



and Assistant City Attorney Hamilton.

With advance notice to Council, Closed Session was cancelled.

[Recess was held from 2:00 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. **[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 was held**

**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 3-10]

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 were requests to speak on Items 5 and 10. Councilmember Kern pulled Item 7 for discussion. There was a late request to speak on Item 9.

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission, City Council, and Oceanside Public Financing Authority of the following meetings:  
March 2, 2005, 4:00 p.m. Regular Meeting of the Council/Harbor/CDC  
March 16, 2005, 3:00 p.m. Regular Meeting of the Council/Harbor/CDC
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. **Removed from the Consent Calendar for discussion – Public**

6. City Council: Approval of Amendment 3 [**Document No. 12-D0510-1**] to the Water Supply Agreement between the City of Oceanside and Whelan Lake Bird Sanctuary, Inc., for the provision of recycled water to Whelan Lake from the San Luis Rey Wastewater Treatment Plant at no charge to the Sanctuary, extending the term of the agreement from June 30, 2012, to June 30, 2031, with water to be provided at no cost in exchange for use of habitat at the Sanctuary for future mitigation purposes for Water Utilities Department projects; and authorization for the City Manager to execute the amendment

[Diane Nygaard inadvertently pulled Item 9 instead of 6 for discussion, see below for those comments]

7. **Removed from the Consent Calendar for discussion – Council**

8. City Council: Adoption of **Resolution No. 12-R0512-1**, "...approving the final map for South Strand Condominiums", an 8-unit residential condominium project located at 314 South The Strand, and authorization for the City Clerk to record the final map with the San Diego County Recorder

9. **Removed from the Consent Calendar for discussion – Public**

10. **Removed from the Consent Calendar for discussion – Public**

**COUNCILMEMBER SANCHEZ** moved approval of the balance of the Consent Calendar [Items 3, 4, 6, and 8].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**Item removed from Consent Calendar for discussion**

5. **City Council: Approval of Amendment 1 to the Amended and Restated (1) Lease and (2) Operating Agreements with Airport Property Ventures, LLC, to include additional property as part of the Oceanside Municipal Airport property, and authorization for the City Manager to execute the amendments; acceptance of \$96,112 in grant funds from the Federal Aviation Administration awarded to the City of Oceanside and approval to appropriate these funds to the Airport Maintenance and Operating Fund; and adoption of a (3) resolution authorizing the submittal of an application to the California Department of Transportation for a state airport loan, authorizing the City Manager to execute the related loan agreement, and certifying the City's ability to repay the loan**

**NADINE SCOTT**, 550 Hoover Street, has been interested in this airport for a long time. She likes to see it properly managed and have it be a good neighbor. She thought when we gave a 50-year lease to Airport Property Ventures (APV) that stated they are supposed to be responsible for all improvement, they would actually get off the dime and do it. Now she understands they want the City to assume all of the risk and have the taxpayers guarantee a loan that they should have gotten. Apparently, the City can get a lower interest, which tells her they either have poor credit or no assets. That isn't the type of business partner she would go into business with. It's not conservative or intelligent, and she doesn't understand it.

That facility has drained the General Fund and continues to do so as far as she knows. It may be a wash if anything. Pledging public assets for an outsourced, virtually

private airport is the wrong thing to do.

**COUNCILMEMBER SANCHEZ** stated there are several subsections to this item. First, in accordance with the contract, is to include additional property as part of the municipal property. That was something we agreed to before, and there isn't any problem with that. There is also authorization for the City Manager to execute the amendments having to do with that property. Then there is an acceptance of \$96,000 in grant funds from the FAA, and the approval to appropriate these funds to the Airport Maintenance and Operating Fund. She is concerned about being the agency to insure payment of a loan that would compromise or require us to pay this loan through General Funds. She'd like to have a motion to separate each one of these items because she agrees to all, except for the one where the City guarantees the loan. We already have an outstanding loan through the airport, and repayment is sometime in the future. We keep getting questions about our budget and how we do things at City Hall. In light of those questions and much higher scrutiny, it should not be upon us to guarantee that, but upon the airport management. They are the ones who have the 50-year lease. Ordinarily, that's who would be the one guaranteeing it. When we had a lease under the Marina Towers, we weren't asked to guarantee all of those individual loans; those were private loans between the individual owners and lenders. She doesn't see that we should compromise the General Fund with this. It should be directly with the management. 50 years is a long time to be able to use as a guarantee.

She **moved** to subdivide each of these in order vote accordingly.

**MAYOR WOOD seconded** the motion for discussion.

**CITY MANAGER WEISS** stated the General Fund would not be at risk in this particular loan. Any repayment would come from the Airport Enterprise Fund. This loan is issued through Caltrans, and they will only issue those loans to the Airport sponsor, which is the City. In the loan agreement, the rents generated from those hangars will be committed to paying back that loan. In the event that the loan is not being paid or the reserve funds are needed to pay that loan, we have the ability to declare APV in default and take appropriate remedies. Our projections, as based on the revenue streams of the existing hangars, are such that the rental from the new hangars will be more than enough to pay for the loan debt service.

**MAYOR WOOD withdrew his second.** The information given by the City Manager removed his concerns.

**COUNCILMEMBER KERN** thinks the City Manager explained it well. This is the Oceanside Municipal Airport, not APV's airport. We hired APV to manage this airport for 50 years. If they get the loan, which is being loaned to the City and not APV, APV is building the hangars. If they decide sometime in the future not to manage the airport, those hangars will still be there and belong to the City. We're not giving APV anything. We're requesting a loan from the State, which only the City can get, as well as federal grants that come to the City because it is our airport. No matter what the improvements are, they stay no matter where APV goes after this. There was misinformation and misunderstand with this.

He **moved** approval [of Amendment 1 [**Document No. 12-D0507-1**] to the Amended and Restated Lease and Operating Agreements [**Document No. 12-D0508-1**] with Airport Property Ventures, LLC, to include additional property as part of the Oceanside Municipal Airport property, and authorization for the City Manager to execute the amendments; acceptance of \$96,112 in grant funds from the Federal Aviation Administration awarded to the City of Oceanside and approval to appropriate these funds to the Airport Maintenance and Operating Fund; and adoption of **Resolution No. 12-R0509-1**, "...authorizing the submittal of an application and execution of an agreement with the California Department of Transportation for a state airport loan", authorizing the City Manager to execute the related loan agreement, and certifying the

City's ability to repay the loan].

**DEPUTY MAYOR FELLER** seconded the motion.

**COUNCILMEMBER SANCHEZ** asked that the Clerk register a yes vote on all except for the part about the loan. She read the staff report and it's very clear that if they're not able to pay, the City's General Fund will have to pay. If we had repayment already started, and we had money coming through with a pattern of paying back through the airport for all of the money that has been loaned to it, that would be fine. We don't have that pattern. They haven't been able to pay back anything.

Regarding the balance of the debt, **DEPUTY MAYOR FELLER** asked what it was when we contracted with APV and what it is now.

**DOUG EDDOW**, Real Estate Manager, stated APV currently pays us approximately \$100,000 per year, of which \$90,000+ goes to repay the loan outstanding from the State. He believes in another 3 years that will be paid off.

**DEPUTY MAYOR FELLER** clarified then they have been paying debt.

**CITY MANAGER WEISS** responded what Mr. Eddow is talking about is the existing hangar loan that we have. The Airport Enterprise Fund does owe the City's General Fund and we do have a repayment plan that the Council approved. He doesn't believe that there has been significant payment to that just yet.

**COUNCILMEMBER FELIEN** asked in terms of the loan risk and Airport Enterprise Fund, if everything were to go south for some reason would there be any funds that would be pledged to cover the loan outside the Airport Enterprise Fund?

**CITY MANAGER WEISS** responded you would have discretion to do that, but the revenue coming from those hangars should be more than enough to pay the debt service on the hangars.

**COUNCILMEMBER FELIEN** stated based on what we expect to happen, we're covered. He then asked about a blanket guarantee of City revenue and not specifically airport revenue to cover the loan.

**CITY MANAGER WEISS** responded because the Airport is an Enterprise Fund, the revenues generated from the airport stay with the airport and so do the debts. If there would be a significant default, which he doesn't foresee happening, Council would have some discretion as to whether they wanted to cure that default. The revenue that's being generated by those hangar rentals is more than enough so that he doesn't foresee that there would be a default on the second loan.

**COUNCILMEMBER SANCHEZ** wanted to point out that it is \$628,000 over 17 years. If it was perhaps a \$50,000 loan, maybe, but we're talking about a significant amount. She sees that as a risk to our General Fund. No comments made so far have changed her mind about what our responsibilities are to our General Fund and our community.

