



California

ITEM NO. 3

# CITY OF OCEANSIDE

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

AUGUST 29, 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

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**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, August 29, 2012.

### 2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez and Kern. Councilmember Felien was absent. Also present were Assistant City Clerk

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

Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:  
Items 3B, 3C and 3D. [Items 1, 2 and 3A were not heard]

[Closed Session and recess were held from 2:03 PM to 4:03 PM]

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

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

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

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

**No closed session held**

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9(a))  
In the Matter of City of Oceanside, Haymar Road Gravity Sewer Spill to Buena Vista Creek, Buena Vista Lagoon and the Pacific Ocean, San Diego County, Complaint No. R9-2012-0036 for Administrative Civil Liability]

**No closed session held**

3. **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]

**No closed session held**

B) Property: 438 S. Cleveland Street consisting of approximately 0.23 acres (APN 150-182-06); Negotiating Parties: City of Oceanside and Hitzke Development Corporation, Elder Entity, LLC, and/or Hallmark Communities; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the sale of real property

C) Property: Yucca Road south of Fire Mountain Drive consisting of approximately 0.74 acres (APN 165-021-16); Negotiating Parties: City of Oceanside and Chris Kleszewski, Stevan Josepho and/or Michael Schlumpberger; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the sale of real property

D) Property: El Corazon consisting of approximately 450 acres bounded by El Camino Real to the west, Oceanside Boulevard to the south, Rancho del Oro Drive to the east and Mesa Drive to the north (APNs 162-082-51, 06, 08 and 09);

Negotiating Parties: City of Oceanside and Sudberry Properties, Inc.; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the disposition of real property

**Items discussed; no reportable action**

**4:00 PM – ROLL CALL**

**MAYOR WOOD** reconvened the meeting at 4:03 PM. Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez and Kern. Councilmember Felien was absent. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

**CONSENT CALENDAR ITEMS** [Items 4-13]

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.

The following Consent Calendar items were submitted for approval:

4. 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 February 22, 2012, 4:00 p.m. Regular Meeting
5. 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)
6. City Council: Approval of plans and specifications for the Digester Cleaning and Repair project at the San Luis Rey Wastewater Treatment Facility, and authorization for the City Engineer to call for bids
7. City Council: Approval of Closing Change Order 1 [**Document No. 12-D0565-1**] in the amount of \$11,114 to Tharsos of La Mesa for the San Luis Rey Wastewater Treatment Facility Primary Influent Channel Repair project, for additional work requested by the City; acceptance of the improvements constructed by Tharsos for the project; authorize the City Engineer to execute the change order; and authorize the City Clerk to file a Notice of Completion [**Document No. 12-D0566-1**] with the San Diego County Recorder
8. City Council: Approval of a three-year service agreement [**Document No. 12-D0567-1**] with Bridgeall Libraries Limited in the amount of \$58,675 for their Web-based software product collectionHQ; and authorization for the City Manager to execute the agreement
9. City Council: Approval of a property use agreement [**Document No. 12-D0568-1**] with MiraCosta College for the use of a portion of the John Landes Recreation Center Building at 2855 Cedar Road for the purpose of providing vocational training, with compensation to the City in the form of maintenance of the entire building and payment of utilities and security service; and authorization for the City Manager to execute the agreement
10. City Council: Approval of a three-year professional services agreement [**Document No. 12-D0569-1**] with Bernal's Cleaning Company of Oceanside in the total amount of \$88,586 to provide janitorial services at the San Luis Rey Wastewater Treatment Facility; and authorization for the City Manager to execute the agreement

11. CDC: Approval to enter into a Grant of Easement [**Document No. 12-D0570-1**] with CityMark, LLC, for the purpose of providing for both ingress and egress for an underground parking garage on City-owned property located east of the intersection of Seagaze Drive and Myers Street
12. City Council: Acceptance of grant funds in the total amount of \$56,429 from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant of 2012 awarded to the City of Oceanside for gang and violent crime suppression details; approval to appropriate these funds to the Police Department; authorization for the City Manager or designee to execute grant documents; and approval of the grant budget
13. City Council: Authorization to award a contract [**Document No. 12-D0571-1**] in the amount of \$153,219 to Ramona Paving and Construction Corporation of Ramona for the Morro Heights Road Improvement project, for paving repairs and asphalt curbing; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents

**COUNCILMEMBER KERN** moved approval of the Consent Calendar [Items 4-13].

**COUNCILMEMBER SANCHEZ** seconded the motion.

**Motion was approved 4-0.**

#### **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.

14. **City Council: Introduction of an ordinance of the City Council of the City of Oceanside amending Chapter 35 of the Oceanside City Code regarding taxicabs** (*continued from August 15, 2012*)

**MICHAEL SHERWOOD**, Chief Information Officer, has brought the Chapter 35 ordinance back for Council's review. As of the last meeting, there were 2 changes requested in the ordinance: 1) enforcing a 10-cab limit and 2) requiring that every cab company that qualified to do business in the City have an ADA compliant cab. Those changes have been included in the ordinance.

After titling of the ordinance, **COUNCILMEMBER SANCHEZ** moved [introduction of an ordinance of the City Council of the City of Oceanside amending Chapter 35 of the Oceanside City Code regarding taxicabs].

**COUNCILMEMBER KERN** seconded the motion.

**COUNCILMEMBER SANCHEZ** stated we had a discussion at the last meeting and this is what we directed. She's had a chance to look it over, and its fine.

**Motion was approved 4-0**, Felien - absent.

#### **CITY COUNCIL REPORTS**

15. **Mayor Jim Wood**

**MAYOR WOOD** stated there is a ground-breaking ceremony tomorrow for the new solar energy facility. We're moving toward being a green community and he's proud of that.

Frank Merrifield passed away last night, and he will be closing this meeting in his honor.

16. **Deputy Mayor Jack Feller**

**DEPUTY MAYOR FELLER** attended the free concert at Rancho del Oro on Friday and the fly-in/car show/bbq at the airport on Saturday. This morning he attended the Pro Kids Golf Academy at the municipal golf course.

17. **Councilmember Gary Felien - absent**

18. **Councilmember Jerome Kern**

**COUNCILMEMBER KERN** has been watching the Pro Kids Golf program over the last few months. It's a great facility. Calloway and TaylorMade have been great sponsors of that facility.

He attended the Greater San Diego Chamber of Commerce this morning in San Diego. Next Friday at the Mission Avenue facility of MiraCosta College they're going to have another presentation of the Young Entrepreneur Program.

19. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** attended the Oceanside International Film Festival at the Star Theater.

She read an email from Chris Gow in remembrance of Frank Merrifield.

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in Closed Session: See Items 3B, 3C and 3D above. [Items 1, 2 and 3A were not heard]

**MAYOR AND/OR COUNCILMEMBER ITEMS**

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

**MAYOR WOOD moved** to appoint the 4 individuals listed to the committees and commissions.

**COUNCILMEMBER SANCHEZ seconded** the motion.

**COUNCILMEMBER KERN** commended the Mayor on appointing Jeremy Jungreis to the Utilities Commission. He was the Facilities Manager out there. It's great to have somebody of his caliber on the Utilities Commission.

**ARTS COMMISSION**

Appoint Heidi Franczyk to Alternate I  
(Replacing A. McDowell)

**Term Expires**

07/01/2013

August 29, 2012

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

**Term Expires**

**DOWNTOWN ADVISORY COMMITTEE**

Appoint Debbie Allen to Regular  
(Chamber of Commerce Representative)

(Terms will be  
determined by  
drawing lots at  
the 1<sup>st</sup> meeting)

**LIBRARY BOARD OF TRUSTEES**

Appoint Alma Sisco-Smith to Regular  
(Replacing Mary Jean Paxton)

12/31/2015

**UTILITIES COMMISSION**

Appoint Jeremy Jungreis to Regular  
(Replacing Charles Rady, Jr.)

07/01/2015

**Motion was approved 4-0**, Felien – absent.

[Recess was held from 4:19 PM to 5:02 PM]

**5:00 – ROLL CALL**

**MAYOR WOOD** reconvened the meeting at 5:02 PM. Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez and Kern. Councilmember Felien was absent. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

**INVOCATION** – Pastor Michael Openshaw

**PLEDGE OF ALLEGIANCE** – Youth of Lighthouse Christian Church

**PROCLAMATIONS AND PRESENTATIONS -**

Presentation – “Pet of the Month” presented by Elkie Wills, San Diego County Humane Society & SPCA

Presentation – Check presentation from Oceanside Firefighters’ Association to Wounded Warrior Project

**Presentations were made**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

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

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

21. **Communications from the public regarding items not on this agenda** - None

**5:00 P.M. – PUBLIC HEARING ITEMS** - None

**INTRODUCTION AND ADOPTION OF ORDINANCES** - None

**ADJOURNMENT**

After a moment of silence for Frank Merrifield, who passed away, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community

August 29, 2012

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 5:17 PM on August 29, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, September 19, 2012].

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

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Barbara Riegel Wayne  
City Clerk, City of Oceanside