LAWRENCE**, 3421 Caseras Drive, lives in the Rancho de Oro area. He and another neighbor met with Councilmember Feller to find out some information, but he couldn't provide me with information. He's well aware of the history of Rancho del Oro and the neighborhood's concerns over that. We've gone through this before. We're just not getting anywhere as far as being informed when the City wants to do something to Rancho del Oro Drive.

The traffic studies are just studies; they're not law and are written by people who consider pedestrians as obstacles. Their objective is to make cars move through a City faster, which in some cases is a good idea but not in our neighborhood. The State says that sometimes traffic signals are not the answer. There are no warrants that add up to it being mandated by California rules. We live there and the traffic there is not a problem. He spoke to nearly 200 people and only one of those people was in favor of this traffic signal being installed. The public is strongly against putting the signal there.

**JEREMY MORRIS**, 2081 Tiffany Drive, west side of Rancho del Oro, thought

this issue was settled in 2009. As he drives though his neighborhood there is reduced visibility on the crown at Waterford and Tiffany and when you turn left onto Waterford Drive there is a lot of traffic coming the other way. If you install a traffic signal, he is concerned about the safety because anyone turning left will be affected by the speeding of cars trying to make the green or yellow light. That will further reduce the visibility on that crown and people going faster will increase the danger to anybody turning left there. He urged Council to vote no on reinstalling the traffic light.

**JENNIFER LACY**, (attorney who requested confidential address), lives one block away from the proposed traffic light on Cameo Drive. She and her husband are against the traffic signal going in. It is going to be a nightmare of accidents if a traffic light goes in there. This is one block away from the back entrance to MiraCosta College and people are going to be speeding through there. She got a speeding ticket one block from MiraCosta when she was 16 and attending the college. That's what students are doing at that age. Putting in a traffic signal is not a financial need for Oceanside.

**EDWARD BURNS**, 204 Hoover Street, is interested whenever the City fails to meet with residents of an affected neighborhood, or when the City has made promises to the neighborhood to keep them informed of projects that impact their neighborhood. Council is proposing to spend \$40,000 on a single traffic light where there is no evidence that one is needed. The traffic study Council relies on is based on 2007 and it will possibly only alleviate some of the traffic in the PM peak hour. Rancho do Oro maintains an A rating and is one of the few streets that does. Money is much better spent fixing potholes or alleviating a real problem; not taking an A-rated street.

Assuming you achieve your goal of improving traffic flow on Rancho del Oro, other cars may come and what is the impact/purpose of that. There have been no recent accidents on Rancho del Oro. The California Manual on Uniform Traffic Control Devices cautions that one of the downsides of installing a traffic signal is an increase in rear-end accidents.

**SUSAN VIGOR**, 2395 Rancho del Oro, feels that installing this traffic light is not necessary. The cost is over \$40,000 while you're voting down other things. There are many entrances to the college. Where is that money coming from and when is it going to be in?

**DEENA CHISWELL**, 3408 Cameo Drive, has a condo on the corner of Cameo Drive and Rancho del Oro. Nobody is going to be impacted more by this traffic light than her condo and the one above her. The City made a commitment to the Del Oro Hills residents many moons ago not to install a traffic light there and now for whatever reason that's getting reneged upon. Why spend \$40,000 on a traffic light that nobody wants.

**DEBRA LANDON**, 3801 Kelton Drive, didn't hear anything about this traffic light the first time it got put up until after; didn't hear anything about it being taken down until after; and didn't hear anything about putting it back up again until now. This is a waste of money when it was about \$68,000 to put it up the first time and who knows how many thousands to take it down and now put it back up. She doesn't know anyone who wants it there. As far as people flooring it through the yellow light, something horrible is going to. With all the cuts being made, she can't believe Council is throwing money away.

**GEORGE McNEIL**, 2153 Anda Lucia Way, stated there are many reasons why this traffic light should not be installed. First, Rancho del Oro between Oceanside Boulevard and Vista Way has an A rating for level of service. A traffic light cannot improve this level since A is as high as the rating system goes. A traffic light would speed up traffic on Rancho del Oro at this intersection.

Secondly is the safety issue. This intersection is in a small valley. It is also one

block from the entrance of MiraCosta College. Students will speed up for yellow lights going to and from school; whereas now they stop for stop signs. A traffic light will increase the possibility of a serious accident.

Third, there are unintended consequences. Since the bulk of the traffic at this intersection is on Rancho del Oro, those residents living on Cameo are going to have to wait longer to go south on Rancho del Oro. Combine that extra time at this intersection with the new cameras at El Camino Real and Vista Way and the people on Cameo will find a new route to go south. That route will be College Avenue. The residents on College are impacted enough with the traffic they have now; they don't need added traffic.

Lastly, there is the cost of installing the light. In tough economic times, couldn't that money be better spent on libraries, community centers or senior centers, etc.

**DEBORAH WOLFSON**, 3753 Cameo Drive, stated we do not want to be a main artery. We're already dealing with speeders on that street and potholes. She'd rather see that money spent on the potholes.

**JIMMY KNOTT**, 127 Sherri Lane, asked if this light falls within the qualifying standards. What has changed in the traffic load that has caused this light to be brought forth to elicit this change? The proper way to do this is to direct staff to investigate and see if the conditions have changed to warrant the installation. If so then it might be justifiable.

**DAVID BEADLE**, 3733 Cameo Drive, is trying to approach this with an open mind, although many of his neighbors are against this. He'd like to be convinced of the need for this. He asked what the level of service is for the intersection. Previously we had information that indicated the segment is a level of service A, but what is the intersection? Where does this intersection fit on the signal priority list? It doesn't seem fair that we would be jumping across other intersections that may be higher on the list. Had the developer for the VA been compensated for the cost of the last installation? He understands from previous news reports that it was still in contention, and he hasn't seen any resolution of that. That was \$160,000 or \$180,000. When was the last study performed of the level of service for that street and intersection? A previous speaker said 2007, is that correct? How does that compare to the level of service at Glaser?

As a Cameo resident, he is concerned about the traffic that's moving through Cameo. If it is warranted to put a traffic light in would we then get support for traffic calming to slow down the traffic that's going through Cameo and connecting between Rancho del Oro and College Boulevard? What are the accidents at this intersection? He hasn't seen one in the 2 years he's lived there. What is the primary reason for installing this signal and what is the primary component of the level of service, i.e. the traffic flow, the accidents, pedestrian traffic, etc. that goes into that rating. He doesn't see the need for this.

**SHELLEY HAYES CARON**, Marron Adobe, is a neighbor to Rancho del Oro and has been acquainted with this neighborhood for over 12 years. When this community started, there wasn't access through Oceanside Boulevard to the rest of Rancho del Oro. It was a community where people could walk from one neighborhood across Rancho del Oro going east and west. There is an elementary school there and bus stops. Our recent traffic study that the City has been working on talked about walkable communities and pedestrian friendly neighborhoods. The emphasis was on the downtown area, but all neighborhoods have an equal necessity. When you're little and getting off a school bus and you have to get across the street, you need a crossing guard. There are none.

Stop signs are good because they slow traffic down. She doesn't know the speed limit on Rancho del Oro, but if you put in a traffic light it's going to get worse.

There are parks that children go to, and they cross here. This is a walkable community where people live and have invested their money. They have a right to defend their neighborhood and say what they want there and what they don't want. The light came down because of the community. If you can't voice your opinion and protect your community, then why make an investment in Oceanside.

**SUSIE COKER**, 2126 Sorrento Drive, lives in Rancho do Oro and has for about 20 years. She bought over there because it was a quiet, out of the way community with a truck restriction. We have since had stop signs put in, and we love them. Our neighborhoods commune with each other; we cross Rancho del Oro on a regular basis. We know our neighbors and visit them. In 2004 we went through the same thing and were forced to go to workshop after workshop. Finally when it came to Council, there was a unanimous vote for Rancho del Oro to go from 6 lanes to 4 lanes. We would get to keep our truck restriction, our parkway and our median, which was at risk. We would get to keep our stop signs and our traffic calming.

A year and a half ago a traffic signal went up with no notification. She met with Mr. DiPierro and Mr. Buell, and they were unaware of the previous commitments made to this neighborhood. We called for a community meeting since there was no notification. Of the 100 residents that showed up, it was a unanimous decision by the residents that they did not want the traffic signal. The traffic signal was never turned on, and it came down. A year and a half later, we are addressing the same issue for the third time. We have been promised and promised.

The 6 lanes went away in 2004. She just checked the CIP, and the 6 lanes are back on it. She read a quote from the City Attorney, "Per Peter, the light will be physically removed. He will make a determination that the condition was satisfied. The memo will be distributed to Council soon on this topic. Peter does not intend to resurrect the issue in the future." Why are we here again? Why is our neighborhood being attacked? This has been a 12-year fight, and this neighborhood is tired. We've been ostracized and cut away from our City, and we're tired of it. She asked Council to please honor their voices.

**CATHERINE CASTRONOVO**, 3437 Caseras Drive, walks her dogs up and down Rancho del Oro and passes all of those stop signs. She will second what the previous speaker said; she's tired of this. She has been living in this neighborhood for over 20 years, and that stop light was never supposed to be there. It has repeatedly been said it would not be there. Somehow it snuck in and was starting to be built. At that point we came here again, and it was supposed to be coming down.

She was one of the people who also went out distributing flyers, and she only ran into 2 people who wanted a traffic light. Everybody else said "not again". She also wrote emails, including to Councilmember Feller. She received a reply that stated the light was a replacement, as though it had been there forever and that a good deed was being done. That is very misleading to the newer people in the neighborhood. She doesn't like things being misrepresented. If you are really right in what you're doing, you should be able to speak the facts.

When the install started she witnessed people driving very quickly and then slamming on their brakes because they were used to looking for a traffic light instead of the community around them. There is a lot of foot traffic on those streets. We have a community college, an elementary school and people walking their dogs. She asked Council to take that into consideration and stop installing this light.

**AUGIE AUGUSTO**, 2365 Rancho del Oro, stated in the City budget last year you took in \$17,000,000 in revenue and spent \$129,000,000. That gap was closed by dipping into the City reserves. She questions the desire to put in a \$40,000 traffic signal at Cameo and Rancho del Oro when you're cutting recreation programs, laying off City workers and closing swimming pools. In light of the publicized budget problems, she's

curious why you're not spending money on a street where residents are asking for help instead of putting it where it's unwanted and unwarranted. The residents at Mesa and Oceanside Boulevard have been asking for a turn signal and turn lane for years and have been ignored. That signal was recommended in the VA project plans.

At a previous Council meeting on the Rancho del Oro issue, in about 2004, a young man representing the Ocean Ranch developer said he had driven Rancho del Oro before the meeting. He said he was surprised the City agreed to these changes. Nonetheless, he expected the City to keep its word. Is Council going to keep their word to the developers or the residents?

**DANA CORSO**, 5838 Ranchview Road, represents Alliance of Citizens to Improve Oceanside Neighborhoods (ACTION). Currently we have 42 neighborhoods that are actively involved. As President of this organization, she is requesting that this item placing a traffic signal at Rancho del Oro be denied. It is less than 1/10 of a mile from the signal at Rancho del Oro and Glaser. Mr. DiPiero and Mr. Amberson explained to her that the City Engineering has spacing requirements for signals that have to meet standards. This light does not meet those standards. Clearly there is no need to have 2 signals less than 1/10 of a mile apart from one another. Secondly, the Rancho del Oro neighbors insist they don't need another light. Lastly, this is a perfect example of wasteful spending: \$40,000 for a signal that is not needed and an additional \$2,000 per year to maintain it. Perhaps this is part of the reason we have a budget problem. She asked Council to vote no on this ridiculous item.

**TIM LEE**, Snead Drive, used to live on Rancho del Oro Drive and prefers to look at the bigger picture. We're all looking at 1 traffic light, but to him it's 3 traffic lights. Once this first one is in, based on the traffic studies and such, there's no reason not to put 2 more in there if the true goal is to move people more quickly from Vista Way up to the business development. It would only be fair to the people of Oceanside to know the long-term plans when we're doing things. If we're going to do things as a City let's plan them out, let everybody know about them and get a consensus that it is in the best interests of the City so the people who live here want to stay here, the property values rise and the businesses that move here are going to get the results that they expect by being in Oceanside.

**ROBERT MARKLEY**, 200 North El Camino Real, Vice President of ACTION, would like to know why we're even talking about spending this money on this project when we're laying off employees, cutting back library hours and closing swimming pools because of financial problems, especially when the voters don't want it. If somebody gets killed by a speeder who is speeding up to beat that yellow light, it will be on your conscience if you put this in. He asked Council to remember that you work for the citizens.

**CAL COKER**, 2126 Sorrento Drive, owns rental property at Cameo and Rancho del Oro and thinks a lot of good questions have been asked. We are here because we're trying to save a neighborhood that Councilmembers don't care about. We're here because we are an unfortunate obstacle associated with Ocean Ranch Industrial Park. He's been living with this battle for the last 12 years, and he wishes the Councilmembers would give it up and move on to something more important.

He's a conservative republican, business owner and an industrial engineer with customers in Ocean Ranch Industrial Park: Coca-Cola, Biogen, etc. Council just wants to get people in and out of there, and he understands that. The problem is we were there first, and Council made promises. The reality is you've already got our money, and we're in there. Now the business owners want better traffic access. At what point does this end? He asked Council to move on and do something productive, like dealing with the budget issue.

**MAYOR WOOD** thanked everyone for coming and being precise. We did make

a promise in the past, and we'll get to that.

