



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

MAY 16, 2012

REGULAR MEETING 2:00 PM **COUNCIL CHAMBERS**

**2:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL),
HARBOR DISTRICT BOARD OF DIRECTORS (HDB), AND
COMMUNITY DEVELOPMENT COMMISSION (CDC)
OCEANSIDE PUBLIC FINANCE AUTHORITY (OPFA)
- REGULAR BUSINESS**

Mayor
HDB President
CDC Chair
OPFA Chair
Jim Wood

Deputy Mayor
HDB Vice President
CDC Vice Chair
OPFA Vice Chair
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 2:01 PM, May 16, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern, and Felien. Councilmember Sanchez arrived at 2:02 PM. Also present were Assistant City

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

May 16, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

[Closed Session and recess were held from 2:01 PM to 4:01 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

Item discussed (OFA and OFMA); no reportable action

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

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

No closed session held

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:01 PM. Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez, Kern and Felien. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-18]

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: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission, City Council, and Oceanside Public Financing Authority of the following meetings:
 - April 20, 2011, 4:00 p.m. Regular Meeting of the City Council/Harbor/CDC
 - January 10, 2012, 9:00 a.m. City Council Special Meeting
 - January 18, 2012, 2:00 p.m. Regular Meeting
 - January 31, 2012, 2:00 p.m. City Council/CDC Special Meeting
4. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)

5. City Council: Approval of Amendment 1 [**Document No. 12-D0308-1**] in the amount of \$50,000 (\$25,000 annually for a two-year period) to the Print and Distribution Agreement with Infosend, Inc. of Anaheim for the printing and distribution of utility billing documents, adding to the scope of work the printing and distribution of business license documents; and authorization for the City Manager to execute the amendment
6. City Council: Approval of Amendment 1 [**Document No. 12-D0309-1**] in the amount of \$12,000 to the Professional Services Agreement with Citation Management, a division of Professional Account Management, LLC, a Duncan Solutions Company for the processing of parking citations, for scanning of administrative reviews and related correspondence and clarify billing and payment terms; and authorization for the City Manager to execute the amendment
7. City Council: Approval of Amendment 1 [**Document No. 12-D0310-1**] to the Purchase and Sale Agreement with R.D. Olson Development, a California corporation, to adjust the purchase price of the property located at the northeast corner of Oceanside Boulevard and Rancho del Oro Drive; and authorization for the City Manager to execute the amendment
8. City Council: Approval of Amendment 2 [**Document No. 12-D0311-1**] in the amount of \$29,013 to the professional services agreement with O'Day Consultants for engineering design and construction support for the Mission Avenue Widening at Valley Heights Drive project, adding to the scope of work additional design work, and geotechnical observation and testing services for the project; and authorization for the City Manager to execute the amendment
9. City Council: Approval of Amendment 2 [**Document No. 12-D0312-1**] to the CPI Property Lease Agreement with Hobie Cat Company for a portion of the City-owned premises located at 4925 Oceanside Boulevard, increasing the square footage of the premises and increasing the minimum annual revenue from \$564,003 to \$616,409; and authorization for the City Manager to execute the amendment
10. City Council/Harbor: Approval of Amendment 3 [**Document No. 12-D0313-1**] in the amount of \$160,084 (\$80,042 annually) to the professional services agreement with The Ferguson Group of Washington, DC, for federal legislative support services, extending the term of the agreement from June 30, 2012, to June 30, 2014; and authorization for the City Manager to execute the amendment
11. City Council: Approval of Amendment 3 [**Document No. 12-D0314-1**] in the amount of \$55,252 to the professional services agreement with Lance, Soll & Lunghard, LLP, which retained the firm as the City's auditors for the fiscal years ended 2010, 2011, and 2012, adding to the scope of work the preparation of the Annual Street Report for the fiscal year ended 2012 as requested by the City, and extending the term of the agreement from June 30, 2012, to June 30, 2013; and authorization for the City Manager to execute the amendment
12. City Council: Approval of a ten-year percentage lease agreement [**Document No. 12-D0315-1**] with Chil Nae No, dba The Tin Fish for the operation and improvement of the building premises and pier plaza area located at 302 N. The Strand, for a minimum revenue in the amount of approximately \$360,000 for the ten-year period plus a percentage of gross sales; and authorization for the City Manager to execute the agreement
13. City Council: Approval of a ten-year property use agreement [**Document No. 12-D0316-1**] with the Women's Resource Center for the operation of the Transitional Housing Project at 1963 Apple Street, with benefit to the City in the form of programs, services and activities provided; and authorization for the City Manager to execute the agreement

14. City Council: Approval of revised by-laws [**Document No. 12-D0317-1**] for the Arts Commission to amend Section 3.5 Election to allow officer elections to be scheduled as needed, and Section 4.1 Regular Meetings to allow regular bi-monthly meetings, returning to quarterly meetings if there is not sufficient Commission business; and approval of the Arts Commission FY 2012-2014 Workplan [**Document No. 12-D0318-1**]
15. City Council: Adoption of **Resolution No. 12-R0319-1**, "...establishing certain traffic controls within the City of Oceanside", stop controls on Windward Way at Nevada Street
16. City Council: Adoption of **Resolution No. 12-R0320-1**, "...establishing certain traffic controls within the City of Oceanside", at the intersection of Ocean Ranch Boulevard and Corporate Center Drive
17. City Council: Adoption of **Resolution No. 12-R0321-1**, "...establishing certain traffic controls within the City of Oceanside", on Weitzel Street at Washington Avenue
18. City Council: Adoption of **Resolution No. 12-R0322-1**, "... approving the Final Map of Hi Hope Ranch" project, a 93-lot residential development located on 76 acres at the northwest corner of Highway 76 and Melrose Drive, and authorize the City Clerk to record the Final Map with the San Diego County Recorder

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar [Items 3-18].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

General Items are normally heard after any 5:00 p.m. Public Hearing Items. However, if time permits, some General Items may be heard prior to any 5:00 p.m. Public Hearing Items, following the Consent Calendar.

19. **City Council: Introduction of an ordinance establishing prima facie speed limits upon various segments of College Boulevard, El Camino Real, and Vista Way**

DAVID DIPIERRO, City Transportation Engineer, stated that speed limits in California are governed by the California Vehicle Code. He used computer graphics to show standards that the City follows in setting speed limits.

Before posting a speed limit sign on a City street, we first need to determine if the street requires a speed survey be performed. To determine this, we refer to California Vehicle Code 40802, which states a local street or road is one that is functionally classified as a "local" on the California Roadway Systems (CRS) Map that are approved by the Federal Highway Administration and maintained by the Department of Transportation. CRS maps distinguish between local, collectors and arterials. All roads other than local require an engineer and traffic survey to be conducted to justify the posted speed limit.

We are also required to follow the basic speed law, California Vehicle Code 22350, which states no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent, having due regard for weather, visibility, the traffic on and the surface and width of the highway, and in no event at a speed which endangers the safety of persons or property.

Setting of speed limits requires rational and defensible determination, which we

realize by using the 85% speed rule, defined as that speed at or below which 85% of the traffic is moving. Speeds higher than the 85% are not generally considered reasonable or safe, and limits set below the 85% would not facilitate the orderly movement of traffic and would create violators of the majority of the drivers. When a speed limit is to be posted, it shall be established at the nearest 5 mile per hour (mph) increment of the 85%. In situations where there are conditions not readily apparent, the speed may be reduced by another 5 mph. There are 3 conditions: traffic collision history, based on the Statewide collision history; pedestrian and bicycle safety, where there are no sidewalks and there is a high pedestrian volume in the street; or residential density, which defines 13 homes on one side of a street within a quarter mile.

A computer graphic showed the 9 street segments where we're looking to adjust the current posted speed limit. The table shows 6 segments that have a higher accident rate than the statewide accident rate. Based on our survey, we're showing 3 segments that we're asking to increase the posted speed limits on. There are 2 segments where we're looking at decreasing the posted speed limit; 1 segment that currently does not have a posted speed limit and we're asking to put one in; and there are 3 segments where we want to keep the posting the same, just the limits on the road have changed.

COUNCILMEMBER SANCHEZ was hoping to get more of a uniform speed limit so they don't change so much, especially on College and El Camino Real. She believes there are more than 4 accidents on Vista Way, and she's happy to reduce the speed to 30 mph. As to El Camino Real and College, she wanted to make sure the change in speed limit is clearly posted so people will know which speed zone they are in.

MR. DiPIERRO responded yes. Going back to Vista Way, that 3.55 accident rate is per vehicle million miles, so it's not the number of accidents. It's a high number and certainly high compared to the California Statewide accident rate. We are able to reduce that speed by another 5 mph.

As far as examples of College Boulevard, where we're increasing the speed limit from 35 mph to 40 mph that used to be a toll bridge that has been taken out since the last time a speed survey was done. We're actually reducing it from Adams Street to Highway 76 from 50 mph to 45 mph. It's only 5 mph increments. Again, it's based on the 85% speed. The way the law is written is we're required to do speed surveys every 5 years. If the police department ends up doing their calibration and they have their training, we can extend it another 2 years to 7 years and then if the conditions haven't changed, we can go another 10 years.

COUNCILMEMBER SANCHEZ stated safety is number one and uniformity would have been nice to achieve with public safety being number one. She would move approval but her concern is that we continue to monitor this so that we don't see a rise in tickets because it doesn't seem to make sense. Hopefully, that won't happen and people will get used to the different speeds. Do we have a time period where you aren't going to ticket people until they get used to the different speeds?

MR. DiPIERRO would have to read the law on that. It's going to take time for us to change out the speed limit signs, and then there might be a grace period. It's probably up to the police department.

After titling of the ordinance, **COUNCILMEMBER SANCHEZ moved** approval for [introduction of an ordinance establishing prima facie speed limits upon various segments of College Boulevard, El Camino Real, and Vista Way]. She would like to insure that our residents have time to get used to the new speeds. This is a public safety issue, and that is our biggest concern.

COUNCILMEMBER KERN seconded the motion. College Boulevard between Adams and North River Road is usually stopped because of the Marine base traffic, so the speed limit is probably 5 mph effectively.

He complimented staff for the radar feedback sign on Douglas Drive, which seems to have slowed the traffic down. He's in agreement with all of these. We need to align our speed with what the roads call for.

Motion was approved 5-0.

20. **City Council: Approval of a two-year professional services agreement with Rancho Del Oro Landscaping of Oceanside in the annual amount of \$225,000 for trash removal, weed abatement, landfill maintenance services, and as-needed emergency work as a result of accidents, storms, etc.; and authorization for the City Manager to execute the agreement**

KIEL KOGER, Public Works Division Manager, stated in an effort to identify potential cost-savings and reduce the budget through privatization, staff solicited proposals from qualified private companies in December of 2011 to provide these services. These services are currently performed by City staff, which consists of 4 employees and includes trash and weed removal along the City right-of-way, debris collection to support street sweeping operations, removal of illegal dumpsites, weed abatement of City-owned parcels, installation of erosion control measures, repair of methane gas extraction lines at 2 closed landfills. Other duties include emergency response to accidents and storms.

Five private companies submitted proposals, and Rancho del Oro Landscaping was ranked first and was also the low bidder. Staff compared in-house costs versus contractor costs to see if outsourcing was cost-effective and found it more cost-effective to contract out these services for an annual savings of approximately \$107,000. A computer graphic showed the breakdown of City staff costs by employees, vehicles, equipment, tools, etc. that they currently use to do their job (roughly \$332,276) and the breakdown of the contractor's costs to do the same work (\$225,000). We also have a couple of internal service charges for building rent, debt service and general administration allocation. These internal service charges are fixed and will continue to be charged for the program, not providing any additional savings to the City.