**Motion was approved 5-0;** with Sanchez voting no on the loan guarantee.

7. **City Council: Acceptance of grant funds in the amount of \$428,000 from the Land and Water Conservation Fund Grant Program awarded to the City of Oceanside for the development of the Alex Road Skatepark to be located at the intersection of Alex Road and Foussat Road; authorization for the City Manager to execute the necessary grant documents; approval of plans and specifications for the project, and authorization for the City Engineer to call for bids**

**COUNCILMEMBER KERN moved** approval [for acceptance of grant funds in the amount of \$428,000 from the Land and Water Conservation Fund Grant Program awarded to the City of Oceanside for the development of the Alex Road Skatepark to be located at the intersection of Alex Road and Foussat Road; authorization for the City Manager to execute the necessary grant documents [**Document No. 12-D0511-1**]; approval of plans and specifications for the project, and authorization for the City Engineer to call for bids].

He is the liaison to the Parks and Recreation Commission, and he promised he would relay their concerns to the Council about skate parks. It was quite a lively meeting when the item came up, and most of it had to do with the current condition of our skateparks and who uses them. A lot of people don't feel safe having their young children go to a skate park. He believes they are a vital asset to the community and this one is the best one because it's not next to a tot lot or other park amenities. It's a stand-alone skate park where people go to skate. We're also supposed to put some kind of toilet facility out next to the bike path, which would be appreciated by a lot of people on the bike path.

The big concern is how the current skate parks are handled. Things that came up were having school-aged kids there in the middle of the day, smoking, helmets, etc. We also had an email about the funding.

**NATHAN MERTZ**, CIP Manager, stated the funding for the skate park is a little more than half grant funding, and the rest is a park development fund, which developers pay per residential unit. This is not General Funded and this money that we're using can only be used for new park development or refurbishment in the City.

**COUNCILMEMBER SANCHEZ seconded** the motion. When we first started building skate parks, public safety was the number one reason for that. We have a lot of young people and even older people skateboarding on the street and sidewalk. Skate parks provide a venue for doing it safely, away from cars and people. She understands some of the concerns, but she believes that by providing these venues it gives our youth the ability to learn a sport and get good at it. Shane Hidalgo recently passed away but was a good example that there are responsible skateboarders out there. This is a self-policing thing. It was the contract we had with our youth. We provide the venue and the rules, but you have to be able to self-police. She's seen older kids talking to younger kids about safety. She supports this. We have a lot of kids skateboarding.

**DEPUTY MAYOR FELLER** read in the paper this morning about a skater who was not wearing a helmet or padding. Our rules state that they are supposed to be protected. We can't protect people from hurting themselves. He read that this would get the kids off the street, and he's not sure he totally believes that. Maybe it will help. He is concerned about the damage that is done to all of the shrubbery, as well as the cigarette butts and trash. There are skate stickers on every sign on our roadways and some of this is a problem that doesn't seem to be getting any better. He would like to see the youth be more diligent about personal property in their self-policing. This is the public's property, not just the property of the skaters who happen to be there. The skaters need to respect property. He hopes this park will be used appropriately, and the other parks will clean up.

**MAYOR WOOD** stated we're adding a park at that location for everybody. He asked if there is any possibility of separating these parks into age groups.

**MR. MERTZ** responded there was consideration for that and thought behind the way the park is laid out, with the different features that are available for everybody to use. It ranges from novice to expert at this park. There are programmatic designs already in place to allow for that segregation.

**MAYOR WOOD** is in favor of this, but the complaints that have been heard by all of the Councilmembers are about the failure of people to self-police. There is graffiti, stickers and bad language. There are young children there trying to skateboard, and they're getting pushed out of the way by the bigger kids. Parents have complained to Councilmembers. A long time ago, we said if they can't self-police, we'll either shut it down or start charging to use it. He thought it might be a good idea, with so many parks now, to have certain ones for certain age groups.

**Motion was approved 5-0.**

9. **Adoption of a resolution approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Fire Management Association (OFMA) effective August 1, 2012, through June 30, 2014**

**DIANE NYGAARD**, 2050 Nighthawk Way, stated this is one of those win-win solutions. It's good for Lake Whelan that would go dry if we didn't provide it water, and it's good for the birds. Most important it's good for the taxpayers of Oceanside.

[Ms. Nygaard intended to speak regarding Item 6 rather than Item 9]

**COUNCILMEMBER SANCHEZ** moved approval [of **Resolution No. 12-R0513-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 12-D0514-1**] between the City of Oceanside and Oceanside Fire Management Association" (OFMA) effective August 1, 2012, through June 30, 2014.]

**COUNCILMEMBER FELLER** seconded the motion.

**Motion was approved 5-0.**

10. **City Council: Adoption of resolutions (1) approving the Memorandum of Understanding between the City of Oceanside and the Oceanside Firefighters' Association (OFA) effective August 1, 2012, through June 30, 2014, and (2) notifying CalPERS of the intent to terminate participation in the Public Employees Medical and Hospital Care Act (PEMHCA) for members of OFA and 38 current retirees**

Public input

**MILES SWEENEY**, 4257 Esperanza Way, is in support of this and urged Council to vote to approve this contract. His home sits in between Fire Stations 8 and 3, and the sirens are a reminder that these brave members of the Oceanside Fire Department are doing their jobs.

Councilmember Felien stated in the July 25, 2012, edition of *The North County Times* that he would be voting against this because it doesn't recognize the reality we're in. The reality is that when asked, these firefighters came to the table and offered up concessions that not only helped the City's budget problems, but still maintained a high level of professional service, both of which are important to citizens. They are genuinely concerned with the City's financial health; it's connected to their livelihoods on so many levels. With quotes like that in the newspaper, he believes some on this Council are out of touch, and the reality is that firefighters are no more than a line-item on a budget report, a dollar amount on a spreadsheet, and not men with families to take care of. For those Councilmembers who vote against this contract because you truly believe they don't give enough, you should ride on one of their vehicles for 24 hours and experience a day in the life of being a firefighter. Put your feet in their boots, walk away from your meals, get up out of bed and head out into the dark streets to see the families of your constituents in their darkest hour when 911 is called. You need to see the professional care that's given by these men up close and personal, then ask if they give enough.

Finally, he thanked the men and women of the Oceanside Fire Department and Oceanside Firefighters Association, not only for the job they do on shift every day, but for the work they do off shift as well. Their charity work touches so many families in need. Their time and money has helped those using the Ronald McDonald House, fighting breast cancer, children suffering from burns and muscular dystrophy and many more. They are out in the neighborhoods giving free CPR classes, donating their time to the Oceanside Boy's & Girl's Club, etc. They've raised money and spent time on actual patients they have run calls on. These don't sound like men who are living outside of reality, they sound like firefighters who love their community and the people they serve. They deserve our respect.

**COUNCILMEMBER SANCHEZ moved** approval of [adoption of **Resolution No. 12-R0515-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 12-D0517-1**] between the City of Oceanside and the Oceanside Firefighters' Association" (OFA) effective August 1, 2012, through June 30, 2014, and **Resolution No. 12-R0516-1**, "... terminating its participation in the Public Employees Medical and Hospital and Care Act", notifying CalPERS of the intent to terminate participation in the Public Employees Medical and Hospital Care Act (PEMHCA) for members of OFA and 38 current retirees].

She believes that the media has already explained what this contract includes, which is a lot of concessions by our front-line defenders. We have the best quality firefighters. We have firefighters who provide each one of our residents and beyond a fighting chance to live with the best quality of life. These men and women go in every day and do the best they can because they care. They have agreed to pay their PERS and strike out a provision calling for minimum staffing. Sick leave will not be considered as part of overtime accumulation, and they will be getting the same healthcare that all other City employees get. They will be paying more than other employees and have agreed to a cap. These are all concessions in light of and out of respect for the City's current financial situation. Our City Manager was upfront about the finances of the City. By coming up with these concessions, our firefighters are helping the City and each one of us.

**COUNCILMEMBER FELLER seconded** the motion. The City needs the help of the employees. The firefighters came forward in difficult negotiations, and we came up with a solution. He thanked all involved for helping us solve the budget crisis. This is not going to get any easier in the years to come. He is going to support this.

**COUNCILMEMBER FELIEN** stated there are a lot of good features in this contract, but one has to look at it within the scope of what's happened in the past and will be happening in the future. The contract that took place in the summer of 2010, that had an increase in costs of approximately \$500,000 per year in the middle of a recession, was an irresponsible contract. This contract in total doesn't even get us back to that break-even point. We're not saving \$500,000 a year, much less recovering the \$1,000,000 give-away during the 2 years of the existing contract. Unfortunately, we see all over the State, the Country and the world that costs are being paid by politicians caving in to demands of unions who did not have the long-term financial health of their host organization, city or company in mind. We're paying a brutal price all over.

We came close. There was a contract that he would have been willing to vote for, but for us to not begin to break even or recover the costs of the last contract, was a point we needed to reach. We see the effects of not having realistic contracts happening in other cities. This isn't the end of it. We're going to be seeing bankruptcies all over the State as this financial crisis unfolds. What we see in this dynamic is private companies and public institutions begin the downward slide from having unrealistic contracts. The concessions that come are always too little, too late. While there are concessions in this contract, once again it's on a micro level. Our country is being put in financial jeopardy by overspending. The recognition of the problem isn't fast enough and we're not ahead of the curve. The issue with this

contract is it doesn't put us ahead of the curve. It's the right direction for the first time.

We also have, over the life of the contract, that the employees pay their full percentage of PERS. That's good. We finally got rid of this insidious provision that left management decisions in the hands of the unions with minimal level staffing. The idea that the City, through its experts, could not have responsibility for staffing the Fire Department is absurd, and it was irresponsible to have a provision in a contract that took away that authority. The Police Department and hospitals adjust their staff based on actual needs. The Fire Department should have the same flexibility. Minimal level staffing needed to come out of the contract. We finally accomplished that.

Since he's been elected, we've gone through the full cycle of our contracts, with the exception of the Police contract that was approved less than 24 hours before he was sworn in. He asked how much we're saving on our contracts, in round numbers, including the Police contract.

**CITY MANAGER WEISS** doesn't know that he can give a round number. At this point, with these contracts as being presented, all of the employee groups are on a path to pay the full employee share of their PERS.

**COUNCILMEMBER FELIEN** said you've give us a figure of roughly \$2,000,000 to \$4,000,000 per year in a structural deficit that we're going to have because of increasing CalPERS and healthcare costs that we have to cover with the same staffing and the same base salaries. Does the cumulative total of our contracts that we've done address that issue?

**CITY MANAGER WEISS** responded the cumulative total of your contracts that you have approved do address that issue. The structural deficit number has actually been going down with the changes that were made over the past 2 years with most of the contracts. We recognize, and PERS has let us know, that there will be increases over the next few years. We don't see those increases being as significant a problem as they have been in the past.

**COUNCILMEMBER FELIEN** would appreciate if we could get those numbers, now that we've completed a cycle, so everyone can review them. Once again, CalPERS is another issue. It's his opinion that CalPERS woefully underestimates the true pension exposure we have as a City and a State. CalPERS uses 2 discount rates. One is 7.5% and is used to report to taxpayers and employees, and there is no legal obligation on CalPERS whatsoever. It's supposed to be a good-faith estimate. That's a horribly unrealistic amount. When CalPERS deals with real money, like when the City wants to do a real transaction, they ask us to use 3.8%. The difference between a pension obligation calculated at 3.8% versus one at 7.5% is about a 250% difference. That would have a dramatic impact on our budget, as well as a huge impact on our payments that we're making. That day is coming. That 7.5% is going to keep going down, and the actual returns that CalPERS is earning is going to fall short of that 7.5%. That's why he's taking a hard position in these contracts.

He did vote for the Management Association contract, even though he wasn't happy with it. It was just acceptable. That's the nature of a compromise. We could have gotten there with this contract. The fire employees and their union made a good-faith effort to recognize the situation our City is in and what we have to do. There still isn't a full recognition of the seriousness of the problem that we're in. We'll know more as the numbers unfold.

No one is questioning the professionalism or dedication of our firefighters. He's had nothing but positive reviews from the community since his election, and that matches his own personal experience as well with both the Fire and Police Departments. Commitment doesn't make money, and what we're dealing with here is math. No matter how much we respect the job that's being done, it doesn't change the hard facts

that we need to address the seriousness of the financial position we're in. This contract came up a little bit short, so he will be voting no.

**COUNCILMEMBER KERN** can't support this either. We had a last, best and final offer on the table that saved us \$600,000. Fire coming back under the City's healthcare plan was fine with him, as long as it was cost neutral. All along in our negotiations and Closed Session discussions that's what he said. We gave them back \$200,000. That alone means he can't support it. He didn't vote for it before, and he won't now because we're trading one problem for another. Healthcare is going to be the next big balloon that comes down the pike after CalPERS. Healthcare inflation is running between 15% and 17% a year. As we go down the road, the next big crisis cities are going to face are healthcare costs. Giving back \$200,000 under this contract for healthcare costs is going to put us in a terrible position later on. In 5 or 7 years, we'll be wondering why we agreed to that, just like we question why former Councils went to 3% at 50.

Their concession was to pay their full share of their own retirement, instead of having the taxpayers pay their share. That was the big sacrifice they made: funding their own retirement. They're paying 9% and the City is paying close to 17%, so we still pay the lion's share of that retirement cost. Even though they don't get overtime on sick leave, they still get overtime based on their vacation and holiday pay. If they have a vacation and come back to work on a second shift, they can count it as overtime. He agreed to that provision because they didn't count sick leave. He doesn't agree with the healthcare costs, because it doesn't benefit the taxpayers to do that.

He does not doubt that they are a very professional service. He commends them for the job they do. They are the highest paid in the County. This will probably put them down to the top 3 or 4, but they're still well compensated. The average firefighter is still going to make about \$120,000 per year. It's not like we're bankrupting them in any way. As far as this contract goes, we were about 70% there, and we gave away the last 30%. That is why he cannot support this.

**DEPUTY MAYOR FELLER** stated minimum staffing was portrayed as a great savings to us. Can the City Manager explain what he thinks in just that alone as the savings?

**CITY MANAGER WEISS** responded in putting together the fiscal impact that's in the staff report, we did not include any savings as a result of that provision. However, we recently heard from the consultant that did the Tri-Data study that they did identify opportunities for cost-savings moving forward if you elected one of a series of 9 options. He can't give you an actual dollar amount because we haven't looked at any of those at this point. The issue is having the flexibility in the event that we needed to reduce staffing because of excessive costs or additional budget issues; there were savings to be attributed. In that study, the easiest one they had recommended had to do with ambulances at night and resulted in about \$450,000 in savings.

**DEPUTY MAYOR FELLER** was just reiterating that you have the option. He doesn't know if it will change the service level, but it at least allows you to manage your department.

**MAYOR WOOD** stated none of the Councilmembers were involved in negotiations. We have the City Manager come back to Council to recommend a contract. He came back to us with this contract and recommended it to us. He voted for it and will continue to vote for it on the recommendation of the City Manager, who sat through all of this. We all understand the economy. These contracts over the years have been done by every other city in the nation the same way.

Our city provides services and we've probably laid-off 150 people over the last couple of years. That means services have been cut to the public. The cuts have come

from different locations. His heroes are public safety: police and fire. When he first got on the Council, he wanted to change the image of Oceanside, which was considered a crime-ridden military town of the 1960's and 70's. We did that. Crime is down 37%, which is probably one of the lowest crime areas in the County.

We have a professional fire department with paramedics, not EMT's. They can save your lives. They also cross boundaries and cities. There is a lot of positive that came out of those years, and he appreciates the fact that the Fire Department said they understood the problems and were willing to give things up. He doesn't know when police and fire became vilified or any other employee groups. In every election, one of the top priorities is public safety.

Nobody expected the economy to fall through, but we don't want to cut vital services to the City.

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

[Recess was held from 4:54 PM to 5:07 PM]

**5:00 – ROLL CALL**

Mayor Wood reconvened the meeting at 5:07 PM. All Councilmembers were present. [Deputy Mayor Feller arrived at 5:08 PM]

**INVOCATION** – Pastor Larry Kornit

**PLEDGE OF ALLEGIANCE** – Camp Pendleton Chapter National Naval Officers Association members

**PROCLAMATIONS AND PRESENTATIONS –**

Proclamation – 5th Anniversary of Oceanside Sunset Market

Proclamation – Honoring 2012 Congressional Gold Medal Recipients Oscar Culp and George Mitchell

**Presentations were made**

[Recess was held from 5:37 PM to 5:47 PM]

**CLOSED SESSION REPORT**

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

**ASSISTANT CITY ATTORNEY HAMILTON** reported on the items discussed in Closed Session: None. Closed Session was cancelled.

**MAYOR AND COUNCILMEMBER ITEMS**

**24. Request by Councilmember Sanchez for a presentation by the Dr. Martin Luther King, Jr., Naming Ad Hoc Committee**

**COUNCILMEMBER SANCHEZ** stated she and the Mayor formed an ad hoc committee with members of the community regarding naming a building or place that would be more visible to the community after Dr. Martin Luther King, Jr. The committee, which has been meeting for several months now, wanted to give a presentation regarding the status of this.

**DIANE STRATER**, member of ad hoc committee, introduced the volunteer members of the committee. We were given the task and responsibility to select a highly visible location to honor Dr. Martin Luther King, Jr. The Pacific Street Bridge was at the top of that list. We have been working for several months with Councilmember Sanchez and Mayor Wood, following the process established by the City as it was explained to us at our first meeting. We have received positive support from the community, including churches, neighborhoods and organizations for this location. Recently it came to our attention that Deputy Mayor Feller chose a different way to approach the naming of this location after fallen police officer Dan Bessant. Therefore, we agreed that we would highly endorse the naming of the Pacific Street Bridge after Dan Bessant.

To avoid further conflict, the committee has since determined that the Mission Avenue Bridge meets our criteria and is now at the top of our list. We will continue with the process and hope Council will support us.

She introduced Maria Russell, who is also on the ad hoc committee.

**MARIA RUSSELL**, President of the Eastside Neighborhood Association, stated we are so blessed to live in Oceanside with its scenic beauty and wonderful diversity of residents. We are privileged to live in the third largest city in San Diego County. As a mother, her thoughts are with our children and our future generations. We ask that the Mission Avenue Bridge be renamed in honor of Martin Luther King, Jr., so when our children or any Oceanside resident crosses the bridge they can truly remember an American hero who preached love, tolerance, understanding and peace for all. She read a paragraph from his *I Have a Dream* speech. Dr. King's speech encapsulates that all people are created equal, and love for each other is all that truly matters.

**MAYOR WOOD** thanked the members of the ad hoc committee.

**COUNCILMEMBER SANCHEZ** stated this was a status report and the committee wanted to make sure that the Council knows it is in full support of naming the Pacific Street Bridge after Dan Bessant.

21. **Request by Deputy Mayor Feller to designate the Pacific Street Bridge Over the San Luis Rey River the "Dan Bessant Bridge"**

**DEPUTY MAYOR FELLER** had the privilege of knowing Dan Bessant, especially with all he did for the Boys & Girls Club. We spent a great deal of time and effort to name a freeway section after Tony Zepatella, which was a lot of work to get done. Dan Bessant was a good guy that loved being with kids. He was doing what he loved to do when he was murdered. This would be a reminder in memorium of him. This would be a truly great dedication to him.

Public input

**STEVE BESSANT**, Father of Dan Bessant, thanked the members of the ad hoc committee for their gracious flexibility on this issue. Our family has a long history in Oceanside. Dan Bessant was born in Oceanside, and his family has a long history here. He spoke of Dan Bessant's early years in Oceanside and his fondness for the harbor and fishing. Dan was a big supporter of the Harbor Police and would lend a hand to them when he could. He appreciates Council's consideration in naming this bridge after his son.

**FRANK McCOY**, Police Chief, thanked Council for bringing this forward and for the opportunity to name a bridge after a local hero. Dan Bessant was born and raised in this community and, unfortunately, gave his life to our community. This tribute will mean a lot to the men and women of the Police Department, as well as to the community. He thanked the ad hoc committee for recognizing that the harbor means a lot to the Bessant family and having the flexibility to allow the bridge to be named after

Dan Bessant.

**DEPUTY MAYOR FELLER** thanked the Martin Luther King, Jr. ad hoc committee for the work they do and for their flexibility and support. Steve Bessant is a great guy, and his words about his son are touching.

He **moved** to name the Pacific Street Bridge the Dan Bessant Bridge and direct the City Manager to find the funds and build the structures needed.

**COUNCILMEMBER SANCHEZ** **seconded** the motion. She was in attendance for Officer Bessant's swearing-in. He obviously loved his job. Dan helped in turning Oceanside around. She has complete admiration and pride in our police force. They are the best. It is an honor to name the Pacific Street Bridge after Dan Bessant. The harbor had a lot of significance to the Bessant family. Steve Bessant continues to serve this community, and she thanked him for what they have given to Oceanside.

**CHIEF McCOY** asked that Council to direct staff to work with the Bessant family on the exact wording of the name on this bridge.

**DEPUTY MAYOR FELLER** had that discussion with the City Manager earlier.

**COUNCILMEMBER FELIEN** stated this will be one of the easiest votes he gets to make on the Council. This is a great idea. It's one of those things that becomes so obvious when you see it that you ask why it wasn't done before. It is the right thing to do for the City to honor someone who made the ultimate sacrifice defending us and protecting our City. He will vote in support of this motion.

**COUNCILMEMBER KERN** didn't know Dan Bessant. He had been a Councilmember for less than a week when this tragedy happened. He knows Steve Bessant and if Dan was anything like him, he was a great guy. He can't imagine losing a son.

**MAYOR WOOD** respected Dan Bessant and knew him as a police officer. He thanked the family for being so involved in the community.

**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.

11. **City Council: Introduction of an ordinance amending Ordinance No. 09-R0676-1 to extend the temporary fee-deferral program for development impact fees for two additional years**

**SCOTT SMITH**, City Engineer, stated this item is an extension to an impact fee deferral program for development. The original program was approved in October of 2009. When we had the public hearing on that there were some questions, and he'd like to answer some of those tonight to help with the discussion.

This is a temporary program to defer the impact fees, not waive them. The deferral is only applicable to developer impact fees. The fees are only being deferred to the time of the actual impact, which would be occupancy. To ensure the payment is made, a lien is placed against the property.

#### **Public input**

**NADINE SCOTT**, 550 Hoover Street, has spoken out against this from the

beginning. She doesn't know that this has benefitted the City by any great measure. Apparently, we had 3 residential projects that availed themselves of the deferral. They were successful, but not every developer is going to be successful. This leaves the City on the hook. She read in the newspaper where the head of the BIA (Building Industry Association) said that this protected the City by putting a lien on the property. This does nothing to protect the City or insure that the contractors fulfill their obligations and complete their projects. She is against taxpayers owning half-developed projects and putting the City in the position of trying to find new contractors to finalize the project. We've seen all around the County and the country that these deferral fees do nothing to stimulate the economy. The staff report mentions that it could reduce CIP, although they don't think it will. We know that some of the larger projects contemplated downtown have already caused infrastructure improvements that are not being paid for by the contractors. Even though there is no exchange of funds, the City is fronting the money for those projects and not being recompensated a fair rate of exchange. Councilmembers who vote for this are not representing the taxpayers or residents, and we'll remember that at election time.

**JIMMY KNOTT**, 127 Sherri Lane, is concerned that the deferral of the impact fees needs to be matched with a moratorium on development. He sits on the Utilities Commission, and staff brought information to us that between the years 2014 and 2020, our system will be at capacity with the current developments that are on the books. We need to start looking at our infrastructure. The impact fees could potentially help us with that, unless Council has other ideas about how to address that infrastructure. Other cities have been doing moratoriums on development. We may want to consider developing a new wastewater treatment plant or upgrading a current one to double the size. The reason why the impact development fees are important is because of the finances for the new or upgraded infrastructure. You have to have the infrastructure in place before the new developments take place. He doesn't want to City to be at risk. This should not be taken lightly.

**DIANE NYGAARD**, 2050 Nighthawk Way, stated there's a timed value to money. If we get the money at the beginning of a project, we put it in the bank and earn very little interest on it today, but we do earn interest on it. If we defer those fees to the end of the process, we lose that. That's not cost-neutral for the taxpayers of Oceanside.

Her biggest concern is that many of our developer impact fees have not been adjusted for many years. The result is that the taxpayers pick up the difference in those costs. For example, last month the majority of this Council approved a very expensive Circulation Element, and those Thoroughfare Impact Fees have not been adjusted for years. Our park impact fees have not been adjusted since the mid-1990's. Five years ago, the El Corazon Committee approved a consultant study to look at the adjustments needed to support El Corazon so the developers would be paying their fair share towards that. Now, with luck, we will have some wonderful soccer fields started at El Corazon in a year. Every project being built in the City is not paying their fair share toward the costs of developing El Corazon.

When will we have a comprehensive update of our developer impact fees so the taxpayers of Oceanside are not continuing to subsidize development in our city?

Public input concluded

**COUNCILMEMBER KERN** stated they're actually paying right now when the impacts are incurred. When there is occupancy there, people are going to go in and use the water; that's when they'll have an impact on our water and sewer systems, so that's when the impact fees should be paid. The impact fees are actually paid when the impact has occurred. Is that correct?

**MR. SMITH** responded that's correct.

**COUNCILMEMBER KERN** stated before they were paying in advance, right? They were advancing the money to the City way before the impacts were ever incurred. The idea is to have people pay as they go; pay when the impacts are incurred. He supports that.

This helps get drywallers and framers and all construction workers back to work. Everybody talks about the big bad developers, but one of the industries that got hammered the worst in this recession are the people who actually put the nails in the walls. Anything that we can do as a Council to help them get back to work, we should do. It's incumbent upon us to help people go back to work to help them pay taxes and feed their families. They don't get out of paying, they just pay when the impacts are incurred.

Earlier we had an item about a skateboard park. Part of that was paid by developer fees. They paid a portion of that skateboard park, and so they should. They created an impact by building houses where there are going to be young children who want skateboard parks. That's where that nexus is. We build parks with the money we collect.

Regarding the moratorium on building, it is his understanding that the San Luis Rey Treatment Plant has a capacity of 17,000,000 gallons. Right now, we're only using 11,000,000 gallons a day. He can't see having almost a 50% increase in the next 5-7 years. There is plenty of capacity. Granted, the La Salina Plant is in terrible shape. The way that our City is structured, that plant will probably have to be rebuilt somewhere along the line because it's aging infrastructure. That plant was built in 1949 and has been through 3 major overhauls during that time and is due for another. It's a mechanical device. It wears out and needs to be replaced. We're not going to solve our problem with a moratorium. We have a lot of pressure in this community to build more moderate- and low-income housing. If we put a moratorium on it, does that mean we stop building low- and moderate-income housing? That would be unfair. We're looking for solutions to problems that aren't there yet.

He **moved** approval of [introduction of an ordinance amending Ordinance No. 09-R0676-1 to extend the temporary fee-deferral program for development impact fees for two additional years].

**DEPUTY MAYOR FELLER seconded** the motion. We heard that we haven't increased developer impact fees. Have we raised those fees recently?

**MR. SMITH** can't tell you the last time we raised impact fees comprehensively. He believes in the past 5 years we've had some nominal increases, and we're going to be raising the Thoroughfare Impact Fee in the next couple of months in order to address the SANDAG issue. Also, the Thoroughfare Fees are going to be analyzed based upon what we've done on the Circulation Element, so that's forthcoming.

**DEPUTY MAYOR FELLER** stated in the analysis it says "processing fees to pay for the time City staff spent working on each development application are not eligible for fee deferral." How much would that typically be? If you were to look at a project that had been completed and we received the \$1,530,000, how much would the processing fee be?

**MR. SMITH** responded that's a shot in the dark. What we're talking about is processing fees associated with plan-check and inspection, etc. He estimated somewhere between \$50,000 and \$100,000.

**DEPUTY MAYOR FELLER** asked if in the last 20 years we've had any default on these projects that we've had to take over.

**CITY ATTORNEY WEISS** is only aware of one default where the City took it over, and that was one of the Mello Roos properties within the last 20 years. Other than that, if they default on their private loans then the banks take them over, and we work with them either through Code Enforcement of the normal Engineering process to stabilize and insure that there's not an immediate hazard or concern. At some point as they come forward, and some haven't come forward in years, they will still owe those impact fees. Some may have paid in advance if they pulled certain permits, but other projects, if they sit idle or vacant, at some point we will get the money. Whether it's on the deferral program or just collecting it on a normal basis, a lot of those projects do get phased in. We only collect those fees on a per-phase basis. If they do go into default for whatever reason, we wouldn't collect those monies anyway.

**DEPUTY MAYOR FELLER** asked if, in the time that we have had this deferral, have we had any defaults.

**MR. SMITH** responded no. All of the projects that have participated in it have paid within 6 to 11 months.

**DEPUTY MAYOR FELLER** stated we have to continue moving forward in any way possible. He agrees that it is important to put people back to work. Right now, more people are thinking along the lines of apartments as opposed to housing tracts because they are a better mix for us at this time. We'll be able to get people back into the building mode if we continue to allow this to go on for a couple of years. It isn't a forever thing.

**COUNCILMEMBER SANCHEZ** stated the first page of the staff report states the City Code states that impact fees shall be collected at the time of building permit issuance for all development projects. That is what our law states. Our impact fees that we charge don't even come close to paying for true impacts to our communities. We're always playing a catch-up game, and whatever doesn't get paid through impact fees we somehow come up with ways of addressing them via the General Fund. In essence, the General Fund has been subsidizing these projects. That's a problem.

This is about priorities and her priorities are commercial, economic development, not residential development. Residential development does not begin to pay for our services that we must provide once we build more residences and more people move in. Then we're having to figure out how to provide those services. We have a housing glut right now. Our priorities should be on economic development. It should be commercial development, even if it's a mixed-use of sorts. That would make more sense than trying to come up with ways for building more residential. Her concern is that we haven't talked about or set up priorities, instead it's being recommended that we continue doing things that don't seem to benefit the community. She hears time and again that building more homes is actually reducing the current property values of existing homeowners. That is upsetting because it continues to go down. She has a hard time continuing with a program that was only supposed to be for a short period of time. How many times have we extended it?

**MR. SMITH** responded this would be the first extension.

**COUNCILMEMBER SANCHEZ** thinks there was a reason that this had a sunset clause. It's served its purpose and gotten 3 projects in the door. It's time for us to be more creative about how to have commercial projects come through the door.

**COUNCILMEMBER FELIEN** stated this will be the second easiest vote of the evening. He is amazed at the contempt for the private sector that we see in some of our community activists and elected officials. One of the reasons he ran for public office was to do anything he could as a Councilmember to help the private sector create jobs. We're in the middle of the greatest economic crisis since the Great Depression. We try to come up with idea to provide help where we can, and it's batted down.

The private sector isn't there to be milked ad nauseum without any concern for the economic environment that we're in. All economics operate the margin, and the whole point, as Councilmember Kern pointed out, is the impact doesn't take place until a project is occupied. The City isn't losing anything with this program of deferring actual payment of the fees until the project is ready to be occupied. It's obvious that if a project is completed and ready to be occupied, we're going to be in a position to collect our fees. This is a common sense approach for the City to do one small thing to help the private sector make it through a great economic depression.

He doesn't see any restriction on this to just residential projects. It's for both residential and commercial projects. The whole point is that by deferring the cash commitment until the occupancy as opposed to when the process starts, it may make the difference in terms of someone being able to get financing for their project because the cash-flow has changed. If that happens, then we have a project and create jobs and a tax base that otherwise wouldn't be the case. You'll never know when that happens; the banker isn't going to come down here and say that since we deferred the fees they approved this project that we wouldn't have approved otherwise. The other approach in looking at this is does it do any harm? Losing the small amount of interest being earned in our Treasury portfolio isn't too much of a sacrifice for the City to make to jump start the private sector.

He's been involved in other issues before the Council where we keep hearing the claim that the General Fund or the taxpayers are subsidizing private development. In every one of those cases, we found that these funds were self-supporting and development did pay for itself. He is an advocate for the private sector and he believes people should be able to develop their property. He also campaigned on the belief that development should be self-supporting and not subsidized by the taxpayers, with the exception of the downtown hotel that we've had a commitment on from the entire community. The average project, like the types listed in this item, should be self-supporting.

He asked when we collect development impact fees, spend the money and pick the types of projects they go for, are these projects self-supporting or are they being subsidized out of the General Fund in some way?

**CITY MANAGER WEISS** responded the projects you're referring to are adopted on an annual basis by Council in the City's Capital Improvements Program (CIP). For the vast majority of development impact fees and the construction they go for, they are fully self-supporting. However, once they are built they do become a General Fund obligation. The ongoing maintenance and operation for a parks project, like the skate park that Council talked about earlier, would become a burden to the General Fund because the maintenance and operations cannot be paid for by development impact fees.

**COUNCILMEMBER FELIEN** stated once you have a project that's being maintained, part of the contribution of that maintenance is the new property tax base of the new development, is that correct?

**CITY MANAGER WEISS** responded that's true.

**COUNCILMEMBER FELIEN** responded so once again we hear the canard for political reasons that there is some subsidy from the General Fund, which turns out not to be true. These projects are self-supporting, and this is a modest effort to help the private sector in the middle of an economic crisis. This should be a 5-0 vote.

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

**MAYOR AND COUNCILMEMBER ITEMS** - Continued

22. **Request by Councilmember Sanchez for a presentation by Google for mapping City facilities at no cost, including the Oceanside Civic Center and Oceanside park facilities, for purposes of assisting our City residents and encouraging tourism; and direction to staff**

**COUNCILMEMBER SANCHEZ** is excited to introduce this fun, innovative project that has tremendous potential for both our city and our business community. The project was brought to her by Chris Wilson, who is on the Board of Friends of the Library. She thanked our supporters for the library, who continue to find different ways of making our library and City better. During a conference he attended, Mr. Wilson ran into a representative of Google.

**CHRIS WILSON**, Friends of the Library, stated this is an opportunity for the City to enhance the visibility of all of its facilities in Google's mapping product. This is being done at no cost to the City, except perhaps a little bit of staff time for people to get the plans together and uploaded into the Google system. It has the potential for savings to the City in terms of staff time. He walked around the different offices at City Hall one day asking staff members how many times a day someone comes into their office looking for directions to another part of City Hall. Surprisingly it turned out to be about 45 to 50 a day. If each one of those takes 5 minutes, you can figure what the cost in staff time that is. This is a way to reduce that somewhat and save some staff time.

**BYRON BLEVINS**, Google Maps, stated maps are very hard to make and keep up to date because they're static. There is a lot of value in this mapping in terms of what the City has to offer and navigating around the City. It can also provide some secrets about things that people who are driving by may not know. For example, the Sunset Market. Someone coming from San Diego and using Google Maps could discover it and get easy step-by-step directions to the front door of the market.

We would like to highlight and feature the public spaces in Oceanside within our platform and make it easy for people to get directions. A computer graphic was used to show an example of the Google Maps. We feature a navigation aspect of interior spaces. It is similar to the program used by Google Maps for navigation. He explained how it works.

With this program, we only feature public spaces. We don't go into private offices or boiler rooms. We're looking to go any place where someone visiting a public space might go. Any place that the public would be allowed to walk around is the kind of place that we want to feature. This product is extremely customizable and easy to update. We have developed a tool whereby all of the venues involved will be able to access it and update the latest floor plan of their map right to our system. It's very easy, much like uploading a photograph to the internet.

We've worked with small businesses, colleges and some very visible brands. One thing that was very appealing to all of the partners is that if for any reason, after we've completed the process of mapping their indoor spaces, taking them live and making them available to millions of people, they are unhappy with the final product, they can let us know, and we would take the map down.

This is a very simple process. It's essentially 2 steps. We upload the floor plans of the venues to be involved to our system and from there we have some of the best engineers in the world creating highly interactive and advanced maps for that venue. It has no cost now or in the future for the maintenance of the maps. It's a no-strings-attached opportunity. There is immediate value in the ability of these maps to reach people. We're going to continue to evolve, and there will be a lot of unique opportunities that come in the years down the line.

Some of their venues/partners who have done this are the Smithsonian, international airports, Macy's, transportation, and some smaller venues as well.

There are two value sets with this. One is about utility, which is regarding people getting around from Point A to Point B in an effective way. The other is the advantage of having that visibility online. There is enhanced visibility within Google Maps. By virtue of this product, we would expand the digital footprint of all of the venues involved. 75% of people never go past page 2 of search results in a Google search. Nearly 1,000,000 sites utilize Google Maps to allow people to find their businesses.

There are a lot of compelling numbers referring to the amount of people who are using their cell phones versus other phones. We know that we're sending emails and doing a lot more than making calls and exchanging text messages. It's how people are conducting commerce right now. With this platform, we are currently adding 1,000,000 devices each day to our network, with 400,000,000 currently in play. This is an opportunity for not only getting up to date with technology and being able to reach out to new and returning customers via their mobile devices, but it is also an investment for the future. This has cutting edge navigation. With the interior spaces, the technology is so impressive that we've been able to detail the accuracy within 5 meters of an interior space. A computer graphic was used to demonstrate areas that they do and don't map.

Oceanside is unique in that you are almost equidistant from Anaheim and San Diego, and there is so much traffic that goes by this community. Also, the size of this community is the perfect fit for us to really be able to feature your community and the types of buildings that you have. We are excited to be here and present this to Council as we feel this will be very effective in this community.

**COUNCILMEMBER SANCHEZ** stated that the Oceanside Public Library is already in the process of having this happen, is that correct?

**MR. WILSON** responded yes. The library has already gotten the digital copies of the floor plans, and they've already been uploaded to Google, which is in the process of getting them ready. As soon as they can dispatch a field team to do the survey, they'll be ready to go live. That'll make us one of the first libraries on the west coast to use this.

**COUNCILMEMBER SANCHEZ** reiterated the benefits are reduced costs to our city by providing information regarding places within the City, like where certain offices are and in terms of a marking tool for our public places. She understands that Google is doing a presentation to the Chamber of Commerce tomorrow morning to talk about businesses, how this can be used as a marketing tool for them, and really put Oceanside on the map. We would be the first city to be doing this, is that right?

**MR. BLEVINS** responded we worked with a City on the east coast, so they were the flagship model. Oceanside would be the first of its size and capability and the first on the west coast.

**COUNCILMEMBER SANCHEZ** moved to direct staff to cooperate with Google in providing the information for mapping of our public places.

**MAYOR WOOD** seconded the motion.

#### Public input

**JIMMY KNOTT**, 127 Sherri Lane, is a Utilities Commissioner and a past Telecommunications Commissioner and is happy to see this advancement; however, our Utilities, Police and Fire Departments, through homeland security, might have some serious concerns about the detailed public information. The City Manager should

designate any restrictions that may be necessary.

Public input concluded

**COUNCILMEMBER SANCHEZ** stated we had discussed the security issue and those would be excluded. We're talking about purely public places, not anywhere secure.

**COUNCILMEMBER KERN** stated the presentation said that you can get people within 5 meters of their destination, but that's 16 feet. In a building that could make a difference between being at the right desk or not. Is that accuracy by design or because that's the extent of the capability?

**MR. BLEVINS** responded the outside GPS is dictated by a different technology than the inside. To get within 5 meters has taken many years of research and millions of dollars in investment. In terms of technology, for an interior space, it's a terrific feat. We will continue to grow and evolve, but in terms of what's available it's the absolute cutting edge on the market.

**COUNCILMEMBER KERN** said when we look at Google Maps, we're looking at 2-dimensional XY coordinates. When you get into a building, for example our library where we have a second floor, we have an XYZ coordinate. How is that going to work?

**MR. BLEVINS** stated these maps are able to update themselves. If you were to go up an escalator or elevator, the map will automatically update to show the floor plan of the level you arrive on. If there is WiFi access available on sublevels, we would be able to have the maps be interactive. If there is not WiFi access available, you would still be able to see the static map; it just wouldn't be interactive.

**MAYOR WOOD** is amazed at what can be done on a hand-held phone now.

**DEPUTY MAYOR FELLER** asked why this is so important to Google.

**MR. BLEVINS** responded we are trying to create the most advanced mapping technology available for our users. We want them to have a one-of-a-kind experience every time they use our maps. The more people we can get to use our maps to find venues in your town is more people using our technology and search engine. Oceanside's size and geographic location is very interesting to us at this time.

**DEPUTY MAYOR FELLER** asked why they do this for free.

**MR. BLEVINS** responded our goal is to provide things at no cost all the time. The more people that use those tools are more people who will use our search engine as well.

**Motion was approved 5-0.**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

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

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

**AMBER STARBUCK**, Public Affairs Manager for SDG&E, stated Southern California is experiencing a very unique summer this year, and everyone is aware of the operational issues being experienced at San Onofre. In light of that, we're letting

people know that we have identified enough supply to feed our regions, but there may very well be flex alerts that the California Independent System Operator will call, asking people to conserve. SDG&E may also call conservation messages during the summer. We are experiencing a much warmer summer than last summer. She explained some of the programs available to customers from SDG&E.

**MAYOR WOOD** was told that with San Onofre being down we're not going to have an issues with electricity. Is that correct?

**MS. STARBUCK** responded yes. We don't anticipate a power issue this summer, unless there were to be an emergency where our transmission line went down or there were fires, etc. that could potentially cause a brown-out situation. As far as our load on a peak day, we believe that we're prepared.

**FRANCIS KAZERSKI**, 276 North El Camino Real, stated you can save on your energy bill from 12:00 to 6:00 PM, which are the peak hours.

At the June 27<sup>th</sup> Council meeting, he asked when we would be having a fireworks display in Oceanside. Four days later he was in an automobile accident. It took a long time for the California Highway Patrol (CHP) to respond. The accident occurred only about 2 miles from the CHP offices on Oceanside Boulevard. The Oceanside Fire Department responded immediately and did an excellent job. He asked Council to look into why it took the CHP officer so long to show up.

#### **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: Approval to allocate Community Development Block Grant contingency funds in the amount of \$100,000 to Operation HOPE of Vista for the acquisition of a facility for a permanent winter homeless shelter; approval to amend the 2012-2013 Action Plan accordingly; approval of a ten-year, forgivable loan agreement in the amount of \$100,000 to Operation HOPE; and authorization for the City Manager to execute the loan documents**
- 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 Felien reported contact with Operation HOPE; Councilmember Kern reported no contact.
  - C) City Clerk presents correspondence and/or petitions – none.
  - D) Testimony, beginning with:

**MARGERIE PIERCE**, Neighborhood Services Director, stated staff is recommending that the Council allocate \$100,000 of Community Development Block Grant (CDBG) money to Operation HOPE in Vista for the purchase of a permanent winter shelter facility, which would be located on Vista Way.

Councilmember Felien had sent her an email asking what other funding sources were coming into the project. It is recommended \$100,000 from the City, which does not have a winter shelter for homeless families, other than the rotational church that comes here occasionally. Our families are referred, in our regional Alliance of North County Solutions, to Operation HOPE. About 35% of their clientele are Oceanside residents. Vista, who will be the location city for this permanent winter shelter, is putting in about \$225,000; a private foundation is contributing \$50,000; and the Methodist Church is contributing \$300,000. The rest of the money that will be needed to rehabilitate the facility will be done through a capital campaign with Operation HOPE.

The Regional Alliance for Solutions has now had success in having our Regional Winter Shelter Homeless Program going for 5 years. We've had great outcomes and she thanked Operation HOPE for hosting our Oceanside families during the winter.

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

**DEPUTY MAYOR FELLER moved** approval [to allocate Community Development Block Grant contingency funds in the amount of \$100,000 to Operation HOPE of Vista for the acquisition of a facility for a permanent winter homeless shelter; approval to amend the 2012-2013 Action Plan accordingly; approval of a ten-year, forgivable loan agreement [**Document No. 12-D0520-1**] [**Document No. 12-D0521-1**] in the amount of \$100,000 to Operation HOPE; and authorization for the City Manager to execute the loan documents].

**COUNCILMEMBER SANCHEZ seconded** the motion. We have been working on this issue for quite some time and have worked with other cities to come up with solutions for our homeless during the critical winter months. With the highest number of homeless families with children, this is a solution for us to support one in Vista. This is a good project to support.

**COUNCILMEMBER FELIEN** has participated in this project for years. This is part of a regional solution. It's fair that the City should participate in this project, even though it's located in Vista. The shelter entirely focuses on people who are suffering from economic dislocation and families. It does not get involved with people who have chemical or dependency issues.

**RUSSELL BLACKWOOD**, Director of Operation HOPE, stated we are a winter shelter for families and single women. The only requirement is that they test negative for drugs and alcohol and are willing to work with our case management on their homelessness.

We were founded in 2003. He has worked for the shelter for 8 years and has seen some great successes. Your help would be appreciated to help those in need.

**COUNCILMEMBER FELIEN** asked if there is a rough percentage of the amount of people who have gone through the program at Operation HOPE and then moved on to permanently solve their homelessness.

**MR. BLACKWOOD** responded in 4 short months it's hard to permanently solve their homelessness. For the last 3 years, when we closed our doors on April 1<sup>st</sup>, nobody walked out of there homeless. We got them into a treatment facility, a homeless program, reunited them with family, into transitional living programs or able to rent an apartment. We're hoping someday to have a longer shelter, especially with a permanent facility like this. Then we will be able to transition people into a more permanent solution.

**COUNCILMEMBER FELIEN** has been involved with this since the beginning and it's a great program to be associated with. He's happy to see the City get officially on board.

**MAYOR WOOD** thanked Operation HOPE for their compassion and hard work.

**Motion was approved 5-0.**

19. **City Council: Adoption of a resolution establishing a \$10-per-dump fee for use of the Harbor Recreational Vehicle (RV) Dump Station and adding the dump fee to the Harbor Miscellaneous Fee Schedule; approval of a five-year License & Revenue Sharing Service Agreement with Sani-Star, LLC, of**

**Sisters, Oregon, for the installation of two dump station pay machines at the Harbor, with revenue to the City in the amount of 50 percent of fees collected; and authorization for the City Manager to execute the agreement**

- 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:

**FRANK QUAN**, Harbor and Beaches Coordinator, stated this item is to install 2 pay machines and to establish a fee to use the RV dump station at the harbor. The RV dump station was installed in the mid-1980's to service the needs of the harbor/beach parking lot users. There has never been a charge in the past. We've noticed that many of the dump station users do not use the parking lots, they just come to dump. The pay station will charge \$10 per use and take credit cards only. This is comparable to nearby private dump stations. Under the agreement, the harbor will receive 50% of the fees, which he estimated at \$9,500 annually. This will offset the sewer flow charges for maintenance of the general area.

**DIANE STRATER**, Eastside Resident, is one of those people who doesn't use the parking lots but dumps anyway. She's concerned about the price. She doesn't mind paying a fee to dump her RV, but her experience is that \$10 is not the average fee. In her neighborhood, people dump their RVs in the alleyways and empty lots, and she's afraid this will increase that. She suggested going from free to \$10 is going to shock most people who use it. Possibly the fee could be lower.

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

**DEPUTY MAYOR FELLER** asked if our 50% is the \$9,500, or are we going to get 50% of \$9,500.

**MR. QUAN** responded the \$9,500 is the City's 50%.

**DEPUTY MAYOR FELLER** clarified that staff expects to have 1,900 users per year.

**MR. QUAN** responded that's correct. We did a survey in August of last year, and that's how we calculated it.

**DEPUTY MAYOR FELLER** asked what the percentage was in that survey of people outside using the dump station.

**MR. QUAN** responded about 50%. We have RV rental companies that bring their vehicles down just to dump. We called around, and both of the local RV parks were recommending going to the harbor because it's free.

**DEPUTY MAYOR FELLER** asked if they have dumping facilities in their parks.

**MR. QUAN** responded Paradise by the Sea doesn't have one and recommended going to the harbor; Oceanside RV charges \$20 per visit, but also recommended the harbor. We found a place on the web that shows all of the nearby dump sites.

**DEPUTY MAYOR FELLER** stated our share is estimated to be \$9,500, and out of that we have to pay for sewage fees and any other fees, is that correct?

**MR. QUAN** responded yes.

**DEPUTY MAYOR FELLER** asked if there is any staff involved with it.

**MR. QUAN** responded we estimate the sewer fees at being approximately \$1,200 per year. We estimate staff time at about \$6,400. They normally spend about a half an hour cleaning the general area every day. We also have maintenance on the machinery and the cameras. We have surveillance cameras there. We've had problems with people dumping paint and sewage in the dumpsters nearby.

**DEPUTY MAYOR FELLER** thinks it's time to cover the costs. He can't imagine thinking it's okay to dump at our harbor when they aren't actually using our harbor. When will this begin?

**MR. QUAN** stated the resolution calls for the fee to start on October 1<sup>st</sup>. They have to build the equipment, and it would take approximately 6 weeks. We would have to trench the area for electricity so he'll need to talk to staff to find out exactly how long it will be.

**DEPUTY MAYOR FELLER moved** [adoption of **Resolution No. 12-R0518-1**, "...amending Resolution No. 11-R0407-2 to establish a recreational vehicle dump fee", a \$10-per-dump fee for use of the Harbor Recreational Vehicle (RV) Dump Station and adding the dump fee to the Harbor Miscellaneous Fee Schedule; (2) approval of a five-year License & Revenue Sharing Service Agreement [**Document No. 12-D0519-1**] with Sani-Star, LLC, of Sisters, Oregon, for the installation of two dump station pay machines at the Harbor, with revenue to the City in the amount of 50 percent of fees collected; and authorization for the City Manager to execute the agreement].

**COUNCILMEMBER KERN seconded** the motion. He asked if the contractor maintains the machines.

**MR. QUAN** responded the contractor provides phone support. They are out of Oregon, can next-day air us any part and would warranty the machine for one year.

**COUNCILMEMBER KERN** asked when they swipe that card in the machine, who is getting paid? Does it go to the harbor and then you write a check to the contractor?

**MR. QUAN** responded no. The contractor takes a reading off the machine and then sends us a check monthly.

**COUNCILMEMBER KERN** stated we're looking for cost-recovery on this item, so is \$1,200 per year about the right amount to collect on the sewer side?

**CARI DALE**, Water Utilities Director, doesn't have off the top of her head the annual sewer fees that are paid by the harbor. The \$1,200 that Mr. Quan is referring to is an actual fee that will be coming forward from the Water Utilities Department for other dump sites like this in the City. They represent a higher strength waste water coming to the system and impact the ability to treat the waste water. We'll be coming forward at a different time under a different action for that.

**COUNCILMEMBER KERN** asked if we charge current dump stations.

**MS. DALE** responded no. That's currently no money recouped as a separate fee or cost for those users. There are approximately 12 in the City.

**COUNCILMEMBER FELIEN** is seeing that \$3,500 is coming out of one account, and as we get the revenues they're going into a different account. Is there any reason we're not trying to recover the \$3,500 and return it to the original account?

**MR. QUAN** responded he understands that we cannot put the revenues into an

expenditure account. They have to go into a revenue account.

**COUNCILMEMBER FELIEN** assumes we have one expense account and one revenue account, but is it in the same overall part of the budget?

**CITY MANAGER WEISS** responded yes. It's in the Harbor & Beaches budget. One is a revenue account, and one is an expenditure account within that same budget.

**COUNCILMEMBER SANCHEZ** asked why the staff reports the item will be discussed at the September 27, 2012, meeting of the Harbor & Beaches Advisory Committee. Why wasn't it brought up before so Council could hear their advice or recommendation?

**MR. QUAN** responded their last meeting was in May, and this came up after the meeting.

**COUNCILMEMBER SANCHEZ** believes they have the ability to call a meeting to review items that may be coming to the Council, especially with a change in policy like this. She would like to have heard from the Harbor & Beaches Committee.

**MR. QUAN** doesn't normally call special meetings, but we could in the future.

**COUNCILMEMBER SANCHEZ** would appreciate that. She wants to make sure we have a way of tracking whether or not people are just dumping in the alleyways or empty lots. Trying to fix one area and recoup costs there may end up creating costs somewhere else. Code enforcement, clean-up and catching people doing those things is very difficult. She would like to ensure that whatever solution we come up with is a complete solution that's going to address other potential issues. She would like to have this monitored. Are there any suggestions on how to monitor this and make sure it doesn't happen?

**MS. DALE** responded we can track that through the Clean Water Program activities and report back at a future date.

**COUNCILMEMBER SANCHEZ** thinks that's something we should all be concerned about. She attended the last Eastside neighborhood meeting, and there has apparently been an increase in dumping in the canyon, not just sewage, but furniture and all kinds of things. It's hard to catch them in the act.

**MAYOR WOOD** hopes the machine takes credit cards, because he sees trouble getting change down at the harbor.

**MR. QUAN** responded it only takes credit cards.

**MAYOR WOOD** stated we're just starting on this, and we should be charging for dumping. How much we charge depends on how much use. We don't want to lose money on it. We might be able to do something where local residents get a better rate, like we do with parking passes.

**Motion was approved 5-0.**

**MAYOR AND COUNCILMEMBER ITEMS** - Continued

23. **Request by Councilmember Kern, that in the name of transparency and good governance, the City of Oceanside go on record to uphold all provisions of The Brown Act which were in effect prior to the California State Legislature suspending several of its provisions in an effort to help close the State's budget gap, and provide direction to staff**

**COUNCILMEMBER KERN** brought this item forward because the State has pulled back the money to reimburse cities for publication of agendas for the Brown Act. The State Legislature, in their inability to do a budget, promoted bad governance by saying they're not going to reimburse this. They basically said we don't have to follow it anymore because they're not going to pay it back. In the interest of good governance, because people got used to the Brown Act and having the agendas, we should follow it. A lot of other cities have adopted a policy to keep the Brown Act in place and continue communicating with the public about when and what the meetings are so people can participate. We need to continue to do that.

He **moved** that [in the name of transparency and good governance, the City of Oceanside go on record to uphold all provisions of the Brown Act which were in effect prior to the California State Legislature suspending several of its provisions in an effort to help close the State's budget gap, and provide direction to staff].

**COUNCILMEMBER FELIEN** seconded the motion.

Public input

**JIMMY KNOTT**, 127 Sherri Lane, thanked Councilmember Kern for bringing this forward and following the example of almost every other city in the County. This is important to the citizens. He would like to see a motion to have the 460's published as well. This is the sunshining of our government. It's a great step.

**COUNCILMEMBER SANCHEZ** supports this. She assumed we would continue to honor the Brown Act. She believes there is a citizen lawsuit against the State for this. This is not the end of this issue.

**COUNCILMEMBER FELIEN** supports this idea. We need to have our government as open as possible for the citizens to review and make sure they have access to everything that's reasonable. The Brown Act is a great step in that direction. It's just one more thing, along with Redevelopment, showing the dysfunction that's going on in Sacramento. It's not so much what's being done as how it's being done. They're being carefree and not even thinking of the consequences of their legislation.

**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.

24. **City Council: Adoption of an ordinance of the City of Oceanside amending Chapter 6 of the Oceanside City Code by the adoption of the 2010 Editions of the California Administrative, Building, Plumbing, Mechanical, Housing, Electrical, Dangerous Building, Residential and Green Building Codes (introduced 7/5/12, 5-0 vote)**

After titling of the ordinance, **COUNCILMEMBER SANCHEZ** moved adoption [of **Ordinance No. 12-OR0522-1**, "...amending Chapter 6 of the Oceanside City Code by the adoption of the 2010 Editions of the California Administrative, Building, Plumbing,

Mechanical, Housing, Electrical, Dangerous Building, Residential and Green Building Codes”].

**COUNCILMEMBER KERN** seconded the motion.

**Motion was approved 5-0.**

**CITY COUNCIL REPORTS**

**12. Mayor Jim Wood**

**MAYOR WOOD** stated we had some feedback that SANDAG was going to supply sand to our beaches. They had some mechanical problems with the dredge coming from the east coast so it might be delayed. If it's too delayed, we won't have it until the winter storms hit, and the sand will only last about 2 days.

He congratulated Catherine Mitchell for being one of the 10 Youth Volunteers of 2012 honored by the U.S. Chamber of Commerce for outstanding service. She was recognized for establishing her business, Beauty 4 Life, that enables women of Uganda to sell their hand-made jewelry in the U.S.

**13. Deputy Mayor Jack Feller**

**DEPUTY MAYOR FELLER** commented on family members.

**14. Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** went on a Police ride-along last night. It was reassuring to see first-hand what a good job our Police Department does.

He attended a deployment ceremony for an Army Reserve unit going to Afghanistan; the opening for Solution Farms in Vista; an Eagle Scout ceremony for Robert Jamison; a business visit at Hydronautics; the Family Recovery Center; the 20<sup>th</sup> Annual Law Enforcement Recognition Awards Night, where Oceanside officer Jack Reed was nominated as Officer of the Year; the Stone Company Store; the Salad Luncheon at St. Mary's Star of the Sea Alter Society; and the renaming of the Community Center for Junior Seau.

The City is going to be holding a workshop on August 22<sup>nd</sup> regarding the Goat Hill Golf Course. We've had several proposals to redevelop it. Some of those proposals would require changing the status of this land from park to non-park, which requires a vote of the people. He encouraged everyone who is interested in this to come to the workshop and give your opinions. We need citizen input to guide the Council.

**15. Councilmember Jerome Kern**

**COUNCILMEMBER KERN** stated we are finally having a good summer for local businesses. The last few years have been hard on our tourism and retail industry. The Concerts in the Park have been a great success. He attended the Oceanside Museum of Art Soiree. All of these venues and events help attract outsiders to Oceanside.

**16. Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** met Catherine Mitchell, the young lady mentioned by Mayor Wood earlier. She received the top honor at this event.

She attended the California Surf Museum Need for Speed exhibit; Breakwater's 4<sup>th</sup> Anniversary Beer Festival; the Club 55 Luau fundraiser with the Seau family; the concert at Rancho del Oro Park; and the dedication of the Junior Seau Beach

August 1, 2012

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

Community Center and Amphitheater.

There was a Facebook posting about the Chamber of Commerce coming up with a t-shirt called "tan your hide in Oceanside". They're selling them and it's a great idea.

The City got the Hope Through Housing Commitment to Community award. The dinner is October 26<sup>th</sup>.

**ADJOURNMENT**

**MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 8:11 PM on August 1, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, August 15, 2012].

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside