



California

CITY OF OCEANSIDE

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

MARCH 2, 2005

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
Rocky Chavez
Vacant

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

Treasurer
Rosemary Jones

**City Manager
HDB Chief Executive Officer
CDC Executive Director**
Steven Jepsen

**Interim City Attorney
HDB General Counsel
CDC General Counsel**
Pam Walls

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB) and Community Development Commission (CDC) was called to at 4:02 PM, March 2, 2005.

4:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Sanchez, Councilmember Feller and Councilmember Chavez. Also present were City Clerk Wayne, City Manager Jepsen, and Interim City Attorney Walls.

CLOSED SESSION ITEMS

INTERIM CITY ATTORNEY WALLS titled the following agendized items to be heard in Closed Session: 2A1, 2A2 and 2B1. Item 1A is not required.

DEPUTY MAYOR SANCHEZ requested that Closed Session action from the

March 2, 2005

Joint Meeting Minutes
Council, HDB and CDC

1:30 PM Council Meeting also be reported at the end of this 4:00 PM Closed Session.

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

5:00 PM – ROLL CALL

Mayor Wood convened the meeting at 5:01 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller and Chavez. Also present were City Clerk Wayne, City Treasurer Jones, City Manager Jepsen and Interim City Attorney Walls.

INVOCATION - Reverend Carl Souza

PLEDGE OF ALLEGIANCE - Gabriela Juache of San Luis Rey Elementary

PROCLAMATIONS AND PRESENTATIONS

Off Agenda:

Mike Poehlman, Police Chief, accepted a proclamation in honor of his retirement. As of March 14th he will be Police Chief for Reno, Nevada.

Off Agenda:

A proclamation was presented to Council from Jackie Camp, representing the North Coastal Prevention Coalition, in recognition for the City's proactive role in preventing youth access to alcohol, tobacco and other drugs.

Presentation – Presidential Service Awards to the volunteers (over 250 hours each) of the California Welcome Center – Bronze Award

Presentation –Certificate of Recognition to Oceanside resident Christopher A. Villano for attainment of a Certificate in Electrical Apprentice on December 20, 2004

3. **CLOSED SESSION REPORT**

INTERIM CITY ATTORNEY WALLS gave the following report on the items previously discussed in Closed Session at 4:00 PM:

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

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

No Closed Session was held on this item

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

A) **CONFERENCE WITH LEGAL COUNSEL–EXISTING LITIGATION**

1. Hi Hope Ranch Ventures, LLC v. Vista Unified School District, Superior Court Case No. GIN036809 (Consolidated)

No action taken – status report only

2. County of San Diego v. City of Oceanside et al., Superior Court Case No. GIN036570

Direction was given to staff

B) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

1. Initiation of Litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

No report was made

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

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

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

SLEENE E. KOSINAR, 711 Pier View Way, said during the last campaigns there were a lot of violations of the Hatch Act which says that a Republican, Democrat, Independent, or Political Action Committee cannot endorse anybody in a non-partisan race. This is a federal law and is upheld by the State and the County. He wishes that when people come into Oceanside they learn that. George Barrante is in violation of not only the Hatch Act but also destroying property that belongs to the campaign. Mr. Kosinar is going to try to get Mr. Barrante removed and will get him removed through the National Republican Party because he has violated everything.

Mr. Kosinar wishes that people from out-of-town would not come into town and tell the residents how to live. If they do not like it here, they can leave.

THOMAS J. DEMPSEY, 3641 Esplanade Street, said that Councilmembers Chavez and Feller discriminate against access for school children, parents, seniors and handicapped at the Esplanade Street/College Boulevard block wall. February 23rd City Manager Jepsen was vague in his recall of sealing off pedestrian access at the Esplanade Street wall.

He showed photos of the Esplanade Street turnaround with a stub wall at the dead end of Esplanade Street. It shows public access/a public sidewalk which goes north and south on College Boulevard. They have always had access since May 1967 to walk down a ravine to the shopping center at Plaza Drive or to the ravine at Calaveras Lake. Photos showed a public sidewalk with access to schools, shopping, commercial area transit and access for the handicapped.

A photo shows a block wall built over a public sidewalk and space for a public sidewalk north to College Boulevard, which the City apparently gave to the resident at 3661 Esplanade Street. So, the resident had McMillian & Company build a 2nd driveway for him. A renter in the house parks his auto in the front yard, which is a violation of Zoning Ordinance Article 10, Section 1050(E).

The resident at 3661 Esplanade Street and a few neighbors have influenced Councilmembers Chavez and Feller to discriminate public access of many going over the fence when a gated access would allow them the normal freedom to travel.

Recently 3 Oceanside residents have died from traffic accidents on College Boulevard all within 2 blocks of Councilmember Feller's residence. Mr. Dempsey has not heard from Councilmember Feller, who is the Oceanside SANDAG representative, about

construction of block wall barriers or any restriction on denying pedestrian access along the College Boulevard corridor. He has not received requested information from the City Attorney or the Transportation Manager. He has requested from the City Manager a copy of the document that the City conditioned the City of Carlsbad to close Esplanade Street and block off pedestrian access and drawings that show how this was to be done. He requested from the City Manager a copy of the petition that requested the closure of the access contained in the drawing of the Esplanade wall. Such information would shine the light on the closure of the access.

JIMMY KNOTT, 124 Sherri Lane, stated that Nancy Anne Dickeson (4047 Alto Street) asked him to read her comments into the record because she could not attend the meeting. She stated the residents of Lake Calaveras were promised that the wall with a knockout section in it would be open when College Boulevard was open between Carlsbad and Oceanside. This gate would eliminate many blocks of additional walking, additional streets to cross and strangers' houses they must pass. Residents should have the opportunity to make the choice as to whether their children should walk the long way around or use the pedestrian gate at Esplanade.

JENNIFER ORROCK, representing Pro Pac, explained why the City commissioned report by Epstein Turner and Song is a public document. Since the report was commissioned in response to discrimination and harassment issues within the Police Department, per the *Coast News* regarding the current Mayor Jim Wood and other officers, it is therefore, clearly a public document. In addition, the Oceanside City Attorney got her copy from the *Coast News*; this has been disseminated and published by the *North County Times* since March 21, 2002, having been released by a former elected official in Oceanside. If Council is not already aware, the California Legislature has declared access to information concerning the conduct of peoples' business as a fundamental and necessary right of every person in this state. The general policy of the CPRA (California Public Records Act) favors disclosure and support for refusal to disclose records must be found, if at all, among specific exceptions to that general policy. Furthermore, California voters recently enacted Proposition 59, a constitutional amendment creating a constitutional right to access public documents. Under this new constitutional amendment, the government must demonstrate to a somewhat greater extent than before under the current law of why information requested by the public should be kept private. It is important to note that just yesterday she received from the City Clerk's Office a copy of the Epstein Turner and Song investigation costs that the City spent \$115,561.98. When Mr. Emerson, the attorney for the Police Officers, was asked why the City would pay Epstein Turner and Song hundreds of thousands of dollars for a report that was not going to be taken seriously by the Police Department, Emerson said that the City just wanted to have something, someone to take the fall to satisfy everyone that they did something. She plans to bring a SLAPP suit against the City of Oceanside. SLAPP is an acronym that stands for Strategic Lawsuit Against Public Participation. Pro Pac is and will always be an instrument for public good.

KRYSTILLE SOUZA, speaking on behalf of Pro Pac, 682 Sunningdale Drive, read excerpts from an article that appeared in the *North County Times* dated March 22, 2002, entitled, "Report Finds Climate of Distrust Among Women at OPD".

"Independent investigators have concluded in a confidential report that there is an on going climate of distrust by female members at the Oceanside Police Department and a perception by those women that their complaints are not effectively addressed by their supervisors. Disciplinary investigators have concluded that in a confidential report that there is an on going climate of distrust by female members at the Oceanside Police Department..."

CITY ATTORNEY WALLS interrupted and said the City has a restraining order that prevents any disclosure of the Epstein Turner and Song report, including quotes from the report, at this stage in the proceedings.

MS. SOUZA said this is a quote from a newspaper article.

CITY ATTORNEY WALLS asked if the newspaper article quotes from the report itself.

KRYSTILLE SOUZA said that is what the newspaper article says but she is just quoting from the newspaper article that she received which is a public document.

CITY ATTORNEY WALLS said again to be careful of quoting directly from the Epstein Turner and Song Report. Just be careful.

ALICIA SMITH, 1810 South Nevada Street, said to the best of her knowledge she does not see any direct quotes in the newspaper article from the Epstein Turner and Song report and she would like to share the following with Council:

"Independent investigators have concluded in a confidential report that there is an ongoing climate of distrust by female members at the Oceanside Police Department and a perception by those women that their complaints are not effectively addressed by their supervisors. Disciplinary actions have been recommended against 4 male officers as a result of the investigation including demotions for 2 of them, Greg Emerson, an attorney for the Oceanside Police Officers' Association said Thursday. He said the investigation report is inaccurate and that the officers are certain to appeal and perhaps file a civil action over any discipline. No charges have been filed so far he added. 'We are right smack dab in the middle of this so it is hard to comment on it' Captain Dave Heering said Wednesday. Police Chief Mike Poehlman was out of town. Two female officers complained verbally to their superiors last fall that they had been discriminated against because of their gender, states the investigation report by the Century City based firm of Epstein Turner and Song. The North County Times obtained a copy of the report from an undisclosed source..."

CITY ATTORNEY WALLS asked the speaker to please refrain from quoting the Epstein Turner and Song report.

ALICIA SMITH said there are no quotes here.

CITY ATTORNEY WALLS noted that the speaker just said there were quotes.

ALICIA SMITH said it is not a direct quote.

CITY ATTORNEY WALLS asked again for the speakers to please refrain from quoting from the report.

ALICIA SMITH continued, stating:

"That information is hyper-confidential City Attorney Duane Bennett said Thursday of the Report. He had said earlier that the City had paid \$53,667 for the firm's investigation. Bennett declined to comment on the report or say whether any disciplinary action would be taken but added that in any given investigation depending on what it reveals, the department head has the ability to take action deemed appropriate. One of the women said she felt discriminated against because a male officer had been reluctant to take her as a partner when he was assigned to arrest a suspect he felt he was likely to fight, the firm's report states.

Inappropriate incidents reported to investigators..."

CITY ATTORNEY WALLS asked the speaker to please refrain from quoting from the report. The speaker just said, "...the report states..."

ALICIA SMITH will drop that part. "...A \$5,000,000 claim for alleged discrimination also filed by black Police Lieutenant Reginald Grigsby was settled in 2000 for \$23,000."

Ms. Smith said these are her words now. In 2002, \$3,000,000 had been paid to settle civil suits arising from claims from Oceanside Police Department. Fast forward to 2005. Now the City has spent \$6,000,000. She asked if they will look back in 2008 after the City has paid out \$9,000,000 and wish that they had done something sooner to protect the taxpayers' money and to prevent any continuing suffering. According to a *North County Times* March 2004 article, the City will not have to choose between closing a pool or library if they make the decision to save their money on these lawsuits.

CONSENT CALENDAR ITEMS [Items 5-12]

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

CITY CLERK WAYNE announced that Item 9 has been removed from the agenda since Council has already acted on the resolution at their meeting on February 2, 2005.

5. 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)
6. City Council: Authorization to reject all bids for the Grading, Utility and Access Improvements associated with the development of the Second Senior Center [Adult Community Center]
7. City Council: Approval of a Certificate of Compliance for Lot Line Adjustment PLA-2-04 between Southchase, Ltd., Arrowood Golf, LLC, and City of Oceanside affecting property adjacent to the Pilgrim Reservoir site and Morro Hills Villages and Golf Course; authorization for the Mayor to execute the Certificate of Compliance [**Document No. 05-D0109-1**], the pro-forma grant deed [**Document No. 05-D0110-1**] and grant deed [**Document No. 05-D0111-1**] conveying a portion of the Reservoir site to Arrowood Golf, LLC; and direction to the City Clerk to accept the pro-forma grant deed and the grant deeds conveying property from Southchase, Ltd. [**Document No. 05-D0113-1**] and Arrowood Golf, LLC, [**Document No. 05-D0112-1**] to the City of Oceanside and file the documents with the County Recorder
8. City Council: Acceptance of the Treasurer's Report for the quarter ended December 31, 2004
9. [CDC: Adoption of a resolution approving Tentative Parcel Map (P-204-04), Development Plan (D-206-04), Variation (V-208-04) and Regular Coastal Permit (RC-205-04) for a 4-unit condominium project located at 130-132 South Pacific Street, within Subdistrict 5 of the "D" Downtown District and situated within the Townsite Neighborhood and the Coastal Zone – Hibiscus Condominiums – Applicant: Janina Wachsberger (Council approved 2/2/05)]

This item was removed from the agenda. Resolution was adopted on February 2, 2005.

10. City Council: Adoption of a resolution [**Resolution No. 05-R0114-1**, "...appointing an

Authorized Agent to apply for state and federal assistance for 2005 storm-related damage"] appointing the City Manager, Public Works Director, or City Engineer as Authorized Agent for the purpose of pursuing state and federal financial assistance for storm-related projects.

11. CDC: Adoption of a budget resolution [**Resolution No. 05-R0115-3**, "...amending the budget for the 2004-2006 Fiscal Year"] accepting \$17,350 from 506 Canyon, LLC, and allocating these funds to the Housing and Neighborhood Services Department to administer the Flowerhill Relocation Program
12. City Council: Authorization to award a contract [**Document No. 05-D0116-1**] in the amount of \$674,939 to TC Construction Co., Inc., of Santee for the construction of a combined 18-inch and 24-inch sewer pipeline in Myers Street and an 8-inch sewer pipeline in Pacific Street and Seagaze Drive, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar (as amended).

COUNCILMEMBER FELLER seconded the motion, which was **approved 4-0**.

6:00 PM - PUBLIC HEARING ITEMS - None

The Mayor determined to hear Item 16 at this time.

MAYOR AND/OR COUNCILMEMBER ITEMS

16. **Update by Councilmember Chavez on the Ad hoc Gang Committee**

COUNCILMEMBER CHAVEZ said recently the City Manager, Police Chief, Councilmembers Feller and himself had a number of meetings discussing the issue of gangs. The last time Council discussed this there was a desire to have another Councilmember fill the position and Councilmember Feller offered to do that. We have come to the conclusion that the best place that the City could actually influence the gangs would be to provide a leadership role. The community would be invited to discuss it in 3 separate areas. The areas that we are looking at are suppression, diversion, and prevention. We thought it would be an opportunity to bring all of these groups together. It would be a positive thing to have a meeting in the City called "Opportunities for Youth". It will be on Tuesday, April 19th at 8:00 AM in the Community Rooms. They will be inviting all youth-oriented organizations to participate. Organizations that deal with prevention such as Little League, soccer, Boy and Girl Scouts, church leagues, Boys & Girls Club can come forward and look at how they can keep the youth engaged in other activities. We are also asking for the school districts to come forward including Vista Unified, Fallbrook, Carlsbad, and Bonsall because they all have an investment in youth. There are groups out there doing diversion that some people are not aware of.

This is the 1st announcement out to the community that on Tuesday, April 19th we will have this meeting. In preparation for this, letters will be going out to organizations by the beginning of next week with a survey asking where their involvement would be in suppression, diversion or prevention and how they would like to see the format and build up the interest. So, this will be the 1st time they are getting together and providing a leadership role in these 3 separate areas.

MAYOR WOOD made a couple of points and recalled when Council talked last time on this particular issue. Councilmember Feller said he would assist on it. He appreciates Councilmembers Feller's and Chavez's involvement. He just wants to get ahead of them a little bit before they get their dates out. Mayor Wood recalls that Council wanted to get something going for a solution for the ongoing gang problems and issues. But, we also indicated that we would probably go to a workshop where the entire Council would be on record trying to address some of these issues. It was not

necessarily something to work on at a particular date but instead have all of the Council involved for input instead of separately. It was supposed to be a workshop. They had a Council meeting and discussed scheduling a workshop. So, that is his concern.

He asked if Councilmember Chavez's meeting will be something that the entire Council is involved in or is it something separate. The reason he is asking because originally, Council was going to hold a workshop.