The sole benefit of outsourcing this program is cost-savings. The possible drawbacks associated with outsourcing are reduction in the level of service to the community by not meeting citizen expectations, reduction in emergency response time and the need to train current employees who exercise their retreat rights, which will create efficiency issues throughout many programs in the Public Works Department. The privatization of these services will not result in any savings to the General Fund as this program is supported by the Solid Waste Disposal Enterprise Fund, which is funded by rate-payers. However, there will be a reduction in City staff and a long term reduction in pension costs, which has been a stated Council goal. Outsourcing of this program will eliminate 4 City employees.

The professional services agreement is for a term of 2 years starting July 1, 2012, for the base agreement price of \$220,128. Included in the agreement are guaranteed unit prices for emergency work the City may request, which could potentially increase the agreement value to \$225,000 per year. Staff recommends that Council approve this agreement.

Public input

CHIP BRUST, 846 Rivertree Drive, is President of the Oceanside City Employees Association (OCEA) and has been a City employee for 23 years, 21 of which have been in the waste disposal division. His primary job is the day-to-day operation and maintenance of 2 closed landfills the City owns and operates and the day-to-day operations of the waste disposal crew. He asked Council to seriously consider what the

savings to the taxpayer is for contracting out the right-of-way maintenance crew. Four of the gentlemen are in the audience today, and he's worked with them for over 15 years. We have many tasks that we handle and respond to daily. We have 18 routes that we maintain throughout the City two times per month. They are broken down into 2 zones: the downtown corridor and the east corridor.

In addition to the 18 routine routes that are maintained, we respond to citizen complaints ranging from abandoned shopping carts, palm fronds, pine needles, furniture left in the City right-of-way, weed abatement, trash abatement, hazmat spills, large item removal from alleys, illegal dumpsites and any special projects that we are assigned to.

In addition to the day-to-day operations of the waste disposal crew, we are involved in assisting the street sweep operations as it relates to the downtown sweep and loading all sweep material for Waste Management to haul. The savings to the taxpayer for the services that this crew provides the City and the residents calculates out to approximately 18 cents per month. Is it worth eliminating 4 positions to save 18 cents per month on your utility bill? Additionally, eliminating these 4 positions would have a catastrophic effect on the rest of the department when these employees exercise their bumping rights. Is \$107,000 annual savings from an Enterprise fund going to help balance the General Fund budget? These are a few of the things he is asking Council to consider before making a decision today.

CHESTER MORDICINI, President of Teamsters Local 911 and the Business Agent for the OCEA bargaining unit, stated he is against this item, which is the outsourcing of right-of-way trash removal, weed abatement and landfill maintenance services. There will be 4 employees impacted by this outsourcing. These 4 employees keep the right-of-ways clean for the discarded debris, weed abatement and landfill maintenance, but they are also available to help other crews when needed, which happens quite a bit. With a contractor, you will lose that flexibility.

The 4 current employees are senior employees who will bump down to displace other younger employees who have been trained to perform their work functions. When these employees are laid off, the City will lose the resources already spent on training and recruiting these employees. Once the bump-down starts, it will have a domino effect that will cause further reorganization of current work crews. Once you lose these 4 positions to a contractor, you will no longer have the flexibility to send one of these employees to cover landfill maintenance duties or any other assigned duties that may be required.

Outsourcing these functions will reduce the Public Works man hours by 8,320 hours per year, based on a full-time equivalent being worth 2,080 hours. This proposed outsourcing makes no sense as the 4 positions are part of an Enterprise fund that generates its own revenue stream from the monthly waste disposal/household billing each month. Finally, the projected savings for these 4 positions is 18 cents per month per household. This saves no money out of the General Fund, which is where the City is projecting a budget deficit.

He asked Council to take a leadership role and support your City employees by rejecting this proposal to outsource this function. OCEA has done a lot to work with Council on pension reform and other areas where it makes sense to outsource. We've reorganized our work crews. Our employees are dedicated. Please don't take away the flexibility to help one another by losing another 4 employees.

JIMMY KNOTT, 127 Sherri Lane, asked Council and the City Manager to allow the effected employees to negotiate for their jobs. He did not hear any type of negotiation for the employees. In numerous cities they have respect for their employees and have allowed them to negotiate for their positions when they find it necessary to outsource their jobs. This action shows a lack of respect for our employees.

Public input concluded

COUNCILMEMBER KERN moved approval of staff's recommendation to outsource the professional services agreement for trash removal, weed abatement and landfill maintenance services. We get an immediate cost savings of \$107,000, and it doesn't matter if it's General Fund or Enterprise Fund, its ratepayer dollars. We're here to protect and represent the ratepayers.

The one goal that Mr. Koger hit on is our long-term PERS obligation, which is a General Fund item, too. Our unfunded liabilities keep rising so our payback on this over a period of time is going to be quite substantial, more than \$107,000. We need to start getting a handle on a lot of these things. He respects the employees but has a philosophical problem with saying a public employee is better than a private employee. Both can be dedicated and do the job. We're here to advocate for the taxpayers and ratepayers, save money and try and get our budget under control. The State is now \$16,000,000,000 out of whack. They're probably going to come back to us and ask for money out of our Economic Stabilization Fund within the next 2 years. We're going to have to start building that fund back up because the State's going to grab it, just like they grabbed all of the affordable housing money. We need to control our own destiny on our own time, and every little bit helps.

COUNCILMEMBER FELIEN seconded the motion for discussion.

COUNCILMEMBER SANCHEZ stated this is not a General Fund item, and we are as a City, as a whole, working on addressing our pension issues. It wouldn't be fair to take it out on 4 employees. The staff report does talk about the drawbacks: reduction of level of service to the community by not meeting citizen's expectations, reduction of emergency response times and the need to train current employees who exercise their retreat rights. Also, as employees they stand ready and able to assist with other duties. We're not going to see that with a contract. She doesn't believe in this situation that contracting out is the right thing to do. We've been working on fixing our pension issue, which is universal, and it is not fixed by eliminating 4 employees.

When people call and need assistance right away, our employees go. We have control over that, much more control than we would have with a contract. This isn't the right thing to do at this time. As employers, we have responsibilities to our community, and this ends up having an effect that goes beyond just the 4 employees. This goes into the economic condition of our community. We're talking about residents who need to pay bills and if they don't, may even lose their homes; that is bad for the community. It is a ripple effect that we as employers need to be mindful of. This is not going to impact the General Fund, so we shouldn't jump on this now. She agrees that we need to talk to our employees as Mr. Knott stated, and we need to look beyond these 4 employees in trying to fix our pension issues. She can't support this.

COUNCILMEMBER FELIEN stated in terms of the fully burdened rate of costs you show \$290,000. Does that include any allocation of the unfunded portion of our pension liability?

MR. KOGER responded no.

COUNCILMEMBER FELIEN stated if we actually included the unfunded portion the amount would be much larger. That's the point here. We're not even including the full costs of the impact on the City. The issue isn't the dedication of the employees to their jobs, or their performance, it's an issue of the box the State has put us in. CalPERS, which is controlled by public employee unions, has lied to the legislature, their members and taxpayers. We have a massive pension bubble that's growing and CalPERS doesn't give us any flexibility as a City to address these issues. We have no option to say that new employees can be on one plan or be off of CalPERS on a 401(k),

and the existing employees can be unaffected. The only flexibility we're given is not to have City employees. In order to avoid financial catastrophe, we have to follow the only option that CalPERS opens up for us. This is the price of making promises that can't be kept.

Unfortunately, CalPERS tells their employees they can receive pensions that are mathematically unsustainable and can never be delivered. They then lie to taxpayers about what the true costs of the pensions are going to be. To show how obvious that is, they come to taxpayers and use a discount rate of 7.5%. There's no contractual obligation to that rate or any performance that they're obligated to perform. Yet, when we want to deal with real money, if we wanted to buy out of CalPERS and go to some other pension plan, we're charged 3.8%. There's no private sector company anywhere in America that gets to use one rate of return when they're computing their benefits for their employees and they get to use another rate of return when they're filing their reports with the SCC. The City is forced to deal with that issue.

The cost difference that was here doesn't even cover the true costs. The City has to do what we have to do. We're here to do the best we can under the circumstances we're put in to defend taxpayers. We need to privatize to make sure that we're not going to keep cutting services because our revenues are flat for the foreseeable future. The State is going to be imposing who knows what burdens on us to make up for their fiscal incompetence, so we need to do what we need to do. He supports staff's recommendation.

DEPUTY MAYOR FELLER noticed the back-up stated that this amount could be significantly reduced due to additional budget cuts, and the contractor has agreed to unit prices for all services. He asked for an explanation of that.

MR. KOGER responded if we decided we only want to have these guys work 20 hours a week instead of 40 hours a week, they've given us rates so we can bill 20 hours a week as opposed to 40. The \$225,000 is 4 guys working 40 hours a week. If there was some reason we wanted to change that, they've given us rates that we could use.

DEPUTY MAYOR FELLER asked if we can do that with our own employees.

CITY MANAGER WEISS responded at this time no, not without converting them to either part-time unbenefitted or hourly extra help.

DEPUTY MAYOR FELLER asked if the internal charges go on if nothing goes in the building.

MR. KOGER responded we still have to pay the internal service charges. If we were to take the space and rent it to someone else, we could get the money back. Otherwise we have to pay for it.

DEPUTY MAYOR FELLER stated there isn't much difference between their base agreement of \$220,000 and \$225,000. He doesn't understand that.

MR. KOGER doesn't anticipate a lot of emergency work. We don't have a ton of it throughout the year, so we just bumped it up a little bit to cover any emergency work. Emergency is paid for out of several different programs, so if we have a tree go down in the middle of the night it would be billed to a tree program.

DEPUTY MAYOR FELLER asked if picking up the palm fronds on Coast Highway comes out of this.

MR. KOGER responded it could. It could come out of several different programs. If we have a storm on a Wednesday night and we're picking up palm fronds on Thursday morning, that's not extra work. They're already here working Monday

through Friday. If it happens on a weekend then we have to pay for extra work.

DEPUTY MAYOR FELLER asked if they get a CPI (Consumer Price Index) increase.

MR. KOGER responded the first 2 years will be the \$225,000 a year and then there are 2 possible one-year extensions after that where we would apply a CPI increase.

DEPUTY MAYOR FELLER asked who is going to do the landfill maintenance. Isn't there something involved with the landfill other than just maintaining it? Don't we take readings?

MR. KOGER responded we take readings. Most of the work out there is landscaping or keeping the soil capped, but there's also readings that we're required to take quarterly. There's a flare station that burns off methane gas that we have to maintain.

DEPUTY MAYOR FELLER thinks we're just nickel and diming what really is the problem. Other cities are doing things like furloughs, pay reductions across the board, etc. He wants to go that direction rather than this direction. He's hoping, through our negotiations, we can go that way. These are good people who are employed here. He's not ready to change this with these 4 people when everybody wants a job. Hopefully our budget will be balanced in the next couple of weeks, and this doesn't change anything as far as that. The two-tier system that we're putting in place for all of our employees is going to make a considerable difference down the road as well. In the meantime, we need to work on this budget cutting by attempting to furlough, reduce days or pay cuts.

CITY MANAGER WEISS stated staff in the library have voluntarily furloughed. At this point, the contract that is in place that affects most of these employees is not up for negotiation and won't be for some time. The ability to look at furloughs or across-the-board pay reductions wouldn't be available until 2013 or 2014.

DEPUTY MAYOR FELLER asked if we have City management that did take pay reductions.

CITY MANAGER WEISS responded yes.

DEPUTY MAYOR FELLER would like to see the entire City staff do that.

