



California

ITEM NO. 4

# CITY OF OCEANSIDE

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

FEBRUARY 22, 2012

**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)  
OCEANSIDE PUBLIC FINANCE AUTHORITY (OPFA)  
- REGULAR BUSINESS**

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

**Deputy Mayor**  
**HDB Vice President**  
**CDC Vice Chair**  
**OPFA Vice Chair**  
Jack Feller

**Councilmembers**  
**HDB Directors**  
**CDC Commissioners**  
**OPFA Directors**  
Esther Sanchez  
Jerome M. Kern  
Gary Felien

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

**Treasurer**  
Gary Ernst

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

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

For this regular and joint meeting, the Council sat as all 4 governing bodies [Council, HDB, CDC and OPFA] simultaneously but took action as the respective agency for the jurisdiction covered by each item. Council titles only will be used for brevity throughout the entire meeting.

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:02 PM, February 22, 2012.

**2:00 PM - ROLL CALL**

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern and Felien. Councilmember Sanchez arrived at 2:07 PM. Also present were Assistant City

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

Clerk Trobaugh, Assistant City Manager Skaggs-Lawrence and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:  
Item 2. [Item 1 was not heard]

**CHARLES McVAY**, 200 North El Camino Real, stated when one is telling the truth, they do not have to beat around the bush with misleading information attempting to justify it. The City will hold a special election on Tuesday, June 5, 2012, for Oceanside voters to vote on the deplorable, shameful vacancy decontrol amendment. This dismantles the balance in power between homeowners and park owners that prevents unscrupulous park owners from gouging homeowners with excessive rent. Park owners are guaranteed fair market return on their investment. This amendment is giving all power to the park owner. Councilmembers Kern, Feller and Felien want to hide the true intent of this amendment from Oceanside voters with deceitful, misleading language on the ballot, which reads "allowing space rents to increase to market value". Nothing can be further from the truth. This amendment will be added to Section 1, Chapter 16B.16(e) if adopted, and clearly states "space rent may be increased without limit". If the vacancy decontrol amendment is just and reasonable, as you would have voters believe, why hide the true intent with deceitful, misleading language? Voters have the right to know what they're voting on. He asked Council to be straight-forward and honest, replacing the wording "market value" with "unlimited". It is the moral and right thing to do. Once perpetrators have been exposed, they can no longer be trusted.

**ROBERT MARKLEY**, 200 North El Camino Real, requested a change of the language in the ballot question wording on the amendment to the Rent Control Ordinance from "to market value" to "without limit", which would reflect the true effect of the amendment, if passed.

He warned the members of the Council that if that is not done by the deadline that was proposed by the Sutton Law Firm, there will very likely be a lawsuit coming promptly after the deadline. It's very likely that the Sutton Law Firm would prevail and get attorney's fees, in his opinion.

There is still time, if you feel like you must have public input in making this decision, to have a special meeting with 24-hour's notice. You could have the public input and still beat the deadline.

**SHIELA KADAH**, 5301 Village Drive, stated Councilmembers are supposed to tell the truth. You can't have it just say "fair market value", you have to put the "unlimited" in there because that's the truth. You're supposed to represent the people of Oceanside. In doing this, you're creating a monopoly. When Goleta went to the Supreme Court they won because it does create a monopoly. Word this correctly and do what you're supposed to do for the people of Oceanside.

[Closed Session and recess were held from 2:09 PM to 4:04 PM]

**CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS**

Closed Session to discuss litigation, property acquisition, labor relations and personnel matters

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

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

(WCE), and Unrepresented]