[Recess was held from 6:26 PM to 6:37 PM]

**FELIX MIRANDA**, 2851 Colgate Drive, has lived there for almost 20 years and is opposed to this traffic signal. There are concrete walls, and it's hard to see the traffic going south on Rancho del Oro. You have to approach more into the intersection to see the cars. If you put this traffic signal in, you will have traffic passing through there all the time and college kids running the yellow lights. That is a safety issue.

Public input concluded

**COUNCILMEMBER FELLER** clarified that this traffic signal was approved by the Planning Commission in the approval of the Veteran's Center and was removed without a vote of the Council. It is not how we do things. This is the same input that came to the people that attended a meeting that he wasn't aware of in 2009. He asked when this road was designated as an arterial in our Circulation Element.

**CITY MANAGER WEISS** responded it was in 2004 when the Council took the action to reduce it from 6 lanes to 4 lanes. Prior to that it was 6 lanes.

**COUNCILMEMBER FELLER** asked when was it designated as an arterial. Six lanes is certainly more of a designation of arterial than 4 lanes.

**CITY MANAGER WEISS** believes it was 1985 with the Circulation Element at that time.

**COUNCILMEMBER FELLER** stated so this has been an arterial long before anybody was there. The VA clinic was built and opened in January, so this was built as part of their project. They paid about \$160,000 to have it installed as part of their conditions. Cameo is on the list for resurfacing in our latest sealing program for this year. The reason that Rancho del Oro is not on the Veteran's Center list is because in 2005 the Council threw away \$1,000,000 for the interchange at SR-78 and Rancho del Oro. They aren't ever going to put that on the list because it just leads to a very difficult intersection at El Camino or College Boulevard.

Where does this go from here? What is the level of service now. We got a hand-out that says it's level of service A.

**DAVID DiPIERRO**, City Traffic Engineer, responded the level of service that the audience was referring to was actually a roadway segment level of service. When engineering does their analysis for signal analysis we actually look at intersection level of service. Currently at both the AM and PM peak hour, the level of service is E for Cameo and Rancho del Oro.

**COUNCILMEMBER FELLER** stated we were asked where the signal is on the priority list.

**MR. DiPIERRO** explained that the priority is really just standards that we end up following; it's a guideline for us to use. The signal list hasn't been updated in the last couple of years. We're trying to install what originally was on the list. Since it was taken down a year or so ago we left it off the list at this point. However, it still meets the requirements for a signal.

**COUNCILMEMBER FELLER** asked if we have a level of service for Glaser.

**MR. DiPIERRO** doesn't know what that is right now but his guess is, since there is a traffic signal there, it's probably operating at a C or better.

**COUNCILMEMBER FELLER** asked how much it costs to maintain a traffic light for the year.

**MR. DiPIERRO** responded the cost of a traffic signal requires the energy costs, which are somewhere around \$1,200 per year. Then there are maintenance costs for our technicians to go out and work on the signal, so it's probably anywhere from \$2,000 to \$4,000.

**COUNCILMEMBER FELLER** asked if stop signs are safer than signalized intersections.

**MR. DiPIERRO** responded that based on his professional opinion, a traffic signal is probably the safest traffic control device that you could install. It establishes right-of-way with the red, yellow and green lights. In addition, any new signals we're installing have countdown pedestrian times. It actually shows the pedestrian how much time they have to get across the street and when it's safe. With a stop sign, sometimes there is indecision by the pedestrian about who has the right-of-way and when they should cross, especially on a road of this width.

**COUNCILMEMBER FELLER** lives in the neighborhood. He is very aware of how the stop signs work and knows that there are a lot of people rolling through stop signs.

He **moved** to direct staff to install the previously approved signal at Rancho del Oro and Cameo, but to put the money into the CIP for our next budget so we're not trying to find the money at this time.

**COUNCILMEMBER FELIEN** seconded the motion.

**DEPUTY MAYOR SANCHEZ** opposes this because of cost to the General Fund. Whether it's this year or next, we don't have the money. If we get 10 of these, it's \$500,000. That could be the difference between keeping the parks, libraries, senior centers and swimming pool open. That is no small matter.

There has been no change in circumstances regarding traffic. This is a level A segment so a traffic light is not warranted. There is also public safety. A traffic light will cause illegally higher speeds, resulting in accidents and bodily injury. It's a straight-away and people will drive at higher speeds, and there will be accidents, which will result in bodily injury.

Historically, this is where there is some confusion for current staff who weren't around in the day. This area was once zoned for commercial development 30+ years ago. It was 30 years ago that there was a change. At that time, Carlsbad was committed to building a north/south connection. Since then, about 30 years ago, Oceanside changed the zoning to residential. We've not changed our Circulation Element since then. We have many significant changes that have occurred since our Circulation Element was originally done that have not been taken into consideration. Carlsbad has withdrawn from any commitment to building a north/south connector at SR-78. In fact, on the south side of SR-78 is now a 138-acre wildlife preserve owned by the State. There's no way there's going to be a road on the other side.

It was then-Mayor Terry Johnson who inquired about the arterial nomenclature. It was a unanimous vote of the Council, which included Councilmember Feller, to reduce it to 4 lanes from 6 at the recommendation of staff. It had changed from a major arterial because of the change in zoning and land use and the change in land use on the other side in Carlsbad. She spoke personally with former Mayor Bud Lewis who said that there are lots of traffic or transportation elements such as this that the City never intends to build, yet they remain on the Circulation Element.

On economic grounds, we need to maintain the quality of life of our residents. Otherwise we will not be able to increase the demand for housing in Oceanside. We have the Building Industry Association (BIA) wanting the City to help them get through the next 3-5 years, saying there's no demand for new housing. How can we create a demand for housing if we're repelling people, including our current residents. We're not going to be bringing in new families. We have good quality schools, and yet we're suffering from low enrollment.

Right now we don't need this traffic light. Perhaps in another 5 years there might be some kind of building construction in Rancho del Oro that might cause that increase in demand for faster roads, but we don't have that now. Let's keep within our budget and not start talking about cuts in other programs; we've already cut them to the bone.

**COUNCILMEMBER KERN** asked if there's been a glut of accidents because of the traffic light at Glaser.

**MR. DIPIERRO** responded as far as he knows, no.

**COUNCILMEMBER KERN** noted that the traffic lights do not cause accidents. People driving unsafely cause accidents. The reason this light was put in, in the first place was when the Veteran's Administration put in their clinic it was determined that it would be a traffic generator. Part of their mitigation was that they were required to put a traffic light in.

He asked the City Manager where we stand on the request for proposals (RFP) for El Corazon.

**CITY MANAGER WEISS** responded we have received 2 responses. Staff is in the process of reviewing them and will be bringing forth some recommendations over the next several months.

**COUNCILMEMBER KERN** stated that is going to be another major traffic generator. The plans that he has seen from a couple of the proposals are for 30 soccer fields, give or take a dozen. The traffic is going to warrant a traffic signal. We might as well do it now while we have the ability to do it because it is going to be needed within the next year or so.

El Corazon is going to be a traffic generator. We're going to have to mitigate for that traffic generation on Rancho del Oro, probably in both directions. Moving forward with the light now is the appropriate time and place to do this. He supports the motion to put this in because it is warranted.

**COUNCILMEMBER FELIEN** asked how this location was picked as part of the Veteran's Administration's (VA) development to have a traffic signal.

**MR. DIPIERRO** responded we would sit down with the developer and their traffic consultant to review what intersections we would feel possibly could be impacted by their development within the general area of where the development is being built.

**COUNCILMEMBER FELIEN** asked if specific traffic studies and traffic counts were available so you had multiple intersections you were looking at to see which one has the highest counts and should get a signal.

**MR. DIPIERRO** responded that's true. We would look at where previous traffic studies might have been done and would also have existing traffic counts where we have already done analysis, and if it was on the traffic signal list. If there are any impacts from this development, we would want to see how it would impact this particular intersection.

**COUNCILMEMBER FELIEN** has heard claims that stop signs are safer than signals. Once a volume of traffic is there to justify a signal, isn't that why we put a signal there because it's safer than a stop sign.

**MR. DIPIERRO** responded the traffic signal warrants are different from stop sign warrants. We follow the Manual on Uniform Traffic Control Devices (MUTCD), which are national warrants used by all 50 states. There are 8 warrants we go by that have to do with traffic volumes, peak hour volumes, accident history and coordination. Based on the traffic signal warrants, only one warrant needs to be met. At this particular intersection, 4 out of the 8 warrants were met. That was done in 2007, before the VA clinic was even started.

**COUNCILMEMBER FELIEN** lives near Ivey Ranch Elementary School, and we have a signal on the corner of Mesa and Rancho Drive to protect the children. Would we even consider replacing that signal with a stop sign as a safer answer to providing safety for children?

**MR. DIPIERRO** has never replaced a traffic signal with a stop sign.

**COUNCILMEMBER FELIEN** commented then it's not true when we hear that stop signs are safer for children than a signal when the volume justifies a signal. He can say from his personal experience that the most dangerous pedestrian crossings he goes through are the stop signs by Regal Theater that have 4 lanes each way with multiple traffic coming from every direction. He feels frightened as a pedestrian crossing there. He would like to see a signal there at some point. As a driver and as a pedestrian going through high volume intersections that have stop signs, he finds them dangerous. It is absurd if our experts, who analyze these intersections, say the volumes justify a signal, why we wouldn't for the safety of everyone want to have a signal there. He knocked on a lot of doors recently and the consensus of opinion that he got from thousands of people that he talked to is they want all of the major streets to have traffic fairly distributed so the circulation in the City benefits the entire City and that a 4-lane arterial road with a median down the middle is not a neighborhood street. It's a major City street and the traffic needs of the street need to be put in with the needs of the entire City in mind.

Our Engineering Department has said that this is a location that requires a signal, and the developer paid for the signal to be in. It's not money that can be used for libraries, parks, etc. Developer money has to be used for traffic mitigation. The frustrating thing is that the light was improperly removed, and that was represented as squandering of City money that should not have taken place. It should have come back to either the Planning Commission or the Council. Development we expect to go forward in the City at El Corazon is going to generate traffic that requires signals. He supports this motion.

**DEPUTY MAYOR SANCHEZ** stated there was a promise based on traffic studies. There was a contract made with this community. We said this was not going to happen. That light was actually put on there without notice to this community. That light was taken out in response to this contract.

She didn't find one single person in this community who said they didn't want development in El Corazon; everybody is looking forward to it. We have the Sprinter, and we're supposed to be talking about smart growth and trying to get kids and families using of mass transit to make them work. That's how it's going to pay for itself. This community is still paying for that Sprinter without getting any amenities whatsoever. We need to get people to use the Sprinter and make it more comfortable and attractive. That is not a major arterial; that was taken off based on staff recommendation. The basis for this motion has no justification whatsoever.

**MAYOR WOOD** stated when he first ran for his Council seat in 2002, this was a hot issue. All the candidates were asked about SR-78 and the Rancho del Oro overpass. A couple of things came into play on that particular issue; did the City/community want it, and did they have the time and cost to put in 6 lanes? In their disclosures for the house, buyers weren't aware it was 6 lanes; they thought it was 4 lanes. There were legal ramifications that came up.

What came out of it was that Rancho del Oro at SR-78 probably wasn't going to be built or the funds weren't there for it. He believes that is still the case. He believes the Council back then made a promise to the community that they understood the community's request that they didn't want a traffic light there, and we made a written promise to them to resolve this. What we heard tonight is that the neighborhood didn't want it for several reasons. Stop signs seem to work. He drives through there, and it's one of the best areas to go north/south.

The concern is a promise made by previous Councils and officials not to put any more traffic lights in there and he thought that would stay. However, he didn't know about the traffic signal being put in there because of the VA; it didn't come to him, and he doesn't remember hearing about it. We had a meeting in the neighborhood, and everybody voiced their opinion against it, including what you said tonight was a promise from the City. After that they took down the \$160,000 traffic light. It's going to be \$40,000 to put it back up. He believes that throughout the City there are many other places that would be more appropriate for a new traffic signal.

It comes down to the fact that a promise was made, the budget is tight and this isn't necessary right now. Maybe down the road it will be necessary, but right now in a budget crisis we don't need it. Additionally, the neighborhood doesn't want it.

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

[Recess was held from 7:10 PM to 7:16 PM]

#### **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.

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

This public hearing, continued from March 2, 2011, is being further continued to July 6, 2011, at 6:00 p.m.

19. **CDC: Adoption of a resolution approving the 2011-2012 Annual Public Housing Agency Plan and authorization for the Community Development Commission Chairperson to submit the plans to the U.S. Department of Housing and Urban Development with the inclusion of changes made to the PHA Plan as a result of public comments and execute all related documents**
- A) Chairperson opens public hearing – hearing was opened.
  - B) Chairperson requests disclosure of Commissioner and constituent contacts and correspondence – Councilmembers Feller, Felien, Kern and Mayor Wood reported contact with staff; Deputy Mayor Sanchez reported contact with staff and affordable housing organizations.
  - C) Secretary presents correspondence and/or petitions – none.

D) Testimony, beginning with:

**ANGIE HANIFIN**, Housing Program Manager, stated this is a routine item that's brought before Council annually. It's the Public Housing Agency (PHA) Plan that begins the fiscal year effective July 1, 2011. As you know the City operates a Housing Authority that comes under the Community Development Commission. Housing authorities that operate Section 8 rental assistance programs are required to annually prepare and submit the PHA Plan to the Department of Housing and Urban Development (HUD).

