



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

JUNE 6, 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, June 6, 2012.

2:00 PM - ROLL CALL

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

June 6, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Present were Mayor Wood, Deputy Mayor Feller and Kern and Felien. Councilmember Sanchez arrived at 2:05 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session: Items 1, 2A and 2B.

[Closed Session and recess were held from 2:02 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, OFMA); no reportable action

2. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

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

Item discussed; no reportable action

B) Property: Vacant land adjacent to Loma Alta Creek West of South Coast Highway, Oceanside, CA, APN 153-030-14; Negotiating Parties: City of Oceanside and Francesco Dorigo; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Terms and condition of property exchange

Item discussed; no reportable action

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 3-12]

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

COUNCILMEMBER SANCHEZ requested that Item 8 be pulled for discussion.

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 April 6, 2011, 4:00 p.m. Regular Meeting of the City Council/HDB/CDC, and the February 15, 2012, 4:00 p.m. Adjourned Meeting of the City Council
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 an increase in the amount of \$6,732 to the purchase order to Oceanside Transportation Services, LLC, of San Diego, for a total of \$56,718 for the Senior Transportation Program, and authorize the Financial Services Director, or designee, to execute the purchase order
6. City Council: Approval of Amendment 1 [**Document No. 12-D0361-1**] in an amount not to exceed \$89,216 to the Professional Services Agreement with Aerotek, Inc., of Hanover, Maryland, for a temporary Water Plant Operator and a temporary Instrumentation Technician I for temporary staffing due to retirements and medical leaves, and authorization for the City Manager to execute the amendment
7. City Council: Approval of an On-line Services Agreement [**Document No. 12-D0362-1**] with Government Jobs, Inc., dba NEOGOV of El Segundo in the amount of \$17,683 for on-line recruitment, application processing, and exam management, and includes various reporting options; and authorization for the City Manager to execute the agreement
8. **Removed from the Consent Calendar for discussion – Council**
9. City Council/Harbor: Approval of a request by Mr. Gould to add two additional terms to the sublease of his Harbor slip from June 7, 2012, to December 31, 2012, which will allow him to take an extended cruise
10. City Council: Approval of the Parks and Recreation Commission FY 2012-2014 Workplan
11. City Council/HDB/CDC/OPFA: Adoption of four resolutions [**Resolution No. 12-R0365-1 (Council)**, "...revising the dates and times of the regular meeting schedule for calendar year 2012"; **Resolution No. 12-R0366-2 (Harbor District)**, "...revising the dates and times of the regular meeting schedule for calendar year 2012"; **Resolution No. 12-R0367-3 (CDC)**, "...revising the dates and times of the regular meeting schedule for calendar year 2012"; and **Resolution No. 12-R0368-OPFA**, "...revising the dates and times of the regular meeting schedule for calendar year 2012", amending the 2012 meeting schedule dates and times for regular meetings of the City Council, Harbor District Board of Directors, Community Development Commission, and Oceanside Public Financing Authority, adding July 5, 2012, to the 2012 meeting schedule
12. City Council: Authorization to award a contract [**Document No. 12-D0369-1**] in the amount of \$156,614 to SD&B Construction, Inc., of Escondido for the construction of the San Luis Rey Wastewater Treatment Facility Old Maintenance Building Upgrades project, and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

COUNCILMEMBER KERN moved approval of the balance of the Consent Calendar [Items 3-7, and 9-12].

MAYOR WOOD seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

8. **City Council: Approval of utility relocation and reimbursement agreements with Caltrans in amounts not to exceed \$142,427 for sewer facilities and \$484,096 for water facilities for the State Route 76 Widening project located west of Melrose Drive; and authorization for the Mayor to execute the agreement**

COUNCILMEMBER SANCHEZ stated this project is in front of Jeffries Ranch Road, and she asked for a status update on our negotiations with Caltrans on Jeffries Ranch Road.

CITY MANAGER WEISS responded this reimbursement is for a portion that is not by Jeffries Ranch Road. At this point, the Council authorized staff to move forward with preparing the purpose and needs statements for the Jeffries Ranch Road connection. We are preparing the preliminary designs for those connections. Once all of that preliminary effort and work has been done, we will be transmitting it all to Caltrans for them to give us an indication as to whether or not they will approve that connection. At this point, regarding the preliminary studies and purpose and need statements, we're shooting to have all that done in the end of September or beginning of October. If that isn't the case, we will update Council.

COUNCILMEMBER SANCHEZ clarified that the negotiations are ongoing with Caltrans regarding making that happen.

CITY MANAGER WEISS responded at this point there are no negotiations, other than Caltrans telling us what we need to prepare and submit to Caltrans in order for them to make a determination. We have had preliminary discussions with them and we are preparing all of the documents that they have asked us to prepare.

COUNCILMEMBER KERN moved approval [of utility relocation and reimbursement agreements [Document No. 12-D0363-1 and Document No. 12-D0364-1] with Caltrans in amounts not to exceed \$142,427 for sewer facilities and \$484,096 for water facilities for the State Route 76 Widening project located west of Melrose Drive; and authorization for the Mayor to execute the agreement].

COUNCILMEMBER FELIEN 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.

13. **City Council: Rejection of proposals submitted in response to the City's Request for Proposals for the operation and maintenance of the Marshall Street Swim Center due to lack of responsiveness to the RFP; and authorization for the City Manager to continue to search for privatization opportunities**

DOUGLAS EDDOW, Real Estate Manager, stated staff is recommending that Council reject the proposals submitted in response to the RFP's for the management and operation of the swim facility and programs at the Marshall Street pool.

Staff issued an RFP and received 3 responses through that RFP. Unfortunately, those responses were non-responsive in that they did not address the request to manage and operate the facility at lessee's sole cost. Instead, all of the proposers asked that the City pay for their services to manage the facility.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated we should invite the school district and private schools to participate in the operation and maintenance in exchange for the guarantee of blocks of time and access for their groups to use the facility. This is the public's pool. Let's make it a truly public pool and not just the City's pool. Any private contractor operations would cease this sense of public ownership.

Public input concluded

MAYOR WOOD thinks it would be a great idea if the schools were interested in assisting us with that.

DEPUTY MAYOR FELLER asked if we've pursued the suggested way of operating that pool already.

CITY MANAGER WEISS responded yes. Back when we were talking about the issue of the subsidies, neither the school district nor MiraCosta are interested in financially participating in the operating costs of the pool. In fact, with the Oceanside Unified School District we do have joint use agreements whereby we provide them access to our pools at no costs in exchange for them providing us access to their sports fields.

DEPUTY MAYOR FELLER moved approval of [rejection of proposals submitted in response to the City's Request for Proposals for the operation and maintenance of the Marshall Street Swim Center due to lack of responsiveness to the RFP; and authorization for the City Manager to continue to search for privatization opportunities].

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER SANCHEZ disagrees that we should be privatizing a municipal swimming pool. We only have 2 swimming pools in a City with 176,000 residents. We should be able to make this work for our residents. We do have the joint use agreements. This is not going to work. We should take responsibility and run it ourselves.

COUNCILMEMBER FELIEN stated his recollection is that this pool was closed as part of the budget agreement because of the high cost per use and that the pool wasn't acceptable to other users because it was non-competition style pool. Is that correct?

CITY MANAGER WEISS responded those are reasonably accurate, yes.

COUNCILMEMBER FELIEN knows it would be a nice thing to do, but to reopen the pool we'd have to cut someone or something, is that correct? He asked what the cost was to manage the pool for a year and keep it open for public use.

CITY MANAGER WEISS would have to go back and look at that number, but he believes it was in the range of \$140,000 to \$160,000.

COUNCILMEMBER FELIEN thought it was about that. The choice has already been made with the budgets we've already approved, based on the tough choices that we had. Voters may or may not agree with those choices, but it was a choice.

Unfortunately we have to vote yes on the staff recommendation.

COUNCILMEMBER SANCHEZ understands that we have limited resources, and it's all about what our priorities are. We were willing to spend \$250,000 to place 2 items on the ballot. Included in that was a plan to spend an additional \$200,000 every other year. Obviously, it's all about priorities, and our priorities should be about the needs of our residents. We obviously have the funding, or we wouldn't have been able to go through this highly aggressive election that put seniors and veterans in a stressful situation. We should be able to do this.

DEPUTY MAYOR FELLER stated those are great comments considering we had a \$500,000 recall that we could have used for these very things.

Motion approved 4-1, Sanchez – no.

14. **City Council: Approval of the (1) Assignment of the Power Purchase Agreement (PPA) and the Property Lease Agreement (PLA) from SunEdison of Baltimore, Maryland, to Solar Star Oceanside, LLC, of Richmond, California, for the installation and operation of a solar photo-voltaic system, and use of approximately 10 acres of City-owned land located at 3950 N. River Road for the San Luis Rey Water Reclamation Solar Photo-Voltaic System; approval of (2) Amendment 2 to the PPA and (3) Amendment 2 to the PLA with Solar Star Oceanside, LLC, to modify the terms and conditions and update the PPA with the new solar electricity pricing, annual production amounts, and early termination fees; and authorization for the City Manager to execute the assignment agreement and the amendments**

CARI DALE, Water Utilities Director, stated this project has been going on for quite some time. It first came before Council in August of 2010. Council, at that time, awarded a Power Purchase Agreement and a Site Lease Agreement to SunEdison. This was a solar provider that was to be installing a one megawatt solar field. The City would purchase the power that was generated at the site at a reduced rate, cheaper than what SDG&E would provide to us. At that time, SunEdison on behalf of the City paid \$20,000 to secure incentives from the State. Since the project award, SunEdison has been unable to complete the project, and the incentives were in jeopardy of expiring.

At that time, the City requested that the incentives be extended to the end of December, 2012. Fortunately, it was granted. We worked with an attorney specializing in solar contracts to help us better understand that and the impacts of the SDG&E solar rates. This had been before Council a little less than a year ago and put solar projects, and the economics of solar projects, in jeopardy.

In May of 2012, staff contacted alternative solar providers and asked them if they were interested in submitting a proposal for the project. We have 3 proposers on the project. Of the three proposals received, Solar Star Oceanside LLC ranked highest based on pricing, financial performance and ownership. We had proposals evaluated by a solar energy analyst for comparison purposes.

The proposal would result in a 20-year cumulative nominal dollar savings of \$1,600,000. This is about \$82,000 in annual savings to the sewer fund. It's an additional savings of nearly \$500,000 over the previous proposal.

The incentives, which are critical to the economic viability of the project, are conditioned upon Council's action this evening and execution of the contracts you. We need to meet a milestone by June 14th with the State in order for the incentives to be viable. SunEdison, the original provider, is willing to reassign the incentives.

Staff is requesting that Council take action to approve assignment of the Power Purchase Agreement from SunEdison to the new provider; assignment of the Property Lease Agreement from SunEdison to the provider; and to modify the terms and conditions of the Power Purchase Agreement.

Public input

JIMMY KNOTT, 127 Sherri Lane, Vice-Chairman of the Utilities Commission, stated we have unanimously approved this and recommend that Council pass it. This takes a very important step toward self-sustainability within the department. Even though it will not fully take the facility off the grid, it makes a sizeable indent toward that and reduces the cost of operations for the facility.

Public input concluded

COUNCILMEMBER KERN asked where are we and what kind of time line is there before we start getting some type of payback. The public would want to know, if we go forward with this, when are we going to start generating power that we can use?

JASON DAFFORN, Water Utilities Division Manager, responded we should start generating power toward the end of the year. One of our milestones is to be complete by mid-December and operational.

COUNCILMEMBER KERN asked how these incentives work.

MR. DAFFORN responded the State offered an incentive program for the solar systems. We were able to apply and qualify for the program. That incentive will be passed through to the solar company, which in turn allows for the project to be feasible and a benefit and cost-savings for the City on power purchases.

COUNCILMEMBER KERN asked if we're going to use this power at San Luis Rey.? We're not going to hook into the grid? We're just going to use the power to offset our City costs for power for the San Luis Rey Treatment Plant?

MR. DAFFORN responded that is correct.

COUNCILMEMBER KERN moved approval [of the Assignment of the Power Purchase Agreement (PPA) [**Document No. 12-D0370-1**] and the Property Lease Agreement (PLA) from SunEdison of Baltimore, Maryland, to Solar Star Oceanside, LLC, of Richmond, California, for the installation and operation of a solar photo-voltaic system, and use of approximately 10 acres of City-owned land located at 3950 N. River Road for the San Luis Rey Water Reclamation Solar Photo-Voltaic System; approval of Amendment 2 [**Document No. 12-D0371-1**] to the PPA and Amendment 2 [**Document No. 12-D0372-1**] to the PLA with Solar Star Oceanside, LLC, to modify the terms and conditions and update the PPA with the new solar electricity pricing, annual production amounts, and early termination fees; and authorization for the City Manager to execute the assignment agreement and the amendments].

COUNCILMEMBER SANCHEZ seconded the motion. We've been working hard to get solar here, and this is really moving it along.

DEPUTY MAYOR FELLER asked how much the energy costs are at San Luis Rey.

MS. DALE does not have a figure at this time. The costs are partially offset by onsite cogeneration and would be further offset with the solar. The costs are substantial, and this is a cost-savings for us. It's at least \$1,000,000 a year.

DEPUTY MAYOR FELLER asked if we're going to save \$2,000 a year.

MS. DALE responded with this contract we're getting about \$84,000 a year in savings. The 20-year savings is at about \$1,600,000.

DEPUTY MAYOR FELLER asked where the State got the money for these incentives.

MS. DALE doesn't have the answer to that, but could research it and get back to Council.

DEPUTY MAYOR FELLER guesses it's from us. He supports this. He doesn't necessarily believe solar is the way to go. There's a better investment for that 10 acres.

MR. DAFFORN responded it's actually 8 acres. It's a 10-acre site and 8 acres will be utilized.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

27. **Request by Councilmember Kern for Council support of San Diego County's development of additional Property Assessed Clean Energy (PACE) financing programs, and direction to staff to send the attached letter to Supervisor Bill Horn**

COUNCILMEMBER KERN stated this is about the PACE program, which will effectively allow local governments to implement energy efficiency tax districts. In this instance, he's talking about the County. With PACE financing, energy efficiency improvements are paid through a source of funding arranged by the County and the costs are paid back on property tax bills on a 20-year term. This is an innovative way to finance energy efficiency programs through funding without any out-of-pocket from the property owners.

Attached to this back-up is a letter that he plagiarized from the City of Carlsbad. Hopefully we'll all get on board to deal with this. Now we're talking about distributive solar power and the ability for people to put solar on their roof and keep it part of the house. When they sell the house, they don't have to reassign the loan because the money is getting collected by the County through property taxes. The County partners with a company to administer the program, or the County may decide to do it themselves. The program is then usually funded with bonds, or a private company puts up the money.

The homeowners get the site evaluation and energy efficient improvements with any company that they choose. Once the owner applies with the County program administrator, there is a small fee to cover the cost of a municipal solar financing program. This is something people can do on their own. They can sign up for it. Once the homeowner's solar system is approved by the County, the program administrator pays the installer; the system is purchased; and then it's paid back over a 20-year period. If the home is ever sold, the system goes with it, along with the tax liability of the solar system.

In researching this, he read that for every \$4,000,000 worth of rooftop solar, that's 60 jobs. This is an incentive to not only put in rooftop solar, but to bring jobs to this region. It will work well in Oceanside and throughout the County. Today he's only asking that the Mayor send a letter to our Supervisors asking them to put the PACE program in place.

He **moved** for direction to staff to send a letter to Supervisor Bill Horn.

COUNCILMEMBER SANCHEZ seconded the motion. She's surprised to see this today because she's been working on this with Crystal Crawford, the former Councilmember from Del Mar. She's happy to include a letter to our Supervisor, Bill Horn. She attended the meeting where we had representation from the County. It was an exciting presentation. We're hoping the County will establish a district, and then the cities can go under it. It was going to be her job to bring that forward on behalf of Oceanside. She had planned on doing that with an education piece. This is about jobs and clean energy, as well as saving money. The Board of Supervisors is looking for a third vote on this. If this letter will encourage our Supervisor to move on this then she's all for it.

MAYOR WOOD got a phone call from Crystal Crawford explaining all of this.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated there have been many groups supporting and developing this over the past few years. He attended a meeting a few years back in Encinitas where this was discussed. It's been almost a countywide movement.

Public input concluded

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.

29. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside, California, amending Article XIV of the Oceanside Traffic Code to establish various speed limits on various streets** *(Introduced on 5/16/12, 5-0 vote)*

After titling of the ordinance, **COUNCILMEMBER KERN moved** adoption of **Ordinance No. 12-OR0384-1**, "...amending Article XIV of the Oceanside Traffic Code to establish various speed limits on various streets".

MAYOR WOOD seconded the motion.

Motion was approved 5-0.

30. **City Council/CDC: Re-adoption of an Ordinance of the City Council of the City of Oceanside amending Article 33 of the City Zoning Ordinance modifying the City's sign regulations** *(introduced April 18, 2012 - 4-1 vote, Sanchez no)*

CITY ATTORNEY MULLEN stated this is back in front of Council because the publication in the newspaper was not done correctly, so we have brought it forward to

re-adopt it.

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption of **Ordinance No. 12-OR0289-1**, "...amending Article 33 of the City Zoning Ordinance modifying the City's sign regulations".

MAYOR WOOD seconded the motion.

Motion was approved 4-1, Sanchez – no.

CITY MANAGER ITEMS

28. Update on July 4th Traffic Management Plan

CITY MANAGER WEISS stated in prior years, Council had asked for a presentation prior to the 4th of July on what the overall traffic management plan was going to be.

FRANK McCOY, Police Chief, stated our traffic plan for this 4th of July is similar to the other traffic plans we've done for the last few years. The plan has not changed. Our goal is to make the downtown area as accessible as possible unless the traffic gets so heavy that we're not able to do that. We are looking at cordoning off Pacific Street, but those streets further east will be open as long as it's safe. That way the residents and businesses will have access to the downtown area. He does not have a physical traffic plan today with mapping, but he can bring that back on the 20th, if Council so wishes.

DEPUTY MAYOR FELLER stated his only concern is the residents on The Strand and their access. We had a problem when the most recent Ironman was here. He asked the Police Chief to make sure those residents have adequate information about what they have to do to get in and out during the day in question.

CHIEF McCOY understands the issues and problems with those people who live on The Strand, but this is a one-day-a-year event where The Strand will be shut down for safety purposes. There are too many people walking on The Strand to be able to have cars traversing it. We will make sure that those residents understand that The Strand will be closed, and we'll try to give them a timeframe on when it will be closed. Obviously, if there is some emergency, there will be opportunity for emergency personnel to get to those residents if there are any issues or problems that arise.

DEPUTY MAYOR FELLER stated that's all he's asking. Just make sure they know exactly how it's going to happen so they're not in the dark.

CHIEF McCOY will have personnel hand out flyers to residents on The Strand to insure that they have understanding of when we're anticipating closing and opening the street.

COUNCILMEMBER KERN asked if once the Chief has the map he can post it on the City's web site and give a copy to MainStreet so they can get it out to the public. He likes the idea of keeping more streets open. The downtown businesses were concerned about that.

He asked the Chief to explain what the Safety Zone is and what enhancement that means down there.

CHIEF McCOY explained that the Safety Zone was established about 4 or 5 years ago. The purpose is to enhance the fines in that area of any particular City

ordinance violations as more of a deterrent for those that may want to come down to the beach area and bring illegal fireworks or drink alcohol, etc., which is prohibited by our City ordinance. The goal of the Police Department is to insure that everybody that comes down for the 4th of July has the best time possible. With 4th of July being in the middle of the week and not attached to a weekend, that usually means our crowds will be less during the nighttime hours. We'll still have the daytime population, but because people have to work the next day and won't stay out as late, we anticipate lower numbers during the nighttime. Because of that, our traffic plan will be more of a fluid plan to meet the needs of the crowds that we have at the time.

Our traffic plan will be as fluid as possible to accommodate our downtown businesses and at the same time insure that those visiting our City are safe.

COUNCILMEMBER KERN asked about the traffic plan for the Harbor. Camp Pendleton will probably shoot off fireworks, so there will probably be a flood of people who set up there to see the fireworks.

CHIEF McCOY again responded it will be the same plan as we had last year. From each year we've made some modifications to our plan. Last year seemed to work well with minimal complaints from residents and visitors, so we're implementing, more or less, the same plan we had then. We'll make sure that information is put out.

COUNCILMEMBER FELIEN asked for the residents on The Strand whose access is closed off to vehicle traffic, is there any special parking provided that's within walking distance so they can move their cars out beforehand and have access to it.

CHIEF McCOY responded what we have done in the past is allowed our residents who live in the downtown area affected by this to park in our City lots that are west of the railroad tracks.

MAYOR AND/OR COUNCILMEMBER ITEMS – Continued

26. **Request by Mayor Wood for the City Council to request SANDAG to take the lead in completing the environmental studies for the Buena Vista Lagoon in relation to the I-5 Widening, I-5/SR-78 Interchange and Coastal Rail Projects and to commit \$100,000 of City funds to the studies**

MAYOR WOOD stated this is an important issue for North County. We're trying to widen Interstate 5 (I-5) coming from the south to the north to Oceanside. The reason we're last is because we have the Highway 78/I-5 interchange that might be a flyover, plus the widening of the freeway. Add to that the impact it will have on the Buena Vista Lagoon and the environmental impact. We wanted to do it all at one time. Also, the train tracks that go through there need to be widened and double-tracked. We want to save the Buena Vista Lagoon as well.

There's been a delay on the Environmental Impact Report (EIR). We're afraid if it doesn't get done by the time Caltrans moves on this, the money will go somewhere else. If you don't have a shovel-ready project, you don't get the money. It could go anywhere else in the State or County, and we don't want to see that. It's about \$1,000,000 to do an EIR for that location. We're willing to front \$100,000, with SANDAG doing \$800,000 and Carlsbad doing \$100,000. If we don't do that and pull it out of the hands of the other people, it won't get done. It's a very important impact to traffic in the North County region.

He **moved** [to request SANDAG to take the lead in completing the environmental studies for the Buena Vista Lagoon in relation to the I-5 Widening, I-5/SR-78 Interchange and Coastal Rail Projects and to commit \$100,000 of City funds to the studies].

COUNCILMEMBER SANCHEZ seconded the motion.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated he was concerned about the commitment of City funds toward this. Have we explored all of the other options? Are we clear about what City funds are being designated? We have other groups involved like NCTD, Caltrans, Carlsbad and the Conservancy. Who's paying what percentages there? We also have SANDAG involved. What's the proportionality that's going to come into play? Instead of using our General Fund, can this come from the SANDAG allocation?

Public input concluded

COUNCILMEMBER SANCHEZ stated there are several groups that have been working on the EIR process with the Buena Vista Lagoon Foundation, having received some grants to cover the initial expenses of the EIR. It's been about 12 years in the making, and some of these studies, which were done about 3 years ago, are in danger of becoming too old. There is also a window of opportunity that is closing with respect to the Buena Vista Lagoon and its restoration project in terms of getting funded. This is a once-in-a-lifetime situation in terms of funding. We have the I-5 widening, which will have about \$150,000,000 to \$200,000,000 in mitigation money. They are looking at restorations of lagoons along the I-5 corridor, and our lagoon would bring the most benefits. If we do not get this project within the Public Works Plan in a short period of time, then it will not be included in the Public Works Plan for the I-5 widening and we will lose any possibility of getting \$100,000,000 to the region.

We've been asked by SANDAG, who had agreed to become the lead to complete the EIR, which has been going on for some time, It needs to be concluded. Lots of studies have been done. Staff has had a chance to look at some of the studies. SANDAG, working with Caltrans, is in an excellent position to be able to fast-track this project. Our \$100,000 would be showing our commitment to this project. We stand to gain perhaps a \$100,000,000 infusion of funds in the region in terms of jobs and restoration of this critical lagoon. She urged Council to say yes to this. \$100,000 is funding that is critical in terms of where we are at this point, but she has been assured by the City Manager that we are able to provide the money.

CITY MANAGER WEISS explained a number of years ago we had committed about \$140,000 to replace the weir that is at the end of the lagoon. Those monies were allocated from your drainage fees, which are developer impact fees. At this point, we're looking at how much of those would be available to be reallocated to this project. He doesn't believe the full amount is there; however, because the EIR will also address the construction of the I-5/78 interchange as a major thoroughfare project, at this point we do not anticipate using any operational money for this. It would all either be development impact fees or some of your traffic fees.

COUNCILMEMBER SANCHEZ stated the bottom line is, in order to be able to get the permits for the I-5 widening and have the project go through, you need to have the mitigation projects, planned out and in line. This is going to get all three of those: the rail project, the I-5 widening and the mitigation. If we do not get involved at this point, we stand to lose these funds to the south or to a different county.

COUNCILMEMBER KERN is a little confused about part of this because the Mayor voted to send \$800,000,000 of SANDAG money back down to San Diego when they cut back the I-5 widening. He was probably the only Mayor in North County to do that. We gave SANDAG back \$800,000,000, and now we have to scramble to pay \$100,000 so hopefully we can get part of that money back. He endorses the project.

It's very important, and SANDAG should take the lead. He would like to make a substitute motion to direct our SANDAG representative to go back and ask them for the \$100,000 out of the \$800,000,000 to do the project.

The taxpayers shouldn't have to pay twice for the same project. They pay their TransNet fees and their taxes. We took that money and sent it back down to San Diego. SANDAG has not been our friend here in Oceanside. They were supposed to spend SANDAG money on Highway 76, but they used the money from the Recovery Act on Highway 76. They took that money and immediately sent it south. They didn't keep that money in North County. If we were still waiting for SANDAG to do 76, we'd still be waiting because they would have thought of some other higher priority project than 76.

He knows this is an important project, but we should have SANDAG give us part of that \$800,000,000 back on this project. His suggestion is a substitute alternative to have SANDAG take the lead, but direct our SANDAG representative to get at least \$100,000 of that \$800,000,000 back to fund that portion of the project.

CITY ATTORNEY MULLEN stated there is already a motion and a second. He advised to proceed with that motion. If it fails then you could have a substitute motion at that time.

MAYOR WOOD appreciates what Councilmember Kern said, but the problem is that the entire SANDAG Board voted on that money. This was the back-up plan and that's where it went. He can go back to SANDAG and tell them what you advised, but what we may lose is SANDAG's support for the entire project. He's worried about that.

DEPUTY MAYOR FELLER thinks the project is important. We should at least ask SANDAG, but he doesn't want to kill the project. How do we do that?

MAYOR WOOD responded we've already sat with SANDAG, Carlsbad, City Managers, Caltrans, etc. and had the meetings. If you're going to push this then we have a chance of losing everything on it. It is expediting it because of the concerns we have over the major projects. We have already talked to them about it, and this is their agreement. We can lose a lot if we're not shovel-ready.

DEPUTY MAYOR FELLER wants to know if there's a compromise in there to go down and talk to SANDAG. It can't hurt us to go down and talk to SANDAG.

COUNCILMEMBER SANCHEZ responded the bottom line is we have been trying to push this through other venues. The lead agency is actually Fish & Game, so we can allow them to continue to be the lead agency, but that means it will not be in line for mitigation, which means that it probably won't get all the permits. She's talking about the I-5 widening and not the lagoon at this point.

DEPUTY MAYOR FELLER thinks we need to go down there and talk to SANDAG.

CITY MANAGER WEISS stated at this point we're requesting SANDAG to take the lead, and we're asking Council to allocate based on their recommendation. He's hearing that there is support for the program. We could ask them to move forward and take the lead, because the only way the environmental documents are going to get done is if SANDAG and/or Caltrans takes the lead. As part of that request, we could also ask them to pay the whole thing. If they say no, we'd have to come back to Council to allocate those funds.

CITY ATTORNEY MULLEN stated it's important to keep in mind that this is just asking SANDAG to take the lead. We would be sending a letter, assuming you were to approve the motion. We would then negotiate a Memorandum of Understanding

(MOU), and that is what Carlsbad is anticipating. They've allocated their \$100,00, or at least indicated their approval of it. We would then negotiate an MOU and bring that back in open session.

ASSISTANT CITY CLERK TROBAUGH clarified that the motion is simply to request SANDAG's lead, and the \$100,000 is not being addressed.

CITY ATTORNEY MULLEN stated it's part of the item on the agenda, but the source of the funds and the actual contractual obligation to pay it would be in the subsequent MOU that would come forward.

COUNCILMEMBER FELIEN is confused as well. He participated in some of the meetings with Councilmember Sanchez, and the idea of getting the lagoon taken care of and finishing the EIR is certainly important. Having SANDAG take the lead on this while Fish & Game has dawdled for decades on this and we've missed out is a good idea. We've literally had hundreds of millions of dollars that have gone from North County to South County while we've been paying the half-cent sales tax and not getting the benefit from that, whether it was the 76 widening that's been delayed and delayed or the I-5 widening that recently happened and then got narrowed down and sent another \$800,000,000 south. He doesn't find it believable that \$200,000 is going to hold up this project when we've had \$1,000,000,000+ move south. He's willing to support a motion that asks the lead agency, but we don't need to commit \$100,000 tonight.

COUNCILMEMBER SANCHEZ clarified the \$100,000 is the condition of SANDAG taking the lead. If we don't want to put out the \$100,000 then SANDAG is not taking the lead, and it'll just stay with Fish & Game. She's hearing that Council would prefer that Fish & Game continue to be the lead agency on the EIR. If the motion fails then she will let the agencies know.

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

[Recess was held from 4:59 PM to 5:16 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:16 PM. All Councilmembers were present.

INVOCATION – Reverend Malaki Tauilili

PLEDGE OF ALLEGIANCE – Players From Fil-Am Cultural Association

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – Race Across America
Proclamation – 11th Annual Filipino Cultural Celebration
Proclamation – Honoring Oceanside resident Dee Devine
Presentation – "Prosperity on Purpose" by Linda Bailey
Presentations were made

[Councilmember Feller left the meeting at 6:03 PM]

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: Items 1, 2A and 2B.

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

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

KATHY KINANE, 2987 Highland Drive, is the owner of Kinane Events, Executive Director of the Move Your Feet Foundation and Organizer of the Title 9 Change My Life Celebration. This event is part of a national celebration of the 40th anniversary of Title 9. Title 9 is an amendment to the Constitution that was championed by Congresswoman Patsy Mink when she was denied access to medical school in 1948. It took her until 1972 to get Title 9 passed. Title 9 states that no person in the United States shall be excluded from any educational program or activity receiving federal financial assistance.

[Councilmember Feller returned to the meeting at 6:07 PM]

Unfortunately, most of society believes it is only related to sports. That's not true. Over 40 years ago, only 15% of the students in business, engineering, dentistry, medicine law or doctoral programs were women. Today women make up 50% of college students in these fields. In 1972, there were only 294,000 girls participating in sports. Today there are 3,000,000. Most importantly, in 2002 45% of all families have a woman as their sole source of financial support. This is very important to all of us.

On June 23, 2013, we will have about 2,000 women and their families come and honor women leaders in education, business, science and sports. We'll have Olympic athletes, Vice Presidents, scientists, doctors and dentists. We will be celebrating 40 years of progress. We're getting a lot of national exposure for Oceanside with this event. We'll have live music and expo booths.

JIMMY KNOTT, 127 Sherri Lane, stated people have the right to vote, and the majority has spoken regarding Propositions E and F. The majority has given this Council instructions. The message was sent overwhelmingly. The public disagrees with the acts of the majority of this Council. The people have spoken, and we hope you can hear us now. He thanked everyone who helped defeat these propositions.

LAURA BROWN, 290 Plum Lane, thanked Mayor Wood and Councilmember Sanchez for championing the citizens of Oceanside. We will fight every day to make sure the majority are not re-elected because they do not represent us.

KEN LEIGHTON, 1109 South Nevada, stated in 2003 this body, with most of the same members that we have now, voted on a policy for naming public facilities. The idea was that there wouldn't be any rash or emotional judgments on such an important decision. At the last meeting, you railroaded over your own attempt at self discipline by naming our amphitheater and ignoring your own rules. This body voted in 2003 that any name change should first be vetted by the Parks & Recreation Commission. Council's vote last week made a joke of the whole commission structure. Why have them if you aren't going to use them? The policy clearly states that an individual whose name is used should be over 65 years old or dead for at least 2 years. But Council set a deadline because a certain group was having a celebration and ignored their own directive. Why pass anything if you can violate it at your whim?

Councilmember Kern said it would be better if the City put this rare seaside venue out for a naming-rights bid. He has had a majority on this Council since 2010, and now he brings it up when it's too late.

Last Sunday a radio station brought in a multi-artist, major name concert and sold out 4,000 tickets 3 weeks in advance. In order to make the show work, they had to bring in staging, fencing, porta-potties and equipment trusses. If this sponsorship money was earmarked for permanent improvement for the Bandshell, it would then be viable for more outside promoters to use. The City now only get \$150 per hour in rent. Staff told him if improvements were made, the City could get 3 times that amount. The City would have a real world-class live music venue that promoters would use, and we could continue to host our traditional community events with a nicer facility.

For 9 years he secured sponsors for the Fiesta Del Sol community celebration in Solana Beach. In his last year, they took in \$50,000 in sponsorship money alone. He asked how the City Manager knows there aren't corporations out there willing to pay for naming rights. Councilmembers Feller and Kern served on the Seagaze committee and know the potential here. What are you waiting for?

JIM SULLIVAN, 900 North Cleveland Street, thanked the community that voted yesterday. More than a year ago an ordinance amendment was set forward. 2,500 homeowners went forward and said please don't do this. This Council rushed in and forced an issue to change and modify your Manufactured Housing Fair Practices ordinance. He thanked the thousands of volunteers who worked for the referendum. We asked Council to repeal this ill-advised modification of the ordinance. Having collected 15,000 signatures to do that, Council still ignored the people. Council forced an issue to a special election and cost the taxpayers of this community \$93,000 or more. That was wrong.

He thanked the people, OMHA, KOCT, Sunset Market, GSMOL and the hundreds of volunteers within the manufactured housing community and within the track housing community. We've developed an alliance that we feel is very strong, and we would not want Council to ignore what people are asking you today and in the future. You're here to serve us and not yourselves or outside interests.

BOB RYAN, 900 North Cleveland Street, agreed with what the previous speaker said. He thanked everyone in the City who supported the people who were being wronged by the majority on the Council.

VICTOR NASH, Rancho San Luis Rey Mobile Home Park, thanked all of the voters in Oceanside who voted no to defeat Propositions E and F. The veterans, widows of veterans and disabled deeply appreciate your help in one of our darkest hours of need, protecting our property rights as homeowners. We learned that when we came together to work for a common goal for the good of the entire City, we were able to succeed. He pledged to help any homeowners in the future who need help saving their homes and neighborhoods.

POLLY FUKUHARA, 520 South Ditmar Street, stated not all of the park owners in Oceanside were fighting for Proposition E. In fact, she talked to a landowner who had a "No on E" sign in her front yard. She said her grandfather wanted a park to be a place where retirees could afford to live and be near their friends and family. There were other park owners who were helpful to their renters in their parks and supported them in their efforts to defeat this measure. She thanked them.

A year ago, when Councilmembers Kern, Feller and Felien decided to ignore the 15,000 signatures on the referendum and put this issue on the primary ballot, Mr. Felien said that the citizens of this City needed to decide and he would abide by their decision. They decided to retain the law as it is and reject Proposition E by a clear 2:1 vote, despite the fact that the mobile home owners were outspent by the opposition 10:1. You have your answer. The citizens of Oceanside decided that the welfare of 4,000 people means more than the further enrichment of a handful of mostly out-of-town

landowners.

CHERYL COSCARART, 4660 North River Road, lives in a mobile home on Oceanside. When she first moved to Oceanside in 2003, she wanted to live in Carlsbad, which would have cost her \$700 for a single-wide space. Her income was around \$800 at that time. She moved to Oceanside and is very happy to be here. When Council brought this before us, we felt it was no longer a government of the people, for the people. She thanked everyone who voted to defeat Proposition E.

LARRY BARRY, 3973 Brown Street, voted for Propositions E and F. He thought this election was an opportunity for the people to speak. The decision was made, and we have to live with it. He has a problem that these things linger, and we can't work together for the greater good. The City of Escondido is doing great things. In Oceanside, we keep going back in time and getting into a rut. We need to progress into the future. Our property taxes are falling like a rock in Oceanside, and that affects everything. Our property taxes pay for school and the things we need. We can't be thinking at the bottom rung anymore. We need to work together for the greater good.