**No closed session held**

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

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

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: Two Cases

**Items discussed; no reportable action**

**4:00 PM – ROLL CALL**

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

**CONSENT CALENDAR ITEMS** [Items 3-11]

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

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
4. City Council: Approval of a purchase order in an amount not to exceed \$79,011 to North County House of Motorcycles of Vista for three Kawasaki Concours Police Motorcycles; approval of a purchase order in an amount not to exceed \$10,010 to Motorola Solutions, Inc., of Chicago for three radios to be installed on the motorcycles; and authorization for the Financial Services Director, or designee, to execute the purchase orders
5. City Council: Approval of a purchase order in the amount of \$63,796 to HD Supply Waterworks of San Marcos for materials for the construction of the South Oceanside Water Main Replacement – Phase 1 project located on Lincoln and South Nevada Streets, and authorization for the Financial Services Director, or designee, to execute the purchase order
6. City Council: Approval of three professional services agreements with Joe's Paving of Valley Center for road repairs in areas damaged by water valve failures and the La Salina Wastewater Treatment Plant pipe failure: **[Document No. 12-D0117-1]** in an amount not to exceed \$18,750 for repairs on North Avenue, **[Document No. 12-D0118-1]** in an amount no to exceed \$14,898 for repairs on Avenida de la Plata, and **[Document No. 12-D0119-1]** in an amount not to exceed \$7,985 for road repairs at the La Salina Wastewater Treat Plant; and authorization for the City Manager to execute the agreements
7. City Council: Approval of a one-year professional services agreement **[Document No. 12-D0120-1]** with California Tree Service, Inc., of San Marcos in an amount not to

exceed \$100,000 for street tree trimming, tree/stump removal services and as-needed extra work Citywide; and authorization for the City Manager to execute the agreement

8. City Council: Approval of a two-year professional services agreement [**Document No. 12-D0121-1**] with TruGreen Landcare of Escondido in the annual amount of \$270,000 for median landscape maintenance services and as-needed repair work; and authorization for the City Manager to execute the agreement
9. City Council: Approval of revised bylaws of the Utilities Commission, and approval of the Commission's FY 2012-2014 Workplan
10. City Council/Harbor: Approval of the Harbor and Beaches Advisory Committee's 2012-2014 Workplan
11. City Council: Acceptance of the Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2011

**DEPUTY MAYOR SANCHEZ** moved approval of the Consent Calendar [Items 3-11].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**GENERAL ITEMS** - None

**CITY COUNCIL REPORTS**

12. **Mayor Jim Wood**

**MAYOR WOOD** had a minor event last week and has some slurring in his speech due to that. He is on new medication to take care of it.

He thanked the U.S. Army Corps of Engineers for letting us know that they received \$1,300,000 for the San Luis Rey project. Also, Phase 2 (channel mowing) is scheduled for this fall.

There was a meeting in Escondido last week of the North County Mayors. We've been working together and looking outside of our city boundaries to see what we can do for our region. One of the things is Carlsbad airport will be adding 70-passenger jet liners from Brazil with California Pacific Airlines. With what's going on with the economy, we're trying to get everything we can into our region.

Kay Kutler from Brother Benno's passed away. She was an important part of our community.

13. **Deputy Mayor Jack Feller**

**DEPUTY MAYOR FELLER** concurred that we will all miss Kay Kutler.

The Mayor, Councilmember Felien and he attended the park opening at Ocean Hills. Their landscaper made a tremendous contribution toward being water independent.

This week is opening day for National and American Little League, along with the Black History week and rededication of signs is at MLK Park and Oceanside Library's Big Read.

He asked the City Manager to take the unsolicited proposal for the library off the table. He's not interested in seeing the proposal come forward and would like to stop it in its tracks at this point.

El Camino High School is looking to go to the CIF Championship again. Coach Ray Johnson now has 709 wins, which is by far more than any others in the State.

14. **Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** attended the SANDAG opening groundbreaking for the Nordahl Bridge improvement in San Marcos, the Sunset Mixer for the Chamber of Commerce on the 16<sup>th</sup>, and an event at MiraCosta College sponsored by the North County African-American Women's Association, in partnership with the Oceanside Library, that honored Lucy Ann Hurston. He attended Bee Hop with ASOP, a school play put on by the second grade class at Nichols Elementary School. He also participated in the Reading Rovers Program at Mission Elementary School. He attended Chairman Ron Robert's State of the County Address and went to the San Diego North Economic Development Council meeting. The most important thing was the workshop he sponsored last week regarding amending the Charter relating to election procedures. Because it wasn't televised, he recapped what happened.

15. **Councilmember Jerome Kern**

**COUNCILMEMBER KERN** attended Supervisor Horn's Prosperity on Purpose, which is similar to the Mayor's conference. Supervisor Horn has a project about working together, beyond the Mayors, that included the education and business communities. It kind of parallels what he's been doing with John McDonald about the Highway 78 collaborative. It seems like we're all working in the same direction now. Within the next 18 months, you'll see North County come together and start going in the same direction when it comes to economic development.