Also included in Council's packets is the 5-year plan that was prepared last year for the period from 2010 to 2015. That longer-term plan talks about the agency's mission and goals, and the annual plan talks more about our operations and services. It's a very brief plan, but our basic goal here is to assist as many households as we can with the funding we have available. We've been successful with that.

Right now we assist approximately 1,500 Oceanside households under this program. It's completely funded by federal funds. As was mentioned in an earlier discussion regarding the mobile home rental assistance program, unfortunately the waiting list continues to grow, which is a sign of the times, but also due to the fact that we have not received any new funding to assist new households since around 2002. Our waiting list right now has around 4,900 applications for the program. That's up by about 800 at this time last year. It's about a 6-7 year wait. We have called in applicants who've applied through May of 2005 at this time. As most of you know, there is no federal budget so there is a lot of uncertainties in this program as well. We're moving forward with it as best we can at this time.

The Housing Authority is considered a high performer by HUD, which is the highest rating you can receive. There are 14 factors that HUD rates housing authorities on based on their program operations. We've been rated as a high performer for the past 4 years, and the last 2 years we received a 100% rating. We're making the best use of our funds to help as many Oceanside households as possible.

The HUD regulations require that a public hearing be held after a 45-day comment period. She has not received any comments. This is usually a non-controversial item. There is also a requirement that we have a Resident Advisory Board comprised of participants in the program that we need to meet with and go over the staff's recommendations. We did have a meeting of the Resident Advisory Board, and they did not have any comments as well.

Staff is recommending that the Community Development Commission adopt a resolution approving the annual plan and authorizing the Chairman to submit this plan to HUD.

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

**DEPUTY MAYOR SANCHEZ** supports the goals and plans that the City has provided and intends to submit; however, she does not agree on some of the bases and things that it says in terms of our efforts to meet our affordable housing goals, especially based on some conversations she's had with advocates on behalf of affordable housing. She understands that our compliance is that we tow the line. In light of this movement to abolish our affordable housing program, she doesn't think we're going to be in compliance at all. Based on that, she will not support this. This includes a self-certification piece, and we can't do that with what is being said on the dais. The plan, in terms of what we intend to do, does not match up with that goal.

**MAYOR WOOD** somewhat agrees. We're worried about the future. Staff does a wonderful job, and the City does a lot more than most communities for this issue. He is concerned about some of the things coming up in the future because of the State and

federal funding.

He **moved** [adoption of **Resolution No. 11-R0227-3**, "...approving the 2011-2012 Annual Public Housing Agency (PHA) Plans [**Document No. 11-D0228-3**] for the PHA fiscal year beginning July 1, 2011 and authorizing the Community Development Commission Chairman to submit the PHA Plans to the U.S. Department of Housing and Urban Development (HUD) and execute all related documents", with the inclusion of changes made to the PHA Plan as a result of public comments].

**COUNCILMEMBER FELLER seconded** the motion. He asked what jeopardy we are in with comments made by Deputy Mayor Sanchez.

**MS. HANIFIN** responded there would be no jeopardy for comments; however, if we do not have an approved PHA Plan, we could be rated a troubled housing agency and may not be able to receive new funds in the future.

**Motion was approved 4-1;** Deputy Mayor Sanchez – no.

20. **City Council: Consideration of a resolution approving Development Plan (D10-00009) for a text amendment to the Planned Block Development (PBD) Plan established for the 103,000-square-foot commercial retail center located on the southeast corner of College and Oceanside Boulevards and the 36,902-square-foot center immediately east within the Ivey Ranch/Rancho Del Oro Neighborhood – Rancho Del Oro Gateway Shopping Center – Applicant: VRDO Plaza Partnership – Charles Yablon**

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

**RICHARD GREENBAUER**, Senior Planner, stated this is a minor text amendment for the Planned Block Development (PBD) for the Rancho del Oro Gateway Plaza. Originally it was titled the Plaza Mottino Shopping Center. We're bringing back a 20-year old document, cleaning up some of the language within that document and modifying some of the uses to make it more competitive with surrounding uses in the centers immediately west, northwest and northeast of the shopping center. The PBD does encompass 2 separate shopping centers: Rancho del Oro Gateway Shopping Center, which is 8.7 acres that was developed in 1994; and Oceanside Marketplace, which was brought forward in 2005. By cleaning up this document we're bringing Oceanside Marketplace into the text and including that throughout the PBD Plan.

The underlying zoning for this site is general commercial. The PBD allowed for a more restrictive ability for certain uses within that center. One item that brought this forward was the need for restaurants to be viable and marketable similar to other general commercial zoned districts, which allow beer and wine service with their food, permitted by right rather than needing a Conditional Use Permit (CUP). At that time we also recommended that the applicant work with staff to modify the language incorporating the 2 centers together and then bringing forth the document so it doesn't have to return to this body if future revisions are needed.

Samples of changes that are being done were just articulated, as well as lowering commercial grocery markets to 3,000 square feet. There are some language changes in there regarding some free-standing pads. The 2 sites are fully developed. Any potential to redevelop those sites and bring forward other drive-thrus or banking institutions will require development plans and conditional use permits. That gives staff the discretion, at that time, to review those and make appropriate findings.

Staff recommends the Council find that the minor text amendments are consistent with underlying zoning and move to approve the modifications to the PBD.

Applicant

**CHUCK YABLON**, General Partner of VRDO Plaza, owners of the Rancho del Oro Gateway Shopping Center at Oceanside and College Boulevards. We've been working closely with staff to update the zoning document that our center operates under to bring us on the same basis as other competing centers, assist our tenants in a tough economy and help us to lease more of our vacant space.

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

**DEPUTY MAYOR SANCHEZ** understands that there are restrictions placed on this shopping center that other shopping centers do not have so it's been unfair to the shopping center.

She **moved** approval [of **Resolution No. 11-R0229-1**, "...approving Development Plan (D10-00009) for text amendments to the Planned Block Development (PBD) Plan established for the commercial retail centers located on the southeast corner of College and Oceanside Boulevards".

**COUNCILMEMBER FELLER** **seconded** the motion. This would be considered streamlining to help more businesses, is that correct?

**MR. GREENBAUER** responded yes, if you want to pose it in that manner. It is streamlining, making it more competitive and consistent with the underlying zoning.

**COUNCILMEMBER FELLER** stated we heard earlier about mailing notice to 1,500 feet but he lives more than 1,500 feet from this and he got a mailing notice. How does that work?

**MR. GREENBAUER** responded that is because Councilmember Feller is on a notification list as a concerned citizen.

**COUNCILMEMBER FELIEN** understands that currently there are certain types of businesses you're not allowed to lease to, and the applicant wants to expand the types of businesses to be consistent with other shopping centers in terms of what he's allowed to lease to. What types of businesses currently are not allowed in this center that would be allowed under these revisions?

**MR. GREENBAUER** responded it would be facilities like auto repairs, window tinting, glass tinting and any type of service like that would require additional redevelopment of that site. It's just allowing him to market the center with more available uses, not necessarily insuring that they're going to bring those uses to that center because it could prompt other discretionary actions.

**COUNCILMEMBER FELIEN** asked who's come that you've had to turn away that we want to have now.

**MR. YABLON** responded that with the revisions there is a clearer path for our hopeful future ability to obtain a financial institution related to drive-up tellers. As it stands right now without the change, it's kind of a muddy path to get to that point. The way the market is right now, that's enough to deter tenants. If they have lots of choices then they don't need to go through any more difficulties and approvals than they can get some other place.

Another example is in personal services. Right now the language talks about

very small scale facilities required, and it's been an inhibiting factor in us getting potentials tenants like Massage Envy, which is a big national chain. Other eating establishments want to know that they have the right to obtain a beer and wine license without going through a CUP, because that increases their costs.

**COUNCILMEMBER FELIEN** wants to make every effort to make the City business friendly and supports this item.

**COUNCILMEMBER FELLER** stated that any massage facility has to go through a CUP.

**MR. GREENBAUER** responded that's correct. Massage is a regulated use.

**Motion was approved 5-0.**

21. **City Council: Approval of a Reimbursement Agreement with National Community Renaissance (National CORE) in the amount of \$1,527,170 for predevelopment expenses related to the Mission Cove affordable housing project located in the 3200 block of Mission Avenue; and approval of a budget appropriation in the amount of \$1,527,170 from the HOME Program unallocated reserve funds to the Mission Cove Project account for reimbursement to National CORE for the predevelopment expenses**

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

**DAVE MANLEY**, Neighborhood Services Division Manager, stated this item is to get Council's recommendation to approve a reimbursement agreement with the development team National Community Renaissance, as well as Community Housing Works as the subpartner on the development.

Back in December we approved the development team of the 2 entities to develop the Mission Avenue site now known as Mission Cove, following the Vision Plan that was approved earlier last year, and to come back with a development agreement. Staff is currently working on negotiating the development agreement with the development team. In preparation of that, to further refine development standards and the financing plan, there are many studies that have to be done on the project. This reimbursement agreement addresses those costs. There is an exhibit to the agreement that lists those in greater detail.

The funding that will be used for this is affordable housing funds, which can only be used for affordable housing projects. It's been dedicated to the project and staff is asking that Council appropriate \$1,527,170, which doesn't obligate any further funds to the project.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, urged Council's approval of this item. During the hearing at the Housing Commission he had a question about a large allocation for certain recovery and documentation. The person involved with this reassured him and the Commission that if there was any overage, it would be returned to the City.

**JOHN SEYMOUR**, National Community Renaissance, stated tonight is a key milestone. As Council recalls, you purchased this land in 2006. Almost 5 years later we're going through 2 Request for Qualifications (RFQ) processes. With Council's approval tonight, tomorrow we'll be executing several contracts with third party vendors

in Oceanside to kick off the entitlement review, the environmental review process and the refinement process. The second milestone will be coming back in June with a development agreement. That would then allow us to begin the processing for our tax credit application no later than July of 2012, but hopefully sooner.

This project is going to create over 300 full-time and part-time jobs, retail, 288 units, open space, parks and a community center. This is a big thing tonight, and we appreciate Council's support.

Public input concluded

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

**DEPUTY MAYOR SANCHEZ** asked what happens if National Community Renaissance is not able to come through with the funding for this project, which is somewhere around \$27,000,000 that they would have to get and were hoping the City would somehow help them do, which we're not going to be able to do.

**MR. MANLEY** responded this action just provides for the reports that need to be done anyway, and it gets us through entitlements. If we get to the point of getting everything done and the funding is not there, the City would own all of these reports and have a fully entitled project. Financing for the project is contingent on a number of factors like redevelopment and other State funding. This agreement gets us to a point where the City would own all of this and have a project ready. If we have to go in a different direction in the future, we would still have a fully entitled project.

**DEPUTY MAYOR SANCHEZ** hopes they are able to do it but the economy is what it is. We're still waiting for a hotel to be built and 26 projects that were approved however many years ago to be built. If the City agrees to pay these expenses of \$1,500,000+, it's not going to be money wasted if the project is not able to be built.

**MR. MANLEY** responded that is correct.

**DEPUTY MAYOR SANCHEZ** moved approval [of a Reimbursement Agreement (**Document No. 11-D0230-1**) with National Community Renaissance (National CORE) in the amount of \$1,527,170 for predevelopment expenses related to the Mission Cove affordable housing project located in the 3200 block of Mission Avenue; and approval of a budget appropriation in the amount of \$1,527,170 from the HOME Program unallocated reserve funds to the Mission Cove Project account for reimbursement to National CORE for the predevelopment expenses].

**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.

22. **City Council: Consideration of the closure of Vista Way at the Interstate 5/State Route 78 interchange, and direction to staff**

**DAVID DiPIERRO**, City Traffic Engineer, stated staff is asking for Council's direction in regards to closing Vista Way at the I-5/SR-78 interchange. Over the years, City staff has received numerous complaints due to vehicular speeding and traffic volumes on Vista Way between Coast Highway and the interchange. To address Vista Way residents' concerns, staff has implemented various traffic calming devices in hopes of providing a solution. A computer graphic was used to show that there are 19,900

average daily trips (ADT) on Vista Way between Coast Highway and the I-5/SR-78 interchange. In the same proximity there are 18,300 on Coast Highway, and on Cassidy Street there are currently 7,900 ADT.

Vista Way was reduced from a 4-lane road to a 2-lane road with a left turn center turn lane to try and slow down traffic and reduce volume. Raised medians were installed in the center of the road to narrow down the travel lanes. To prevent drivers from circumventing the back-up for westbound traffic on the SR-78 heading south to I-5, 'no U-turn' legends and signs were installed on Vista Way at Stewart Street. Also, curb extensions were installed on the north side of Vista Way, and delineators were installed on the south side of Vista Way at Stewart Street to deter U-turns. Delineators were also installed along the shoulder for eastbound traffic on Vista Way to prevent vehicles from driving down the shoulder to access southbound I-5.

To draw drivers' attention to the speed limit change from freeway speeds to the posted speed limit of 35 miles per hour (MPH) on Vista Way, a yellow flashing beacon was installed just west of the interchange. To remind drivers of the posted speed limit of 35 MPH on Vista Way, a driver feedback sign was installed for westbound traffic. The critical speed on the street before the sign was installed was 39 MPH. Since it was installed, the critical speed showed a 35 MPH speed limit.