The other point is that he wanted to give some input in the sense that he certainly is going to do a Mayor's Study Committee on public safety. He does not want to cross over boundaries and waste staff's or Councilmembers' time either on some issues. So, it is certainly going to be an issue that Council is going to try to address with the same approach. He is not sure if it is not best to go to a workshop to address his and the City's concerns but also to get the entire Council involved instead of going to a secondary thing where we have to come back for a Council meeting or workshop. His concerns are that some of that might be duplication of a public safety committee that he is going to try to form and is working on right now. He thinks that Councilmember Chavez has a good lead in that they need the other cities involved, the parents involved, the churches involved, neighborhoods, schools, etc. He actually thought this agenda item would be scheduling a workshop.

COUNCILMEMBER CHAVEZ recalled the discussion of scheduling a workshop. However, he saw this as a precursor to the workshop. It is important that when Council comes to a workshop, we come with a sense of definition and information from the community. He would see a workshop happening after this. They are not at cross purposes but would be in support of the workshop effort.

He was not aware of the Mayor's plan to form a Mayor's Study Committee. He applauds the Mayor but he just had not been aware that the Mayor was doing it since Council had not discussed it on the dais. But, Opportunities for Youth is something that Council has discussed and has had a number of briefs on it. It will be open to the public. It will not be a formal Council meeting. He noted that it would be similar to Deputy Mayor Sanchez's Transportation Conference.

MAYOR WOOD said it is fine. He just wanted to know what type of meeting Councilmember Chavez was planning.

COUNCILMEMBER CHAVEZ saw Opportunities for Youth as a positive effort. We spent a lot of time having a lot of meetings with the staff, talked to a lot of people in the community and the church community and Youth Committee. It is a positive thing to get together to define the terms. There are differences among suppression and diversion and prevention. We will see who the players are, the stakeholders. It will be to gather together and see how they can influence gangs. This is not at cross purposes. It is Tuesday, April 19th from 8:00 AM to 12:00 PM at the Community Room.

DEPUTY MAYOR SANCHEZ expressed confusion. She knows this started off with a request by a group for the Council to consider something that was called the 10 Point Program. At the time there was an ad hoc committee created, the purpose of which was to see what this 10 Point Program, a Boston, Massachusetts based program, could do for Oceanside. Her sense of it, once she realized there were provisions for vigilantes walking through neighborhoods, was that it would not be something good for Oceanside. So, there was a report by Councilmember Chavez and that ended that piece, whatever the ad hoc committee was on the 10 Point Program.

Then, Council had some very short discussion. Council agreed it would go to a workshop so that Council could bring out whatever ideas we had. In fact, that was to be something that staff would do. But, the Mayor suggested that Councilmember Chavez assist the staff in doing this workshop. And, then the Mayor asked Deputy Mayor Sanchez if she would assist on this workshop and she said no. Then, the Mayor suggested Councilmember Feller. So, Council did not create an ad hoc committee. Again,

there was no vote. There was just direction to staff to have a workshop.

Now there is something called an ad hoc committee and she does not know where that came from. Council has not voted on an ad hoc committee and she is not sure what happened. Council did not have the workshop but between then, the talk about going to a workshop and now, the Mayor announced the creation of a Mayor's Committee to study public safety issues. To her, this is part and parcel. There has to be a total solution that looks at the total picture. And, so it seems to her that it would be more appropriate to it studied under the Mayor's Committee.

Now, she sees that we have a Mayor's Committee and also she does not know if there is a 2 member Council that is also going in another direction. We seem to be duplicating efforts and she really does not understand. For her, what is important is to support the community efforts that are happening now. There are several programs now that obviously would love to have more support from the City. It seems like without addressing it, Council has moved away from the 10 Point Program which basically is the thing that they were really to address. And, so now Council is moving towards something else. She is not really sure what that something else is except that there is now this invitation to the public for Opportunities for Youth, which seems to her could go through the Youth Commission.

The Youth Commission also have summit meetings. They have had summit meetings on Opportunities for Youth and she does not know if that would be duplicating their efforts as well. So, what she would like to see is perhaps working with the Youth Commission. If Councilmember Chavez wants to do a Youth Summit for Opportunities for Youth, that sounds like something that Councilmember Chavez could do. Though it is Deputy Mayor Sanchez's Commission, she would welcome Councilmember Chavez to do that with the Youth Commission. She wants to avoid duplication of efforts and wants to support the efforts that are happening now by the Police Department in partner with the communities. When Council is approached by communities for help, that is the time when Council should get involved. For her, you cannot have 1 program that is going to address all communities in the City. The communities are diverse. It is a good idea to have a summit in the Youth Commission. They had 1 last year. They certainly would look forward to assistance with another summit. In fact there was one that she had suggested on Justice so that would be something that they could do too.

MAYOR WOOD somewhat agrees and is a little bit confused in the sense that the direction was to get staff together to set up a workshop on this issue and that everyone was to be involved to get input on all of the angles and issues on this. So, he would agree. In listening to Deputy Mayor Sanchez he does not want a duplication of efforts and issues for staff too. It is time consuming. He certainly thought this was going to be a workshop that all of Council could be involved in. Councilmember Chavez has the right and anybody has the right to have a summit. At the workshop that would be the opportunity for Council to address concerns on gang violence and public safety issues. So, his recommendation back to Councilmember Chavez is that he certainly can have a summit.

But Council really knows the City has a gang problem and they heard it on 2 aspects last week. Number 1 it was on television the other night indicating gangs and that suppression was not the answer. The other one is the County and the County Board of Supervisors had a gang issue last week addressing the exact same issue. He does not want the County and other cities doing duplications of the same thing over and over again. Like he says, the County just did it last week on gangs and gang issues. So, his point to Councilmember Chavez is to please take it from there to address the situation or if the City Manager wants to address it. He would like to see some sort of workshop as soon as possible so they will not duplicate issues and from that have breakdown committees to go into other issues such as gangs and Opportunities for Youth.

COUNCILMEMBER FELLER said first of all the 10 Point Program is not vigilantes out on the street. It is pastors out on the street. He would beg to differ on

their purpose. The discussion here is about Opportunities for Youth and the reason they came to this was because it was to discuss with these youth organizations the availability of scholarships into youth organizations; the possibilities and this was no more than a beginning to get our arms around it for the children that are underprivileged that cannot participate. To bring in the Boys & Girls Club, the Campfire Girls wherever we could that we could have an opportunity to put forward the information for these children to know that they could play baseball, soccer, volleyball and football. And, that is what this is about and he is not sure how that would play totally into a public safety arena. This is just a beginning for Council to get their arms around it. And, he hopes Council could support moving forward with this. It is the beginning for prevention. That is all it is. This is one place where we can brainstorm and the public deserves the opportunity to sit before Council and say these are the things the public can do to bring to the table for these children that are susceptible to gang life and that maybe need a place other than the gang family. So, that is what this is about.

MAYOR WOOD agrees. We are all concerned about the issue. Every city in the United States is trying to somehow address this gang issue. He is not sure there is a solution for any one of them or all of them. But, his understanding from the last time Council met was that staff was going to do a workshop for all to get involved and provide input. He did not say just for public safety issues. He said he does not want to cross those boundaries and have duplication of efforts to address one aspect of it. So, that was the concern.

COUNCILMEMBER CHAVEZ brought this to closure. This was an information item. But, he would just ask all on the to stand back and listen to what they are talking about. This is a positive thing to help children. There is more than enough work for everybody to do. This is not the end all/be all. It is just a positive move. So, for the public April 19th 8:00 AM to 12:00 PM in the Community Rooms is a great opportunity to get together and see how we can take a step forward to help the children.

DEPUTY MAYOR SANCHEZ said just to be clear, currently there is no ad hoc committee, but Councilmembers Chavez and Feller are inviting public to this meeting on April 19th called Opportunities for Youth. And, she sees no reason to have a workshop until Council has some additional information from the Mayor's Public Safety Study.

COUNCILMEMBER FELLER just wanted to say that there was an ad hoc committee and Deputy Mayor Sanchez declined to be on it and the Mayor appointed him.

DEPUTY MAYOR SANCHEZ noted that Council did not vote on it.

MAYOR WOOD asked if Council is required to vote on creating an ad hoc committee.

CITY ATTORNEY WALLS replied it would require the concurrence of the Council to do that. But, she thought that had occurred.

COUNCILMEMBER CHAVEZ replied yes it had.

CITY MANAGER JEPSEN replied that Council formed an ad hoc committee, then Deputy Mayor Sanchez called him the next day and retracted her vote on that, which he assumed would be the same as if she had not voted on it at all. There probably were 3 other votes to go ahead and form it but we had a person who did not want to serve on it.

DEPUTY MAYOR SANCHEZ said that was 2 different actions.

MAYOR WOOD said that was 2 different actions. She is correct. For right now, the Mayor will go ahead. This is for information only. Councilmember Chavez has put the information out so we can move on for this evening. The Mayor will go ahead and

request that the City Manager and staff and Councilmembers get together and try to find out the best way to approach this. Like he said, he does not want to duplicate efforts. Everybody's concerns are the same trying to address these issues. He just thought that the whole Council in a workshop would be a better approach and thought that was the direction Council was going. So, they will stop that and go forward to the next item.

GENERAL ITEMS

13. **City Council: Authorization to advance the hiring of eight police officers approved by FY 2005-06 to the current fiscal year, and adoption of a budget resolution transferring \$108,593 from the General Fund Reimbursement of Booking Fees Revenue account and transferring \$36,198 from the CDC Redevelopment fund balance to cover the costs of the advance hiring**

REGINALD GRIGSBY, Police Captain, presented the staff report. The Police Department is requesting authorization from the City Council to advance the hiring of 8 police officers that were previously approved for the 2005-2006 budget year. Staff would like to advance those officers' hiring to the April 25, 2005 Police Academy. In so doing, staff will be moving up the officers' availability for independent field duty. There is a mandatory requirement for field training that has to be satisfied before an officer can go out into the field and work independently. If staff proceeded with the Academy that starts October 25th, the officers would not be available for independent field duty until August 2006. By advancing their hiring date, the officers will be available for independent field duty in February 2006. This will require a budget resolution transferring \$108,593 from the General Fund Reimbursement of Booking Fees Revenue Account, fees received by the State. It will also require transferring \$36,198 from the CDC Redevelopment fund balance to cover the costs of the advance hiring.

He pointed out that as a matter of law the Redevelopment Agency has to have a Sunset Provision. So, even though these officers will be paid for out of the budget, at some point, there will be a cessation when that fund will cease to exist at the time when the Sunset Provision is implemented.

The Police Department's current staffing level is 1.06 officers per 1,000 residents. The County's average staffing level is currently 1.57 officers. By advancing the 8 recruit officers, it will increase the staff levels to 1.11 officers per 1,000 residents.

MAYOR WOOD asked about any concepts regarding lateral entries as compared to entry level.

CAPTAIN GRIGSBY said that staff is in the process of reviewing a couple of lateral officer candidates' requests for reinstatement.

DEPUTY MAYOR SANCHEZ asked how many officers does staff anticipate leaving this year due to retirement, etc.

CAPTAIN GRIGSBY replied that staff has a projection of approximately 12 officers leaving the Police Department this year. When he says 12 police officers leaving, that would be those who were not able to fulfill their obligations and meet the probationary requirements. There are those who may be leaving for family considerations. There will be a loss of officers during the Academy and then those who will fall out during the field training phase.

DEPUTY MAYOR SANCHEZ asked if any officers will be retiring this year.

CAPTAIN GRIGSBY said one lieutenant will be retiring this year that we know of.

DEPUTY MAYOR SANCHEZ asked the City Manager if the City is able to do

this for this fiscal year.

CITY MANAGER JEPSEN supports this action, although staff will be back. As Council knows, the agreement that was made and the ballot measure that was on the November ballot, the City, as all other cities in California, agreed with the governor to give up certain funding this year and next year in exchange for the retention of the cities' funding on an ongoing basis. The State took away \$3,000,000 in Vehicle License Fee Funds last year, which they will be paying back next year. This year the State is taking away \$1,750,000 in funds and next year they are also taking away \$1,750,000 in funds, which is \$3,500,000. The City is going to lose \$3,500,000 but will pick up the \$3,000,000 in Vehicle License Fee Reimbursements for 2006. Staff did not budget for the booking fees as has been the practice for several years. The City did get the booking fees this year, which are not budgeted, which are some \$550,000. So, the City is about even, although the City is down \$3,000,000 from last year. That money was made up for the most part. Staff balanced the budget last year.

Council can afford to approve staff's recommendation and should give it some consideration in advancing the hiring of these police officers.

DEPUTY MAYOR SANCHEZ sees this as a high priority for the City. We have had a lot of success in terms of the gang problem. She knows that meant that the City had a reorganization of a sense of having more officers handling that part of the job. We need additional officers. The City needs to maintain and increase the ratio between the population and number of police officers.

COUNCILMEMBER SANCHEZ moved approval [of staff's recommendation to grant authorization to advance the hiring of eight police officers approved for the 2005-06 fiscal year to the current fiscal year and adopt **Resolution No. 05-R0117-1** and **Resolution No. 05-R0118-3**, "...amending the respective budgets for the 2004-2005 fiscal year..." transferring \$108,593 from the General Fund Reimbursement of Booking Fees Revenue account to the Police Department budget; and transferring \$36,198 from the CDC Redevelopment fund balance to the Police Department budget to cover the costs of the advance hiring].

COUNCILMEMBER FELLER seconded the motion, which was **approved 4-0**.

14. **CDC: Approval of the Rental Rehabilitation (RR) Program, and adoption of a budget resolution allocating \$600,000 from the Condominium Conversion Fee Account to fund the Program**

MARGERY PIERCE, Housing and Neighborhood Services Director, presented the staff report. Staff is requesting Council approve a Rental Rehabilitation Program and allocate \$600,000 from the Condominium Conversion Fee Account to fund the Program.

She explained about the condominium fees that the City is collecting. When an apartment building is converting to a condominium, some of the complexes were conditioned to pay 2% of the sales price of each condominium to the City. That 2% is restricted to use for low income rental housing programs. The City has been collecting this fee, especially over the last year. In order to target some of the neighborhoods with specialized strategies with Code Enforcement, Housing and Urban Development (HUD) requires the City to have a Rental Rehab Program associated with that. When Code Enforcement goes out to the neighborhood, if they find any violations, they can also offer up that the City has a program that can help them take care of their code items.

The Program that staff is proposing tonight has 2 components. One of the components is a Rental Rehab Program that the City had in operation for a number of years. However, it has not been funded for the last few years. The Housing Commission had indicated concern that once the City had provided rental rehabilitation funds, it was a loan that was forgiven at the end of 10 years. And, they were concerned that it was not a long enough period of time to restrict the affordability on those units. Also another

main concern of the Housing Commission was that the same landlords kept coming in and taking advantage of the Program. Not only was it the same landlords coming in for various properties, but the same landlords coming back on the same property. Staff is proposing that the Rental Rehab Program be reconstituted but instead of a 10-year affordability restriction, it would be a 15-year restriction. This is one Rental Rehab Program within this umbrella.

The 2nd program is what staff is characterizing as a tenant-based rental rehab component. She would characterize it more as a housing program to address some of the social concerns. We were proposing to target these programs to the Crown Heights Neighborhood as part of the City's overall revitalization strategy approved by the Council. This Program would be available to tenants and landlords to work together where the tenant could initiate a conversation with the Housing Department that they want to rehabilitate their unit. Staff would work to bring the owner into that and they would agree to different things. They would agree to bring the unit up to code. Staff would provide a complete rehab to the unit and then the owner would agree to a long-term lease with that tenant that would be assumable, should that tenant move out. It is hoped that some of the social concerns, especially in the Crown Heights Neighborhood with overcrowding, that the City could have great steps in trying to achieve some sort of occupancy standard in that neighborhood. The City is somewhat tied by Fair Housing Laws but certainly subsequent residents and leases that the owners would make, the City would ask them to restrict the occupancy. Also, the initial lease would be specific with a family and it would delineate what members are eligible to reside in that unit and they would be agreeing not to have new people such as second families and third parties move in with them. So, that addresses one of the social issues there.