There are as many people who live north of the 56 as live in the City of San Diego, but we keep losing money to San Diego for projects because they're united and get the votes, and we don't. The cities in North County tend to fight each other. A couple of months ago, we lost \$800,000,000 from SANDAG that was slated for North County. Because of Senator Kehoe's bill, the Interstate 5 expansion wasn't going to be as robust as we had hoped, so that \$800,000,000 was freed up. All of that money left North County and went back to San Diego. We need that infrastructure money up here. We can't keep doing what we've been doing and be on equal footing with San Diego and South Bay.

We're working diligently to bring more jobs and more opportunity to North County.

16. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** announced that it's the Girl Scouts' 100-year anniversary.

She attended the grand opening of San Marcos' first house for homeless veterans, sponsored by Fan of the Feather, a new 501(c)(3) organization, that will provide housing for 5 homeless women veterans. She is on the Executive Board of a veteran advocacy support group, and we have been working with and reaching out to the non-profits.

She attended a meeting of the NAACP. She met with Dr. Shirley Johnson and they talked about forming a task force for naming something after Dr. Martin Luther King, Jr. The Mayor was very supportive of that. She had hoped to bring something

today, but we need to take our time in forming this task force and go through the proper procedure.

We will all miss Kay Kutler's hugs. The viewing and rosary is tomorrow, and the funeral service is Friday at St. Mary's.

Regarding the workshop we had, it was not aired and was to discuss potential changes to our City's government. We didn't have a staff report. We had a wish list of 14 items, including a citizen's Charter committee, which she proposed 18 months ago and didn't get support for. For something as critical and basic as our government, we did not get a citizen's committee. We did get a motion, with no debate, and it passed 3-2. It appears the public is again left out. There was no public process. She did state that she'd be gone for 3 days, but Council could have met the Monday before.

The reason for the special meeting that we're having on February 29<sup>th</sup> is not because she asked to wait until then; the direction to the City Attorney was to come today with all of the resolutions so we could get it on the ballot. We have to do it in a hurry or we can't get it on the June ballot. She didn't realize that the train had already left the platform before she even got to this meeting. She is amazed. We deserve better.

She doesn't see how having a primary that's going to cost the City more money, when we don't have it, is the appropriate thing to do. What's going to happen is it's going to cost more for someone to run. It's not going to take just \$50,000; it's going to take \$50,000 times two. That means that in order to be electable, you're going to have to be sponsored by some special corporate interest in San Diego. She doesn't think this is good for our City. There may have been a way of doing this, like having the City pay matching funds to make it easier for citizens to get on Council. We need representation on Council; we don't need just one group of people who are all sponsored by the same corporate interests. She is concerned about this, the future for our citizens, and citizen representation on the Council.

Councilmember Kern made a comment about keeping more money in North County, and we do need to work harder on that. We need to do that together. She's been working on maintaining up to \$100,000,000 that will be available for the Interstate 5 (I-5) widening mitigation. She has seen mitigation funds leave North County because a project is not in a position to be funded. It happened with the mitigation money for Poseidon. Instead of the mitigation funds coming to North County, they went to the South Bay area. We have to work harder to maintain these funds.

In summary, we have another special meeting on February 29<sup>th</sup> in order to consider the resolutions and setting another item on the ballot. Also, she's talked to residents over the years regarding the vote-by-mail ballots, and some residents like going to the polling places and casting their votes. They feel very strongly about continuing to do it the way they've been doing it. We should continue to have the option of how people want to vote, either by mail or going to the polls.

The meeting on February 29<sup>th</sup> is not set to be televised, but she is requesting that it be televised. The public has been left out, and they need to know what we're doing. We're changing our government again. At this point, without any public process, it is being railroaded down our throats. If it isn't televised, then it's just another basis for saying no.

Regarding what Councilmember Feller said about the library, staff was given direction to put out a Request for Proposals (RFP) to outsource the library by three Councilmembers. She and the Mayor said no to that. If his statement is that we are not going to contract out the library, then she is happy. We received a letter from the Association of University Women who took a position against outsourcing the library.

**CITY ATTORNEY MULLEN** stated the issue about the library is not on the agenda, so we shouldn't be deliberating about that item.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in Closed Session: See Item 2 above. [Item 1 was not discussed]

**MAYOR AND/OR COUNCILMEMBER ITEMS**

20. **Request by Council Member Felien for staff to compile a report outlining the projects and financial savings as a result of the City Charter since the adoption of the Charter in 2010, including pending projects that will result in a savings for the City for fiscal year 2011-2012**

**JOAN BRUBAKER**, 1606 Hackamore Road, asked why we need staff to calculate the amount that has been saved, if it's been saved. She's glad to hear that we've saved; that's good. Why do we need to take up staff time to calculate that, especially if you're going to use pending projects? That's counting your chicks before your eggs are hatched. It's possible those pending projects won't yield what is planned for them. She suspects that the record of all of these savings is going to be on some political flyer in the near future. This is a political thing, and we don't need to draw out how much we've saved.