To increase drivers' awareness of an uncontrolled marked crosswalk at Vista Way and Home Street, yellow flashing beacons were installed. To provide gaps in traffic that would allow people to exit their driveways or side streets, a 12-second delay was added to the red light for westbound traffic at the SR-78/Vista Way signal. Basically, while eastbound traffic on Vista Way has the green light to go, westbound traffic on Vista Way has a 12-second red light that delays them. To show that there is an alternative access from Coast Highway to I-5 and SR-78, directional signs were installed as you approach the Cassidy Street intersection. The same signs are present for northbound and southbound traffic on Coast Highway as you approach Cassidy Street.

To review, we've restriped the road from 4 lanes to 2 lanes, installed raised medians, new turn restrictions, curb extensions, raised delineators, flashing beacons, driver feedback signs, flashing beacons at pedestrian crosswalks, made adjustments to signal timing and installed guide signs on Coast Highway. All of these devices were installed along this ½ mile section of Vista Way at the cost of approximately \$200,000, which does not include staff's time. In addition, Oceanside Police Department (OPD) has received numerous requests to address vehicular speeding, and staff has continued to meet with the various residents to address their concerns.

Recently, staff received a petition signed by 69% of the properties running Vista Way between Coast Highway and the interchange, supporting the concept of closing Vista Way at the interchange. A graphic was used to show one rendering of what the closure may look like, which would cul-de-sac Vista Way east of Moreno Street, prohibiting vehicle access to and from SR-78 and I-5. City staff spoke to representatives of the Oceanside and Carlsbad Fire Departments, who stated that closing Vista Way could affect their emergency response time in the neighborhood surrounding the areas. OPD stated at the Transportation Commission that they do not support closing Vista Way.

The impacts associated with closing Vista Way is not limited to just this neighborhood. Potential impacts could be widespread and would need to be addressed and mitigated. When staff sat down and looked at it, we were thinking the boundaries would be Mission Avenue to the north, El Camino Real to the east, Carlsbad Village Drive to the south and the ocean on the west. Residents that live in the Fire Mountain neighborhood use this travel path to get to and from their homes. If we were to close that, it would be just one example of them having to find an alternative route. In doing so, it could impact other intersections on other City streets. These would all have to be looked at.

Closing the I-5 ramps at Cassidy is part of the SR-78/I-5 interchange upgrade. So if Caltrans moved forward with the interchange improvements, they have discussed that they would be installing flyovers possibly. If they were to do that, then both Cassidy and Las Flores in Carlsbad would both be closed so that would no longer be an alternative route.

The City does not have a formal policy or procedure for dealing with a request to close a major street. Should Council decide to move forward with this neighborhood's request, staff would need to initiate the following: 1) look at a traffic study with an approximate cost of \$300,000, based on the study area he went over; 2) a Project Study Report (PSR) would be required by Caltrans at approximately \$200,000; 3) an Environment Impact Report (EIR) would most likely be required because of the impacts associated with the traffic study, which would be approximately \$250,000; and 4) there would be an Economic Impact Study (EIS) for the businesses that are in the general area to be developed, for approximately \$50,000. That came to a total cost to do these studies of \$800,000.

In addition, after the PSR, Caltrans usually requires a project report. Then we'd have to look at design, not only the design for closing Vista Way, but whatever designs that would be required for impacted intersections. On top of that, we would require the approval of the Coastal Commission because we would be closing access to the beach by shutting down Vista Way.

There is also the option of doing nothing, which has a cost of zero.

**MAYOR WOOD** knows this came to staff and you had to study it. He's concerned about closure. He doesn't think it could happen, not only for public safety for Oceanside and Carlsbad, but Caltrans is not going to go for this at all, especially with the closing of California Street and Las Flores in Carlsbad. It means that people would have to go a very long distance just to get in our City. All of the businesses along that corridor and to the South Oceanside area would be impacted so he is very concerned. There are 14 speakers tonight, and he's gotten letters. The neighborhood wants us to continue to look at the Vista Way corridor for any improvements. This Council also voted to eliminate neighborhood calming problems.

**CITY MANAGER WEISS** responded there hasn't been a vote yet (regarding eliminating neighborhood calming). There was direction given. There will be another budget workshop on April 27<sup>th</sup>.

#### Public input

**DAVID NYDEGGER**, President and CEO of the Oceanside Chamber of Commerce, 928 North Coast Highway, stated when he first heard about this issue he came down and spoke to the Transportation Commission on the same thing. The closing of SR-78 can't happen. It would be a horrible impact on all of the businesses, not only on Vista Way but in all of South Oceanside. The economic impact for the City was pointed out, but the economic impact for the business community would be devastating, including a tremendous drop in sales tax revenue. He had a nice conversation with some folks who live on Vista Way. With some study, thought and processes there might be a way that we can actually do some things to help alleviate some of the issues that are facing those residents. One suggestion might be to put up a sound barrier or wall. Right now they cannot put a fence up in front of their homes but maybe there is something that could allow them to do that, or traffic calming circles, etc.

It looks like this is not going to go anywhere but it's something we should look at and down the road possibly eliminate some of those issues.

**SHARON NEWBERRY**, 1212 Vista Way, stated this all started as there were no

changes to be done on the North County Corridor. We had contacted the City because people saw that there was a need, and we are grateful to them. Mr. DiPierro mentioned that things had been done on the street; however people still make illegal U-turns on the street. The 'no U-turn' sign is a bit obscured by plants. She used computer graphics to show various vehicles making illegal turns. At one point we had heard 40,000 cars on the street. Mr. DiPierro said at 40,000 cars you had gridlock.

Regarding the petition, out of the 64 signatures 73% of the 49 residents on Vista Way signed this petition in favor of a cul-de-sac. Knowing where staff sits on this, we understand that it's not going to go in that direction. Therefore, the signatures on this petition actually represent the frustration of the residents. We believe there are other steps to be taken. She gave Council a packet with examples of what can be done. When it comes to the trucking on Vista Way, she downloaded information from the State that says the City has the right to declare an area and limit the size.

**CHRISTINE WHITWORTH**, 2008 Stewart Street, stated in an effort to come together with the businesses in the area and to see what could be done to bring together varied interests for mutual benefit, we looked to Birdwalk development in La Jolla. Modifications to that area that where the merchants reported that there were significant benefits to the businesses and also the people living in the area. We brought that forth as an option that we could look at to bring people together. That would speak to our request to have the Council introduce workshops so communication can happen between the residents and the people who use Vista Way and don't realize the impacts to the people who live there. Possibly Council could recommend to Caltrans that they tweak the light a little bit more, not to clog the traffic, but to provide a little bit more relief to the residents.

Finally, with the improvements that were made that Mr. DiPierro referred to, it's appreciated that they were made, but they were tweaked at the last minute to minimize some of the impacts. That's why all of the crazy maneuvers continue to happen. We'd like to see the arched Oceanside sign installed, which was part of the initial traffic calming that we never received, to let people know they are coming into a neighborhood.

**RICK SAN FILIPPO**, Gold Coast Futons, 1837 South Coast Highway, feels for the residents who live on that street and understands that there is a traffic scenario that needs to be addressed. However, at the same time he owns a business there and relies heavily on traffic, especially during the summer when people from Escondido, Vista and San Marcos are coming through to enjoy our beaches. He will be missing a lot of business if they put that wall up. He asked Council not to put the wall up.

**FRANK SCHNITZENBAUMER**, Amazon Bikes, 1227 Vista Way, is concerned about how the City expects to find this money to even start the process to see if this is a viable idea. He understands that people who bought their houses there are a little bit upset, but people need to be held accountable for their decisions. They did buy houses on the freeway. He asked what Mr. DiPierro's opinion is on closing this.

**GREG SAMPSON**, Paradise by the Sea RV Park, 1537 South Coast Highway, agrees that closure of Vista Way is not a doable thing. He enjoyed looking at the presentation on what has been done, he's seen progress over the last 20 years. He noticed those things as he is coming into Vista Way to work. Those improvements have done a good job of slowing things down. It would be devastating to the businesses to close Vista Way and would discourage tourism in South Oceanside.

**NATE GOSS**, 7-11, 749 South Coast Highway, feels that this would be a detriment to our business. We are opposed to closing Vista Way as it is a major corridor to our business from SR-78. We receive a lot of business off of that particular highway, especially during the summer months. This would have a huge impact on our business and what we're able to do during the summer months, which are prime months for

businesses down there.

**ERIN MORIN**, 1241 Chambord Court, lives by the onramp to the I-5/SR-78 corridor. When she comes back from San Diego, she uses the Vista Way off-ramp, and it is the worst ramp ever. She's been rear-ended and side-swiped. The design is really bad and trying to merge is a hard thing to do. She thinks we need to have a workshop to discuss options. She is concerned about the neighborhood and the residents. She is also concerned about kids that may be playing out front.

**SURINDER PALSINGH**, 7-11, 1749 South Coast Highway, purchased his store 6 years ago and has been doing quite well. There is a lot of traffic flow from SR-78 and I-5 to his store and other establishments in the business community. With the downturn in the economy, small business continues to struggle. The closure of this freeway off-ramp with further decline our customer flow, greatly effecting our survival and success, which is important for the small businesses, the City and our residents. He urged Council to consider the short and long-term implications that the closure may have. There are other ways to curtail the speeding of vehicle, such as reducing the speed.

**GIOVANNA MAIMONE**, 512 Kelly Street, stated it seems like the only people who have a problem with this are in a 2-block radius on Vista Way. SR-78 was one of the original State highways designated in 1934. It was built in the middle of the 20<sup>th</sup> century, which is about 60 years ago. Most of the people complaining are probably not 85 and older, which is how old you'd be if you purchased the house back then. You knew where you were moving; the freeway existed before you got here. Take responsibility and deal with it or move.

Mr. DiPierro stated there are 19,000 people on Vista Way and almost 8,000 people on Cassidy. Where are they going to go if this is shut? What about traffic that's going to be directed toward Cassidy Way and what about the school there. What about the people that live near there and enjoy going to these local businesses. The local businesses will shut down because they won't have the revenue to stay open. We're going to live in a town with closed and barren storefronts.

Is the City going to spend \$800,000 just to research and see if this is appropriate for 2 blocks of people? Also we'll lose the revenue from writing tickets to the people who are speeding and breaking the law. Let's think about the revenue that we're losing, besides what it's going to cost to research it.

**AMELIA HIERHOLZER**, PCH Bar & Grill, 1835 South Coast Highway, agrees that the absurdity of a cul-de-sac on Vista Way is unfathomable, but she wants everyone to realize that everybody has an opinion and a voice. She urged Council and residents to think of the impact on most of North County by closing Vista Way.

**CHUCK LOWERY**, 812 Alberta, had a meeting with Caltrans last year to discuss the I-5 potential expansion and asked them this particular question. They started laughing. When he asked them what was so funny, they said that the route on Vista Way is a federally designated arterial route, and that it would be a great solution for Caltrans if that street were terminated. Apparently the federal government has their fingers in the pie. Rather than the City spending potentially \$800,000 to figure out what to do within Oceanside, he suggested we write a letter and send that to Washington D.C. and ask them what we can do with this roadway that's in compliance with what their regulations are. Rather than starting from ground zero and doing more studies, we can find out what the federal government will allow us to do. He would ask the Council to direct staff to create a letter to the federal government asking what we can do with Vista Way and then wait for the answer.

**JIMMY KNOTT**, 127 Sherri Lane, complimented staff for the traffic calming measures there because one of the worst accidents he's ever assisted with happened there. He uses that road and is part of that impact, but it's necessary, the same as it's

necessary for people to use the road in front of his house. The driver feedback sign is appreciated because it tells people if they're going too fast. Council might want to consider the pedestrian crosswalks. Trying to cross the road at night is dangerous, and there needs to be a better warning system. We need to work with federal and State agencies to prepare a proposal to better that intersection.

**HARVEY SCHWARZ**, 1519 Lucky Street, has lived in South Oceanside almost 65 years. He is appalled at the idea that anybody would think of closing the Vista Way corridor at I-5, and he doesn't believe that Caltrans would allow it. Nobody forced the homeowners to buy there; it was there when they bought. With the new I-5 improvements, this would never pass. As a property owner and a citizen he is sick about this; it is ridiculous.

**THAD HOYER**, 1009 Vista Way, stated we've talked around this for a long time. That petition was ill-conceived. When it came to his house, he said this would never fly; you can't close Vista Way. Vista Way needs traffic redistribution. There is a way to redistribute the traffic that is eastbound, send it down Cassidy Street and do the loop to Vista. Let everything else go on Vista Way. That would remove one big bunch of traffic. We could do that with red blinking lights restricting traffic and a sign that says "I-5 south only", so we'd only have I-5 south. It wouldn't cost \$800,000; it would only cost a few temporary traffic signals and a few signs. He did buy a house there knowing where it was, but when you have cars crashing into your mailbox or your front yard, there's too much traffic.

Regarding the school, it has stop signs and crossing guards and is only in session 8 months of the year. The traffic build up is after school.

Public input concluded

**DEPUTY MAYOR SANCHEZ** stated a couple of years ago she was leaving a friend's home on Kelly Street and was involved in a traffic accident on Vista Way. The man that hit her said he wasn't going faster than 65 MPH. He didn't even know that 65 MPH wasn't the speed limit. This is a very dangerous place.

She's been involved in addressing the horrible traffic problems that this residential neighborhood has had to endure. The traffic has increased dramatically on this street, with a huge increase in truck traffic as a result of Carlsbad banning truck traffic on Carlsbad Village Drive. A couple of months ago she watched traffic on Vista Way and saw numerous traffic violations and near traffic accidents, and she was only there for about 1/2 an hour. The violations included speeding, driving the wrong way on a one-way street to access Vista Way and illegal U-turns.