COUNCILMEMBER KERN stated we can't do furloughs because we can't negotiate the contracts. This pie-in-the-sky, someplace-down-the-line idea that we're going to be able to change isn't going to happen. We have the ability to save the taxpayers \$107,000 tonight. That's our responsibility, to save them the \$107,000. We have to start somewhere, especially with our unfunded liabilities and our PERS requirements. We have 2 more on the agenda tonight and if that's going to be Deputy Mayor Feller's attitude that we're not going to try to save money immediately and have some pie-in-the-sky furlough thing 2 years from now, we don't even need to bring those up. We're here on behalf of the taxpayers and ratepayers to save money, to deliver services at the most economical cost. \$107,000 doesn't sound like much, but the people at home don't want to keep writing that check. It's our responsibility to deliver services and maintain a level of service at the most economical cost. We're struggling to balance our budget and we're going to struggle for the next few years. If over the next 2 years we can save \$107,000 in each one and then reduce the long-term PERS unfunded obligation, we need to do that. That's what's killing us. He has nothing against these 4 people, but we have a responsibility to the people who put us here to help them.

DEPUTY MAYOR FELLER didn't give them pay raises either the last time

around, and that contributes a lot more than this \$107,000.

MAYOR WOOD hears 2 sides of this story. The State caused this for us. On the other hand, we provide services as a City and that's what people pay taxes for, to have those services. We've outsourced people in the past, and they're not as reliable. He's not saying they aren't good, but they're paid to work certain hours and aren't necessarily available 24/7 like an employee is. They want to save money by cutting and outsourcing people, but they've also been told ways to do it where we don't have to cut budgets and we can keep our employees. The Council majority doesn't want to listen to that. He took a hit when he brought up the half cent sales tax. That's a no-no, but with a half-cent sales tax we wouldn't have to lay anybody off. He's frustrated. These are good people, and it's hard to look at them and say let's cut their jobs and hire somebody from the outside who may or may not do as well. It's about money. We cut over 100 last year and 40+ this year, and we don't even have a receptionist to answer people who come in the door for Council. This isn't a good idea.

COUNCILMEMBER FELIEN thinks Councilmember Kern made a point that we're establishing a principle on this item that's going to determine how the other ones go. The issue we have to recognize is the massive unfunded pension bubble that keeps growing. If we try the idea of trimming a little here and there, then we're going to keep raising taxes and ambulance fees because no one wants to make a hard decision to bring costs under control. That's never going to be a solution; it's a temporary Band-Aid. He ran for election to try and find solutions and not just kick the can down the road for someone else to deal with. If we stay in the current model, you either pay more and more money for the same services or you pay the same money for less and less services. The only option that gives you the possibility of paying the same money for the same services is outsourcing functions to get out from under the massive CalPERS pension bubble that grows and grows until we address it. This is the first step. It's time for Council to have the courage to take a step forward in the right direction.

Motion failed 2-3; Wood, Sanchez and Feller – no.

MAYOR AND/OR COUNCILMEMBER ITEMS

39. **Request by Mayor Wood to rename the City of Oceanside's Beach Community Center to the Junior Seau Beach Community Center and Amphitheater, waiving Council Policy 100-55 and the two-year waiting period listed under "Individual Criteria", in recognition of Junior Seau's many contributions to our City and especially to the youth of Oceanside**

MAYOR WOOD stated it would be an understatement to say that the death of Junior Seau wasn't a national, if not worldwide, event. He was an icon in Oceanside and did a lot for the Junior Seau Foundation, especially with the youth in the area. This is the first Council meeting after his death, and it's appropriate. Although many things have been suggested as a memorial to Junior Seau, the family would really like to have the Beach Community Center and the Amphitheater, that hold many Samoan events, named after him.

He **moved** [to rename the City of Oceanside's Beach Community Center to the Junior Seau Beach Community Center and Amphitheater, waiving Council Policy 100-55 and the two-year waiting period listed under "Individual Criteria", in recognition of Junior Seau's many contributions to our City and especially to the youth of Oceanside].

COUNCILMEMBER SANCHEZ seconded the motion. The City was honored with the attendance of so many people paying their respects to the Seau family for the passing of such a wonderful and gifted member of our community. Junior gave so much to this City. He gave his greatness to us and to our youth. He was the greatest hero of our generation. It is proper to honor him in this way so we can all pay our respects and remember the greatness of this man, who will continue to live in our hearts. She

suggested doing the dedication on July 7, 2012, which is the beginning of the Samoan Sister City festivities.

COUNCILMEMBER KERN stated we have this policy for a reason, so we don't act in an emotional way. He has no problem naming the Beach Community Center and the plaza after Junior Seau. His problem is the Amphitheater, because down the road we are trying to bring in a public/private partnership on that. Whoever comes in with the money to help rebuild it may want naming rights. He is worried that a few years down the road we'll have difficulty changing that name. If we just hold it to the community center and plaza that would be appropriate. We need to look long-term at the idea that we're trying to do something with the amphitheater and trying to attract a private investor to help us, and that may involve the ability to have naming rights if they put in a significant amount of money. He asked the Mayor to amend his motion to not have the amphitheater at this time.

COUNCILMEMBER FELIEN was honored to attend the memorial, funeral and celebration that took place at Charger's Stadium. Junior Seau and Oceanside go together. The Mayor is correct in wanting to bring some recognition. He asked the City Manager to comment on Councilmember Kern's issue. Is it the goal of the City to get a partnership where naming rights might be an issue in determining the amount of revenue the City is likely to get from that type of partnership?

CITY MANAGER WEISS responded Council went through a public process several years ago to look at the entire waterfront improvements. At that time, the amphitheater and converting it into a more current performing arts center was a high priority for Council. Unfortunately, with the Redevelopment changes, Council will not be able to fund those improvements at this time or for the foreseeable future. One of the options that was discussed back then was to look at outside funding sources that would also include naming rights. That would help underwrite the cost of renovating that amphitheater. At this point, we have no immediate plans to do that, based on Council's recommendations and looking at the parking structures on Mission Avenue. As money becomes available, the restrooms will be the priority. He doubts we would see any significant input with regard to the amphitheater until such a time as the hotel were to come in. At that point, it's realistic to expect that we would need to do something with that amphitheater because its current situation does not provide adequate performing arts venues, so there were improvements that were going to be done. One of the ways to do that is to allow someone to come in and underwrite those costs for naming rights.

COUNCILMEMBER FELIEN stated in view of that, he would lean toward Councilmember Kern's suggestion that we name the Beach Community Center and the plaza and keep the amphitheater unnamed.

COUNCILMEMBER SANCHEZ received requests for the bandshell as being the most proper venue. She spoke with staff and they indicated to her that it seemed the right thing to do. The bandshell is what we were really moving toward and is very well used by the Samoan community and not so much the community center. She's sure we will have some opportunities for funding, perhaps not total rehabilitation of the bandshell, but certainly for a proper memorial to Junior Seau. The Chargers may even be willing to help. This is something very unique. She appreciates the comments about wanting to go slower, but our community needs this. We need to move forward in a positive way, and this is the proper thing to do.

DEPUTY MAYOR FELLER reserved his comments for the Seau family later. There are probably ways to make it work with the Seau name on the bandshell, even if we go forward with some naming rights at a later date. At this point, he supports this.

COUNCILMEMBER FELIEN shares his colleagues' desire to find a proper way to honor Junior Seau. He asked the Mayor, since he's leery about making a decision at this moment, to hear from the public on this between now and our next meeting. If

the public supports it, then he's for it. He wants to make sure we're not making any final decision tonight without public input.

MAYOR WOOD stated this has been up for more than a week; the press has covered it and the family has discussed it with Councilmembers and the public. He got a lot of calls requesting that he name a lot of other things after him, which would really be a cost impact on houses, residential and business people by changing the name of their street, so he thinks this is reasonable.

COUNCILMEMBER KERN thinks if this is just direction to staff to come back with some kind of recommendation, he just can't vote for it with the amphitheater in there at this present time because it's just creating problems for us down the road. Maybe we can talk to the family and see if they'd be willing to share the name if someone comes in with money to renovate. Right now this is very emotional, but he's trying to look long-term. That's the reason we have a policy to wait 2 years, so we don't act in haste on an emotional issue. He just wants to make sure the best interests of the City are protected too. He can't do it at this time.

CITY MANAGER WEISS clarified the action Council is taking tonight is renaming it. There not going to be a need for an item to come back to Council.

DEPUTY MAYOR FELLER asked if that's the name the family and the community wants on this in honor of Junior.

COUNCILMEMBER SANCHEZ stated we could make it more flexible to be Junior Seau or his Samoan name, so it could be done by July 7th.

DEPUTY MAYOR FELLER stated it could come back to us at the second meeting in June with the particulars.

COUNCILMEMBER SANCHEZ asked the family how they would like it to be named.

ANNETTE SEAU, Junior Seau's Sister, thanked Council for thinking of doing this for Junior. After speaking to her parents, they would like it to read Tiaina Junior Seau in honor of his full name.

Motion was approved 3-2; Felien and Kern – no.

[Recess was held from 5:01 PM to 5:17 PM]

5:00 – ROLL CALL

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

INVOCATION – Reverend Malaki Tauilili

PLEDGE OF ALLEGIANCE – Oceanside National Little League team members

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – Poppy Days

Proclamation – National Bike Month

Presentation – Mayor's Youth Sports Recognition and Appreciation Award

Presentations were made

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session:
See Items 1 and 2 above.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

JUDY COITS, Rancho Calavera resident, spoke against vacancy decontrol and against park owners confiscating the equity that homeowners have in their homes. Mobile home owners have been subjected to character attacks as free-riding scoundrels taking money out of taxpayers' pockets. That is only a cover for the real strategy to steal the property of Oceanside citizens. Park owners and developers will get our homes for free after they jack up our rents. This proposition is one in many steps toward that end. Soon we'll know that more than \$1,000,000 was spent on advertising for Proposition E. The flyers sent out were a blatant attempt at provoking voters' hostility toward fellow taxpaying residents of their own town.

Mira Mar park owners recorded 59% profit, and Cavalier reported 40-50% profit. All of the mobile home parks are making big profits of 40% and up. They live in places like Corona del Mar, Malibu and Laguna Beach. We deserve the right to keep the investment in our coaches like any other homeowners in town.

FRANCIS KAZERSKI, 276 North El Camino Real, reminded everyone that Armed Forces Day is this Saturday at the Oceanside Pier. He recounted the history of Armed Forces Day. He asked people to support our troops.

His mother lives in a senior rent-controlled mobile home park in Oceanside. The seniors in the mobile homes cannot afford double and triple the rents.

SHIELA KADAH, 5301 Village Drive, stated the League of Women Voters has a web site www.smartvoter.org, which is where you can go to get trustworthy information about all of the propositions and candidates so you can make an informed choice when you vote. This is a very respected organization made up of all political parties. It is a non-partisan, unbiased organization that goes over every proposition thoroughly before they recommend anything. They support voting no on Proposition E.

BETH FIFE, South Cleveland Street, is here to express concerns on behalf of the coastal town lofts community over the Wisconsin/Tyson parking project. Many residents on Myers and South Cleveland are going to be adversely affected by this project, and yet multiple efforts to engage any kind conversation with Council or City Planners since November of 2011 have been completely rebuffed. She submitted a document listing all of their concerns in the hopes that Council will take proper action and further consider the impacts, negative and otherwise, that it will have on local residents.

LARRY BARRY, 3973 Brown Street, wanted to give props to Councilmember Sanchez because when the Waste Management project was coming in he thought it was ridiculous that we were going to go to all natural trucks. At the time it went as high as \$15 a gallon for natural gas, and it started leveling off at \$7 or \$8. Today it's about \$1.95 per gallon for natural gas. The City will realize some savings from that.

He is voting yes on Propositions E and F. Councilmembers Kern and Feller and himself are all veterans as well, but they're not looking for a bail-out or a hand-out. Not one of these people will lose their homes or property with any of these propositions. He

urged fellow citizens to vote yes on E and F.