MACK SALESKY, 900 North Cleveland, thanked the Councilmembers and citizens who voted to defeat these propositions. He's disappointed with Councilmember Kern's remark that some of the people of Oceanside are not smart enough to understand the ballot the way it was written. They were and are smart enough to understand, and he thanked them for what they did.

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.

22. **City Council/CDC/Harbor: Adoption of resolutions for the following: approving the Appropriation Limitation as required by Article XIII-B of the State Constitution, as modified by Proposition 111 for FY 2012-2013 as calculated in the attached resolution; approving the FY 2012-2013 City of Oceanside Operating Budget; approving the FY 2012-2013 City of Oceanside Capital Improvements Program Budget; approving the FY 2012-2013 Community Development Commission Operating Budget; approving the FY 2012-2013 Harbor District Operating Budget; and approving the FY 2012-2013 Harbor District Capital Improvements Program Budget; introduction of an ordinance increasing gross revenues for card rooms by one percent, from the current fee of five percent gross revenues to six percent; adoption of revised City Council Policy 200-13, Financial Policies, to clarify Operating Budget Policies and Fund Balance Policies, and add Capital Budget Policies; and (7) adoption of a resolution approving the compensation for the City Clerk**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez, Kern and Felien reported contact with staff and public.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

TERI FERRO, Financial Services Director, stated the 2012-13 budget has been a long and challenging process for all involved. Council held 3 workshops, and tonight is the final culmination with the public hearing.

The budget presented, in its entirety, is \$356,600,000. In the back-up tonight is a comparison of the breakdown from this year to last year. We made the proposed

budget available to the public on the City's web site. There are 5 resolutions that specifically pertain to the budget that would need to be adopted by Council. Aside from the budget, we are also required to adopt an annual appropriation limit, also known as the GAN limit. This is required per State law within the California Constitution, which sets a legal revenue amount that the City can appropriate, based on taxes. Based on the State's formula, we are 75% below what we can legally spend.

Also, tonight Council has an ordinance to amend the card room fees. The City's Code requires this to be done annually at the time a budget is adopted. Section 8.5 of the City Code allows the adjustment. The City is proposing an increase from 5% to 6% as of January of 2013. This would be based on the card room's gross revenues.

There is a resolution to adopt the compensation for the City Clerk position, with a proposal to make it a part-time position, equal to the City Treasurer's. A salary is being proposed of \$23,592.20 annually, which would become effective December 5, 2012, with the swearing in of the newly elected City Clerk.

Lastly is an adjustment to the City Council policies that have to do with financial policies. The City Council adopted the original policies in November of 2011, and there was a proposal to have this reviewed each year as part of the budget. There is some clean-up language to clarify which funds are applicable. There was some confusion as to whether this only pertained to the General Fund or to all City funds. We clarified that language and included a new section pertaining to the Capital budget. There was also some clarification on the post-employment leave reserve fund. That is only pertaining to the General Fund, since water, sewer, and solid waste, by their very nature, are already funding that reserve fund.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated we continually hear from one side of this Council about pensions, yet they don't bring forward any real solutions. The only solution that has been brought forward was by the Mayor, which was the half-cent sales tax increase. The public should have the opportunity to make that decision in the November election. One quarter of a cent of that increase could go toward the pension problem. The rest could be put into a reserve fund to pay for any future deficits. Council needs to let the people have a voice on this.

NADINE SCOTT, 550 Hoover Street, is surprised there are corrections because she didn't see them previously. They must be being introduced tonight. This budget is about as slim as you can get. It's not going to work. It has something like \$68,000 in excess funds. We would have had \$250,000 in excess funds so we could have kept our pool, senior centers and libraries open. The majority here opted to have a June election on 2 issues that you had no business putting on a June election. You have wasted our money, and she holds the majority responsible to come up with some revenue generation that doesn't screw over our neighborhoods, seniors, veterans and affordable housing. Get out of the ABC's pocket and start working for us. Get a better budget with some revenue production.

DIANE NYGAARD, 2050 Nighthawk Way, stated it's clear that our City is not in good financial health in these challenging times. We've reduced library hours and cut parks & recreations programs. We essentially have no rainy-day funds, and it is still raining. Why do we still have 5 full-time Aides for 5 part-time elected officials? This isn't the kind of thing the City Manager can put on the table if he wants to keep his job. But any one of you Councilmembers can. This is a luxury we cannot afford. We need to cut 4 of these 5 jobs and save hundreds of thousands of dollars and put our money where our real priorities are in services that benefit this community.

Public input concluded

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

COUNCILMEMBER SANCHEZ recently read some comments in the paper that suggested people thought Councils of the past and present had the luxury of adopting budgets that are not within our means. Every single year, we must adopt a balanced budget. When we were a general law city, it was against the law to adopt an unbalanced budget. Do people really believe that Council could have adopted a budget that was out of our means, or are they being reckless with the truth? She asked the City Manager if he has presented us with a balanced budget or will it go over budget?

CITY MANAGER WEISS responded the budget we're presenting to Council now is balanced and has approximately a \$68,000 surplus.

COUNCILMEMBER SANCHEZ stated these are difficult decisions and we still have a City Manager form of government. The Charter did not change that part of our governance. What we have is a budget that is being presented by our City Manager. Each of the department heads were asked to contribute their thoughts. We believe that with some of the projects that will be going forward in the near future, we will be getting additional revenues. For now, there are only a couple of things she will be objecting to.

She **moved** adoption [of resolutions for the following:

Resolution No. 12-R0373-1, "...determining and adopting an Appropriation Limitation for the fiscal year 2012-2013 in accordance with Article XIII-B of the Constitution of the State of California", as modified by Proposition 111 for FY 2012-2013 as calculated in the attached resolution;

Resolution No. 12-R0374-1, "...approving the Operating Budget for the fiscal year 2012-2013";

Resolution No. 12-R0375-1, "...approving the Capital Improvements Program Budget for fiscal year 2012-2013";

Resolution No. 12-R0376-3 (CDC), "...approving the Operating Budget for fiscal year 2012-2013";

Resolution No. 12-R0377-2 (Harbor District), "...approving the Operating Budget for fiscal year 2012-2013";

Resolution No. 12-R0378-2 (Harbor District), "...approving the Capital Improvements Program Budget for fiscal year 2012-2013"; introduction of an ordinance increasing gross revenues for cardrooms by one percent, from the current fee of five percent gross revenues to six percent; adoption of revised City Council Policy 200-13, Financial Policies, to clarify Operating Budget Policies and Fund Balance Policies, and add Capital Budget Policies; and

Resolution No. 12-R0379-1, "...adopting the compensation for the City Clerk", **excepting**, under the CIP budget, the Melrose Extension, as well as the traffic signal at Rancho del Oro and Cameo.

MAYOR WOOD **seconded** the motion.

Regarding Item 7 on the list dealing with the increase in the cardroom fee, **COUNCILMEMBER FELIEN** asked how this came about, and why wasn't it part of the budget process from the beginning?

CITY MANAGER WEISS responded that last October, Council had a workshop, and one of the directions was to look at a variety of revenue sources. We identified those that we thought had some opportunity for increases, which included the cardroom fees, looking at a City-sponsored impound yard, ambulance fees and some other revenue sources. As part of the discussion with the cardroom owners, we had indicated to them that back when we raised the fees from 4% to 5%, we would revisit this issue in another few years. We had that discussion with them, and they have agreed to the increase provided it would not take effect until January.

COUNCILMEMBER FELIEN asked in terms of it being a fee, does that mean it's reimbursement for specific expenses that the City is incurring?

CITY MANAGER WEISS responded at this point it is a fee based on their gross revenues and is not directly related to the level of service that we provide. There are services we do provide, but this is not a direct comparison to that.

COUNCILMEMBER KERN stated we've had all of these budget workshops and gone through this several times, and now we have what amounts to a tax. Since it's not tied to a service delivered, it's actually a tax we put on there and we can use it for General Fund items. When does this kick in? This wasn't part of the budget cycle, so we didn't figure it in the budget.

CITY MANAGER WEISS responded that's correct. Any future revenues associated with the fee increase in January are not included in this budget. They would be included in the 2013-14 budget.

COUNCILMEMBER KERN agrees with some of the speakers tonight that this is a kick the can down the road budget. We had an opportunity a couple of Council meetings ago to start doing some public/private partnerships and actually supply services at a lower cost. At just one of the meetings, we could have saved \$1,300,000 over 5 years. But Council chose not to go that route. One suggested that we do furloughs, that we reduce our costs by reducing services. We could have maintained services at a lesser cost if we had gone to the public/private partnership.

We have a couple more coming up in the next few weeks about how we can lower our costs and maintain services. Hopefully, his colleagues will entertain that idea and go forward to save us not only the immediate cost of providing the service, but the long-term pension costs. Everybody understands the pension costs are killing not only the City, but the entire State. He's afraid if we don't start working with our public/private partnerships or our bargaining units, we will probably have to do something like Proposition B in San Diego. It's an unsustainable system.

He will support the budget and all of the resolutions. We need to start setting priorities. His colleagues decided they wanted to keep all of the same types of systems and keep all of the programs alive and funded, even though some of them are not viable anymore because we keep shrinking everything at once instead of prioritizing. If you look out over the next 3-5 years, the economy is not going to get any better. We can't keep doing what we've been doing the last few years. We're going to have to get a handle on this. Next year's budget is going to be tougher. Luckily, it's not a \$1,600,000 hit from PERS because they're fixing the smoothing now. It's going to be an \$800,000 cost. They're trying to smooth the PERS costs over 2 years that they smoothed over 15-30 years. It's still an unsustainable system that we cannot keep funding. Pretty soon we're going to make some hard decisions.

CITY MANAGER WEISS stated back in the October workshop, Council gave direction to initiate the process for doing a strategic plan. We have prepared a draft of that RFP and will be presenting it to Council in July or the first meeting in August for consideration to go out with that.

DEPUTY MAYOR FELLER asked what the motion is. Are we just eliminating the 2 items that the Mayor and Councilmember Sanchez wanted removed.

ASSISTANT CITY CLERK TROBAUGH responded her understanding is all of the resolutions are up for adoption except that Councilmember Sanchez is registering a no vote on the Melrose Extension and the traffic signal at Rancho del Oro and Cameo. That would also include the introduction of the ordinance and the rest of the item.

DEPUTY MAYOR FELLER supports what the City Manager has done. It's a lot of hard work and probably a considerable amount of sweat. It would be nice to have \$500,000 back from the recall election, too. You have to take all of the money spent into consideration.

MAYOR WOOD also wanted to register a no vote on the Melrose Extension and the traffic signal at Rancho del Oro and Cameo.

After titling of the ordinance, the **motion was approved 5-0**, with Wood and Sanchez registering a no vote on the following City CIP budget items: Melrose extension and traffic signal at Rancho del Oro and Cameo.

25. **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; adoption of a resolution upholding the Planning Commission's decision and approving the project and adoption of a resolution adopting the Mitigated Negative Declaration – AT&T @ San Francisco Peak – Appellant: Gayle Palmer; Applicant: AT&T Mobility LLC (this item is continued from May 16, 2012)**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Feller and Councilmembers Felien, Sanchez and Kern reported contact with staff, applicant and the public. Councilmembers Sanchez and Kern reported site visits as well.
- C) City Clerk presents correspondence and/or petitions – correspondence was received from Joan Bockman and Betty Williams. Council will get copies of those.
- D) Testimony, beginning with:

RUSS CUNNINGHAM, Senior Planner, stated this item comes to Council on appeal following a unanimous Planning Commission decision on March 12th. Requested by AT&T Mobility, the proposal involves new stand-alone telecommunication facilities at San Francisco Peak, a 10.5-acre City-owned property in the Ocean Hills neighborhood. This is a hillside property that reaches an elevation of over 540 feet above sea level. It may be the highest point in the City. San Francisco Peak accommodates water storage and distribution facilities operated by the City's Water Utilities Department. These facilities include 2 above-ground water reservoirs, one of which lies at the summit. It is in proximity to this reservoir at the summit that AT&T Mobility proposes to install and maintain two faux eucalyptus antenna towers, and equipment enclosure and extended underground electrical service to provide for those facilities.

Immediately to the north of the site is an open space easement that extends down to Sunridge Way. There are a number of separate HOA's that represent the various single-family subdivisions that surround the site. Lake Boulevard is to the north and Cannon drive is immediately south of the site, extending down into the Ocean Hills senior community.

A graphic was used to show the proximity of some of the residential development surrounding the proposed facility and the topography of the site. The two towers were proposed at 30 feet and 43 feet, respectively. The 30-foot tower would be to the north of the reservoir, and the 43-foot tower would be to the southeast.

At the Planning Commission hearing, the Commission expressed an interest in insuring that these towers could accommodate co-located facilities. They asked for, and staff included, a condition of approval that would allow AT&T to raise these towers up to potentially the maximum height for this location, which would be 51 feet. That would be another 8 feet above the 43 feet proposed for the taller of the two towers, in order to accommodate co-located facilities in the future.

Due to its potential impacts to sensitive wildlife and habitat on the subject property, the proposal was subject to extensive environmental review in accordance with the California Environmental Quality Act. A Mitigated Negative Declaration (MND) was prepared that identified impacts and outlined mitigation measures. The environmental review determined that the project would not have significant aesthetic impacts, due to its camouflage design, separation from surrounding land uses and the screening effect of existing structures and landscape on the site.

The MND further establishes that the project would not have significant impacts on public health and safety, given that radio frequency emissions from the telecom facilities would result in human exposure of less than 3% of the maximum allowed under federal law. The proposal is consistent with all development standards and meets the required findings for issuance of a Conditional Use Permit. The application is, in staff's estimation, complete. This Planner could have done a better job at the Planning Commission public hearing in making it clear that the applicant did prepare the requisite alternative sites analysis, which is included in Council's packet. Staff finds that this alternative sites analysis is acceptable.

The appellant has enumerated several points of contention, each of which has been addressed in the staff report and associated materials. Staff can provide additional responses to any of these points at Council's request, or as may be appropriate. In some instances, the applicant can respond to questions as well.

Many of the comments received in advance of the Planning Commission hearing and expressed at the hearing had to do with existing conditions on and adjacent to the site, focusing on what some residents consider to be visual blight at the property frontage where Wisteria, Nighthawk and Merced converge. Water Utilities Director Cari Dale actively engaged those residents in a dialogue that is ongoing to discuss possible remedies to these issues.

Appellant

GAYLE PALMER, Appellant, stated our appeal is for the Council to remand AT&T's Conditional Use Permit (CUP) back to the Planning Commission for the reason that it exhibits blatant ordinance violations. This permit approval process was not handled or managed to Code. This approval needs to be done within the law. Several years ago, the City had foresight and created a new wireless zoning ordinance called Article 39, Wireless Communication Facility. It was put into place to mitigate all future issues with cellular tower placements. It is a valuable instrument, which establishes our City's development ordinances. It was to formally put into writing how this city would approach all future wireless communication permit requests.

The Planning Commission is entrusted to follow these established laws. Neither the applicant nor the approval presented adequate, conclusive or justified findings under the ordinance as it is written.

A computer graphic showed a map provided by AT&T and included in their permit request. It is not geographically defined and lacks many requirements for the permit like City boundaries, street locations, street names, scale and directional north. It is inadequate, unclear and unconvincing to determine where the radius of projected coverage is. Where is the required radius of projected coverage from alternative sites?

Article 39, Section 3907, relating to Findings for Approval Item 3, where the applicant claims a significant gap in coverage, the gap must be geographically defined and the gap proved by clear and convincing evidence. The applicant must also prove that the proposed facility is the least intrusive means of closing a significant gap.

Article 39, Section 3912, Location and Siting Standards Item E, moves on to restricted locations and states no wireless communication facility shall be permitted in any residential zone. This parcel is zoned as public/semi-public, which is creating a huge loophole in this approval. Residential locations are the last choice in the Zoning Ordinance that the City has put into place. The *North County Times*, on August 23, 2010, quoted City Planner Jerry Hittleman as saying they have to prove going into a residential zone, why that is the only place they can go and how they will protect the safety of the residents.

The proposed site is zoned public/semi-public, number 4 on the preference for the zoning list locations to be approved. In addition to the alternative sites proposed, there are numerous preferred zones in and around the surrounding area. In order of preference, greatest to least, site locations are listed as such: 1) City-owned/controlled property; 2) industrial districts; 3) commercial districts; 4) public/semi-public districts; 5) open spaces; 6) agricultural districts; and 7) parcels located in residential districts.

Article 39 of the Zoning Ordinance is making the placement of cellular towers in residential districts the least desirable alternative. AT&T offered a site analysis listed as shown on a graphic. Lake Park is the first site listed, which falls under City-owned or community-controlled property. An attachment of antennas to an existing or replacement field lighting pole is a possible alternative. Also listed are some public thoroughfare locations, which included utility poles and street lights. The City will also allow new light standards to be placed with approval of the City Engineer. Also listed are traffic lights. The City Engineer will not allow antennas on traffic signals. She listed other possible placements of antenna.

Commercial districts are next. A commercial center located at the intersection of Cannon and Melrose, one half mile east of the proposed site, could be used as an alternative site. Regarding public and semi-public districts, a possible co-location site is the water tank site on Nighthawk. Nothing was listed under open space. For residential districts they listed Ocean Hills Country Club and said access to the site was denied by the local homeowner's association. Out of the 8 alternative sites that were analyzed, AT&T offered 3 that were viable and suggested alternatives.

A computer graphic of a zoning map showed where the site is in relation to 2 commercial zones and the proposed alternative sites as well. There is a serious question as to why the requested site should even be considered. The parcel may be City-owned, but it is solely buffered in a residential neighborhood, as close as 230 feet. The intention of the ordinance is to keep cellular towers away from neighborhoods, and Ocean Hills is primarily a residential district. Location and Siting Standards Section 3912(b) states that wireless communication facility installation in a least preferred zone shall not be permitted unless the applicant demonstrates clear and convincing evidence that it would be infeasible to install the facility in a more preferred zone and close a proven gap.

The Zoning Ordinance enumerates the submittal requirements and conditions for

approval. This permit needs to be remanded back to the Planning Commission to be approved based on Code and done within law. We would like Council to strongly advise the Planning Commission to enforce the next section of the Zoning Ordinance, Item 3906(l), which states at the discretion of the City Planner, the City may hire an independent qualified technical consultant to evaluate any technical aspect of the proposed facility, including but not limited to, test data that indicates current site coverage and proposed coverages. This is at the expense of the applicant. The research study needs to demonstrate comparison findings describing how gaps in coverage compare from one alternate site to the next against the proposed site.

There are 3 emergency response facilities on the proposed property. The City's initial study stated there was no impact to emergency response interference. She would like to see a study of that provided. The Planning Commission may hire a technical consultant once again to evaluate any technical aspects of a facility, including the potential for interference and existing public safety emergency response telecommunications facilities. That should be mandatory in this situation. There is a huge probability that such interference may occur. We need to see a study that shows there is no interference now and will not be if they plan to go higher with the towers. The Planning Commission failed in conducting an analysis of alternate, more suitable locations for this reason.

We trust Council will do what's right, based on the evidence provided in this appeal. As elected officials, you hold positions of duty, obligation and responsibility. Your credibility on how you manage this issue and appeal will exhibit your character. Enforcing our Zoning Ordinance, Council has the authority to regulate these proposals, legally and within the standards of the law. Future generations will apply and inherit your decision made. You are paid to give full attention to the interest and welfare of the community.

MAUREEN HOLMAN, represents her sister, Margaret Genova, who lives in Ocean Hills. Tonight Council has before them an appeal by residents who are here to deny AT&T's application for a CUP to erect a wireless telecommunication facility in the middle of the Ocean Hills neighborhood. Granted, the facility should be located on land owned by the City, but it's completely and closely surrounded by residential neighborhoods. The intent of our wireless ordinance was to keep cell towers away from homes and schools as much as possible. Are we following that ordinance?

As elected officials, you hold the key responsibility to enforcing Oceanside's wireless ordinance and upholding the rules and restrictions of the Telecommunication Act of 1996, representing the will of the people who elected you and also working with AT&T to provide cellular service to the residents. Understandably, Council doesn't want to get into the predicament that other cities have had. For example, in Carlsbad in 2004, AT&T sued the City after the cell tower was improperly denied. We also don't want to have our small City pushed around by a billion-dollar corporate bully like AT&T. They have lawyers at their fingertips, but we have the law on our side. Tonight we're giving you evidence and legal justification to deny AT&T's CUP, due to the fact that they did not adhere to Oceanside's zoning laws and wireless ordinance.

Less than 2 years ago, the City unanimously passed Article 39 for the benefit of both wireless carriers and the City residents. AT&T is well aware of our zoning laws but failed to meet them. Oceanside has been held as a beacon. This is an important document, and other cities have upheld it. Council did a wonderful job with this ordinance, so let's use it. AT&T's job was to provide proof that they had a significant coverage gap. If you go to their website, it says their coverage is 100%, but they're claiming they don't have that.

The courts have taken a reasonableness approach to this. What would a reasonable person say about coverage? AT&T talks out of both sides of their mouth.

On one side they say they have 100% coverage and they have 7 different facilities around this area. On the other side they say they have terrible coverage in Vista, Carlsbad and Oceanside. Which one is it? This is like showing a lender one set of financials to get a loan and another set to do taxes. It's confusing and unethical. Is AT&T deceiving the online customers or the City?

Our wireless ordinance clearly states in Section 3707 that a gap in coverage must be proven. AT&T first lists the gap on Cannon Road, but they don't show where on Cannon Road. Next they say its Lake Road, but when graphed out that's fully covered. The third is Melrose, which is barely in Oceanside and has full coverage according to the map that we had to reconstruct. The report then says that coverage to the surrounding residential and commercial areas will also be provided. They found the tallest peak in the City and want to stick an enormous cell tower on top and blast 3 cities. This is not what Article 39 is all about, and neither is the Telecommunication Act and relevant court cases.

Often the City feels like their hands are tied when it comes to the telecom industry. If they don't approve them, then AT&T sues. Based on the evidence presented tonight, the City must conclude that AT&T did not comply with the rules. Unfortunately, the Planning Commission did not do their job either, and let this project pass on to the Council. One of the Commissioners stated that the site analysis was not sufficient. She went on to say that part of the requirements when we had the discussion on Article 39 was that alternative sites are supposed to be considered. We did not pay attention to our own rules. Next time we need to make sure we follow the rules. The laws are here to be followed, and the Planning Commission approved the permit without a proper site analysis. AT&T prepared a sketchy report for the meeting with just a few sites listed.

Our wireless ordinance says that we need a justification study with a search ring. In the court case of *AT&T v. City of Carlsbad*, the site ring is defined as the area mapped out by a wireless phone provider within which the provider has determined a wireless site is needed to provide its cell phone service and coverage.

AT&T needs to go back to the drawing board and prepare a proper site analysis for the public to review as defined in Article 39 and allowed by the Telecommunication Act and relevant court cases. AT&T did not prove their case. The City has a law to support its decision and deny the CUP. Will the City follow the law here?

Applicant

TED MARIONCELLI, Planned Com, Inc., 302 State Place, Escondido, represents AT&T. The appellant seems to have based their entire argument against the project based on Article 39 of the City's Zoning Ordinance. When we applied for this project, Article 39 was not adopted yet, and we came under the former Zoning Ordinance. We did not have Article 39 to comply with for our application. Any issues brought up under Article 39 do not apply to our project.

The previous Zoning Ordinance didn't require an alternate site analysis, but we did provide one as a courtesy to the City. None of those sites were considered seriously because we felt that this site was the best site. It created the best coverage footprint and closed that significant gap of coverage that we needed. We found the City was a willing participant in leasing us the site.

Regarding the emergency service antennas, we were aware of those and the issues with those antennas. In our lease agreement with the City, we are paying an in-lieu fee to buy a dedicated frequency for the emergency service channels. We hope with that money we can solve the problem forever. With a dedicated frequency, they won't have any interference problems.

JOHN OSBORN, Director of External Affairs for AT&T, stated we've been working with the City for over two years to find a facility that would work with some of our coverage gaps. In conversations with the City, we are continually directed to try and locate on City property, as far away from residences as possible. We took that into consideration here. We're also trying to maximize against the coverage gaps that we have. We have radio frequency engineers who go out and study the area to see where the coverage will be under various scenarios from various locations. We can cover the gaps that we have in the majority of the area with this installation.

The facility is located on City property, as has been requested of us. The City will be receiving income from the lease. The City will also receive some funds for the emergency communications system. Staff requested, as we went through this process and worked with the City, that they move the City's internal emergency facilities to what is currently an unlicensed spectrum and get their own licensed spectrum. We agreed as part of the process to assist the City with moving the emergency telecommunications facilities to a licensed spectrum of their own.

We've offered to camouflage the two facilities. They won't be easily visible to residents. They are in eucalyptus trees that are currently around the water tower. It would be very difficult for them to be seen, so there's no visual blight. Regarding the height of the facility, staff requested that we not go above the water tower. That's why we have two towers, one on each side, to be able to cover a 360 degree radius around the water tank. We also modified the design to accommodate co-location. If we have another carrier that comes in, they can go on this existing facility. There is a minimal effect to the landscape in the area. There will be a minimal amount of trenching to get our fiber optics and electricity to the site. As part of the agreement, AT&T will purchase 6/100 of an acre of mitigation for any disruption of the Coastal Sage Scrub.

The citizens and the general public will benefit from the coverage of AT&T's network and filling in the gaps. People who live in the area, as well as people driving in the area, will now have coverage. This will be a modest boost to the business community and to helping out citizens do business in the City, as well as in the region. There is certainly a public benefit to having that coverage. It doesn't stop there. Over 25% of residents don't have land line phones anymore. This coverage enables people to call 911 when there is an emergency.

The project will bring the most recent technology. The 4G LTE (long term evolution) technology would be installed with these facilities. We're bringing the latest, greatest and fastest data technology to the City and its residents.

Public input

JIMMY KNOTT, 127 Sherri Lane, is the former Vice Chairman of the Telecommunications Committee, which was the committee that developed Article 39, the wireless communications ordinance. When any wireless provider says they have coverage problems, it normally means that their upgrading from 3G to 4G, etc. They won't disclose that because it's proprietary. He doubts the Planning Commission would be neglectful in doing the due diligence for this because 3 of the Planning Commissioners were on the committee that developed Article 39. At that time, staff promised that if there were any issues with Article 39, they would hold a community meeting to try to resolve them. We should not be here today. He hopes a solution can be reached this evening.

[Councilmember Sanchez left the meeting at 7:34 PM]

LARRY BARRY, 3973 Brown Street, stated if the Planning Commission said this was okay and did their due diligence, this should be approved. We shouldn't have to go

through this. Cell phones are a part of our lifestyle now. He's a little insulted that someone from Tustin comes to our town and says our Planning Commission is a problem. That's not appropriate.

Certain people don't want more towers, but this is part of our life now. This is something we have to get a hold on. We need these facilities. They help with public safety. We need to pass this and move on.

GARY BOBAY, 3663 Sutter Court, lives adjacent to the proposed telecom tower site. He is on the Board of the Ocean Hills Homeowner's Association, which has been maintaining over an acre of City property on San Francisco Peak, the projected site of the AT&T cell tower installation. The City is acting unilaterally to approve these cell towers without offering any equitable adjustment to our burden. This is the principal reason he disapproves of the CUP. After the 3-hour wait last Council meeting that eventually got delayed to tonight, he read the staff report, and it's got several errors in it. Page 2 states that the AT&T facility would be visible from the south only intermittently and mostly from the Ridgeview community, which is more than 600 feet away. The Summit property that abuts this project are 230 feet away according to the report. His measurements say it's about 280 feet. We've got an excellent view of the proposed area. That was listed as a major impact item. It will have an impact on our property values.

The City is going to have a difficult job managing this project. On Page 10 of the environmental check list, it requires a qualified biologist to train all personnel before start of construction. This is probably not done. Moreover, the work began on May 17th, right after the last Council meeting, before the project ever got final approval. It was halted only when the police arrived.

Finally, regarding undergrounding the power going up to the facility, 7 years ago when they put the Nextel towers in, the Planning Commission said they would work to do something about that, but nothing has happened. It's going to be out of compliance now because this is a repurposing of the site.

KARRON ESMONDE, 3663 Sutter Court, lives adjacent to the San Francisco Peak hilltop. She decided to educate herself on the cell tower issue, as the planned towers are so close to her home. After reading conflicting reports, she started talking to people living in the Summit homes and in Spinaker Ridge. Each of the 30+ people she spoke to is very concerned about the cell tower. Most were concerned about the health hazards associated with cell towers. Some are sure the towers will have a negative impact on property values. Others raised environmental issues and concerns about the effects on wildlife. For her, the most disturbing thing was that 95% of those she spoke with told her that there was nothing we could do.

[Councilmember Sanchez returned to the meeting at 7:39 PM]

She was told the Council would not listen to their concerns about health hazards, property values or the environment because only hard facts could move you. They said she would be required to document evidence that real harm is certain; you want proof beyond a doubt. They said you'd dismiss their gut feelings and go for the payout from AT&T. To live here, her neighbors have either retired from good jobs or are working in those jobs. We are professional: teachers, lawyers, scientists, managers, civil servants and small business owners. San Francisco Peak is the hub of this community. Everyone walks around and up that hill. The kids explore it, the dogs and wildlife love it, and it's our greenbelt. We water, plant and maintain it.

Up to now, most of us have ignored the small cell installations on the hill as a little noisy and mechanical, but not that intrusive. We could do our part, we thought. But now we face 12 additional antennas, four times the present load, with the possibility

of 50 on our little hill. We live here full-time, year-round. This is it for us. If our concerns are not addressed and Oceanside becomes a cell farm, we lose something very important - a sense that our homes and families are sacred. We will know that there is no place of safe refuge that won't be disrupted for a price. Before Council allows AT&T to mount 2 huge cell towers in the middle of our community, reflect a moment please.

BOB GLEISBERG, 1936 Palmer Drive, watched the number of people who had cell phones in this room. He demonstrated on his phone a live camera that is installed in his home that he can turn on or off from his phone. We can't go to the old systems now that 3G and 4G are state of the art, and you need state of the art to do that. If Oceanside is going to move into the 21st Century, we need this. He is here to promote modern technology and keep us out of the dark ages.

SUSIE COKER, doesn't live in this neighborhood but feels this is another perfect example of the City running over another neighborhood for outside interests. Council doesn't pay attention to the citizens. It's all about money and stepping on toes. Rancho del Oro joined up with the mobile home people, and we had the power. Council better start listening to us because you represent what we want. Stop doing whatever you want. She's not against technology, she's against Council hurting the people who live and put you in office.

GERALD HAMPTON, 934 Tempera Court, is in support of this project. He doesn't live in this neighborhood, but he served on the City's Telecommunication Committee. As a homeowner he respects and understands the rights of everyone here to voice their opinions. However, he's puzzled as to exactly what the issue is. He sees that the Planning Commission has approved this, and it seems a lot of the things have already been taken care of. Regarding aesthetics, he understands these particular antennas will be camouflaged to eliminate the old look of the ugly towers. He hasn't heard anything about capacity. You can have coverage, but depending on the usage capacity becomes an issue. That needs to be taken into account.

SHIELA KADAH, 5301 Village Drive, asked if it's true that the reason the bees are dying is because of cell towers. She read this somewhere. If that's true, we need to find some other form of technology.

Unidentified speaker stated we're not against cell phone technology. We didn't know that Article 39 didn't apply. It's too bad. There was a 2-month gap between when the application was put in and Article 39 was passed. The U.S. Court of Appeals for the Ninth Circuit, *T Mobile vs. City of Anacortes*, stated the Telecommunication Act does not guarantee that a provider will be able to achieve 100% coverage in every community or that a provider will be able to close significant service gaps in the least costly manner from the providers perspective, and even with a single facility. To the contrary, under the Act the local jurisdiction retains the authority to determine which site or sites are the least intrusive into that community. That is the law. If we can't follow Article 39, that's our law.

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

MAYOR WOOD asked staff if they want to respond to any of these issues.

RUSS CUNNINGHAM, Senior Planner, clarified that the project was and is subject to Article 39 and all of the provisions thereof. It was vetted with those provisions in mind, and staff finds that the project is consistent with the provisions of Article 39.

Regarding the Alternative Sites Analysis, he could have done a better job at the Planning Commission of bringing more attention to that. Such an analysis was conducted and has been discussed by the applicant and appellant. The sites that are

identified, in staff's estimation, are not preferable to the site proposed for a variety of reasons. Principally those sites actually are in closer proximity to residential development and are in more highly trafficked areas. When staff reviewed a comprehensive Citywide map of existing telecom facilities, we found that most sites in the City are actually closer to residential uses, even those in the right-of-way, than this site would be. We estimate that the nearest residence would be approximately 230 feet away laterally and about 50 feet separated by grade. Most existing cell facilities do not exhibit that kind of separation from residential uses.

The applicant does demonstrate fairly convincingly that there is a coverage gap in the exhibits they provided in the Melrose, Lake Boulevard and Sunset Drive corridors. Staff feels they established that.

JERRY HITTLEMAN, City Planner, stated it was pointed out by a member of the community that there were no public neighborhood meetings conducted; however, the applicant did conduct a meeting, and our Water Utilities Director has worked extensively with the neighbors to work through a number of issues that were brought up at the Planning Commission meeting.

There was also an issue of work being done in the right-of-way near the site. We investigated that thoroughly and found that there is no connection between that work and this project.

Regarding the bees, there may be studies out there that shows that bees or other animals/insects may be effected by cell towers, but that has not been proven. The federal government does not acknowledge those studies at this time. He's sure they are looking at them, but it's not in the law or our ordinance.

COUNCILMEMBER SANCHEZ stated there was a lot of conflicting evidence presented to us this evening, especially with respect to Article 39. The applicant admitted that they did not comply with Article 39. Both representatives admitted that they felt they didn't have to. She disagrees with staff's recommended findings to the contrary. She thinks you fudged on this and made things up in order to recommend approval. The applicant admits they did not comply with Article 39. Admission is a lot stronger than staff's trying to put facts together.

She finds that the Alternative Sites Analysis was totally missing. The evidence is insufficient regarding the need for coverage. Perhaps they say that they have complete coverage as a way of selling to others. Then they say there is a gap, and they do need coverage. There is conflicting evidence regarding whether or not there is a gap.

Based on that, she **moved** to deny the project.

[Motion died for lack of a second.]

COUNCILMEMBER KERN complimented staff for working hard on this. Even though we didn't have to comply with Article 39, we did apply most of those rules, but not all of them, to Article 39. He worked on Article 39 personally for about 5 months.

This does everything we wanted for a cell tower. It puts it on City land, away from residential areas, co-locates and does the things that we have directed staff to look for in cell towers. He doesn't believe in some of the health issues people have brought up about cell towers. It comes up every time we approve one of these. We need to approve this project because it is needed. The public's demand of the system is getting larger and larger. They're responding to that demand. He's happy with how staff has handled the emergency access towers. Giving a dedicated frequency to emergency services actually improved that. We've done all the mitigation needed regarding electronics, and we're doing some actual physical mitigation of the land.

He understands people's concerns, but in the end this will be beneficial to the community. He **moved** to deny [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; adoption of **Resolution No. 12-R0382-1**, "... upholding Planning Commission Resolution No. 2012-P12 approving Conditional Use Permit (CUP 10-00012) to allow installation and operation of standalone wireless telecommunications facilities on a 10.4-acre City-owned property located at 3471 Cannon Road"; and adoption of **Resolution No. 12-R0383-1**, "...adopting the Mitigated Negative Declaration for Conditional Use Permit (CUP10-00012)"]

DEPUTY MAYOR FELLER seconded the motion. He stated the red flag went up last week about work being done out there, and we've heard from staff that it hadn't happened. He asked Mr. Osborn to confirm that AT&T hasn't done any work out there yet.

MR. OSBORN responded that's correct. He was shocked to see that AT&T was being accused of doing the work on the cell tower in advance of it being approved, which we wouldn't do. We contacted staff immediately and did an investigation internally to make sure there was no confusion, but that was not the case. He contacted staff, who informed him they had done extensive research and showed him that there was a third party who had a valid permit up there and was working in the right-of-way. It had nothing to do with AT&T.

DEPUTY MAYOR FELLER asked why the Homeowner's Association is maintaining our property up there.

MR. HITTLEMAN responded the subdivision, when it was put in that location did some grading on City property to allow the streets and some of the residences to go in, back in the 1980's. Because of that, there was a condition put on that project that they maintain that slope within the City property area. That's all we could find about that question.

DEPUTY MAYOR FELLER stated there was a reason, and they weren't doing it out of the goodness of their hearts then. He asked for clarification about Councilmember Sanchez saying the applicant has not followed Article 39 when staff is saying they are.