When she first came on the Council she had the opportunity to speak with then Caltrans Director, who is now the SANDAG Director, Gary Gallegos, regarding I-5/SR-78 and why didn't we have those improvements on our list. Mr. Gallegos went above and beyond that and said our future plan is for a flyover; we're not going to have a traffic light. We're going to remove it and cul-de-sac Vista Way. That came from Caltrans. Since then Caltrans has apparently made some changes and are now talking about closing down interchanges in Oceanside and Carlsbad and probably putting more of that traffic on Vista Way. Apparently current Caltrans staff is not considering the cul-de-sac on Vista Way. Caltrans says one thing one year, and another year they say something else.

We're here tonight to make Vista Way safe for everyone. At the very least we need to continue with existing direction to staff, which was and continues to be implementation of effective traffic calming. So far we haven't. We've done a few things and it's been like pulling teeth to even get these things done. We talked about putting signage across the road 'Welcome to Oceanside' and putting flashing yellow lights in the road. We talked about striping and all kinds of things, but the only thing that went

forward was the idea of a median.

Regarding citizen input, we've heard tonight that we need to make this area safe for everyone, including our tourists and everyone who uses the road. She believes we can make this a win-win for residents and businesses. We need to continue with our efforts to find a total solution, which we haven't done. She's sure staff is not satisfied with what has happened so far and that they have a higher standard for traffic calming and safety than what's there. She proposes that we continue with our efforts.

**COUNCILMEMBER FELLER** asked Mr. DiPierro if we provided the petition for the residents to sign.

**MR. DiPIERRO** responded yes.

**COUNCILMEMBER FELLER** asked how we came up with the idea of a cul-de-sac.

**MR. DiPIERRO** responded it was another way of trying to come up with a solution to an issue that the residents are having. We've met with the residents a number of times. During one of the staff meetings we had with the residents, it seemed like it was a last resort type of solution. Based on that, we worked with the residents to put together the wording for the petition, where they would have to walk the petition, which was just the residential homes fronting Vista Way, and to see what kind of input people had in support of the closure.

**COUNCILMEMBER FELLER** stated the petition says we the undersigned request the City of Oceanside to implement traffic calming on Vista Way by making the east end of Vista Way a cul-de-sac. It states that by signing below we understand and support the implementation of a cul-de-sac on the east end of Vista Way and we also understand that implementing traffic calming could delay emergency response time to and from the area. So the people that signed this petition signed it, asking for a cul-de-sac. He can't imagine anything that could have set people's hair on fire more than a cul-de-sac on a road that for a long time was the only east/west road in of that area. Vista Way starts at Jefferson and runs out to Vista. Can we make this street slower?

**MR. DiPIERRO** responded we would have to study it once again. The examples he went over for traffic calming have been going on for 6 or 7 years.

**CITY MANAGER WEISS** was in one of those meetings with Mr. DiPierro and the residents. There are 2 issues: speeding and traffic back up. Slowing the vehicles down causes another problem. You have both the volume and perceived speed problem. To solve one impacts the other. There were a different number of lane configurations that were looked at. If the issue is backed-up traffic you can solve that by adding more lanes, but then you're going to have the speeding problem.

Regarding redistribution, there are options to that, but they have impacts as well. So there are alternate solutions, but he's not sure that any of them are going to solve the entire problem.

**COUNCILMEMBER FELLER** realizes that. This is another example of keeping roads open and flowing. Were any of the businesses signers of this petition?

**MR. DiPIERRO** responded as far as he knows, no.

**COUNCILMEMBER FELLER** stated so there was no consultation with businesses regarding this. Can the 12-second gap at the light going westbound be altered to last any longer?

**MR. DiPIERRO** responded that when he was out there reviewing it, it was at

least close to 2½ minutes cycling. Probably 80% of the green time was for the traffic going westbound on SR-78 to southbound on I-5. It is a Caltrans signal so we would have to work with them to have them add more red time to that direction to provide that delay.

**MAYOR WOOD** thinks most people showed up, pro or con, over the cul-de-sac. If staff has a solution and wants to make a recommendation, he thinks that's the kind of answers the people would like to have from us.

**COUNCILMEMBER FELLER** knows that a cul-de-sac has been a suggestion of Deputy Mayor Sanchez's through Caltrans earlier, and that's how this even came up. A cul-de-sac is out of the question. This needs to be continually looked at. Maybe we can make that signal longer to give the people an opportunity to get out of their driveways; that would be something that could be studied. The people that live on Vista Way did buy there knowing that they had to get out on a street that is fairly busy. It's been that busy for at least 20 years. There are things that are going to come in the next 10-15 years that may change how that flows, whether it's closing Cassidy or Las Flores. Some of those things are in the plan. We should work hard at trying to add to this. He asked how much money has been spent so far.

**MR. DiPIERRO** responded approximately \$200,000 on the traffic calming devices that have been installed.

**COUNCILMEMBER FELLER** thinks we could make that up by hiring a couple of motor officers just to sit on Vista Way. Enforcement is probably the largest key right now.

**MAYOR WOOD** got calls and emails, and the input was mainly regarding the cul-de-sac, which he believes is not possible. Caltrans is not going to allow it. When you look to the future with Cassidy and Las Flores being closed, it will impact Vista Way even more, so we have to address it. What he's heard from people here and from emails and phone calls is that we have to continue to work forward with staff and try to address this. However, maybe we do need a neighborhood meeting because Vista Way doesn't just address 2 blocks; it addresses the entire City that uses it.

We need a workshop with our traffic division addressing how we can fix it, and the public needs to know that Caltrans is going to come along later and change all of this on Vista Way. Maybe that will be slowed down on the I-5 aspect of it. Oceanside is one of the last to be impacted because they want to do the flyovers and the widening at the same time for the least amount of impact on the Buena Vista Lagoon. The habitat is their priority, so they want to do it all at once. We need to continue to look at it but let the people know that Caltrans is going to change that whole area. When those flyovers come in, you'll probably see a lot less traffic coming off SR-78.

**COUNCILMEMBER FELIEN** asked if the federal government has a say in what's done on Vista Way.

**MR. DiPIERRO** responded as far as he knows, yes. The federal government would have a say in whatever happens out there.

**COUNCILMEMBER FELIEN** asked if the City has studied the U-turn problem since the calming has been put in. That's one major complaint he's heard from residents in that area.

**CITY MANAGER WEISS** responded we have had the Police Department out there. There is a fix for that; however, it would include putting in a median, which would restrict left turns into some of the side streets. That has not been met well with some of the residents.

**COUNCILMEMBER FELIEN** noticed looking at the map on the ADT's. If Caltrans closes Cassidy and Las Flores that will have a huge impact on Vista Way. He asked if the street can handle that increase in traffic or is this going to be an insurmountable issue with the current width of the street.

**MR. DiPIERRO** responded right now the way the street is operating with the 2 lanes and with the existing volume of 19,000, it is considered level of service E. This is roadway segment. Any additional traffic added to it will reduce the level of service that much further.

**COUNCILMEMBER FELIEN** stated there's an issue in terms of noise versus the traffic. Is there a direct relation between the average speed down the street versus the noise the cars are making.

**MR. DiPIERRO** responded when it comes to noise he personally hasn't studied at what speed. What you see with the noise a lot of times is stopping and starting of vehicles. So you might even see more noise during gridlock than you would with normal speeds. Also, if there is truck traffic on street and the trucks brake, you would hear that. It is also a bus route.

**COUNCILMEMBER FELIEN** asked if we, as part of the traffic calming, have studied the possibility of banning certain sized vehicles, such as large trucks.

**MR. DiPIERRO** responded that for traffic calming we could look at any of the options that are out there. That would just be a truck prohibition; it's not really a traffic calming. Traffic calming is to reduce speeds and volumes to try and slow down speeds. It's something that could be looked at, but he wouldn't classify truck prohibitions as traffic calming.

**COUNCILMEMBER FELIEN** would be opposed to having a cul-de-sac because of the impact on our businesses and overall traffic. He would support any effort to research ways to make traffic flow with less impact on the residents and making it a gateway into the City.

**COUNCILMEMBER KERN** asked if we had medians there at one time and then took them out.

**CITY MANAGER WEISS** is not aware of medians there that were taken out.

**COUNCILMEMBER KERN** met with several of the neighbors out there, and we have been as responsive as we can be to the neighborhood. There's just more traffic. When he first came to Oceanside the corner of El Camino Real and Vista Way was a 4-way stop. Then they built the divided highway and we have to stop at El Camino, go halfway across and stop again before we continue to cross Vista Way. About a year and a half later, they built the mall and then a huge bridge in the middle of nowhere. They have since expanded the bridge. The problem is that we're getting a lot more traffic. We're going to have to accommodate that, not just on Vista Way. He is not enamored with the idea of transferring the problem from Vista Way onto Cassidy Street. He's glad that wasn't mentioned tonight.

His direction to staff is to monitor the problem. We will continue to try to mitigate things as they come up. If there are any ideas we will try to address them. He's not in favor of spending any money on this problem because we don't have any money to spend on the problem right now. That's not to say that we won't continue to look at the problem and fix whatever we can fix within the parameters of our budget at this time.

**DEPUTY MAYOR SANCHEZ** asked if we need a motion if we're giving direction to staff.

**CITY ATTORNEY MULLEN** responded the agenda item is with regard to consideration of the closure of Vista Way. If there is no interest in pursuing the closure then you don't need a motion. You could provide direction to staff my means of a motion of you'd like. We may have to come back with a particular item because pursuing traffic calming specific measures would have to be agendized and approved by Council.

**DEPUTY MAYOR SANCHEZ** stated we have actually directed staff to come up with traffic calming on Vista Way, and that hasn't changed. She's hearing continue to work with the community on traffic calming, and other Councilmembers talked about additional traffic calming.

**CITY ATTORNEY MULLEN** stated you wouldn't need a motion or a vote if that is the will of the Council and if that's the previous direction.

**DEPUTY MAYOR SANCHEZ moved** to continue with our existing direction to staff regarding traffic calming on Vista Way, which is to try to implement an effective traffic calming for Vista Way.

**COUNCILMEMBER FELIEN seconded** the motion.

**MAYOR WOOD** thinks the neighborhood should be involved when it gets down to it. They might want to come up with a workshop.

**MR. DiPIERRO** stated as part of the traffic calming program, we do include the neighborhood. In fact, we break them out into a task force and show them the different features that we can install. It's up to the neighborhood to decide what they want. When it comes down to it, we're going to hold their hand through the process, but the idea behind the program is to have the neighborhood support whatever is being discussed.

**DEPUTY MAYOR SANCHEZ** wasn't aware that it was staff who gave direction regarding where to go with the petition. We should have included the businesses. She is hoping to see slowing down, but in a way that makes it more safe. It isn't completely the amount of traffic; it's also the tendency to violate the law with speeding, U-turns, driving on the wrong side, etc.

**COUNCILMEMBER FELLER** thinks we've created something more than what he's interested in. He doesn't think we need a motion for staff to look at calming. In the future, make suggestions to us through the Transportation Commission. Any further calming is a long process that he doesn't think we're ready to do right now. This could take years to implement some of these things, and there is so much dependent on the widening of I-5. Some of this traffic calming could even involve the Coastal Commission. It's out of hand, and he doesn't want to support a motion. We need to move forward with the direction that you've heard.

**DEPUTY MAYOR SANCHEZ** had asked for clarification as to whether or not we needed a motion, since we have previous direction to staff regarding effective traffic calming. Things have been done but the speeding, illegal U-turns, etc. are still happening. She asked if the City Attorney said we needed a motion or not.

**CITY ATTORNEY MULLEN** said no.

**DEPUTY MAYOR SANCHEZ** stated it is very clear from the dais that we want staff to work with the community to address this critical issue.

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

24. **Request by Councilmember Felien to require that all contractors under agreement with the City utilize the Department of Homeland Security's E-Verify system to verify the legal residency status of their employees, and provide direction to staff**

**COUNCILMEMBER FELIEN** is bringing this item forward because he believes in these trying economic times government has an obligation to the citizens to make sure that every taxpayer dollar goes where it needs to go and that every job that's created as a result of taxpayers spending money goes to someone who's entitled to have that job, based on the law of the United States. Since the federal government has set up the E-Verify system as a way to provide free and easy access to the information as to whether or not someone is authorized to hold employment, we as a City should take advantage of that resource. The benefits of E-Verify are that it avoids any judgmental issues, issues of profiling, etc. It applies to everyone. Everyone is reviewed as to their legality to hold employment so there are no issues of discrimination. It makes sure our taxpayer dollars are spent in the right place.

**MAYOR WOOD** has to leave to address some health issues. He supports this. He has concerns that this is the federal government's job and not ours. We're already in a hole money-wise and this type of thing takes time, money and effort. He supports it totally if the federal government says they will take care of it. When we get that check that they give us to do it, we might contemplate it. Otherwise, he doesn't want to spend his time, money or effort looking into the federal issue because they won't do it. It's a federal issue to protect that border, which they haven't done very well.

Proposition 187 many years ago said the State was \$21,000,000,000 in debt because of illegal immigration in California. It passed by all of the citizens, and the courts overturned it. That \$21,000,000,000 turned into \$42,000,000,000, and that's why the State is broke.

[Mayor Wood left the dais at 9:00 PM]

**COUNCILMEMBER FELIEN moved** to direct the City Attorney to prepare an ordinance and that he wait to draft that ordinance until the pending Supreme Court decision is issued, expected within 30-60 days, regarding this issue and that the ordinance is drafted with the intent that the City is not responsible for immigration enforcement or determining if anyone is in the Country illegally; they are simply responsible for determining if our contractors are using E-Verify as a simple no-cost way to help implement the law and make sure our taxpayer dollars are put in the right place.