The other thing in the Crown Heights Neighborhood that staff hears all the time is that these low income families are afraid to tell the landlords if they have a leaky faucet, if their unit needs repainting or recarpeting, if cabinet doors are broken, etc. because the usual response to that is to get the item fixed and then to raise the rent to the residents. The low income families are very hesitant to notify a landlord that there is a problem because they cannot afford a rent increase. Staff is hoping to address that issue through this Program. This Program, to the best of staff's knowledge, is a creative idea out of the Housing Department. We do not know what the success will be. All we can say is we will see if it will work. Staff did meet with landlords over the last 18 months to find out what they would tolerate in terms of affordability, durations, and restrictions placed on the properties. They indicated that they thought the affordability restriction to 15 years was doable and were willing to give it a try.

There are no General Funds being asked for this Program. As she indicated earlier, the Condominium Conversion Fees have to be restricted to rental housing programs. The Housing Commission unanimously recommended approval of the Rehab Program. They put a great deal of effort in reviewing this. In fact, they continued discussion of this Program to 2 meetings and raised issues. Staff was able to address the issues to the Housing Commission's satisfaction to give the 2nd component a try. She recommended that Council adopt the budget resolution and approve the Rental Rehab Program.

COUNCILMEMBER FELLER said this really allows them to take some responsibility on themselves. But, what he is worried about is will they participate if they have some of these rules such as the total number of occupants needs to be monitored annually and there are certain restrictions. He is not sure that these people will participate.

DIRECTOR PIERCE explained that all of the Housing Programs in the City have these types of restrictions on them about occupancy, income levels, maintenance of the units, etc. Staff monitors hundreds of units in the City just to make sure that all of the restrictions that are placed on subsidized programs are adhered to. A great number of people do it here and most of the people adhere to them because there is a benefit for them to be involved with the Program. There are probably some that will not and then

staff will have to address that.

COUNCILMEMBER FELLER is concerned that staff cannot go in and tell somebody in some neighborhood that they have got too many people living in their houses.

DIRECTOR PIERCE explained that once the tenants sign a lease that indicates who is living there, it is up to management then to enforce the occupancy so that more people are not moving in. If more people do move in, they would be in violation of the program and staff would take whatever enforcement action necessary, up to and including calling the loan on the property.

COUNCILMEMBER FELLER moved approval [of staff's recommendation that Council approve the Rental Rehabilitation (RR) Program (**Document No. 05-D0119-3**) and adopt budget **Resolution No. 05-R0120-3**, "...amending the budget for the 2004-2006 Fiscal Year"...allocating \$600,000 from the Condominium Conversion Fee Account to fund the Program].

MAYOR WOOD remembers that the Housing Commission had concerns. Mayor Wood had concerns, too, regarding how to tell an apartment manager after he fixes up just one of the apartments and not the rest of them. If the resident moves out, is it worth it to the owner to fix up one unit. There were concerns that he and Commissioners had at the time of the Housing Commission meeting and he asked Chair Parker if she remembered what they were.

KAY PARKER, Chair, Housing Commission, recalled that there were several concerns brought up at the Commission about the aspects of doing a single apartment as opposed to a whole building. The City has not done anything but a whole building before. We have done rehabilitation before, but it has always been directly with the owner of the property and the whole structure. The Commission did have a lot of discussion. One of the reasons that it went back to staff for further consideration is because the Commission expressed concern how to protect that individual unit after it has been rehabilitated from such extraneous events that can impact the rehab that was just done. In other words, if there is a faulty roof and it rains on the brand new rehab or the invasion of termites or mold from other units that you are unable to control. So, we had a lot of discussion about that.

Staff stressed to the Commission that because HUD requires the City to have a Program since the City funds the Code Enforcement Officer with Community Development Block Grant (CDBG) money, they then have control and the City must put into place a rehab program. Now, the aspect of doing the individual unit is new. It has never been done in any other City and that was the focus of the Housing Commission's concern. We asked for and staff agreed to a 6-month experience report. In other words, staff will try for 6 months, particularly on this doing the individual unit, and then will report back to the Housing Commission what their experience is at that time. She does not know if that answers the Mayor's questions but it reflects some of the thinking of the Housing Commission.

DIRECTOR PIERCE concurred.

MAYOR WOOD asked geographically speaking, will this be to one area or the entire City?

DIRECTOR PIERCE explained that this is proposed to be targeted to the Crown Heights Neighborhood as part of the City's revitalization strategy.

MAYOR WOOD asked if there are applicants waiting to participate in this program.

DIRECTOR PIERCE explained that until Council approves the program, staff

has not had a program to offer for a few years.

MAYOR WOOD noted if an individual apartment complex owner rehabs 1 unit, the City is basically fixing up one of their apartments. He asked if there are any time restrictions on that owner to ask the City to fix up more of the units can the owner come back again and again to the City for more funds.

DIRECTOR PIERCE explained that the program that fixes up one apartment would be hopefully somewhat initiated by the tenant as the City works with the residents in that neighborhood. One of the issues that came up when staff met with the landlords is that if you rehab an entire complex and restrict the rent on every single unit, the landlords are not gung ho about that. But, if you are fixing up a few units that need repair, the owners can restrict just those few units and still have other market rate units. It helps with their entire net income and operating expenses on the property. So, that was kind of the bonus to the landlord is that the City would not restrict every unit. Certainly staff would hope that the owner would bring all of the units up to code. This will allow staff a foot in the door to some of these units that probably are not up to code and need to be brought up to code. As Chair Parker said, staff has no idea how this program will be received other than the input that staff received from the owners when staff met with them to discuss it. Staff suggested that in 6 months we come back to the Housing Commission and let them know what successes staff has had if any.

MAYOR WOOD said it is kind of strange if there is a 22-unit apartment in Crown Heights and 1 tenant has an apartment that has totally been refurbished with carpet, paint, cabinets, or whatever. It is kind of like they are going to be the outcast within the apartment complex. They got it all and the other tenants do not.

DIRECTOR PIERCE would like to hope that once one neighbor has it that some of the other neighbors will come forward and want to also participate. But, like she said at the beginning, she sees this kind of as a social program using housing. If a person has a nice place, a person is more likely to engage in the community and at home have friends over. Kids will feel comfortable in their home to socialize with supervision and to have a place to do homework where it is a nice clean environment rather than ramshackle. It really seems to be a real social program. If it works, it can have success. Like she said she does not know if it will work but she hopes that if 1 family does it and they are happy, they will let their neighbors know and the program can move forward.

MAYOR WOOD had some concerns when he first heard about this. He is glad they have the program on a 6-month trial basis.

MAYOR WOOD seconded the motion, which was **approved 4-0**.

15. **CDC: Approval to issue Request for Qualifications (RFQ) for the development of a parking garage on Lot 23 in downtown Oceanside; approval of a Request for Proposals (RFP); and authorization for staff to select finalists to receive the RFP [lot bounded by North Cleveland, Pier View Way, Civic Center Drive and railroad tracks]**

JANE McVEY, Economic Development and Redevelopment Director, said this has to do with Downtown Oceanside becoming an urban village and the requirement that we have for additional parking in the Downtown area. The project before Council tonight is a proposed parking garage on Lot 23. Lot 23 is located at the corner of Pier View Way and Cleveland Street. It is adjacent to the row homes, now known as North Beach Oceanside. She showed a view of the site looking westbound right at Cleveland Street and noted the proximity of the row homes right next to it. In the verbiage of the RFQ and the RFP, you will see that consistently over and over one of the principal concerns is to be sensitive to the residents of these row homes. She showed other views of the property.

The staging of this will be in 2 steps. Staff is requesting that Council approve the

RFQ, allow staff to cull down the responses that we get into a manageable list and then offer the RFP. Council is being asked to approve the RFQ and the RFP. She shared with Council that since this agenda item is public, staff received today a lot of phone calls plus they have a list of approximately 75 mixed-use developers who also build parking garages and mixed use.

The lot is about 70,000 square feet and is also in the 9 block Master Plan of the Local Coastal Plan. So, one of the other requirements is that the City has 9,000 square feet of retail. Think of the ultimate design as a building that is not really seen as a parking garage; it is some stores on the street side on Pier View Way and residences above. With many of these contemporary structures people do not really know that it is a garage. The City needs to find someone who has that very specific experience. In the staff report and further on in the actual RFQ and in the RFP over and over is a sensitivity to the residential portion.

There is quite a bit of environmental work that needs to be done. We have no known hazardous situations on this site. We can go subterranean on this site which is an advantage that we did not have on the other parking garage that is currently under construction. Staff would anticipate the opportunity to go subterranean with 1 or 2 levels. Additionally, we have the opportunity to create some revenue to aid in the construction costs of this to potentially lease air rights for other residential units either on the perimeter or above it. It will need to go to the Redevelopment Design Review Committee (RDRC), the Redevelopment Advisory Committee (RAC) and the Community Development Commission (CDC).

Page 3 of the Invitation to Submit Qualifications addresses the issue of prevailing wage. As this is a Redevelopment Project and the City will most likely be entering into some sort of a financial arrangement with a development team to build this project, staff is going to assume that quite probably prevailing wages will be required to be paid. Under Redevelopment Law, if a City is going to do any project that involves either any subsidy or any offer of any benefit to a private sector group, then prevailing wages must be used for the construction. Staff has so noted that on Page 3 of the report.

Staff would like to maximize the number of parking spaces. We are trying to get ahead of the curve for the CityMark blocks that have been purchased. Staff can do a lot of different financial arrangements from air rights, the City can own part or the developer can own part so it is open for discussion. But, again the bottom of Page 3 states it has to blend in with the surrounding neighborhood.

On Page 4, Number 2, we also are going to require the development team to have community workshops. Residents who live in that neighborhood are going to have a lot of concern with how it looks, what the ingress/egress is, etc. They also are going to require the development team to interact with the Downtown Business Community to make sure that it works for them.

So, again, we are looking for someone that has very specific expertise in building these mixed use parking garages. When we go into the 2nd phase, which is the RFP, it will be much more detailed and that is outlined for Council's review as well. We have a time frame that is outlined and may be modified by a few days here and there. But, we are trying to keep this on track to get this on the street and being able to bring it back to Council.

She requested Council authorize this RFQ so that staff can get it out on the street. Staff will be bringing it back to Council later in the summer for review and selection of a development team. She introduced Kathy Baker the City's new Redevelopment Manager, who will be shepherding this project through. This will be a team effort with other departments.

KATHY BAKER, Redevelopment Manager, said this is a very exciting project. We are looking for a 1st class developer who has done this stuff. During the RAC

meeting this morning she said that the small time developer that is going to walk in the door and think he can do this, it is not that kind of project. The City needs somebody with the caliber that can come in and has built these before and can show staff what they look like and make sure that it does not look like a parking garage.

In response to Mayor Wood, **DIRECTOR McVEY** explained that the CityMark owns 5 blocks that were formerly owned by Catellus. Catellus Company was a subsidiary of the railroad company. When the railroad realized that they had more value in their real estate than in operating a railroad, they spun off a real estate development arm about 15 years ago called Catellus. Catellus sold this property to CityMark and escrow closed on December 14, 2004. The principal is Rich Gustafson and he has built quite a bit of mixed use in the Little Italy and Gaslamp areas in San Diego. We are talking about vertical mixed use. These blocks would have retail on the ground floor, particularly on the streets that are the commercial streets, obviously not on the back by the railroad tracks. And, then they would go vertical with condominiums. They will be required to self-park all of their own residential and retail parking and staff looks forward to their development Downtown. This will really be a catalyst to create that urban village with the street energy and the synergy that they would have. It will also provide the City with a higher Downtown population, which is required to drive additional retail stores and restaurants. So, that is a very exciting and large project.

MAYOR WOOD noted all of the projects planned for the Downtown area that will provide commercial, residential and mixed use. He expressed appreciation to Council and staff for their efforts in making changes in the Downtown area.

DEPUTY MAYOR SANCHEZ moved approval [of staff's recommendations to approve the issuance of the Request for Qualifications to develop a parking garage on Lot 23 in downtown Oceanside; approve the Request for Proposals and authorize staff to select finalists to receive the Request for Proposals. Final selection of a development team would be made by Council in summer 2005.].

VERNON 'JACK' RISLEY, 408 North Cleveland, supports this project and would like to be part of the planning process. The residents of North Beach Village would like to be a part of this and work with staff on some workshops. Some of the concerns are several of those that staff has already approached the residents with and talked about. The residents do not want a parking garage that looks like a parking garage. They are looking for something that is very beautiful and enhances the community. The residents are concerned about setbacks. He referred to a photograph that was taken from Coast Highway looking west where Civic Center actually goes through the parking lot. The residents would like to see added that the view corridor does stay open. We could possibly give some very good input into this project.

COUNCILMEMBER FELLER asked in all of the Catellus lots, now CityMark, how many parking spaces are there?

DIRECTOR McVEY said she would have to look at the Parking Study and add those up. In the broader Downtown area parking study, there are over 7,000 spaces and about 2,200 of them are on lots and a majority of those are in those Catellus Lots. Lot 23 has 183 spaces. Staff can bring back exactly how many are on the Catellus lots. Staff is trying to replace as many as we can within the perimeters of both the Local Coastal Plan, sensitivity to the neighborhood, design issues, etc. Staff is hoping for 450 parking spaces.

COUNCILMEMBER FELLER requested that as staff goes through the RFQ and RFP that staff change it from 1st class to world class. Somebody has to start thinking of Downtown as not just Downtown Oceanside but world class Oceanside. And, these neighbors that have spoken tonight that have paid anywhere from \$250,000 to \$1,000,000 for a house along that street, he does not want anything less than world class.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER CHAVEZ also agrees that it needs to be world class. It is a wonderful project. He read from the Executive Summary of the RFP that:

"...The Agency's goal for the Site is a minimum 450-space public parking structure, and 9,000 sq. ft. of retail space."

These are perimeters because early in the report it said, "...as much parking as possible...". But, they are trying to scope the issue for the public. He asked for a ballpark figure on how much this project will cost.

DIRECTOR McVEY estimated that the first parking garage currently under construction has a cost of approximately \$8,400,000. However, if the City were to lease their rights or go into an arrangement with a development team, the City would be able to potentially buy down that cost. However, as we go subterranean, the cost per unit goes up probably \$25,000 per space versus potentially \$19,000 for surface and vertical. So, the addition of the retail square footage has certain structural requirements to separate it from the garage as well as the opportunity for the residential. So, from a design, construction and aesthetic point, it would be an expensive garage to build. But, staff believes there is value in the site that would make it a worthy target of a qualified and experienced developer.

COUNCILMEMBER CHAVEZ concurred. He agrees with the setback but wants to make sure that it is done in a manner to not attract people camping out, etc. He has noticed that other cities have amenities to the garages such as artwork and waterfalls. This will be a world class project and will be great for the City to do something really unique.

COUNCILMEMBER FELLER had a question on the lots directly south of CityMark on the west side of the tracks. He asked if those blocks are divided, some into NCTD (North County Transit District).

DIRECTOR McVEY asked if he is speaking of the City owned parking lots that are south on Meyers.

COUNCILMEMBER FELLER replied in the affirmative.

DIRECTOR McVEY responded that the City does own some parking lots south on Myers. The Catellus or now CityMark blocks are 2 on the east side of the tracks and 3 contiguous on the west side of the tracks. South of that are the City-owned lots. The ultimate construction of the CityMark lots will be very desirable opportunities to live close to the beach on the west side of the tracks.

Motion was approved 4-0.

CITY COUNCIL REPORTS

17. **Mayor Jim Wood**

MAYOR WOOD encouraged people to contact his office with concerns or comments.

There are new markings on the streets down on South Coast Highway denoting Highway 101.

He announced that former Councilmember Ben Ramsey passed away and his funeral is this Saturday.

18. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ said it was a pleasure to be with the kids, coaches and parents at the Oceanside Little League.

She reported on further events.

19. Councilmember Rocky Chavez

COUNCILMEMBER CHAVEZ reported on various events.