CITY ATTORNEY MULLEN believes it is the applicant's position that they are not subject to Article 39. We disagree with that. We applied the project under the rules of Article 39. Staff has determined that it is compliant with Article 39, and that is the basis of their recommendation.

DEPUTY MAYOR FELLER clarified then they had a difference of opinion regarding this initially, and we feel that they have complied under Article 39. Is that correct?

MR. HITTLEMAN responded yes.

DEPUTY MAYOR FELLER asked how this interferes with emergency service antennas out there. Is there any interference?

MR. HITTLEMAN responded because these different facilities operate at different frequencies, it's not anticipated that there would be any issue with interference.

DEPUTY MAYOR FELLER asked why Dennis Martinek from the Planning

Commission abstained.

MR. CUNNINGHAM responded that Mr. Martinek indicated that he had some financial interest in AT&T. He indicated he was invested in a mutual fund that owned AT&T stock.

MAYOR WOOD thanked everyone who came here to speak. He gets the phone calls from people complaining about poor cell phone coverage in Oceanside. He has AT&T and has terrible coverage in Oceanside. He also gets complaints from people in the neighborhoods mentioning the property values and health issues. It's tough to say no to something that will benefit the area. He looks at all of the evidence and listens to staff and the Planning Commission to weigh his decision.

Motion was approved 4-1, Sanchez – no.

[Recess was held from 8:07 PM to 8:16 PM]

23. **City Council: Adoption of a resolution (1) confirming the Engineer's Report, (2) confirming the diagram and assessments, ordering the assessments to be levied for FY 2012-13 for the Oceanside Lighting District, Assessment District No. 2-1991; and approval of budget transfers in the amounts of \$390,000 in gas tax funds, \$10,000 in energy fees, and \$29,224 from the Oceanside Lighting District Fund Balance to the Lighting District account**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmember 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:

DOUG EDDOW, Real Estate Manager, stated this is the annual renewal of the citywide lighting district. Staff is asking Council to adopt resolutions confirming the diagrams and assessments and approve the modified Engineer's Report. The assessments will remain the same for fiscal year 2012-13 and the funding sources will also remain as prior years.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated there were prior meetings held where the public came forward with numerous good ideas on how to reduce the costs for our public lighting. He does not see any of those ideas in this report. This report has no backbone. He asked that staff take this back and include those ideas for reducing the cost. This has an entire section about potential brown-outs, rotating black-outs and potential increases of costs if certain conditions aren't met. The public needs to know this.

SUSIE COKER lives near the senior center, and they have a lot of lights that are on all of the time. Council may want to look into that.

Public input concluded

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

CITY MANAGER WEISS stated we will look into the lighting at the senior center, but those parking lot lights are not part of this action.

COUNCILMEMBER KERN stated tonight all we're doing is reaffirming the

assessments. We're not trying to improve or change the lighting. We have to approve the assessments on an annual basis. We do get proposals quite often about LED lighting and other things, and staff is constantly looking at ideas on how to improve things. As time goes on, technology and lighting improve, so we are constantly trying to upgrade the lighting as time and money permits.

He **moved** [adoption of **Resolution No. 12-R0380-1**, "...approving the modified Engineer's Report regarding the 2012-2013 fiscal year renewal of the Oceanside Lighting District, Assessment District No. 2-1991", **Resolution No. 12-R0381-1**, "...confirming the 2012-2013 fiscal year diagram and assessment for the Oceanside Lighting District, Assessment District No. 2-1991"; and approval of budget transfers in the amounts of \$390,000 in gas tax funds, \$10,000 in energy fees, and \$29,224 from the Oceanside Lighting District Fund Balance to the Lighting District account].

COUNCILMEMBER FELIEN seconded the motion. For the benefit of the public, because we always want to know our City is saving money, he asked for one or two examples of improvements in the lighting and cost efficiencies that we're trying to implement.

CITY MANAGER WEISS responded part of these assessments go to paying the energy costs for our traffic signals. All of them have now been converted to LED lighting, which has reduced our energy costs significantly. That was done through outside grants. We're also currently looking at converting several neighborhood street lights to LED, and we have submitted grant proposals for that. Unfortunately, to do any of these conversions or upgrades requires an infusion of cash, which the lighting district does not have. We are barely breaking even. Council is transferring \$390,000 in gas tax funds just to be able to pay the energy bills at this point. The debt service is about \$250,000 a year. When that debt service runs out in 2015, there will be cash available to do some additional projects, provided that money stays within the lighting district.

DEPUTY MAYOR FELLER reported his disclosure of staff contact.

Motion was approved 5-0.

24. **City Council: Consideration of a General Plan Amendment (GPA 10-00001) and Local Coastal Program Amendment (LCPA 12-00002) to allow updates to the City's Circulation Element and to bring them into conformance with the long-range planning and policy direction to guide growth and preserve the quality of life within the City of Oceanside; and introduction of an ordinance and adoption of a two resolutions to effect these amendments – Applicant: City of Oceanside**

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Feller and Councilmembers Felien, Sanchez and Kern reported contact with staff and public.
- C) City Clerk presents correspondence and/or petitions – letter from Duane & Stella Stajcar.
- D) Testimony, beginning with:

JOHN AMBERSON, Transportation Planner, stated this item is a Circulation Element update with a staff recommendation to certify the programmatic Environmental Impact Report (EIR) for Alternative 1, and approve the General Plan Amendment for the Circulation Element. Staff received correspondence from Preserve Calavera and the City of Carlsbad, dated May 21st. We compiled responses to those comments and submitted them to Council this morning for review.

The current Circulation Element that we're working with was adopted originally in 1981. We amended that with the Land Use Element in 1986. We did an amendment in 1995 and a minor touch-up in 2000. Work is needed to get it up to the current standard.

The primary purpose of the Circulation Element is to enhance travel choices for current and future residents, visitors and workers. The Circulation Element is complimented by both the Land Use Element and Community Facilities Elements on related topics such as Smart Growth and the management of the public facilities. The Circulation Element looks at existing and future roadways and identifies how it's going to estimate what types of roadway needs to be built based on the Land Use Element. This was a critical aspect of the update. We updated the land use component of SANDAG Series 11 model to make sure that the forecasting chips that we generate are consistent with the zoning changes and amendments that occurred over the recent years.

Circulation Elements are required by State law. There is a variety of components in the Circulation Element that are required to be updated. One of them is the Transportation Demand Management Policies. These are trip reduction measures to give other mode choices to people. For example, driving to work you could telecommute or carpool/vanpool. We make sure in the development review process that we work with developers to implement transportation management measures, like we did with El Corazon.

Public transit and rail facility policies were also updated. We want to make sure that transit is accessible to everybody in the City and to make sure that transit and rail is integrated into future development.

We updated our Bicycle Master Plan in 2008. We used grant money to do that update. We also updated our Pedestrian Master Plan and used grant money for that update as well. We updated our traffic calming program and looked at our Intelligent Transportation System technologies. A good example of that would be the Traffic Management Center that we've developed in the last couple of years. It gives us the ability to remotely optimize traffic signals through video detection, manage incidents, clear congestion, and optimize signals, etc. all in real time. The Traffic Management Center also doubles as an Emergency Operations Center. In case of an emergency, Fire and Police can use the facility as well.

The Master Transportation Roadway Plan is probably the biggest focus for a lot of people in the Circulation Element. It identifies the City's needs for future roadway plans and identifies service levels, level of service policies, traffic impacts, City guidelines, etc.

A graphic was used to show three alternative scenarios that were analyzed for the future roadway network in the year 2030. The roadway column identified key issues brought to staff's attention from the community, which include Highway 76, Rancho del Oro interchange, College Boulevard between Old Grove and Waring Roads, Melrose Drive North, Melrose South, Pala Road extension, Mission Avenue and Coast Highway.

The modified 1995 Circulation Element Alternative is what we currently have on file, with the exception of minor modifications that we made, which include not making the connection at Jeffries Ranch Road. It isn't a Circulation Element street, but we moved that connection, as well as Old Ranch Road between Guajome Lake Road and Melrose Drive.

The existing Circulation Element does have Highway 76 as 6 lanes, includes the Rancho del Oro interchange and assumes College Boulevard is 6 lanes between Old Grove Road and Lake Boulevard. Melrose Drive north and south are included, as is the Pala Road extension. Mission Avenue is identified as a four-lane major and Coast

Highway as a secondary collector. This is currently in our Circulation Element.

Alternative 1 pares that back a little bit. We did a Project Study Report in 2010 along College Boulevard where we determined that we can actually do a hybrid combination 4-lane configuration out there, understanding that we have homes between Rosell and Thunder Drive. For that portion of College, it didn't make sense to make it 6 lanes when there's so much on-street parking, and people's homes are literally right there.

With Alternative 1, Melrose Drive north, between Highway 76 and North River Road is not included. We included the southern extension of Melrose, the Pala Road extension and the one-way couplet on Mission Avenue between Cleveland and Clementine. Coast Highway is assumed to remain as it is today as a 4-lane collector.

Alternative 2 is the opposite extreme of the existing Circulation Element where we essentially don't build any of the future roadways. College is still recommended as a 4- and 6-lane hybrid, but the Melrose Extension, Rancho del Oro interchange, Pala Road extension are not included. Mission Avenue will remain as a 4-lane roadway, and Coast Highway will become 2 lanes with roundabouts. Staff's recommendation is Alternative 1.

The roadway segment level of service for the modified 1995 Circulation Element Alternative resulted in 17 roadway segments projected to operate at failing levels of service. The modified 1995 Circulation Element Alternative resulted in 18 intersections projected to fail as well. Alternative 1 has the same thing. There is not a lot of difference with the existing Circulation Element. Alternative 2 has more roadways projected to fail with 33 segments and 22 intersections.

JERRY HITTLEMAN, City Planner, stated we looked at all of the alternatives equally that Mr. Amberson just presented in the EIR. This is a program-level document, so any of those projects would require subsequent environmental review. We would do a more detailed review later on as they come forward. The following impacts were found to be significant but mitigable: land use, some traffic impacts, hazardous materials, noise, biological resources, cultural resources, geology, aesthetics, hydrology and water quality, paleontological resources. Some impacts were also found to be unmitigable. Even though we did include mitigation measures, they were not fully mitigated. Those were: some of the intersections and roadway sections were still impacted, some noise impacts, greenhouse gas impacts, as well as impacts to some of the agricultural resources from some of the roadway sections mentioned.

The Planning Commission did recommend that Alternative 2 be approved, with some modifications. We had Highway 76 at 6 lanes; the Rancho del Oro interchange was recommended to only have a westbound on and off ramp on the northern side; Melrose Drive north and south extensions were not included under this recommendation; College Boulevard would still be a 4- to 6-lane hybrid; Pala Road would not be included and Mission Avenue would be a 2-lane couplet as has already been approved by Council. They did recommend that Coast Highway be 2 lanes with roundabouts in conformance with the Coast Highway Vision Plan that came to Council a couple of years ago. They wanted the Public Financing Plan to come back to them and the Council within one year of approval of the Circulation Element.

Staff is still recommending Alternative 1, which has the Rancho del Oro interchange, Melrose Drive southern extension but not northern, same thing as described before for College Boulevard, Pala Road extension, Mission Avenue as a one-way 2-lane couplet and Coast Highway as a 4-lane collector under staff's recommendation.

Public input

JOHN DALEY, 631 South Coast Highway, stated Coast Highway really is a highway now. In 1953, the bypass opened between the San Luis Rey River and Palomar Airport Road, to bypass the 101 downtown and put it out where Interstate 5 is now because it was overly impacted by traffic. We're in the same situation now on the weekends. Six months out of the year, people are getting off Interstate 5 and coming on Coast Highway, which impacts our road and makes it not a good street anymore. It should be a local street where we can enjoy the businesses, ride bicycles, and walk, but it's too much like a highway now. The City went to the trouble of doing a Vision Plan recently and had everyone involved. Everyone wanted one thing: they wanted the traffic calmed in a way that made it a good, useful street instead of a highway. He supports the Vision Plan being included in whatever Council decides to do tonight. It's important to have that flexibility. If there is going to be change, it requires that there be some vision. What we have now is a bunch of car lots that take up anywhere from a half block to a full block. We need the Vision Plan so business owners along Coast Highway can see what the City's plan is and can implement it.

NADINE SCOTT, 550 Hoover Street, thinks the documents need to go back to the drawing board. The combination alternatives that were put together by staff are bizarre. Alternative 1 is a replication of what we have now, is the most environmentally damaging, the least able to mitigate the damages and still has failing intersections. It doesn't improve anything except for commuter traffic.

Alternative 2 is the least environmentally damaging, but the Planning Commission started doing different combinations and included Rancho del Oro. A one-way freeway off ramp is useless and probably won't fit on that property, and Caltrans won't fund it when the community comes out against it. That should be taken out altogether.

She is not in favor of the highway Vision Plan that puts it to one lane with roundabouts. In the EIR, there is documentation that the roundabouts are not appropriate in many areas because of the width of the street. She wouldn't come downtown under these circumstances. If we get one traffic jam on I-5 and send everybody down to the 2-lane Coast Highway, they will never come back to Oceanside.

She likes most of the Vision Plan and participated in that. The combination of Alternative 1 and Alternative 2 are just off. It should go back to the Planning Commission, or in the alternative, reject Alternative 1 as the most environmentally damaging. It will lead to more lawsuits against the City. Let's try to do our best with Alternative 2 if it can't go back to the drawing board altogether.

PETE PENSEYERS, 6535 Indian Trail Way, stated 3 years ago Council voted for a Coast Highway Vision Plan that would transform the Coast Highway Corridor from an auto center bypass of I-5 into a world-class streetscape. It was developed over an extended period of time in conjunction with consultants that developed the consensus of Oceanside residents and businesses. It was approved by the Planning Commission, Transportation Commission, Economic Development Commission and others. We wouldn't be the first to do this; it's already been done in La Jolla. They took what originally looked exactly like Coast Highway and have transformed it.

Coast Highway currently creates conflicts at each intersection; it encourages speeding and is so unfriendly to cyclists that 80% of them use Pacific Street. Cyclists eat a lot, but they don't eat in Oceanside. They mostly pass through on the way to San Clemente, Carlsbad, Encinitas or Del Mar. Each of those cities are now actively planning to put their part of Old Highway 101 on a road diet and use modern, one-lane roundabouts to achieve the same objectives that are in our Coast Highway Vision Plan. Carlsbad is finalizing the design for a one-lane roundabout at State Street and Coast Highway. They will be removing one of the northbound lanes, installing wider bike

lanes, extending the Coastal Rail Trail on the west side of the highway, across the lagoon and to the Oceanside city limits. Construction could be complete by next summer, so we don't have to be the first. If we don't start soon, the money that SANDAG offers for innovative street designs will go to somebody else. If we want to do this, we're going to have to do it fairly quickly.

HOWARD LA GRANGE, Oceanside Bicycle & Pedestrian Committee, asked the Council to reaffirm its commitment to the Coast Highway Vision Plan that Council adopted in 2009. He requested Council to insure the transportation elements in the plan are included in the Circulation Element plan for us tonight. Specifically, the Vision Plan called for a reduction of the current 4 lanes to 2 lanes, with roundabouts and bike lanes in both north and south directions. The vision creates a walkable community concept with bulb-outs and easy pedestrian crossings.

Oceanside needs to design transportation facilities that are based on the community and not on the I-5 overflow. Other coastal communities are in the process of creating their own Coast Highway plans. Del Mar is reducing their section from 4 lanes to 2 lanes, with bike lanes and roundabouts. Their projected current 15,000 vehicles is supposed to grow to about 26,000 in 2020. Del Mar's plan states that roundabouts present a desirable alternative today and in the future. Roundabouts with one travel lane in each direction will restore public right-of-way to pedestrians, increase the number of on-street parking, reduce safety concerns and conflict points, slow the overall speed and reduce emissions and noise. Roundabouts show more benefits than the status quo of 4 lanes with stop signs and signalized intersections.

Do not be misguided by the importance of automobile level of service to dictate the future of Coast Highway and our community. Reaffirm your commitment to the Vision Plan for Coast Highway by insuring that the Circulation Element includes a lane reduction to 2 lanes with roundabouts and bike lanes. Don't allow Coast Highway to continue to be an I-5 off-flow opportunity for people going south or north.

KATHLEEN FERRIER, Walk San Diego, stated streets are a vital component to Oceanside's economic development, network of mobility and creation of healthy and walkable communities. It's important to keep these policies current to best reflect community values.

Cities in our region are increasingly looking at street design to define economic development good health. There are currently about 8 cities in the region that are updating their General Plans. Whereas Oceanside has made great strides in providing for all modes of transportation, Walk San Diego would like to see implementation of these to integrate safety for all modes into all decisions.

In a 5-city comparison, Oceanside has the third highest pedestrian collision rate, coming behind San Diego, which has double the rate of the national average. To assist in providing greater safety, the State adopted a complete streets law in 2008, which requires all cities updating their Circulation Elements to show how they will accommodate all roadway users. Amendments to CEQA requiring analysis of safety for bicycling and walking has emphasized the State's desire to have complete streets. At the heart of this movement is for all decisions to address multiple modes. The Oceanside Circulation Element compartmentalizes these decisions by separating the bicycle and pedestrian policies, plans and projects from the Master Transportation Roadway Plan. One example of this is that sections of Douglas Road and El Camino Real are both planned to be widened. Bus stops are located along both of these streets. Before widening the road, the City should consider the safety impact to pedestrians crossing the street to access a bus. Wider roads mean longer crossing distances for pedestrians. These longer distances discourage walking and increase the potential for pedestrian conflicts.

Further, an emerging literature over the last 20 years makes a compelling case that adding traffic capacity through road-widening increases congestion by attracting additional vehicle trips. Conversely, street transformation, such as a complete street project like the one proposed on Coast Highway, and the conversion of signalized intersections to roundabouts have been found to allow the same traffic flow but at lower, safer speeds.

MIKE MELANO, 460 Wilshire, stated recently the Council has come out in favor of agri-tourism in South Morro Hills, which he is in favor of. It will allow us to continue to farm there. If agri-tourism is going to be successful in South Morro Hills, you need access. The major agricultural families in South Morro Hills are struggling to be profitable. He is one of three who are working on development plans. The current zoning allows about 1,400 houses up there, which means there has to be access. Don't take the Melrose Bridge out of the Circulation Element until you know what's going to happen in South Morro Hills. At the very least, you're going to have agricultural tourism traffic or the amount of traffic for approximately 1,400 homes. Throwing all of that traffic onto College Boulevard and putting that burden on the local residents is not right.

LINDA SILLS, 42 Chico Lane, used a graphic to show a map of the California Essential Habitat Connection Project, also on the Wildlands Project. She spoke of ICLEI (International Council for Environmental Initiatives), United Nations Agenda 21 and Council's legal obligations regarding those.

LARRY BARRY, 3973 Brown Street, stated we're going to be getting more traffic Highway 76 from other areas, and those people are going to be looking for places here by the ocean. We need to be friendly to these people so we can enjoy the commerce they're going to bring.

Regarding the Bird Rock area in La Jolla, he takes side streets when he's over there so he doesn't have to go around those roundabouts. The traffic on Coast Highway really only backs up when I-5 is backed up.

We should be thinking about the future. Highway 78 and the Melrose Extension is another way to get people off our streets. We need to get this Circulation plan and get the streets going.

ERIN MORIN, 1241 Chambord Court, is a partial owner of agricultural land, and her family's business has been there for 38 years. They have opposed the Melrose Extension since the beginning. We would like to see it off the Circulation Element. It's going to impact our neighborhood, farming community and future agri-tourism business that wants to come in there. The rural area needs to remain rural. We need to learn more about how we can bring back the agriculture that we want to preserve. Putting a bridge in front of our doorstep is not the answer.

SUZANNA RAY, 200 North El Camino Real, stated Council needs to be the futurists and not the automobilists. She got involved in the City because she had a friend who was an environmentalist and a historian who was against the Melrose Extension. Now we are going ahead with the Melrose Extension south, which is greatly flawed and going across property we do not own. This idea involves millions of dollars and will only mess up our heritage and environment. She asked Council to reject Alternative 1 entirely. Everything about it is wrong. Take Alternative 2, if anything. You need to dismiss everything on the Circulation Element; you have the power to do that.

V. ROY NASH, Rancho San Luis Rey Mobile Home Park, does not understand why Council makes any sort of ramp, on one or both sides of the highway, a part of this plan. The State will never approve it, so why waste time and money talking about it? How do any of the Transit and General Plans of the City benefit the people of

Oceanside? How much will it cost? How does this protect the property rights of our citizens without using eminent domain.

He recalled previous Council meetings where figures were batted around that if you implement the bridge, you have to build the infrastructure to all of the homes in the agricultural belt of Morro Hills, to the cost of over \$1,000,000,000. Where is that money going to come from? He hasn't heard that discussed tonight by anyone. Let's put the costs on the table so we can see how that's portioned out of the City budget, what you're planning to get from State of federal funding, when that funding is going to come to us and whether this a long-range plan over 10 to 20 years or is going to happen immediately. As of right now, he opposes the Melrose Extension and the Rancho del Oro interchange.

MARY HANSON, 2065 Wedgewood Drive, asked how Alternative 1 impacts Rancho del Oro and how it betters College Boulevard and El Camino Real.

LINDA PHILLIPS, 2243 Green Hills Way, Vista, appreciates the environment she lives in, but she also loves liberty. She suggested that the environmental movement has been hijacked with an agenda. She spoke of ICLEI and how this will affect transportation and automobiles in our City. She asked Council to look into this and take each situation seriously. There are over 500 cities with the exact same wording regarding this. They call it smart growth. Roundabouts on the highway will never work, and tourists don't want to deal with gridlock. We need to use common sense.

SUSIE COKER, 2126 Sorrento Drive, stated her focus is on Rancho del Oro. Significant, irreversible and direct impacts will occur if either half an interchange or a full interchange are built. There are rules, procedures and requirements that must be followed in an amendment update. These public issues of land-use, traffic, air quality, noise, crime, property value and pedestrian safety raised by the public during the CEQA public review period have not been adequately addressed. There are over 12 years of protest, documented in many meetings, comment cards and petitions, which are not included in this amendment sufficiently. This is a violation of CEQA, and this document is an inadequate failure. Residents and friends have moved away because of this ongoing threat. This impending doom over the entire Rancho del Oro corridor is like an attack from our own City. There isn't a neighborhood or person in this City who would welcome what we have been facing for these past 12 years. Those who protest our opposition do not have a clear understanding of this plan. It isn't their fault, since Council pitted neighborhood against neighborhood.

The truth is, if this interchange is built, it will be the shortest and only direct route between Highway 76 and Highway 78. We will merely become a cut-through by non-Oceanside residents. This is on a residential road with 3 schools, numerous senior communities and no retail. Our Neighborhood Master Plan did not intend this to be a freeway connection roadway. If it had, the truck restriction would not be in place. The topographical specifications for retaining hillsides, slopes and the thickness of the roadway that bends and curves and the plan for a walkable community would not have been created. The approval for this neighborhood by the Council in 1985 changed the land-use plan from industrial to residential, but the Circulation Element did not change to reflect that. Since the 2 documents are in conflict, Council needs to decide if we're supposed to be the neighborhood the City created in the Master Plan for Rancho del Oro, or do you want for us to become a series of cut-throughs, catering to non-Oceanside residents to get through Oceanside as fast as possible?

She seriously questions the traffic numbers used on Rancho del Oro. All anyone needs to do is drive Rancho del Oro to see how inaccurate your counts are. Are your projections incorrect because you've included the interchange already? We know there is no money for this project, but to leave it on the books causes all other projects within the City to consider the traffic volumes as if the interchange was built. Developments

that wouldn't be approved, will be approved because "on the books" there will be an interchange to accommodate that increase in traffic. This skewed revision is distorted and flawed. It reflects an inaccurate and deceptive blueprint of the City's future. Pedestrian safety, walkable communities and traffic calming were huge sections in your amendment plan – everywhere except on Rancho del Oro Road. An interchange will devastate our community. What about our pedestrian safety, walkable communities and traffic calming? These issues and all issues we have brought forth must be addressed. All 12 years of intense participation, public comment and the 2004 vote to remove the interchange have not been included in this document. Rancho del Oro neighborhoods will have monumental direct negative impacts that are irreversible by leaving this project on the Circulation Element. She asked Council to take it off the books.

DIANE NYGAARD, Preserve Calavera, stated the projects included within the Circulation Element will affect acres of sensitive land, every neighborhood in this City and will cost hundreds of millions of dollars. Of course it's important to do it right. Unfortunately, even with having issued 2 prior draft EIR's, this one still has not complied with the requirements detailed in the *Sunnyvale* case. It's not comparing to existing conditions, and there is no financial plan that makes any of the alternatives feasible. That's why we concluded it doesn't comply with CEQA, and it should be rejected on that basis alone.

What's most disturbing is that it's not an adequate plan for dealing with traffic congestion in our community. We have traffic problems today, and they'll only get worse over time, especially if we continue with the business-as-usual approach laid out in the Circulation Element. To judge how good of a job it's doing to address traffic, one only needs to look at the results. She referenced Appendix E(1) as an example. All of the alternatives still show numerous failures all over the City, and traffic is only going to get worse. Certainly, there are some improvements included in this plan, but the pedestrian plan and the bicycle plan have not been integrated, and the projects included in those plans are not funded.

The key problem is that this is really a plan about cars. We've already paid 14% of paradise for cars. 14% of our land is covered with concrete and asphalt for roads and parking lots, and it's not working. It should be clear that we cannot pave our way out of traffic congestion. We need a much more comprehensive approach.

This is supposed to be the fiscally conservative Council, yet all of these plans will cost Oceanside taxpayers millions of dollars that we do not have. The majority of these very expensive road extensions are not even included in the 25th ERTF. That means no State and federal dollars will be available. About half of the \$4,000,000 or so TransNet funds passed to Oceanside each year are required for routine street maintenance, so that won't build new roads. Thoroughfare impact fees can't be assessed on developers for existing traffic failures, only for their share of future roads. Who does that leave to pay for these things? The taxpayers of Oceanside. Hundreds of millions of dollars that we don't have.

The Circulation Element is asking you to put pretend roads on the map, roads there is no way to pay for and that will certainly not be built by 2030. People don't drive on pretend roads. We need a Circulation Element that does the best possible job of supporting walking, biking, transit and cars so we have the least possible congestion within our budget. We believe this is fatally flawed and should be rejected. Alternative 2 is the least damaging and least costly plan. Direct staff to come back with a financing plan and see if you can pay for that. Don't approve any plan until you can. Pretend roads will only make our traffic worse. Millions of dollars will be wasted planning for roads that can't be built. Our health and economy will deteriorate from sitting in traffic jams, and we'll be adding greenhouse gases instead of reducing them.

She asked Council to support the taxpayers of Oceanside and the health of our

community and reject this plan.

BRANDON EBELING, 917 Hillfield Court, is a veteran and President of Mar Lado Homeowner's Association. He has lived in his neighborhood for 21 years and has watched a lot of growth out there. We have over 1,000 homes in that neighborhood. He testified for his HOA at the 2008 Pavilion project entitlement hearing and was just one of a chorus of voices against any Pala extension. The opposition hasn't changed.

The Pala Extension is a bad idea. Environmental problems will abound, and noise hasn't properly been considered. There are better options to mitigate traffic circulation at that source. Mission is falling apart, so improve it. Roads all over Oceanside are failing and in various states of disrepair. For example, the entire one mile of Industry Street needs to be replaced and not just repaired. That would be roughly \$2,000,000. 75% of the streets in North Oceanside were resurfaced, which leave 25%. The most difficult 25% remained.

The federal government and State have no money, and the City is close to broke. Putting any available resources toward building yet another unnecessary road that the City will have to maintain and repair, doesn't make any sense. Take the Planning Commission's advice to not include this Pala extension. Public sentiment is behind that. Remove the Pala Road extension from the Circulation Element, Alternative 1. He asked the City to communicate with his homeowner's association directly regarding the hearings on this. He learned about it at the last minute.

DANA CORSO, 5838 Ranchview Road, represents ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods), and we are thrilled with the results of Propositions E and F. We are hoping that Councilmember will see this as a message. We expect our Council to lead in a way that protects our communities and neighborhoods. This community and the Planning Commissioners oppose moving forward with the Melrose Extension. The Commissioners stated that the detriments to the area if Melrose is extended far outweigh the benefits. The City traffic engineers said traffic would only benefit by seconds. We need to focus on preserving Guajome Park and maintaining our quality of life in our neighborhoods. We don't need a thoroughfare road for commuters who will ultimately destroy a portion of our park, 14 homes and ruin the only equestrian development in Oceanside, Jeffries Ranch.

She has not yet heard one resident of Rancho del Oro who would like to see a freeway interchange run through their neighborhood. Where are we going to get the funds for that? Clearly, it's time to support your constituents, commissioners and the neighborhoods. Many of Council's actions over the course of the past year were rushed decisions unfavorable to community input. We expect Council to hear the voices of the residents of Oceanside. Please stop rushing these projects through, benefitting the developers at the expense of the taxpayers that negatively affect the neighborhoods.

JIMMY KNOTT, 127 Sherri Lane, stated on Coast Highway between Morse and Oceanside Boulevard, there have been a number of incidents. We've been asking for a crosswalk. There is a trail access point there, and cars are coming down the road at high speeds. This would reduce the speeds and allow people to get from one side of the street to our beaches. Staff said it couldn't be done, but it can.

He attended the Planning Commission meeting on this. The Land-Use Element and the Transportation Element are linked. One compliments the other. Both of those need to come before Council at the same time. The Planning Commission initially selected the middle road. He's not sure they know what they approved.

Finally, there is no consideration for the rising ocean levels or tsunami risks.

LAUREL, a student, doesn't live in Oceanside but since everyone is concerned

about traffic and lack of walkable neighborhoods she offered a mitigation suggestion. She recently presented in school the idea of livable streets. Some places in New York and San Francisco will shut down sections of road to act as a linear park system and are just open to pedestrian activity. It encourages community members to walk and visit local businesses. It could be implemented as a design consideration. Maybe one Sunday a month you shut down a section of a road so the community can come out and enjoy one another and be active. It can be funded through various things like non-governmental organizations, etc. It's a great compromise to everyone's concerns. We all hate traffic and we like to be around each other. It's something Council could think about.

CHRIS WILSON, 770 Harbor Cliff Way, encouraged Council not to approve anything that includes infrastructure that won't actually be built. That's paving the way for gridlock and the inability for anyone to get anywhere. If you're going to approve one of the options on this EIR, he would encourage Council to approve Alternative 2 as the least damaging.

GARY LAWRENCE, 3241 Caseras Drive, stated all of these people represent neighborhoods and votes. They're telling Council to consider their homes before you destroy them or put roads there. This is a vision of Oceanside and what we want it to be. We'd like it to be a place we want to live, and we want other people to want to live here. We don't want to overbuild and create more traffic. That's what a vision sets out to do. Staff is concerned about the best way to move traffic, and that's what they're supposed to do. Council's job is to consider how it's going to affect us. The vision is what you want to see in the future. If you decide to make it something the voters don't like, we'll show you.

WINDY BRAVO, 3030 Oceanside Boulevard, stated we have a jewel here in Oceanside. We have a beautiful way to go through Morro Hills, and this looks like something that is going to quickly develop into blight. We can work together to keep Oceanside distinct. It's like the last beach town that's still beautiful. With the proper planning, we can be unique. Why not be really creative instead of winding up with something that can cause blight and lose the character?

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

DAVID DiPIERRO, City Traffic Engineer, stated the Coast Highway plan was a vision plan that we looked at. It wasn't an engineering study. What we looked at in the Circulation Element was at a macro level when we studied Coast Highway, not at the micro level that we really need. That needs to be considered somewhere down the road.

If we go to a 2-lane road on Coast Highway, we're most likely accepting congestion. We need to know how to handle that. In studying this in more detail, we'd be looking at where traffic will divert, assuming there are 22,000 vehicles on Coast Highway. Not only do we want to look at Coast Highway, but we want to look at the adjacent neighborhoods and see how some of that traffic might syphon out into those neighborhoods. We need to possibly look at a traffic calming plan for those neighborhoods.

The other thing to consider is that Coast Highway is a major bus corridor. He would think we'd want to bring NCTD (North County Transit District) in to see how this might affect their bus headways if we brought Coast Highway down to a 2-lane road.

It's something that we should consider, but in the Circulation Element it's really at a macro level rather than the micro level that this road needs.

Mr. Knott brought up a crosswalk on Coast Highway, and that's the first he's heard of it. Staff would be happy to analyze that location for a crosswalk.

JOHN AMBERSON, Transportation Planner, stated there was a comment about the number and nature of alternatives that we're bringing forward. Staff and the consultants worked closely with the community. When we started this process, we had about 18 possible future network alternatives. We analyzed those and whittled it down to 5 alternatives. This is based on input that we received from the community and Council. We presented the 5 alternatives during the notice of preparation for the e EIR meetings that we held. We got some input there, which resulted in the 3 alternatives that we're bringing forward for Council's consideration tonight.

The 3 alternatives represent 2 camps of thought that we understood in terms of the input. One camp was telling us we need roads, and the other camp was telling us we don't need any roads. The alternative that represents these 2 extremes to a certain extent were Alternative 1, which is kind of in the middle since we're building some but not everything, and Alternative 2, which doesn't build anything but preserves the environment. The current 1995 Circulation Element is 'build everything'. We think Alternative 1 provides that balance between the 2 extremes. This is based on the public input that we received early on.

The Circulation Element is more than just future roadways. Regarding providing for all modes of travel, we believe we've achieved that as far as the Circulation Element can achieve it with respect to the update of the Bicycle Master Plan. The City was recognized by the League of American Bicyclists, and we got a bronze designation from them last year. We are applying for a silver this year. That's put Oceanside on the map as being a bicycle-friendly community.

The Pedestrian Master Plan was another update. Both plans look at identifying weaknesses in the current system in Oceanside, identifying where we can make improvements and how those improvements can bridge the gap between pedestrians, bicyclists, transportation and motor vehicles and to make it all safe. We feel that the Bicycle and Pedestrian Master Plans really bring Oceanside into that walkable arena. It's going to take more than just the Circulation Element to reduce trips. Land use is going to play a big part of that as well.

Regarding the north Melrose Extension, in our analysis we determined that there would be some marginal level of services effects if that road wasn't constructed to College Boulevard and North River Road. That's something we can live with given the combination of other mode choices that we're going to be implementing over the years and well into the future.

There is some sensitive environmental habitat associated with the river. It's a challenge to construct and would be environmentally impactful to the riverbed. We thought that was a good choice to remove from the networks.

Highway 76 has been in the Plan for 30 years or so. It's was originally supposed to be a freeway then we renegotiated that with Caltrans to make it an expressway. Our analysis shows that the volume on Highway 76 will be substantial. Our level of service now just shows that we will have marginal conditions, contrary to what the SANDAG RTP analysis showed, which used a different methodology. Driving on Highway 76 today, particularly in the eastbound direction, we can experience a little congestion. We need to understand that we're looking at 2030 conditions, so the City is, in theory, built out. All of the land uses and available developable land will be built out. That includes our neighbors in Vista, Temecula and Carlsbad. Not only Oceanside is growing but our neighbors as well.

DEPUTY MAYOR FELLER asked if a full Melrose is in a 2030 or 2050 plan in the RTP.

MR. AMBERSON responded as he understands it, it is. The RTP is based on the Circulation Element that existed at the time of the update, and that included both the north and south extension.

DEPUTY MAYOR FELLER stated we don't have money to do many of these things, including Jeffries Ranch Road. At this point, we are just trying to have some idea of what the future is. Amendments can be made to the Circulation Element, is that correct?

MR. AMBERSON responded yes.

DEPUTY MAYOR FELLER asked what that process is.

JERRY HITTLEMAN, City Planner, responded that would be processed through a General Plan Amendment that would have to go to the Planning Commission and then to Council for final approval.

DEPUTY MAYOR FELLER stated on page 9 of our Circulation Element it says future needs of the population and projected land uses with minimal impact to the environment. The main objective there is if any of this system is obstructed by the environmental side, it makes it difficult and expensive. On page 10 it says the City will strive to incorporate complete streets throughout the Oceanside transportation network. Complete streets is the key word there. Page 11 states a transportation network that supports safe and efficient travel for all modes of transportation. A transportation network that is designed to accommodate existing and future growth. Those seem minimal.

Do we have a level of service A anywhere in Oceanside?

MR. AMBERSON responded yes. We have acceptable levels of service at locations in Oceanside. We have a couple of A's, but mostly B's and C's. Some D's, which are acceptable.

DEPUTY MAYOR FELLER asked, on a freeway, what is the distance between interchanges that Caltrans recommends.

MR. AMBERSON responded about a mile.

DEPUTY MAYOR FELLER stated it says on page 31 that Jeffries Ranch Road is not connected to State Route 76. Old Ranch Road is not connected. What does that mean?

MR. AMBERSON responded it's with respect to the modeling. When we ran the SANDAG model, we made sure that Old Ranch Road was not connected between Guajome Lake and Melrose, and Jeffries Ranch Road was not connected to State Route 76, based on the information that we had at the time. We had to disclose that because it was adjusted in the modeling. These aren't Circulation Element roadways. These aren't roadways that would collect thoroughfare fees for or plan ahead. Because they're existing, they provide exclusive access to the neighborhood. We had to disclose that because we moved those things in the modeling. When the model is run and it distributes volumes, it distributes volumes a little bit differently without those connections.

DEPUTY MAYOR FELLER stated we don't talk about Cannon Road much. We built it thinking that the other cities around us were going to build their portion as well. We're the only ones that did and, because of that, any connection to Lake is seriously constrained because Cannon doesn't go through. That should be connected to I-5 and Highway 78.

We heard about global warming, but that is so far from reality, and the community is held hostage by some of the overzealous environmentalists. He'll wait to decide what option he wants until he hears from others.

MAYOR WOOD stated we have a Council policy that says we stop at 10:00 PM unless we continue with the approval of the Council. That's coming up. This is an important issue and might have to be continued.

COUNCILMEMBER SANCHEZ attended the Planning Commission hearing and one of the things they reached a consensus on was that this should be a realistic vision of the future. There should be some level of reality that it will be built. The idea is that if you say there is going to be a road in a certain place in Oceanside, it will encourage development. Roads bring development. If that road never really gets built or has even the possibility of being built, all you're doing is creating gridlock and expectations that will never be achieved. The consensus also was that there should be a funding plan put in place. The motion directed staff to come back in a year with a realistic funding plan. Those were the points of consensus.

Her first concern is that there was not a whole lot of vetting within the community. There was not a meeting out on Pala Road. We had several meetings out on Pala Road when we talked about the planning of the shopping mall. Somehow we skipped that during this process. She attended several of those and it's vivid in her mind that this community did not want the extension. They have gone through increased development, the establishment of a school, had increased traffic and were facing more increased traffic based on the shopping mall project. Extension of Pala would require re-mitigation of our own mitigation project, which would have cost millions of dollars, and that did not make sense to the developer. In reaching a difficult compromise with that community, where they understood they were going to get impacts, the compromise was not building the extension.

Besides the money drying up for that shopping mall, there was a deep competition between that shopping mall and Westfield, and we got sued. We all want something to happen there. That is a very important economic development project. But we also have to continue the dialogue with the community. That kind of dialogue did not happen in the Circulation Element planning. There were 2 meetings and the Planning Commission hearing, which did not get noticed very well.

When she first became a Councilmember and heard about this very controversial project called the Rancho del Oro interchange, she spent a lot of time with Caltrans, staff and the community. She learned that there were so many changes that had taken place over decades that it no longer made sense to have a Rancho del Oro interchange. It was Carlsbad that was going to build the interchange for something like \$10,000,000 or \$15,000,000. That now would be over \$100,000,000. We assumed there would be a connection on Carlsbad's side and that it would be a regional project to be able to qualify for regional funding. Carlsbad's side is not going to be built, so it's only Oceanside. Carlsbad abandoned the idea of building it. On top of that, we ended up changing our land-use. It was supposed to be commercial, but instead it became residential.

It is almost schizophrenic that we have a walkable bicycle community on Rancho del Oro Road straight to a park and we want to turn it into an expressway. We want to turn an expressway, Coast Highway, into a walkable community. It's odd that we don't want to apply the same standards across the board if we want to try to be consistent. We want to turn a highly used, walkable, bikable, family-oriented and livable street and turn it into an expressway.

She attended the International Livable Cities Conference a couple of times, and

she reads a lot of what they put out. This is international, and we get people from all over the world with all of these ideas of what to do. The whole idea is about slowing down traffic and making cities livable by making their streets livable and bicycle friendly. They talk about having separated bike paths. That is a vision for Oceanside if we truly want to make it a bicycle-friendly city. If we want to go for the gold, we need to really make it safe to ride your bicycle. We have a tremendous opportunity to do that on Rancho del Oro Road. It's too wide. Yet, we want traffic to go faster there.

It was made clear to her by Caltrans that funding for this project was going to be almost impossible. Back then we had the hope of federal dollars, but there are no federal dollars anymore for road projects. If you have 2 road projects and one is getting thousands of letters against it and the other one is getting thousands of letters for it, guess which project is going to win out?

There is no way this Rancho del Oro project is ever going to get funded, so putting it in the Circulation Element only serves to increase density, which is in violation of every principal of smart growth. This has become a political football, but when are we going to really stick to a vision that has principals that are consistent and talk about smart growth and livable cities and streets? That is a tremendous opportunity.

MAYOR WOOD thinks we have a lot of comments left by Councilmembers tonight and we can't finish it tonight. He's like to have this continued to June 20th. This is a real hot issue and this will take hours for all of us to talk about. He **moved** to continue this to June 20th. The public hearing has been closed so we'll continue with the Council comments then.

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

CITY COUNCIL REPORTS

15. **Mayor Jim Wood** – no comments due to time
16. **Deputy Mayor Esther Sanchez** – no comments due to time
17. **Councilmember Gary Felien** – no comments due to time
18. **Councilmember Jack Feller** – no comments due to time
19. **Councilmember Jerome Kern** – no comments due to time

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 10:02 PM on June 6, 2012 to a Council workshop on June 19, 2012.

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

JUNE 27, 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 2:02 PM, June 27, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez,

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

June 27, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Kern and Felien. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:
Items 1 and 2.

[Closed Session and recess were held from 2:03 PM to 4:02 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 (OFMA); no reportable action

2. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

Property: 5.7 acres of City-owned real property located south of North River Road between Calle Montecito and Redondo Drive (portion of APN 157-060-49); Negotiating Parties: City of Oceanside and Allied Gardens Towing, Inc. (dba Road One); Negotiator for the City: Curtis Jackson, Property Agent; Under Negotiations: Price and terms for the lease of real property

In Closed Session, Council voted 5-0 to reject the terms of the proposed lease and to terminate the current RFP

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 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 3-6 and 10-13]

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.

ASSISTANT CITY CLERK TROBAUGH announced there is a request from the public to pull Item 7.

COUNCILMEMBER KERN pulled Item 9 for a question.

COUNCILMEMBER SANCHEZ pulled Item 8.

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 June 1, 2011, 2:00 p.m. Regular 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 annual purchase orders for equipment, supplies, services and materials in amounts over \$50,000 for FY 2012-13 for routine and recurring maintenance, repairs and operations from various Public Works Department funds for a total of \$1,916,000; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
6. City Council: Approval of annual purchase orders for equipment, supplies, services and materials in amounts over \$50,000 for FY 2012-13 for routine and recurring maintenance, repairs and operations from various Fire Department funds for a total of \$1,483,569; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
7. **Removed from Consent Calendar for discussion – Public**
8. **Removed from Consent Calendar for discussion – Council**
9. **Removed from Consent Calendar for discussion – Council**
10. City Council: Approval of a Professional Services Agreement [**Document No. 12-D0432-1**] with R.O. Straub Construction, of Solana Beach, in an amount not to exceed \$63,867 to build an enclosure, install electric power and install a new generator at the east side of the Civic Center East building; and authorization for the City Manager to execute the agreement
11. City Council: Approval of a five-year professional services agreement [**Document No. 12-D0433-1**] with David Taussig and Associates, Inc., of Newport Beach in the amount of \$303,910 for special tax advisement services for three Community Facilities Districts, and authorization for the City Manager to execute the agreement
12. City Council: Approval of the Housing Commission FY 2012-14 Workplan [**Document No. 12-D0434-1**]
13. City Council: Adoption of **Resolution No. 12-R0435-1**, "... approving the expiration of the Relocation Appeals Board for the Downtown Redevelopment Project Area as of July 1, 2012".

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 3-6, and 10-13].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

7. **City Council: Approval of Amendment 1 to the Exclusive Negotiation Agreement with Sudberry Development, Inc., to negotiate a Development and Disposition Agreement for the development of El Corazon, extending the term of the agreement from July 27, 2012, to September 27, 2012; and authorization for the City Manager to execute the amendment**

DIANE NYGAARD, 5020 Nighthawk Way, representing Friends of El Corazon, stated the community really wants to see the park at El Corazon built sooner rather than later. The current schedule calls for the first tournaments to be held in November of 2013, and that still sounds like a long way off. This is the second extension to the time frame for the negotiating agreement, and staff assures us that, with that extension, they can still fully meet this schedule to have the fields in operation by November of 2013. As we see slippage early on in the schedule, that gives us all a little bit of concern. It is a good-faith gesture that Sudberry and Field of Dreams are willing to front the money so we can proceed on schedule, but they aren't the ones who have the risk. It's the taxpayers of Oceanside that are at risk if this should not succeed.

It's important to get it right and for staff to have the time to make sure we do have it right. We're hopeful that these temporary fields are done in a way that sets a foundation for the permanent vision of the park so we don't waste funds doing things on a temporary basis and then have to redo them a few years later. That means we look at things like the Grand Promenade, and if we're doing a detention basin for the fields, we do it in a way that it becomes a water feature and something that's a wonderful amenity for the park.

We wanted to make sure that staff has the full support and commitment from this Council to make sure that we can do the best possible job with negotiating this agreement, and that we have this park at El Corazon built and operating by November of 2013.

COUNCILMEMBER SANCHEZ asked if staff anticipates any problems in meeting the November of 2013 tournament goals.

DOUG EDDOW, Real Estate Manager, responded at this time, no. We do not see a delay in that end of the schedule.

COUNCILMEMBER SANCHEZ asked if anything else is needed from Council to ensure that this happens, besides what you're asking today.

MR. EDDOW responded no.

COUNCILMEMBER SANCHEZ moved approval [of Amendment 1 [**Document No. 12-D0429-1**]] to the Exclusive Negotiation Agreement with Sudberry Development, Inc., to negotiate a Development and Disposition Agreement for the development of El Corazon, extending the term of the agreement from July 27, 2012, to September 27, 2012; and authorization for the City Manager to execute the amendment.

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

8. **City Council: Approval of Amendment 3 in the amount of \$26,100 to the professional services agreement with Helix Environmental Planning, Inc., of La Mesa for environmental services and preliminary engineering for the Melrose Drive Extension Project, adding to the scope of work additional services for a Parkland Conversion Mitigation Plan for the project; and authorization for the City Manager to execute the amendment**

COUNCILMEMBER SANCHEZ wanted clarification whether this item is in anticipation of the friendly taking of a portion of the Guajome Park for the Melrose Extension.

MR. EDDOW responded yes.

COUNCILMEMBER SANCHEZ is going to vote against this, inasmuch as it would require 4 votes for a taking. She understands that, even though the County is going along with the notion of a taking, we still have to do it in the nature of eminent domain. Since we don't have a super majority vote, as she anticipates the Mayor will be opposing the Melrose extension as he has in the past, this is a waste of valuable funds.

COUNCILMEMBER KERN moved approval [of Amendment 3 (**Document No. 12-D0430-1**) in the amount of \$26,100 to the professional services agreement with Helix Environmental Planning, Inc., of La Mesa for environmental services and preliminary engineering for the Melrose Drive Extension Project, adding to the scope of work additional services for a Parkland Conversion Mitigation Plan for the project; and authorization for the City Manager to execute the amendment].

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER FELIEN stated we have under General Items a Melrose Extension item, and there has been no question that Melrose, regardless of anyone's opinion on it, is a controversial issue within the community. He asked why this is a Consent Calendar item. This falls under the 100% chance of being pulled category.

CITY MANAGER WEISS responded this item is to prepare the Parkland Conservation Mitigation Plan, which was originally intended and is necessary for a variety of reasons, but as part of the settlement agreement that would allow that project to move forward. Your item later is a significant step in that direction because it is starting the final design process. This deals just with the Parkland Mitigation Conservation Plan. The other one is the actual final design.

COUNCILMEMBER FELIEN asked if when you refer to the settlement agreement, are you referring to the settlement agreement with Calaveras or is that another one.

CITY MANAGER WEISS responded yes, it's the Preserve Calaveras settlement.

Regarding Councilmember Sanchez's assertion that it would require 4 votes, **COUNCILMEMBER FELIEN** asked if that's 4 votes for this to pass or 4 votes to implement this. He knows the eminent domain requires 4 votes, but if we have a cooperative partner, is that still an eminent domain issue requiring 4 votes?

CITY ATTORNEY MULLEN responded to the extent the Council needs to adopt a resolution of necessity to take property by eminent domain that would be done by a super majority vote. This item only requires majority approval.

COUNCILMEMBER SANCHEZ asked for clarification that when this does finally get to Council for a vote of taking this property in Guajome Park, a County park that was bought with National Park Funds, then we will need 4, is that correct?

CITY ATTORNEY MULLEN responded any time you need to take property by eminent domain you will need 4 votes.

COUNCILMEMBER SANCHEZ was making the point of why go through all of this if we are not going to be able to go forward on the eminent domain. It's a waste of taxpayer funds.

Motion was approved 3-2, Wood and Sanchez – no.

9. **City Council: Approval of Amendment 5 in the amount of \$80,000 to the Professional Services Agreement with American Logistics Company for senior shuttle services, increasing the contract cost; and authorization for the City**

Manager to execute the amendment

COUNCILMEMBER KERN was reading through the staff report, and it looks like the grant funding is starting to wind down. He's concerned about how we keep the project going. What are we doing to find new grants? He also would like staff to keep Council informed about how they're progressing with those grants.

MEGAN CROOKS, Management Analyst, responded we have a secured TransNet grant to follow the remaining funds of this one. SANDAG will issue us a contract for that as we start narrowing down to zero on this. We will probably bring that back to Council sometime in December for approval. That will then take us through the fiscal year 2013-14. SANDAG will be releasing new grant applications sometime in mid-July for the fiscal years 2014 through 2016, and we will again apply for those funds. We are ahead on the grant fund approximately 2 fiscal years, so we do know 2 fiscal years out what our projected funding is to continue the program. In addition to that, this year we're going to be seeking private funding to help supplement the program and the matches we make to the grant.

COUNCILMEMBER KERN moved approval [of Amendment 5 (**Document No. 12-D0431-1**) in the amount of \$80,000 to the Professional Services Agreement with American Logistics Company for senior shuttle services, increasing the contract cost; and authorization for the City Manager to execute the amendment].

COUNCILMEMBER FELIEN 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.

16. **City Council: Approval of a one-year professional services agreement with the San Diego Humane Society in the amount of \$811,194 to provide animal sheltering and animal control services to the City and for the use of approximately 6,500 square feet of City-owned real property for parking purposes; and authorization for the City Manager to execute the agreement**

DOUG EDDOW, Real Estate Manager, stated this contract amount is similar to that of last year, subject to a Consumer Price Index (CPI) increase, which will occur in July of this year. It will be adjusted at that time. It is anticipated that CPI increase will be between 2.5% and 3%. The level of service will be similar to what was provided last year. Staff is very pleased with the level of service provided by the San Diego Humane Society. They've made great strides in working with local rescue groups to address issues that they had regarding the treatment of the animals.

He introduced the new President and CEO of the San Diego Humane Society, Gary Weitzman.

GARY WEITZMAN, President and CEO of the San Diego Humane Society, has been in the position for about a month and is getting a good education in County issues. He came here from Washington D.C. where he ran the Washington Animal Rescue League. He was also the Medical Director. His background is as a veterinarian, and he's been in animal welfare for almost 30 years. It's a privilege to be here. One of the things that interested him was working with Oceanside because we have a shelter here where we can change the course of animal welfare in this area. This shelter has done a good deal of that already.

He used computer graphics to show the changes made to the Oceanside shelter since the San Diego Humane Society took it over. They are looking forward to continuing their great work with Oceanside and their animals.

MR. EDDOW stated staff, at the direction of Council, continues to pursue alternatives to the San Diego Humane Society, notwithstanding the level of service they've provided. We're looking at a more financial, feasible or economic way to do this. We are continuing to meet with other cities to try and find a solution that could help all of the cities in North County and are hopeful that we can find another solution.

COUNCILMEMBER SANCHEZ welcomed the new Executive Director and thanked him for coming here and expressing his desire to work with Oceanside. We have had some issues. We feel we're paying more for less service. As a city that once had our own animal control program, we're in a difficult situation. It's become a monopoly for us. She still wants staff to continue to work with other cities to see if there is a more financially sound way of addressing our animal control needs, including barking dogs, so we don't have police officers responding to barking dog issues.

She **moved** approval [of a one-year professional services agreement (**Document No. 12-D0437-1**) with the San Diego Humane Society in the amount of \$811,194 to provide animal sheltering and animal control services to the City and for the use of approximately 6,500 square feet of City-owned real property for parking purposes; and authorization for the City Manager to execute the agreement].

COUNCILMEMBER FELIEN seconded the motion.

MAYOR WOOD stated the staff has been wonderful. He knows you can't function without volunteers, and he appreciates their help. Our concern is the enforcement side, not the animal care. Hopefully, we can come to a solution soon.

COUNCILMEMBER KERN asked at what point in time the CPI increase applies.

MR. EDDOW responded the contract today is \$811,191. We anticipate a CPI increase, which per the contract occurs in July. We don't know what that is at this time, but if it's 2.5% and 3%, then we estimate about \$843,000 for the contract. That has been budgeted in the recently approved budget.

COUNCILMEMBER KERN stated \$843,000 is a pretty big contract. We need to go out to a more competitive bidding process. Unfortunately, right now there is nobody out there for competitive bidding unless we take it on ourselves with other cities. He will support this.

MAYOR WOOD asked what the \$811,000 is used for. Is it broken down somewhere?

MR. EDDOW responded in years past, under the prior regime of the San Diego Humane Society, they did not want to provide information as to how they got to that number. His recent conversations with Dr. Weitzman indicated that they would be more than willing to disclose that type of information as to how they came up with that.

MAYOR WOOD has been approached in the last few days by members who sit on committees and commissions asking how that money is obtained and for what.

Motion was approved 5-0.

14. **City Council: Authorization to issue a Request for Proposals (RFP) to develop a Strategic Plan/Goal Setting effort with the Oceanside City Council and, if desired, Council appointment of a Council ad hoc committee to recommend a**

facilitator for full Council Consideration

MICHELLE SKAGGS LAWRENCE, Deputy City Manager, staff is returning with an RFP for facilitation services to help them set goals and priorities prior to the fiscal year 2013-14 budget process. Going out with an RFP for a facilitator will allow the Council to collectively select an individual that they'd like to work with and also to determine what process they like to go through. In that regard, staff is offering a couple of options. We could issue the RFP, sort through the responses and provide Council with the most qualified folks to interview in a workshop setting. As an alternative, the Council could chose to create a Council ad hoc committee to look at the respondents and make a recommendation to their colleagues.

If you look at the draft RFP, there is a Scope of Work section. We'd be happy to make changes to that if Council has any input this evening. Tonight, we're looking for whether or not the Council wants to issue the RFP and if they would like to establish an ad hoc committee.

Public input

DIANE NYGAARD, 5020 Nighthawk Way, has concerns with the content, cost and timing of this. It's called a Strategic Plan, but it's not. A Strategic Plan is something that would take a year of effort and would cost upwards of \$100,000. She hopes that's not really what you're talking about. The Scope doesn't look like that. It looks like you're really looking for a meeting facilitator, which should be a fairly minimal level of effort. She is concerned that the community input appears after the document has been drafted. It seems like you'd really want community input at the beginning of a process to help shape the dialogue and determine what the issues are. We need to be realistic about the resources to carry this out. When you walk around City Hall, there's nobody there. Our staff is extremely stretched. If we spend a lot of money developing an extensive plan, who's going to carry it out? How do we add that workload on top of people who are already stretched to carry out their day-to-day duties?

Regarding costs, it's rare to see the issuing of an RFP without any sense of what the budget is for the project. How much is this going to cost and where is that money coming from? We're cutting library hours, recreation programs and funds to community services. How does this fit into our priorities?

She looked at the comparison of the goals and objectives from the last 2 times our Council put these together, and it looked like plans done by cities on 2 different planets. There was no congruence between those 2 plans over a few years. She's concerned that we'll end up with a third plan with a whole different set of priorities and objectives. She believes that the Council that's going to carry out the plan should be the one that makes the plan. That would mean that the timing for this belongs after the next election, probably in January, so that those responsible for it would be carrying it out.

JIMMY KNOTT, 127 Sherri Lane, would rather Council use funding to train a staff member to do facilitation. He suggested asking the Council Aides to get a list together and then have a workshop. You don't need a facilitator for that. Council needs to set 5, 10 and 25-year goals, not just 1 or 2-year goals. Let's listen to what the people want done, not the Council.

CHRIS WILSON, 770 Harbor Cliff Way, opposes this item. He was surprised to see it on the agenda. As far as developing a Strategic Plan for priorities, etc., isn't that what we elected Council to do? Do you need help to do this? If you need input, the community is out here. He's sure there are tons of people who contact Council on all types of issues and let you know what the community's priorities are. We elect Council to put the plans in place to do that. If we're going to pay a consultant to come in and

help you do this, he would suggest the money to pay that consultant be taken as a reduction from your salaries. We don't need to pay somebody to do a job that we're already paying somebody else to do.

Public input concluded

CITY MANAGER WEISS stated Council did indicate that they wanted to have this process completed in advance of their next budget cycle. Although they do have strategic goals and objectives that were identified previously, part of this process, based on Council's direction, is they would end up having a half-day public workshop. Then there's going to be at least 3 community meetings and then back to the Council with those recommendations. Part of this process is going to go through Council and the community to prioritize and rank City programs and services based on the ability to achieve the goals that they develop. That was part of the issue of prioritizing City programs and services and going through some type of a ranking process that we've identified in here. That would be done in advance of Council starting the fiscal year 2012-13 budget process. It's not just developing a Strategic Plan; it's also evaluating various City programs and services based on their ability to achieve those strategic goals and objectives that Council set out.

COUNCILMEMBER SANCHEZ attended the workshop in January and recalls there were several of us who made statements. It was not televised, and she recalls that there was not a single motion taken for direction to staff regarding bringing this forward. Afterwards we received from the City Manager's office a list prioritizing our strategic goals and the planning. She talked to the City Manager and questioned him about some of the items that were on there because we did not take a vote on anything, and yet things seemed to have appeared on there without determining there were at least 3 people who were supporting the items.

She is also surprised that this is before Council because we've never needed to get a mediator to do what she believes is Council's job. The City Manager's office has always been the office that has helped us facilitate. We would meet, hear from the public, list everything we thought were our priorities and then got the list and ended up adopting that. We now need somebody from the outside costing however much. This states that there was no fiscal impact and no cost to take this vote, but it took staff time to put this together and talk to Councilmembers before it came forward. This has cost us money already, needlessly impacting our General Fund. We should not be doing this. This is really about politics. This is driven by Councilmember Kern and is a platform for his run for Mayor. We don't need to bring that platform into the Chambers and spend General Fund money on an election, any more so than we already expend to insure a public process. We don't need to spend \$25,000 - \$75,000 for a facilitator.

COUNCILMEMBER KERN moved approval for [authorization to issue a Request for Proposals (RFP) to develop a Strategic Plan/Goal Setting effort with the Oceanside City Council and, if desired, Council appointment of a Council ad hoc committee to recommend a facilitator for full Council Consideration].

This was clear direction out of that workshop. Failure to plan is planning to fail. We've been limping along here these last few years as the economy has shifted under our feet. This is about planning how we're going to accomplish at least the next 5 years. Of all the reports he's seen, we're going to be in this same economy for the next 3 years, at least. We really need to set priorities and a course for the City for a minimum of 5 years.

The last time we had a facilitated workshop about strategic planning, we came out with our goal of being 50% water independent by 2030. It was a good workshop and we came together on that one. He thinks we'll be able to come together on this plan. It doesn't matter to him if we do an ad hoc committee or we let staff do this. If it

is an ad hoc committee, then pick one from both sides. Both he and Councilmember Felien will still be here in January, regardless of the election. We need to plan and get out in front of this. His idea of a workshop is to come out with a plan.

COUNCILMEMBER FELIEN seconded the motion. Some of what we're seeing here symbolizes some of the problems that we've had in our City. He recalls the January workshop where the opening part of that was the inability to agree on how the table should be organized, and that set the tone from there. A couple of years ago we had a facilitator for an event, and he would guess that facilitator won't be responding to this RFP based on how he was treated at the time.

He doesn't like the idea that we attribute sinister motives to everything someone tries to do here. God forbid that someone tries to make a good impression for political purposes. Councilmember Kern is running for Mayor and wants to put his best foot forward by showing that we should plan for the future and that may or may not win a few votes at election. Isn't that what democracy is all about? The candidates put their best foot forward and do what they can do to serve the community, and then the voters have the choice on who they're going to pick. He would assume the Mayor, in some way or another, is going to do the same thing by putting his best foot forward and coming up with ideas that he thinks will help win him votes. That isn't a sinister motive. It's called democracy.

We're going through tougher and tougher times, and he supports the idea of needing a longer horizon to make what are going to be more and more difficult decisions. The process that's starting here will fold into our budget process and allows the very public input that people claim they don't get. Elections come and go, but you're not going to be able to impose a decision unless you have the public buying it. However this process evolves, he hopes it will allow the public input so we can get buy-in.

There are always going to be things that we're not going to agree on, and that's what we have elections for. Most of what goes into a Strategic Plan shouldn't be a 3-2 vote and shouldn't involve a lot of controversy in the community. As problems are laid out, you should review the details and then fold it into budget decisions. For example, in our last budget process we basically started with agreement on 99.5% of what the budget was going to be. We had disagreements over the remaining \$500,000 to \$600,000 worth of the budget. Our Strategic Plan will probably follow the same line. There should be a broad consensus on what it takes to move this community forward. Having more opportunity for public input and staff interaction will benefit our community.

He will reserve judgment in terms of whether or not we need an outside facilitator as part of this process or whether we're going to have some staff member who would care to volunteer to facilitate the Council discussion. He will be voting to move this forward, and we'll see what the RFP process brings back.

DEPUTY MAYOR FELLER thinks there is some merit in this RFP asking for workshops in places like fire stations to hear from each individual neighborhood. It can't be the same 12 people at every event. He'd like to see that worked into this in some form or fashion.

CITY MANAGER WEISS responded right now we do have in there that there would need to be 3 community public meetings. It was not our intention to have them in the Council Chambers. The intention was for them to be out in the community.

DEPUTY MAYOR FELLER suggested changing that number to 5 or 6 in the various communities. Is that something that could be agreed on?

COUNCILMEMBER KERN responded yes. Instead of fire stations, we could probably use some schools.

DEPUTY MAYOR FELLER just wants it to be away from Chambers and not be the same people at every one saying the same thing. He'll support this if we can add that.

COUNCILMEMBER SANCHEZ is not opposed to the public process. We've had a lot of people come to Council meetings, and we've basically voted against what they have asked us to do time after time. The biggest one was Proposition E, where we had hundreds of people asking us not to go forward, and yet we spent about \$150,000 to go against the community. She doesn't see any good faith here at all. We continue to go against community concerns. She anticipates that Council will hear again the same thing they've been hearing for the last couple of years, and the majority is going to turn a deaf ear and blind eye. They're not going to want to listen. This is a result-oriented process. Give the people time to come and speak and then go do whatever you want anyway. This is not the right time to be doing this. We have a November election where 3 of us are up for re-election, a majority. That means that the public will, at that time, decide which policies should go forward. That is a public process, and we will probably get a very high voter turn-out.

Again, this is a waste of time and money. It's frustrating for the public. She hears time and time again that Council doesn't listen to people. Our job does end up being political; however, this is a wasteful use of public funds. It's not positive. We do not need to spend any money for this to happen and that's why she's voting against this. This means going out and getting a facilitator that's going to cost us what sounds like over \$100,000. We don't need to do that. Which program are we going to cut to be able to do that? The money's going to come from somewhere. This was not budgeted.

DEPUTY MAYOR FELLER stated the recall election that cost \$500,000 had to come out of the General Fund budget as well. We've got a long way to go to make up for that wreck. We need to go forward with this. When does it come back to us?

CITY MANAGER WEISS responded at this point he doesn't suspect that you'll see this, at least with choosing a facilitator and a contract, probably until September. That process will still take some time simply because we need to issue the RFP, get the responders and choose if those responders should come and make a presentation to the entire Council under Option 1, or do something different for the selection.

DEPUTY MAYOR FELLER would suggest staff do the selection. We have to designate that as one of our options here tonight, right?

CITY MANAGER WEISS responded yes or they can just have staff make the selection, and we can go through a process to do that.

MAYOR WOOD has been on Council for 10 years and has had people come in as facilitators. He agrees they'll never come back. He felt sorry for most of them. The worst thing that can happen is to have a Council that is split like this, and they want to have us come to a consensus on an item or two; it isn't going to happen. Everyone gets frustrated and angry, and we wonder why we spent the money trying to turn a 3-2 vote into a 5-0 vote. It's nothing but controversy. It hasn't worked in the past and won't work again.

It was a good suggestion to wait until after the election and see how Council sets up. We've got a lot fewer staff members to do all of this work. We know we don't have the money to pay somebody, and we're not going to agree. It comes down to a waste of Council's time and taxpayer money. What we're going to get out of a facilitator and a

workshop is a 3-2 vote. The voting majority is going to win no matter what the issue is. Nobody is going to change the voting position of this Council, so that will just frustrate a facilitator. Staff has been here a long time and already knows what our priorities are. The City Manager and staff know what's going on. If we spend any money out of the General Fund, then somebody else is going to have to be cut for it.

It isn't necessary to spend the money on a facilitator when it's never worked before.

Motion was approved 3-2, Wood and Sanchez – no.

[Recess was held from 4:56 PM to 5:09 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:09 PM. All Councilmembers were present.

INVOCATION – Jonathan Gleason

PLEDGE OF ALLEGIANCE – team members from Oceanside American Little League

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – National Parks & Recreation Month – July 2012

Presentation – Lt. Col. John Oliver, Recruiting Commander for the U.S. Army's Southern California Recruiting Battalion

Presentation – Mayor's Youth Sports Recognition and Appreciation Award

Presentations were made

GENERAL ITEMS – Continued

15. **City Council: Adoption of a resolution endorsing the "Keys to Housing Toolbox" which identifies regional strategies and actions to address family homelessness**

ANGIE HANIFIN, Housing Program Manager, stated staff and the Housing Commission are recommending that the Council adopt a resolution endorsing the Keys to Housing Toolbox. A variety of stakeholders met over the last year and a half to look at the issue of family homelessness. This group developed a toolbox that provides a variety of strategies from which stakeholders can identify action items that can be incorporated into their own plans. The goal of the group is to end family homelessness in San Diego County by 2020.

She introduced Don Stump, the Director of North County Lifeline.

DON STUMP is President of The Alliance for Regional Solutions, which is a collaboration of organizations and cities in which Oceanside participates that's working on the Winter Shelter Network. He was also on the Advisory Council of the Keys to Housing as a provider and collaborator in the community. The face of homelessness is changing rapidly right now. The most recent economic times have had a pretty serious impact on families. There have been evictions and foreclosures, and we've been seeing families in our programs that we've never seen before. We're also seeing a lot of elderly, veterans and female veterans with children that are homeless.

San Diego Grant Makers is an association of philanthropists. They are foundations and corporate sponsors who put out funding to the community. They decided that with these diminished resources, they wanted to get together and look at

what they can do with private dollars to help homelessness in the community.

In San Diego County, the school districts every year do a screening, and at the beginning of the year they determined there are more than 13,000 homeless children in our schools throughout the County. It's been a big impact, stretching the resources of schools. Grant Makers brought together a pretty diverse group of folks to talk about this and wanted to come up with a regional vision. The result was they came up with 5 key areas that they wanted to focus on. Under those 5 key areas there are 8 actions, essential outcomes, they want people take. They then created a paper toolbox and an online toolbox of resources and information about what other cities, organizations, activists and communities have done to solve homelessness in their community.

Key areas are leadership, policy and advocacy. With a limited budget, what can we do to start looking at how some of our policies are impacting families getting moved out of homes?

We're looking at coordination of services and resources through data. There are a lot of services that Lifeline provides, but a lot of people don't know about them. Are we duplicating services with somebody else, and how can we be more efficient in the use of the dollars that we have?

We need permanent affordable housing. With the cost of living in San Diego being so high, how can we increase the opportunities for medium and low-income families to have affordable houses?

We also need to increase economic security and stability, which means trying to find ways for low-income folks to enter the American dream – make more money, get more education and get better jobs.

Lastly is prevention. It takes a lot more money to get somebody back into a house than it does to prevent somebody from being thrown out of a house.

This plan is really a toolbox. We're asking for Council to move forward with an endorsement or resolution saying you support this toolbox. We're hoping that Grant Makers and a coordinated group of folks that have put this together will continue their support with private dollars, and leverage and match public dollars to do more services for the homeless.

We're looking to you to adopt a vision, encourage participants in your City, use the resources and tools from the Keys website, and take action in your community.

COUNCILMEMBER SANCHEZ stated our resolution says that each night nearly 1,700 children in the region live on the streets, in shelters, in cars or in other places not meant for human habitation. That's 1,700 too many.

She **moved** approval [of adoption of **Resolution No. 12-R0436-1**, "...endorsing the Keys to Housing Toolbox which identifies regional strategies and actions to address family homelessness"].

COUNCILMEMBER KERN **seconded** the motion. When he read through the staff report, it was his understanding that you are focused on episodic homelessness. We need to focus on keeping episodic homelessness from becoming chronic homelessness. He wholeheartedly supports this because the quicker we can get in, the quicker we can solve this problem and the better chance we have of actually solving some of this in the long-term.

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.

27. **City Council: Approval to de-obligate existing HOME funds in the amount of \$342,648 previously appropriated to San Diego Habitat for Humanity and the Fuller Center for affordable housing projects; approval of a Memorandum of Understanding in the amount of ~~\$1,500,000~~ \$326,608 with North County Solutions for Change for assistance in developing an affordable housing project; approval of a budget appropriation in the amount of ~~\$1,500,000~~ \$326,608 of HOME funds to fund the MOU; and authorization for the City Manager to execute the MOU**

- 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 the Housing Commission; Deputy Mayor Feller and Councilmembers Sanchez and Kern reported contact with staff; Councilmember Felien reported no contact.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

DAVE MANLEY, Neighborhood Services Division Manager, stated this item is for de-obligation of existing HOME funds. The amount of obligation or appropriation will be \$326,608. That's actually the amount of money that we need to commit by June 30th. It's less than the \$1,500,000 and enough to assist North County Solutions for Change to look for a project.

We're also asking for Council's approval of an MOU so they can start the process of looking for a project: either a multi-family existing project or vacant land to develop. They have 180 days to do that.

This item was brought before the Housing Commission at a special meeting on June 19th, and they recommended approval of the MOU and appropriation and de-obligation of the funds. He introduced Monty James with North County Solutions.

MONTY JAMES, Director of Real Estate Development for Solutions for Change, thanked Council for their support. Solutions has been helping Oceanside families find permanent solutions to homelessness for the last 11 years. Currently, we're placing successful graduates of our university in other cities because we don't have a property here. 35% of our families come from Oceanside, so we're excited to have your buy-in.

This request is part of a \$35,000,000 3-year regional initiative to solve family homelessness. It's called Finding Our Way Home. So far, we've been very successful. We're on track, and we've raised over \$25,000,000. We've developed projects in Vista, Bonsall, Fallbrook, Valley Center and some of the unincorporated County areas. We're not a network of temporary housing or shelters. We are creating permanent, affordable housing solutions for our graduate families. All of our graduate families work, pay rent, have kids enrolled in school, have savings accounts and are committed to improving their economic situation. We have a 93% success rate with our model over the last 7 years.

This MOU will give us 180 days. That should be sufficient time to try to leverage your money with additional funds and try to increase the scope of the work.

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

COUNCILMEMBER SANCHEZ moved approval [to de-obligate existing HOME

funds in the amount of \$342,648 previously appropriated to San Diego Habitat for Humanity and the Fuller Center for affordable housing projects; approval of a Memorandum of Understanding [**Document No. 12-D0441-1**] in the amount of \$326,608 with North County Solutions for Change for assistance in developing an affordable housing project; approval of a budget appropriation in the amount of \$326,608 of HOME funds to fund the MOU; and authorization for the City Manager to execute the MOU].

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER KERN stated this goes with the item we had before. We talk about episodic homelessness, and now we're talking about the chronic long-term homelessness that people face. It's a good program.

Motion was approved 5-0.

CLOSED SESSION REPORT

23. **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

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

FRANK PENDLETON, 1501 Anza #14, Vista, stated this Council is doing a lot of things in 3's. You got your rear-ends whooped for making the wrong decision on rent control. You're talking about bringing back one-way streets in Oceanside, which was proposed by a Traffic Engineer who didn't even have a license.

Some of us enjoy coming to your beach, and this town is based on tourism. A yearly pass for all of the parks in the United States is \$80. A pass for the State of California is \$125. A parking pass for Oceanside for non-residents just went to \$200 for 6 of the parking lots. That's a little absurd. He was willing to pay the \$100 it was previously, but \$200 is just greed and he won't pay it. You don't even have sand on the beach. Take a look at what you have and rethink this. Businesses will lose business because this is telling the tourists to go home. He asked Council to consider going back to the \$100.

DAN ZINMAN, 1595 Madrid Drive, Vista, stated we've all read about the proposed water rate increase. Jobs have been eliminated and costs have been cut to the tune of about \$600,000. On July 1st, the water utilities will sign an annual purchase order for 2 products that will increase pricing over 30% for fiscal year 2012-13. This will represent an increase of \$100,000 to the City. That's money that could be much better spent. He's referring to Ferric and Ferrous Chloride that is going down in pricing to other agencies as indicated in recent 2012 awarded bids. The Utilities Department selectively chose some water treatment chemicals through reverse auction versus a closed bid that many agencies use currently.

One bidder does not define an auction. In this case, you had only one bidder. They started high at \$780. Last year's price was \$599. In 2011, the agency understood

the logic and did not include the Ferric and Ferrous Chloride in the reverse auction. They went to a closed bid and got competition. What's interesting is that when we're asked to quote on lower dollar items, they're required to get multiple quotations before making a decision because what they need is competition. In this case, there is no competition.

There are some solutions that Council can take. One, there is a clause in the bid that gives the City the right to reject any part of the bid. He recommends rejecting these 2 products. Go to a closed bid and get competition. He guarantees you'll see savings.

The other option is to partner with agencies nearby to leverage jointly to participate in contracts. Tom Rosales is General Manager of South Orange County Wastewater and he welcomes your call and would be more than happy to look at putting together some joint bids. July 1st is only a few days away. He asked Council to look at the emails he sent with additional details.

JIMMY KNOTT, 127 Sherri Lane, spoke about recent and upcoming concerts in Heritage Park every Sunday for the remainder of the summer.

CHRIS WILSON, 770 Harbor Cliff Way, acknowledged the maintenance workers who fixed the street light that was on 24-hours a day less than a block from his house. He submitted the request via the City's online repair request notification system and they got it fixed in less than 24 hours. That's pretty impressive.

This past weekend was the American Library Association Conference in Anaheim, which he attended. While there he got in touch with some people at Google who are interested in doing Google indoor maps of the City's libraries and other buildings in the City. It's an excellent opportunity. If they need further action from the Council to map areas in the City, he would encourage Council to take that action.

FRANCIS KAZERSKI, 276 North El Camino Real, announced this Saturday is the Freedom Day Parade, which celebrates our freedom. Unfortunately, Oceanside no longer has a 4th of July fireworks display. At the Freedom Day Parade, the Oceanside Manufactured Homeowners Association (OMHA) will have a float. This is the first time for them. He thanked citizens for voting no on Proposition E in the latest election because this was going to affect many of the seniors and veterans in the mobile home parks. He thanked the City for having the Freedom Day Parade, which is quite expensive to sponsor. Hopefully, one day we'll have the fireworks back in the City as well.

RAY LUTZ, www.citizenoversight.org, stated we've heard about the military and what an important role they play in our safety in this Country, and we want to thank our law enforcement officials for the role they play in our safety. Safety is a big issue for city governments because a lot of what you're here for is to make sure everybody is safe. Oceanside is subject to one of the most severe risks in terms of safety right up the coast, which is the San Onofre Generating Station.

He's an engineer and took an interest in the shut-down that they had in January of this year due to the steam generators that they had just redesigned. They spent \$670,000,000 to do the best job they possibly could on these steam generators. They brought them back, and they failed within 11 months in one case. They were supposed to last, they said, 40 years. It's Council's job to take a good hard look at this and make sure that you're on board with protecting the safety of your residents by taking a strong position to make sure the plant is safe. His recommendation is that it not be reopened. If they can't run it, spending \$670,000,000, then it's not going to run in an earthquake or tsunami situation, which we are subject to here. We have some resolutions that you could possibly endorse to shut down San Onofre and keep it shut down.

SANDY THURLOW, 4559 Stratford Circle, stated the good of our City includes the safety of our residents. San Onofre is a real problem that she respectfully requested Council to place on a future Council agenda for public discussion for a longer period of time and for experts to come and talk about. There are quite a few people in the audience who would like to address this item with Council.

CHRYSTAL COLEMAN, 942 Ruby Drive, Vista, asked Council to place the item of San Onofre on a future agenda because she's concerned about the safety of our children. San Onofre has been in the news recently because it's been leaking. She referenced the children who were victims of Chernobyl. She will not allow this to happen to our children, and it never would have happened if they had taken precautions beforehand. The evacuation zone recommended in Japan was 50 miles. Oceanside is 22 miles away from San Onofre. We're not included in the evacuation zone currently. There is only a 10-mile evacuation zone.

SWEDINA HURT, 7928 Calle San Felipe, La Costa, is a UCLA trained bio-chemist who most recently worked for the UCSD Cancer Center. She is here to warn people about the health risks associated with the San Onofre Nuclear Station due to its potential to release large amounts of radioactivity in the event of a nuclear disaster. 30 years ago, in 1982, the Nuclear Regulatory Commission had Sandia National Labs do a report, which was published by Congress. They showed that a meltdown at San Onofre would result in 300,000 casualties from cancer and 600,000 genetic defects. 1982 is 30 years ago. Since then, over the past 3 decades, we've had tremendous population growth in Southern California about 1.5 times. Thus today there would actually be 1.5 times more cancer and genetic defects. On top of this, we now know that radiation causes cancer and genetic defects 3 times more often than what we knew back in 1982. This means that today we have the potential for about 4,000,000 cancer death and genetic defects. There are only 8,000,000 people within the 50-mile evacuation zone.

We also know that fetuses are 1,000 times more vulnerable to radiation than adults, due to the very rapidly replicating cells. About 100,000,000 babies will be born severely retarded or with small brains from radioactive iodine. Children are 20 times more vulnerable to radiation than adults, due to the rapidly replicating cells so people will develop cancer at age 10 instead of age 50. This is actually occurring in San Clemente right now, just from the radiation that has been allowed to be emitted regularly over the past few decades. Girls have breast cancer at age 13. Boys have prostate cancer in their 20's.

We have been endangered by San Onofre, and she urged Council to agendize this subject and help us in our quest to shut it down permanently.

JOE CREWS, 3212 Sage Road, is not here to speak about conjecture or something that may or may never happen. He's here to speak about a matter of record that has already happened and will soon become part of the record. Several years ago San Diego Gas & Electric and Southern California Edison made a decision, as San Onofre was ending the period of its functional lifespan, that they would refurbish and upgrade the generating stations. They did so, spending \$700,000,000. This was accomplished approximately 2 years ago, and the purpose was to extend the life of the plant another 40 years.

On January 9, 2012, Station No. 2 was shut down. Three weeks later, Station No. 3 was shut down. It was found that there were serious engineering flaws that created a safety hazard with leaking radiation.

He went to San Juan Capistrano last week and there were over 500 people there. They had some of the top nuclear engineers, scientists and other engineers present answering all questions. They dealt with one subject only, and that was the

stations. We know it's going to cost at least \$200,000,000 more to extend the life of this. This is a financial disaster.

BOB PASCHELKE, 3685 Vista Campana North, stated a couple of speakers have talked about how much it costs to replace the generators in the No. 2 and No. 3 stations. There was a No. 1 station that was decommissioned in 1992 because at that time it would have cost \$175,000,000 to bring it back into service, so it was decided not to do so. He can see why you'd be frustrated to see a group of us here protesting San Onofre. It's a federal matter, and you're not directly responsible for it. You are responsible for making sure the residents of Oceanside have reliable electrical power. In 2002, the California legislature authorized the formation of Community Choice Aggregators (CCA's). This bill authorizes any local governments to form non-profit associations to purchase electric power. Electric power delivery infrastructure is a natural monopoly, but generation is not. The CCA will support a true free market for electrical generation. We need to diversify our electrical generation because nuclear power is not dependable enough, apart from all of the dangers of that type of plant.

ARLENE MATTIOLI, 1638 Neptune, Encinitas, doesn't have a lot of facts and figures, but has enough knowledge to know that we need to pay attention to what's going on at San Onofre and make sure that it doesn't come back online unless it's absolutely safe. She's a mother, grandmother and great-grandmother, and she worries about everyone's children. She may not be around later, but her family will. She hopes Council will give this their best attention.

GENE STONE, San Clemente, is the founder of Residents Organized for a Safe Environment. Tonight our environment is safe because San Onofre is closed, and the Geiger counter reads in the normal range for Southern California. What happens if it's not normal, and we have an accident? There are many factors to be weighed in. One of the most important factors is the allegation of safety problems for San Onofre Nuclear Generating Station (SONGS). SONGS has had the highest number of safety allegations for over 5 years in a row. There is an ongoing problem there with management and the workload. We've seen that in the last 6 months by seeing a new problem almost every 2 weeks. He encouraged Council to put this item on the agenda in the future so we can come and give you a little bit more information.

MARIA MATTIOLI, 1204 Hygia #1, Luedadia, is here to raise awareness for San Onofre. This is a beautiful beach community, and she does not want to be running from the radioactive wind. She is not prepared to uproot herself and move somewhere else. Everyone is talking about health effects, which cannot be measured. These things go into the DNA. Nobody here has mentioned money, and money speaks a lot in government. People's property values would drop and businesses would be null. Our beach community would not be what it is and people would be uprooted. It's important to take a very close look at San Onofre and possibly shut it down. No radiation is safe.

GRACE VON THILLO, 120 Avenida San Pablo, San Clemente, urged the Council to consider placing San Onofre Nuclear Plant concerns on an upcoming Council agenda, as many of the Southland cities are doing. Cities located within the 10-mile emergency or 50-mile ingestion zone are realizing that to carry out their own city's safety mandates, the dangerous plant concerns must be addressed. Because of the realities of Fukushima, San Onofre's closeness to earthquakes faults and the tsunami zone and the growing problems with the steam generators were addressed recently by the Nuclear Regulatory Commission, independent nuclear scientists and international/national/local advocacy groups. All agree that the plant must remain shut down.

Root causes, mitigation and costs to ratepayers are still unknown. A *Los Angeles Times* recent editorial stated that rather than relicensing, Edison must develop ways to generate needed power in sustainable resources of solar and wind. She asked Council to agendize letters to the Nuclear Regulatory Commission, Governor Jerry Brown, and

Senators Feinstein and Boxer calling for the extended shut-down. Ask for third-party independent verification of all NRC decisions. To carry out your City's mandate, urge the Department of Energy to take care of the 1,400 tons of radioactive waste that is sitting right next to the freeways, trains and Camp Pendleton. The National Academy of Sciences will be conducting cancer studies, and Oceanside is within that study area.

KENDRA ULRICH, Friends of the Earth, 614 Lamont Street NW, Washington DC, wanted to draw the Council's attention to the San Onofre issue. One of the angles of this issue that's been hinted at tonight and has not been discussed in depth is the economic angle of the steam generator issue and the impact on ratepayers in this and other communities in Southern California. An important aspect to understand is that the San Onofre steam generators are critically flawed. They are defective equipment. She was at the NRC meeting on June 18th where the NRC disclosed that the computer models used to test the design produce an error margin of 300-400%. If Boeing produced an airplane that had a 300-400% error margin, we would not allow them to take off.

These steam generators are on the ratepayer's dime. That's \$671,000,000 for defective equipment that will go into effect in January. She urged Council to take a look at this issue and put pressure on the Public Utilities Commission (PUC) to re-evaluate the prudence of operating the San Onofre reactors.

ACE HOFFMAN, 2516 Via Sorbete, Carlsbad, stated the NRC is one regulatory group and INPO is another one. It's the utilities themselves. In their public report they talk about probable risk assessment. A German institute determined that the risk of an accident at San Onofre or any reactor is about 200 times greater than we thought. This was just released a month or two ago. It was one 1938 earthquake that was used to decide how much protection they needed at Fukushima. For tsunamis it was a 1960 Chilean tsunami. That's one event for each one. You can't do probable risk assessment that way. The accidents that have been happening are expected and are going to get even worse. He asked Council to please get involved and try to get this shut down.

SUSAN WILLHOIT, 325 Chesterfield Drive, Cardiff by the Sea, stated San Onofre is number one, but not in a good way. We have 144 safety violations. Each one of these offenses can account for one or multiple safety violations. There are 64 nuclear generating stations in the United States and only 7 of those have single-figure safety violations. We have 144 between 2007 and 2011. She requested Council put this on their agenda.

RANDY ZIGLAR, 7027 Snapdragon Drive, Carlsbad, is concerned about San Onofre. He appreciates Oceanside and its beautiful beaches, but why would anyone want to live next to a toxic waste dump? It is a toxic waste dump as long as that plant continues to generate nuclear waste. He went to the NRC, along with the Edison Company, where they were giving us their findings on why they had to close down the company. He found a public relations man who tried to explain the terminology that was used in the agenda provided to the public. When asked if there is a way to deal with radioactive waste, he replied that is light years away. There is no way to deal with it or make it harmless. The ideal is to not create the waste that future generations have to live with. We shouldn't have to live with it. If we want to protect our DNA, prevent mutations and not die of cancer, we need to find a way to deal with this. This is a serious safety issue, and it applies strictly to our cities. This power plant is an enemy of serious concern.

LESLEE GAUL, Visit Oceanside, asked that regarding Item 29 the Council uphold the Planning Commission's decision to approve those projects. The developer represents a quality small business that operates beautifully appointed vacation rentals and units in Oceanside. The quality of architecture and design that these units bring to the area not only enhance the beauty of the area and help property values, but they

also warrant higher ADR for visitors coming in, and this means more tax dollars generated for the City's General Fund. In addition, the units that operate in the area are primarily comprised of vacation rentals, allowing more public access to the beaches. She asked Council to uphold the Planning Commission's decisions on these projects as they will have no negative impact on the resident's streets and will become an increased revenue source for the City.

PUBLIC HEARING ITEMS – Continued

25. **City Council: Adoption of a resolution establishing maximum rates for the collection of waste matter within the City of Oceanside, adjusting the current solid waste rates by 1.48 percent, which will result in an increase of \$.29, or 1.48 percent, to the basic residential solid waste and recycling rate, and will be applied to services provided under the solid waste contract**

(This Public Hearing is continued from June 20, 2012)

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

COLLEEN FOSTER, Management Analyst, stated the City contracts with Waste Management of Southern California for solid waste disposal services. The franchise agreement provides Waste Management the opportunity to request an annual Consumer Price Index (CPI) adjustment, effective July 1st. Per this request, Waste Management service fees were increased by 2.96% CPI, effective July 1st. The last adjustment was made in 2008.

The CPI adjustment is to provide for an increase in monthly rates that will provide needed revenue for services related to the solid waste contract for the collection, transfer, recycling, processing and disposal of all solid waste materials. The increase also supports new contract provider services such as automated collection, CNG service vehicles and the small quantity generator program. The 2.96% increase is based on the national all-city CPI calculation, which was weighted at 100% and resulted in a 2.96% increase. Waste Management is allowed to request the higher of the two adjustments.

The City's previous contract provided for a benchmark process every 5 years. Benchmarking studies completed in 2005 and 2008 resulted in rate reductions – 4.5% in 2005, and 5.4% in 2008. These savings have been set aside into the Rate Stabilization Fund (RSF). The RSF allows the City to offset rate increases to our solid waste contractor. The current RSF would be greatly burdened if we were to pass on the full 2.96% rate increase to the fund. It can inherently lead to significantly higher rate increases to the public in future years and less funds being deferred to the RSF. Historically, the Integrated Waste Commission and Council have directed staff to consider smaller yearly rate increases to the public using the RSF to supplement.

The 2.96% rate adjustment to Waste Management becomes effective July 1st; however, staff proposes only a 1.48% rate increase to ratepayers, which would be effective August 1st.

There is a correction to the table in the staff report. The current rate is \$19.44, and the rate with the 1.48% increase would be \$19.72. The amount of the increase would be \$0.28 per month. The City waste service fee of \$3.77, which is beyond the \$19.44, would remain the same. That is for street sweeping, landfill maintenance, etc. A computer graphic was used to show the residential service rate structure.

The current payment to Waste Management is \$17.21 out of the \$19.44. That would change to \$17.72 out of the \$19.72. The balance currently is \$2.23. However, if you look at the allocations within the \$19.44, the stormwater costs would remain the same at \$0.64 and contract administration would remain the same at \$0.58. In the past we have passed on \$1.01 into the RSF. If the rate increase were to be effective, it would turn into \$0.78 into the RSF.

Staff recommends that Council approve the franchise provider's annual adjustment to the maximum contractor compensation.

Public input

JIMMY KNOTT, 127 Sherri Lane, discussed this with the manager of his mobile home park and they wondered how this would affect multi-family communities like mobile home parks. We don't get the street sweeping; we take care of our own streets. That was listed as one of the benefits that residential homeowners get but we would not.

Public input concluded

MS. FOSTER responded the increase is across the board so it affects all rates. There is a rate exhibit in the staff report that identifies the rate changes and the potential increase. It depends on the service received by the multi-family communities.

CITY MANAGER WEISS stated a lot of it is going to depend on the particular situation as to the size of the bins they have and the amount of pick-ups they get in any given week. The multi-family communities can look at Exhibit A and talk to their park manager to find out what their current service levels are. They can use that to get the increase off the exhibit.

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

COUNCILMEMBER KERN asked if the \$1,700,000 they pay as a franchise fee goes into the General Fund or if we're putting any of that money toward rate stabilization.

CITY MANAGER WEISS responded that is not part of the RSF that's set up within your current rate structure.

COUNCILMEMBER SANCHEZ moved approval of [adoption of **Resolution No. 12-R0439-1**, "...fixing maximum rates for the collection of waste matter within the City of Oceanside", adjusting the current solid waste rates by 1.48 percent, which will result in an increase of \$.29, or 1.48 percent, to the basic residential solid waste and recycling rate, and will be applied to services provided under the solid waste contract].

MAYOR WOOD seconded the motion.

Motion was approved 5-0.

30. **City Council: Introduction of an ordinance amending Chapter 13 (Solid Waste and Recycling) of the Oceanside City Code to modify mandatory solid waste disposal requirements and to update various provisions to conform to existing practices and services provided under the current solid waste contract**

- A) Mayor opens public hearing- hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Feller and Councilmembers

Sanchez and Kern reported contact with staff. Councilmember Felien reported no contact.

- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

COLLEEN FOSTER, Management Analyst, stated staff is recommending that Council adopt an ordinance amending Chapter 13 of the City Code. The recommended amendment will modify mandatory solid waste disposal requirements and will further provide updated provisions to conform to existing practices and services provided under the current solid waste contract. Code amendments will also support City efforts in meeting State mandated reporting requirements.

A computer graphic was used to detail the Code sections that would be amended. This is to update the current Code to meet our current services. The last time the Code was amended was on January 7, 1998. With our new contract in regards to automated collection, the bins and also the definition of solid waste to include recycling, it needed to be updated to accommodate our current services and current State mandates.

There is no major fiscal impact from these proposed amendments. However, there may be minor administrative costs, which could be recouped through minimal application of fees for administrative approval.

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

COUNCILMEMBER SANCHEZ moved to introduce [an ordinance amending Chapter 13 (Solid Waste and Recycling) of the Oceanside City Code to modify mandatory solid waste disposal requirements and to update various provisions to conform to existing practices and services provided under the current solid waste contract].

COUNCILMEMBER KERN seconded the motion.

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

26. **CDC: Adoption of a resolution approving an amendment to Regular Coastal Permit (RRP12-00003) for the addition of a 213-square-foot roof deck and an exterior stairway on one of the units of an existing 5-unit multifamily development located at 508 South Pacific Street – Williams Residence – Applicant: Richard Williams**

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

SHAN BABICK, Associate Planner, used a computer graphic to show the site. The existing flat roof will be converted into the 213 square-foot deck. The exterior material colors will match the existing residence. The proposed deck railing is 23-feet high, which is well below the maximum height of 27 feet.

Staff believes that the proposed stairway and roof deck are consistent with the existing building design and the land use policy of the Local Coastal Program (LCP). We recommend the Commission adopt the resolution.

Applicant

ALAN TITA, Tita Architecture, 300 Carlsbad Village Drive, Carlsbad, agrees with staff's recommendations. This project is very much in coherence with the other units adjacent to it.

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

COUNCILMEMBER KERN asked why it needs a stairwell. Are there other places that have stairwells of those types or do they access it through the bedroom?

MR. TITA responded we reviewed many different options. A lot of the other units adjacent to us access it through an internal circulation path. Unfortunately, that wasn't possible in this unit. We took the easiest route, which was attaching to an existing balcony at the second story and creating a cantilevered stairway. The only way to get an internal stairway to work would be to raise the roof or completely damage the interior floorplan.

COUNCILMEMBER KERN moved approval [of **Resolution No. 12-R0440-3**, "...approving an amendment to a Regular Coastal Permit for the addition of a 213 square foot roof deck and an exterior stairway on one of the units of an existing 5-unit multifamily development located at 508 South Pacific Street – Williams Residence – Applicant: Richard Williams"].

COUNCILMEMBER SANCHEZ seconded the motion.

Motion was approved 5-0.

29. **City Council: Appeal of Planning Commission Resolution No. 2012-P15 (Development Plan D12-00001/Regular Coastal Permit RC12-00001), Resolution No. 2012-P16 (Development Plan D12-00002/Regular Coastal Permit RC12-00002), and Resolution No. 2012-P17 (Development Plan D12-00003/Regular Coastal Permit RC12-00003) approving the conversion of three existing single-family residences to duplexes, with the addition of 1,409 square feet and a new third story to each structure at 811, 813, and 815 South Pacific Street; and adoption of resolutions upholding the Planning Commission decisions and approving the projects – South Pacific Street Duplex Conversions – Applicants: REVX Pacific South, LLC; Evergreen Hebron, LP; and REVX North Pacific, LLC – Appellant: Beachin, LLC**

- 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, public and the applicant; Deputy Mayor Feller reported contact with the site, applicant and staff; Councilmember Felien reported contact with site, applicant, appellant and staff; Councilmember Sanchez reported contact with site, applicant, public and staff; Councilmember Kern reported contact with applicant, site and public.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

RUSS CUNNINGHAM, Senior Planner, stated these 3 projects come to Council on appeal after being approved by the Planning Commission on 3 separate occasions. The projects were first approved in November of last year. Following this first approval, the appellant argued correctly that the projects should be subject to approval at a Development Plan, as well as a Regular Coastal Permit. Consequently, the projects were brought back before the Planning Commission for review of both the Regular Coastal Permit and Development Plan in March of this year.

Subsequent to that second public hearing, it was determined that proper mailed notification within the required radius had not occurred. For that reason, the project had to come back a third time, following proper notification. That was in April and the project was unanimously approved for a third time. Upon learning that the County Tax Assessor records do not identify all of the rental units within the notification area, staff required that the applicant physically canvas the notification area and identify these additional units that are not picked up by the tax assessment records. Those units were notified of this evening's public hearing.

In several letters, the appellant has enumerated as many as 26 points of appeal. The first theme is height standards and the definition of basement. Eight points of appeal speak to those points, with the basic argument being that the proposed additions would create a 4th story and place the buildings over the 35-foot height limit for the RT zone. The appellant maintains that staff is misinterpreting provisions of the Zoning Ordinance related to building height and the difference between a story and a basement. While conceding that some of the provisions are open to interpretation, staff is confident that these provisions have been interpreted and applied properly in this case. The semantic arguments that the appellant is making about what certain terms mean are not, in staff's view, borne out by the nature of existing beachfront development. More specifically, there's ample precedent for daylighted basements on the beachfront, many of which were approved under the standards of what we now refer to as the 1986 Zoning Ordinance.

The Planning Division has been consistent in its application and interpretation of both building height standards and the definition of basement as expressed in this ordinance. This is evidenced by the nature of beachfront development as it exists today between St. Malo and Wisconsin Avenue. The existing residences were approved as 2-story structures with daylighted basements at the beach level. Under the previously applicable 1992 Zoning Ordinance, the basement configuration of the existing structures would not change under the proposed duplex conversion and third story addition.

In short, the beach level of habitable space that exists now was a basement when the structures were approved in 2005. The beach level remains a basement today, and under the now applicable provisions the beach level would continue to be a basement were the project before Council approved and implemented.

In response to the appellant's concern that the application materials do not sufficiently demonstrate that the beach level of these structures constitutes a basement, staff requested and the applicant provided additional detailed information, including both graphics and numerical analysis, that show that the beach level quite easily conforms to the definition of basement.

With respect to height, the Code allows building height to be measured to the ceiling of the uppermost story of the building. With that in mind, staff indicated to the applicant that what we could support was height that fell entirely within a 35-foot envelope. In other words, that roof and all appurtenant structures would fall under 35 feet; there would be no projections above the 35-foot point above average finished grade. The projects before you conform to that vertical envelope.

The appellant further argued that the proposed additions would impact public view corridors in the area. We've done quite a bit of field observation in the area and taken a lot of photographs, and staff can find no evidence in support of this claim, nor has the appellant provided any photographic simulations or other evidence to show that public views would be impacted.

Three points of appeal speak to onsite parking resources, claiming that required onsite parking cannot be provided in a tandem configuration and that the proposed

duplexes should be subject to parking standards for land uses such as rooming houses, lodge houses, private clubs, hotels and motels. These units do not meet the definitions of those land uses. If we were to apply a hotel or motel designation to these residences that would be inappropriate, but if we did so the parking requirement would actually be less than that under the residential designation. The existing 4-car tandem garage in each of the units provides sufficient parking spaces to meet the parking requirement, which is 1.5 parking spaces per unit. Technically, these garages provide one surplus parking space beyond that 3 parking space requirement for each of these duplex structures.

The Zoning Ordinance neither explicitly allows nor disallows a tandem configuration. Given the extent to which parking is at a premium in the Coastal Zone, staff believes that it makes sense to allow tandem parking on a case-by-case basis in these areas. In this case, staff has consistently observed, and residents have commented, that the existing tandem spaces are highly utilized. Thus it's reasonable to assume that they will continue to be highly utilized in the future.

Staff does appreciate the concerns about parking demand that is generated by vacation rentals in this block and elsewhere on South Pacific Street. On the issue of parking, some history and context are somewhat important. Prior to 2005, these 3 properties accommodated 6 dwelling units with no on-site parking. Immediately to the south of these 3 properties, there are 2 lots that currently accommodate 6 vacation units with no on-site parking. At the south end of the block, near the intersection of South Pacific Street and Hayes, there are 9 vacation rental bungalows with no on-site parking. Across from the subject properties, on the east side of Pacific Street, properties that front on both Pacific and Tate, you will find garages that have been converted into dwelling units, frequent illegal parking that blocks access to garages, and the majority of those garages are not utilized for parking. That is some of the history and context that speaks to the on-street parking challenges that exist on this street, irrespective of these 3 properties and the projects before Council tonight.

While it isn't established as a formal point of appeal, stakeholders have expressed concern about the lack of pedestrian access across these three properties, across the street frontage. That is a common condition on the west side of Pacific Street. Pedestrian access/travel is impeded by many features. As a condition of approval, we are recommending that parking be prohibited in front of these garages so pedestrian flow could occur here unimpeded. The Planning Commission supported this condition. A potential consequence of this is pushing cars to the other side of the street. That's something we want to point out. If it's something you'd like to re-evaluate, we can talk about it further.

The appellant has commented that other development standards are not met. They are, with the exception of landscape standards. These lots are very narrow, and it is physically impossible for these lots to meet the landscape standard of 60% plantable area, given the dimensions of driveways and pedestrian walkways. To mitigate that fact, when these projects were approved in 2005, there was the requirement that enhanced paving be placed at the street frontage. That exists there today.

A point of appeal is that the project should be subject to CEQA review. They qualify for more than one categorical exemption from CEQA review.

Finally, with respect to land use, as noted these properties have and likely would continue to function as vacation rentals. The Residential-Tourist (R-T) zone has the purpose and intent of accommodating tourists and year-round visitor-serving facilities by providing permanent and transient residential and related uses to serve all income levels. The R-T zone is primarily designated on onshore property to optimize public access to the beach.

The land-use designation comes from the Local Coastal Program (LCP) Land Use Plan, which designates these properties mixed high density transient residential. The purpose and intent of that zone is to allow both high density residential use and transient accommodations such as hotels, motels, tourist cottages and seasonal rentals. This section of the State Coastal Act establishes a basic goal of the Coastal Zone, which is to maximize public access to and along the coast, and to maximize public recreational opportunities in the Coastal Zone. Another section establishes the goal of the use of private lands suitable for visitor-serving commercial recreational facilities having a priority over private residential, general, industrial and other types of land uses within the Coastal Zone.

Staff finds the proposed duplex conversions and the associated additions to be consistent with the policies of the LCP and the purpose and intent of the R-T zoning district. It is staff's position that the additions would be compatible with the surrounding built environment and would not impede existing public views. Staff recommends upholding the Planning Commission's approval. The applicant has a history of ignoring Oceanside zoning regulations, from using additional units; structures; parking on the sidewalk; holding weddings, corporate events and assemblies in residential buildings; holding disruptive parties; causing excessive noise and being a bad neighbor to most of the community in this area.

Appellant

ERICK SCHRANER, Registered Lobbyist, Seltzer Caplan McMahon Vitek, 750 B Street, #2100, San Diego, represents Beachin, LLC, the owner of 901 South Pacific Street, Unit 202. We are here because the applicant illegally converted 3 vacation rentals into 6 vacation rentals, and had to remove 3 of those vacation rentals after a Code Enforcement action. Now they've gone to the City and submitted an application to bring it back up to 6 vacation rentals.

Over the last 3 years, numerous members of the community have testified on the impact these vacation rentals have on the community. We have heard about large numbers of persons staying in these units, the rooftop parties, inappropriate activities on rooftops and hot tubs, loud parties lasting all night, lack of parking and cleaning vans blocking the sidewalk. Now the applicant proposes to double the number of units available for rent at these 3 properties. This is going to increase the impacts on the community. These vacation rentals are operated as a hotel/motel and must be treated as such because up to 75 guests can be accommodated in these units. The applicant advertises that they allow up to 3 guests per bedroom in these units. This means 72 guests on just 3 lots.

Furthermore, the applicant's operations include more than just these 3 units. They include almost the entire block. The occupancy levels for all of these units can be in the 100's. No CEQA review has occurred because the City claims these projects are exempt. The latest public notice claims that the Class 1 exemption applies, but the Draft Exemption Notices use the Class 3 exemption. At the previous Planning Commission hearing, the City at first proposed a Class 1 exemption and then changed it to a Class 3 exemption. It's a little confusing what they're proposing, but if the City proposes to use the Class 3 exemption, then the City must re-notice this and use the correct exemption.

The Class 3 exemption does not apply for at least 3 reasons. First, the exemption does not apply to motels and hotels and therefore does not apply to vacation rentals such as these units. Second, the City ignores that the cumulative impacts of successive projects of the same type in the same place over time is significant at this location. The applicant has also applied to increase the number of units and occupancy at 4 other sites on the same block, at least. That has not been addressed by the City. Total occupancy could be in the hundreds for all of these units that are being proposed

by the applicant. Due to the project location, the small size of the non-conforming lots, the occupancy levels and use of the 3 sites in combination with all of the other vacation rentals operated by the applicant on this same block, it results in a coordinated motel/hotel operation. The categorical exemption does not apply to the project.

This project does not comply with the City's own zoning regulations. You cannot approve these projects tonight because the project fails to comply with those zoning regulations. Oceanside limits structures to 3 stories. An exception applies for basements or cellars that meet specified criteria. This project, however, does not meet those.

At the Planning Commission hearing, staff proposed changes to the definition instead of using the definition that's in the Zoning Ordinance. Staff unilaterally made 2 changes to the basement definition. First, the word "ground" was changed to "grade". Ground level, however, is used to calculate grade so the 2 terms cannot be the same. Second, the term "less" was changed to "more" than the vertical distance from grade to ceiling. He's never seen anything like this. Staff doesn't like what the definition states so they change the definition. Staff cannot do that. Only the Council, with Coastal Commission certification, can do so.

Staff decided to change the definition because the bottom floor of the so-called basement is one not located partly below and partly above ground and does not comply with the vertical distance measurement specification. By changing ground to grade and less to more, the bottom floor magically qualifies as a basement. Staff changing the Zoning Ordinance makes even less sense since staff is actually attempting to describe, although only partially, a cellar. Why doesn't staff just declare the so-called basement a cellar? Because it doesn't qualify. It seems odd the City went to so much trouble to define these terms and how to do the calculations for a basement or cellar determination if they are just going to ignore those definitions.

The City had proposed to modify the height regulations a few years ago, but refused to actually adopt those proposed changes. Staff is now attempting to impose some of those changes by outright changing the definition to fit what staff wants to allow for this project.

Staff is also miscalculating how you calculate grade. For calculating the number of stories in a structure and to calculate height, grade is the most important defined term. Staff again changes the definition of grade. First staff had declared that ground level is grade. It seems difficult to measure grade if ground level is grade and grade is the average of ground level. Instead of calculating grade from ground level, staff uses finished floor level. Instead of calculating grade at the center of the walls of the buildings and within the footprint of the existing building, staff takes measurements from near the building, outside the building footprint. While this is allowed where there is a sidewalk, the only sidewalk borders South Pacific Street. Strangely enough, at the Planning Commission hearing staff testified that there was no public sidewalk fronting the buildings.

Finish grade at the center of all walls for this project is 13 feet MSL, except on the east wall along South Pacific Street located within 5 feet of the sidewalk. Using the correct grade measurement, the bottom part fails to qualify as a basement or cellar, and therefore exceeds the 3-story limit.

The Zoning Ordinance requires that there be 2 height measurements for properties in the R-T zone. The first measurement is specified in the R-T zone and the second measurement is specified in the City's general zoning regulations. Unlike other zones in the R-T zone, building height is limited to 35 feet, unless a Conditional Use Permit (CUP) is issued. Building height is precisely defined. You measure building heights starting from a measurement point that is the average level of the building site

covered by the building, then measure to the ceiling. The applicant has measured from a point in the air about 11 feet above the floor; the height of the floor for the garage. This completely ignores the space below the garage. A portion of the building site covered by the existing building was graded and is entirely flat, so calculating the starting point for measuring height is easy. The plan clearly states that ground level under the building is 13 feet MSL. The ceiling of the uppermost story is 50.67 feet. A simple calculation shows that the building height is 37.67 feet, which exceeds the 35-foot height limit.

As for parking, 3 parking spaces are required by the Zoning Ordinance. Besides being inadequate for a structure like this that's being used for a vacation rental, the applicant cannot provide 3 parking spaces that will actually be used by guests. Guests are not going to use tandem parking spaces. The Coastal Commission sometimes allows tandem parking spaces, but generally that's only been allowed if you provide valet parking. This parking is not going to provide valet parking. If you had a real hotel/motel, it would be feasible to provide valet parking, but that's not going to occur here.

Furthermore, staff has repeatedly stated that vacation rentals are allowed in the R-T zone. The decision-makers have taken this to mean that they must approve the project because everyone believes it complies with the zoning ordinance. This is not the way it works. Just because a use is allowed under zoning does not mean you can bury your head in the sand, ignore the project's effects and approve the application. No one disputes that the use is allowed, but the number of units and the occupancy is regulated first by the Zoning Ordinance, and second, because you have discretion to approve this or to condition the approval so that it conforms with the community. Doubling the number of units at these 3 sites is not allowed.

You do not have to approve these projects. The approval is discretionary, and you have a choice tonight. We request that you deny the application due to the impacts the project will have on the community by doubling the number of occupants, and because the project does not comply with the height and other regulations discussed tonight and in the letters submitted to the City.

Applicant

PAUL LONGTON, Architect and applicant's representative, stated this is an argument that we've had 3 times with the Planning Commission, and we've gotten a unanimous vote each time. We know we've interpreted the Zoning Ordinance language correctly with the building height and basement definitions.

Regarding the condition that addresses not parking in front of the garage, he would like to see that removed. This would be the only project up and down the street that has been required to have that condition. Allowing people to park in front of the garage would relieve parking on the street.

We had a neighborhood meeting a week ago. There were people who really weren't supportive of the project, but did say that the tandem parking was used on these buildings. Generally people from out of town would just as soon have a place, even if it means asking someone to move so you can get your car out. It keeps your car safe and off the street.

The notion that vacation renters aren't good neighbors is not a good argument. Generally, the management company manages most of these properties on this block. If there's a bad neighbor then the management receives the feedback on that.

Public input

BETTY STUART, 816 South Pacific Street, lives directly across the street from this hotel. When she moved there, there was tranquility. These 3 places that we're talking about tonight are listed as single-family homes, but from the day they were built, they have never been a single-family home. It's been rented from 2 days to a week at a time, or however much you can afford. We're not through with this because they want to keep putting these houses up.

The basement is bedrooms and bathrooms. She watched it being built. We've lost our view, our tranquility and our peace. The parking is abominable. It isn't just the tenants, it's the maids and workers that are there. There is no night supervision, even though she was told they would hire someone for the summer, so they aren't aware of the noise, which is terrible. These places are huge. Each one of these row houses has 9 bedrooms and 9 bathrooms. They're asking to put something up top. This will be 4 stories because the basement is bedrooms. They have advertised rooftop bedrooms for these.

Oceanside is becoming a cement jungle. She urged Council not to allow this.

JACKIE SENSOR, 901 South Pacific Street, stated our biggest problem is that this is definitely not a single-family residence and never has been. The parking is atrocious, as is the noise, and it's constant. If we ever want to have even a single guest, we need to move our car out of our garage and find a place on the street. She heard someone wants to tear down the bungalows and put up another one of these someday if this is allowed to go through. She would hate to see any more additions to these so-called family residences. This is already a hotel.

RICHARD SALKIN, 811 North Tremont, stated you can put different spins on this, but this is purely greed. They built this project 5 years ago, and it's not what it was supposed to be. Now they want to add more square footage to bring in more people and traffic and worse parking. They stated that other people have converted their garages and that parking has been this bad for years, so let's continue adding to the problem. There is a time to say no. He loves Oceanside and would hate to see it get to the point where you can't drive down Pacific Street. There are some cities that are not allowing vacation rentals anymore. Vacation rentals are bad neighbors. The places are mobbed with people who are outside drinking, yelling and having parties. Nobody is coming down and telling them to be quiet.

CRAIG CAMPBELL, 901 South Pacific Street, invited Council, who have been hearing about what good neighbors these people are and how the management company takes care of things, to come visit and see what it's really like living next to this hotel. It's terrible. These homes are each over 4,500 square feet with 9 bedrooms. There's no reason to add over 30% more square footage and additional living areas. The parking is horrible. He can't walk down Pacific Street because there are no sidewalks, the cars stick out and we have to dodge around them. It's a health and safety issue. Council has an obligation to the citizens. The only people who are going to benefit from this development are the developer and his financial partners. He asked Council to support the appeal and overturn the Planning Commission. There is no reasonable justification and no legal basis for allowing a 4th floor to be added to this.

BEVERLY HOLTZ, 901 South Pacific Street, stated the applicant mentioned that they had a neighborhood meeting, but she lives 4 doors away and none of them were notified of that meeting. We've been included in everything else by the City. This is noisy and crowded, and there are trucks coming and going with rental and catering equipment. They have a lot of weddings there that go into the night and make a lot of noise. It's not quiet anymore over there. We have underground parking, but we have to park out on the street at 7:00 a.m. if we're going to have guests so they can park underground. It's not the way it used to be. These buildings block people's views. They are attractive, but they are exceeding the limitations of the City and the rules

we've all been asked to follow. They park in the driveway all the time, and you can't walk down the street. She asked Council to overturn this.

EILEEN CAMPBELL, 901 South Pacific Street, stated this used to be a very quiet and nice neighborhood. Now it is anything but that. When we walk in front of this property, the cars and SUV's are parking on the sidewalk. She and her children have nowhere to walk except in the street. Her daughter has almost been hit several times because she has nowhere to walk. She invited Council to come to her house any Saturday night and observe the parties, people throwing up over the side of the buildings and throwing beer bottles. The language and music coming from these properties at 2:00 a.m. is unexplainable. How are people supposed to live like this? This is horrible. She's fed up, and something has got to be done.

KARLA EDWARDS, 3355 Mission Avenue, is asking that these additions of over 1,400 square feet each not be permitted. The buildings are already massive view-blocking, access-inhibiting boxes to be filled with dozens of transient guests that have disrupted an otherwise peaceful and cherished residential neighborhood with excessive noise, parties, vehicles and the general revelry that happens when a couple of dozen people get together for a little vacation.

The responsibility of the approval process is to the people of Oceanside, those that live here. Any approval process must include consideration to the property - the size, shape and zoning - and the proposed use in order to protect the adjoining properties and neighborhoods. The large "houses" that have been built on the 800 block of Pacific Street have been constructed under the deceptive guise of being a residential property. Each of them has been constructed with the intended purpose of being a rental operation that by its name looks to monopolize the beachfront rental, at least in the 800 block of Pacific Street. The rental business operation advertises its components for a minimum stay of 2 nights.

The area surrounding these components is residential. The property on which the components are built is zoned R-T (Residential Tourist). That does not include the construction of a resort or hotel. The construction of a resort or hotel would require adequate parking for the high density use. Because of the way these components are being used together under one rental program, maximizing the number of bedrooms and people in them, and with the minimum of a 2-night stay, they are clearly a high-density use. The neighborhood's parking is being glutted with the vehicular traffic caused by this high-density use. The character of the neighborhood is being ruined by the high-density use for the rapid turnover of hundreds of transient guests. These are not renters, these are resort guest stays.

The City has acknowledged it is aware of the use and what is being done. We're asking that you not turn a blind eye to this blight, but instead complete the requirement of the approval process, which includes taking into consideration that proposed use in order to protect the adjoining properties and neighborhoods. These projects and their proposed additions do not comply with the setback requirements, height restrictions and a myriad of other points in which they stray from the Codes and requirements. Most specifically, the impact on the neighborhood is damaging and destructive to those who are already there.

HUNTER CAMPBELL, Youth, stated that 9 years ago when his grandparents bought their place on South Pacific Street, they were able to look out the balcony at the pier and all of the lights. Now all we see on Saturday nights are people jumping in and out of the hot tubs, screaming, music and loud parties. Our view is gone. The parking is awful. He and his sister can't take the sidewalk to the beach, they sometimes have to put themselves in danger of oncoming cars by walking in the street. It's not safe for anyone. He asked Council not to approve this for the safety of the children and everyone else.

LEO MANN, 803 South Pacific Street, disagrees 100% with the Planning Commission and their discussion of the parking situation. It's deplorable. Originally, when they were built, they discussed at the Planning Commission meeting that the developer was going to allow people to park behind the stores and shuttle people. That never happened. This is a business. They're LLCs. If you add 1,400 square feet, you're going to have to add the number of people to get profit and revenue out of that 1,400 square feet. You have a terrible problem, why exacerbate it? It is wrong to put something in that's going to affect the entire community to bring profit only to the owners of those 3 properties. Calling these duplexes is a joke. They are businesses who are there to make money. There is no restriction as to how many people they can put in there, and they pack them in as deep as they can. He has seen people come very close to getting killed by trying to walk around those cars parked on that side of the street. It is not acceptable. If it's not stopped, whether you go on with this or not, the City is going to be liable. There is no reason they can't come up with parking. If you're going to call it a high-end place and bring people in, you owe them a place to park their car. That part isn't in the ads.

GREG LA FRENIERE, 822 South Pacific Street, stated all of what the above speakers are saying is true. There is no parking, there are wild parties and people are out in the street drinking and being disruptive. If you walk along the ground level along the beach, you can look inside those places and see that they're living spaces. What they're calling a basement looks like it has a kitchen and who knows what else. It's a full house in there, and they aren't including that as level one. This is a hotel, not single-family residences. They pack as many people as they can in there. He's never seen a single-family residence that has busloads of people go in there. We should not pass that 4th story. As it is, they're blocking the whole ocean view.

SAM OLIVER, 834 Tate Street, stated when he walks by here there are 6 permit signs of places that are already there that are going to be torn down and built up. If you add 6 more to what's already there, we'll have to go halfway to the pier to get to the beach. There is no beach. That's his big concern. All of these people have nowhere to go. In time, we may get it replenished, but that's down the road. This one-block area is overdone. He's lost half of his view and will lose it all if this keeps going. He's just one of many. There is so much good going on in Oceanside, but this is bad. We need the revenue, but there isn't another block in Oceanside that has that much jammed in there, and now you're going to build a lot more.

Public input concluded

Appellant's rebuttal

MR. SCHRANER stated the City has denied applications for this block in the last 3 years for vacation rentals. There was a project that we opposed that was denied by the City on this very block.

Staff had mentioned quite a few places that don't have any parking spaces and it's important to note that those places were grandfathered in. He believes all of those places were built before the City even had parking requirements, which is why they don't have parking spaces. If they were to do anything else on those properties, they would need to bring them into conformance.

We need to think about how dense we want this area to be. How much development do you want to see, and how many people do you want staying on this one block? This is just one block, and these are really small lots. None of these lots conform to the Zoning Ordinance. None of them meet the minimum size or width requirements. We're putting extremely large hotel/motels on this block. These don't even provide the normal amenities that a hotel/motel might provide like parking, linen

facilities, closets, laundry, employee spaces, etc. None of that exists at any of these facilities. So they're parking on the street and causing traffic in the area. It causes an impact on the community. This is not functional for this block. It's already maxed out on what it can handle and now is the time to stop increasing the density of these buildings.

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

[Recess was held from 7:46 PM to 7:52 PM]

COUNCILMEMBER KERN asked staff to explain the exemption categories that were mentioned earlier.

JERRY HITTLEMAN, City Planner, responded the Planning Commission approved the project under a Class 3 exemption, which allows duplexes. We found in our review that beyond a reasonable doubt there is not going to be any significant environmental impacts from the project.

COUNCILMEMBER KERN keeps hearing about the parking. Then we talk about Condition 39. Can we remove that? He was by the site today, and there were cars parked in the driveway. If we make it so they're not allowed to park in the driveway, that just impacts the parking more, right?

MR. CUNNINGHAM responded there is that condition that would prohibit parking in the driveways. We still stand by that. The Planning Commission supported that condition. The likely effect of that condition is that it would push cars to the east side of the street to the curb frontage there. We believe that pedestrian safety is first and foremost a priority. The other consequence is an unfortunate one, but we'd like to see pedestrians have unimpeded passage across the frontage of these and other properties on this block.

COUNCILMEMBER KERN was there this morning and walks on Pacific Street quite a bit. There are a lot of cars, especially on North Pacific, that park in the driveways. They don't block the sidewalk and that's the rule we have, no blocking the sidewalk. To him, it doesn't look like there is a sidewalk there on that side of the street. There is a sidewalk on the east side for pedestrians, correct?

CITY MANAGER WEISS responded the intent, particularly for these newly developing areas, was that there will be contiguous sidewalks. When these properties were built, even though its decorative pavers, those pavers are in the public right-of-way and were intended to be the start of what would be a continuous sidewalk for that whole block. There are a couple of places where some improvements would need to be made. Where those cars park now is actually not a driveway, it's in the public right-of-way.

COUNCILMEMBER KERN would like to see Condition 39 eliminated, but it sounds like we cannot do it per Code.

CITY MANAGER WEISS confirmed that, until there is a continuous pedestrian passage from one end of the block to the other. We cannot go out and write tickets for it, but the intent was that eventually those properties on the west side would have a public sidewalk, even though it's decorative pavers for a portion of it, where there would be continuous opportunities for pedestrians to walk.

COUNCILMEMBER KERN stated it sounds like we aren't going to enforce that.

CITY MANAGER WEISS responded right now we can't because we have properties to the south of this that have applications pending. With some other minor

improvements, depending on when those projects come forward, we would end up having a continuous path of travel for that block.

COUNCILMEMBER KERN stated right now if we leave Condition 39 in, they can park in the driveway until the sidewalk is completed, when they can no longer park across the sidewalk. We'll leave that in.

He understands the concerns of everyone here. He's sure they were brought up all 3 times this was brought up to the Planning Commission. The Planning Commission agreed that this is an allowable use and a use that would actually be for that area. He can't see any reason to uphold the appeal. The concerns and parties are a bad neighbor issue, not a building/planning issue. Whether you live in a single-family home or whatever, if you have a bad neighbor then you have a bad neighbor. If there are issues after 10:00 p.m. you can call the Oceanside Police Department, and they will enforce the noise and party ordinances and any other applicable ordinances.

If they meet all of the conditions of approval, he can't see denying approval. The Planning Commission saw that all 3 times that they heard this.

He **moved to deny** the appeal and approve the following resolutions:

Resolution No. 12-R0442-1, "...approving Planning Commission Resolution No. 2012-P15 and approving Development Plan (D12-00001) and Regular Coastal Permit (RC12-00001) to allow the conversion of an existing single-family residence to a duplex with the addition of 1,409 square feet of habitable space and a new third story at 815 South Pacific Street – South Pacific Duplex Conversions";

Resolution No. 12-R0443-1, "...approving Planning Commission Resolution No. 2012-P16 and approving Development Plan (D12-00002) and Regular Coastal Permit (RC12-00002) to allow the conversion of an existing single-family residence to a duplex with the addition of 1,409 square feet of habitable space and a new third story at 813 South Pacific Street – South Pacific Duplex Conversions"; and

Resolution No. 12-R0444-1, "...approving Planning Commission Resolution No. 2012-P17 and approving Development Plan (D12-00003) and Regular Coastal Permit (RC12-00003) to allow the conversion of an existing single-family residence to a duplex with the addition of 1,409 square feet of habitable space and a new third story at 811 South Pacific Street – South Pacific Duplex Conversions"

COUNCILMEMBER FELIEN seconded the motion for discussion.

COUNCILMEMBER KERN stated the beach is changing and has been changing for years. If you went back 50 years, Pacific Street was a dirt road. We have to accept in this area that there's always a pressure to change. We have rules and regulations. If these people follow them, they should be allowed to use their property in the way that they see fit, as long as they meet all of the criteria. Planning staff has spent hours and hours talking with the applicant and making sure they complied with all of the rules. That's why he can't see any reason to deny them the project.

COUNCILMEMBER SANCHEZ stated these are 3 smaller lots. They are only 25-feet wide. This would be having up to 5 bedrooms in each unit for up to 30 bedrooms on 3 smaller residential lots. This is the Dr. Fischbeck hotel model that somehow went under the radar. She suspects that the public notice issues that this project had probably happened when the first project was approved by the Planning Commission. She heard a lot of complaints about this hotel/motel issue soon after it was built. She saw the flyers advertising up to 100 people can sleep here or can have their wedding here, etc. The nightmare that this has created for Oceanside residents and City services is phenomenal.

Approval of these projects would unlawfully create a hotel without addressing all of the environmental impacts of such intense projects. At the very least, there should be some kind of a parking management plan implemented and enforced. We need something where the City could issue some kind of violation if there were any problems at all.

What she sees here is the privatization of the first public street. This project takes away access to everybody else. No pedestrian access, and you can't drive through. The first public street is basically sacred under the Coastal Act. If you can't have access to that, you can't have access to the coast. She sees that everyone else is going to be blocked from access to the beach.

This is also changing the character of the neighborhood. She hopes people stay around and fight this conversion to a commercial district. She is dismayed that planners think that there are no impacts. Obviously there are. We've been getting complaints and she knows she's not the only one getting them. It's not consistent with our Local Coastal Program (LCP) or the Coastal Act because it is changing the character of the neighborhood and privatizing the first public street.

On top of that, she's concerned about the public safety issues for the pedestrians. The public safety issue is our issue as a City. We should be able to protect our residents. We heard testimony tonight that we've had kids almost hit by cars when they've had to walk on the street. That is unacceptable. She's seen it. There are cars parking on the sidewalk. The response is that we should be able to call the police department. The bottom line is the costs to enforce our own laws, as well as provide these extra City services, far outweigh the revenues we're going to be getting from this. We talk about getting the proper returns on vacation rentals. That has been a problem for the City for many years, probably decades, and we may never realize 100% revenues from vacation rentals.

Regarding a lack of public notice, she had to intercede when she found out that there was no public notice. Our City representative stated that notices had gone out, yet when the residents went around collecting signatures, they found out that nobody had gotten notice. Then our City representatives looked at it again and realized that the notice had not gone out. It happened again and yet the hearing went forward regardless of the fact that there was no notice. She's concerned that these huge projects are going forward with no notice to the community. Procedurally, she's disturbed that we had a City Planner state on the record that he made sure the notice went out, when it hadn't. She's concerned that there was no interaction with the community. We continue to ignore the community character and that is the most disturbing. We have Oceanside residents, taxpayers and voters who are completely ignored in this process.

She would grant the appeal for all of the reasons that were brought up by the appellant's representative, as well as what is happening to this street. This street has been privatized as there is only one owner that can use it. If anyone else tries to use this street, they put their life in peril.

Regarding the issue of noise complaints and parties going into the evening, **COUNCILMEMBER FELIEN** stated if he had a problem with his neighbor, at some point he'd be calling the police. Is the issue of police response reviewed as part of the planning process and in terms of the normal law? Is there a point that if you've had so many complaints within a certain period of time, it would ratchet it up to fines or something like that? That is separate from whether someone is renting or living there. If you're screaming and yelling at 2:00 a.m. and throwing beer bottles down onto the beach, that should be able to be addressed. Is there a problem that's being recorded by the City in terms of police complaints in that regard?

CITY MANAGER WEISS doesn't have the information readily available. However, if there are those activities occurring and people do call the police, they generally would respond and keep track of that. There is the ability to ratchet up the enforcement of that to where there would be monetary penalties.

COUNCILMEMBER FELIEN asked in terms of the three times that this came before the Planning Commission, has the issue of noise and non-compliance with our noise ordinance been an issue or part of the review.

MR. HITTLEMAN responded yes, that did come up before. In the three Planning Commission hearings, all of these issues came up.

COUNCILMEMBER FELIEN asked how that was resolved. He's surprised this is an open issue.

MR. HITTLEMAN responded we're looking at the planning and zoning laws here, and that would be a separate issue to be addressed by our police department. If something's not up to Code, that would be enforced by our Code Enforcement section.

CITY ATTORNEY MULLEN stated the typical process involves Code Enforcement bringing a series of complaints, if there's a chronic problem, to his office for review for potential filing of a Code Enforcement matter. In this case, there was a proposed Code Enforcement case to be filed against the owner of the property, but it was for illegally converting these properties to duplexes. Its prior approval only allowed the developer to have a single-family home on each of these three lots, and there was an illegal conversion of them. We did propose to bring a Code Enforcement action and advised the property owner that would be coming. That's why you have the application in front of you now, to legitimize them as duplexes. It is his understanding that the owner did comply by removing the 2 separate entrances, stopped advertising them as duplexes and removed the illegal kitchens within them. He's relying on what the Code Enforcement Department has advised his office.

MR. CUNNINGHAM stated early in the review process we did consult with the Oceanside Police Department (OPD) and asked them to provide us with some indication of the number of calls they had received on properties on that side of the street. It's been some time and he doesn't have a number for Council. However, it was a handful of incidences that had been reported to OPD over a period of 5 or 6 years.

COUNCILMEMBER FELIEN would encourage the residents to take advantage of the resources we have. Everyone wants to live in a peaceful community. Whether someone is a permanent or temporary resident, they need to be a good neighbor. We certainly want lots of guests, but we also want those guests to respect the residents. It's a two-way street. That should be a separate issue from how the property itself is being used. We have the methods to address that.

In terms of the parking issue and any spill-over effect there, we need to try and separate how much of the parking problem is a neighborhood issue versus a project issue. If these were 3 vacant lots, what would the parking situation be in that neighborhood?

MR. CUNNINGHAM responded it's hard to know how these particular properties and the uses on them contribute to the parking demand in that block, specifically. As noted in the presentation, there are existing uses with multiple units where no on-site parking is provided in that 800 block. On the east side of the street, many of the parking resources are not utilized for parking. That seems to be a contributing factor as well, along with the fact that day users of the beach park up and down Pacific Street. There is beach access both at Wisconsin and Hayes, and those are

popular portals to the beach that are utilized by day visitors.

COUNCILMEMBER FELEIN asked in terms of the condition of not parking in the driveway to allow pedestrian access, if we approve these how long is it going to be until we have a continuous, uninterrupted sidewalk that Condition 39 is meant to contribute to.

MR. CUNNINGHAM deferred to the City Manager. However, with respect to the current situation, the only way we can enforce or prohibit any parking in these driveways would be to establish this condition at this time, given the lack of contiguous sidewalk.

COUNCILMEMBER FELIEN asked if every time someone comes up and wants to improve the property, we have to say we have this condition where we're trying to create a continuous sidewalk. Eventually, we're going to get to every resident, and at that point it will be enforced along the entire stretch.

CITY MANAGER WEISS responded essentially that's correct. However, there are portions of all of these properties that are within the public right-of-way. Per the City Code, it is required that you provide, with certain exceptions in certain areas of the community, a sidewalk. On North Pacific Street we have people who block the sidewalk and, in some cases, the right-of-way. Their property is such that you can park in the driveway, and there's still public access, with some minor exceptions. If they block that public access, they'll get a ticket where you have the continuous sidewalk. In this particular block, he believes there are development applications on file that will further that process. There's one property that staff has worked with the property owner to make some minor improvements, which would finish the sidewalk in that particular block.

COUNCILMEMBER FELIEN stated so this is a realistic conclusion that we'll have a continuous pedestrian access along here within a foreseeable time.

CITY MANAGER WEISS responded part of it depends on the owner of a piece of property that's already been developed, but we're working on a resolution to that.

COUNCILMEMBER FELIEN asked as far as these development projects impeding access to the beach, aren't the same beach accesses still available regardless of the use of these particular properties?

CITY MANAGER WEISS responded yes.

DEPUTY MAYOR FELLER stated these properties didn't allow access to the beach before, did they?

MR. CUNNINGHAM responded no.

DEPUTY MAYOR FELLER asked if there are any buildings in that block or the next block that are over 35 feet?

MR. CUNNINGHAM responded there are not buildings that exceed the 35-foot height limit.

DEPUTY MAYOR FELLER heard we're talking about 4 stories. How could that have been communicated on this? How did the appellant figure that this is 4 stories?

MR. CUNNINGHAM responded it is a bit complicated, but like many beachfront projects, the beachfront level qualifies as a basement. It is habitable. Some stakeholders have commented that there are spaces down there that are habitable

spaces – bedrooms – and that is true. The basement definition does not preclude those kinds of spaces. The space physically qualifies as a basement, which renders the level at the street the first story. From there, with this project, there would be 2 stories above that, rendering it a 3-story building over a basement.

DEPUTY MAYOR FELLER asked if it exceeds 35 feet.

MR. CUNNINGHAM responded it does not exceed 35 feet as measured from average finished grade.

DEPUTY MAYOR FELLER asked why the Planning Commission approved this unanimously 3 times. Did they see merit to this project? Did they see the pitfalls that we've been made aware of?

MR. CUNNINGHAM thinks they felt that the findings for the Coastal Permit and Development Plan had been made and that the project does conform to the development standards. As Planning staff, we're obliged to review the project and insure that it meets the applicable LCP policies and design guidelines.

DEPUTY MAYOR FELLER stated on the sidewalk there is at least one or maybe two full utility boxes right in the middle of that area that would be considered sidewalk. That happens all the way down to the sewage treatment plant on that side of the street. There is no continuous sidewalk for most of those blocks. Most of all, those homes that are beachfront have a lower sand or rock level entrance. Those are probably all living quarters in almost all of those going south.

He doesn't believe this is a privatization issue, as Councilmember Sanchez stated. This street, in the off season, is a completely different street. He's sure this is going to be appealed. You'll be disappointed to know that after a 5-0 vote here, our Councilmember appealed the Tin Fish to the Coastal Commission, so that's not moving forward right now either.

He completely supports this. He doesn't see a need to keep Condition 39 in because he doesn't think we're going to be talking about continuous sidewalk all the way down for a long time. Maybe we can keep it in and make sure there is no penalty for the time being. That may be 5-10 years. If people are allowed to park in their driveways, you're taking at least 2 cars off the street for each building. Just for these 3 buildings, that's 6 parking spaces.

This is a very important addition to our revenue. He's been on that street hundreds of times.

MAYOR WOOD hopes that we find a way to address the parking. That's his biggest concern. A while back he thought the applicant had other problems with off-site parking for these events he was having. The applicant went to all of the Councilmembers with this project. He's friendly and nice, and he's out to make money. We have a Council majority that really believes in property rights that say people can do what they want with their property. He's not sure we agree. The Coastal Commission says there are restrictions. With this particular project, he told the applicant that he is concerned about the constant complaints that Council and staff are getting. The applicant seems to be buying up most of Pacific Street for vacation rentals and has a lot of places down there. He's tired of hearing about the complaints. If you have people only staying for a week, they're not going to care what the neighbors think. They're there to have a good time, and that's part of living near the beach. On the other hand, this seems to be an ongoing problem.

He believes it to be out of character for the neighborhood. The issue is that if somebody put in an apartment or hotel, they'd have all of the other amenities like

parking. With these rentals you don't. You have people coming and going without parking spaces and impacting the neighborhood. There's no extra parking anywhere. If you have 3 places with 30 bedrooms, normally that would be an apartment complex, but it's going to be a vacation rental. There's no law against making money.

He doesn't approve of this. He's gotten so many phone calls and complaints about this that it seems to be an ongoing potential problem for public safety and calling out law enforcement. He wishes there were other ways to address some of the underlying problems.

Motion to deny the appeal was approved 3-2, Wood and Sanchez – no.

GENERAL ITEMS – Continued

17. **City Council: Approval of a professional services agreement with Nolte Associates, Inc., of San Diego in the amount of \$1,440,166 for final engineering and environmental services for the Melrose Drive Extension project, and authorization for the City Manager to execute the agreement**

ABE CHEN, Associate Engineer, stated the Melrose Drive Extension project will complete the missing portion of Melrose Drive between North Santa Fe and Spur Avenue and serve as a north/south arterial street. The Melrose Drive Extension is identified in the City's and County's Circulation Element. Nolte Associates was selected through a RFP process. Ten consultants submitted proposals, and the three most qualified firms were invited back to give oral presentations on the project. Nolte Associates was selected for their expertise and knowledge of the proposed project conditions and constraints.

Public input

JIMMY KNOTT, 127 Sherri Lane, wanted to see if this was the best use of this money, so he went to the City's web page for level of service on the most highly impacted streets in the City, but he couldn't find anything. When he Googled the reports, they were blocked from public view. The proposal is to use \$1,400,000 for the Melrose Drive Extension, but he doesn't know if this is the best use of this money. The public cannot get this information.

SHIELA KADAH, 5301 Village Drive, stated this Melrose Extension doesn't make sense. It costs too much money that we don't have. She'd rather use the money for libraries and keeping people employed. It's only going to save seconds off the drive, and it isn't worth it. The one thing we should do is keep agricultural areas alive and well. There were actually a lot of people who wanted to speak tonight, but they thought this was pulled so they're not here. The people who live in that area do not want this extension. With the 14 homes that you're going to get rid of to put it in, as well as part of Guajome Park, they don't want it. Councilmembers should listen to their constituency and work for them. This is not a good idea. We need to stop putting asphalt down and keep our spaces green.

CHRIS WILSON, 770 Harbor Cliff Way, is opposed to this because we're putting the cart before the horse. We're talking about spending almost \$1,500,000 to give a contract to someone to do an engineering study to put in a road where the City is going to have to exercise eminent domain to buy land for it. This is a large amount of money that the City is going to commit to spending for potentially zero benefit. We don't know if this road is ever going to get built. We don't know if the City is going to be able to take the land it needs to build this road. To commit to spending \$1,500,000 for something with zero potential benefit is foolish.

DANA CORSO, 5838 Ranchview Road, was under the impression that this item was heard earlier and there were probably 10 or 15 people that left early that wanted to speak about this. She represents ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods) and the 600 residents of Jeffries Ranch who signed a legal petition to stop the permanent closure of Jeffries Ranch Road. Tonight we're going to witness the Council majority ignore the constituents and commissioners once again. The entire Planning Commission voted not to approve the EIR (Environmental Impact Report) for the Melrose Extension. On January 25, 2011, Council heard from Jeffries Ranch residents and the 14 residents that will lose their home and properties to a road that will cost over \$30,000,000 and will only benefit the traffic by seconds, according to our own Traffic Engineer. Our Planning Commission stated that the Melrose Extension benefits do not outweigh the detriments to the area.

Two weeks ago, again, the Planning Commission said no to the Melrose Extension and the Circulation Element, and yet here we are again, spending more money on a road that we don't need and don't have the money to build. The Council majority is wasting our time and money. These Council chambers have been filled with your constituents urging you to help them: people from the coast, the mobile home communities, Jeffries Ranch and Morro Hills. Yet, you have continually turned your back against us and are basing your decisions to benefit the developers, park owners and building industry, who are coincidentally your major campaign donors.

Her husband is in the building industry and we want development, too. However, we want and expect responsible development. This entire Council unanimously voted to reopen Jeffries Ranch Road a year and half ago. Caltrans is almost finished with the widening of Highway 76, and yet we are still working on reopening Jeffries Ranch Road, a road we had for over 30 years. Our safety should be first and foremost. The Fire Department admits that their response time has slowed since the closure.

To even think about replacing our paramedics with EMT's is wrong. These are bad decisions that are impacting our safety and quality of life. This Council majority voted against the seniors, veterans and families that live in our mobile home communities. Although we got over 15,000 signatures in less than 30 days, Council still decided to spend over \$100,000 to put it on the ballot, plus spent \$400,000 on a lot of lies and harassment to stop the truth from getting out. Obviously, the Oceanside voters care and saw through your smoke and mirrors.

By the results of the June 5th election on Propositions E and F, another rush decision without citizen input, people are paying attention and are fed up. Many are so disgusted and discouraged by your actions that they refuse to come here anymore. You are all in elected honorable positions and are supposed to be representing the people. Only Mayor Wood and Councilmember Sanchez fill those positions. We all know the vote tonight will be 3-2 and there's nothing any of us can do or say to change that. However, she is confident that the voters of Oceanside are aware of what is going on and things will change in November.

Public input concluded

DEPUTY MAYOR FELLER stated it might save only a few seconds on Melrose, but it will save an awful lot of time on College and Rancho del Oro and many other places. That's what opening roads will do.

He **moved** approval [of a professional services agreement [**Document No. 12-D0438-1**] with Nolte Associates, Inc., of San Diego in the amount of \$1,440,166 for final engineering and environmental services for the Melrose Drive Extension project, and authorization for the City Manager to execute the agreement].

COUNCILMEMBER FELIEN seconded the motion.

COUNCILMEMBER SANCHEZ stated it's not going to save time on other roads, it's actually going to make things worse because it's going to increase traffic. That is what the studies show. Rather than spending \$1,500,000, why don't we first have the vote on whether or not we're going to take the properties from 15 property owners? It requires a super majority. That means 4 of us would have to agree to forcibly take the land from 15 property owners. Property rights people shouldn't want to do that, but here we are. It's not going to save any time and is taking property from people who have had it for a long time. On top of that, it's going to take part of Guajome Park. It doesn't make sense. The vote on the taking should have happened first. If that didn't get the 4 votes required then we would not have to go forward on this \$1,500,000.

She's already gotten one call from a property owner who felt bullied by staff about taking her property. This is what's going to happen over and over again. She understands that some people who live off College or El Camino Real believe somehow that this is going to make life a little better for them on the road, but it is not. It's going to make life more miserable for all of us. She's voting against this.

COUNCILMEMBER FELIEN asked how many roads, based on that logic, should we close? Completing a major arterial road like this project improves traffic flow everywhere. He drives in that area, and he knows that driving up Melrose and connecting to Highway 76 is going to save time. It's just a matter of distributing traffic more evenly over our major roads. By completing these projects, it does improve traffic everywhere related to it. As far as support, we've hashed these issues over and over again. There was an election in which 2 candidates supported completing Melrose, and 2 candidates did not. The candidates that supported it got elected. Completing this project had overwhelming support in the neighborhoods that he walked. It's just part of people understanding the traffic that we deal with and that having roads to drive on improves traffic flow. Blocking roads and not having roads decreases traffic flow.

He asked the City Manager where the funds for this project come from.

CITY MANAGER WEISS responded these funds come from developer impact fees out of the Thoroughfare Fee Account.

COUNCILMEMBER FELIEN asked if these funds are available to spend on libraries, police or any other General Fund activity in the City.

CITY MANAGER WEISS responded no. They are restricted to being used for building or widening Circulation Element roadways.

COUNCILMEMBER FELIEN stated then the canard that we're impacting the General Fund as a result of moving forward on these projects simply isn't true. That's a separate issue and is unrelated to completing this project. The voters get to have their say and are always in charge. This November is another opportunity for voters to speak. They will have the final say. He believes when the smoke clears the voters are going to support the candidates who want our roads completed and traffic reduced. He will be voting yes on this item.

MAYOR WOOD wants the rest of the Councilmembers to think about spending \$1,500,000 for the study. That's a lot of money that can be used on other roads in town and things that need to be done for other Circulation Element aspects. This is strictly for the study. He'd rather use \$1,500,000 for things that would help right now. It's going to get to a point where you're going to have to impose eminent domain. If you don't have 4 votes then why waste \$1,500,000 for something that can't be built? There's no money for this. It's not in the 2050 Plan to be built in the future.

Originally the whole thought for this extension was to put a bridge across the roadway to go over to Morro Hills to build higher density over there. Try to put that bridge across that water with the environmentalist and see what you get. All cut-through traffic from Riverside will take Melrose Drive over, cutting through our City. Also, Vista wanted to build another 1,000 houses and condominiums on there and can't do it until we put Melrose Drive through, so those 1,000 people will be on that roadway. Common sense has to kick in here somewhere. He'd like to use that \$1,500,000 on all the roads around town that need fixing and repairs.

Motion was approved 3-2, Wood and Sanchez – no.

MAYOR AND/OR COUNCILMEMBER ITEMS

31. **Mayor Wood: Appointments to, or motions for removal from, some or all of the City's Citizen Advisory Groups**

ARTS COMMISSION

Term Expires

Reappoint Eugenia Bizzaro to Regular	07/01/2015
Move Angela McDowell-Nanning from Alt. I to Regular (Replacing M. Huerta)	07/01/2014
Move Mindy Martin from Alt. II to Regular (Replacing L. Hamel)	07/01/2015
Appoint Kathleen Hamilton to Regular (Replacing R. Martin)	07/01/2015

DOWNTOWN ADVISORY COMMITTEE

Appoint Don Reedy to Regular (Chamber of Commerce Representative)	(Terms will be determined by drawing lots at the 1 st meeting)
Appoint Richard Hamilton II to Regular (Community At Large)	
Appoint Ward O'Doherty to Regular (Economic Development Commission Representative)	
Appoint Richard Wright to Regular (MainStreet Representative)	
Appoint Richard Bartlett to Regular (Oceanside Business Owner)	
Appoint Robert Neal to Regular (Planning Commission Representative)	
Appoint Pamela Myers to Regular (Project Area Representative)	
Appoint Roxana Franklin to Regular (Real Estate Profession Representative)	

June 27, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Appoint Leslee Gaul to Regular
(Tourism Industry Representative)

ECONOMIC DEVELOPMENT COMMISSION

Appoint James Kasselmann to Regular
(Retail Industry - Replacing J. Spain) 09/26/2013

HARBOR & BEACHES ADVISORY COMMITTEE

Reappoint Steven Derganc to Regular
(Community At Large) 02/28/2015

Reappoint James Gardner to Regular
(Commercial Fishing Permit Holder) 02/28/2015

Reappoint John Metz to Regular
(Beach Front Property Owner) 02/28/2015

Reappoint Karin Spink to Regular
(Chamber of Commerce Representative) 02/28/2015

HISTORICAL PRESERVATION ADVISORY COMMISSION

Term Expires

Reappoint John Daley to Regular
(30-Year Resident) 07/01/2015

HOUSING COMMISSION

Reappoint Geraldine Cooper to Regular 07/01/2015

Reappoint Wanda Jean Moore to Regular – Tenant 07/01/2015

Reappoint Joanne Sorensen to Regular - Tenant 62+ 07/01/2015

Move Inez Williams from Alt. II to Regular
(Replacing J. Huskey) 07/01/2014

INTEGRATED WASTE COMMISSION

Term Expires

Reappoint Edward Burns to Regular 07/01/2015

Move Steven Branson from Alt. I to Regular
(Replacing M. Healy) 07/01/2014

Appoint Jenna Roripaugh to Regular
(Replacing N. Strauss) 07/01/2015

Appoint Ken Beckstead to Alternate I
(Replacing S. Branson) 07/01/2013

LIBRARY BOARD

Reappoint Adrienne Hakes to Regular 12/31/2014
 Reappoint Charlene Williamson to Regular 12/31/2014

PARKS & RECREATION COMMISSION

Reappoint E. Charles Adams Sr. to Regular 07/01/2015
 Reappoint Vernon Allen to Regular 07/01/2015
 Move James Stumpfel from Alt. I to Regular
 (Replacing H. Franczyk) 07/01/2015
 Move Marvin Foster from Alt. II to Regular
 (Replacing A. Teng) 07/01/2015
 Appoint Peter Whitley to Regular
 (Replacing K. Purcell) 07/01/2014
 Appoint Jeffrey Horwitz to Regular
 (Replacing A. Stonebraker) 07/01/2015
 Appoint Olen Dean McDowell to Alternate I
 (Replacing J. Stumpfel) 07/01/2013
 Appoint Gregory Schuman to Alternate II
 (Replacing M. Foster) 07/01/2013

POLICE & FIRE COMMISSION

Term Expires

Reappoint Lynn Briley to Regular 08/01/2015
 Reappoint Estrellita Rilea to Regular 08/01/2015
 Move Joseph Travers from Alt. II to Alt. I
 (Replacing G. LaRue) 08/01/2014
 Appoint Sean Sargeant to Alternate II
 (Replacing J. Travers) 08/01/2014

REHABILITATION LOAN REVIEW COMMITTEE

Appoint George Brown to Regular
 (Replacing P. Gilligan) 05/24/2015

UTILITIES COMMISSION

Reappoint Eileen Costa to Regular 07/01/2015
 Move Patricia Jennings Raetz from Alt. II to Regular
 (Replacing B. Klea) 07/01/2015

June 27, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Appoint Wayne Daigle to Alternate I
(Replacing Vacant)

07/01/2014

Appoint Ira Landis to Alternate II
(Replacing P. Raetz)

07/01/2013

MAYOR WOOD stated for Council this list has already been out for at least a week. He is removing the appointment of Dan Reedy to Regular on the Downtown Advisory Committee because he doesn't live in Oceanside, and that's a requirement to be on this Committee.

He **moved** to approve the list, with that one noted exception. We still have more openings and are hoping to get more applications.

COUNCILMEMBER SANCHEZ **seconded** the motion.

DEPUTY MAYOR FELLER noted that Richard Bartlett is a good man. However, it says he's an Oceanside business owner, but he isn't a business owner. He's a downtown resident. Does he need to be a business owner?

ASSISTANT CITY CLERK TROBAUGH responded the way the by-laws are written, if they do not have someone to fill a category they can put someone else in.

COUNCILMEMBER SANCHEZ stated you're looking for a business owner so maybe you should see if you have another applicant.

MAYOR WOOD can take that off for right now if that's necessary. He **modified** his **motion** to include removing Richard Bartlett from the Downtown Advisory Committee.

COUNCILMEMBER SANCHEZ as the **second concurred**.

COUNCILMEMBER KERN asked what the objective is of the Downtown Advisory Committee. He knows we're doing away with the Redevelopment Advisory Committee (RAC), but this seems like a very large committee.

CITY MANAGER WEISS responded when we disbanded the RAC, you still have projects for the downtown project area and those projects would still come to the CDC. Council had appointed a replacement for the RAC to essentially put some of the downtown projects through them before it came to Council. You added several members to that body as we went through that process. That's what this is at this point.

CITY ATTORNEY MULLEN stated the Redevelopment Trailer Bill was just approved today by the legislature and is on its way to the Governor's desk. It has probably been signed by now or will be soon. There is some language in the bill that suggests land-use planning that was formerly done by the Redevelopment Agency has been transferred to the City that formed the agency. We may be coming back with a recommendation to change the Zoning Ordinance to have the Council review discretionary projects within the Redevelopment Project area, instead of the Council sitting as the CDC. Whether that would affect the Downtown Advisory Committee is going to be a policy call for Council. Right now, the purpose of that committee is to review projects before they come to the CDC. Council may be asked to make a policy determination should you just send everything to the Planning Commission.

COUNCILMEMBER KERN stated that was his question. Once the Redevelopment goes then wouldn't it automatically fall back under the Planning Commission?

CITY ATTORNEY MULLEN responded the City Zoning Ordinance establishes the CDC as the Planning Commission for projects within the Redevelopment Project area. We've continued on to have discretionary projects reviewed by the CDC, but this may be the opportunity to rethink that and bring forward amendments to the Zoning Code to just have the Council as the decision-making authority.

COUNCILMEMBER KERN stated it sounds like we no longer have a Redevelopment area. Redevelopment is gone.

CITY ATTORNEY MULLEN responded the Project Area still exists.

COUNCILMEMBER KERN doesn't have a problem voting for the recommendation. This just seems like it's much larger than what the RAC was. Who's going to staff this?

CITY MANAGER WEISS responded after tomorrow, it will be staffed by Shan Babick and Kathy Brann.

COUNCILMEMBER KERN stated we can appoint a liaison at some future date when they've gotten organized. He's not clear on this, but he's supportive.

Motion was approved 5-0.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD congratulated two Congressional Gold Medal winners in Oceanside, George Mitchell and Oscar Culp. They are going to be the Grand Marshalls at our Freedom Days Parade, which is Saturday, June 30th.

Loretta Shideler's son passed away this month from complications from knee surgery.

19. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER wished everyone a Happy 4th of July. He congratulated Oscar and George for the Congressional Gold Medals and for being our Grand Marshalls for the parade this year.

20. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Eagle Scout ceremony for Austin Merle on June 23rd. His mother works for the City.

NK Towing has come to Oceanside from Escondido. It's great to have another business in town.

He attended the promotional ceremony for the Fire Department and the Palomar Amateur Radio Club's Field Day Operation.

14. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Palomar Amateur Radio Club's Field Day Operation as well. He also attended the celebration for Title 9 at the bandshell. He will be walking the parade route this year for the Freedom Day Parade.

June 27, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Pro Kids Golf is coming together, and the ribbon-cutting will be August 29th.

16. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ went to Loretta Shideler's son's memorial. Jean Tweedy passed away and her memorial is Saturday.

She attended the concert in Heritage Park on Sunday. She still gets requests to have the Freedom Day Parade on July 4th. There is a Council meeting on July 5th to certify the election results on Propositions E and F.

INTRODUCTION AND ADOPTION OF ORDINANCES – None

ADJOURNMENT

After a moment of silence for Jean Tweedy and Jon Shideler, **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 9:13 PM on June 27, 2012. [The next regular meeting is scheduled for 2:00 PM on Thursday, July 5, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

JULY 5, 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, July 5, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern and

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

July 5, 2012

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Felien. Councilmember Sanchez arrived at 2:05 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

[Closed Session and recess were held from 2:02 PM to 4:00 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 (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 4:00 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 3-9]

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.

ASSISTANT CITY CLERK TROBAUGH announced there is a request by the public to speak on Item 4.

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
4. **Removed from Consent Calendar for discussion – Public**

5. City Council: Approval of annual purchase orders for equipment, supplies, services and materials in amounts over \$50,000 for FY 2012-13 for routine and recurring maintenance, repairs and operations from various City Department funds for a total of \$828,000; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
6. City Council: Approval of a budget transfer in the amount of \$23,829.96 from the Parks and Recreation General Fund Reserve, formerly known as the 108 Fund, to the General Fund for the replacement of 250 chairs at the El Corazon Senior Center at a cost of \$9,239.96, and for termite extermination and repairs to buildings at Heritage Park at a cost of \$14,590
7. City Council: Adoption of **Resolution No. 12-R0448-1**, "...authorizing the filing of applications for Active Transportation Grant Program funds through the San Diego Association of Governments for the Oceanside Boulevard beautification project, North Coast Transit Station Bike Station project, Cleveland Street Green Paint and Sharrows project, Education/Encouragement/Awareness Grant project; and authorize the City to act as a collaborative partner with the City of Carlsbad for the Coastal Rail Trail Oceanside/Carlsbad Connection project; and accepting the terms of the grant agreement", and authorization for the City Manager to execute all necessary grant documents
8. City Council: Adoption of **Resolution No. 12-R0449-1**, "...authorizing the filing of an application for Active Transportation Grant Program funds through the San Diego Association of Governments (SANDAG) for the Mission Avenue Improvement project and accepting the terms of the grant agreement".
9. City Council: Adoption of resolutions of the City Council of the City of Oceanside, acting in its capacity as the legislative body of Community Facilities District, **Resolution No. 12-R0450-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 2000-1 of the City of Oceanside (Ocean Ranch Corporate Center) authorizing the levy of a special tax for fiscal year 2012-2013", **Resolution No. 12-R0451-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 20010-1 of the City of Oceanside (Morro Hills Development) authorizing the levy of a special tax for fiscal year 2012-2013", and **Resolution No. 12-R0452-1**, "...acting in its capacity as the legislative body of Community Facilities District No. 2006-1 of the City of Oceanside (Pacific Coast Business Park) authorizing the levy of a special tax for fiscal year 2012-2013".

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 3, and 5-9].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

4. **City Council: Approval of annual purchase orders for chemicals, equipment, supplies and services in amounts over \$50,000 for FY 2012-13 from various Water Utilities Department funds for a total of \$3,323,477; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders**

DAN ZINMAN, 1595 Madrid Drive, Vista, stated water utility rates are still slated for an increase, so we meet again. When he was given the opportunity to speak to the

Council previously, he did not know what to expect because it was a first for him. He was encouraged when the Mayor directed him to meet with the Deputy City Manager and was even more encouraged by the discussions with the Deputy City Manager, which he thought would lead to a meeting with Cari Dale. While Ms. Dale talked to him on the phone, she would not meet with him. It's particularly frustrating because Miles Chemical has supplied the City for many years. We've been a go-to supplier most recently when a chemical supplier had gone out of business. We had the material to the City when you needed it and how you needed it. He lives in Vista and frequents Oceanside for dining and shopping.

What's most frustrating is that people want to talk about the process – reverse auction – and not the results. It's important to note that Miles Chemical supports and participates in reverse auctions. There are situations where they make sense, but in this case it does not because there are only 2 manufacturers of ferrous chloride.

In 2011, the City looked at doing a reverse auction for ferrous chloride equipment. It failed and went out to bid. This year, the decision was made to go to reverse auction. Only one company bid, which is not really an auction. The difference in price from last year was \$181 per dry ton, which amounts to about \$100,000. Encina Wastewater just awarded a closed bid for \$549, effective July 1, 2012. If you piggybacked onto Encina, it would \$117,000 less than what you're going to vote on tonight. He showed the pricing difference for other cities and counties as well.

Included in the process is the option for the City to reject this bid. It gives Council some latitude to make decisions that are best for the City. For the products that make sense, continue the reverse auction. But where it doesn't, you should piggyback and go to a closed bid. You'll see the pricing that you see from the other utilities. The bottom line is in an article that says the City has taken a number of steps to offset its higher costs, including eliminating 5 positions and cutbacks that amount to about \$600,000. Why give back \$100,000? It's not what the utility customers or even Council would want.

IAN WATSON, US Peroxide, 824 La Tierra Drive, San Marcos, stated US Peroxide is the winner of the ferrous chloride reverse auction. Mr. Zinman had the opportunity to participate in that auction as well as we did. The result of the auction is the direct fact that no one else bid. Mr. Zinman is angry about the auction because he protested it. US Peroxide isn't a big fan of reverse auctions either, but we played the game and participated. At the end of the day, we feel the position we're in is a fair one. He left it to Council to make the decision about how you want to handle that result. It's a little bit over the top that Mr. Zinman would protest in order to get the result that would be expected.

COUNCILMEMBER SANCHEZ received a couple of emails from Mr. Zinman and got a response from Ms. Dale. She asked the Water Utilities Director to respond to the questions that have been raised about this bidding process.

CARI DALE, Water Utilities Director, explained that a reverse auction is an online auction a little bit like Ebay, except you're underbidding bidders. The auction was advertised to bidders in the newspaper twice, and bidders were contacted several times and asked to participate. That included both of the folks that we contracted with during the present year and other chemical vendors that we were aware of. During this process, Miles Chemical declined to bid. The bidding process was reopened for an additional day for the ferrous chloride. They again declined to bid. They were contacted by phone and declined.

COUNCILMEMBER SANCHEZ asked if the gentleman that was speaking today was actually encouraged to bid, so there's not an issue of notice.

MS. DALE responded yes, several times. There is no issue of notice.

COUNCILMEMBER SANCHEZ stated then staff picked the only bid because no one else wanted to bid below that bid, is that correct?

MS. DALE responded that is correct.

COUNCILMEMBER SANCHEZ moved approval [of annual purchase orders for chemicals, equipment, supplies and services in amounts over \$50,000 for FY 2012-13 from various Water Utilities Department funds for a total of \$3,323,477; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders].

MAYOR WOOD seconded the motion.

COUNCILMEMBER FELIEN stated for the benefit of the public, we have a bidding process that's as open as possible and results in the lowest prices for the City. The procedures that are set up are to make sure there are no inside deals, collusion or favoritism going on. They may seem kind of awkward or elaborate, but it is with the best intent in mind, and we want to make sure we get the results that we hope for in terms of the lowest possible price and a fair and open process. What would be the difference between the closed bidding process versus the reverse auction like we had here? It seems like the reverse auction would be preferable because everything is open for the bidders and the public to see what's going on, and that creates a bidding war. In what situations would the closed bidding be preferable to a reverse auction?

MS. DALE explained that the procedure for the closed bid is that the vendor is providing one cost only. Those bids are opened and compared against each other to determine the lowest bidder. In the reverse auction, you may have the bidder bidding several times and lowering his price several times to beat the competition. Thus you might realize a larger savings in competing in the reverse auction.

COUNCILMEMBER FELIEN asked Mr. Zinman what flaw he saw in the reverse auction process that he chose not to participate.

MR. ZINMAN responded not as much the process as who the companies are. There are only 2 manufacturers of ferric chloride. The other manufacturer has bought out all of the competitors, and their goal is to have a monopoly. When they have a monopoly, they can drive pricing back up. When we try to compete in something this open, we just get buried. Their goal is to put us out of business. If we go to a closed bid and there are only 2 of us, it gives a fair opportunity for good pricing. Had there been multiple companies, we would participate very actively in the reverse auction, but this is more a competitive situation with a predatory competitor that's looking to have their monopoly.

COUNCILMEMBER FELIEN stated you're saying that with their power they can underprice, but your correspondence to us said they were paying more. He sees an inconsistency there.

MR. ZINMAN responded the inconsistency is that you start with a certain price, like on Ebay. You can bid a penny for a car on Ebay, but there's a protection that keeps you from buying that car for a penny, and that's where the risk runs in a reverse auction with only one bidder. That's also the reason why the City would look to put in a clause such as we reserve the right to refuse any bid. It's a viable process and a good process that will work for some materials. In this case, it hasn't worked. That can be shown by that \$780 versus what you see from all of your neighbors, as well as what we bid last

year. We're saying in this case and this situation it's not the best process because of the competitive nature of the other company.

CITY ATTORNEY MULLEN stated that under Chapter 28 of the City Code, you already have the authority to reject any one of these bids. You don't need to add that as a clause to any of this as that's part of Council's authority today.

COUNCILMEMBER FELIEN asked Ms. Dale to explain how the prices that we accepted in the bid compare to prices we've paid in the past and how they compare to our neighbors. There seems to be some disagreement as to the price comparisons.

MS. DALE responded there are two chemicals we're speaking of today. One is ferric chloride and the present price is \$599 per dry ton. We received a bid at \$500 per dry ton, which is a savings of \$27,000 over the previous year. For ferrous chloride, the price is \$599 per ton and we received a bid of \$780 a ton. The vendor voluntarily reduced that price to \$755 per ton. We would be paying \$39,000 more for that chemical per year.

For the ferric chloride, the price that we received is terrific. Nobody has offered better. For ferrous chloride we are paying more than the neighboring agencies. However, if you take the total price of all of the chemicals that we purchase and have put through the reverse auction process, we've seen an increase overall of less than 1%, in fact it's almost half of a percent, which equates to a little over \$8,000. To her, that is far below the price of inflation and is a great result of the reverse auction.

COUNCILMEMBER KERN asked if Ms. Dale went in with an estimate of how much it was going to cost, so you'd have to figure it into your budget before the cycle started.

MS. DALE responded yes.

COUNCILMEMBER KERN is used to dealing with engineering estimates on roads and things like that. The bids come in. If they're way high, we'll say we need to go back and rethink this. Is that the same process you have to go through?

MS. DALE responded not in this case; we didn't do that.

COUNCILMEMBER KERN asked what other things we use reverse auctions on. He understands the closed bid process.

MS. DALE responded last year and this year we've only done chemicals used at our water and wastewater plants. However, Fleet has started to use this process for purchasing fuel, and we hope to expand this for other types of materials for the utilities or other City services or materials we may need in the future.

COUNCILMEMBER KERN is bothered by the discrepancy between what other cities are paying and what we're paying. It's \$755 for us and less than \$600 for everybody else. It seems out of whack. Is there nothing we can do to correct that? We're overpaying right now. When you have a reverse auction and there's only one bidder, than that process isn't going to work. Why did we go forward with that when we had only one bidder? It's not really an auction, it's just a sole-source pricing.

MS. DALE stated that was the reason why we extended the auction for one day, to encourage the second bidder to participate. That bidder refused to participate. As a concession, US Peroxide, who was the bidder that did participate, has reduced their price to \$755 to make it more palatable to Council.

DEPUTY MAYOR FELLER asked if the other cities that surround us use closed bids.

MS. DALE responded that's what she gathers.

DEPUTY MAYOR FELLER asked if they were bidding on the same 2 chemicals.

MS. DALE does not know.

DEPUTY MAYOR FELLER stated then we don't know if it wasn't a combination of things in the bidding process with those cities. It sounds like Miles Chemical had us before, is that correct?

MS. DALE responded they are our current supplier for those two chemicals in question.

DEPUTY MAYOR FELLER stated now they've got a list of several that they bid on in the closed bidding process. He's trying to figure out if there were concessions on the other product. We're talking about 2 different products here, and you gave us the one that saved us a lot of money over the prior year. What we have to be thinking about is saving the City money, and we're still at \$8,000 more, which is probably a reason for the problem here. It's a pretty serious difference, and he's not sure that he can support that difference, other than the problem that he sees of combining the two makes it considerably less. What were we paying before on the one that we're getting for \$500?

MS. DALE responded for each of the two chemicals in question, we were paying \$599. She noted that we had probably more than 15 chemicals go to reverse auction. Several were bid higher than we presently pay and several were bid lower than we presently pay. What's important to keep in mind is that the present rate of inflation is 3%. We did much better than that. We're at .6%. To be at the level of inflation or below is a successful auction, and we've done our due diligence in saving the ratepayers money.

DEPUTY MAYOR FELLER asked if the successful bidder here bid in those other cities. We were just shown that every city has lower prices.

MS. DALE thinks what you were shown was that, for the two prices that Miles Chemical wanted to show you, there were lower prices. On a lot of those chemicals that were in the bids, there were higher prices, and our reverse auction results were much lower in the closed bid method of bidding.

DEPUTY MAYOR FELLER asked if Ms. Dale compares notes with her fellow Water Directors.

MS. DALE responded no. It's something we may start doing in the future.

DEPUTY MAYOR FELLER will support this because of it being .6% compared to the 3% increase.

Motion was approved 4-1, Kern – no.

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.

10. **City Council: Adoption of new City Council Policy 300-26 Street Naming Policy, which sets policies and procedures for naming new streets and/or changing a previously approved street name**

SCOTT NIGHTINGALE, Planner II, stated this policy shall establish guidelines and a policy to insure a uniform system for naming and changing street names within the City. Due to the number of streets existing and planned throughout the City, the Development Services Department determined that it's in the City's interest to adopt this policy for naming and/or changing a street name. According to State of California Government Code Section 34091.1, all street names and changes must be reviewed by the City Planner, City Engineer and Fire Chief prior to consideration by the City Council. Staff has found that many other cities throughout North County have adopted similar guidelines and policies as this.

If an applicant or member of the public comes in and wishes to change their street or add street names to a new development of project, they must fill out an application for a street name or street name change, pay the required fees and submit it to the Planning Division. They also need to provide us with a list of alternative street names in case some of the street names they're providing don't work. All names must be consistent and meet the guidelines for streets, based on the authorized street-naming policy, which is within agenda Item 10. We have specific guidelines based on the size of the street, direction, shape, and whether it's private or public. It's all listed in the policy.

Staff will then review the application and list of proposed street names and develop a recommendation and a staff report for Council. Council will then adopt or deny the street name request.

Staff believes that this policy will provide guidance and uniformity to the City streets when named or changed. This policy will provide a process for City staff and the public that will be consistent with the State of California Government Codes for naming streets.

Staff recommends that Council approve and adopt City Council Policy 300-26.

Public input

CHRIS WILSON, 770 Harbor Cliff Way, encouraged Council to adopt this policy. Having a policy that makes choosing the street names a process in which there are standardized guidelines is a good thing. It encourages public participation and can give the public a chance to raise any potential objections that may occur.

Public input concluded

COUNCILMEMBER KERN moved approval of [adoption of new City Council Policy 300-26 Street Naming Policy, which sets policies and procedures for naming new streets and/or changing a previously approved street name].

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ knows there is one community that was thinking about coming to Council about changing the names of the streets and that's Crown Heights. They've been talking about changing the names of Division and Center Streets to move toward owning the community and neighborhood. Hopefully, we'll be able to help them do that. She doesn't think they've come up with any names yet, but it is a process that would be coming forward to Council.

Motion was approved 5-0.

11. **City Council: Authorization to participate in the San Diego Pooled Insurance Program Authority (SANDPIPA) agreement for the services of Tristar Risk Management for Citywide Workers' Compensation claims administration and processing for a one-year term (July 1, 2012–July 31, 2013); and authorization for payments to SANDPIPA in the amount of \$220,176, paid on a monthly basis at an amount of \$18,348**

PAT NUNEZ, Human Resources Director, stated this item will allow the City to expand our participation in SANDPIPA to utilize the services of Tri-Star Risk Management as a third-party administrator for the worker's compensation claims administration. SANDPIPA is a joint powers authority of 12 cities in the County, which provides a comprehensive risk management support service, a funding source to cover catastrophic losses, and a forum for sharing expertise and experience in the area. Approval of this item will allow Human Resources to contract out the administration of the City's worker's compensation claims processing and will result in the reduction of one full-time position. The annual cost is \$220,176. The amount will be covered by the budget currently in Human Resources through the reduction of the position. The current number of open claims that we have has reached a number where one person can no longer manage it. We can look at expanding the size of the division, which she doesn't want to do, or contracting it out. This will allow us to contract out the work. The oversight will be done in-house by current staff.

COUNCILMEMBER SANCHEZ moved approval for [authorization to participate in the San Diego Pooled Insurance Program Authority (SANDPIPA) agreement for the services of Tristar Risk Management for Citywide Workers' Compensation claims administration and processing for a one-year term (July 1, 2012–July 31, 2013); and authorization for payments to SANDPIPA in the amount of \$220,176, paid on a monthly basis at an amount of \$18,348].

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 5-0.

CITY CLERK ITEM

12. **City Council: Certification of election results and adoption of a resolution declaring the results of the City's Special Municipal Election of June 5, 2012**

HOLLY TROBAUGH, Assistant City Clerk, stated on June 5, 2012, two ballot measures were presented to the Oceanside Electorate. On July 3, 2012, the Registrar of Voters completed the final canvas of the ballots and certified the results of the votes cast in the June election. The total number of registered voters in the City is 77,598, and the total number of ballots cast was 30,752. These numbers show that there was a 39.63% voter turnout. As a side note, the current voting trend continues: 31% of the voters voted at the polls, and 69% voted by mail ballot.

The election results are as follows:

Proposition E, the ballot measure regarding vacancy decontrol, was unsuccessful with 10,495 yes votes and 19,337 no votes.

Proposition F, the ballot measure amending the Charter regarding certain election procedures, was unsuccessful with 12,546 yes and 16,600 no votes.

We have not received a final bill from the Registrar of Voters, so we do not have

the actual cost of the election at this time. As the final administrative action to finalize the election, staff recommends that Council adopt the resolution declaring the results of the special municipal election as reported and included in Council's back-up.

Public input

JIMMY KNOTT, 127 Sherri Lane, thanked the Clerk's office for their hard work and time conducting the election.

As was reported, an increasing amount of voters are voting by mail. Since we are a Charter City, he encouraged Council to conduct our voting by mail in the future.

The money that was spent on this election was horrendous. We need some campaign finance control and reform. We need an ordinance that allows campaign donations and expenditures to be put online so the public can have immediate access.

More people voted no on Proposition E than voted for the Charter when that election was held. That's a strong message being sent to this Council.

Public input concluded

COUNCILMEMBER SANCHEZ stated it does appear that the estimate for the cost at this point is \$163,000, but we're not completely sure. Is that correct?

ASSISTANT CITY CLERK TROBAUGH responded that's correct. With the addition of another language, we don't know how that's going to play out.

COUNCILMEMBER SANCHEZ asked if the \$163,000 includes the cost from having the referendum certified.

ASSISTANT CITY CLERK TROBAUGH responded no. The petition cost was separate.

COUNCILMEMBER SANCHEZ asked how much that was.

ASSISTANT CITY CLERK TROBAUGH doesn't recall but thinks it was around \$29,000.

COUNCILMEMBER SANCHEZ stated that puts the cost of this election close to \$200,000.

Our community is to be congratulated on coming out to voice their opinion on something that was very critical to our community and to our seniors and veterans. Ms. Trobaugh indicated that we had a good turnout for a June election. It's very difficult to get excited about an election where very few things were on there for most people.

This election was very critical to a community of seniors and veterans. She thanked the Oceanside voters for taking the time to exercise their constitutional right of letting us know how they felt about this. She had a chance to look at the results per precinct, and in every single precinct having to do with Proposition E, the no's outnumbered the yeses. With respect to Proposition F, which was something that was added onto the ballot rather quickly, out of 74 precincts, there were 11 where the yeses outnumbered the no's, but there were 63 where the no's outnumbered the yeses. This is a clear message to Council that we need to be more concerned about our residents. She's heard rumors that perhaps this isn't over, but at this point we need to move forward and accept this as a Council. This community does care what happens to our seniors and veterans, and we need a balance on this Council.

She **moved** approval for [certification of election results and adoption of **Resolution No. 12-R0453-1**, "...reciting the fact of the City's special municipal (consolidated) election held on Tuesday, June 5, 2012, declaring the results thereof and such other matters as provided by law"].

MAYOR WOOD seconded the motion.

COUNCILMEMBER SANCHEZ stated we'll be hearing about the total costs later, but at a time when we're counting every dollar, we had a referendum with over 15,000 signatures, and that would have been a good place to have stopped and not spent so much money.

DEPUTY MAYOR FELLER brought up the recall election that had 12,000 – 14,000 signatures that failed and cost us \$500,000. Councilmember Sanchez should not continue to blame everything on the cost of uncalled-for elections.

COUNCILMEMBER FELIEN stated with elections you win some and you lose some. This time he was on the losing end of two items, and he's happy to take responsibility for the decisions he made to put these items on the ballot. As we take responsibility, he wants responsibility and credit for the entire portfolio of elections and as Deputy Mayor Feller mentioned, we can't leave out the \$500,000 that was wasted on the recall, which lost by overwhelming margins and included a greater waste of money.

For those who may have forgotten, the State Supreme Court issued an interesting ruling two days ago dealing with Charter Cities. Some here on this dais supported the Charter and won by a large percentage, in fact by the same spread that Proposition F lost. That Charter has saved us over \$1,000,000. He'll take credit for the \$1,000,000 and for not wanting to waste the \$500,000 on the recall, and he'll take his lumps for the \$200,000 that was spent on this election. Doing the math, that puts it \$1,300,000 in his favor.

Propositions E and F dealt with controversial issues. It was the intent of this Council to allow the people to say where they wanted to go, and the people made their decision. Unfortunately, he doesn't believe it was the correct decision, but that's the point of elections. In the long run, rent control damages every place where it's used, and there will be a day of reckoning because politics cannot overturn economics. The burden is on the people who want a yes vote, and we did not meet that burden in the eyes of the public; the public spoke. We're going to be addressing a lot of tough decisions regarding our budget so we brought forward a proposal that was vetted in public, contrary to the claims. The public chose what they chose. He asked people to look at the whole record on what all elections have cost the City on all of the issues. He will vote approval for certifying the will of the voters.

COUNCILMEMBER SANCHEZ appreciates that we have a difference of opinion on the dais. There was over \$500,000 spent fighting seniors and veterans of Oceanside by corporate interests outside of this community. It is the reverse of what happened in the recall because it was 3 people on this dais who decided the fate of thousands of seniors and veterans. That's the difference here. If we want to talk about all of the money that was wasted, and it's all taxpayer money, besides the \$200,000 there was another \$500,000. As to the recall, that was a petition drive and not 3 Councilmembers on the dais who put it on the ballot. If you're saying you don't believe in the people's right to referendum, then that's a different story. She does believe in the referendum process. In this instance, over 15,000 people signed a petition and close to 20,000 voted against it. It was an exercise in futility and a lot of stress on our community members, and it was three people on this dais that did that, not 7,000 or 8,000 people who signed a petition. Let's each take responsibility.

MAYOR WOOD stated it's water under the bridge. We need to be cautious here and move forward.

COUNCILMEMBER FELIEN stated we're all going to look at events through our own glasses, but we can't help if we're going to review the recall, to say that one was the people versus one being just three Councilmembers. If we review the recall documents, you will find that there is not a single, reportable contribution to the recall campaign by a single citizen of this City. Every single contribution was from out-of-City unions, with one contribution from the Mayor's campaign committee. That's the real history of the recall. That one involved money that came from as far away as New York City to try to influence our City, plus all the rest coming from outside our City. Finally, people all over the State realized what a power grab it was and came to Councilmember Kern's defense. The people did have a chance to speak, and he was on the right side of that event. Some other members were on the wrong side. That's democracy. In the end, the voters will have their say, as they should.

He, too, supports the referendum process. It allows the people to say they are going to take charge of their government when they feel it's warranted. Sometimes we agree with the outcomes of referendums and sometimes we don't.

MAYOR WOOD stated the recall is brought up almost every time money is involved. It was about breaking up 3 members of a voting majority and went in the direction it did because Councilmember Chavez abandoned the City and moved on after the recall was already going forward. He's sorry money was spent.

Motion was approved 5-0.

[Recess was held from 4:51 PM to 5:04 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:04 PM. All Councilmembers were present.

INVOCATION – Reverend Malaki Taueliili

PLEDGE OF ALLEGIANCE – youth from Oceanside Samoan Congregational Church of Mesa Margarita

PROCLAMATIONS AND PRESENTATIONS –

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

Presentation – Mayor's Youth Sports Recognition and Appreciation Award

Presentations were made

CLOSED SESSION REPORT

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

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

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

became known subsequent to the posting of the agenda.

Advance written request to reserve time to speak: None

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

CHRIS WILSON, 770 Harbor Cliff Way, stated this is a follow-up to an item he presented at the last meeting, which was the request by Google to include public buildings in their Google indoor mapping project. He's been in contact with folks from the library and the City's Engineering Department, and we've gotten floorplans for the public areas of the renovated public library that have been uploaded to Google and are in the process of being processed. As a result of that, he thinks we're going to be the first public library on the West Coast to be included in Google's indoor mapping project, which is a nice feather in the cap of the City. Google has expressed interest in potentially providing indoor mapping for other public areas of buildings that the City owns, and he would encourage Council to consider directing staff to work with Google on this project so we can make Oceanside potentially the first completely digital city on the West Coast.

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.

20. **City Council: Introduction of an ordinance amending Chapter 6, Articles I, II, III, IV, V, VI, VII, XII, and XIII of the Oceanside Municipal Code to reflect adoption of the 2010 Editions of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Codes, with certain amendments, additions and deletions; and adoption of a resolution of findings supporting the local amendments** *(This public hearing is continued from June 27, 2012)*

- A) Mayor opens public hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Feller and Councilmember 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:

RICK BROWN, Interim Chief Building Official, stated this matter is an ordinance and resolution adopting the 2010 editions of the California Building Codes with local amendments to those Codes that are contained in Chapter 6 of the Oceanside Municipal Code. This year there are two new State Codes: the California Residential Code that applies to residential projects, and the California Green Code that addresses sustainable building practices and is also a statewide code. This is generally a routine process that occurs every three years to reflect the latest additions of the Codes valid throughout the State.

Regarding the difference between administrative and procedural regulations versus local amendments affecting fire and life safety matters, those fire and life safety matters need to be addressed by a separate resolution, which is included in Council's package, and have to be supported by findings that are included in Council's resolution. If adopted, these regulations will become applicable, and the approved ordinance and resolution are then submitted to the State Building Standards Commission and the State Department of Housing and Community Development.

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

COUNCILMEMBER SANCHEZ moved introduction of [an ordinance amending Chapter 6, Articles I, II, III, IV, V, VI, VII, XII, and XIII of the Oceanside Municipal Code to reflect adoption of the 2010 Editions of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Codes, with certain amendments, additions and deletions; and adoption of **Resolution No. 12-R0454-1**, "...setting forth express findings for the required amendments to the 1020 California Building Standards Code relative to local climatic, topographical and geological conditions"].

COUNCILMEMBER KERN seconded the motion. He asked if the Residential Building Code that requires sprinkler systems is in this.

MR. BROWN responded in the California Residential Building Code, which is State law, there are requirements for residential fire sprinklers. The issue of separate systems, as in water systems, to provide separate water for fire protection than domestic water is not part of the State's Residential Building Code. That matter is generally addressed at the local level and varies from city to city. In this case, his recommendation is we adopt only the mandatory provisions of the California Residential Building Code with no further local amendment on the fire sprinkler systems.

DEPUTY MAYOR FELLER asked if you're really saying that we have to do this. Some of these regulations drive him a little crazy.

MR. BROWN responded the adopted California Building Codes, which is that entire body of regulations, are adopted statewide and we, as a city, do not have the ability to disregard those. The abilities we do have locally are to amend those portions that relate to life and fire safety, but the only amendment we can make is to make them more restricting. He has not brought forth any recommendations to do so in that area, with the exception of roofing requirements, where he has recommended a minimum of a Class B fire rating for roofing. That would be middle ground in common with our surrounding cities and generally throughout Southern California.

DEPUTY MAYOR FELLER wanted to make sure that the public knows that we're not throwing something else at them. This is something that we can't help.

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

CITY COUNCIL REPORTS

13. **Mayor Jim Wood**

MAYOR WOOD stated the Samoan celebration is taking place this weekend. There is a special unveiling of the new plaque honoring Junior Seau at the Beach Community Center. The renaming of the Beach Community Center to the Junior Seau Beach Community Center will take place this Saturday at 2:00 PM.

14. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER went to the beach yesterday and felt we were over-police enforced down there. Steve Brunst, the husband of City employee Jane Cinciarelli Brunst, passed away.

15. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Freedom Days Parade last Saturday.

16. **Councilmember Jerome Kern**

COUNCILMEMBER KERN also attended the Freedom Days Parade. He got the first beer at the Stone Company store.

This is a great week for the taxpayers of the City. If anyone has been following what's happening with Charter Cities, there was always the threat of the Vista case hanging over us regarding prevailing wage. He can't emphasize how much this means to Charter Cities. He predicts that by June of 2014, we'll probably have at least 8 to 12 new Charter Cities. Just this week, because of the Vista decision, the City of Temecula is going to try to become a Charter City. Escondido and Costa Mesa will be Charters in November. The State legislature keeps trying to slow this down because they don't like to see Charter Cities and how they get out from underneath the legislative process. The City taxpayers are the big winners on this.

17. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended the EnviroFair and spoke about zero waste and how to get cities to adopt zero waste goals. She attended the Freedom Days Parade and the opening prayer for the Samoan Cultural Celebration.

Saturday is the dedication of the Beach Community Center and Amphitheater for Junior Seau. Saturday is also St. Mary's Annual Salad Luncheon.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

In honor of all of the military men and women who have given their lives for freedom, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 5:38 PM on July 6, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, August 1, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

DECEMBER 5, 2012

REGULAR MEETING 10:00 AM COUNCIL CHAMBERS

10:00 AM - OCEANSIDE CITY COUNCIL (COUNCIL),
- REGULAR BUSINESS

Mayor

Jim Wood

Deputy Mayor

Jack Feller

Councilmembers

Esther Sanchez
Jerome M. Kern
Gary Felien

City Clerk

Barbara Riegel Wayne

Treasurer

Gary Ernst

City Manager

Peter Weiss

City Attorney

John Mullen

The regular and joint meeting of the Oceanside City Council (Council) was called to order by Mayor Wood at 10:12 AM, December 5, 2012.

10:00 AM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez, Kern and Felien. Also present were City Clerk Wayne, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

INVOCATION – Father Michael Diaz

PRESENTATION OF COLORS - El Camino High School Marine Corps JROTC Color Guard

PLEDGE OF ALLEGIANCE – Pearl Harbor Survivors

1. **Performance by Oceanside High School Choir, conducted by Leah Ritt**

[Recess was held from 10:32 AM to 10:53 AM]

2. **Adoption of a resolution certifying the results of the City's general municipal election held on Tuesday, November 6, 2012**

ASSISTANT CITY CLERK TROBAUGH stated in accordance with the California Election Code, the City Council on June 20, 2012, adopted a resolution calling for a general municipal election to be held on Tuesday, November 6, 2012, to elect a Mayor,

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

two members of the City Council, the City Clerk and the City Treasurer for the full terms of four years.

At this time, Council needs to adopt a resolution reciting the facts of the election. For the office of Mayor, we had three candidates. For the two members of the City Council, we had 7 candidates. There were 6 candidates for City Clerk, and one candidate for City Treasurer.

The total number of votes cast was 64,131. The number of registered voters is up to 83,260. That results in a 77% voter turnout. The certified results show that the following candidates received the highest number of votes in the City and are hereby elected to serve their four-year terms:

Mayor:	Jim Wood with 30,844 votes
Council:	Esther Sanchez with 26,302 votes
	Jack Feller with 21,680 votes
City Clerk:	Zack Beck with 14,395 votes
City Treasurer:	Gary Ernst with 44,328 votes.

At this time, we don't have the final cost of the election, but we do have funds in the budget to cover the costs. To finalize the election process, it is recommended that the Council adopt the attached resolution, declaring the results of the general municipal election.

COUNCILMEMBER KERN moved adoption of **Resolution No. 12-R0789-1**, "...certifying the results of the City's general municipal election held on Tuesday, November 6, 2012".

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 5-0.

3. **Swearing-in of newly elected officials**

[Having taken the official oath earlier] Jim Wood and Esther Sanchez were ceremonially sworn in by Superior Court Judge K. Michael Kirkman. Deputy Mayor Feller, City Treasurer Ernst and City Clerk Zack Beck were officially sworn in by City Clerk Barbara Riegel Wayne.

4. **Remarks by newly elected officials** – remarks were made.

5. **Oral communications regarding items not on this agenda** - None

6. **Native blessing** – Mel Vernon, Captain, San Luis Rey Band of Mission Indians

ADJOURNMENT

MAYOR WOOD adjourned this meeting of the Oceanside City Council at 11:35 AM on December 5, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, December 5, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

DECEMBER 5, 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
Zack Beck

Treasurer
Gary Ernst

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:02 PM, December 5, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern, Sanchez and Felien. Also present were City Clerk Beck, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

City Attorney Mullen titled the following items to be heard in Closed Session:
Items 2(A), 2(B)(1), and 2(B)(2). [Item 1 was not heard]

[Closed Session and recess were held from 2:03 PM to 4:02 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

No closed session was held

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

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

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

B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

1. DUNEX, INC., CAVALIER MOBILE ESTATES, V. CITY OF OCEANSIDE
Superior Court Case No.: 37-2010-00061745-CU-EI-NC

2. DUNEX, INC., CAVALIER MOBILE ESTATES, V. CITY OF OCEANSIDE
Superior Court Case No.: 37-2012-00055503-CU-EI-NC

Items were discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 PM. Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez, Kern and Felien. Also present were City Clerk Beck, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Item 3]

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

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)

COUNCILMEMBER KERN moved approval of the Consent Calendar [Item 3].

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS – None

CITY COUNCIL REPORTS

4. **Mayor Jim Wood**

MAYOR WOOD was at the swearing-in ceremony this morning. He thanked Superior Court Judge K. Michael Kirkman for being here and swearing some of us in. He participated in the 7-11 \$25,000 check presentation to Operation Home Front Village, which provides transitional housing and help for wounded military and their family.

December 7th is Pearl Harbor Day.

5. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER stated Oceanside won the CIF Championship against Poway but are not going to the State Bowl game. He attended the Brother Benno's Auxiliary Luncheon at the Sheraton Carlsbad on Saturday and the Library Holiday Luncheon today.

The Menorah lighting is on December 12th. Angel's Depot is having their 1,000,000th pound of food celebration on the 13th. Oceanside is the largest distribution center in their system.

His grandson is a finalist for the Silver Pigskin Award.

6. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Christmas tree lighting at the Regal Theater and today's lunch for the Library volunteers.

7. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Library volunteer luncheon.

Diane Nydegger has been battling cancer for the last 2 years and is not doing well. He asked people to remember her during the holidays.

8. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended the Brother Benno's Auxiliary Luncheon; Former Mayor of Escondido Jerry Harmon's annual Christmas party in Oceanside; a concert fundraiser by Feed the Soul Foundation with the proceeds going to Canine Companions; the Library volunteer lunch; and the funeral of Eddie Lisi, who contributed a lot to Oceanside over the years.

December 9th is the Senior Holiday Dance at El Corazon and Native Flute Circle at San Luis Rey Bakery.

[Recess was held from 4:17 PM to 5:05 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:05 PM. All Councilmembers were present.

INVOCATION – Reverend Malaki Tauiliili

PLEDGE OF ALLEGIANCE – Elkie Wills

PROCLAMATIONS AND PRESENTATIONS –

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

Proclamation – 5th Anniversary of Oceanside Charitable Foundation

Presentations were made

CLOSED SESSION REPORT

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

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

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

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

SHARON SHEAFE, 202 South Pacific Street, asked why the Mission Avenue exit off Interstate 5 is always such a big mess with trash and palm fronds everywhere. She asked if people can adopt an off-ramp.

MAYOR WOOD stated if it's an on-ramp or off-ramp, it's Caltrans and not the City's responsibility. You can adopt an off-ramp through the State.

CHRIS WILSON, 770 Harbor Cliff Way, invited everyone to participate in the Friends of the Library's Annual Holiday Home Tour on Sunday. It will feature 4 homes here in Oceanside. There is also going to be a gift boutique expo and silent auction that will be held in the Community Rooms of the Civic Center Library.

LARRY BARRY, 2973 Brown Street, spoke about mental illness in the City and certain incidents where violence took place because of it. The police aren't responding correctly, and we need to have a workshop or find a way to address some of these issues better. We get a lot of bad publicity from this violence. We need to address this as a community.

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.

11. [City Council: Adoption of a resolution making findings that the proposed cogeneration project to be installed by CHP Clean Energy, LLC, under a power purchase agreement will generate cost-savings; approval of the power purchase agreement with CHP Clean Energy, LLC, of Boston, Massachusetts, for the construction (at no cost to the City) of the La Salina Wastewater Treatment Plan Cogeneration Facility project and subsequent

energy purchase; and authorization for the City Manager to execute the agreement
(This item, continued from November 7, 2012, is not being heard and may be re-noticed at a future date)

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.

12. **City Council: Introduction of an Ordinance of the City of Oceanside amending Chapter 2, Section 2.1.64(g) of the Oceanside City Code modifying the appointment process for regional boards and commissions**

Public Input

JIMMY KNOTT, 127 Sherri Lane, asked Council to consider that the Mayor has certain powers, which are outlined in a handout he provided to Council. According to Attorney General Lundgren, the Mayor's appointment power is based upon the powers of the State Statutes, not City ordinances. They are specifically limited by a City Charter, State law or the courts. What we're talking about now is Policy Number 100-10. State Government Codes 4601 and 4605 say it applies to general law cities; however, if you look at Article XI of the California Constitution, it states it shall be competent in any City Charter to provide that the city governed thereunder may enforce all ordinances and regulations in respect to municipal affairs subject only to restrictions and limitations provided in their several charters. In respect to other matters, they shall be subject to general laws. So we are limited by the State constitution.

There is nothing in our City Charter that delineates any purpose for the Mayor or Council. This has to go to a City Charter issue and is out of Council's hands. This is according to State law, our Charter and what the courts have said in the past.

SAUNDRA WAECKER, 2275 Oceanview Road, supports modifying the regional appointment process. She's come and watched the Council meetings before and it almost seems like a popularity contest. You're here to do what's best for Oceanside. The appointment process has not taken a good turn and has not been done in a manner that brings funding and support to Oceanside. Becoming a Charter City has been good for Oceanside and is one of the reasons we can now make this amendment. We need to modify the appointment process because we have not had the representation that Oceanside deserves under the current appointment process. We need people on these boards who are ready to work hard and fight for the best interests of Oceanside. She is in support of modifying the regional appointment process.

CHRIS WILSON, 770 Harbor Cliff Way, asked Council to look before you leap. The ordinance being proposed has obviously been drafted and now you're going to vote on it. This is your chance to ask yourselves if you really want to do this. If we were looking at a Council majority that consisted of Councilmember Sanchez, Mayor Wood and Dana Corso, for example, this ordinance would not be brought forward. To cavalierly change the powers of any office simply because of the outcome of an election is extremely short-sighted. Majorities change, and they will do so again in the future. The outstanding legal issues presented by Mr. Knott have the potential to mire the City and this ordinance in a legal battle that can last a long time and cost millions of taxpayer

dollars just to sort out what the Council has the power to do. It's a waste of taxpayer money, and he urged Council to consider that before voting on this ordinance.

LARRY BARRY, 3973 Brown Street, stated we should all be working together. Changing the appointments is a good thing and he supports it. Change is good. Maybe this will put different faces in there, such as people who are more aggressive, address the needs of the City and bring a different perspective. There are a lot of dollars out there, and we're not getting our piece of the pie, which is his biggest concern. We're all for the betterment of the City. We need to increase our tax revenues so we can pay for police and fire. This will be good, and he hopes it doesn't end up in a legal battle.

BARBARA FLEEMAN HAZLETT, 4540 Cordoba Way, has been reading the articles in the newspaper regarding this discussion on appointments by the Mayor to regional boards. Although Mayor Wood was re-elected, he does not represent her and many of her associates. Mayor Wood has had 8 years to represent Oceanside on SANDAG, and he has not worked hard enough to bring funds to Oceanside to improve our roads and intersections. She believes that Mayor Wood and Councilmember Sanchez are more interested in their own special interest groups, like Jeffries Ranch or mobile home residents and the unions. She supports amending Chapter 2, Section 2.1.64(g) of the Oceanside City Code, modifying the appointment process for regional boards and commissions.

JANEL SCOTT, 1910 Maxson Street, is a laid off person and has been searching for weeks for a job, and the closest she can find is in Carlsbad or Vista. She would appreciate being represented by someone who cares about the citizens of the City, not just special interests.

Another example is that she worked for an organization collecting donations for fundraisers. When she was going up and down the streets of Oceanside, 5 out of 5 of the businesses that she walked into said they were failing. That is a sad state of affairs when they can't afford to give away a t-shirt because they're so concerned about their business going under. She would be grateful to have something in her City government that lets her know you're looking out for your own citizens of the City and not our neighbors. We can help and support our neighbors, but we need to focus on us first. There are businesses that are wondering if they're going to make it through the end of the year. She asked Council to take that into account.

CHUCK LOWERY, 812 Alberta, read statements from 15 individual voters who are fed up with the Council majority and want Mayor Wood to retain appointment authority.

MAX DISPOSTI, 616 South Nevada Street, is a former commissioner and a Board Member for MainStreet Oceanside. This is not a laughing matter. A lot is at stake. He approached Councilmember Felien to find out more about this. We elected our Mayor with certain powers. Now with all of the priorities we have in this City, this is happening. You're trying to create another division in the Council. A lot of people voted for Mayor Wood. Councilmember Felien stated that we cannot allow the Mayor to appoint himself to SANDAG so they can not approve the projects that we are in support of. He understands there are personal opinions on this, but the majority of voters actually elected the Mayor to appoint to different commissions in Oceanside. The majority Council does not have the right to take those away in order to move forward with a personal agenda. It doesn't matter if he voted for the Mayor or he didn't, this is about fairness and making sure we conduct our politics in a clear way.

He hopes Council will consider the views of everyone in this matter.

SUSIE COKER, 2126 Sorrento Drive, is opposed to modifying the appointment process. The democratic process has spoken, and our Mayor has more than successfully proven his ability to run this City. He won by a huge margin. The voters chose, and our

elected leaders should listen. When we as a people speak, as a majority our judgment should be respected. Council is supposed to be role models. What you are proposing is obviously punitive, and it's disgraceful. Why can't the business of this City be done through cooperation and respect? She doesn't care if you're a Republican or Democrat, this is a dividing factor. The City should be run by the will of the voters and not by political party shenanigans. The voters chose Mayor Wood, and changing his appointment powers now strips the voters of their will. She asked that to be considered by the Council.

NADINE SCOTT, 550 Hoover Street, believes that unless the City Charter reserved powers to the Council that are greater than what the Mayor has, this is going to require a Charter amendment. It's obvious why you're doing this. You're not happy that SANDAG did not jump ahead with projects in Oceanside. However if you look at the geography, we're at the end of the pipe for everything. Mayor Wood has built a good reputation on SANDAG and is a senior member. There is a seniority factor on SANDAG. This stinks of sour grapes, and she had hoped we'd come more together after the election. We must amend the Charter to change this power to the Council majority. She supports Mayor Wood in pursuing an opinion by the Attorney General, at the very least.

CHARLES McVAY, 200 North El Camino Real, is appalled that Councilmember Felien would make this motion in the first place. Why not accept what the people voted for? You want them to accept you and so do the rest of Council. Calling a meeting for something like this is not necessary. Councilmembers are elected to help the people. Mayor Wood has done an outstanding job, especially in light of the Council majority who have done everything they can to downgrade him to feed their own agenda. We all know this is wrong. We voted Mayor Wood in, and he stands for the people. What makes any of the Council majority think they can work harder than he does at SANDAG? He knows more about it than you three do. Sometimes you have to give and take.

DIANA SUNDE, 1335 Lemon Street, is the Welcome Committee Coordinator for the Eastside Neighborhood Association. She is appalled at the change of position for appointments by the Mayor. He's spent many years building relationships and seniority. She's curious what you're going to tell the citizens when you fail and have not brought home the money. For those looking through rose colored glasses and not seeing the difference between 5 votes and 50 votes, she feels sorry for them. Five votes will not get what 50 votes will get. The eyes of Oceanside are on you and the ball is in your court. She hopes you serve well.

COUNCILMEMBER FELIEN plans to vote for this and hopes he has the support of his colleagues. As discussed last time when we were instructing the City Attorney to draft this ordinance, it's important for several reasons. The starting point is that the system, as it exists, works fine when the Mayor is part of the majority because it doesn't matter who actually makes the first serve as far as beginning the discussion of appointments to regional boards and commissions. The system breaks down when the Mayor is part of a minority. The system needs to be modified, as recommended in his motion at the last meeting.

It's different when the Mayor is appointing third party people to the different commissions, but when you're appointing Councilmembers to represent the City at different boards and commissions, the Council as a whole should be the appointing power because the representatives are representing the Council at those bodies. The Mayor's powers need to be modified in this particular instance.

Before he considered submitting the ordinance, he talked to the City Attorney to find out his opinions on how it impacted our ability to decide and move forward, and how it relates to the City Charter and State laws. His opinion was that we do have the right to move forward with this. He would welcome having the City Attorney address some of the comments that were made as far as the application of the State constitution

and the City Charter. Obviously there is no point in moving forward with something that's a legally questionable idea. According to the advice we've gotten from our City Attorney, we're on solid ground here.

CITY ATTORNEY MULLEN stated it is his opinion that the determination of whether to approve this ordinance or not is a matter of policy for the City Council. Council can continue to have the existing Mayoral appointment process, which is what we've had, subject to Council ratification, or it could change that process as it is being proposed. It's a policy concern for the Council to make. It's important to go back and look at what the California Supreme Court has said about the authority of a Charter City. The court recently concluded in a case under the State Constitution that the ordinances of a Charter City supersede State law with respect to municipal affairs, but State law is supreme with respect to matters of statewide concern. In this case, there is no State law that addresses the appointment authority for regional boards and commissions, generally speaking, with regard to the elected Mayor of a Charter City.

The only statute that applies with regard to SANDAG is the Public Utility Code, which provides that each city who is a member of SANDAG gets one representative selected by the governing body of that city. That language has prompted a lot of confusion over the years about whether the term "selected by" means does the Council have the authority right now to make that change and appoint themselves, or is it still exclusively the Mayor's authority. SANDAG's legal counsel had advised us is that they did not intend to be prescriptive about the appointment process when that Public Utility Code section was drafted.

The City can choose whatever process it has for the appointment of its member. His opinion has been that the Mayor has the appointment authority under our City Code as it exists today because that Code specifically references Government Code Section 40605, which provides that the elected Mayor of a general law city has that appointment authority, absent another State law to the contrary. By referencing Section 40605, and our historic practice of having the Mayor make the appointment, it has been his opinion that the Mayor has that authority today, notwithstanding the fact that the Public Utility Code specifically provides that the governing body of the City can make the appointment. Therefore, if the Council majority wishes to move forward with this, it has been his opinion that you need to amend the City Code to provide for the process that you seek.

COUNCILMEMBER FELIEN stated the issue has also come up regarding seniority and majority votes. As he pointed out at the last meeting, it's interesting when we have a majority in charge, it's the voice of the people. When another majority is in charge, it's an attack on democracy. In the last election, the major issue at the time was the labor contracts that were being passed. He won the election based on his position on those contracts, and yet the majority that existed at the time passed a major labor contract less than 24 hours before he was going to be sworn in. They had the legal right to do it. They had the majority. They exercised that right and didn't have any compunction whatsoever about going in the face of what the voters themselves had said at the prior election.

On the issue of seniority, when another majority came in, they had no problem removing Deputy Mayor Feller from positions he'd achieved at SANDAG and North County Transit District (NCTD) where he had built up considerable authority, because his views were out of alignment with the majority at that time. He believes the Mayor's views are out of alignment with what the current majority is on this Council, and the Council should have a greater say in having its views felt in the appointment process. That's why he brought this amendment forward. There are a lot of accusations that it's personal and jealousy, but he happens to like the Mayor personally. It's not personal; it's business. It's what he believes is important to move the agenda forward for the City, as expressed through the voters at the elections they made for all 5 of us to be in this body. He believes this is in the best interest of Oceanside.

He **moved** to introduce the ordinance as drafted by the City Attorney and that the second reading of the ordinance take place at the meeting of Wednesday, December 12, 2012, assuming that's approved at the Special meeting to follow this meeting to set up a regular meeting for Wednesday, December 12, 2012.

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ respectfully disagrees with our City Attorney. We have a government that has a separately elected Mayor. Since 1888 we have been a general law city, with all of the protections afforded a general law city. The protections that have been afforded through the State legislature have been the separation of powers.

While we in Oceanside have had a strong City Manager form of government, we still have a separately elected Mayor, which means that we have an executive office. We have from day one, through practice and the courts and every single way in terms of legally, State statutes and interpretation of the law, had the Mayor be the person who brings forward names for the Council to consider for appointments. The system of checks and balances is already part of that system. The Mayor brings forward names, and if the Council does not wish to agree with the Mayor, they can vote no. In fact, majorities through the years have voted no.

Over the years, our City, either by request of the Mayor or the City Manager's Office, has gotten opinions from the State Attorney General's Office about the Mayor's appointment authority, and the Mayor's power to appoint has been upheld every time.

Deputy Mayor Feller brought forward a Charter resolution that was written by the BIA (Building Industry Association) and ABC (Associated Builders and Contractors). That was all done in one meeting with no public process and no review by the City Attorney or City Manager. They jammed it through in one meeting with language that basically only added anti-labor provisions. That's all they were interested in. These provisions have since been rendered moot by either State legislature or the courts. It left intact all the protections of a general law city, including the separation of powers. She believes that if we interpret our constitution, leaving out the protections of the separation of powers, then the Charter is defective.

We live in a democracy. If this was such a big issue, then it should have been brought forward during the recent election. For about a year and a half we have had a competition between Councilmember Kern and our Mayor. Councilmember Kern has stated over and over again that he did not believe Mayor Wood was a leader. The public had the opportunity to address this very issue of who should lead the City as the Mayor and have those mayoral powers of appointment. The voters spoke 2:1 with a 54% voting majority. Mayor Wood won an overwhelming approval, with 77% voter turn-out. That's a high voter turnout. The Charter election had a low voter turnout because it was a June election. We know who our citizens want to be the leader and be able to make these appointments. The Mayor's leadership was attacked over and over again.

Last night she saw a petition on Facebook that went viral. In a very short period of time, that petition has gotten several hundred signatures requesting that the Mayor retain his powers and this Council not vote yes on the introduction of this ordinance. Public opinion is against this. The voters are against this. This is just sour grapes. There was a fair vote on November 6th, but because Councilmember Kern lost, they want to change the rules.

On SANDAG you need to have seniority. Mayor Wood has done a phenomenal job for us in Oceanside. He has gotten millions and millions of dollars for the City. The two projects that the majority want are not regional projects, and we'll never receive

any funding for them. There is going to be a different SANDAG coming in January that is completely out of step with this majority, and they won't be able to get any votes because their philosophies differ wildly from SANDAG's. SANDAG's new members are going to be moderates. They're going to be conservative about spending and certainly not willing to spend any money in Oceanside for projects that are not regional and are highly controversial. All you're doing here is taking out the one person who can continue to get us funding and work with people across party lines. The majority is trying to take out one of the most popular people in SANDAG, and they're trying to do it in a sneaky way by adding special meetings and trying to jam this through.

This is not honorable or ethical, and she believes what is happening tonight is illegal. The Mayor has several legal options here, besides asking for an Attorney General opinion. The people have several options as well. She was invited to 7 events this past weekend and was able to attend 5, and everywhere she went people were upset. They couldn't understand why a Charter could do this. They voted for Mayor Wood so he can be our leader. 54% is a super majority. So why is it that time and time again we refuse to listen to the public? She doesn't understand this Council that chooses to focus on negative and divisive actions when there are so many positive things that we need to do in this City to get good jobs, responsible development and fix our roads and neighborhoods. Why is it that instead of doing all of those things, we're going to focus for the next year or two on fixing the problem that they are creating right now? We should be focusing on positive development of our City.

There are so many projects at stake. We're going to lose \$100,000,000 in mitigation money because of this tonight. The Buena Vista Lagoon is not going to get fixed, and the Interstate 5 widening is probably not going to happen. That's going to be because of this action here tonight. This majority doesn't care about Oceanside, our kids or our future. It's sad to see what's happening tonight, but she knows Mayor Wood will continue to fight for Oceanside in whatever position he's in. People listen to him. Other elected officials in this County listen to him, but they will not be listening to the other Councilmembers because they're out of whack.

It is fruitless to ask the majority to vote no on this. She would like the public to know what's happening tonight. This is a critical thing. Stripping the Mayor of his powers of appointment is ugly and degrading. Putting these guys on SANDAG will only give us a bad name. This is the most disgusting thing she's seen done to a well-loved elected official.

DEPUTY MAYOR FELLER thought that was quite a bit of drama. Former Councilmember Lowery spoke about loss of tenure. In 1991, Melba Bishop, Don Rodee and Nancy York took the Mayor off SANDAG when he was to be the Chairman of SANDAG. The idea is not unprecedented. That would have meant a lot for the City had Larry Bagley been the Chairman of SANDAG for a couple of years. In 1996 or 1997, Terry Johnson, Carol McCauley and Betty Harding took then-Mayor Dick Lyon off SANDAG as he was to become the Chair of the Transportation Commission. Instead that went to Joe Collegian, who was then allowed to bring forward Transportation dollars to Solana Beach and they've done a great job down there. That could have been pretty good for Oceanside, too.

In June of 2005, he said there were benefits to seniority or longevity, but that is if you are working as a member of the Board and working on the committees that come with the territory of being the Mayor. The Mayor has not worked on any committees at SANDAG. He's delegated all of that authority to cities like Del Mar and Solana Beach. At the time they removed Deputy Mayor Feller from SANDAG, he was on the Executive Committee and had just filled a spot that had been vacated after many years.

Regarding NCTD, he was the Chairman, so we dropped to the bottom in all of those Boards. The difference was that we had voices on Transportation. At every Transportation and SANDAG meeting, we had at least two voices, and that makes a

difference. We're not even talking about the San Diego County Water Authority yet, and we're losing a lot of ground there, too.

In 2005, Councilmember Chavez said he would go along with the Mayor's appointments, so at that point he gave up trying to push for the spot. What happened immediately after that appointment schedule was the Mayor and Councilmember Sanchez were appointed as the primary and alternate at SANDAG, and Councilmember Mackin was primary at NCTD with the Mayor as alternate. Immediately after we made these appointments, they put a rule in place that you could not vote for yourself if you were to receive a stipend, and that remained in place until this past March. If that had been in place all of these years, probably the Mayor wouldn't have been on SANDAG.

This brings him to a couple of comments the Mayor made at a December of 2005 meeting when he appointed Councilmember Mackin as primary at SANDAG, Sanchez as the first alternate and Wood was the second alternate, and at NCTD it was Mackin and Wood. Mayor Wood's statement then was that he thinks things like SANDAG need to be moved around so everyone gets a fair chance at them. He even put himself as second alternate there. Mayor Wood believes that this should be passed around. Frankly, I don't. I think if you can get in the rotation, you have that tenure that is so important in many facets of our government. The problem was, at that point, Mayor Wood had missed a couple of meetings and nobody showed up to represent us at all between June and December of that year. In this case, his statement says he'd like to move it around, and I agree.

He supports this because the precedent was set when Bishop, Rodee and York took Larry Bagley out of the Chairmanship at SANDAG. A majority also did that to Mayor Lyon in the 1990's right out of the Transportation Chair, and we lost out. The Mayor is not on any committees at SANDAG, other than he's the primary at the Board and Policy Board meetings. Most of the time he attends, and occasionally one of the other Councilmembers fills in for him.

MAYOR WOOD stated most of his comments have been covered by Councilmember Sanchez, who is also an attorney, and is very sharp. These actions that are taking place hurt him and seem to be personal after the election. Some of the things that were said may not be liked, but what it comes down to is that citizens get to vote and speak. If you have an election and get an overwhelming win, he's assuming those powers would stay with you. Before he even got sworn back in, they were already deciding to change his powers. He can live with it if he's not on any of these committees or commissions. He thinks he does a good job representing people, is the senior Mayor in North San Diego County, and that does have influence. Deputy Mayor Feller is right that we've moved people in the past. Each one of the Mayors he referenced had the ability to fight it, but they decided not to. That was their choice.

In this situation, he's not fighting it for himself. He can get taken off of any of these committees or commissions, and he'll live with it and still try to represent the citizens of Oceanside. There are a couple of things maybe people don't understand. He's fighting this because it's been a long-standing practice that the Mayor appoints for the last 125 years. He's standing up for the past, present and future Mayors of Oceanside. The Attorney General of the State of California said that the Mayor had the right to do this. If he doesn't get on these committees and commissions, that's the choice of the Council; they can remove him. On the other hand, they're changing the law because of a Charter City amendment. They're also putting a special meeting to vote later tonight to have it done on December 12th so they can increase their time to have the ability to remove him and put people on SANDAG. He doesn't agree with how they're doing it.

He wasn't going to run for Mayor this time, but most of the seniors and veterans in the community were very upset about the rent control issue and Propositions E and F and asked him to stay. They did not want Councilmember Kern to be the Mayor. So he

ran one more time. He won by overwhelming numbers. He wants to protect the Mayor's right to do this. He's not sure he agrees with the opinion of the City Attorney, so he said at the last meeting that he wanted legal representation because he can't go to the City Attorney. It's a conflict of interest. He wanted to be represented on legal issues. Today he decided he doesn't want to cost the City money to represent him on this issue, but he is representing the rest of the Mayors and the future Mayors. He decided to get an Attorney General's opinion on this again and see what they have to say. There is no charge to the City to recommend the Attorney General review it and make a decision we can refer to.

He's not going to roll over and die on this. He's representing two things – past, present, and future Mayors and the citizens of Oceanside. When you win by a landslide, people come and try to change that power. It's wrong. He's here to represent the voters. This is all about how they want to use their power.

He didn't keep money coming up to North County from SANDAG. Eighteen cities vote on it, and they're power votes. San Diego gets 25 power votes. The County gets 25 power votes. We're the largest city in North San Diego and we only get 5 power votes. It's an uphill battle to beat some of the power brokers and power votes. He agrees that the face of SANDAG is going to change drastically. In San Diego County, most of the democrats won the election, and they'll be the people sitting on SANDAG as voters. He gets along with all of those people. They can't bring any money here quicker than he did with the 2030 and 2050 plans for transportation. If any one of these guys think they can go down there and get millions of dollars from some other city that's already been voted on, you're speculating wrong.

If you try to change SANDAG's mind on Rancho del Oro at Highway 78 or the Melrose Extension, you will get no support whatsoever. Those are dead issues. There's no money, and they've already been set aside. When the money got pulled away from Oceanside and North County and went south, none of us wanted that. We lost out because we didn't have anything shovel-ready. The Buena Vista Lagoon is the biggest issue in Oceanside because we can't do anything with Interstate 5 at Highway 78 until there's been an Environmental Impact Report (EIR) done by Fish & Game. They haven't done it, so there's no money without that report.

He and Councilmember Sanchez, who is a member of the Coastal Commission, got together with the Mayor of Carlsbad to get SANDAG to do the EIR instead of Fish & Game and have it ready when they get up to Oceanside. Then we can widen the freeway and the flyover at Highway 78 at Interstate 5. We wouldn't get that without the Coastal Commission representative dealing with us. He doesn't want to hinder any of that unless we see there is a possibility of not getting that stuff. We're talking about a lot of money.

All he wants out of this is a review by the Attorney General to get an opinion or legal representation from a lawyer who isn't on their side to give him an opinion. He thinks this hinders the citizens who voted to put him in office.

After titling of the ordinance, **the motion was approved 3-2, Wood and Sanchez – no.**

13. City Council: Adoption of an Ordinance of the City of Oceanside to allow vehicles of veterans displaying a Special License Plate as outlined by the California Department of Motor Vehicles in accordance with California Vehicle Code Section 22511.3 to park in metered parking spaces without charge (*introduced 11/28/12, 5-0 vote*)

After titling of the ordinance, **COUNCILMEMBER SANCHEZ moved** adoption of **Ordinance No. 12-OR0790-1**, "...amending the Oceanside Traffic Code to establish parking privileges for vehicles of veterans displaying Special License Plates" as outlined by the California Department of Motor Vehicles in accordance with California Vehicle

Code Section 22511.3.

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

14. City Council: Adoption of an Ordinance amending Zone Amendment (ZA10-00001) and Local Coastal Plan Amendment (LCPA10-00001) as recommended by the California Coastal Commission to the City's Wireless Communications Facility, Satellite Dish, and Antennas Standards, and establishing the amended text as part of the implementing document of the City of Oceanside's Local Coastal Program (LCP) (*introduced 11/28/12, 5-0 vote*)

Public input

JIMMY KNOTT, 127 Sherri Lane, followed up from last week that staff did put the map online. He asked if citizens see a tower that is not on the map, who they should contact for consideration of inclusion.

After titling of the ordinance, **COUNCILMEMBER SANCHEZ moved** adoption [of an **Ordinance No. 12-OR0791-1**, "... for Zone Amendment (ZA-10-00001 Revision 2) modifying Article 39 of the Oceanside Zoning Ordinance regarding wireless communication facilities"].

COUNCILMEMBER KERN seconded the motion.

In response to Mr. Knott's question, **CITY MANAGER WEISS** responded they can contact the Planning Department.

Motion was approved 5-0.

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 6:40 PM on December 5, 2012, to a Special meeting immediately following.

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MINUTES OF THE CITY COUNCIL

DECEMBER 05, 2012

SPECIAL MEETING **5:30 PM** **COUNCIL CHAMBERS**
5:30 PM - OCEANSIDE CITY COUNCIL

Mayor

Jim Wood

Deputy Mayor

Jack Feller

Councilmembers

Esther Sanchez

Jerome M. Kern

Gary Felien

City Clerk

Zack Beck

Treasurer

Gary Ernst

City Manager

Peter Weiss

City Attorney

John Mullen

The special meeting of the Oceanside City Council was called to order by Mayor Wood at 6:40 PM, December 5, 2012.

5:30 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern, Sanchez and Felien. Also present were City Clerk Beck, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

DISCUSSION ITEM:

1. **Amendment to the 2012 schedule of dates and times for the Regular Joint Meetings of the City Council, Small Craft Harbor District Board, Community Development Commission, and Oceanside Public Financing Authority, adding Wednesday, December 12, 2012, at 4:00 p.m. to the Regular Meeting Schedule**

COUNCILMEMBER FELIEN stated this is a technical issue. We had a meeting on the 28th, and because Councilmember Kern was not going to be here for the meeting on December 19th, we were discussing having a special meeting for the second hearing of the ordinance that we just approved the first reading of. The City Attorney felt the second reading could take place at a special meeting. In reviewing his documentation, he came to the conclusion that we could not have a reading at a special meeting, but we could have a special meeting to call a regular meeting and amend the notice. This is to meet the technical requirements in order to have the 24-hour notice for the special meeting, which was called yesterday, so we could have 72-hour notice to call a regular meeting. This is a different road but the same destination.

He **moved** approval to amend [the 2012 schedule of dates and times for the Regular Joint Meetings of the City Council, Small Craft Harbor District Board, Community Development Commission, and Oceanside Public Financing Authority, adding Wednesday, December 12, 2012, at 4:00 p.m. to the Regular Meeting Schedule].

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ objects to this. She's never known this to happen where you call a special meeting. This is really going to be another special

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

meeting, and that's because one of our Councilmembers can't be here on a specific date. Certainly, everyone could be here on the meeting after that, which is January 2nd. That's in anticipation of a 2-2 vote. You're trying to fix this in a negative way. Why can't you just wait until we're all here on January 2nd? We've known the meeting schedule for the last 12 months, so she doesn't understand why this came up in December at the holidays in the first place, and now they're trying to manipulate the dates to create a special meeting so this can happen. This just feels wrong. She hopes Council will go with something that is more above-board and transparent. If you're not going to get the vote on the 19th, then continue the item to January 2nd. It seems like we're creating a special meeting to address a special situation for a Councilmember who wants to go on vacation.

MAYOR WOOD wasn't asked if this was a good date. He has a potential conflict if the meeting goes more than an hour. He'll try to make himself available if he can to accommodate this. This will pass anyway, but he wishes he and Councilmember Sanchez had been asked if the date was good for them.

COUNCILMEMBER FELIEN apologized to the Mayor, stating he thought his Aide had contacted him about that date. At the last meeting, Councilmember Sanchez stated she wasn't interested in attending when we were attempting to accommodate her schedule. He asked if we could change the time of the meeting as the time isn't important to him.

CITY ATTORNEY MULLEN responded you can change the time.

COUNCILMEMBER FELIEN asked if anyone objected to having the meeting earlier and if that would help the Mayor.

MAYOR WOOD responded anything before 5:00 would help him.

COUNCILMEMBER FELEIN amended the motion to state the meeting will be at 2:00 PM.

DEPUTY MAYOR FELLER as the second concurred.

Motion was approved 3-2, Wood and Sanchez – no.

CITY MANAGER WEISS stated as a result of that vote, we will not have any staff items on that agenda. We have ours planned for the 19th. Typically we would require any Councilmember items to be submitted by 10:00 a.m. the week before that meeting. We would extend that until 10:00 a.m. tomorrow morning in the event that you have any Councilmember items that you'd like to add to that agenda.

2. **Public Communications on City Council Matters (off-agenda items) – None**

ADJOURNMENT

MAYOR WOOD adjourned this special meeting of the Oceanside City Council at 6:49 PM on December 5, 2012. [The next regular meeting is scheduled for Wednesday, December 12, 2012, at 2:00 PM].

APPROVED BY COUNCIL:

Zack Beck
City Clerk, City of Oceanside