**COUNCILMEMBER FELLER seconded** the motion.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, had communicated some of the laws and the basic requirements of this to Council in an email. The public needs to know that already businesses are required under the law to do this within 3 days. If they do not, they can incur fines and penalties under the law. It's up to the federal government to do this. He doesn't know why we're trying to enforce federal law. According to our Charter, if it's an unfunded mandate, we cannot enforce it. This would be an unfunded mandate because there is no money to enforce it. We could generally say that all contractors have to abide by federal law.

**MIKE CROGHAN**, 4522 Coronado Drive, stated this State is not in financial distress because of people going to work no matter where they are from and no matter where they live. That's not what caused the financial crisis in the State, and it's absurd to make that kind of statement. We need to follow Mr. Knott's recommendation to let the federal law be enforced by the federal government. We've got enough business of our own to take care of in Oceanside. He finds it curious that one of the more

conservative members of the Council now wants to have the government extend itself into the private sector. Those people who are going to be working on projects in Oceanside as contractors have quite enough to do without doing the work of the immigration service of the federal government. Let them take care of that, and we can take care of the work required by the City.

Public input concluded

**COUNCILMEMBER KERN** stated when we talk about E-Verify, this is a government program and they are encouraging all businesses to do this. All we're doing is taking the federal government up on their request, and we're going to do it ourselves and encourage all of the contractors that deal with the City to do this. We as a City need to take a leadership position and encourage businesses to do this. As far as Oceanside going out to individual business license owners and mandating that they use E-Verify, we're not going to do that. That is the federal government's job. All we're going to do is say that people that contract with the City must use E-Verify. We're not going into the private sector; we are dealing with people that work in the public sector.

**COUNCILMEMBER FELLER** asked if there is any expense for the City regarding this.

**CITY MANAGER WEISS** doesn't know. It depends on how the ordinance is worded. If we require those contractors to self-certify and go through the E-Verify process, then the answer would be no.

**CITY ATTORNEY MULLEN** stated that is how he intends to draft it. By way of clarification, it would a resolution that would come back to Council and not an ordinance. The U.S. Supreme Court is dealing with this issue right now in a different context, but it may have bearing on this. So we could come back within a month or two.

**DÉPUTY MAYOR SANCHEZ** asked for clarification that the motion requires no funding whatsoever.

**COUNCILMEMBER FELIEN** believes it would be close to zero, but he can't say it would be exactly zero. We will wait for the City Attorney's resolution, but he expects it to be miniscule if anything.

**DEPUTY MAYOR SANCHEZ** stated you're not requiring that any City employee record or have to receive any kind of communication from a contractor that they have actually complied. You're just assuming that they will comply, is that correct?

**COUNCILMEMBER FELIEN** responded that is his intent at this point.

**DEPUTY MAYOR SANCHEZ** had considered becoming an immigration attorney when she first started and became familiar with the numerous laws that are already on the books with respect to employers. Her concern is that this is not business friendly at all. This is pretty much a duplication of numerous laws on the books that are already enforced by the federal government. She understands that you're not asking for enforcement; however, employers are already required to obtain documents proving legal residency under penalty of criminal and civil sanctions. Now they have to go through an additional step, and she is concerned about that adding additional costs and booking requirements for the contractor if not the City, which she would especially be upset about.

She is also concerned about the recent report that just came out about E-Verify that it's vulnerable to fraud, has problems with accuracy and lacks adequate safeguards for employees' personal information. She would support something saying let's give priority to Oceanside residents if the idea is to insure Oceanside residents get jobs to

help us with our local economy. To add an additional step of red tape is not something that she can support. If this were to go to small businesses, she thinks it would be burdensome.

**Motion was approved 3-1;** Deputy Mayor Sanchez – no, Mayor Wood – 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

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

**ERIN MORIN**, 1241 Chambord Court, informed the public that we are having an important meeting tomorrow at the Civic Center Library in the MLK Community Room regarding the safety procedures of San Onofre. A woman is coming down who has spoken at Congress and at the State level regarding the safety preparedness and issues with San Onofre.

**CITY MANAGER ITEM**

25. **City Council: Discussion regarding City Council/CDC/Harbor Board meeting times**

**COUNCILMEMBER KERN** moved to continue this item to the next meeting on April 20, 2011, in order for the Mayor to be present.

**COUNCILMEMBER FELIEN** seconded the motion.

**COUNCILMEMBER FELLER** thinks we need to act on this because the Mayor obviously isn't going to stay past 9:00 PM.

**COUNCILMEMBER KERN** thinks the Mayor needs to articulate his position on this to the public about what he would like to do. He fully supports whatever the Mayor wants to do on this item.

**Motion was approved 4-0.**

**CITY COUNCIL REPORTS**

27. **Mayor Jim Wood** - absent

30. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** gave kudos to Vickie Prosser and Rex Butler for the letter and contact that was made with the City for the letter that was returned to a family from Japan.

He attended the Crystal Apple Awards in Carlsbad where 2 Oceanside teachers were awarded by their students.

The Mission Animal and Bird Hospital in Oceanside made the front page of Veterinary Economics as the Veterinary Hospital of the Year. Bob and Melody Cartin are the owners and have continually given back to the community.

29. **Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** attended the San Onofre open house that was held at Oceanside High School and got first-hand information on how San Onofre is operating in view of events in Japan.

He attended the Crystal Apple Awards and thought it was amazing to see students pick the teachers that they thought added the most to their education. There were nominees from Oceanside High School, El Camino High School and from Carlsbad High School.

He attended the Soroptomists spaghetti dinner and the Troop 72 Boy Scout spaghetti dinner.

The letter exchange ceremony that was held at the El Camino Country Club was a wonderful adjunct to our sister city relationship. We also had exchange students from Japan at the same time that helped put together that ceremony.

He met with boys from Troop 709 and helped them with their rank advancements requirements.

31. **Councilmember Jerry Kern**

**COUNCILMEMBER KERN** announced tomorrow is the Business Expo at the Del Mar Fairgrounds, and one of the sponsors and prime movers of that is the Oceanside Chamber of Commerce.

The Sister Cities were here last week. He hosted the chaperone that came with the kids from Kisarazu, Japan. The program is struggling because the City no longer funds it but we're still trying to encourage the exchange.

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

**INTRODUCTION AND ADOPTION OF ORDINANCES** - None

**ADJOURNMENT**

**DEPUTY MAYOR SANCHEZ** adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 9:25 PM on April 6, 2011. [The next regular meeting is on Wednesday April 20, 2011, at 4:00 PM]

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside



California

# CITY OF OCEANSIDE

## MAYOR AND COUNCIL WORKSHOP

FEBRUARY 15, 2012

**ADJOURNED MEETING      4:00 PM      COUNCIL CHAMBERS**

**4:00 PM - OCEANSIDE CITY COUNCIL  
- WORKSHOP**

**Mayor**

Jim Wood

**Deputy Mayor**

Jack Feller

**Councilmembers**

Jerry Kern  
Esther Sanchez  
Gary Felien

**City Clerk**

Barbara Riegel Wayne

**Treasurer**

Gary Ernst

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**City Manager**

Peter Weiss

**City Attorney**

John Mullen

The adjourned meeting of the Oceanside City Council was called to order at 4:05 PM, Wednesday, February 15, 2012.

**4:00 PM - ROLL CALL**

Present were Mayor Wood, Deputy Mayor Feller, Councilmembers Sanchez, Kern and Felien. Also present were City Manager Weiss, City Attorney Mullen and Assistant City Clerk Trobaugh. Jimmy Knott led the Pledge of Allegiance.

**WORKSHOP ITEMS:**

1. **Discussion of potential Charter amendments regarding City elections, including Council districts, numbered at-large Council districts, primary election procedures, number of Council Members, elected versus appointed Treasurer and Clerk positions, Strong Mayor form of Government, City Treasurer and Clerk educational and experience requirements, term limits, and related local election procedures**

**COUNCILMEMBER FELIEN** requested this workshop because since he's been elected he's received a lot of inquiries from people from all types of ideological persuasions wondering if we were going to be having a workshop to discuss possible Charter amendments. He thought that would be a good idea and put together a list of everything that has been mentioned to him at one time or another that people might or might not want to talk about. We have 14 items, and we can find out what interest there is in any of these.

The overall reaction for item 4, which is someone having to win the election with 50% of the vote, has been positive. To show his good faith, he was willing to go to San Francisco and Oakland to see if they built a better mousetrap and if we could adapt to runoff elections as a possible way to save money. He's been informed that the County is, in their words, years away from being able to do instant runoff elections, and the

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

machines to do that are several hundred thousand dollars each, so it doesn't seem to be a practical item.

Regarding the districts, the feedback he's gotten is that there is no support. Districts, in his opinion, have one advantage and three disadvantages. It's easier to campaign in a district as opposed to the City at large. However, once people are elected by district, they don't seem to vote based on the larger interests of the City. There is also the controversy of who will draw the districts as we've seen in San Diego, and in other states around the country. Then there is the cost of drawing the districts. The consultants that are involved and the inevitable lawsuits make that not a practical idea. He's open to other opinions.

He found no support for eliminating the Treasurer and Clerk positions as elective offices.

One item he received a lot of email for across a wide ideological spectrum is the idea of having a Charter review committee. He doesn't have any problem with that, as long as some thought is put into it and its structured so the committee isn't just another version of the City Council going back and forth with the latest election returns. It needs to be structured in a way that it's above the back and forth of the local politics so it's membership is truly looking at the larger interests of the City and trying to create a structure that will be for the benefit of the City after we're long gone.

#### Public input

**JOHN TODD**, 5142 Via Madrid, expressed his support for having this workshop. A lot of us have been waiting to see some development within the use of the Charter. He believes that elected officials should be elected with a majority, 50% plus 1. He supports the numbered seat idea, with a primary election being in June, so we can whittle that field down and not have such a huge ballot in November. If there wasn't 50% gained in June on a particular seat, the runoff would be in November. He hopes Council will support that. It may still be possible to get it on the June ballot, even though it won't take effect until 2014.

**RICK KRATKOWSKI**, 2110 Foster, feels this gives us an opportunity to express our opinions. Since we have the Charter, let's make it something where we can protect ourselves from Council getting too powerful. He has the following suggestions:

- Since the City Council and Mayor is a part-time job, they should not be entitled to PERS retirement system or medical coverage.
- A super majority, not just a simple majority, should be needed before allowing changes or additions to the Charter. Instead of a 3-2 vote, it has to be at least 4-1.
- There must be ample time for citizen input prior to being placed on the ballot. All Charter changes or additions will be on a regularly scheduled general election, no special elections.
- Term limits of 2 terms for Council and Mayor.
- City Manager and City Attorney positions need 3 votes, with cause, to fire and 4 or more votes with no cause to fire.
- No strong Mayor. The Mayor is elected and doesn't need to have a degree in public administration, so he would hire expensive people to answer his questions.
- Districts would help break up the 3-2 voting, but we need 7 Councilmembers. It would cost the same amount as 5 Councilmembers
- Zoning changes must be made by a super majority.
- Council or Mayor may not vote on an item for at least a year if they've received campaign money from the individual, business, corporation, etc.
- We need to address campaign finance reform. The PAC's are basically running Oceanside right now.

**COUNCILMEMBER FELIEN** requested that Mr. Kratkowski provide that list so

that it could be passed on to a committee if one is formed.

**LARRY HATTER**, 2344 Littler Lane, supported numbered seats, which would benefit the voters; the primary election possibility because we would get a better level of candidates going forward, which would be in the best interests of the City; and if special elections have to be done, he'd like to see them done by mail only. There is a savings to the City if we do that.

**TOM MORROW**, 276 North El Camino Real, stated the City overwhelmingly brought in the Charter in the last election. This is a good thing. Now that we are one of the bigger cities in the country, we need something that is more in a big city fashion. The numbered seats would be good. If you have to declare for a particular seat, it makes the election better. He supports the winner of the election being whoever gets 50% or more of the votes. A primary election is one way to eliminate the gang mentality of candidates coming into a general election. He hopes Council will support these ideas.

**LLOYD PROSSER**, 1618 Kurtz Street, thinks this workshop is overdue. It's been more than 18 months since there was a public dialogue about the Charter. Last week there was an article in the *North County Times* saying that this particular workshop was poorly timed. He has a different view. It's a good time to do this. We need to start a public dialogue on how we can better benefit from the Charter that was overwhelmingly passed.

Number one on his list is numbered seats. Second would be the notion of primary elections. Third, the Council needs to consider relatively soon how we're going to manage and process future changes to the Charter. Are you going to have a Charter commission or committee? How are you going to appoint people to that and how many appointees? What's the relationship between them and the Council? As we go further through this process of discussion he'll probably have some items to add to this list. For now he's focused on trying to keep it simple.

**JOAN BRUBAKER**, 1606 Hackamore Road, feels this is the poorest time in the world that this could have been brought forward. There's too much on the plate.

To have particular districts for each Councilperson is wrong. We need the input of the complete City to every Councilperson for complete coverage of the items that come before them. If you have districts, you're not going to have the power that you do if you have the whole City.

As far as being elected by 50%, if you have a candidate list of 6, you're going to have a rough time getting 50%. If you have a primary and weed it out, you can then go to a general election, and it might be possible.

To have a strong Mayor is a zero in her book. The Mayor needs to oversee things happening in the City and not manage the whole thing. That's what City Managers are for, and they do a good job. As far as the City Treasurer and Clerk, we've had elections for those in the past, and she's somewhat neutral on that. Requiring education and experience might be a good idea.