[Councilmember Chavez left the dais at 6:09 PM]

20. Councilmember Jack Feller

COUNCILMEMBER FELLER was sorry to have missed the Little League opening day because he was attending a North County Transit District (NCTD) Board Retreat. A lot of regional team building went on at the retreat. He asked NCTD to start distributing agendas to the Oceanside Mayor and Councilmembers so that they have that information by Friday before the meeting.

On March 11th the SANDAG Board will be coming up on the Coaster and it would be nice if the Mayor and Council could at least welcome them and then ride with them through Oceanside.

He distributed a memo all about the San Diego Region Transmission Workshop regarding energy transmission on Tuesday, March 15th.

He would like to put on the next Council agenda an item about having cell phones, Blackberries or hand held computers up on the dais and Councilmembers reading emails, answering emails, scheduling appointments. He hopes to ask Council as professional people to leave those in the office and to listen to what the constituents are saying.

El Camino High School is playing right now at 7:00 PM in the California Interscholastic Federation (CIF) Championships.

INTRODUCTION AND ADOPTION OF ORDINANCES – None.

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor Board of Directors at 7:02 PM, March 2, 2005, to Wednesday, March 9, 2005 at 10:00 AM for a Mayor/Council Workshop.

ACCEPTED BY COUNCIL/HDB/CDC:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

MARCH 16, 2005

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

REGULAR MEETING	3:00 PM	COUNCIL CHAMBERS
Mayor HDB President CDC Chair Jim Wood		Deputy Mayor HDB Vice President CDC Vice Chair Esther Sanchez
Councilmembers HDB Directors CDC Commissioners Jack Feller Rocky Chavez Vacant		City Clerk HDB Secretary CDC Secretary Barbara Riegel Wayne
----- City Manager HDB Chief Executive Officer CDC Executive Director Steve Jepsen		Treasurer Rosemary Jones
		Interim City Attorney HDB General Counsel CDC General Counsel Pam Walls

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 3:01 PM, March 16, 2005.

ROLL CALL

Present were Mayor Wood and Councilmembers Feller and Chavez. Deputy Mayor Sanchez arrived at 3:04 PM. Also present was City Manager Jepsen, Interim City Attorney Walls and City Clerk Wayne.

CLOSED SESSION ITEMS:

INTERIM CITY ATTORNEY WALLS titled the following agendized items to be heard in Closed Session: Items 1A), 2A), 2B), 2C), 2D), 3A)1 and 3A)2. [Item 3B)1 was not discussed]

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

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

Direction was given to staff

2. **CONFERENCE WITH REAL ESTATE NEGOTIATOR ON TRANSACTIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (SECTION 54956.8)**

- A) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Pala Road (APN 158-301-46 and portion of APN 158-010-31), Old Grove Road/Frazer Road (portion of APN 158-103-15) surplus properties and Vacant land in the 3200 Block of Mission Avenue (APN 160-270-12) and residential property at 3206 Caroline Circle (APN 146-061-03); Negotiating Parties: City of Oceanside and the Community Development Commission (Department of Housing & Neighborhood Services), Maj Investors, and Maj Holdings, LP; Negotiators for the City: Douglas E. Eddow, Real Property Manager, and William F. Marquis, Senior Property Agent; Under Negotiations: Price and Terms

Direction was given to staff

- B) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Vista Way Parcels (APN 165-493-19 through 165-493-40) surplus property; Negotiating Parties: City of Oceanside and Coldwell Banker Commercial (on behalf of a client); Negotiator for the City: Douglas E. Eddow, Real Property Manager; Under Negotiations: Price and Terms

The item was continued; was not discussed

- C) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Marina Towers, 1200 N. Harbor Drive (APN 760-080-23); Negotiating Parties: City of Oceanside and Oceanside Marina Towers Association; Negotiator for the City: Douglas E. Eddow, Real Property Manager; Under Negotiations: Price and Terms

Direction was given to staff

- D) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** – Property: Property bounded by Pacific Street, Myers Street, Seagaze Drive, and Civic Center Drive (APN 147-261-01 through 12; 147-076-1, 2, 3, 10, 11, 12); Negotiating Parties: Community Development Commission and Pacifica Companies, Faulkner USA, SD Malkin Properties; Negotiator for the City: Jane McVey, Economic Development and Redevelopment Director; Under Negotiations: Price and Terms

Direction was given to staff

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

A) **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

1. Hi Hope Ranch Ventures, LLC, v. Vista Unified School District, Superior Court Case No. GIN036809 (Consolidated)

The item was continued; was not discussed

2. Keegan v. City of Oceanside, Case No. GIN038651 (Consolidated with Case No. GIN040976)

By a 4-0 vote in closed session, the proposed settlement was approved, Document No. 05-D0134-1

[B) **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

1. Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case]

No closed session was held on this item

[Closed Session was held from 3:05 PM to 5:09 PM]

5:00 PM - ROLL CALL

MAYOR WOOD reconvened the meeting at 5:09 PM. Present were Mayor Wood, Deputy Mayor Sanchez and Councilmembers Feller and Chavez. Also present were City Clerk Wayne, City Manager Jepsen, City Treasurer Jones and Interim City Attorney Walls.

INVOCATION – Reverend Carl Souza

PLEDGE OF ALLEGIANCE – Olivia Zema and Tori Bishop

PROCLAMATIONS AND PRESENTATIONS

Off agenda – Celebrated City Treasurer Jones’ birthday
Presentation – Maric College Mayoral Award for Christi Pederson
Presentation – Posthumous Certificate of Appreciation for Israel Briseno, Parks and Recreation volunteer

Presentations were made

CLOSED SESSION REPORT

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

INTERIM CITY ATTORNEY WALLS reported on the items discussed in Closed Session: See Items 1A), 2A), 2C), 2D) and 3A)2 above. [Items 2B) and 3A)1 were continued and Item 3B)1 was not discussed]

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

GRAHAM FRASIER announced the half Ironman Triathlon this weekend. People come from all over the country and the world (30 countries represented). The money from this event is donated back to local charities.

DANNY MOORE, South Ditmar Street, represents the Oceanside Jaycees senior division. The Jaycees have been in Oceanside since about 1942. He noted that one of their members, Jon Curtis, passed away two weeks ago this Sunday. Mr. Curtis was one of the original Jaycees in Oceanside, was instrumental in helping get the harbor built and was retired from the Harbor Department. He requested that the launch area at the harbor be dedicated in Jon’s memory or the Curtis Brothers’ (Jon and Joe) memory, based on direction from staff. The Oceanside Jaycees are willing to step forward for funding on this based on direction and planning with the community. It’s fitting to recognize somebody who dedicated his life and time to the community and harbor, etc.

COUNCILMEMBER FELLER asked if Council could give the Jaycees direction to start the discussions with the Harbor Master and go through the process that we have instituted and come up with a recommendation.

DEPUTY MAYOR SANCHEZ agrees and thinks it’s a great idea.

SLEENE KOSINAR, 711 Pier View Way, commented on the media and their negative statements about local officials.

THOMAS J. DEMPSEY, 3641 Esplanade Street, stated Councilmembers/staff discriminated against access for all at the Esplanade Street and College Boulevard block wall. Back in 1999, the City did not hold a public hearing, they just cut off access, which the neighborhood had enjoyed for 31 years after the homes were built.

The first petition submitted by 25 residents to City Engineer Peter Weiss was

ignored. The Planning Commission approved opening the Esplanade access but that was denied by Councilmembers Chavez and Feller. The Oceanside Transportation Commission approved the gated access at the Esplanade/College wall but it was denied by Councilmembers. The City's Transportation Division recommended establishing an access way through the existing wall on Esplanade Street but it was denied by Councilmembers. Council should approve the Esplanade wall with a gated access and allow the residents in the Lake neighborhood the walkability and freedom to travel to school, etc.

GARY FELIEN, 1189 Masterpiece Drive, stated it is his first time to speak at Council and commended Council on the 4-0 vote that took place on the resort downtown and hopefully that will be a sign of things to come for the future. He urged the City to focus on getting a 4-star resort for the downtown pier area. He would be in support of some type of public subsidy for the right type of project.

Regarding pensions and the upcoming negotiations with the City employee unions, he urged Council to go toward a defined contribution plan from a defined benefit plan. We see the problems defined benefits plans cause, as has played out in San Diego, and he hopes to avoid that kind of problem in Oceanside.

He spoke in favor of keeping the Rancho del Oro interchange at Highway 78 in the City Master Plan. That's part of the highway grid in the City and it would keep traffic on College and El Camino unnecessarily high if the interchange wasn't eventually built.

He requested that the City comply with the document request that's been presented by the Adam Smith Institute. The City believes some of those documents are confidential and with the Police Officer's Association filing a claim against the City as a precursor to a possible lawsuit, wouldn't the City winning their lawsuit on the documents create a liability in relation to the threatened lawsuit from the Police Officer's Association. He's not an attorney but that's how it looks to him.

DAN ARMENTROUT, 1391 Corte Bocina, voiced concern over the selection of the developer for our downtown resort property. It's vital that Council select the developer that has the best credit rating, the most money of their own in the bank and has a proven track record of building and operating such properties. He doesn't believe it's in the best interests of the citizens for Council to seek to infuse \$5,000,000 to \$10,000,000 of taxpayer money on this job. In this day of tight fiscal constraints, such money can be put to better use in the public interest elsewhere. Recently there was discussion on how to fund additional police and fire personnel. How can you bemoan budgetary constraints on one hand and then become so zealous on the other. Oceanside expects its elected officials to go with the most financially secure developer who can stand on their own and who doesn't need a public subsidy. Anything less would be a dereliction of public trust. He asked Council to find a better use for any monies you're suggesting to infuse on this project downtown.

C.C. SANDERS, 202 South El Camino Real, has been a resident for 42 years, served 5 years active duty in the Marine Corps after which he served as a police officer for 18 years. He served 2 terms as Chairman of this City's Police and Fire Commission and believes he's earned the right to speak here tonight.

During the workshop on March 9th for the Police and Fire Commission, Mayor Wood made a statement regarding the Marine Corps to Councilmember Chavez, who is a retired Marine Colonel. Mayor Wood was asked 'Do we as a Council want to empower or control' to which he replied 'I can appreciate that sir because I know they have a lot of that in the Marine Corps'; an interesting and revealing statement from someone who was a police officer but never served in the military. Having done both there's a big difference between the two. As a long-time resident and elected leader of our City government, he should understand the invaluable contribution that the Marine Corps has made to our existence as a City and a community. Mayor Wood's comments are especially insensitive and ill-advised because Marines are fighting and dying in Iraq.

ZEB NAVARRO, 1316 Buena Street, questioned Jennifer Orrock's previous Council comments. It's fascinating that a Carlsbad resident would find an interest in

Oceanside politics. Who is she to come to our town and tell us how to vote? Let the residents of Oceanside decide for ourselves. We don't need an out-of-town paid political consultant telling us how. Why is she criticizing Mayor Wood. He questioned her dealings and comments.

COUNCILMEMBER CHAVEZ asked for a point of personal privilege. He does not support Jennifer Orrock's actions. He finds this story that's been drug up from over 4 years ago against our Mayor a disservice to the City because this City has significant issues, some of which we're going to hear this evening regarding zoning, transportation and quality of life issues, and those are the salient issues that should be before this dais; not something that was drug up 4 years ago.

He is a strong believer of the First Amendment. He served his country for 27 years so people like Mr. Navarro could get up and say such things. He would be the last person to ever stand up against any of his employees/students who wish to speak on their own free time about issues they are concerned about. The ability to speak your mind in a democratic society is central.

ALICIA SMITH, an Oceanside native, stated Jennifer Orrock wanted to be here but was unable to attend, but she looks forward to seeing Councilmembers on her court date on April 1st. She cares about what happens in our town. She isn't interested in tearing anyone down and encouraged all residents and officials to turn a new leaf and proceed with a spirit of reconciliation and renewal. Something has gone terribly wrong when a Council is so squeamish about discussing discrimination that they have to prevent a resident from reading aloud from a newspaper article. A judge has now twice upheld that it is okay to read from a newspaper in public.

A few days ago her mother questioned why she would get involved in reading a confidential report on gender discrimination and sexual harassment in the Oceanside Police Department (OPD). The taxpayers have a right to know that an exorbitant amount of City money is being spent to settle sexual harassment and discrimination cases despite having a policy in place since 1999 to prevent such misconduct in the workplace. Something isn't working right and we have to work harder with a genuine intent to change what have become institutionalized practices in our public offices.

Since 1999 all City employees are required to attend education sessions on sexual harassment and discrimination in the workplace twice a year, yet City personnel have been known to make a joke of harassment and discrimination, even at the trainings. In particular reference to the behavior by the police officers described in the Epsten, Turner & Song report, we're not talking about the occasional lewd remark or off color joke. It describes, as noted in the *North County Times*, a hostile work environment in which formal complaints against fellow officers were not effectively addressed.

Now, as then, the public hardly thinks a response is warranted. Many people have come to accept the behavior as normal and can't see how to change it. 'So what' they say, 'everybody knows the police department is a good-ole-boys' kind of place; why can't you just get over it'. When one case gets settled against one officer, we could find it easy to look the other way. When these cases keep coming up, to the sum of millions of dollars, she finds it harder to ignore.

Now, 3 years later, when the Epsten, Turner & Song report should already be considered in the public domain, OPD officers are suing the City for not preventing a leak. That's going to cost the City even more money. She has tough skin but would be hard-pressed to find a reason why sexual harassment and gender discrimination should be tolerated. She has a big problem with women feeling threatened in the workplace and with police officers making 'frequent references to women in general as bitches, broads and prostitutes', as quoted in the *North County Times* on March 22, 2002, quoting Epsten, Turner & Song.

Bring the Epsten, Turner & Song report out into the light and let the public hear what's really going on behind closed doors. Only then can real change occur.

BRENDA SOUZA, 3621 Vista Campana, stated regarding C.C. Sanders' remarks this evening, the police department works closely with Camp Pendleton and the Marines. She lifted up the police department, fire department and all first responders as being honorable people. She feels the Mayor is beyond reproach.

Regarding the Jennifer Orrock situation, we need to put the past behind us and move ahead. We need Oceanside to be a beautiful city.

CONSENT CALENDAR ITEMS [Items 6-12]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC or the public through submittal of Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

6. City Council/Harbor/CDC: Approval of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission and City Council of the March 24, 2004, 1:00 p.m. Adjourned 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 2 [**Document No. 05-D0135-2**] to the percentage property lease agreement with Monte C. Yearley, dba Yearley Sailboats, for the premises at 1850 Harbor Drive North, Suite B, extending the term of the agreement through March 31, 2006, for a minimum total revenue of \$7,039.62; and authorization for the City Manager to execute the amendment
9. City Council: Approval of a five-year agricultural lease agreement [**Document No. 05-D0136-1**], including one two-year renewal option, with Rancho Del Oro Landscape and Maintenance, Inc., for the purpose of low-intensity farming on 5.28 acres of City property east of Rancho del Oro Drive between Mesa Drive and Ocean Ranch Boulevard, and authorization for the City Manager to execute the agreement
10. City Council: Adoption of **Resolution No. 05-R0137-1**, "...approving rate increases at the Oceanside Municipal Golf Course", based on the change in the Consumer Price Index (CPI), as required in the agreement with American Golf
11. City Council: Adoption of **Resolution No. 05-R0138-1**, "...establishing certain traffic controls within the City of Oceanside ("30-Minute Parking – 24 Hours/7 Days" – Mission Avenue)", on the north side of Mission Avenue from Tremont Street to the alley approximately 100 feet east
12. CDC: Adoption of **Resolution No. 05-R0139-3**, "...approving a Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04, C-203-04) and Variation (V-205-04) for a mixed-use development located west of Horne Street, between Mission Avenue and Seagaze Drive and east of Clementine Street - Pacific Crest Investments, LLC, Applicant", within Subdistrict 2 of the "D" Downtown District and within the Townsite Neighborhood (*CDC approved 2/23/05*)

DEPUTY MAYOR SANCHEZ moved approval of the Consent Calendar [Items 6-12].

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 4-0.

6:00 P.M. – PUBLIC HEARING ITEMS [Items 13 & 14]

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.

13. **City Council: Adoption of a resolution denying General Plan Amendment (GPA-2-04) and Zone Amendment (ZA-2-04) to allow future residential land use development on a 26.5-acre site located on the southwest corner of Mesa Drive and Old Grove Road; the project site is currently zoned IL (Limited Industrial) and is situated within the Ivey Ranch/Rancho Del Oro Neighborhood – Ocean Ranch Lot 21/St. Cloud – Applicant: James Houlihan/Stirling**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Sanchez and Councilmembers Chavez and Feller reported contact with applicant, staff and public.
 - C) City Clerk presents correspondence and/or petitions – correspondence received.
 - D) Testimony, beginning with:

GERALD GILBERT, Planning Director, stated Council is well versed on the history and issues at hand with this item, as well as the staff report that you've been given. This item is a General Plan amendment to redesignate a 26.5 acre site from Light Industrial to Residential Medium Density B, which allows a density range of 10-15 dwelling units per acre and is the land-use designation for multi-family projects that include attached condominiums and apartments.

The subject site has a long history. It is currently part of an approximately 390-acre industrial Master Plan development. The site was a part of the original 750-acre Ivy Ranch, which was established in 1937. The ranch was primarily used for cattle and horse grazing and at times was used for agricultural production. By way of discretionary actions, this site had a variety of them beginning in 1979 with General Plan amendments to change the agricultural designation to a variety of land uses, which include residential and industrial. In 1980, a Specific Plan was further developed and improved that defined land uses. Subsequent amendments came in 1982 and 1983. In 1986 and 1988 there was a Comprehensive Land Use Update done for our General Plan and this particular site was designated as we know it today.

In order to establish the framework or the context of the decision Council has tonight, and more importantly to understand staff's position on the recommendation of denial on the amendment, in 1996 an application was filed that encompassed the entire property and that was to change the Industrial designation to Residential. As a result of that, and staff believes that was a pivotal issue in the economic vitality of Oceanside, if we lost the opportunities for industrial development, we would lose our economic future.

Over the years a variety of industrial sites throughout the City were changed and redesignated Residential. The rationale at the time in the change of those sites was that the heart of the City, Rancho del Oro and Ivy Ranch, would be retained industrial because of location and connectivity to arterial roadway systems. The City, in its orientation, is long and moves eastward along accessways as well as ridgeways. Our industrial areas are located throughout. They have historically developed as the market demands. But the future of Oceanside's industrial development would take place in Rancho del Oro and the Ivy Ranch area.

As a result of the General Plan amendment, a citywide inventory was done to help define what was appropriate to retain as Industrial land use designation. This particular site, the Ivy Ranch area, was selected as being a very important element in that retention. Subsequently, the Residential request was denied by Council, which led the way for Stirling Enterprises to purchase or come in partnership with the property and you see the fruits of their efforts with the industrial activity today.

In evaluating the proposed request, staff still believes as we did in 1996 and we will believe in 2010 that the retention of industrial and commercial lands is very important and critical to help maintain the job opportunities and revenue generations for the City. It is a portion of the make-up of the City that helps define the community, but more importantly helps us pay for our services to the residents.

As described in the project background, there have been several attempts made by several area property owners and there is a constant deluge of people requesting to change vacant lands into residential. There is a need for residential; there are a lot of people moving to or interested in moving to Oceanside. The demand is there. However, to try and encapsulate why the change of the Industrial designation is a problem is because we're second to last in the County in jobs to housing balance. The back-up materials define our jobs-to-housing balance as .6 jobs per household. The County average is approximately 1.6 jobs per household. More importantly, we have communities and sister communities that are double and triple what our ratio is. The ratio is important because it helps to define the economic vitality of our community, our economic opportunities, which in turn translate to quality of life issues and provisions of services; the day-to-day items that community residents expect. The jobs-to-housing balance is a measurement that helps define the economic health of a community.

Second is our per capita ratio and how much money do we generate in revenue per resident. We're second to last in that category as well in the County. Every year we're challenged to balance our budget to provide the services that are necessary for the operation of the community. To lose this opportunity to change this land use designation out from Industrial Business to a Residential will do 2 things: it will reduce our opportunities to increase our jobs-to-housing balance as well as our economic ratios; but more importantly it will provide additional demand to existing services. Those are things the Council needs to consider in making their decision tonight.

Having said that, he believes this is a policy issue. It is a site that has some marginality to it in relationship to industrial uses and business uses. It also has an opportunity to provide for residential activity. But to wantonly describe that this would not work as an industrial or business land-use designation is not true. Throughout the County we have many examples of sites within the same topography, location and the same uses surrounding it that have been very viable and have been good neighbors to existing residential. He believes that an appropriate industrial business use can locate there that would have no impacts to the residential area. That's the discretionary review process; that's what we do, we insure that the compatibility exists. More importantly, he believes that whatever locates there would be a good reflection on the neighborhood.

There is economic information in the back-up that he is not going to speak to tonight because this is simply a policy issue. What does Council believe is an appropriate land-use for this site? If you choose to select a Residential designation as the appropriate use, he believes there is a secondary issue: what is the appropriate type of residential to locate at this site. The applicant is requesting a land use change to 10-15 dwelling units to the acre; a raw yield of approximately 400 units locating at that site. That's a lot of units. He doesn't believe that will be the number at the end of the project review, but it's not going to be half of that; it's going to be a substantial amount of units because of the product type that's to locate there.

If Council chooses to change the designation from an industrial to a residential use, then Council has to think about what the appropriate land use designation is there in relationship to residential uses. That discussion has not been an active discussion with staff. There are a variety of different land uses that could fit and function there very well and, in addition, play a big part in implementation of our Housing Element. When Council is deliberating, this issue is a two-point policy issue.

The Economic Development and Planning Commissions have reviewed this and both have recommended their denial. Specifically, the Planning Commission voted to deny the request on a 4-2 vote.

In summation, we believe that the maintaining of the Industrial designation is important for the economic and income value to the City. This is a citywide decision, not only a neighborhood decision. We believe that this is a critical issue that may lead to other people requesting additional changes and using this as a precedent. He does not believe this site is a precedent-setting site. It is unique and has features that one can argue are residential but can also argue that it could retain and have a healthy

industrial project. He asked Council to uphold the Planning Commission's decision and deny the request before you tonight.

Applicant

DOUGALL AGAN, Stirling Enterprises, 27422 Portola Parkway, Suite 300, Foothill Ranch, stated Stirling and the City have worked together for approximately 5 years collectively to pursue job growth in Oceanside. Ocean Ranch Corporate Center is now entering its last phase. We are here today to address the last parcel, which represents approximately 7% of the land we are developing at Ocean Ranch. The Planning Director and his staff have prepared a thorough environmental analysis related to the zoning we have proposed for Parcel 21, which we now have named St. Cloud.

He will be addressing 2 key issues in response to the staff report related to providing jobs and overall land use compatibility. By way of background, in addition to the 172 acres of available industrial land discussed in the staff report, there are approximately 370 acres within Ocean Ranch that will produce more than 4,000 jobs for the City over the next several years. Ocean Ranch Corporate Center has attracted world-class tenants. We understand that jobs are important to Oceanside. Wherever possible at Ocean Ranch Corporate Center we maximize job creation. He showed a graphic of companies located in Ocean Ranch, indicating the team effort that succeeded.

The credibility established by Biogen/Idec combined with strong marketing has helped Ocean Ranch evolve from a pure industrial park into a corporate campus attracting a mix of office, medical office and even hotel uses along with our industrial tenants. Now that we are planning the final parcel, which is completely different access and orientation from the rest of Ocean Ranch Corporate Center, we had to look at its surroundings and develop the best plan to insure compatibility. Our real estate advisors have evaluated industrial, office and retail uses for this site and together we have reached the conclusion that a residential neighborhood would be the most appropriate use. Ocean Ranch Corporate Center is located just east of Interstate 5 (I-5), north of State Route 78 (SR-78), south of State Route 76 (SR-76), with primary road access from Oceanside Boulevard and Rancho del Oro. Oceanside Boulevard and Mesa Drive form two corridors through the City.

Regarding overall compatibility, St. Cloud matches the character of Mesa Drive. Residential zoning here compliments the existing residential neighborhoods that are located north and south along Mesa Drive. St. Cloud's land use also compliments the variety of schools, parks and open space along the Mesa Drive corridor. St. Cloud enhances the area's aesthetics. A quality 'for sale' neighborhood will visually enhance the Mesa corridor, blending more effectively than industrial or office buildings, which could detract from the overall character of the corridor.

New high quality housing attracts jobs to Ocean Ranch and to Oceanside. St. Cloud adds significant value to the corporate center by providing moderately priced homes for existing and future workers in the City. A residential use is far more environmentally compatible with the adjacent surrounding area. Traffic studies show that St. Cloud generates approximately 1,000 fewer daily vehicle trips than the approved industrial use for this site. St. Cloud would also result in more compatible types of vehicles using Mesa Drive than an industrial or office complex would. The lower volume of traffic also corresponds to fewer impacts to the surrounding community related to air quality and noise levels.

We have worked with the Oceanside Unified School District to identify capacity as well as appropriate funding for facilities for future students from St. Cloud. St. Cloud will benefit the district at a time when it's experiencing budget constraints due to declining enrollment. St. Cloud's environmental compatibility extends to the adjacent schools. The traffic analysis shows that St. Cloud will produce significantly fewer vehicle trips at Via Rancho and Mesa Drive between 7:00 and 8:00 a.m. compared to an industrial or office complex. The school district's policy will be maintained that new students entering the district cannot displace existing students and we have acknowledged that our elementary students might not attend Ivy Ranch Elementary since it is currently overcrowded. St. Cloud will produce 14 times the amount of

revenue to the school district than an industrial or office development and the district has agreed to use those funds to upgrade Ivy Ranch Elementary. We have further agreed to fund the full amount of those fees before any students are generated to the district.

The site creates a natural buffer between the current industrial tenants of the Ocean Ranch Corporate Center and the proposed residential use for Parcel 21. The 230-foot separation and 75-foot elevation difference provides an effective buffer between St. Cloud and the corporate center. St. Cloud also provides a compatible land use and adds approximately 1,000 feet of separation to buffer the existing community from the corporate center. We have worked with our tenants in the corporate center to address specific buffering plans, including landscape treatments. We have also put plans in place to insure there is appropriate disclosure in future sale documents.

We strongly believe the St. Cloud project is the best for this parcel and that it will insure compatibility with the Mesa Drive area because it respects land use compatibility, environmental compatibility, compatibility with schools and proper separation of land uses. When we began exploring residential uses for Parcel 21, we agreed that this would not be a typical subdivision. Stirling wanted to create a residential jewel that Oceanside would be proud of. The name St. Cloud was specifically chosen due to its historical relevance to Oceanside as one of the 3 original hotels built over 100 years ago near the railroad and the pier.

To make St. Cloud the best it can be, we have pursued a world-class partner in John Laing Homes. They're nationally recognized as the top home builder in America and locally are responsible for some of Southern California's finest communities. We and John Laing Homes commit to the City to bring the best residential development at prices that are geared to the residents and the people who work at the Ocean Ranch Corporate Center.

At the outset of this process over a year ago, Councilmembers and staff encouraged us to reach out to the community and discuss the issues we are addressing tonight. It has been a wonderful process. In the end, we hope Council will agree that insuring a higher quality of life is what we're all here to do. Building St. Cloud will ensure a greater quality of life for the families who live in the area by insuring that there are compatibilities between our development, the surrounding community and the environment. St. Cloud is the right solution for the final phase of Ocean Ranch.

Public input

CAROL MARKS, 2755 Jefferson Street, Suite 101, Carlsbad, read a letter from State Senator Bill Morrow (who could not be present personally) expressing his support for the St. Cloud project.

JOHN DALEY, 392 Islander Street, stated he likes to support things and for things to happen that are positive. He is a real estate broker. Nine years ago there was a proposal by 2 property owners to take a large mass of property between Mesa Drive and Oceanside Boulevard and change it to residential. At the time it seemed incredible that they would want to do that because what we have in our community is a lack of industrial property. In spite of what you might hear, we have a very small amount of residential for our size and it's an important aspect of what we do. What had taken place over the years was a lot of forward-thinking and planning ahead.

So, nine years ago a group of 6 or 7 people stood in front of Council and said that's the wrong move. You can't zone for the popular zoning of the day. Residential is always the popular zoning for the day but there's a limit to it. That Council and Planning Commission years ago made a decision that it was a bad idea to change this industrial property and thought ahead about the impact of this property in the future. That's what he's asking Council for today; to think clearly. He believes in future years this property will work just fine for industrial and it should stay that way. He asked Council to deny the appeal for the betterment of Oceanside in the long term.

JAN GARDNER, 989 Glendora Drive, is a business owner and current President

of the Oceanside Chamber of Commerce, and the Chamber is committed to advancing the business community in Oceanside. Previous Councilmembers have faced this same dilemma several times in the past. If they had not stayed with the original plan for this area, the Oceanside Boulevard corridor east of El Camino Real bordered by Mesa Drive would be quite different from what it is today. But they held on to the vision and the plan and today we have a beautiful commercial and light industrial park called Ocean Ranch. She listed various businesses located there, including Biogen/Idec.

According to an article in the recent *North Magazine*, which is an Oceanside publication, upon build-out in approximately 2 years this area will total approximately 4,500,000 square feet of space. It will generate over 4,000 direct jobs with thousands of ancillary jobs in the City, approximately \$12,000,000 in property tax and \$4,000,000 in development revenue fees.

Oceanside's .68 jobs per household ratio is the lowest in the County for a city of our size. Smaller cities are more than twice our ratio. Oceanside needs the support from the business community, present and future. If you refer to the Vision 20/20 Report, which is collecting dust somewhere in your offices, the Economic Commission members at that time urged Council to focus on tourism, commercial and light industrial businesses. This property is zoned Commercial Office, such as medical offices, and not for heavy industrial use as some people seem to think. The Oceanside Chamber of Commerce commends Dougall Agan and Stirling Enterprises for the outstanding care and planning that has been done at Ocean Ranch and we feel it is a priceless asset within our City.

Our Board of Directors has given direction that we continue to support the original plans for Ocean Ranch and we ask that Council deny the zone change and keep this area Commercial Office. We are not against the project itself, we are just against the rezoning of that property.

SEAN McCRRARY, 1292 Longfellow Road, Vista, is the lead representative of a local community group called Conservatives for Social Action. It is important for us to endorse the St. Cloud project. We want to assure the Council that a decision in favor of this initiative will guarantee the right steps towards a beautiful and well planned Oceanside.

The City's desire to solve the job-to-household ratio is admirable and necessary, but this piece of land is not a healthy answer to that problem. Numerous experts have testified that an industrial area on this lot would not be successful in attracting businesses due to its residential surroundings. The City has a lot of other options at its disposal that will make Oceanside a more business friendly place. For example, the first thing you notice when you drive east on SR-76 are auto graveyards and an abandoned drive-in. These places are not helping to create jobs. Oceanside needs to update these areas in order to attract bigger and better businesses that create the jobs needed.

Other things we can deal with are the traffic concerns. Traffic corridors add value to land. Businesses look at land value based on its access to traffic corridors. Good access means valuable land. Valuable land for businesses with good traffic corridors means we can attract the type of high-density businesses that will provide jobs for our community. Traffic congestion is much more than a nuisance as we go to work or school; it's an economic drain to our community.

Council's job tonight is to make the best decision possible for Oceanside. Are you going to ruin the integrity of a beautiful residential area for a project that is destined to fail or are you going to preserve it? He asked Council to preserve this neighborhood and then do the right things to attract jobs into Oceanside. We ask you to vote yes on the General Plan amendment.

JIMMY KNOTT, 124 Sherri Lane, stated a bedroom community will cost huge dollars to the residents. The presentation had no mention of replacement of the lost jobs or income that would potentially be generated by industries in that area. The consequences for every citizen if this project goes through will be increased taxes and increased designated fees. We need to look ahead by more than just a few years. We

should also look at other options like a convention center in the area or a mixed-use designation.

KURT KINSEY, 510 North Coast Highway, owns Blue Pacific Realtors and his small company did \$60,000,000 in revenue this last year; over half of those sales occurred in the Rancho del Oro area. We campaign for our jobs every day and talk to people on a daily basis. Most of these people would love to have the opportunity to live and work right here in Oceanside, but most of them do commute. When you ask them about this particular piece of property, most of them still want that piece to be residential. They're going off to work and their kids are walking to school and they don't want to see anything besides residential along that corridor. There's an elementary school, a junior high school and a senior center there and it doesn't make sense to put in a commercial or industrial piece of property right there. All we're trying to look at is what makes the best sense for the community.

He has done work with Biogen/Idec on their Oceanside relocation and we have a severe need for that type of housing; specifically the high-density. These people are travelling in and are here for 3-4 years and when they get here they love it and want to come back. We've got a big group going to Denmark right now to build the same plant we've got here and are renting their houses out through us because they're coming back. We need to provide them with quality housing.

Stirling could not have picked a better developer to build on this property; John Laing Homes is phenomenal. They will be providing jobs on that site for the next several years. He encouraged Council to vote for this project. Housing is at a critical issue here and if the prices are in the \$350,000 - \$500,000 range, you'll have a line out the door of existing residents as well as new ones that we want to bring in. This year alone, 91 transferees are expected to come in from Biogen/Idec. He urged Council to support the St. Cloud project.

T.J. SLEBODA, 1275 Calle Ultimo, is a resident of Rancho del Oro with a young family and one of his big concerns about St. Cloud is the burden it will have on the local schools. A graphic was used to show the last 10 years of enrollment at the elementary school. The presentation also indicated that the school is already over capacity. This development is in the middle of an area that's growing and there is a crisis going on. The enrollment at the middle school is up 20% in the last 5 years. There are leased buildings and the play yards for these kids are being taken up in temporary classrooms. What was indicated in the presentation earlier doesn't give him a good feeling on how the developer plans to deal with these issues. He wants the best education for his kids and doesn't want them to be forced into larger class sizes and higher student-to-teacher ratios. He asked Council to vote down the St. Cloud development.

GARY KNIGHT, President and CEO of the San Diego North Economic Development Council, 100 North Rancho Santa Fe Road #124, San Marcos, acknowledged that land use issues are never easy. The 2020 Plan has already been mentioned; you're challenged with creating enough affordable housing and smart growth along with reducing the congestion and transportation issues that you face. We are in favor of this issue. He read a letter from their Chairman, Joe Gabaldon, in support of the project.

LOU TASCHNER, 128 South Pacific Street, had been involved in politics over the years and seen many land changes back and forth. There was a fight to save the industrial center of Oceanside because it was recognized that you can't pay for police, fire and schools with houses; you've got to have an industrial base. At one point we thought maybe statewide we'd all share equally in the sale tax, but that kind of fizzled out and communities have to stand on their own. Police and fire departments are well beyond property tax revenues.

GEORGE McNEIL, 2154 Anda Lucia Way, thought it was quite a presentation that St. Cloud put on but the pictures of the homes don't represent 400 homes on 26.5 acres; that's 15 homes an acre. We're talking about apartments. He looks at what the experts have said; you've had 2 commissions and staff saying keep it industrial. If we're going to fund the police and fire long range, we need a better industrial base. We can't

have parks, what we want from public safety or solve traffic problems without money. Long term, residences take up more of your money than they give you. We have to be very careful not to be swayed by a group of people who possibly live near it and would like to see residences because the whole City has to be taken care of, which means you have to have income.

It was mentioned that an industrial use might create more traffic than a residential use. We're talking about 400 homes; 400 homes is going to generate a lot of traffic. We have to look toward the future here. Stirling is a great developer and has done wonderful things in the City so there is an urge to support this, but this is the wrong way to support them. We need to keep this zoned industrial.

WILLIE BUCHANON, 2742 Mesa Drive, has been a long-time resident and has watched a lot of development and things that have happened over the past 54 years. Stirling has a plan that can be successful for Oceanside. We need quality hotels and quality homes. The Stirling project will present that for us. He taught school for 14 years and knows what's happening with schools and the impact that overcrowding is having. Stirling has set up a plan that is going to aid OUSD so he would like to go on records as being in favor of this project.

WARREN HARTWELL, 4414 Chickadee Way, is a nearby neighbor. We're already bothered greatly by the traffic that races down Old Grove Road during rush hour. Compatibility with the neighborhood is also why he is in favor of St. Cloud. If you put residential units in St. Cloud, there won't be the trucks and other delivery vehicles getting access. It's already a cut off to avoid going down College Boulevard to Mission Avenue. We know traffic is going to increase when Ocean Ranch is developed and Old Grove Road is opened through to College Boulevard, but we'd like to lessen the impact of that increase in traffic because the residential traffic is not at the same time as the industrial traffic. Mesa Drive, from its inception at Mission Avenue and all the way out to Santa Fe, does not have one spot that fronts industrial property; it's completely residential, schools, parks, churches, etc. and is a beautiful drive. Making it look like Oceanside Boulevard where you're driving by all of the industrial property would be a disservice to the quality of life in our City.

BOB WILLINGHAM, 1796 Fire Mountain Drive, supports the Economic Development Department's efforts to increase the job- to-housing ratio within the City. As a commercial real estate professional, specializing in industrial and office sales and leasing, he has a particular interest in increasing the commercial base within the City. However, in the case of Parcel 21 at Ocean Ranch, he fully supports the Stirling team in their efforts to rezone the property for the residential development St. Cloud. The St. Cloud property is not well suited for industrial or office development due to its proximity to neighborhoods, schools and parks. The St. Cloud project creates a compatible neighborhood consistent with the residential corridor of Mesa Drive. Ocean Ranch has raised the image of Oceanside within the commercial real estate profession in North County, making it competitive with other cities in North County for major tenants. He urged Council to vote in favor of St. Cloud.

MRS. BILLIE PHILLIPS, Oceana resident off Mesa, has looked at this property for some time. If she thought there would actually be a lot of interest in income-producing businesses there, she'd be torn as to how she feels. But to the best of her knowledge, nobody has shown any interest in it and if they have it has not progressed beyond looking at it. We need the homes. She read an article recently about all of the cities in the County and how much more housing they needed to provide and Oceanside was very short of housing. This would help. Yes, this is going to be a high-density living area, but that seems to be the trend. She supports this zoning change and hopes Council will vote for it.

SPENCER FORD, 729 Point Reyes, stated Stirling had done an outstanding job putting the industrial site there. This parcel just doesn't fit for industrial buildings as far as architecture and aesthetics, as well as safety with trucks going in and out by the schools. There aren't many people in these businesses who have stepped up and paid school fees before permits are even taken out and if the school needs to have some improvements made, they will have the money up front to do that. That is a willingness

to help that school. He supports this project and hopes Council votes for the zoning change for the St. Cloud project.

CYNTHIA CHANEY, 1212 South Pacific Street, is a realtor who sells both residential and commercial properties. She feels very strongly about preserving affordable housing. These attached homes are to be priced between \$350,000 and \$500,000. Like it or not, this is our affordable housing and she is supporting it.

BRIAN SULLIVAN, Oceanside Unified School District, 2111 Mission Avenue, stated the Stirling people came to us over a year ago and discussed the potential impacts that such a project would have on us, how we would be able to accommodate students from such a project and what sort of concerns we might have that they might be able to address. The District is already in decline in student population and there's a direct correlation between the price of housing and the number of young students that are in families and we're seeing that already. The District does have room within its schools district-wide. It was pointed out to the representatives of Stirling that one of the most impacted schools we have at the present time was indeed Ivy Ranch Elementary. With that, we worked together on those issues and Stirling has agreed to inform all of its buyers with a clear understanding that Ivy Ranch Elementary School at the present time would not be the school of attendance for anybody living within this project.

The high school and middle school mitigation is already underway. They are rather overcrowded but we are already out to bid on Cesar Chavez Middle School and we expect that to open up sometime in the Fall of 2007. That will make a distinctive difference at Martin Luther King Middle School. Already we are building in the capacity at the present time at El Camino High School with the new science building there and we will be able to accommodate the students there. We expect this project to generate approximately 170 students, with about 70 of them being elementary. Stirling also, as we asked, agreed to provide for statutory developer fees to us up front, which helps the school district in helping to mitigate the impact of the students. Normally these fees kind of trickle in over the years and it's hard to get them combined to establish a construction project when you need it; before the students get there rather than after. All of that has been provided and such an agreement is going to our School Board with the success tonight of Stirling. We feel this project will be able to be mitigated by the school district and we would approve it.

DEPUTY MAYOR SANCHEZ went to the Planning Commission meeting and asked Mr. Noonan this question. She is very aware of the concerns of our residents in the eastern part of our City with respect to the possible siting of a third high school and she understands that the school district has reconsidered and either is taking that off or is not going to be pursuing the idea of a third high school at this time. So, will approval of this project in any way change that decision to not proceed with the third high school.

MR. SULLIVAN responded this project will produce approximately 30 students at the high school level. We are at the peak of our enrollment in our high schools now. Probably in the next 3-4 years you will begin to see our high school populations depleting, just as they've started in the elementary schools. This depletion in our student population is not a transitory bump, it is part of what he believes to be the character and make-up of the City and we're seeing change. He's not certain where it will steady out but he believes this will not have an impact on that particular issue.

DEPUTY MAYOR SANCHEZ asked if the school district would be considering building up instead of building out.

MR. SULLIVAN responded we've already done that at El Camino High and at Oceanside High School. We've also done it at South Oceanside Elementary and will begin a project soon at Jefferson Middle School where we'll be going up. We prefer not to but we do that in order to preserve our land space. Cesar Chavez Middle School will also have 2-story buildings.

VIGNYETTE MATTHEWS, 4665 Calle Del Greco, lives approximately 5 blocks from where this area is and works less than a mile from there. She can sympathize with

the people who would be moving there and working right there. She also has employees who have ventured out of Oceanside into Temecula, Hemet and Moreno Valley because of affordable housing. She would be able to keep employees working for her if we had affordable housing. She supports St. Cloud.

WILLIAM VASCO, 1279 Calle Altimo, doesn't care whether they do industrial or residential on this parcel, he's concerned about the noise. During the daytime hours he doesn't even want to go in his backyard anymore because of the noise. The noise on Old Grove Road needs to be quieted down before this project starts.

HEIDI ANSELMO, 418 Calle Corazon, lives right behind Ivy Ranch Elementary and has 2 small children that attend the school. It's true that Mesa Drive is packed and she cannot see putting more cars on it by putting residences that house all of those cars. The idea that Ivy Ranch Elementary will somehow be improved due to the outlay of the fees does not seem feasible to her. The talk is about building up and the kids have already lost playground area due to the trailers having been put up. The kids can't go to school at a construction site. Then there's the noise factor. The best use for this land is not for residential. Maybe it's a good place for a noise barrier for Old Grove Road. In the future many things could come up there; maybe even a service industry.

Single-family homes are one thing and 400 attached homes are another. We are going to have a lot of non-owner occupied residents there. The investors would love it and the realtors all probably have at least 25 of them that would love to invest in a property that's affordable and quality. The question is must we build anything right now.

BOB WAITE, 4537 Avenida Privado, stated Mr. McCrary hit most of the points that he feels are very important here. He's sat down on Mesa Drive and seen the kids and families that walk down that street every day and it's important that we protect them as best we can by keeping it residential. There is an impact on the schools. They are right across the street from this parcel and it doesn't make sense to put light industrial in there because of that. The third issue is the revenue that residential is going to bring. It's been proven that the revenue coming from the residential will be greater. People spend their money in the community they live in; they don't spend it where they go to work. He told a friend of his who is renting now and looking to buy about these homes and the proposed price and he got very excited. We need that quality of housing in that price range.

He asked Council to vote in favor of the St. Cloud community.

TOM PICARD, 1604 Calle Las Casas, started getting involved with this project when he heard it was originally zoned as Light Industrial. This street is completely residential and there is no industrial on the entire length of it. The presentation tonight and the detail on this is far better than anything he's seen. It is best for the community to have it zoned residential and he supports that.

ROBIN NIETO, 1920 Alvarado Street, had previously lived in an area where light industrial was brought in years after she moved there and it impacted her quality of life and safety was diminished. She urged Council to vote in favor of the St. Cloud project.

Regarding the schools, the contribution of \$1,300,000+ is probably the most generous offer she's seen.

DONNA MCGINTY, 2405 Mesa Drive, has no argument with the quality of the project. She believes the traffic is a concern as well as adding 400 residential units with 3 cars per family. We're adding a lot of burden to the community in traffic flow. She thinks this is a first-class operation and we need affordable housing, but she is not interested in it after watching the traffic on that street for 35 years. For the best interest of the area, it should be kept industrial.

NADINE SCOTT, 550 Hoover Street, stated this is not the right piece of property for the project. As Councilmembers one of your premier duties is to exercise

fiscal restraint and responsibility. Right now we're so understaffed with fire and police protection and with 300 or 400 new houses these people are going to ask for increased service levels. Where are we going to get the money to pay for that? We have a lack of remaining industrial land in our City and we do need housing, but this is the wrong area for it. We're already severely impacted by increased density in her neighborhood and we don't want to see any more homes built. She feels sympathy for these people but when they bought their homes and looked at their title insurance maps, they saw that this was zoned industrial and she asked Council to keep it industrial.

Laura Henkel, 3274 San Tomas Drive, feels the City should allow residential zoning on the St. Cloud site. The neighborhoods should be kept as neighborhoods and the character of a community should not be changed. This site is clearly surrounded by a residential area with many neighborhoods, schools and parks nearby. This is a bad location for an industrial park for the same reasons why it is an ideal location for homes. We're not talking about putting homes in the middle of a business park, but whether an industrial complex should be allowed in the middle of a residential community. She believes the answer is no. The residential corridor of Mesa Drive should be preserved and this site should be kept residential. She urged Council to vote yes on the change in zoning.

Applicant rebuttal

MR. AGAN stated philosophically Stirling believes that residents have needs, expectations and concerns as do businesses. We feel it's our responsibility as developers to address all three of those elements; whether you're a resident or a business. In the effort of developing the Ocean Ranch Corporate Center, we've been cognizant of trying to leave a legacy that the community in general is going to be pleased with. When we start to look at the investments that a homeowner makes in their home, that is their number 1 investment, and preserving the value of that investment is critically important. If you look at companies like Biogen/Idex - investing over \$1,000,000,000 in creating a biotech campus - Ashworth, Coca-Cola; their number 1 concern is preserving the value that they now have invested into a business park environment.

We have 2 audiences that have the same objectives. With approving the St. Cloud project, we have clearly defined these 2 corridors where businesses can thrive along the Oceanside Boulevard business corridor - 6 lanes to accommodate business traffic - and those residents that deserve the protection and preservation of their primary investment to have that quality of life be protected in a residential environment along Mesa Drive. It's a win for the resident and a win for the businesses and a major win for the City and Stirling. The community continues to evolve and it's our responsibility collectively to begin to look at these issues on a long-term basis. What can we do together going forward to continue to enhance Oceanside Boulevard as the business growth area where businesses will thrive.

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

[Recess was held from 7:38 PM to 7:54 PM]

DEPUTY MAYOR SANCHEZ was impressed not only by Stirling Properties as a company but by Dougall Agan as a person. This developer has done so much for us and has invested in our City and our communities. The first part of the presentation showed how much this company has done for our City with the partnerships in the private and public sectors. It's amazing to see this dream of an industrial park when many people felt that it was not going to happen; it happened within 10 years.

She believes that this is a policy decision. It would not set a precedent. She started off with a presumption that because we are very concerned about the future of our City, the economic viability, as well as preserving our communities, that we must have strong reasons for not preserving the few parcels that we have that are industrial/job producing parcels. When she met with the developer and his team, she had the opportunity to talk about our strong policies and at the time we had a crisis in affordable housing so she told them that in order for her to deviate or change anything

here, she would have to feel that there were strong reasons for changing the zoning/plan for this property. One of the things she had said was that what we needed and were still looking for were partnerships with the private sector to do this affordable housing; not on-site but off-site. That was an example of a policy. Since then there has been a lot of thought put into this project and a lot of the questions that she had have been answered; policy issues for the Council, planning issues, compatibility, traffic, economic viability.

[Councilmember Chavez left the dais at 8:00 PM]

In terms of compatibility, residential would be a better fit for this community. She sat through the Planning Commission's presentation and had an opportunity to listen to the traffic studies in which the conclusions were that this would be less of an impact on traffic. Most of the input that she's received from the public has been in favor of this project; mostly because of the traffic and the compatibility. There are other considerations that we needed to look at, i.e. economic viability. The presentation at the Planning Commission included a discussion by an economist that addressed the issue of whether or not this would be able to pay for services that we so desperately need, which is our police and fire. The conclusions of that economist were that this project would meet the needs of the community. The other issue had to do with impact to schools. She has been watching the discussions and seeing hard decisions being made by the school district. Support for this change to residential seemed more appropriate if we are talking about our schools.

Having looked at all of these policies, she believes a better fit for the community is residential. She **moved** to approve the applicant's request for the General Plan amendment and for the Zone Amendment from Limited Industrial to Residential Medium Density.

MAYOR WOOD seconded the motion.

[Councilmember Chavez returned to the dais at 8:03 PM]

COUNCILMEMBER FELLER asked what the car trips are versus residential there.

MR. GILBERT responded the residential trips we estimated on a condo project would be 8 trips per unit per day. From a typically empirical analysis, comparing light industrial to residential, one is going to be vastly greater. However, we believe this site is a specialty location and the trip generations would be considerably less using the industrial and business office. So the Carte Blanche response that this is going to be considerably less, he agrees it would be less with residential, but he disagrees with 'considerably' less. Again we do our analysis based on empirical data and typical uses that could locate in there based upon its existing zoning. But we wouldn't believe that those types of uses would locate there that would generate that traffic.

COUNCILMEMBER FELLER stated we have a concern about schools there. The 600 students that we're down in our school district are spread out over a lot of schools. He would hope that eventually these kids could get into Ivey Ranch Elementary because it's close to where their homes would be.

This development qualifies as residential for the future growth requirements defined in SANDAG's 2030 Smart Growth concept and that's an issue we have to face that we don't hear a lot about. This is affordable, not low-income. We grew in housing a lot faster than the other communities early on and the other cities are younger communities than Oceanside and the industrial land that they developed was pretty much out in nowhere for most of them, especially in Carlsbad. They're gaining houses pretty fast out there and are going to catch up to us. It's great to have the brand names like Coca-Cola, Ashworth and Biogen/Idex. We need to continue to try to get the real job centers like Biogen/Idex; whereas warehouses and distribution centers are not the same job producers but are necessary.

Regarding the EDC and the Planning Commission, he respects their work. We

say we have a shortage of industrial land but we're about to turn over 445 acres of industrial land into what is called El Corazon. There's a lot of industrial land in El Corazon that is useful as industrial land. We also have old residential areas off of Maple and North Avenue that sit across the railroad tracks from the industry that's created on Peacock and Temple Heights and they're not always happy with the industry that's next to the residential. The challenge is going to be to buffer the homes that border Mesa Drive, as well as the challenge to pacify the homeowners once they have taken residence there.

We need to take advantage of the true industrial areas along the corridors of Oceanside Boulevard, SR-76, the airport area and some on Mission Avenue. We also need to figure out a way to slow down the speeds on Mesa Drive. With the extra traffic that this project could generate, we need to work on speed there. He will support this project and say that this is a case-by-case situation because there are other parcels where industry sits next to residential. There are some great opportunities on the industrial corridors that are left. This is the right fit for this piece of property.

COUNCILMEMBER CHAVEZ stated so often we get involved in the political he said/she said things. But what's good about this is we're talking about economic development, traffic, zoning and affordable housing.

The real issue is that we as a Council have failed you. Two years ago we had a workshop and one of the questions was about the rezoning of land. We all had as one of our priorities that we would not rezone industrial land to residential. That seemed like the right thing to do then but we got new facts and changed our position. Council needs to look at best use and understand the process.

He had the opportunity to sit with the Economic Development Commission (EDC) and listen to them discuss this for 2 hours. They talked about jobs and whether we want to be 1.1 per household and what this project will get us to. The EDC followed the policy of this Council and voted against this. He sat on the Governmental Affairs for the Chamber of Commerce and listened to the discussion and the Governmental Affairs voted to approve this, but when it went to the Chamber of Commerce Executive Session, they voted it down because it was the policy of the Council to not rezone land from industrial to residential. He also sat in on the Planning Commission where it was a 4-2 vote and when he talked to the Planning Commissioners later, they were following our policy. Council needs to have a workshop and relook at that policy, because there are a number of projects coming before this City that are just like this with rezoning. Council needs to decide where we're going with this. We need to talk to staff, developers, businesses, families, etc. about what we want Oceanside to be. Let's look at the General Plan and the Circulation Element because through those things we can find the character of the City.

He asked if Council can agree to do a workshop to talk about the zoning issue and circulation. At least let's look at our policy of residential, industrial and traffic corridors so we can give good guidance to our commissions.

COUNCILMEMBER FELLER would be happy to do that. El Corazon is 445 acres of industrial land that's being turned into parkland. We need to evaluate each case in the future.

DEPUTY MAYOR SANCHEZ would like to wait for workshops until after June 7th, and then it would be a perfect time to do it.

MAYOR WOOD is always interested in addressing issues and concerns. He'll be happy to address any of these on an individual basis but these people are waiting here tonight and it's late and they want us to vote on this. We need to move forward for them.

COUNCILMEMBER CHAVEZ stated this is important to the City. We need to do the Circulation Element and General Plan and look at our policies. He'd like to look at the density of this and how it relates to trips per day per household.

MAYOR WOOD promised when he got on Council that he'd try to address each individual issue one at a time. Setting policy is important for issues but he told the developers that his door is always open and that they could get a fair response from him. When this developer talked to him the first time he told him this might be tough and he would need to go out there and sell it, which he did. The developer is not a fly-by-night developer who would do a zoning change, disappear and then sell it to somebody else. He's part of Ocean Ranch and has been involved from the get-go of bringing all of these businesses we want to pay for our services. The public, school board, politicians, etc. have supported this. Quality of life, economic development and public safety are the big issues and are interconnected in that one pays for the other, etc. We should call for the vote on this project.

Motion was approved 4-0.

[Recess was held from 8:27 PM to 8:35 PM]

14. **City Council: Adoption of resolutions approving General Plan Amendment (GPA-4-04), Zone Amendment (ZA-4-04) and Local Coastal Program Amendment (LCPA-1-04) for land use change from professional commercial use to residential use on a .4-acre site located at 301 Cassidy Street, and introduction of an ordinance to change the zoning from Professional Commercial to Residential Medium Density-C; the project site is currently zoned CP (Commercial Professional) and is situated within the South Oceanside Neighborhood and the Coastal Zone – 301 Cassidy Street – Applicant: Michael Rota**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmember Feller reported contact with staff and applicant; Deputy Mayor Sanchez reported contact with staff and public; Councilmember Chavez reported contact with staff.
- C) City Clerk presents correspondence and/or petitions – packet from Lightfoot Planning Group
- D) Testimony, beginning with:

JERRY HITTLEMAN, Senior Planner, stated this is a .4 acre project site located at the southeast corner of Broadway and Cassidy Streets. The railroad tracks are to the west and we have apartments to the north at about 20 units per acre. There are some apartments to the south and further down that block that are approximately 15-20 units per acre. There is a community clinic to the east and the Coast Highway commercial corridor is further to the east.

There is currently an approximately 3,500 square-foot office building on the site, which was originally a AAA site in the 60's and they moved out of it in the 80's. It's been used off and on but has been mostly vacant since the mid-80's. Presently it is vacant. Graphics were used to show various views of the site and surrounding area.

The existing General Plan and zoning for the site is Professional Commercial. There is quite a bit of medium density residential both north and south of the project site in both the General Plan and the zoning for that area.

The Planning Commission, on February 21st, voted 6-0 to recommend approval to the Council for this change. The proposed Medium Density Residential (RM-C) designation is compatible with the surrounding area. This property is a little bit west of the commercial corridor of Coast Highway and hasn't been a viable office or commercial site over the years after AAA moved out and would be more consistent with the area if it had a Medium Density Residential zoning. There are no real significant environmental issues related to this project. If it were to go to a residential designation, they'd get about 6-8 units on there, depending on the design. Staff recommends Council approve this General Plan Amendment, zoning designation change and Local Coastal Plan Amendment for the site changing it from Commercial Professional to Medium Density Residential.

COUNCILMEMBER FELLER asked if this were rezoned, could they be made aware that there's a train that goes by regularly. That's an environmental issue.

MR. HITTLEMAN responded yes. What we can do when a project comes through is make that a condition of approval that there be a disclosure on the Deed or the CC&R's for that building so people will know before they buy a unit that they are near the railroad tracks.

DEPUTY MAYOR SANCHEZ added that it's not in the quiet zone.

Applicant

ANN GUNTER, Lightfoot Planning Group, 5750 Fleet Street, Carlsbad, is here on behalf of the applicant and property owner, Michael Rota. We think this location is not just suitable for residential uses but desirable. As staff pointed out, it's kind of a mixed neighborhood; there are multi-family residential in terms of apartments and condos and some older single-family as you get down the block on Broadway. Along Cassidy there are some other office uses, quasi-commercial uses and the more commercial corridor at Coast Highway, which is a couple of blocks away.

The proposal to make this RM-C is consistent with the Broadway corridor and the designations along that corridor. Some of the multi-family that was developed out there was done before the RM-C category and some of it is even higher densities than the RM-C and we feel that this site would be compatible with the pattern in that area. Another benefit is that the site is across from the Rail Trail and there's a nice open area associated with the railroad tracks and it has great proximity to the beach. There is easy access to the major streets and the freeway.

In terms of future design, the site does have alley access and some very large setbacks associated with the Cassidy right-of-way so there are opportunities for some very nice architectural designs when a project would come forward to Council. We think this change provides an opportunity to revitalize this site and eliminate what's been a very marginal use in the last few years and evolve it to a use that's more appropriate and more consistent with the adjacent neighborhood.

In terms of your Local Coastal Plan, one of the key concerns and issues is whether a site and land use is being changed from a priority use to a non-priority use. In this case, the existing office use is not a priority coastal use and the site is more suitable for residential. It really provides an opportunity for some quality new residential homes in close proximity to the coast and is something that would enhance the neighborhood and community.

Staff pointed out that they could place a condition relative to noise on the residential project and they already have that standard condition, which they utilize, but maybe we could add something relative to the quiet zone. Our office has done a number of projects along the railroad tracks and that's an important issue for people building units near the railroad. But when that is disclosed to the buyers appropriately, then it doesn't seem to be an issue.

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

DEPUTY MAYOR SANCHEZ received supportive comments from the public on this matter. This would be compatible with the community and the Planning Commission approved this on a 6-0 vote. She **moved** approval of staff's recommendation [including adoption of **Resolution No. 05-R0140-1**, "...approving an amendment to the land use designation on certain real property located at 301 Cassidy Street (GPA-4-04)"; **Resolution No. 05-R0141-1 (LCPA)**, "...to amend the Local Coastal Program to re-designate the property from high density residential to medium density residential (MDR) at 301 Cassidy Street and to request California Coastal Commission certification of said amendment"; and introduction of an **Ordinance** "...amending the Zoning District Map from commercial professional (CP) to residential medium density (RM-C) for property located at 301 Cassidy Street".

COUNCILMEMBER CHAVEZ seconded the motion. This is right on our new bike path from Carlsbad to the north border of Oceanside and ties into the San Luis Rey River. So this location is great in many ways.

COUNCILMEMBER FELLER stated regarding the quiet zones, we will be having a presentation in May. FRA hasn't approved the legal part of it, but it's easily going to fit into whatever they ultimately do with this property. We're just voting on a Zone Amendment right now. This property was vacant when he first came here and they haven't had a tenant in there more than once or twice in many years. This is the right use for this and it's going to enhance that community.

After titling of the Ordinance, the **motion was approved 4-0.**

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.

15. **City Council: Approval of the Arts Commission FY 2004-06 Workplan**

MEGAN BRADY-CROOKS, Administrative Analyst, acknowledged that we are bringing forward mid-cycle our Workplan; therefore, we did bring forward a proposal to have a 2004-2006 Workplan that we can continue to work on through the next fiscal year as well. She introduced the new Arts Commission Chair, Penny Hill.

PENNY HILL, Arts Commission Chair, is hoping Council will approve of this Workplan. We've tried to keep it short and simple. A lot of our future residents and visitors are impressed by our placement of art about town and the events that we've planned for the City.

DEPUTY MAYOR SANCHEZ thinks the commissioners are doing a great job and she is happy that you are sharing the responsibility of the Sunshine Brooks Theater. The performing arts have become an important piece for the Arts Commission. She **moved** approval of the Arts Commission FY 2004-06 Workplan.

COUNCILMEMBER FELLER asked what the ad hoc committee for Coastal Rail Trail is looking at.

MS. CROOKS responded the Coastal Rail Trail has one art element at the entrance of the Rail Trail itself at Vista Way and that element was brought to the Arts Commission for approval of the design. They are now looking into wrapping up the installation of that and have been in contact with the artist and will be looking at having a ribbon-cutting ceremony along with the installation of that. As we know, the bike trail is currently partially in use already. The Arts Commission is working with staff on that item.

COUNCILMEMBER FELLER asked if that committee is going to continue because there's quite a bit more trail to go.

MS. CROOKS responded that ad hoc committee will come to an end after the installation and opening of that art piece. Staff did confer with the Engineering Department and there are no other elements planned for the trail at this time other than the aesthetics that were incorporated with the landscaping.

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

16. **Request by Councilmember Chavez for a presentation regarding recent sound mitigation measures at the Oceanside Police Department's Multi-purpose**

Training Facility, and possible direction to staff

COUNCILMEMBER CHAVEZ has been visiting the new training facility and there are a lot of great things going on out there, but it's still a concern in the community so he asked for this report as a way to communicate to the community what we're doing.

REGINALD GRIGSBY, Police Captain, stated what we're doing is trying to be in compliance with the Conditional Use Permit (CUP), as well as the City Ordinance and the concerns of the local residents. The multi-use training facility is and continues to be a collaborative effort on the part of the Water Department, Public Works, the Police Department and the Planning Department. The primary purpose of the multi-use training facility is to provide a training facility whereby officers are able to develop and retain job skills that are a critical part of the public safety function. Specifically, we're dealing with issues related to lethal force.

It is very important that not only do our officers go out into the field with the competency to make good rational decisions and deploy their force options in accordance with policy; but it's equally important to insure that the public is protected from officers that may be poorly trained or inadequately trained and equipped.

With regard to how the facility is currently being used, we have taken a number of efforts on our part to try and mitigate the sounds emanating from the range. Obviously the big one is use of the range from 8:00 a.m. to 10:00 p.m. A maximum of 4 officers are permitted to qualify or train at one time on the range. We've limited use of long guns, weapons of high caliber typically associated with the SWAT team or sharpshooters. Sometimes we will use specialized weapons such as light/sound distraction devices, specialized munitions, teargas, chemical agents and things of that nature. Some of the tactics that are typically used by the SWAT team usually are not engaged upon at the training facility there. Outside agency use is very limited, except for in the case of extreme hardships.

We are obligated and committed to maintain the legal standard for sound per the Oceanside City Code and we have done that; sound surveys have proven that. We also make efforts to notify the public whenever we're going to be using weapons or conducting training beyond 6:00 p.m. of the possibility of increased sounds.

Mitigation efforts that we have done to this point are:

- Installed a cover at the impact area
- Placed sound absorption materials on the walls and are researching the installation of trees, cover for firing lines, baffles and other potential measures that would further reduce sound emanations
- We are researching the installation of sound monitoring devices
- We're continuing to ensure that our usage complies with local ordinances and statutory environmental mandates

With regard to the sounds emanating from the range, we have spoken with the independent engineering firm and if the expectation is that the range will never be heard then unfortunately we cannot guarantee that. The range will be heard and according to the sound engineers, further actions with regard to the sound mitigation efforts potentially will have negligible impact, if any impact at all. We're talking about baffles and cover at the range; there would be environmental concerns with regard to ventilation if that were to take place. We're researching that and will come back and report to Council, but we're very limited with regard to those options and their impact. Graphics were used to show various views of the facility and surrounding area.

There are also concerns with regards to whether or not environmentally we'd be able to do some of the sound mitigation. We haven't sat down and had any long-term discussions with Fish & Game or the federal government with regards to putting trees there but there is always a possibility. There is a creek that runs through the middle of the firing line. We cannot walk into that creek or do anything to it without getting prior approval and having a plan that calls for mitigation of it. That creek extends quite a

way back so there are some limitations that we have to deal with in regards to that.

Public input

JIMMY KNOTT, 124 Sherri Lane, stated there are a couple of concerns regarding the noise there. We should look at doing a portrayal of decibel acoustics at various locations. We may want to consider using alternative ammunition, which are environmentally friendly and are lower powered so their decibels are lower. Maybe in the future we could consider the potential of electronic ammunition for training purposes. There is a need for periodic review to be brought back to Council, especially if there are any further complaints.

Public input concluded

COUNCILMEMBER CHAVEZ thinks it's important to highlight that a lot of the communities out there are supportive of the police department and recognize that you need the training with your weapons. He's fully supportive of officers having the confidence in the weapons they are actually using rather than some plastic or electronic substitute.

There are some things we can do. Referencing a graphic of the facility, there are containers right behind the range that act almost like kettle drums so when the rounds are fired the sound goes back and hits those and emanates out. He's had 30+ emails from the neighborhoods surrounding the facility. There is an atmospheric condition called sound focusing where in certain atmospheric conditions the atmosphere has layers so sound can come up and when it hits the layer it will travel across. So it may not seem so loud right next to the range but it will emanate at a greater distance. Maybe the trees are the way to address that with the containers.

We're still shooting metal targets and the value of that is seeing the strike of the round and the reaction to it. When you shoot at a metal target, you not only have the explosion of the weapon itself, but when the bullet hits the target you get a second noise that's a very sharp sound. If we invested in targets that would lessen that but still give the reaction that the officer needs to have confidence in their weapon and strike of the bullet. There are a lot of technologies out there that would reduce that. He recommends that we go away from metal targets and that we fund that.

All of us on the Council have stated that this is not a police issue; this is a Council issue with the community. People moved into this area when there was no training range and then we brought one in, so the Council has an obligation to the community to address the noise. It's not just a matter of what you're hearing, it's a quality of life issue.

He would direct staff to look at trees and the sort of targets and see about those impacts in 6 or so months.

COUNCILMEMBER FELLER asked how far over budget we are on this so far.

CAPTAIN GRIGSBY would not say we are over budget but we have expended all of the funds allocated for this range and have had additional expenditures in efforts to mitigate the sounds. The cover over the impact area cost us in excess of \$50,000. We have added the sound materials to the walls and that was approximately \$7,000. We've had sound surveys which run anywhere from \$3,000 - \$8,000. We've had additional funds spent studying and looking at ways that we could further mitigate the sound. So an amount totaling approximately \$75,000 to \$80,000 has been spent in trying to mitigate this issue.

COUNCILMEMBER FELLER agrees with Councilmember Chavez. He wondered if there was some way to use the kind of sound barriers that they use in on the roads Japan. If it cost \$50,000 to cover that one end of the range, what would it cost to cover the rest of it?

CAPTAIN GRIGSBY responded estimates for a wooden cover over the entire

firing line have been upwards of \$100,000. There have been a couple of issues with that. He doesn't think it would pass environmental muster because a lot of those rounds we use have lead in them and without having adequate ventilation, we would have to deal with proper breathing apparatus, etc. It would be almost cost prohibitive; you'd have to have a ventilation system to deal with that and it would have to pass the test by CalOSHA.

COUNCILMEMBER FELLER thinks we have to figure out how to solve this. He's in favor of giving them the money that it takes to solve it.

CAPTAIN GRIGSBY stated we do enjoy the support of the residents around the range. He lives around the range and can hear the sounds that emanate from it. But it's important for us to also understand that the sound engineers have told us that mitigation measures will have little to no impact on the sounds. As a manager with limited resources, he thinks there are other ways that money could be spent within the police department.

DEPUTY MAYOR SANCHEZ thinks the environmental issues Captain Grigsby was talking about were the health hazards of lead poisoning on those using the facility, so having an indoor shooting range would have a very short life.

CAPTAIN GRIGSBY responded the EPA sets standards, as does CalOSHA, for the amount of lead concentration in the air and having an enclosure over there you would have to have some sort of ventilation that reduces the lead content in the air to an acceptable level.

DEPUTY MAYOR SANCHEZ stated this is an area where we need to rely on the expertise of others. We would not want to compromise the training requirements of the police officers. It seems that you are pursuing avenues and trying to make this better in terms of the impacts on the community. Councilmember Feller had suggested a material that is used in Japan. Whatever technology there is out there, we need to be reasonable about costs and it feels like you are doing that. She hopes staff will continue to make every effort to keep the noise levels as low as possible.

MAYOR WOOD asked how many complaints we get.

CAPTAIN GRIGSBY responded the range went operational in October of 2003 and he is personally aware of approximately 17 or 18 complaints that have risen to his level. That doesn't mean that there haven't been others who have called and spoken to other people in the organization and were provided with a satisfactory answer so they didn't pursue it to his level.

MAYOR WOOD asked if there have been any recommendations from any professionals outside of the department regarding the bounce-off of the towers or the holding tanks.

CAPTAIN GRIGSBY responded we've had some discussion with people outside of the organization with regards to the tanks and they don't think that would be feasible or have much of an impact.

COUNCILMEMBER CHAVEZ stated there is good direction to staff and we're going to continue to work on it.

17. **Request by Deputy Mayor Sanchez for a presentation by the Loma Alta Neighborhood Association (LANA) on the Loma Alta Neighborhood and opportunities for declaring it a Historic District, with discussion and direction to staff**

DEPUTY MAYOR SANCHEZ has attended practically all of the meetings of this group and each meeting there are more people coming to them, including staff. She introduced Greg Root, the Chair of the Loma Alta Neighborhood Association.

GREG ROACH, Chair of the Loma Alta Neighborhood Association, stated the

idea is to call attention to the fact that our neighborhood is unique and historic. Along the way other communities within Oceanside have gained significant relevance and prestige like Fire Mountain, Henie Hills, South Oceanside and Rancho del Oro and for some reason the Loma Alta community was left by the wayside so he took it upon himself.

From the 1940's to the mid 1960's the landowners association within Loma Alta shared in Oceanside's development and had significant impact on Oceanside's decisions and progress. Graphics were used to show the area over the decades and some memorabilia. During those times it was all about the neighborhood, communication within the community and knowing your neighbors. Those are the things we're trying to do now today to make our community a better place.

The goals of the association are to generate awareness for our historic relevance, preserve the single-family character of the neighborhood, enhance our community and enable communication with our neighbors in the spirit of a true neighborhood. He thanked City staff for encouraging developers to meet with our group prior to moving forward with their plans. Thus far, we've received presentations from 6 developers. We've found the developers come to us and say they want to build some stuff in your community and how would you like us to move forward. He acknowledged the developers for taking the time to listen to our concerns. By working together our neighborhood will be enhanced. We are not anti-development; we are for smart development.

One of the developers on a big project that's in the middle of the Loma Alta neighborhood is Hidden Canyon Village; there are 35 apartments there that were once condos and that developer wants to add 35 additional units. As an example of how we will move forward, we created a focus group and looked at, from a very thorough viewpoint, all of the issues associated with that development from quality of life, health and safety, infrastructure, cumulative density and soil erosion. We're putting forth tonight an actual document that we created and we feel that document will be a template that we will use for future developers that want to come into our community and develop. We look forward to Council's feedback on that document.

So far we have created our website lomaalta.org, which is a great way to look at the historical elements within the community and to put some of these historical archival documents up for everyone to enjoy. We recreated our association and elected a President and Vice-President and there are 4 members at large. We established our name and a meeting schedule and we successfully opposed Hidden Canyon Village at the Planning Commission with a signed petition and 85 members who showed up in opposition, which we felt was significant.

ED BURNS, Vice-President of the Loma Alta Neighborhood Association, stated we're an unincorporated non-profit organization registered with the State. We have our tax documents in order and they just need to be filed. We've officially communicated with all of the offices within the City in order to streamline our process in communicating and achieving our goals. We view ourselves as an asset and a partner to the City. We are not an adversary; we're here to preserve our neighborhood.

We've created a new logo and our membership now exceeds 100 and it grows each month. Our meetings are the second Tuesday of every month at the Apostolic Assembly and everybody is invited. We operate to address issues that are affecting our community immediately. We have a broadcast email that goes out to members if there is something of import that needs to be communicated. The Apostolic Assembly where we meet has all of the necessary technology and the developers can come there and put on any kind of presentation they need to.

We have a lot of seniors in our community so we've developed a network with the seniors so they have people they can call. We've had people who have suffered an injury or fall and we provided meals to them for 2 months. One of our neighbors had windows broken in her house and couldn't afford to fix them so we raised money and fixed her windows.

We've worked with Officer Karla Williams from the Oceanside Police Department, who is our sector captain. She's come to many of our meetings. We had issues with mail theft and problem residents in the neighborhood and have effectively dealt with that by presenting a comprehensive plan and dealing with the right people. These are just some of the examples of how we've looked out for people in our community.

MR. ROACH stated our newest project is our monument sign. It's an important component in what we're trying to do. He used a graphic to show a sign that is the exact same as the sign that appears on Mission Avenue in front of the high school except the text is changed from 'Downtown' to 'Historic Loma Alta'. We worked with the City's landscape architect, Brian Grove, to get the design for this and we've worked with Frank Watanabe, who is a strong advocate for placing this sign in the landscaped traffic circle that's going to be built on Barnwell and Corto Street. We look forward to having the traffic circle there to direct and calm traffic. We understand that the density on the periphery is about to grow in a big way and there are going to be a lot more cars coming down the road so traffic calming is the key. So the sign will go in at Barnwell and Corto and we are working with private donors as well as the City for help.

We've had quite a bit of media recognition so far. He's recorded 2 KOCT programs and we've had a great response from the *North County Times* and *Coast News*. We've been receiving recognition from other communities and we're seeing more real estate ads talking about buying a house in historic Loma Alta. Everyone in the community feels strongly that the monument signs are a great idea.

Regarding our Hidden Canyon Village focus group document, he hopes Council will read it and look to that as a template for what they plan on doing. It's a document that is well thought out, well-articulated and represents a large cross section of our community. We've emailed it to the Hidden Canyon Village developers.

DEPUTY MAYOR SANCHEZ underscored that this is the only neighborhood association in the Loma Alta neighborhood so when there are problems, you can go to the meetings on the second Tuesday of each month. Was calling out your boundaries what you intended in terms of requesting the benefits of being declared a historic district?

MR. ROACH responded we feel that the signs should denote our historic relevance by calling it historic Loma Alta, but we don't necessarily want to be declared a historic district unless that's a prerequisite for having 'historic' on the signs. He spoke with members of the Historical Society and ran this by them to make sure this was acceptable before we moved forward. We've also talked to staff in Economic Development and other departments. We feel that because there is such history in this neighborhood, we are a historic community and we are unique. The other communities that existed when this community began are no longer around. To gather and capture the historic relevance of a community is precious and if these things weren't gathered by someone, they could just disappear and all of that history could go away. Very few people know of the Hi Hi Sky Ranch and yet it was a huge piece of our history. If we can let people know about the history of the area, then that's a good thing and it adds to the value of the community.

MAYOR WOOD has been out to this neighborhood association and it's wonderful. All of the neighborhoods throughout the City should learn from you that getting together like this helps you know and help your neighbors and it has a little more power when you want things.

COUNCILMEMBER FELLER asked for a definition of the boundaries.

MR. ROACH responded the boundaries of Loma Alta Association are from Oceanside Boulevard north to Mission, east to Foussat, from Crouch to Foussat and north to Mission Avenue and Mesa Drive and then east to Foussat and Mesa.

COUNCILMEMBER FELLER stated the map goes over to El Camino.

MR. ROACH responded our boundaries stop on the east side of Canyon and on

the west side of Foussat. That's designed by our by-laws for the new association because we wanted to have a large piece of the Loma Alta community and to show the historic boundaries, whereas back when that map was created there were about 26 homes up there. Now our association encompasses about 12,000 homes, according to the City.

COUNCILMEMBER FELLER was aware of the airport being there in the past. He asked if they are hoping to get a new zip code or annex from the City.

MR. ROACH responded no.

COUNCILMEMBER CHAVEZ thinks it's wonderful what you're doing. He hopes to see those signs out there soon. This is great history.

MR. ROACH stated we don't want to put any kind of encumbrances on the community as a result of being classified as a historic district. We want to recognize the history of the community but still allow the individualism of people to modify and build homes. Many new homes are being built in the community and they are very unique. We like that. We wouldn't want to be hamstrung by a historical district designation.

MR. BURNS stated we are not a homeowners association who are railroading people into painting their house a certain color, etc. It's all about the individualism of the neighborhood. There are a lot of large lots and unique individual homes and that's what we're trying to preserve.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD announced the half Ironman this Saturday at the harbor. Pacific Street, which was washed out, has been opened for that event.

We received word that last week the House of Representatives provided \$62,000,000 for North County highway projects. Deputy Mayor Sanchez did a lot of lobbying for that in Washington D.C. with staff. He wished City Treasurer Rosemary Jones a happy birthday. He attended the funeral of Jon Curtis, who used to be the Captain for the Harbor Patrol.

19. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ announced that tomorrow is Lois Longet's funeral.

Tomorrow at St. Mary's School is corned beef and cabbage in celebration of St. Patrick's Day. Friday there is a Vine-to-Glass event at the Dog Out. Saturday morning the Presidents streets community association is having their fence painting activity. March 22nd are the public hearings for the airport land use at the Vista library. March 23rd is a celebration of Israel Briseno's life at Melba Bishop Park. March 25th is the Laurel Elementary Hall of Fame. March 26th are our Easter Egg Hunts at Balderamma Park and Buddy Todd Park. March 30th the Council will be having a workshop on our unreinforced masonry law. We have about 60 historic buildings that are close to 100 years old and our law has a sunset clause that expires this month and we will be working together to see how we can make the buildings as safe as possible.

20. **Councilmember Rocky Chavez**

COUNCILMEMBER CHAVEZ announced the Wine for Art by the Soroptomists on Sunday. He announced the Mr. X and the Treasure of the Reyes that *North County Times* is publishing clues for over the next 7 weeks.

21. **Councilmember Jack Feller**

COUNCILMEMBER FELLER went back to Washington D.C. last week on behalf of NCTD (North County Transit District) and SANDAG and met with all of the legislators

in the County and they were very optimistic about the \$62,000,000 funding for highways and transportation. So money is coming to start Highway 76 to the San Luis Rey Transit Center at North River Road and Vandegrift for \$1,500,000, which is about half of what is needed. Also other funding for projects.

There is a golf tournament for El Camino Wildcat Foundation on April 9th and Oceanside High School has their Casino Night on April 9th.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

22. **Adoption of an ordinance "...of the City of Oceanside amending the text of the "D" Downtown District of the Zoning Ordinance to allow residential uses in Subdistrict 2, to allow heights of buildings to 90 feet with a Conditional Use Permit and to allow food and beverage sales with a Conditional Use Permit within the "D" Downtown District (ZA-200-04)" – Applicant: Pacific Crest Investments, LLC (Introduced 2/23/05, 4-0 vote)**

DEPUTY MAYOR SANCHEZ moved to adopt Ordinance No. 05-OR0142-1.

COUNCILMEMBER CHAVEZ seconded the motion.

Motion was approved 4-0.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission and Small Craft Harbor District Board of Directors at 10:06 PM on March 16, 2005, to a workshop on Wednesday, March 23, 2005, at 2:00 PM.

ACCEPTED BY COUNCIL/CDC/HDB:

Barbara Riegel Wayne
City Clerk, City of Oceanside