DAN MATLOCK, South Pacific Street, had the proud opportunity to return some of our troops home from Iraq. When these troops return home after they have risked their lives, we owe them a lifetime of respect, gratitude and dedication. That includes all veterans who have served in all wars. We, as a community, shouldn't throw them under the bus. This Council has. So far, a great deal of rhetoric, lies and spin have been reduced to print in regards to Proposition E. The people this agenda affects the most thought it was time for Councilmember Kern to meet them face-to-face. These veterans and widows are here tonight to appeal to the community for its support because you as a Council have failed them in your support of them. These people are veterans and widows whose lives will be impacted forever because of your actions. Please give them your undivided respect.

Councilmember Kern's agenda will never be seen as a badge of honor in this community. He urged the community to support our veterans and seniors and vote no on Propositions E and F.

ELEANOR MOORE, Laguna Vista Mobile Estates, is here to represent widows of veterans living in mobile homes in Oceanside. There are at least 21 widows living at Laguna Vista, most of whom are in their 70's or 80's. Three of them are in their 90's. Vacancy decontrol has been very stressful for all of us, but it is especially difficult for these residents. We have appealed to this Council numerous times with no positive results. Today she is appealing to the voters of Oceanside and to anyone who is interested in helping us save our homes.

To the voters we ask you to join us and vote no on Proposition E. If this proposition is passed, it is the beginning of the end of our homeownership. It is the rich taking from the poor. We will lose our homes and become wards of the State. When this Council tells you that those of us under rent control will keep it as long as we live in our homes, it's really not true. They don't tell you about the clause in the agreement that says that if a mobile home park has a 5% vacancy rate the owner can raise the rents as high as they want to for all of those living in the park.

We are mothers, grandmothers, widows and mobile home owners. We have raised our families and served as caregivers for our parents and spouses. We now just want to live in peace and harmony with the time we have left. We want to keep our dignity and independence as long as we can.

LINDA WALSHAW lives at Mission View Manor Mobile Home Park. In 2008 she purchased a manufactured home in Oceanside. As a senior living on a fixed income, she had been priced out of all other housing, not only in the City but in the County and the State. Needing to remain near her family and friends, she chose a location near shopping and the bus route because of her medical condition. She also chose this location because a manufactured home must be located in a park in Oceanside and the park she selected was one of the few that would allow her son to either sell or rent the home to another senior upon her death. In 2011, three members of this Council took it upon themselves to alter the contract she had entered into when she purchased her home by passing the proposed vacancy decontrol ordinance amendment; a move which would devastate not only the financial security of her family, but that of 4,000 other individuals and their heirs and family. This Council's actions caused thousands of senior homeowners to take to the street last June to obtain 15,484 signatures from voters to stop the actions of this Council. Instead of listening to your constituents, you chose to ignore these thousands of Oceanside voters and instead placed this matter on the ballot for June 5th, at a cost to taxpayers in excess of \$93,000.

Manufactured homeowners pay all administrative costs related to their communities yet they have been wrongly accused of costing the taxpayers millions, in spite of the fact that Councilmember Kern admitted to the press that costs to taxpayers

are caused by lawsuits filed not by homeowners, but by park owners. These are frivolous lawsuits that they continuously lose. Why would this Council choose to reward the out-of-town corporate park owners who are costing the City money and turn their backs on Oceanside homeowners and taxpayers? In conjunction with what this Council has done, these same corporate park owners have altered their park's rules and regulations to take away our rights to rent out our homes. Homeowners now need permission from the park owner to sell their home, approval of any listing agent, no listing the home on the MLS or holding an open house. Public signs have been altered to say manufactured homes for rent instead of sale. Park owners must approve a potential buyer and give us permission for our heirs to ever even become a tenant in our homes, wiping out the rights of our heirs.

Legal counsel for the park owners has been quoted as saying he finds legal proceedings in these matters hilarious. We, as Oceanside homeowners, taxpayers and voters did not find these actions funny. You have forgotten us, but we will remember you and whose interests you have served in this and future elections.

SUE DEMMON, resident of Mission View West Mobile Home Park, is a widow of a Vietnam veteran. When her husband passed away 7 years ago, he felt he was leaving her in a situation where she would be able to take care of herself after his death. Due to the actions of the Council, she probably will not be able to maintain her lifestyle in her mobile home. They purchased their home planning to stay there for their entire lives. Some people act like we are taking a hand-out from the City, but we are not. We are taxpaying citizens like everyone else. She pays property taxes on her mobile home. There are very few people on welfare or Section 8 in mobile home parks; we pay our own way and are not subsidized housing. She asked Council to reconsider and think about the veterans and widows in the mobile home parks. This is a large portion of the City's affordable housing, and without mobile home parks you will not get some of the federal grants you need for future building in the City.

CLARK BROWN, Rancho Calvero park resident, has been involved in the mobile home issue for years. What's egregious is small parks that are trying to redevelop. The owner of his park has stated that many people have wanted to buy that park. If it's such a tough business, why do they want to buy it? They don't need to raise the rents to have good revenues. This law gives them the ability to raise those rents and get them to where you can't even sell the homes. He is a veteran and wants to protect his daughter as well.

GERALD SULLIVAN, Rancho San Luis Rey resident, is a veteran of the Navy who served during Vietnam and spent another 8 years in the Reserves. He's 71 years old and can't stop working. Not because he loves it, but because he needs to survive. He was trying to envision what his park would look like in 5 to 10 years if Proposition E passes, and he saw a lot of empty spaces and coaches. That's scares him. He asked Council to reconsider.

ANN MARLOT, La Salina Mobile Home Park resident, is the widow of a veteran. She moved to this location after the death of her husband because of the friendly atmosphere and caring attitudes that were shown to senior citizens, members of the armed forces and veterans; a model of American pride. Over the years that she has been here she has felt many changes in the attitudes of a few who seem to have the money and power to effect the kind of changes that have become a detriment to what was once the foundation of this special community.

She lives and works in this community. She's a registered nurse who cares for the very ill and dying citizens of Oceanside and their families. She finds it more difficult each day to be a member of this community, both working and living, because of the messages that some of you are sending to people like her. She cannot practice her profession as a hospice nurse in Oceanside without the danger of being ticketed or towed for some infraction of your unbending rules and injustices toward those who give

of themselves tirelessly to serve this community. She's had street sweeper tickets on her window when there has been no other place to park, and in that home was a crisis that had to be addressed. It's a sad thing when a professional caregiver like her has to plan business with patients around the schedule of the street sweeper, but that is exactly what she and other healthcare professionals do.

According to a policeman she spoke to a couple of weeks back when her car went missing from the parking area of a very sick patient who has since died, the City has given its blessing or turned its head as towing companies have been given permission and the power to tow us away by following us into an area and hooking up our cars before we can even try to explain what we're doing there. She had to deal with 2 smirking tow drivers who towed her low-riding Mustang by the back wheels to San Marcos, causing more than \$700 damage to her car and costing \$260 to get her car out of the tow yard, at the expense of a patient who was dying. From one citizen's prospective, something is terribly wrong with the way some of you are directing the changes to this City. Change is inevitable and can be good, but poor decisions governing the lives of the very people you should be supporting is not.

CHRIS GOW, President of Oceanside Manufactured Homeowner Alliance (OMHA), is a veteran who served in the Army during the Vietnam era. She played a song that symbolized her feelings and urged everyone to vote no on Propositions E and F.

FLO LIVER, resident of Mira Mar Mobile Home Park, is a veteran and was a riveter in World War II. She urged everyone to vote no on Proposition E.

MAC ZALESKI is a veteran and lives in Oceanside. He urged the public to vote no on Propositions E and F. When he talked to Councilmember Kern a while back, he mentioned that one of mobile home park owners was making a profit of 60%. He stands corrected; it's more than 60%. He has done more research on Proposition F and is still against it. He's surprised that there hasn't been a bigger turnout of veterans. He read an article by Chip Dykes that said that veterans in Oceanside were tired of people riding on their backs, or something along those lines. Veterans should be helping veterans.

ALFRED ABIANI is a veteran and will be voting no on Propositions E and F.

ROD BRASSWELL, resident of Laguna Vista Mobile Home Park, flew 50 missions in World War II as a pilot. He was shot at many times, but they were not successful. Now comes the Council majority trying to shoot him down, and they have failed. Now they've put it on the ballot for June. He is asking the veterans and voters to not shoot us down on June 5th. He urged everyone to vote no on Proposition E.

TED BEAMUS is a veteran living in a mobile home in Oceanside. He asked everyone to vote no on Proposition E.

JIM BUCK was a Navy pilot and lives in Mira Mar Mobile Home Park. He expressed his opposition to Propositions E and F. He's particularly concerned with the 5% vacancy clause that was written into Proposition E. It's difficult to believe that we are to trust in that and not worry about it.

KEN JOLLY is a Vietnam veteran who lives at Mira Mar. Whatever he says here will not convince Council to change their minds, but when this election is over the most important thing you care about is getting re-elected. We're not going to forget, and we're going to come after you every time you're up for re-election. He's a Republican and is going to vote no on Propositions E and F. The majority Councilmembers will never get his vote again, or his family's or anybody in this room.

BARRY HORTON is a veteran and urged everyone to vote no on Proposition E.

DON ROGERS is a veteran and is here to represent veterans that weren't able to attend. This is an issue that has no good reason to exist and no justification for the money the City is spending on the election. It's okay to be passionate about things that are important to you, but this campaign has gone way beyond passion. He expressed disgust at the lies that have been told and repeated by the pro-E faction. Those same lies have been repeated by some people on the Council. We won't forget it. We won't forget that we can't trust you and that you threw us under the bus.

ROBERT RYAN is a veteran and lives in a mobile home park where 6 out of 10 of his neighbors are veterans. Proposition E is going to fail, and then some of you are going to try and get re-elected. He doesn't think you will because they're going to work hard to make sure you don't. He urged everyone to vote no on Propositions E and F.

CAROL MINER, resident of Laguna Vista Mobile Home Park, is the widow of a veteran. When they moved into Laguna Vista, it was a beautiful park. When her husband died she lost his \$2,300 a month pension. She has a business of her own and strives to stay in business. Most of her clients are her neighbors and don't have a lot of money either. Her rent is now \$750 per month. She pays for her mobile home and \$1,000 a year for property taxes. She would like to hang on to what she has and stay where she is, but if things start going up, she's already over budget. She doesn't think she could sell her mobile home because nobody wants to buy one right now, not knowing what's going to happen. Everything is dead, and she'd like to have everything stay the way it is and have you guys leave them alone.

VERN WILLIAMS is a veteran of the Navy whose mom is a resident of Laguna Vista. He reminded everyone of the statement in our Pledge of Allegiance that says "and justice for all". This proposition is an injustice to veterans, widows and senior citizens and needs to be voted against. It is sad when your property rights or your ability to stay in your home is threatened because somebody isn't making enough money when they're already getting a 60% profit. He urged everyone to vote no on Proposition E.

RAUL FLORES is a veteran who opposes Proposition E, and he urged everyone to do the same.

JIM SULLIVAN is a veteran who asked people to vote no on Proposition E. The injustice, inequity and disingenuousness of this campaign has been incredible. There are unbelievable personal attacks. The amount of money that the proponents have shown to have spent is approaching over \$400,000. The money that the people that live in the mobile homes are fighting this with are in the tens of thousands of dollars. That inequity is part of the reason all of us are here tonight. We may not have a lot of money. The opposition has tried to make us sound like we are second class citizens and that if someone has savings and has been successful in their career, they somehow shouldn't be living in a mobile home. You're wrong and the thousands of people that live in mobile homes will vote no on Propositions E and F. When the time comes we will remember what you've done.

RAYMOND EDWARDS is a veteran of World War II whose brothers also fought in that war. He loves Oceanside and is very disturbed by what's going on now. He moved here 2½ years ago. If he knew then what he knows now, he wouldn't have made the decision to move here. He loves his country but he doesn't love what's going on here. He urged people not to put these people out of their homes.

DAN GIEGAN is a veteran who served with General McArthur. The majority on the Council is not very honorable. We got over 15,000 signatures saying we didn't want this, and you're still willing to spend over \$90,000 of Oceanside's money to defeat us. He urged people to vote no on Propositions E and F.

SUZANNA RAY is the widow of a World War II and Korean War veteran. She is a mobile home owner who is speaking against the lies, spins and corruption that has beset this whole election. She is in support of what the invocation said. So many times she has heard the ministers of this community give beautiful invocations and ask that Council be fair and just and not indulge your own self-interest when you are dealing as a public servant. Yet so many of you have done that. She urged the citizens to remember their responsibility is to vote and to vote out those who support special interests, advocate governance by special interest, money, corruption of the media and by buying City staff and other persons who are not in a position to speak out and tell you that what you are doing is wrong.

JERRY RUTTERMAN is a veteran who fought against many enemies. If you think you're going to beat us, you've got another thing coming to you.

LES WATSON lives in the Rancho Calavero Mobile Home Park and is a real estate broker. Right now, if the need came up for you to sell your homes, you'd have the right to do that. You're trying to take that right away from us. Your property taxes won't be increased, and you can have a buyer. Our rent can go up double or triple, and we won't have a buyer. If we get a buyer on our mobile home, they have to be approved by the park owner. You have a right to own as many pets as you want, and we have a right to have only one pet. We already have restricted rights. We are not trailer trash.

TIM BURKE, resident of Cavalier Mobile Estates, is a veteran and is disgusted with the 3 Councilmembers who changed the mobile home ordinance. Decontrol is a farce. When we change the Council majority later this year, we'll get it back the way it was. When he came home from deployment, he faced people calling him a baby-killer and spitting at him, and now Council is spitting at him again.

STEVE STEWART, resident of Laguna Vista Mobile Estates, keeps hearing the question of what being a veteran has to do with Proposition E. It's not very tricky; all you have to do is drive through the parks and see who's living there. He's a veteran and has veterans living on both sides of him and across the street. That is who is living in these parks. Shame on 3 of the Councilmembers for disregarding 15,000+ signatures and choosing instead to put this up for an election, costing the City \$93,000. What kind of fiscal conservative are you?

MARK (doesn't want to give last name for fear of retaliation) is a veteran. He lives in East County and pays \$1,300+ for space rent. It's so bad in his park that he was able to call the Assessor and have his property taxes reduced because they know the park he lives in and the type of people running it. 50% of his park is abandoned. There are 30 homes that used to belong to people who couldn't afford the rents anymore and were either evicted or had to walk away. We can't sell our homes; no real estate agent will come into our park. His \$40,000 home is worth less than \$20,000 now, and he can't sell it. He is a senior citizen, and his mother and wife live with him. This is what's to come if there are no controls. These people are known throughout California as the land robber barons. Until now, we haven't been able to get anybody to help us out, and this is what's to come for Oceanside if there are no controls.

TIM SHEEHAN is a volunteer advocate for homeowners. Since 1996, he's volunteered over 40,000 hours. He serves mainly for the veterans and widows of veterans who have sacrificed so much and continue to give to society. They fought for our freedom, and he fights for theirs, especially for freedom from fear and want. He's seen first-hand the emotional investment these people have in their homes and communities and the horror stories of how stress affects their health and well-being, to the point of causing strokes, heart attacks and premature death. He's seen the burned out home of a man in a park in El Cajon who set his home on fire so his park owner would not get his home. The previous speaker's park currently has 14 homes for sale that they've captured from homeowners for little to no money. That's what is in store

for some parks in Oceanside.

The false assurances that nothing is going to happen to the current homeowner made by Councilmember Kern and the Council majority are irresponsible and reckless. There are several things that could happen if they're run by the opportunistic park owners. We hear a lot about bullying in the schools, but there will be bullying in the mobile home parks if some of these park owners are faced with the opportunity to raise the rents by \$1,000 a month. They're going to be pressuring veterans, seniors and other vulnerable citizens in these communities to move out prematurely so they can make that windfall profit that much sooner. He urged everyone to vote no on Proposition E.

CHARLES MICHELUCCI is a disabled veteran who just moved to Oceanside and is really upset. You're messing with the wrong crowd. This will come back to haunt you. You are targeting people who have limited incomes and have given so much. A lot of them are disabled, and this is just the tip of the iceberg of the hurt that you are creating. This is a military area. You are tampering with something that is known throughout the country as a proud place to be from militarily. You're going after the people who have done their service to this country. He urged everyone to vote no on Proposition E.

RAY PEREZ resides in Mountain View West and spent 20 years in the military, which included Korea and Vietnam. Rent control will allow him to live there in his final years in peace, dignity and security. Don't let greed and politics take him away from this. Vote no on Proposition E.

BOB OGLE is a resident and a veteran and will be voting no on Proposition E. He is here to talk about the false and misleading comments that are coming out of the yes on Proposition E camp. They're telling us this is good for Oceanside. The only people who will get any benefit from Proposition E are mobile home park owners, and it's going to cost the mobile home park residents money. That's the only thing this is good for. They've commissioned a study that says having rent control has cost the City all kinds of property taxes, which is completely false. They are also saying its cost the City millions of dollars to enforce this ordinance. That is also completely false. It's all paid for by the park owners and residents. The City should say something about these false and misleading comments that are being made. He objects strongly to that.

DANA CORSO, President of ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods), which currently has 42 neighborhoods. She is proud to be an American and honored to be in this room with all of these American heroes. Her father is a veteran, and her brother served in the Navy. We are here today to bring awareness to the community that our very own heroes – our veterans, their widows and family members – are at risk of losing everything that they worked so hard for, their homes. We need to support and protect these very folks who risked and lost their lives for us. The Council majority unfortunately have been bought and paid for by out-of-town developers and park owners, billionaires who would love to own all of Oceanside at our expense. Please don't let them get away with this. The mobile home communities don't cost the taxpayers a dime. Yesterday we learned the Nurses Union had endorsed no on Proposition E. They, too, are fed up with the political corruption, and they wrote it in their flyer. The League of Women Voters also endorsed no on Proposition E. It is critical that the Oceanside residents pay close attention and don't be fooled by these greedy corporations who are bullying our seniors and veterans. The lies and corruption in their mailers and robo-calls are disgusting. This has got to stop. On behalf of all of ACTION and all of our dignified endorsers, including 100% support from Mayor Wood and Councilmember Sanchez, she urged everybody to vote no on Propositions E and F.

JIM JENKINS is not a veteran but has been raised by veterans that have fought in every battle and every war. He has been raised to respect his elders and the veterans who have given us the opportunity to have what we have, do what we do and

speaking freely. There are good causes and reasons to fight, and this is one of those. These seniors and veterans have paved the way and built the opportunity that we have to do what we do and have this opportunity to speak. We should vote no on Propositions E and F. We ask a lot of these seniors, but when are we going to really step up and support them? This is not right.

CHARLES McVAY, 200 North El Camino Real, is a veteran and stated you have just witnessed a multitude of veterans who live in Oceanside rent-controlled mobile home parks, pleading for you to vote no on Propositions E and F to save their homes. You sleep in peace, safe and secure in your beds at night, knowing your homes will not be taken, because veterans answered America's call when it needed its guardians of freedom, making many sacrifices – some their lives – asking nothing in return. Now, they need your help to save their homes. On June 5th vote no on Propositions E and F so they too can sleep in peace in their beds at night knowing they will not lose their homes because you answered their call in their time of need.

RICK CASTRO, resident of Rancho Calavero, has a son who is a 4-tour veteran of the Iraq war. He showed a video in support of voting no on Proposition E.

CHRIS WILSON, Harbor Cliff Way, asked what we call people who threaten the body politic in order to achieve political goals. That's what the park owners have done. They've run up costs against the City by filing frivolous lawsuits. Those lawsuits are frivolous by the admissions of the people that back Proposition E. We call those people terrorists. The policy of the United States is not to negotiate with terrorists. It's shameful that the Council has chosen to do so, and he urged the citizens not to negotiate with terrorists and vote no on Proposition E.

SUSIE SHROYER, resident of Laguna Vista, recalled living in Germany as a child and being terrified of the bombs. She thanked all of our veterans for their service and for liberating her from Germany in World War II. She is a proud citizen of America. Now she lives in Oceanside and feels that intense fear from her childhood with this threatening of people's homes and lives. As a child, she didn't have a voice or recourse. This has brought up all of her old fears.

[Recess was held from 6:57 PM to 7:04 PM]

GENERAL ITEMS - continued

21. **City Council: Approval of a five-year professional services agreement with Cannon Pacific of San Marcos in the average annual amount of \$719,042.80 for Citywide street sweeping services and as-needed emergency work as a result of accidents, storms, etc.; approval of a one-year property use agreement for staging, fueling, parking, unloading of sweeping debris and washing equipment on City-owned property at 4927 Oceanside Boulevard; and authorization for the City Manager to execute the agreements**

KIEL KOGER, Public Works Division Manager, used a computer graphic to show the City staff costs for street sweeping, broken down into employees, equipment, tools, waste disposal costs, etc. It costs the City roughly \$795,609 per year. We took bids in February of this year and established a reasonable low bidder. His contractor costs are \$677,175 per year, which gives potential first-year savings for the City of \$118,434. The item is for a five-year professional services agreement. A computer graphic was used to show the breakdown of the contractor's yearly costs. The first year cost is \$677,175 and there is a CPI adjustment of 3% a year for 5 years for a 5-year total of \$3,595,214. This comes out to an average of \$719,042.80.

Public input

KEN ORR has lived in the City for 50 years and has been employed by the City

for 26 years. He currently runs the tree program for the City, and back in 2009 that program was eliminated. Therefore, he's had a lot of experience with contractors, and that experience has been hectic at best. Contractors have all kinds of reasons why the job didn't go as planned. How many provisions or penalties you put into a contract is not going to make a difference when stuff happens. One of the biggest delays he's encountered is equipment breakdowns: hydraulic leaks, transmission clutches, flat tires, etc. Why would you give up an enterprise program that is based on a time schedule? You have equipment that is maintained by an award-winning Fleet Maintenance Department going to a contractor.

The program has run so good for so long, you don't realize how much could go wrong. All the words in a contract, default clauses, will not help you or the contractor when the breakdowns occur and the public lights up the phones wanting to know why the work is not being done for services that they have already paid for.

The contract also states that the City will provide fuel with a 15% mark-up. Does the City have a resale license to resell fuel? Are there taxes that have to be paid on that 15% mark-up because we're making money? Along with this is an option to rent space or equipment so they can store it at our City yards. Is this going to be an option that is provided to all other contractors as far as fuel and rental spaces?

He urged Council to reconsider this. It doesn't make common sense.

DON SALAZAR, Vice President of OCEA and a Specialist for the Street Department, reiterated what the previous speaker said about the contractors. He's been waiting 3 weeks to get the trees down on a trip, and that's a liability that we're sitting around waiting for because the contractor can't get there. Council eliminated the concrete crew from the City. He has 5 contractors he oversees now, and they're working outside the City as well so they have to schedule. We hired 2 guys and if you eliminate the street sweeping, then the bumping rights start, and those 2 guys don't have a job. We put a lot of time into these 2 guys. They're great workers, and they have families. There will be more time spent training after people exercise their bumping rights. We already have guys who are trained.

BILL TUCK works on the Asphalt Crew for the City Streets Department. He is proud of his job. He shows up every day and does a good job. He takes pride in being a face for the City to the community out there. Citizens are welcome to come up and talk to him and voice their opinions, but that might be something you won't get with a contractor. Personally, not having medical benefits will be devastating for him. He has no idea how he'll make it. His wife is ill and needs testing every 3 weeks. He is not in the department that's being contracted out, but he'll be the one going out the door. He urged Council to rethink this. This is not a General Fund item.