She's not in favor of much of anything on this particular list.

**NADINE SCOTT**, 550 Hoover Street, is speaking on behalf of the thousands of people who opposed the secret Charter. Saying it was vetted to the public is a joke. We remember having it designed in secret, and not one voter had any input whatsoever. She thanked Council for having this workshop. She's doubtful that this is really soliciting public comment that will go anywhere that's meaningful, transparent and ethical. Optimistically, she hopes Council wants the City to run better and have the Council be more just and fair.

Timing is everything, and your timing is way off. Council must concentrate on increasing revenues to the City and protecting our valuable services that make this a

wonderful place to live, own property and do business. The timing of this workshop is sure to generate controversy and further distrust of this Council majority. It would mean even more costs if put on the ballot this year, whether it's June or November.

Any amendments put on the election ballot will cost thousands of dollars per item that we simply do not have. How are we going to keep our libraries, senior centers and parks open? Enacting districts is expensive since you have to redraw districts, which is costly and takes time. The other big changes you're suggesting also cost a lot of money. She was at the budget workshop, and we don't have any money. Instead of wasting our time with more workshops that are meaningless and will not get us where we need to go, focus on making the City some money. She challenged each Councilmember to be ethical. If you're serious about this, appoint a Charter committee. Have it come back within the year and have the City Attorney vet the ideas and form them so they are appropriate. Some of the stuff in our Charter is questionable at best. If Council does not do that, she will personally be assured, as will everyone who voted against the Charter, that none of you maintain proper ethics or values required for public service or leadership in her community.

If your end point is merely to get mail-in ballots, then more power to you. However, you have to insure the public is protected by adding voting places beyond City Hall. Our senior centers, libraries, resource centers and maybe even our high schools. We must make sure everyone has a chance to cast a ballot and be heard. Be ethical, fair and honest about the project and be transparent this time. The Charter right now is a complete travesty.

**ELLENOR MOORE**, 276 North El Camino Real, spoke against this workshop and the proposed changes to the City Charter at this time. Items on the agenda are far too important to be rushed through without proper citizen review and input. She suggested the formation of a citizen's advisory committee to review the proposal before it is adopted and placed on a ballot. Oceanside citizens deserve the right to be fully informed on issues before they are asked to vote on them. Our government is supposed to be for the people and by the people.

She is against the timing of this workshop. It is just another ploy by the Council majority to load the upcoming election ballots with confusing items. It is an effort to divert the attention away from other important issues on the ballot. These three Councilmembers seem to have a set agenda, since they vote with little regard for the needs and wishes of the citizens. This is an attempt to grab more power and insure a place in office for themselves.

We are fortunate that our founding fathers had the foresight to set checks and balances in government to keep greedy, power-hungry politicians from doing harm to the citizens they are supposed to serve. Therefore, she is against the proposal for a strong Mayor system of government in Oceanside. A strong Mayor system would give nearly unlimited power to that office. The Mayor would serve as the Chief Operating Officer for the City. He would have veto powers and the ability to appoint all major City offices. This is far too much power for one person, and we all know that power corrupts. This Council is reminded that they were elected by Oceanside citizens to serve and work for the good of the people. As a citizen, she prefers to have a Mayor who will welcome input from citizens and work for the good of the people. We do not need a dictator.

**DORIS SHERK**, 216 Evergreen Parkway, resident of the Cavalier Mobile Home Park, is definitely against the restructuring and consolidating powers being proposed at this time. Please keep the Treasurer and City Clerk jobs as elected officials and don't even consider having our local libraries run by some Maryland firm. Our librarians are doing a fantastic job.

**JIMMY KNOTT**, 127 Sherri Lane, has heard questions from the public about why things weren't added to the Charter. He's had to tell them the history of the Charter. It wasn't publically vetted, and we didn't get a chance to add these things. Now we're trying to do patchwork.

We need political reform. We need to consider limitations on contributions and expenditures for campaigns. No office or campaign should cost more than it pays. The full disclosure on what the candidates and PACs get in donations should be posted online. There should be no outside City donors. The mail-in ballots are a great idea because it's had proven savings for other cities. We should support that the next largest vote getter should be appointed in the absence, resignation, death or removal of any elected official. This saves money, and we need to save money.

We need to have a Charter review commission established now. We need about 9 Councilmembers to really represent this City. We should only do primary elections if there's a special tax collected to support that election. We can't afford any additional elections. If the public wants a primary election, they should have to pay for it. This is part of our democracy, and democracy is not cheap.

**SHEILA KADAH**, 5301 Village Drive, is not in support of the strong Mayor. It gives the Mayor too much power. She doesn't like where 3 people can rule the roost. Maybe we need more Councilmembers. This is bad timing to bring this forward since we have too much on our plates. She wants to elect the City Clerk and the Treasurer. She didn't like the secret Charter. She doubts that having this meeting will help. We've come in time and again and voiced our opinions, and the majority do not listen to the people. We need to have a law that you are supposed to represent us and vote the way we want you to vote. The Council majority doesn't listen to their constituency and they vote the way they want. She doesn't believe that anyone outside of Oceanside should be able to donate to the campaigns, only citizens of Oceanside. There has to be checks and balances. We need Councilmember who tell the truth and save money for the people. We could have saved \$45,000 by putting the vacancy decontrol issue on the November ballot instead of the June ballot.

**DAVID SHORE**, 828 Malibu Point Way, asked if the numbered districts that Councilmember Felien is looking at would be citywide.

**COUNCILMEMBER FELIEN** responded yes. Those would be numbered at large seats. You'd still be voted on by the entire City.

**MR. SHORE** previously served on a City Council in a Charter city that had district elections and, unfortunately, the numbered seat idea is a terrible one. It doesn't really solve what he thinks needs to be solved. District elections, geographically, are a great idea. It would democratize the City by getting greater neighborhood involvement if people have somebody from their area representing them. It would also affect the cost of campaigns. If you have a district numbered where it's citywide, then you're still running a citywide campaign and still have the same large expenditures. If you break the City down into geographic districts, and possibly expand the number of Councilmembers by 2, that would help take away this constant 3-2 vote back and forth, which hurts the City. District elections allow for grass roots campaigns to become more important and would take out some of the money that adversely affects elections.

The other thing a district election would do is increase the influence of the Mayor. Right now, for better or worse, beyond the title, the Mayor is just one of five and just one vote. The Mayor should have more influence, but he doesn't support the strong Mayor concept. If the Mayor was the one person who runs citywide that would happen. Ultimately, somebody has to be in charge.

When he was on the Council for a different City, the City Clerk, Attorney and Treasurer were all appointed by the Council. He thought that was good. When Council appointed Mr. Ernst as Treasurer it was by a 5-0 vote. It wasn't political; it was that you found a good person for the job. That would be more likely what you'd see if you had the appointed process.

Regarding the financing of elections and campaign reform, back in 1983 he wrote one of the first campaign reform ordinances in the State. Unfortunately, with

third-party funding nowadays, campaign funding is of no value. As long as you have the ability of independent PACs that have unlimited expenditures, it doesn't matter if you put a \$100 limit on what somebody can raise from an individual because the PACs are now running the show.

**KEVIN STOTMEISTER**, 225 Borrego Street, is excited about the Charter. It brings us into the 21<sup>st</sup> century and provides a basis for our City becoming sophisticated and stable to look at and improve our processes. He likes the idea of a commission or committee to review the Charter. He supports the at-large numbered Council seats, but not districts. He supports primaries so the ultimate election process has the majority vote bring in elected officials.

**SHARLENE HAMILTON**, 502 Portico Drive, finds it disturbing that the citizens have so little input in the decisions that affect the quality of our lives. Having only a few minutes to address the Council is not enough time to address the issues sufficiently. She supports forming a citizen's oversight Charter committee. The citizens are intelligent and have very good ideas. You do not truly represent Oceanside residents when you do not hear from nor listen to all of the diverse parts that form our community.

**JIM HAMILTON**, 502 Portico Drive, stated Oceanside is not a one-size-fits-all community. We have many different people and many different needs. If we have a diverse community, we have a diverse agenda. He is overwhelmed by the number of items on this agenda. He doesn't see how we can come before the City at one meeting and speak intelligently to any of these issues. The City needs is Charter citizen's committee.

**DANA CORSO**, 5838 Ranchview Road, represents ACTION (Alliance of Citizen's to Improve Oceanside Neighborhoods). We believe that if any changes are made, they should be made with a super majority of our Council, or a citizen's Charter committee that would allow input from the residents. We believe the Clerk and Treasurer should be elected positions. The Clerk should be independent and impartial. They hold a responsibility to the public to provide information and, therefore, should remain elected. We believe we've already had an example of a stronger Mayoral government, such as when former Mayor Lyons acted in manner that was pretty fraudulent. As far as adding more Councilmembers, Oceanside has had a history of a split Council. We need Councilmembers who represent the citizens of Oceanside, who listen and help their constituents, rather than out-of-town park owners and developers in the building industry. We need Councilmembers who listen to their Planning Commission, not overturn their rulings like with the Melrose Extension. We need Councilmembers who listen to the Utilities Commission and not overturn their decisions. We need Councilmembers who let the facts be heard.

We've had hundreds of people here speaking about very important matters; their homes and livelihoods. You don't seem to hear a word we say. The City is full of registered voters who are disgusted with our Council majority and the decisions that are being made here. They don't want to waste their time coming here anymore because the Council majority is not listening to the very citizens who you are supposed to be representing. Clearly, this workshop is yet another tactic to obtain more power among 3 Councilmembers to implement changes that your campaign contributors would like.

Please stop wasting our time on issues that don't need to be addressed and focus on issues that are important like affordable housing and creating jobs. Focus on saving our parks, pools, libraries and senior centers. Focus on the budget so we don't have to privatize and cut our police, fire and libraries. Focus on what your constituents need and expect of you.

**DIANE NYGAARD**, 5020 Nighthawk Way, listened to PBS, and they were reviewing a university study about forms of local government. They concluded in these studies that the strong Mayoral form of government costs local government more money. Why would we be considering that now? They also concluded, after weighing

all of the pros and cons of the form of government, that a strong Mayor was not recommended for any city until the population was at least 750,000. Again, it really calls to question any advantages that our City would achieve by making such a change, particularly now.

Before moving to Oceanside, she lived in San Francisco for 17 years. She cannot tell you the number of times San Francisco tweaked their form of government, and every time they tweaked it, they would find there were severe unintended consequences of that tweak. If they had only been a little more thorough in trying to evaluate it before they did the tweak, they wouldn't have to go to the next election and undo the damage the last one had caused. For about 17 years, it was a constant back and forth on many of the same issues that you're talking about tonight. These are critical issues for our City. There are cost consequences to many of them. We need to do this very carefully, make sure they're thoroughly reviewed and we have considered those costs. A single ordinance of the City, affordable housing, required a stakeholder group for almost a year. Why would we do this whole list of changes and not give it at least that thorough consideration and opportunity for a citizen's committee to evaluate each of these issues with the care it deserves?

**FRED MURRAY**, 2409 Dunston Street, is in favor of the citizen's advisory committee. Council has a City filled with strong, smart people, and you are wasting that resource. In terms of having a strong Mayor government, your perception is probably one that it's going to make it more efficient and things will be faster and happen quicker. You're missing the boat on this one. He advised strongly to support a citizen's advisory committee, specifically with the Charter. There isn't going to be anything lost by being more deliberate. He gets the impression that when this meeting is done, you're going to do what you want to do anyway. Council should do the right thing and follow your ethics. If you listen to what the people say and encourage more voices, it may not fit with what you want, but it will be the right thing to do. He encouraged Council to do the right thing and establish a citizen's advisory committee to help with the Charter.

**LENNIE RAE COOKE**, 2409 Dunston Street, supports having meaningful citizen involvement. We need a citizen Charter committee to participate in these decisions that have long-term consequences for the quality of life of Oceanside residents. There are a lot of important issues to talk about, and we'd like to have that conversation with you. It takes a group effort and a lot of good ideas to come up with the most successful plan for the City and the citizens. We have a lot of ideas in terms of privatization of our libraries, the form of City government, election finance reform and in the basic form of government. Some of those ideas include expanding the number of Councilmember seats versus the strong Mayor form of government, which rather than diversifying and increasing citizen involvement, puts the power in the hands of one. Many others in our community have thoughtful ideas on election reform and these other important issues. At this crucial moment in time in our City's development, they all need to be heard. We need to have this committee.

**KYLE KRAHEL-FROLANDER**, 570 Hidden Canyon Way, asked what the rush is and what the motivation is. There are a lot of great ideas, but there are so many we can't within the 3 minutes say what we think about them. We need to go over them thoroughly, and that's going to require something like a citizen's commission. We need to look at what other cities have done with some of these ideas to see how it works or hasn't worked and how it would fit for Oceanside. We need to involve citizens in the process. It's Council's decision which ones of these should go to the citizens eventually. While you're the decision-makers, your ideas can also come from the citizens and that's where this commission could come in.

What is the motivation? Is it to get more power or is it to reform our City. He hopes it's about reforming our City. If that's the case, he hopes you'll consider salary caps, so we can prevent what happened with the City of Bell. Right now, you can raise your own salaries, and he doesn't think any of the citizens are in favor of that. We could put salary caps in the Charter and that would prevent that from happening with a

future Council.

He's in favor of campaign finance reform. That's a tougher issue to deal with. The City of San Diego has a \$500 limit on individuals, and that's a prudent step. They also don't allow PACs to donate to candidates. We might want to consider some campaign finance reform.

He hopes Council will consider a Charter commission before putting anything on the ballot.

**LISA HAMILTON**, 323 South Ditmar, asked why we are considering these things all at once. We need another workshop, either in the evening or on Saturday. There are a lot of people who might like to be here today, but they're stuck in traffic or they work and can't be here at 4:00.

She does not favor districts; she favors retaining Councilmembers at-large. If you have Councilmembers who represent only one district, they do not particularly consider the rest of the City as a whole. She is against the strong Mayor system and favors retaining the City Manager and Mayor system that we have now. She is really against the special elections that occur in June. There is no reason that this special election that's coming up in June couldn't have been on the November ballot and saved us a whole lot of money. Having totally mail-in elections does leave elections open to fraud. We have no idea how many mail-in ballots are filled out by people who aren't the intended recipient. Also, a super majority for zoning changes would be a good idea. It means that more people consider whether zoning changes are good for the City as a whole.

**JOAN BROWN**, 511 Rockledge Street, believes we should have more than 5 Councilmembers because with 180,000 people we need more representatives. She suggested representatives from different districts because most of the Councilmembers are from east Oceanside, and she doesn't believe they know what's going on west of Interstate 5. We have the cheapest property on the west coast because our City is getting so blighted. She doesn't believe in the strong Mayor. There are many changes to be made, and a good committee would do that.

[Deputy Mayor Feller left the meeting at 5:09 PM]

**PAT WALLACE**, 1901 Bush Street, agrees with the many people who have said that this Council fails to represent the people of Oceanside. A citizen's advisory committee might be a very good thing. Primarily the problem is money. The fact is that the people who win the elections in Oceanside are the people who bring forth the most money, and that's not always the best thing. They are not always the people who are really concerned with the whole well-being. Campaign finance reform and the citizen's advisory committee are the two major issues. Talking about this number of issues is so superficial in this limited time as to be meaningless. It says that Council doesn't really want our input, you just want to pretend do.

Public input concluded

**COUNCILMEMBER FELIEN** thanked everyone for coming and offering their opinions. In addition to this workshop, he's received a lot of phone calls and emails and he has people stop him on the street when he's out doing errands. A consensus has emerged on some issues. The list is long. It was meant to be a first step in a process for most of these items. We're not going to sit in a workshop, listen to everyone for a few minutes and then make important decisions on very technical issues that may have unintended consequences. Most of the list is worth more contemplation, and he has no problem with that.

[Deputy Mayor Feller returned to the meeting at 5:13 PM]

Going backwards, there is a consensus for a citizen's advisory committee. He

would support a committee, but he would want to make sure we have a working functioning model. He suggested that each Councilmember appoint 2 members, and any majority has to consist of at least one appointee from 4 Councilmembers. That way you'd get a broad consensus, but appointees of one Councilmember can't gum up the works. You'd need an effective super majority to move forward. He's open to any other alternative. His goal would be a broad consensus base that would be above the daily election politics within the City. If someone comes up with that design or uses his design, he's all for that.

The other item a consensus has emerged around is support for majority elections. We've had speakers asking who represents the majority in this City. Based on our current election structure, we honestly don't know. We have people who get elected on very narrow pluralities; a plurality is not a majority. Voters supported this concept statewide with Proposition 14, where you would have a first round election, and if no one got 50% of the vote, you had a runoff. It comes down to how can a majority of voters hold politicians accountable if it takes less than a majority to win. The answer is they can't.

The best and most efficient way to implement majority elections is to combine numbered at-large Council seats with a June first round election and a November runoff election. Politicians that win with narrow pluralities only have to pander to a narrow base that may be dramatically out of touch with majority of use. Politicians that have to win a majority will represent the majority. This explains much of the political dysfunction that we've seen in Oceanside for a long time. We've had a back and forth that relates to the fact that no one has had to win a majority in our City elections.

In reviewing City elections going back to 1998, only 2 elected officials have won more than 50% of the vote. The Mayor won more than 50% when he ran for re-election, and Councilmember Kern won more than 50% when he ran for re-election and also with the recall. When you have 2 candidates on the ballot you have to double the percentage to get the percentage of voters who cast at least one vote for a candidate. Councilmember Kern got 30% in the November election, which meant that 60% of the voters cast at least one of their ballots for him, and that's how he got that figure. It's also interesting that no first-time candidate, going back to 1998, has ever won 50% of the vote. That explains some of our problem.

As far as timing, is this the right time to move ahead? It's precisely because we face tough times for years to come that we need to address this issue now. Only officeholders elected by a majority will have the public mandate to make hard decisions required to get through these hard times.

As to costs, we've spent \$500,000 on a recall election recently, and we also had a Charter that's saved millions of dollars up to this point. He has requested an agenda item to get those figures nailed down. Someone asked where the money is. It's certainly above \$1,000,000 that we've saved, and he'd like to take \$70,000 of that for an election so we can make the Charter even better and save even more money. As an example of the type of money that's at stake, we had a special election in June of 2010. We had a candidate that won with 38% of the vote. We then had a new majority by pandering to a narrow base that didn't require a majority. We then had labor contracts that were over budget by \$2,500,000. If we can spend \$70,000 to prevent the next \$2,500,000 budget fiasco, that's money well spent.

Suppose the candidate he backed in that election had won with the change of a few hundred votes and gotten 38% of the vote. He would have made decisions and votes that would have been controversial. Many citizens in the audience would have said he wasn't representing them, and in one sense they'd be right because he only got 38% of the vote. This is an issue that needs to be addressed now.

We also seemed to have a consensus, with one exception, that we don't think now is the time for districts. That's something that can be considered by a Charter committee. We heard a consensus not to eliminate the election of the Treasurer and

City Clerk. He agrees with that. There was also the consensus, once again, on the Charter committee.

He **moved** to direct the City Attorney to bring back to Council, preferably by the February 22, 2012, meeting, which is a regularly scheduled meeting that will be televised, Charter language for the June ballot to establish numbered, elected at-large seats, effective upon passage; a June first-round election and November runoff election for any June election where no candidate receives 50% plus 1 for all elected offices, effective with the June, 2014, election; a first-round election and runoff election if no candidate receives 50% plus 1 for any special election to fill a vacancy or recall election, effective upon passage; for any special election or recall election where the first round or second round can't be consolidated with a June or November statewide election, the election would be a mail-in ballot only election, effective upon passage; and explore whether the City Clerk could also accept ballots up to and including election day.

The City Clerk gave us all a report and basically the difference between having a mail-in only ballot versus having polling stations open throughout the City is hundreds of thousands of dollars. One issue was also brought up relating to fraud and about mail-in ballots being less reliable. As long as any ballots can be presented by mail, it doesn't matter whether some of them are polling ballots or not, you still have the same chance of fraud. The responsibility to address that issue is beyond the scope of the Council. That's something the State and federal governments have to fix as they see fit. Those are powers they have retained for themselves.

**COUNCILMEMBER KERN seconded** the motion for discussion.

**CITY ATTORNEY MULLEN** stated it's his understanding from the City Clerk that all material for the June ballot needs to be delivered to the County Registrar of Voters by March 9, 2012. Although it is physically possible for him to produce a Charter Amendment consistent with what Councilmember Felien just described, staff would certainly be rushed in drafting it because we're holding up the printing of next week's agenda for this item. To physically make it available to the public with the rest of the agenda materials, it would have to be basically drafted tomorrow. He advised, if there were a majority support to pursue the proposed ballot measure, that Council call a special meeting for February 29, 2012, which would provide another week or so that staff could evaluate other similar Charter sections that other cities have used. The City of Chula Vista has a Charter provision that's almost identical to what's been described. He'd like to review other cities as well. If Council is going to go this route, call a special meeting for at least another week and that way the public could have the material that he produces well in advance of the meeting, which would not happen if we did it on February 22<sup>nd</sup>.

**COUNCILMEMBER FELIEN** responded based upon the advice of the City Attorney, he's happy to **amend his motion** to include a request for a vote to call for a special meeting on Wednesday, February 29, 2012, at 4:00 PM in order to thoroughly discuss it and the City Attorney has plenty of time to thoroughly review and prepare correct wording.

**COUNCILMEMBER KERN seconded the amended motion.**

**MAYOR WOOD** stated we just had a lot of people tell us they want some review by the public for anything, and this is going just the opposite. He is concerned and doesn't support this.

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

2. **Public Communications on City Council Matters (Off-Agenda Items) – None**

**JIMMY KNOTT**, 127 Sherri Lane, stated recently there was a report on Steelhead Trout released. There are a lot of issues in it that could potentially affect a lot of different issues within the City. For example, flood control in the valley, which could

affect the flood insurance costs for every person who lives or does business there. It could affect the planning uses in the area and our future plans to get 50% of our water from the San Luis Rey River. It was mentioned as an issue in the report. The City needs to make sure we're on top of it. He suggested Council assign this to a multi-task ad hoc committee to come up with recommendations from various commissions and provide advice and direction to Council and staff.

**SHIELA KADAH**, 5301 Village Drive, stated the Council majority always talks about balancing the budget and how we don't have any money in our coffers, so why did they get rid of two programs that made money for the City. One was charging insurance companies if there was a spill or accident on the City streets. Now that has to come out of our General Fund. The other one was for the Fire Department to inspect multiple units, which she read made the City \$98,000. Then you can spend over \$70,000 for a third study on the budget when we have citizens that volunteer to do this study and get involved with it. They have years of experience, can probably do a better job than anybody else, and they care about this City.

You spent over \$93,000 on a special June election when you could have put it on the ballot 4 months later and saved over half that amount. You are wasting money and she doesn't understand.

**NANCY CRAIG**, 802 Topeka Street, understands we have a budget crisis and you need to outsource some of the departments. However, if you think you're going to start with our libraries, you're out of your minds. Our library employees took a 10% decrease in pay a couple of years ago and are being asked to take another decrease. In spite of that, several years ago the Fire and Police Departments got a huge increase, and they retire at age 50 with 90% of their salary. Our library employees are very important to us. Our library hours have been cut, and it's the most important facility in the City. If every building in this City crashed down, it wouldn't matter as long as we had our library. If you can't read, you can't do anything. Our young people do their homework and research there; the elderly use it; people looking for employment use it; families with small children use it; and different cultures use it. We have a wonderful computer system, too.

Do not touch the library. It's the most important facility in the City.

**CHRISTOPHER WILSON**, 770 Harbor Cliff Way, stated a lot of speakers complained about a perceived lack of transparency as far as the City Charter process was concerned. An easy way the Council has to potentially fix any perceived lack of transparency would be to extend the City's electronic records [email] retention beyond the current 3 month policy that's in place, to 6 months or a year. By the time the public is even aware of an issue, you're already working against the clock as far as trying to find out what happened in the past. Extending that policy would improve the public's perception of government transparency. It shouldn't cost a whole lot. Private companies have to keep their electronic records for 5 years. For the City to only keep it for 3 months is a little short.

**JC PLAYFORD** stated a little over a year ago he talked about crimes going on inside the Oceanside Police Department. When a cameraman is standing there minding his own business and he's greeted by a cop who tells him it's against the law to take pictures of cars in a parking lot, we've got a problem. This is America, and this has to stop. This week the Police Department is doing racial sensitivity training that should have been done for years. Why did it take 10 years to do this? He was jumped and had his camera destroyed by the City Attorney's office and the Police Department, and he feels that was illegal. He has video of past assaults against him.

**TIM SHEAHAN**, 2907-2 South Santa Fe Avenue, San Marcos, is a volunteer advocate for mobile home owners at the local, State and federal level. He echoed the sentiments of a letter delivered to the Council yesterday regarding use of the term "market rent" as applied to the ballot measure coming up in June and applying it to mobile home communities. It is entirely bogus to use that term. Once upon a time it

had relevance, when there were market factors that did affect manufactured home lot rents, when there was competition and supply and demand. That no longer exists because these communities are full.

A few weeks ago he spoke before the Santee City Council. One park owner in Santee tried to raise the rent by over \$400 a month to over \$1,100 in space rent saying that was market rent for the area. He was in one of their other parks just 5 miles away that same day in the unincorporated area of El Cajon, where there is no rent control, and found that they were trying to rent brand new homes that they had placed on lots for \$950 per month. They still couldn't rent the home on the lot for that amount. For them to claim that \$1,100 per month was fair market for a patch of dirt was entirely bogus.

He visited some parks in East County where the rents are up to \$1,300 and \$1,400 per month that have 30 or more vacant lots in the park. In the real world, an apartment landlord with that many vacancies would do something to try to rent those empty apartments. In the mobile home world, the park owners are actually motivated to raise the rents as high as they can. In that park there were over a dozen homes currently listed for sale. They are homes that the park owner has confiscated because the rents got so high that people were evicted from their own homes. Economically evicted. That's what we have in store for Oceanside if decontrol passes. That same park owner has a listing of over 85 homes in roughly a dozen of their parks throughout the State that they've confiscated because of rent, not market rent, but rent that got so exorbitant that people lost their homes. The park owners confiscated them and reaped a huge benefit by selling those homes. He urged Council not to use the term "market rent".

#### **ADJOURNMENT**

**MAYOR WOOD** adjourned this meeting of the Oceanside City Council at 5:39 PM, Wednesday, February 15, 2012. [The next regular meeting is Wednesday, February 22, 2012, at 2:00 PM].

#### **ACCEPTED BY COUNCIL:**

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Barbara Riegel Wayne  
City Clerk, City of Oceanside