**JIMMY KNOTT**, 127 Sherri Lane, stated normally with contractors, when you're outsourcing, they cut costs. They may actually be shifting costs. You're using taxpayer money, so are you just shifting that taxpayer money to another area. That doesn't save us anything and may actually cost us more by duplicating the administrative costs. We need to do a complete and fair comparative analysis. It affects the commerce and trade for our area because the contractors are normally from outside of the area and buy items from the cheapest source, not necessarily from local suppliers. A local contractor will more likely buy from local suppliers. This may be saving the City budget, but you're not saving the taxpayers a single dime.

**KYLE KRAHAL-FROLANDER**, 570 Hidden Canyon Way, wanted to make sure Council considers all aspects of the costs involved here. The costs that have gone down due to the recession should be included in the analysis. It may be that they aren't significant, but the cost of material has gone down due to the recession, and that should be laid out to take that out from what the prevailing wage and labor costs would be. We should make sure that this is all on board and isn't trying to be used for any political purposes, that we're trying to show what really has been best for the City.

**TERRY JOHNSON**, 169 Mayfair Street, stated a number of years ago, the City was facing a serious financial crisis, just as you are now, and the question was raised whether general law cities could give preference to local contractors regarding any work we needed done within our City. He recalls the answer from our City Attorney at that time was no. He asked if, as a Charter city, we can give preference to local contractors.

**CITY ATTORNEY MULLEN** wants to research that. He thinks it's correct that, as it relates to general law cities, the prevailing opinions have been no. Generally speaking, we do have authority as a Charter city over local contracting. Potentially, you could adopt an ordinance that gives some preference. He would need to comprehensively look into that.

**COUNCILMEMBER FELIEN** brought this up because he keeps seeing and

hearing from the public that the Charter hasn't saved us any money at all. He thinks that's patently false. We had a public records request that challenged Councilmember Kern's correct assertion that the Charter saved us \$1,000,000 in the first three months. This is where we had side-by-side comparative bids made before the Charter was passed that included the prevailing wage requirement; the contractors asked to resubmit after the Charter passed so it would take out the prevailing wage requirement. It was a complete 100% apples-to-apples comparison. He supported the Charter and voted for it on the understanding that we're going to have continuous ongoing contracts for road repair, etc., and that you're going to be saving money any time there would have been a prevailing wage requirement. The requests that you factor out changes in the overall costs of construction are certainly legitimate, and he expects that staff has done that in their comparison.

The basic issue comes down to whether the Charter requirement to eliminate prevailing wage has saved taxpayers money, like the Charter supporters promised. He wanted to get documentation from the staff if we've saved considerable sums so when members of the public hear this canard that we haven't saved anything, they can take that for what it is because we have documented proof to the contrary.

Regarding outsourcing, that's separate from the point he's trying to make here. That has its own pros and cons that need to be debated. This has to do with submitting contracts that the Charter specifically covered, exempting us from the prevailing wage, and it didn't address the issue of outsourcing.

**MICHELLE SKAGGS-LAWRENCE**, Assistant City Manager, stated staff would be happy to put a list together for you. We do not have a presentation prepared this evening.

**COUNCILMEMBER FELIEN** asked if it's correct to say that the Charter saved us \$1,000,000 in the first 3 months.

**MS. LAWRENCE** responded we would need to evaluate the data. She can't say at this point whether that's correct or not. We'd be happy to compile that list.

**COUNCILMEMBER FELIEN** doesn't understand why there's an issue, since he asked for this in a timely manner.

**MS. LAWRENCE** responded we don't have a list prepared for Council tonight.

**COUNCILMEMBER FELIEN** asked if there is a reason it wasn't prepared at his request.

**MS. LAWRENCE** responded it is her understanding that it is in process. It's just not completed.

**COUNCILMEMBER FELIEN** would have preferred to be notified so we could have put this item off.

**MS. LAWRENCE** stated the item was requesting a presentation.

**COUNCILMEMBER FELIEN** may have written it wrong. His intent was to have the presentation, not request the presentation. Maybe there was a misunderstanding as to his agenda item. He was anticipating having a long list of savings that he knows is out there. If this has been interpreted to simply request a long list of savings, he would be happy to treat it that way. A couple of weeks one way or the other doesn't make a difference to his point.

**MS. LAWRENCE** stated we'll put that together.

**COUNCILMEMBER FELIEN moved** to have staff prepare a long list of all the savings that we've had, outlining the projects and financial savings as a result of the City Charter since the adoption of the Charter in 2010, including pending projects that will result in savings for the City for the fiscal year 2011-2012, to be brought back within 30 days.

**COUNCILMEMBER KERN seconded** the motion. Clarified our Charter does not prohibit Project Labor Agreements (PLA), it just does not require them. If a contractor wants to enter into a PLA, that's fine with us. We don't prohibit or require it. Usually they are much more expensive.

Regarding Mr. Krahal-Frolander's comments about the recession, obviously as it becomes leaner, more and more people will bid. The one advantage of having a Charter city and a non-prevailing wage is that you have non-union contractors bidding on the project. Before you might have had 5 contractors bidding, now you might have as many as 12 or 15 contractors bidding on a project. Part of that reduced cost is that you open the market up to more people bidding. The Charter has actually opened the market to more people.

With respect to former Mayor Johnson's comment about local contractors, now we can actually open it to more local contractors. As far as preference, he would still like the lowest responsible bidder because we're here to represent the taxpayer and get the lowest cost per project. Now we have a lot of non-union local contractors that can bid on these projects once they get an understanding of how to come through. About 2 or 3 months ago, we had a workshop that he worked with the Chamber of Commerce on to bring forward how to do business with the City and who to contact.

**COUNCILMEMBER SANCHEZ** pointed out that the Mayor and/or Council Items usually are to ask your fellow Councilmembers to support a motion to have staff bring something back or for a presentation.

She has had the chance to speak with several jurisdictions that include requirements for having prevailing wage. What they're seeing is a mixed bag. They're seeing the bids coming in low, mostly because of the economy, and they're only seeing a handful of companies submitting bids on these RFPs. It's based on materials. They're having less work done because the financial institutions are not releasing the money to builders. In Oceanside, we have a ton of projects that have been approved, somewhere around 40 projects, but none of them are going anywhere. That's not because of what we're requiring. We're talking about private projects, not public projects, where there is no necessity for the developers to require prevailing wage, and yet they're not getting built.

In terms of whether or not we're going to be seeing actual numbers and be able to see objective criteria, she doesn't think we're going to be able to see that. It's going to be, at best, a guess. She'll support this, but staff has a lot to do, especially with the budget just around the corner. She thinks it will be very difficult to say the reason why it looks like the City is 'saving' is because of one provision in the Charter. There are only 2 or 3 provisions in the Charter that we have passed. The opposition won by less than 2,000 votes and those that were against it didn't spend a dime objecting to it. Despite being funded by outside sources, they only lost by a couple of thousand votes. She wouldn't call that overwhelming support for having a Charter.

We still need to have a citizens committee to say what our City government should look like. We haven't ever had a good public discussion about prevailing wage. We haven't had a chance to ask the City's families how this has hurt them or not. We haven't found out whether or not people have lost their homes because of this or whether or not jobs are going to Arizona. We don't know. Are we still going to be able

to receive the same quality from probably less experienced personnel? She's been assured that there will not be a difference in the quality. She hopes we are looking at that. When you start to cut corners and underbid people, you're going to pay for it in other ways. We don't know the impacts, but Oceanside is a major employer, and as such we have a responsibility to our citizens. They count on us to be consistent. Our investment in our community comes back tenfold.

**COUNCILMEMBER FELIEN** stated Councilmember Sanchez brings up a valid point. When you're just comparing gross costs to gross costs, you include all kinds of variables that aren't relevant to the Charter. But it is possible to analyze these projects and get the wage differential that specifically is attributable to the language in the Charter. At a bare minimum, his understanding is Caltrans has a weight scale based on every skillset that would be conceivable that meets the prevailing wage requirement. You simply compare that cost to the cost of the free market wages used on a project. He's not looking for a to-the-penny comparison on every one who picks up a hammer on a project. The savings that are involved here are so large that you can do reasonable estimations. You're talking anywhere from 10%-25% on a specific project, or looking at merely the wage component savings of up to 40%. Those are significant enough that we can get a reasonable estimate and determine whether or not the Charter benefitted the citizens of the City.

**Motion was approved 5-0.**

[Recess was held from 4:58 PM to 5:17 PM]

**5:00 – ROLL CALL**

Mayor Wood reconvened the meeting at 5:17 PM. All Councilmembers were present.

**INVOCATION** – John Lundblad

**PLEDGE OF ALLEGIANCE** – Colleen Foster

**PROCLAMATIONS AND PRESENTATIONS** –

Presentation – Update on roll-out of City's New Waste and Recycling Receptacles  
Presentation – Honoring Ocean's Eleven Casino's retiring General Manager Bob Moyer  
*Off Agenda* - Proclamation – Black History Month

**Presentations were made**

**CITY ATTORNEY ITEM**

21. **City Council: Adoption of a Resolution of the City Council of the City of Oceanside dedicating Mesa Drive between Rancho del Oro and Ivey Ranch Road as the "Dr. Martin Luther King, Jr. Corridor", pursuant to City Council action of February 1, 2012**

Public input

**TERRY JOHNSON**, 169 Mayfair Street, was reflecting back to when Dick Lyon served as Mayor and we all worked well together as a team to do some wonderful things. He is in support of Council adopting the resolution that is before you. When he was a Councilperson, when the Council and the City dedicated the park known as Dr. Martin Luther King, Jr. Park on Mesa Drive. Later when he became Mayor, we had the honor and privilege of being able to hire Roberto Salas to do the sculptures that we talked about earlier tonight. Over the past 20+ years, the City has done an outstanding job honoring and recognizing Dr. King, in partnership with the school district.

Having said that, this City is still facing a very serious financial crisis and he cautioned Council to consider doing anything at this time to rededicate or rename because we have so many other items before us as a City and community. He strongly supports naming a portion of Mesa Drive as the corridor honoring Dr. Martin Luther King, Jr. this will greatly enhance what the City has committed itself to do over the past 20+ years.

**JIMMY KNOTT**, 127 Sherri Lane, agrees with naming a portion, but he'd like to see something grander and on a more appropriate scale. However, there are people in our community that have had an impact on the community, i.e. Bob Maxwell. We need to consider naming the airport after Mr. Maxwell. We should look at naming more things after our important local heroes.

**COUNCILMEMBER KERN** moved adoption [of **Resolution No. 12-R0123-1**, "...dedicating Mesa Drive between Rancho del Oro and Ivey Ranch Road as the "Dr. Martin Luther King, Jr. Corridor", pursuant to City Council action of February 1, 2012].

He stated that there were no public funds used in this. We worked diligently to make sure there were no public funds. There was a public/private partnership. Our Public Works people are working to get these things in place. Naming this section is one thing, but as far as building something in his honor, that's going to have to come from the private sector. We need to reach out to the community and get their support for the plaque or monument, because there is no money to spend on it.

The Bob Maxwell idea was brought forward a few years ago by the Oceanside Airport Association, but it died. Maybe that's something we can bring back and talk to the Airport Association about doing. The FAA kind of rules the airport and what the procedure is. He'd be glad to take that on and see what the procedure would be to rename the airport.

**COUNCILMEMBER FELLER** seconded the motion.

**COUNCILMEMBER SANCHEZ** previously indicated that this corridor is already considered Dr. Martin Luther King Jr. Corridor. She's happy to support this and make it formal. However, we need to do more. We need to put together a task force and find the right structure, whether that's the bridge at the harbor, etc. When she spoke with Dr. Johnson, they talked about naming and then taking time to put money together for an appropriate monument. It will take time and getting out to the public for private donations, but we can do this. We have a formal process for naming parks, but we don't have one for things other than parks. Perhaps we should be coming forward and looking into establishing a process for naming some of our public structures after people who have meant a lot to this City. We have so many people who have done fantastic things in our City. She gave examples of some of those people. We have a very rich history in Oceanside that our children should know about. We also need to continue to celebrate those who continue to do the hard work, many times without pay or recognition.

**COUNCILMEMBER FELIEN** supports this resolution and thanked those who put it all together. This is a wonderful public/private partnership, and it's a wonderful precedent to honor people on our community that are worthy of that type of recognition.

**MAYOR WOOD** asked the Deputy City Manager to explain our past policy.

**MS. LAWRENCE** responded we do have a policy related to specific park and recreation facility naming as identified. The policy outlines the procedure by which one would go about making a recommendation, and it is through the Parks & Recreation

Commission, and ultimately to Council for approval.

**MAYOR WOOD** doesn't want to step on anyone's toes. If we go forward with a task force or committee, we don't want to leave out the Parks & Recreation Commission. There are so many people who deserve recognition that we may not have enough buildings to name them after. Right now we're concerned about the financial aspects. We need to go out and get that money.

**COUNCILMEMBER SANCHEZ** had gone through the policy for naming parks and park structures. Perhaps even the Commission that currently has charge of the MLK scholarship and leadership awards could be worked with and build up this task force.

**Motion was approved 5-0.**

**5:00 P.M. – PUBLIC HEARING ITEMS**

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

19. **CDC: Adoption of a resolution approving an amendment to a Conditional Use Permit (RCUP-11-00001) to upgrade existing telecommunication facilities on an existing commercial office building located at 1155 Sportfisher Way – AT&T – Applicant: AT&T**

- A) Chairperson opens public hearing – hearing was opened.
- B) Chairperson requests disclosure of Commissioner and constituent contacts and correspondence – Mayor Wood and Councilmember reported contact with staff and site; Councilmember Sanchez reported contact with staff, site and tenants. Deputy Mayor Feller reported contact with staff; Councilmember Felien reported no contact.
- C) Secretary presents correspondence and/or petitions- none.
- D) Testimony, beginning with:

**SHAN BABICK**, Associate Planner, stated this item is an amendment to an existing Conditional Use Permit (CUP) to upgrade an existing telecommunication facility located at 1155 Sportfisher Way. The project proposed is a change-out of existing outdated AT&T telecommunication facilities. The project will replace the existing 12 six-foot high rooftop antennas with 12 eight-foot high antennas mounted on a five-foot high antenna support. Six remote radio units will also be installed with the antennas with 2 RRUs for each sector of 4 antennas. The associated wireless equipment will be housed within the interior of the existing building. Computer graphics were used to show before and after pictures.

The existing AT&T communication facilities are approximately 11 feet high above the roofline, and the proposed facility will be an additional 2 feet above the roofline. The antennas will be placed on the rooftop and will be completely screened. The screening material consists of reinforced fiberglass polymer with a louver-type design. It's going to be painted a color that matches the exterior of the building.

Staff supports a CUP for several reasons. One is that the proposed telecommunication facility site location is justified because it's located in the commercial zone on a building that already has had telecommunication facilities on it since 1994. This is part of the AT&T Master Plan. The proposed facility will not be detrimental to the neighborhood in that the facilities have been adequately screened and are painted to match the exterior of the building.

The Radio Frequency (RF) Study indicates that public exposure to microwaves is well below the maximum allowable for federal standards. Specifically, the RF community exposure from all of the carriers will be less than 5% of the maximum

allowable under federal law.

Finally, the associated wireless equipment will be located within the building and, therefore, not subject to public view.

Staff recommends the Commission adopt the resolution.

Applicant

**TED MARIONCELLI**, representing AT&T Wireless, 302 State Place, Escondido, is here to answer any questions the Commission may have.

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

**COUNCILMEMBER KERN moved** approval [of **Resolution No. 12-R0122-3**, "...approving an amendment to Conditional Use Permit (RCUP-11-00001) to upgrade an existing telecommunication facilities on an existing commercial office building located at 1155 Sportsfisher Way – AT&T – Applicant: AT&T"]

**DEPUTY MAYOR FELLER seconded** the motion.

**Motion was approved 5-0.**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

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

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

**JOAN BRUBAKER**, 1606 Hackamore Road, stated when a workshop was proposed a week ago, it was believed a discussion would be made in a truthful, fact-finding fashion. Nothing could have been more distant to this belief than what occurred. This governing body, with 3 members banded together, is determined and organized to gain their own desires. These changes are exactly like the document permitting such actions: the Charter. It was crammed into City government with no vetting by the citizens and little or none by staff, with marching orders to staff for its inclusion on an eminent ballot. The citizens did speak and give suggestions. Urgent requests were given for a thorough review by a committee, and a prudent examination made before it was presented for action through the ballot box. This was not done.

Councilmember Felien had a previously prepared several page document of what City staff orders were to be, even though citizens spoke repeatedly against what he was ordering. She spoke about the special interests that the Council majority panders to. What citizens say at the meeting doesn't seem to matter. This is a travesty. She urged Oceanside voters to think carefully before they mark their ballots in upcoming elections for several years.

**SUZANNA RAY**, 200 North El Camino Real, saw what some may not have had the privilege of seeing last May at the first and second readings of the proposed vacancy decontrol ordinance. This building was filled, and people were turned away by the Fire Department because the number exceeded those allowed. These people came because they recognized that having a roof over their heads depended on something called residency. That residency is given by a park manager. Every mobile home owner is aware of this unique feature of mobile home ownership, but the general public is not.

The public does recognize that what the law is, and how it is exercised behind closed doors, are two different things. Residency in a mobile home park is not defined by any fair housing law. It is defined by a set of criteria put forth by a park owner and enforced by their resident manager. If an elderly resident moves away because they are too frail to live on their own home anymore, that mobile home stands vacant for a certain period of time and then gets rented from the park owner for \$1,200 to \$1,500 per month. Residency is denied for buyers, but allowed for those who rent from park owners. If these kinds of unconscionable practices can take place now with protections in place, you can understand why we fear what will happen to us when vacancy decontrol is unleashed on us. That is why the hundreds came to City Hall last May and asked that she speak on their behalf to ask the public to vote no on vacancy decontrol.

**JIMMY KNOTT**, 127 Sherri Lane, checked with the audio staff and the Council workshops can be broadcast live on the internet. It would be a little bit lower quality than we're used to with KOCT, but the public could have access. He encouraged Council to consider this at your next meeting.

**CHARLES McVAY**, 200 North El Camino Real #148, stated the City will hold a special election on June 5, 2012, for Oceanside voters to vote on the vacancy decontrol amendment. This dismantles the balance in power between homeowners and park land owners that prevents unscrupulous park owners from gouging home owners with excessive rent. Park owners are guaranteed a fair and reasonable return on their investment, thus giving all power to the park land owners. Councilmembers Kern, Feller and Felien want to hide the true intent of this amendment from Oceanside voters with deceitful and misleading language on the ballot which reads "allowing space rents to increase to market value". Nothing could be further from the truth. This amendment, if passed, will be added to Section 1, Chapter 16(b). Chapter 16(e) clearly states "space rent may be increased without limit". If the vacancy decontrol amendment is just and reasonable, as you would have voters believe, why hide the true language and intent with deceitful, misleading language. Voters have the right to know what they're voting for. He asked Council to be straight-forward and replace the wording "market value" with "unlimited". Once perpetrators have been exposed, they can no longer be trusted. Now with the truth out, he urged all Oceanside voters to vote no on this ill-contrived vacancy decontrol amendment. You and you alone will decide our fate.

**EDWARD CALIRI**, Supervisory Border Patrol Agent, U.S. Border Patrol, Imperial Beach, is here to raise awareness of some of the maritime smuggling threats that we're facing. We've all heard about the ponga boats that have landed on our County beaches. As we've gained greater control of our land border, these smuggling organizations have moved out to the maritime realm. He left some flyers and contact phone numbers for the public where people can call if they see something or are aware of something involving this maritime smuggling.

We have a specialized unit out of the Imperial Beach station called the CBET (Coastal Border Enforcement Team) Unit. They are unmarked units in plain clothes who work the coastline along with your local agencies through Operation Stonegarden. We're working closely to address this threat. We're seeing a trend. Since we've become more effective, these ponga boats are not hitting San Diego County, they're heading up to Los Angeles County. We believe these smuggling groups are meeting pleasure craft out at sea, maybe a yacht or sailboat, and transferring drugs or human smuggling into a boat and coming into our beaches, bays and harbors. We're addressing that threat through the Coast Guard. If you see a ponga landing on the beach, please call 911 and we will show up as soon as your Police Department lets us know.

**ROBERT MARKLEY**, 200 North El Camino Real, Vice-President of ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods), stated the ballot issue wording, as adopted by the Council, is false and misleading. For weeks we have been demanding that you remove the words "to market value" from the ballot question and

February 22, 2012

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

replace them with "without limit", which would be a true description of the effect that the amendment would have. It would allow park owners to raise the rents to whatever they want it to be. Voters have a right to know what they're voting on. People should just vote no on the vacancy decontrol ballot issue.

**INTRODUCTION AND ADOPTION OF ORDINANCES** – None

**ADJOURNMENT**

After a moment of silence for Kay Kutler, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 6:26 PM on February 22, 2012, to a special meeting on February 29, 2012, at 4:00 PM.

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

---

Barbara Riegel Wayne  
City Clerk, City of Oceanside