ALBERT SALAS will be one of the employees who suffers the consequences if Council votes to go with a contractor instead of keeping City employees. He is the main provider in his family, so something like this will be a financial hardship for them. He has been an Oceanside resident for 37 years, and he has pride working for the City. We've already given up stuff by paying 100% of our PERS, and now you want us to pay with people. The City is getting a good deal from contractors right now because of the bad economy, but you're adding to a bad economy by laying off workers. Contractors always have extras. What you're seeing on this contract is not what you're really going to be paying. If they get called on an emergency and it takes 2 hours, they have a 4 hour minimum. The response times will not be as good either. He'd like to keep working and providing for his family.

JIMMY WALKER, 1201 Withaven Drive, has been sweeping streets for the City for 24 years. As a lead sweeper, he's responsible for insuring 44 square miles of public streets get swept twice a month. In 2011 we swept and disposed of 2,348 tons of debris from City streets. We also provide 127 special sweeps, which include

hazardous material spills, resweeps and accidents. We do 15 special sweeps that include holiday sweeps, parades and the Ironman. By outsourcing this program, the City will lose control of the operation. He has crew members that know all of the streets, are hard-working and answer off-duty calls when called. By outsourcing, you will wait in line for the company to respond in many situations that affect the roadway. We do an excellent job, and he would like Council to reconsider.

CHESTER MORDICINI is President of Teamster Local 911 and the Business Agent for the OCEA bargaining unit. This issue is very similar to Item 20 on tonight's agenda. This Council needs to realize that you're going to lose control of a very important strategic function of the City. The street sweeping doesn't just do the street sweeps and the scheduled sweeps, they augment our maintenance employees when there are car accidents and spillage, and they are available during the day. Often our street sweepers pull up at the end of their route and help some of our other maintenance workers.

Keep in mind that the contractors are contracting with other agencies in the County. What are you going to do when the economy heats up and there's more work for those contractors in other places. Are they going to come to Oceanside on their 3% a year increase? If you have a catastrophic event, are you going to be able to get a contract street sweeper? What you have with your employees is security to continue to provide the services to this community. You're going to lose your control over your functions if you continue to contract out, and you'll lose more employees. Eventually there will be no employees to perform the services that this community has come to understand.

We're the largest bargaining unit on the property and we're going to start the second year of a contract on July 1st. In the last 2 years, we've gotten no pay raises, we pay considerably more for employee medical, we pay 100% of the PERS obligation on the employee's side, we eliminated the PERS employee member contribution, we agreed to the two-tier pension formula and we've had lay-offs. As a result of those lay-offs, we have reconfigured our crews for more efficiency. When we say we're working with the City, we're doing our best to augment and reduce your deficit on the General Fund. To come back and chip away at our bargaining unit and the people who do the work is not right. He asked Council to reject this proposal to outsource the street sweepers.

BRYAN FORWARD, 455 Blueberry Circle, has been a City employee for a long time and used to work as a street sweeper. He's in another department now. If he were to take some of the individuals that are going to bump down and displace some of his guys, he's going to have to retrain, which comes with a lag time and a lack of efficiency in doing his job. He's got work orders from almost every Councilmember. Now he has to train another guy, and it won't be effective for him to do his job.

Regarding the emergency call-out system, he's part of that program and sees how it works. He's had to call street sweepers in the middle of the night. When you have Oceanside Police Department (OPD) in the street telling you to clean up the mess, you're working for OPD and they want the job done now. He knows the 4 individuals he can call at midnight or 1 o'clock in the morning. He hasn't had that luck with contractor in the same regard. The street sweepers are good guys who do a great job, and he'd hate to see them go. He asked Council to reconsider this.

JIMMY KNOTT, 127 Sherri Lane, stated the City can declare an economic emergency in crisis. The State allows that under certain circumstances.

Councilmembers are favoring private businesses to negotiate and submit bids, but you did not allow the employees or their unions the possibility to submit bids to you. By this you're showing a clear bias against the employees. You refused to look at other methods used by other cities. You need to open your minds. You're creating a system of failure. The issue of the retirements and the budget could be settled now if you allow

a half-cent sales tax to be added to the ballot.

SHIELA KADAH, 5301 Village Drive, stated outsourcing destroys lives. These men are like her brothers, and they are your constituents. You need to support them and not subcontractors who might be contributing to your campaigns. Money is not more important than people's lives. When you get these subcontractors in, it will probably cost more money in the end. They only pay their employees pennies on the dollar and are making large profits. You shouldn't support that. Unions are the backbone of this country, and Council needs to support that. These are the people you should support.

LEE MILLER, President and CEO of Cannon Pacific, the company that staff is recommending, is a 16-year resident of Oceanside. He respects staff. They've been doing an excellent job of sweeping his street for 16 years. There are 18 cities in this county, and only 3 of them do not contract out for street sweeping. We're a proven commodity in the industry. Other cities have gone through this same debate recently. In the end they elected to outsource and chose his firm to do the work. They provide over 350,000 curb-miles of sweeping per year. This contract represents less than 10% of that. We respond to emergencies, sweep for parades and events and over 20,000 parking lots in the region. The issue isn't whether you contract out for street sweeping, but whether you contract out, period.

Public input

COUNCILMEMBER SANCHEZ stated again we have the same drawbacks of outsourcing: reduction in level of service to the community by not meeting citizen expectations, reduction in emergency response time, and the need to train current employees who exercise their retreat rights. She's had to deal with change orders and amendments to contracts over and over again. Costs always seem to go up whenever there is a profit motive. The City is not motivated by making profits or insuring that we have that extra amount of costs that have to be included in the contract. We've had the experience of having something similar to this kind of situation where we ended up giving away our equipment/property and then being held hostage in terms of future contracts, like with the Humane Society. It is so difficult once you go down this road, to get it back.

She was born and raised in Oceanside and grew up with some of the folks that will lose their jobs. She knows the quality of their work. You can't live in Oceanside that many years and not come across people that you grew up with. These folks are ambassadors for the City. She knows their families and work ethics and is proud to know the people in the audience who work for the City. She doesn't believe we're going to save the amount that is being suggested that we're going to save. What we're going to lose is a lot more. We shouldn't do this. For the City, in terms of the cost and the employees who are supporting their families, this will have a ripple effect in our community. She would not support this.

COUNCILMEMBER KERN moved approval of the professional services agreement for Citywide street sweeping services and property use agreement for City-owned property at 4927 Oceanside Boulevard. He won't go through the long litany of things. We know about the unfunded PERS liability. This contract is \$500,000 in 5 years. Somebody has got to speak for the taxpayers as the people who actually pay for the services. We need to maintain the level of service at a reduced cost and get out from underneath our PERS liability.

COUNCILMEMBER FELIEN seconded the motion. The question is whether or not we have a Council that has the courage to make some hard decisions. He's always amazed at the hatred of the private sector that we see from some of the speakers. The purpose of the City is to support the taxpayers, not for the taxpayers to support the City. We're here to provide a service. As far as the economic ignorance that suggests

that prices are higher because people want to make a profit is called Marxism. That failed. Capitalism, where people are inspired to provide better products at lower prices because they earn a profit, is what works. To attack contractors and claim profits lead to higher prices is ignorance.

That's why the State is going over a cliff, because that's the type of philosophy we have in Sacramento with their \$16,000,000,000 deficit. When you compare the failure in Sacramento to address a single problem, and apparently the failure in Oceanside to have the courage to address a problem, to Chris Christie in New Jersey, who addressed the problem and brought costs under control without raising a single penny in taxes, or to what's going on in Wisconsin where people have the courage to get costs under control. People in Oceanside need to have that courage to make some tough decisions. If you want to see where our future lies because people lack courage, Google Rhode Island state budget or state pensions and see the economic wasteland that results when people don't have the courage to make decisions that need to be done. The Mayor of Chicago just announced the property taxes are going to be double to pay for state pensions. Property taxes in upstate New York are over 10% just to pay for out of control pensions.

Someone has to have the courage to make some decisions here before we go over a cliff. These are the tough decisions that need to be done. It's interesting that there's an item later on the agenda that raises fees and taxes again. It's outrageous to consider sticking it to the taxpayer again, without having the courage to get some costs under control. We've got to start somewhere, and it is a hard decision. The decision isn't meant to reflect badly on our employees, but unfortunately the State, because it lacked any discipline, has created a massive financial pension bubble. *Economist Magazine* calculates that pension bubble as being 10 times the size of the mortgage bubble. We have to start getting this under control somewhere. Sticking our heads in the sand, pretending it isn't happening because we're afraid we're going to hurt some feelings, isn't going to solve any of our problems. Europe has avoided their problems and stuck their heads in the sand for decades. We don't want to go there. It's time to make hard decisions, approve some outsourcing and start to get our costs under control. He urged his colleagues to vote yes.

MAYOR WOOD stated we don't want to address a way to pay for it, even though there is a way that would have a very minimum impact on the citizens. A lot of it would be paid by outside tourists. Nobody wants fee or tax increases, but it's the easiest and most subtle way to address some of the concerns in our City with minimal impact.

The ladies and gentlemen employed by the City do a great job. He's found from past experience that they are available more throughout the day, night and weekends to do the job. The retirement system is part of the problem, but these are friends and neighbors that he sees every day. That makes it extremely hard.

Motion failed 2-3; Wood, Sanchez and Feller – no.

22. **City Council Approval to reject all proposals to the Recreation Custodian Program RFP, and continue the City's provision of services**

MEGAN CROOKS, Management Analyst, asked Council to approve the rejection of all proposals to the Recreation Custodian RFP and continue City services. Per the City's management review, conducted in fiscal year 2010-11, staff released an RFP for the Recreational Custodian Services Program on February of 2012. Five proposals were received with a range from \$70,000 to \$239,000 annually. Four of those proposals were considered non-responsive or too costly. The most responsive proposal equated a cost savings of \$3,390 in fiscal year 2012-13 and \$22,227 in fiscal year 2013-14. Over a 4-year contract period there was a cost-savings of \$26,229 to be realized. Staff's recommendation is to continue City services at one-time cost savings of \$41,006 in fiscal year 2012-13.

COUNCILMEMBER SANCHEZ moved to reject all proposals and continue the City's provision of the services.

MAYOR WOOD seconded the motion.

COUNCILMEMBER KERN was going to move that we go to the highest responsible bidder because of all the same rules. He cannot support rejecting these proposals. In reading the staff report, one way we are going to reduce costs is to hold a position vacant. Now our solution to reduce costs is to degrade the service. That's not what the citizens want. That's not what anybody up here on this Council wants, to degrade service by cutting the number of employees to compete with the private sector.

COUNCILMEMBER FELIEN asked if unfunded liability was factored into these cost comparisons.

MS. CROOKS responded yes. Over the 4-year contract period she included the PERS increases and the potential medical increases and factored those into both the cost-savings of the contractual services and the 4-year period cost-savings of the City. Over 4 years the City services, to be comparable with that, comes to \$37,783.

COUNCILMEMBER FELIEN isn't talking about the CalPERS that we're paying, he's talking about the CalPERS that's building up that we're not paying.

CITY MANAGER WEISS responded what Megan just mentioned are the known PERS rate increases, but the cost comparison does not include any significant provision for the unfunded liability.

COUNCILMEMBER FELIEN stated once again we're sticking our head in the sand and ignoring the massive pension bubble that grows every day. If we factor in correctly, as we should, the costs that we're going to have to pay, which is the continuous increase in our unfunded liability, then the cost differentials would be far greater than they are. Even if it wasn't, why aren't we interested in saving \$3,000? Once again, you have to have courage to make hard decisions, and that courage is lacking tonight. I guess we'll just stick our heads in the sand and pretend the pension bubble goes away, and we'll end up like other states or countries who have done the same. He won't support a motion to support staff's recommendation, especially when it doesn't factor in all of the relevant costs. Most taxpayers would consider pension expenses a relevant cost that should be factored into staff's analysis. He doesn't understand why it isn't, since we get a report from PERS every year that says the amount of the unfunded liability increase that goes up. It's not an unknown cost.

DEPUTY MAYOR FELLER asked if this is one-time savings.

MS. CROOKS responded the City services have the initial one-time savings of \$41,006 from this fiscal year to next fiscal year, due to the elimination of the vacant position.

Motion was approved 3-2, Kern and Felien – no.

Changes to the agenda

At this time, **CITY ATTORNEY MULLEN** stated we have discovered there is a noticing issue associated with Item 37, the appeal of the Planning Commission resolution approving the CUP (Conditional Use Permit) for the stand-alone wireless facility. It is his understanding that the Clerk properly noticed the public hearing, but in a letter to the appellant, the appellant was given an incorrect date. The appellant is here, but objects to moving forward with the hearing because of the alleged inability to prepare for the hearing. It is his advice, based on that, to open this hearing and continue it to a date certain, which would be the next Council meeting of June 6, 2012.

MAYOR WOOD thinks, due to the legal advice, we should continue that item to a date certain.

COUNCILMEMBER KERN asked what happens then. The appellant is here so are we going to send out another notice or how does it work?

CITY ATTORNEY MULLEN responded we don't need to re-notice the public hearing as long as you're giving them the specific date, and the appellant will be told what that specific date is.

COUNCILMEMBER KERN moved to continue Item 37 to the next Council meeting on June 6, 2012.

COUNCILMEMBER SANCHEZ seconded the motion.

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.

30. **City Council: Adoption of a resolution approving the fee schedule to be charged for emergency medical services; and establishing an automatic annual increase for ambulance service rates based on the published annual Consumer Price Index-Urban for San Diego County** *(continued from April 4, 2012)*

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmembers reported the same contact as when this came before Council last time.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

PETER LAWRENCE, Fire Battalion Chief, stated this item was presented to Council on April 4, 2012, and Council requested some time to review additional data from the Tri-Data report, as well as some questions. Councilmembers Kern and Felien's questions have been answered. He isn't going through the original presentation but is here to answer any questions.

Public input

CHRIS WILSON, 770 Harbor Cliff Way, encouraged Council to approve this fee increase. The City needs every dime it can get, and not recovering our costs is the least desirable option. We should get as close to cost recovery as we can. What staff is recommending here does that.

Public input concluded

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

COUNCILMEMBER SANCHEZ stated this is a cost-recovery item. We're still going to be lower than any other jurisdiction around us, and we're still not going to recover all of the costs. She moved adoption [of **Resolution No. 12-R0323-1**, "...approving the fee schedule to be charged for emergency medical services"; and establishing an automatic annual increase for ambulance service rates based on the published annual Consumer Price Index-Urban for San Diego County].

MAYOR WOOD seconded the motion.

COUNCILMEMBER KERN pulled up some of the budget information. One thing that is very disturbing to him is that we're at 109% of our overtime budget at $\frac{3}{4}$ of the way through the year. We're asking for more and more money, but it doesn't seem like we have control of our budget. Can you explain that?

BATTALION CHIEF LAWRENCE responded we also have some savings on the side of vacant positions. When we have vacant positions, we end up having overtime expenditures that are higher than anticipated, but we have savings on the other side.

COUNCILMEMBER KERN is concerned that we're 75% through the year and 109% of the overtime budget, and there's another quarter to go. Every year we're over budget on your overtime budget. Are we not calculating that correctly? We have a track history of what that budget should be, and it seems like every year we're way out of whack.

DARRYL HEBERT, Fire Chief, stated we are over budget in the overtime. At the end of the year it normally does balance out through salary savings. It's very difficult in emergency services to budget for overtime because of certain unforeseen emergencies, injuries and vacancies. It's very difficult to meet that target when it comes to overtime.

COUNCILMEMBER KERN stated but we have statistical, historical data to draw from over the last 5 years.

CHIEF HEBERT responded we have a lot of statistical data to draw from, but a lot of the statistics change year-by-year. That target moves year-by-year as well. We do the best job we can under the constant staffing that we're under now to meet those budget targets.

COUNCILMEMBER KERN thinks that we should be closer.

CITY MANAGER WEISS stated just by looking back when we did the previous quarterly update to Council, the department's overtime was over budget as well, but the overall department was right at the $\frac{3}{4}$ of the year 75% number. Although the overtime was up, as a whole the department was pretty close to being where they needed to be. We are monitoring that closely as we move forward through this last quarter. Typically, with the overtime up, the personnel costs are down. That is being monitored and is one of the key items that the Finance Department has been looking at monitoring.

Councilmember Kern referenced Mr. Wilson's comment that this City needs every dime we can get. Where was he on the previous 3 items that were actually about saving us money? He can't support this. It seems like we have an opportunity to save money and we don't do it, but when we have an opportunity to raise fees, we jump on it with both feet.

COUNCILMEMBER FELIEN had asked last time if we had retroactively increased the fees based on the new formula that you're recommending, where would we be on our \$600 basic service.

BATTALION CHIEF LAWRENCE responded that had we used the CPI Urban San Diego adjustment on the fees from 2009, right now we would be approximately 4.5% above where we were in 2009. The increase would be about \$33 a transport on the ALS side, and about \$27 a transport on the BLS side. He was asked last time whether the CPI Urban is going to bring us up to our full cost recovery. It will never bring us up to full cost recovery if we don't start from a point. As long as we are not asking for a rate that provides full cost recovery, the CPI Urban is really designed to keep pace with the increase and incremental costs as we go, recognizing that full cost recovery is going to be a significantly higher rate.

COUNCILMEMBER FELIEN stated in the information provided, it states that the variable cost to provide the transport service, because it doesn't include some of the fixed costs, is between \$625 - \$675. Is that an average for both the Basic Life Support (BLS) and the Advanced Life Support (ALS), or would he be correct in saying the \$625 would be roughly BLS and the \$675 would be ALS.

BATTALION CHIEF LAWRENCE responded the average number is just that, an average. It does not say that one is BLS and one is ALS, recognizing that we staff our ambulances to cover both ALS and BLS calls with the same personnel. Therefore, the costs, essentially, are the same. This is a range for an ambulance transport, not per BLS or ALS.

COUNCILMEMBER FELIEN stated when he looks at these figures, he sees that if we had retroactively adjusted our fees, which he had said last month that he would support, then we would be at roughly \$620 - \$640 for the BLS and have the same incremental costs with the other categories. We would be more than covering the actual costs of the services being provided for the people who actually pay for the service. He was told that we actually have 6,200 transports that are performed, so he assumes 6,200 billings. What percentage of those billings actually pay the full fee that we ask?

BATTALION CHIEF LAWRENCE would estimate that it's less than 30% that pay the full rate that the City charges due to, in many cases, a statutory requirement that we write off charges. We're prohibited from collecting beyond a specific amount for certain claims. We have an uninsured component to our transports as well.

COUNCILMEMBER FELIEN stated, if this passes and we have the increased fees, basically only that 30% is going to pay the increased fees. Already having covered their share as the numbers show, they're subsidizing all of the people who don't pay their fair share. What we're going to end up having here is a tax lottery. No one knows who's going to get stuck with an ambulance tax because they don't know who's going to be hauled to the hospital next year. It seems, in view of the earlier votes that we had where we didn't have the courage to cut a single penny, the first chance we get we're going to stick it to the taxpayers. That's Sacramento governance, and he doesn't think that's what the citizens are supporting. The people who pay their bill are already paying for their costs, so the issue is who's getting stuck for the costs of the people who don't pay? It's fair to charge people for the cost of a service, but the figures he was provided show they're already paying those costs with a small adjustment that he supports to retroactively adjust the fee. He doesn't know why the attitude is to stick the people who pay with even more of the costs because the City lacks the courage to cut its own costs.

If the current motion doesn't pass, he will offer a counter motion to adjust our fee for the future to adjust for the different calculation of the annual increase.

Motion was approved 3-2, Kern and Felien – no.

31. **City Council: Adoption of resolutions confirming the diagrams and assessments for FY 2012-13 for nine of the City's Landscape Maintenance Districts: (1) Del Oro Hills, Assessment District No. 1-1987; (2) Guajome Ridge, Assessment District No. 1-1989; (3) Mission Meadows Assessment District No. 2-1979; (4) Peacock Hills, Assessment District No. 1-1977; (5) Rancho Hermosa, Assessment District No. 3-1982; (6) Santa Fe Mesa, Assessment District No. 2-1987; (7) Sunburst Homes, Assessment District No. 1-1980; (8) Sunset Hills, Assessment District No. 2-1982; (9) Vista Del Rio, Assessment District No. 1-2001; and ordering the assessments to be levied for FY 2012-13**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Deputy Mayor Feller reported contact with staff; Councilmembers Sanchez, Kern and Felien reported no contact.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

DOUG EDDOW, Real Estate Manager, stated this is the annual renewal of the Landscape Maintenance Assessment District for 9 of the 11 elements.

Public input

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

COUNCILMEMBER KERN moved approval [of the following resolutions confirming the diagrams and assessments for FY 2012-13 for nine of the City's Landscape Maintenance Districts, and ordering the assessments to be levied for FY 2012-13:

Resolution No. 12-R0324-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Del Oro Hills Landscape Maintenance District, Assessment District No. 1-1987".

Resolution No. 12-R0325-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Guajome Ridge, Assessment District No. 1-1989".

Resolution No. 12-R0326-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Mission Meadows, Assessment District No. 2-1979".

Resolution No. 12-R0327-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Peacock Hills, Assessment District No. 1-1977".

Resolution No. 12-R0328-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Rancho Hermosa, Assessment District No. 3-1982".

Resolution No. 12-R0329-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Santa Fe Mesa, Assessment District No. 2-1987".

Resolution No. 12-R0330-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Sunburst Homes, Assessment District No. 1-1980".

Resolution No. 12-R0331-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Sunset Hills, Assessment District No. 2-1982".

Resolution No. 12-R0332-1, "...confirming the fiscal year 2012-2013 diagram and assessment for the Vista Del Rio, Assessment District No. 1-2001".

COUNCILMEMBER SANCHEZ seconded the motion.

Motion was approved 5-0.

32. **City Council: Adoption of a resolution confirming the diagram and assessments for FY 2012-13 for the Douglas Park Landscape Maintenance District, Assessment District 5-1981, and ordering the assessments to be levied for FY 2012-13**

COUNCILMEMBER KERN reported that he owns property within the district and recused himself and left the room on advice of the City Attorney.

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

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

DOUG EDDOW, Real Estate Manager, stated this is for the Douglas Park Landscape Maintenance Assessment District annual renewal.

Public input

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

COUNCILMEMBER SANCHEZ moved [adoption of **Resolution No. 12-R0333-1**, "...confirming the diagram and assessments for FY 2012-13 for the Douglas Park Landscape Maintenance District", Assessment District 5-1981, and ordering the assessments to be levied for FY 2012-13].

MAYOR WOOD seconded the motion.

Motion was approved 4-0, Kern recused himself.

[Councilmember Kern returned to the dais at 8:02 PM]

33. **City Council: Adoption of a resolution confirming the diagram and assessments for FY 2012-13 for the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988, and ordering the assessments to be levied for FY 2012-13**

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

DOUG EDDOW, Real Estate Manager, stated this landscape maintenance district has been separated out because staff wanted to inform Council that, although the assessments will not be raised, there will be a shortfall because we did not receive the \$15,000 contribution from the homeowner's association that we have in the past 2 years. There will be a reduction of service for this fiscal year and part of the next fiscal year. Staff will be coming back regarding a recommendation on how to handle that deficit.

Public input

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

COUNCILMEMBER KERN moved approval of [adoption of **Resolution No. 12-R0334-1**, "...confirming the diagram and assessments for FY 2012-13 for the Mar Lado Highlands Landscape Maintenance District", Assessment District 1-1988, and ordering the assessments to be levied for FY 2012-13].

COUNCILMEMBER SANCHEZ seconded the motion.

Motion was approved 5-0.

34. **City Council: Adoption of a resolution approving the TransNet Local Street Improvement Program of Projects for Fiscal Years 2013 through 2017**

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

GARY KELLISON, Senior Civil Engineer, this is the City's annual consideration of the TransNet Program. As a condition of receiving TransNet funds, SANDAG requires us to program or lay out our spending plan over the next 5 years in fairly broad categories. The program in the staff report is primarily maintenance related. The differences with the projects in Loma Alta Creek Basin would be the basin at Rancho del Oro and Loma Alta Creek. There is sidewalk/street maintenance, pavement striping programs, street overlay program and finishing the Traffic Management Center, which controls our traffic signals. There was a late, small technical correction allowing SANDAG to spend \$11,000 up front for a regional traffic signal management control system.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated a number of members of the South Oceanside community requested that Vista Way at Highway 78 be added or enhanced in this item. If it isn't added to this list, they asked that it be enhanced.

MR. KELLISON responded in the past the City has used TransNet funds to do things like pop-outs and traffic calming on Vista Way. He assumes we're talking about Vista Way west of Interstate 5. Under the category of sidewalk/street repairs (\$1,200,000), that is a broad category for small maintenance projects. Also, if the Transportation Department can identify more needed improvements, we have the freedom to spend out of that category for Vista Way.

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

COUNCILMEMBER KERN asked how we are doing on our TransNet shortfall for maintenance of effort. Are we on track?

MR. KELLISON responded yes we are. It wasn't explicit in the report; that's an accounting requirement. It has nothing strictly to do with the programming budget here. We're doing a better job of identifying our existing General Fund and other accounts that support mostly the Public Works street maintenance function. We've

completed 2 years of the catch-up program, and so far we're on track to fully comply by this time next year.

COUNCILMEMBER KERN moved approval of [adoption of **Resolution No. 12-R0335-1**, "...amending the TransNet Local Street Improvement Program of Projects for Fiscal Years 2013 through 2017"].

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ is glad we're going to be able to address some of the issues on Vista Way.

COUNCILMEMBER FELIEN stated on one of our business visits, we went along Industry Street, and the businesses there were extremely concerned about all of the flooding. Is this Loma Alta Creek Basin expenditure going to address some of those issues or is this on a different stretch of the creek?

MR. KELLISON responded it will help the flooding along Industry Street because the third basin to be completed is the one that's behind Rancho del Oro, upstream of Industry Street. It will not solve the problem in the sense that the businesses are located practically in the flood channel, but it will help.

COUNCILMEMBER FELIEN stated there was some opinion that NCTD building the track contributed to flooding and that, as part of all the haggling between them and the City, building these basins would solve that problem. Is that not your opinion that this is going to solve that or it just helps mitigate a little bit?

CITY MANAGER WEISS responded adding the third basin will relieve some of the flooding but not completely eliminate it along Industry Street. The primary reason is those properties have historically been either fully or partially in flood-prone areas. Although the third basin will address it, there are a number of other issues, including the amount of vegetation in that channel. It's not just NCTD, but the vegetation that is helping to make the flooding situation even worse. We do have a preliminary project that is in the CIP that looks at doing an assessment of the vegetation and what can be done to remove it. Although the mitigation for that will be fairly significant, we're looking at having something with regard to that in the next several months. Even with this third basin, it will not completely relieve the flooding problem.

MAYOR WOOD was talking to Supervisor Horn, and apparently there's federal money available for any of the private businesses that have been flooded by this issue. It's not for the school board or the City, but strictly for the private businesses. He was going to bring that forward to our Council in more detail. He doesn't have the details now.

DEPUTY MAYOR FELLER stated it's beyond him why we can't scrape that thing down to make it a channel instead of a ditch. It says going forward funding for the City's large street maintenance contract will be provided entirely by TransNet. That's because we got grants for several years.

MR. KELLISON responded yes, that's correct. The City was blessed with a number of one-time programs from Proposition 42, Proposition 1D and our share of the Federal Recovery Act that we've spent down.

Motion was approved 5-0.

[Deputy Mayor Feller left the meeting at 8:12 PM]

35. **CDC: Adoption of a resolution approving a Variation (RV12-00001) and Regular Coastal Permit (RRP12-00002) to allow for roof signs and an offsite**

sign for an existing restaurant located at 302 North The Strand – Pier Concession – Applicant: City of Oceanside

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

SHAN BABICK, Associate Planner, stated this is the restaurant located at the foot of the pier. They are asking for signage that extends above the height of the roof. Currently the sign ordinance does not allow for signage to exceed the roof height or parapet of a roof. In addition, the applicant is also asking for an off-site sign that is already existing. Computer graphics were used to show the existing concession stand and off-site signage. The City is requesting that the sign variation be allowed.

In order to do the variation you need findings. The findings have to be unique circumstances. Obviously underneath the pier is a very unique circumstance that does not lend itself to other commercial establishments located in the downtown area.

[Deputy Mayor Feller returned to the meeting at 8:15 PM]

Staff recommends approval of the variation since it's such a unique situation that does not lend itself to other commercial areas or businesses throughout the City.

Public input

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

COUNCILMEMBER KERN asked how Ruby's feels about not getting top billing anymore.

MR. BABICK responded we'll work on the location of that and work with Ruby's on the location as well. That was just shown by the applicant.

COUNCILMEMBER KERN noticed the sign on the side of the building is illuminated. What about the sign above the roof, is that illuminated?

MR. BABICK responded that's illuminated. The flag signs will not be illuminated. He used a graphic to show which signs would be illuminated.

COUNCILMEMBER KERN moved adoption of **Resolution No. 12-R0336-3**, "...approving a Variation and a Regular Coastal Permit for roof signs and an offsite sign for an existing restaurant located at 302 North The Strand – Pier Concession – Applicant: City of Oceanside".

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ was trying to imagine 9 feet above, and she doesn't know if that's the most marketable thing they could have done. The flags don't really do much for it. They could have it a little lower than it is and not have to create such a difference with everything else. She won't be able to support this.

DEPUTY MAYOR FELLER stated we got an email earlier from Citizens for the Preservation of Parks and Beaches, and they literally seem to be against everything that's good. In this case, we're talking about something unique for our pier plaza area. This is a perfect example of thinking outside the box. That raised piece is to attract the attention of the people walking by on the walkways down to the actual wooden part of

the pier. That's a great attraction. He wants to help them get through this process as quickly as possible.

Motion was approved 4-1, Sanchez – no.

36. **City Council: Adoption of a resolution amending the Development Processing Fee Schedule for Planning by adding a Discretionary Comprehensive Digital Sign Package Application category for technologically advanced sign proposals and setting the associated fee as a developer deposit account**

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

JERRY HITTLEMAN, City Planner, stated on April 18, 2012, Council approved the revised sign ordinance that included digital display signs on private property. This is simply to establish a developer deposit fee that's allowed in that ordinance. We'll recover the costs through that.

Public input

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

COUNCILMEMBER KERN asked how we establish what the fee amount will be. Is it based on square-footage, type, etc.?

MR. HITTLEMAN responded the fee is based on how much time it will take to process the proposals as they come in. We are currently going to establish a deposit account of \$4,500. If we expend all of that amount, it will be charged to the applicant. If we use less, it will be refunded.

COUNCILMEMBER KERN moved approval of [adoption of **Resolution No. 12-R0337-1**, "...adopting revisions to the Development Processing Fee Schedule for Planning", by adding a Discretionary Comprehensive Digital Sign Package Application category for technologically advanced sign proposals and setting the associated fee as a developer deposit account].

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 5-0

37. **[City Council: Consideration of an appeal of Planning Commission Resolution No. 2012-P12 approving Conditional Use Permit (CUP10-00012) to allow new standalone wireless telecommunication facilities on a 10.42-acre City-owned property located at 3471 Cannon Road within the Ocean Hills Neighborhood; (1) adoption of a resolution upholding the Planning Commission's decision and approving the project and (2) adoption of a resolution adopting the Mitigated Negative Declaration – AT&T @ San Francisco Peak – Appellant: Gayle Palmer; Applicant: AT&T Mobility LLC]**

Continued to June 6, 2012

MAYOR AND/OR COUNCILMEMBER ITEMS – Continued

38. **Request by Councilmember Felien to have City staff report back to the City Council in 30 days on the expense and other requirements to have all City**

from committees and commissions that they probably wouldn't speak as openly as they do if they're live on television or the computer.

COUNCILMEMBER FELIEN hopes to finish the night with a 5-0 vote. Open government is good, and this is a step in the right direction.

Motion was approved 5-0.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

40. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside amending Article 30, Section 3032, of the 1992 Oceanside Zoning Ordinance and adding Article 40 of the 1986 Oceanside Zoning Ordinance, modifying the City's Density Bonus Provisions to comply with Government Code Section 65915 (Introduced 5/2/12, 3-1 vote—Sanchez no, Feller absent)**

After titling of the ordinance, **DEPUTY MAYOR FELLER** moved adoption [of **Ordinance No. 12-OR0338-1**, "...amending Article 30, Section 3032, of the 1992 Oceanside Zoning Ordinance and adding Article 40 of the 1986 Oceanside Zoning Ordinance, modifying the City's Density Bonus Provisions to comply with Government Code Section 65915].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 4-1, Sanchez – no.

CITY COUNCIL REPORTS

23. **Mayor Jim Wood**

MAYOR WOOD announced a book sale behind the Civic Center Library on May 19th. Also on May 19th, which is Armed Forces Day, we will hold the 11th Annual Operation Appreciation events, sponsored by the Oceanside Chamber of Commerce, at the Pier Amphitheater.

24. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER apologized for not attending the last Council meeting. His father was ill.

25. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the League of Cities meeting last Monday. He also attended the memorial and funeral service for Junior Seau.

26. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Friends of the Park Heritage Park event last Saturday. Ed Stokes is retiring. Operation Appreciation is Saturday. Tomorrow he is traveling to Long Beach to do a bike tour of their bicycle-friendly city.

He takes issue with the votes tonight on RFPs for outsourcing. If we can't get these, then we basically threw away \$266,000 next year and probably close to \$1,000,000 over 5 years. We'll never be able to outsource. There's no use going through the charade of doing RFPs for outsourcing if we can't do it. If we couldn't do it tonight, we'll never be able to do it. If we cannot demonstrate to the public that we are good stewards of the money and trying to cut our costs wherever we can, they will never pass a tax increase. The idea that we're going to have a tax increase that will somehow save us isn't going to happen because it will not pass. Even Jerry Brown's tax increase is in trouble.

27. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended the Friends of the Oceanside Parks fundraiser at Heritage Park. She also attended the Oceanside Museum of Art exhibit called Cruise in Califas.

We had another shooting in Crown Heights. We're continuing to work with the community and work at getting resources to show the community we support them. The police department is working diligently on these issues.

She attended the funeral services for Junior Seau. She's looking forward to the formal dedication of the bandshell in his name on July 7th.

Regarding this evenings votes, we obviously have different philosophies here. She sees it differently than Councilmember Kern. Each of us sees our responsibilities differently. She feels a tremendous responsibility to the residents and has not profited in any way over the last 12 years by being on the dais and working hard for each one of our residents. When she is committed to working on a project and helping people, she goes all the way.

In terms of addressing our costs, we're doing that. What was before us this evening did not make sense. We were not really going to save any money. We're one of the major employers in the region, along with the school district and Tri-City Hospital. We have to take our responsibilities seriously. The vote tonight was about providing the best possible services to our citizens with the few people that we have. We've gone through lay-offs, cuts in pay and cuts in benefits over the last few years. Our employees are working with us to address these issues. We are working hard to insure that we continue to provide the best services to our residents, i.e. public safety which is becoming a larger issue these days, and making Oceanside the kind of place that businesses and families want to come to.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 8:51 PM on May 16, 2012, to a workshop on May 23, 2012, at 2:00 PM.

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside