



California

ITEM NO. 4

CITY OF OCEANSIDE

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

NOVEMBER 7, 2012

REGULAR MEETING 2:00 PM COUNCIL CHAMBERS

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

Mayor
HDB President
CDC Chair
OPFA Chair
Jim Wood

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

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

City Clerk
HDB Secretary
CDC Secretary
OPFA Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:01 PM, November 7, 2012.

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

2:00 PM - ROLL CALL

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

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

[Closed Session and recess were held from 2:01 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 was held

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

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

Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: One Case]

No closed session was held

B) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (SECTION 54956.9a)

1) 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

2) Hirst v. Garcia; City of Oceanside, Superior Court Case No: 37-2010-00101050-CU-PO-NC

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 Kern and Felien. Councilmember Sanchez arrived at 4:06 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-11]

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

MAYOR WOOD pulled Item 10 for a separate vote.

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
4. City Council: Approval of plans and specifications for the Myers/Tait Street Sewer Line Replacement project, and authorization for the City Engineer to call for bids
5. City Council: Approval of a professional services agreement [**Document No. 12-D0742-1**] with Service Electric of Fallbrook in an amount not to exceed \$80,000 for electrical repairs to six harbor docks and electrical maintenance services; and authorization for the City Manager to execute the agreement
6. City Council: Approval of Amendment 1 [**Document No. 12-D0743-1**] in an amount not to exceed \$12,600 to the professional services agreement with R.O. Straub Construction of San Diego to build an enclosure, install electric power, and install a new generator at the east side of the Civic Center East building, adding to the scope of work additional required electrical and construction changes for the project; and authorization for the City Manager to execute the amendment
7. City Council: Acceptance of grant funds in the amount of \$185,363 from the California Office of Traffic Safety awarded to the City of Oceanside for the DUI Checkpoint [**Document No. 12-D0744-1**] and Traffic Enforcement Programs [**Document No. 12-D0745-1**]; approval of the grant budget; approval to appropriate the funds to the Police Department; and authorize the City Manager, or designee, to execute grant documents
8. City Council: Acceptance of grant funds in the amount of \$500,000 from the County of San Diego Vector Habitat Remediation Program (VHRP) awarded to the City of Oceanside for the Pilgrim Creek at Oceanside Municipal Golf Course Study Project [**Document No. 12-D0746-1**]; approval to appropriate these funds to the Development Services Department; and authorization for the City Manager to execute the grant agreement and all associated grant documents
9. City Council: Acceptance of reimbursable grant funds in the amount of \$110,061 from the 2011 State Homeland Security Grant Program awarded to the City of Oceanside, and approval to appropriate these funds to the Fire Department for the purchase of emergency response equipment for the Fire Department, Police Department, and the Emergency Operations Center
10. CDC: Adoption of **Resolution No. 12-R0747-3**, "...approving a Conditional Use Permit and Regular Coastal Permit to allow for a pawn shop located at 222 North Coast Highway – Oceanside Jewelers – Applicant: Chad Coogan", pursuant to CDC action on October 17, 2012
11. City Council: Adoption of the California Fair Political Practices Commission Form 806 – Agency Report of Public Official Appointments

COUNCILMEMBER KERN moved approval of the balance of the Consent Calendar [Items 3-9 and 11].

COUNCILMEMBER FELIEN seconded the motion.

Motion to approve items 3-9 and 11 was approved 4-0, Sanchez - absent.

[Councilmember Sanchez arrived at 4:06 PM]

Motion to approve Item 10 was approved 3-2, Wood and Feller – no.

GENERAL ITEMS

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

12. **City Council: Approval to not enter into a direct water purchase agreement with Poseidon Resources (Channelside) LLC (Poseidon) of San Diego for the purchase of desalinated water**

CARI DALE, Water Utilities Director, stated this is somewhat of an odd action because we're asking you to not enter into a direct purchase agreement for desalinated water at the Carlsbad plant. We are doing so because we have come before you in the past to make decisions on the purchase of desalinated water out of the Carlsbad plant.

We're recommending not entering into a purchase agreement because of the cost difference between directly purchasing this desalinated water or allowing it to go into the regional supply, as well as several other operational constraints that are difficult for us to work through in order to purchase the water.

For clarification, we do believe that the Poseidon plant is an important part of the regional supply, and for that reason we support the construction of the plant and adding it into the regional supply for the San Diego County Water Authority (SDCWA).

Public input

DIANE NYGAARD, 5020 Nighthawk Way, stated a few years ago when Poseidon started lobbying for the desalination plant, the story was we were going to save a lot of money on water and have a reliable supply. A few years later the story changed to water costing about the same, but having a reliable supply. Now it's the water is going to cost us a lot more, but we'll have a reliable supply. Who knows what the story will be in a few years. We are very fortunate that in Oceanside we have alternatives to this plant. All over this country and world, when water's become privatized, costs have become exorbitant. We have options, and she urged Council to support the staff recommendation and put the taxpayers of Oceanside first.

JIMMY KNOTT, 127 Sherri Lane, sits on the Utilities Commission and is part of the Budget Committee on that commission. A computer graphic was used to show the huge amount of the costs if we enter into this. The committee believed that would affect our ratepayers and be inappropriate. The Utilities Commission decided to recommend not going forward with Oceanside singly buying in. However, we did recommend being part of the family with SDCWA.

BRIAN BOYLE, 3232 San Helena Drive, serves on the SDCWA Board of Directors. The biggest thing that seems to be an obstacle to elected officials is when water rates go up, and we have no easy, simple explanation. We're never going to know what Metropolitan Water District (MWD) is going to deal us. We have no control over that cost. We need more fresh water than the supply we have here now. We already have 20% capacity that we're currently producing in Oceanside. The larger that can get, the better it is for us and for sustainability forever. He recommends staying within the family of the SDCWA. The region needs this supply.

Public input concluded

COUNCILMEMBER SANCHEZ moved to direct staff [to not enter into a direct water purchase agreement with Poseidon Resources (Channelside) LLC (Poseidon) of San Diego for the purchase of desalinated water].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

CITY MANAGER ITEM

27. City Council: Quarterly Budget Update

TERI FERRO, Financial Services Director, stated for fiscal year 2011-12, we ended up with a surplus of about \$3,400,000. Our revenues came in about 2% higher than we forecasted, predominantly due to one-time funding. Our expenses were about 2% lower, as departments were being a little conservative on the last quarter.

In compliance with the Council's financial policies, of the \$3,400,000, \$400,000 has been set aside in an economic stabilization fund, which is a reserve fund. We have a new Public Employees Retirement Leave Fund that the City Council established. We took advantage of the one-time former Redevelopment money that got transferred to the General Fund to establish that reserve fund. There is about \$300,000 of continued projects from 2011-12. There is a remaining \$1,400,000. We will be bringing a proposal back to Council mid-year to propose a recommendation of paying down some of our debt.

As far as Council's financial policies, any surpluses and one-time dollars were identified to be building up reserves or paying down liabilities, and that's what we're bringing before Council.

As of September 30th, the end of our first quarter, we brought in about 11% of our revenues, which is atypical at this time of year. A lot of big dollars in property taxes and sales tax are typically received later in the year. With 11% we're on target and not concerned about that.

Our expenditures are at 27%, which is a little bit higher than we would expect, but some of the departments have already committed all of their dollars for encumbrances, so we're not too concerned about that.

While the City did adopt a balanced budget, the way the amended budget stands right now there is about a \$155,000 shortfall. That was with Council's continued appropriations of some funding for El Corazon Senior Center, Heritage Park and the Council goal budget facilitator.

A computer graphic was used to show a detailed breakdown of where our revenues stand as of September 30th.

On the expenditures side, a couple of the departments are higher than 25% because they have set aside their encumbrances already. Overall, we're at 27% for the end of the first quarter.

We have some revenues that we are putting on watch. The card room taxes are at 17%, which is a little bit lower than we would expect. Regarding Ambulance billing, we have just entered into a contract to outsource the billing part, and we're hoping that will make a big difference. The parking citations seem to be a little bit lower, so we're watching that as well. The business licenses and municipal golf course revenues

are very low.

We're bringing forth a recommendation to increase the revenues by \$767,000. The largest chunk the residual property tax on the former Redevelopment Agency. That is one-time dollars. We have also been informed by the County that our sales tax compensation fund will increase one-time \$230,000. We've identified some ongoing monies that will increase our parking rate, which are our meters. There is a one-time reimbursement for fire services. We now have the Tin Fish restaurant, so we'll be getting rent from there. We're losing some revenues, as well, but overall the General Fund revenues are going up \$767,000. The expenditures are going to be adjusted downward by \$185,000.

Overall, for our first quarter, we look very good. The fiscal year looks good, too.

Public input

JIMMY KNOTT, 127 Sherri Lane, showed a newspaper listing of unclaimed money that the City is holding on deposit that has to be claimed by December 20th or the City gets it.

He encouraged Council to look at making some of our operations self-supporting.

Public input concluded

COUNCILMEMBER KERN asked what the tax increment pass-through is. Is it one-time thing?

MS. FERRO responded that, in the case of Oceanside, in the past we would have gotten \$11,000,000 a year in tax increments to be used for low- to moderate-income housing projects or paying down debt. When the State disbanded Redevelopment agencies as part of the successor agency requirements with AB 1484, the residual property tax funds (RPTF) get allocated to all taxing agencies on a formula. Oceanside gets about 25% of the residual money. We're looking at that \$1,200,000 as one-time; that was from a bucket of money that got disbursed. There are going to be several more one-time monies being disbursed but after that, by fiscal year 2012-13, we should get into a cycle and know what that dollar amount is. We're not at that point yet because of the confusion of how much gets disbursed and allocated. It's still in a state of flux, so we're treating that as one-time dollars now. We hoping that by fiscal year 2013, when a budget is adopted, we'll know the amount Oceanside will be receiving, and it can be placed in the operating budget. The trade-off is we're not getting the \$11,000,000 Redevelopment money anymore.

COUNCILMEMBER KERN asked when the back-up information was sent to Councilmembers. This is the first time he's seen some of this.

PETER WEISS, City Manager, responded the detailed memo went to Council about a month ago.

DEPUTY MAYOR FELLER noted that most of it is one-time money. What isn't one-time money?

MS. FERRO responded the ongoing dollars that were for last fiscal year, we are still seeing here, like parking and TOT (Transient Occupancy Tax) from the new hotel. When we put together our 5-year forecast in January, we'll be able to identify what's ongoing versus one-time.

DEPUTY MAYOR FELLER asked if parking citations are down, isn't that a good thing because people are obeying the law.

MS. FERRO replied yes, but revenue has dropped.

DEPUTY MAYOR FELLER asked what the plan is to look at upgrading those.

MR. WEISS responded part of it is monitoring those revenue sources. We've seen over the last few years a decrease in the revenues associated with parking tickets. Part of that is because we've raised the fine amount, but also because the courts have now added court fees when you pay your ticket, so we're seeing more compliance. As we see those numbers change, we would have to adjust other revenues or expenditures to make up the difference. There are some revenues that are coming in that we have not budgeted anything on, like the Tin Fish, but now we're seeing a revenue there.

Overall, we need to look at all of the different revenues and expenditures and make sure that as one goes up we make appropriate adjustments. The concern is that the golf course is down and the ambulance billing, so we're in the process of making some of those adjustments. The parking tickets are what they are based on the number of tickets we write. At this point he would not recommend increasing the fine amount higher than what they are. We have to monitor those and make adjustments as necessary.

DEPUTY MAYOR FELLER asked if staff is coming back to Council with a plan for the \$3,300,000.

MR. WEISS responded that based on Council's policies, a portion of that \$3,300,000 has been put back into the Economic Stabilization Fund that was used for the various special elections. We also, based on that policy, put money into the Employee Leave Fund. Council will be getting a memo tomorrow with a recommendation from the City Treasurer in regards to paying off the street light lease early, and we're in the process of looking at refinancing some bonds. Buying down and refinancing those bonds would save roughly \$500,000 throughout the City. Council will get that information tomorrow, and we will bring it back to Council for formal action in January.

CITY COUNCIL REPORTS

13. **Mayor Jim Wood**

MAYOR WOOD announced the Veteran's Association celebration will take place on November 11th at 10:00 a.m. at the North County Veteran's Center.

He congratulated the Chamber Education Award winners.

Pastor Michael Wilson passed away Friday night.

14. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER attended the funeral of Bill Harding. Julie Beck passed away last week. Her service will be Saturday at 10:00. Don Takiyama passed away and his memorial is on at the pier on Saturday at 9:30. Michael Sherwood's father passed away. The Marine Corps birthday is November 10th.

15. **Councilmember Gary Felien**

COUNCILMEMBER FELEIN attended the Hope Through Housing banquet and Oceanside received an award for our housing efforts. Margery Pierce, our Neighborhood Services Director, received an award for her efforts as well.

He recognized the people who won the elections yesterday, as well as the people who didn't win. It takes a lot of courage to run for office.

16. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Buena Vista Audubon Nature Society Volunteer Lunch.

17. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ thanked all of our veterans and military families.

Changes to the agenda

ASSISTANT CITY CLERK TROBAUGH announced that Public Hearing Items 20 and 21 have been continued to November 28, 2012.

[Recess was held from 4:42 PM to 5:03 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:03 PM. All Councilmembers were present.

INVOCATION – Reverend Malaki Tauiliili

PLEDGE OF ALLEGIANCE – Linda Ottley

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – National Nurse Practitioners Week, November 11-17, 2012
[Presentation – Mayor's Youth Sports Recognition and Appreciation Award]
Off Agenda – National American Indian Heritage Month
Presentations were made

MAYOR AND/OR COUNCILMEMBER ITEMS

24. **Request by Councilmember Kern to present acknowledgements to Steve Smith, 2012-2013 Oceanside Veteran of the Year, and to the Armed Services YMCA–Camp Pendleton as the 2012-2013 Oceanside Veterans Organization of the Year**

COUNCILMEMBER KERN stated every year we recognize the veteran organization and veteran of the year. This year he worked with the largest veterans association in North County, Veterans Association of North County (VANC), to assist him with that task. VANC represents more than 35 veteran's organizations, 5,000 veterans in North County, and recently established the Veterans Association of North County Resource Center to serve all veterans; past, present and future.

CHUCK ATKINSON, VANC, stated we try to help all of the veterans in North County. That would include active duty and retired, any person who's ever put on a military uniform for the United States. We're here to help them and their families with whatever they need, like job search, job placement, housing, funding for rent, or whatever their need is. It's been good working with the Council to make that happen. We have an issue on the agenda now that will give VANC the use of the entire building so we can bring our programs in and work them there instead of via a hotline at home every evening. It's a great program, and we have a lot of volunteers. It's veterans helping veterans, but you don't have to be a veteran to volunteer to work.

We have a ceremony on Sunday for Veteran's Day at 10:00 a.m. It's open to the entire community.

COUNCILMEMBER KERN stated we are blessed to have a lot of veterans in North County. The 76th Assembly District has the most veterans of any other assembly district in the State. It's always difficult to select an individual organization that stands out above the others. He recognized our 2012-13 Oceanside Veteran's Organization of the Year, the Armed Services YMCA. Colonel George Brown, Director of the Armed Services YMCA, will be accepting the award on their behalf.

COLONEL BROWN spoke on behalf of the Armed Service YMCA and thanked the Council for the honor.

COUNCILMEMBER KERN introduced Staff Sargent Steve Smith, USMC Retired, the 2012-13 Oceanside Veteran of the Year.

25. **Request by Mayor Jim Wood and Councilmember Esther Sanchez to rename the Mission Avenue Bridge to the Dr. Martin Luther King, Jr. Bridge; presentation/report by Charles Adams, Chair of the Dr. Martin Luther King, Jr. Ad Hoc Committee; direction to staff**

COUNCILMEMBER SANCHEZ stated she and the Mayor created an ad hoc naming committee for Dr. Martin Luther King, Jr. at the request of the community. We looked around to find the best person to head up this committee, and we decided that Charles Adams, who is the Chair of the Parks & Recreation Commission, was the best person to do this. He agreed. We used a process to do this that we use regarding public buildings and public parks.

CHARLES ADAMS, Chair of the Dr. Martin Luther King, Jr. Ad Hoc Committee, stated we were given the task and responsibility to select a high visible location to honor Dr. Martin Luther King, Jr. He introduced the members of the ad hoc committee. This committee has been meeting and working diligently since May, looking for a highly visible location. We have completed the community process. The wonderful diversity in our City is one of the riches we have inherited. Today we ask that the Mission Avenue Bridge be renamed in honor of Dr. Martin Luther King, Jr., so when our children cross this bridge they can be reminded of an American hero. He quoted from Dr. King's *I Have a Dream* speech.

We have received support from various organizations, clubs and churches representing numerous persons. This show of support for diversity in our City is truly rewarding. He encouraged the renaming of the Mission Avenue Bridge to be approved.

COUNCILMEMBER SANCHEZ stated there were several letters and a petition attached to the agenda regarding this. She read from the petition.

Public input

ANNABELLA CHAPMAN and **KAYLEE PLOUFFE**, 8th grade students, are members of their school's association student body and came to voice their support for the naming of the Mission Avenue Bridge in honor of Dr. Martin Luther King, Jr. They spoke of Dr. King's history and accomplishments.

STEVE BESSANT, Teacher and father of fallen Oceanside Police Officer Dan Bessant, is here to voice his family's support in the naming of the Mission Avenue Bridge in honor of Dr. Martin Luther King, Jr. A couple of months ago, the Pacific Street Bridge was named in honor of his son. The ad hoc committee that was tasked with naming a bridge for Dr. King had been considering the Pacific Street Bridge, and they graciously agreed to support naming it after his son and began considering other bridges to honor Dr. King. The committee selected the Mission Avenue Bridge, which is central, visible

and very busy. By naming this prominent bridge for Dr. King, visitors and citizens alike will know that our community honors justice, tolerance and brotherhood, the ideals that Dr. King worked for.

Public input concluded

COUNCILMEMBER SANCHEZ moved approval of renaming the Mission Avenue Bridge to the Dr. Martin Luther King, Jr. Bridge and direct staff to follow through in terms of signage.

MAYOR WOOD seconded the motion.

Motion approved 5-0

26. **Request by Councilmember Kern to designate the Oceanside Municipal Airport as: Bob Maxwell Memorial Airfield, and provide direction to staff to request that the Federal Aviation Administration (FAA) approve the name change**

COUNCILMEMBER KERN started working on this a couple of years ago. Bob Maxwell passed away in August of 2010. Council policy is that we have to wait 2 years after an individual passes away before you can name something in their honor. This would be the appropriate time. He's been working with Reg Owen for the last 8 or 9 months to bring this forward. He's met with the Maxwell family, and we're going to have the unveiling of the monument at the end of February. The action he's requesting tonight, after talking to the FAA (Federal Aviation Association) about the procedure of doing this, is a formal letter from the City. He is requesting that the City Manager send a letter to the FAA requesting the name change.

He first met Bob Maxwell in about 2004 when we were working to save the airport. He met him 2 or 3 times before he even knew he was a Tuskegee Airman. He was just dedicated to that airport. He read about the history and accomplishments of Mr. Maxwell. He feels this is appropriate because of all the things Bob Maxwell has done for the City, and he wanted to save the airport. Bob was one of the driving forces in saving the airport.

Public input

JIMMY KNOTT, 127 Sherri Lane, knew Bob Maxwell when he was on the Transportation Commission. Mr. Maxwell always had a few minutes to spare and always worked with people. He supports this and thanked Councilmember Kern for bringing it forward.

JOANNA KROON, 1408 Marquette, supports this endeavor and has been part of a small group of citizens that has been working with the airport on community relation issues and revitalizations and improvements.

Heroes come in many forms. There are police and firefighters who put their lives on the line for others. The men and women who serve in the U.S. Marine Corps at Camp Pendleton keep our country and our local community safe and secure and protect the freedom and liberty that we have today. Many of our greatest and often unsung heroes emerged from what we know as the greatest generation. This was a time when people did the right thing simply because it was the right thing to do. Bob Maxwell and Alfonso Harris were 2 of the Tuskegee Airmen, and they chose Oceanside as their homes. These brave Americans served our country during World War II, despite great risk and adversity.

In 2007, President Bush awarded the Tuskegee Airmen the Congressional Gold Medal. He recognized the contribution and sacrifice they made for their country. These

brave Americans made history. What better way to say thank you and honor both of these men. She urged Council to rename our airport the Oceanside Tuskegee Airmen Bob Maxwell/Alfonso Harris Complex. In addition, by using this language, the current airport designation can remain in place. By calling it a complex, we can honor both of our local Tuskegee Airmen. By using both names, it in no way diminishes honoring one over the other. It does, however, allow us to honor Alfonso Harris before he passes away and gives us a chance to let him know how much his sacrifice was appreciated.

She asked Council to consider this name change and honor both of our local heroes.

GORDON NESBITT, 4437 Mission Avenue, President of the Oceanside Airport Association, stated they represent about 1,000 members. We believe that the proposed name change is not only much deserved, but will also be good for Oceanside and the airport. Beyond being a Red Tail and a Congressional Gold Medal recipient, Bob Maxwell was very involved in the community. He served selflessly on a myriad of aviation boards and focus groups. He worked diligently behind the scenes to insure that the Oceanside Airport remained open. He also oversaw a scholarship program for local high school students. In doing so, he inspired and motivated young men and women toward careers in aviation and aerospace.

We also believe that the proposed name change will serve to spark the community interest in the airport. The airport should be open and inviting to the community, and we believe that attaching Bob's legacy will amplify interest and visitation. When completed, we would be pleased to see an interactive, educational display within the planned airport administration building that would document Bob's life and the legacy of the Tuskegee Airmen. The airport should be more than just a hangar farm. It should be open and inviting and provide a signature experience for all visitors, whether they arrive by car, plane, bike or bus. We believe that by attaching Bob's legacy to the airport, this will promote increased community enjoyment for this important municipal asset.

The Oceanside Airport Association endorses renaming the airport the Bob Maxwell Memorial Field and hopes Council will also agree.

Public input concluded

MAYOR WOOD agrees that this is appropriate. He wanted to wait until the elections were over so it doesn't look political. Oceanside had 2 Tuskegee Airmen, and we don't want to leave any one of them out. We also don't want to lose the name Oceanside on the airport because of recognition when people are flying. He'd like to keep the name Oceanside and have both men mentioned underneath that.

COUNCILMEMBER KERN has had discussion with several people about this. With all due respect to Mr. Harris and his accomplishments, this is not about Tuskegee Airmen; this is about Bob Maxwell. Bob did so much for the airport, and that's why he feels compelled to name it after him. Hopefully on the interactive displays inside the airport they will have Mr. Harris' story there. That way when people visit the airport they can see the contribution of Mr. Harris and all Tuskegee Airmen. There is a local chapter in San Diego that has a lot of information about the Tuskegee Airmen and that would be appropriate. For now, we've been working on this for 2 years and working with the FAA. This is about Bob Maxwell.

He respects the Mayor's suggestion; however, he **moved** to rename the Oceanside Municipal Airport as the Bob Maxwell Memorial Airfield and provide direction to staff to request that the Federal Aviation Administration (FAA) approve the name change.

DEPUTY MAYOR FELLER seconded the motion. He knew of Bob Maxwell for his entire 12 years in Oceanside. He is one of the reasons that young people went to the airport. The effort he made for the Young Eagles - the training and rides the pilots offered to the young people - made him a great instrument for the youth. He agrees that the Tuskegee Airmen should be part of this, but in a smaller way. Getting this renamed after Mr. Maxwell has been a considerable effort on our part to honor somebody who was really dedicated to flying and the youth of the community.

COUNCILMEMBER FELIEN supports the motion. He thanked Councilmember Kern for bringing this forward to recognize someone who made such a valuable contribution to our community and recognized how important our airport is to the long-term future of our community. This recognition is well deserved.

MAYOR WOOD is hesitant about this because he believes it needs a little more consideration and feedback from the public. It's not that he doesn't support this, but he'd like to see Oceanside be part of the name, and he'd like to see both Airmen named on it because that would be appropriate. He's not going to support this unless it goes back for further follow-up and input from the public. It's a wonderful thing to do, but it's important to have Oceanside as part of the name. Mr. Maxwell was a very important part of our community, but he does have those 2 concerns.

COUNCILMEMBER KERN thanked the Mayor for his comments. He's been working on this, talked to a lot of people about it, and it's been thoroughly vetted as far as he's concerned. This is about people connected with the airport. The underlying name will still be the Oceanside Municipal Airport as far as the FAA goes, but it will be Bob Maxwell Field when people drive by.

We are going to need to raise the money for the monument sign, which will be about \$10,000. He would like a monument sign and a bronze plaque that goes on the building that describes who Bob Maxwell was and his history. When we build a new building there, we can transfer that plaque to the new building.

He had originally thought of bringing this forward in September when the 2 years had passed, but he decided to wait until after the election.

Motion was approved 4-1, Wood - no.

5:00 P.M. - PUBLIC HEARING ITEMS

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

22. **City Council/CDC: Introduction of an Ordinance amending Article 12 of the Oceanside Downtown Zoning Ordinance (RZA12-00001) and adoption of a Resolution approving Local Coastal Plan Amendment (RLCPA12-00002), for the Downtown Project Area to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts and office uses within Subdistrict 6A and to the area located just north of the intersection of Highway 76 and North Coast Highway, into the 6A Subdistrict (currently the area is located within Subdistrict 7B) - Applicant: City of Oceanside**
- A) Chairman opens public hearing - hearing was opened.
 - B) Chairman requests disclosure of Commissioner and constituent contacts and correspondence - Mayor Wood, Deputy Mayor Feller and Councilmember Kern reported contact with staff; Councilmember Felien reported contact with staff and public; and Councilmember Sanchez reported no contact.
 - C) Secretary presents correspondence and/or petitions - none.
 - D) Testimony, beginning with:

SHAN BABICK, Associate Planner, stated from time to time, changes in land uses are necessary to reflect the current economic conditions and clean-up zoning discrepancies. Staff believes that Subdistrict 6A is one area downtown where current land uses do not reflect the changes that have been made since they formed the district 37 years ago.

Staff believes that the area located just north of the intersection of Highway 76 and North Coast highway is currently located within Subdistrict 7B, and this area would be better suited under the land use category of Subdistrict 6A, visitor serving use, due to its location on North Coast Highway in close proximity to Highway 76 and Interstate 5 (I-5). Computer graphics were used to show the current zoning ordinance and the area.

Thirty-seven years ago, it was anticipated that area 6A would be developed as visitor-serving commercial. The area has been slow to develop. With the exception of the Holiday Inn Express, we haven't had too many retail or hotel visitor-serving uses. That is because of the difficulty of the land acquisition, the irregularly shaped lots and the amount of land it takes to develop those type of visitor-serving commercial uses. Due to difficulty in assembling the land, staff is recommending that 6A be amended to better reflect the current economic conditions.

The changes to the zoning are to allow both retail sales and office uses by right instead of currently, which requires approval of an Administrative Use Permit. It would allow for drive-thru restaurants upon approval of a Condition Use Permit and allow fuel pumps at mini marts. Staff is also recommending that the area located on the east side of North Coast Highway, between the San Luis Rey River and the intersection of Highway 76 and North Coast Highway be incorporated within Subdistrict 6A to better reflect the visitor-serving commercial uses.

Staff recommends that Council approve the introduction of this ordinance.

Public input

DAVID NYDEGGER, Chamber of Commerce, asked if that covers the entire area where the Chamber is too. He asked if this would impact the Carrow's parking lot.

KATHY BRANN, Redevelopment Manager, responded that's correct. There is also a parcel there that the former Redevelopment Agency owns. We don't own the parking lot. The Redevelopment Agency owns a parcel to the north of Carrow's. The whole thing is under consideration for the rezone, but the Chamber is lumped in with that. We can't take just a part of that area because that's spot zoning.

MR. NYDEGGER asked if they were notified.

MS. BRANN responded yes, you should have been notified. You are within 300 feet of the area.

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

DEPUTY MAYOR FELLER asked if you're talking about fuel pumps at mini marts in 6A only.

MS. BRANN responded currently existing in 6A on the north half, there are existing gas stations, and it's been problematic for us over the past several years if they wanted to expand or have anything like that. In addition, if you know where the old unfinished furniture store is, those tenants have also wanted to lease to office users and things of that nature. What we're trying to do is some clean-up zone amendments to correct for some of those situations up there. Just like the Del Taco up there, they would be considered legal, non-conforming uses the way the zoning is today.

DEPUTY MAYOR FELLER asked if staff is trying to allow for existing uses and add a few additional uses and expand the area.

MS. BRANN responded yes.

DEPUTY MAYOR FELLER moved approval of the [introduction of an Ordinance "amending Article 12 of the Zoning Ordinance (RZA12-00001) (City of Oceanside – Applicant)" and adoption of **Resolution No. 12-R0748-1 (City) and Resolution No. 12-R0749-3 (CDC)**, "...to amend the Local Coastal Program (RLCPA12-00002), related to amending the zone text for Subdistrict 6A in the Downtown Project Area and to request California Coastal Commission certification of said amendment (City of Oceanside – Applicant) (RZA12-00001 and RLCM12-00001)" for the Downtown Project Area to allow for retail sales, drive-through restaurants, fuel pumps at mini-marts and office uses within Subdistrict 6A and to the area located just north of the intersection of Highway 76 and North Coast Highway, into the 6A Subdistrict (currently the area is located within Subdistrict 7B) – Applicant: City of Oceanside].

COUNCILMEMBER KERN seconded the motion. This is clean-up language and allows us an opportunity that may be coming forward.

COUNCILMEMBER SANCHEZ thinks this is inconsistent with our vision for Coast Highway. We've been talking about making this walkable for quite some time. Here we are trying to add pumps and a drive-thru. We've discussed a drive-thru before, and at that time Council was not interested in it. She doesn't think this is consistent and would prefer to go in the opposite direction of making this walkable. She doesn't mind offices; she'd like to see something attractive to people walking and cycling versus a drive-thru. There's a big stretch between Orange County and us. Maybe an In n Out would cause people to come off the freeway, but maybe we need an In n Out that isn't a drive-thru.

DEPUTY MAYOR FELLER asked for clarification that we're not adding fuel pumps; it's just that the existing ones are non-conforming uses on the north end, is that correct?

MS. BRANN responded that's correct.

DEPUTY MAYOR FELLER stated there are large property owners who may want to build a hotel or anything in that general area. Staff is trying to make it as open as possible to whether it's an office use or some sort of hotel, etc. and maybe eliminate some of the garages and car repairs that are there. As far as a drive-thru on that little piece, it would have to be thought out pretty well, but most people aren't going to walk on that side of the road across that bridge anyway. It's a pretty fair use, and there is a large property owner directly across the street from that who is in 7B and may eventually want something there too. This is perfect for fitting the bill on that.

After titling of the ordinance, the **motion was approved 4-1**, Sanchez – no.

23. **City Council/Harbor/CDC: Adoption of resolutions approving the amendment to the Local Conflict of Interest Codes for the (1) City of Oceanside, (2) Oceanside Small Craft Harbor District and (3) Oceanside Community Development Commission**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmembers Sanchez, Felien and Kern reported no contact; Deputy Mayor Feller reported contact with staff.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

JOHN MULLEN, City Attorney, stated this is an amendment to the City's Local Conflict of Interest Code. The Political Reform Act requires that the City adopt a Conflict of Interest Code that serves as the legal instrument to require designated public officials and employees to disclose their financial interests. Each agency is required to review its Conflict of Interest Code every 2 years and account for changed circumstances. We are required to identify new positions and remove deleted positions, as well as update the disclosure categories in the appendix attached to the resolution.

Our Conflict of Interest Code consists of FPPC (Fair Political Practices Commission) Regulation 18730, which we have adopted by reference. It is a model Conflict of Interest Code adopted at the Statewide level. We are required to have an appendix that identifies all of our designated officials that are required to disclose their interests, along with the types of interests they are required to disclose. We update that every 2 years because positions within the City change. Council has attached to the resolution an update of all of the revised positions within the City, as well as the disclosure categories that have been updated.

Mainly what we're doing is deleting positions that no longer exist in the City because we've lost so many positions over the last couple of years. In a couple of instances the name of a position has changed. By and large most of these are positions that no longer exist in the City.

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

DEPUTY MAYOR FELLER asked if the City Clerk should fall under the listed officials on Page 2 of the back-up materials provided.

CITY ATTORNEY MULLEN responded the various positions that are identified outside of the appendix are statutorily required to disclose their interests so they are not identified in the appendix. All of the various public officials not specifically identified are what's known as statutory filers, and they disclose pursuant to the Political Reform Act. We don't name the City Councilmembers, the members of the Planning Commission and other designated public officials who, under the Political Reform Act, are statutorily obligated to disclose in a particular manner.

DEPUTY MAYOR FELLER asked if the City Clerk is in the tiny print.

CITY ATTORNEY MULLEN responded yes. The City Clerk is identified on Page 3 of the updated appendix.

DEPUTY MAYOR FELLER moved approval of adoption of **Resolution No. 12-R0750-1 (City), Resolution No. 12-R0751-2 (Harbor District), and Resolution No. 12-R0752-3 (CDC)**, "... approving and adopting amendments to the appendix of the City of Oceanside's Local Conflict of Interest Code" for the City of Oceanside, Oceanside Small Craft Harbor District and Oceanside Community Development Commission.

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: See Items 2B1 and 2B2. [Items 1 and 2A were not heard]

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

19. Communications from the public regarding items not on this agenda

KAREN MANN spoke on becoming a victim at the Mariposa Clubhouse and various instances in her life and asked for justice.

KATHY KINANE, 2987 Highland Drive, Carlsbad, owns Kinane Events and is the race director for the 7th Annual Pacific Marine Credit Union Oceanside Turkey Trot. She spoke on the statistics from last year's event and expectations for this year's event.

JIMMY KNOTT, 127 Sherri Lane, stated according the Registrar of Voters, the election isn't over. There is a sizeable amount of ballots left to count.

He urged people to apply for our committees and commissions.

We need to quit with the strife, work together and get the people's business done. The election is over for all intents and purposes, and it's time to move ahead.

BILL FISCHER, 510 Estremoz Court, raised a concern about the Quarry Creek project in Carlsbad that's going to impact us and our traffic circulation in that area. College Boulevard already has terrible congestion in the area around Lake and Highway 78. Our Circulation Element projects that situation is only going to get worse. Now that Carlsbad has opened its new high school, it will be contributing to the traffic congestion. The Quarry Creek housing development is going to contribute even more in the future. He suggested the City send a strong comment letter to the Carlsbad City Council commenting on the draft Environmental Impact Report (EIR) for this project. Carlsbad needs to be a good neighbor to us and not foist further traffic failures on Oceanside with that project. The developer is proposing more than twice as many houses as originally zoned for in that area, and that's a concern. Oceanside needs to raise an objection about this. We should be requesting an adjustment in the number of units and some additional mitigation that makes sense.

CITY MANAGER WEISS stated we are in the process of reviewing that EIR and preparing a comment letter. However, he would encourage any resident with an issue or concern to review the EIR on Carlsbad's website and submit their formal comments directly to Carlsbad as well. The deadline is December 7th.

JENNY OAKSON, 1255 Cynthia Lane, Carlsbad, is the owner of Coastal Cab. She is here about the drop-off restriction for cabs that are not licensed in Oceanside. The restriction is 5 drop-offs within City limits within 30 days. Her cab company has 6 cabs, which is not enough to meet the licensing parameters, but we do drop off 5 times in one hour on a Friday night from Carlsbad, Camp Pendleton, Encinitas and Solana Beach, where we are licensed to pick up. No other city in the entire County has the drop-off restriction like Oceanside. There aren't enough cabs. This restriction is impossible and costly to enforce and is not being enforced; therefore, it shouldn't be on the books. She respectfully asked Council to direct the City Manager to meet with staff and come back to Council with legislation eliminating the drop-off restriction.

DAVID NYDEGGER, President and CEO of the Oceanside Chamber of Commerce, has lived in Oceanside his entire life. When he was young he loved maps and he discovered that there were two other Oceansides in the country: one in Oregon and one in Long Island, New York. He's here to talk about the one on New York. He called the Oceanside Chamber of Commerce in New York and spoke to a woman there

and compared our communities. He recently heard that Oceanside, New York, was in the path of super storm Sandy. He called back there and found out that 2/3 of that city was flooded. He was thinking how that would impact Oceanside, California, if it happened here. Ninety percent of Oceanside, New York, is out of power, and they need some help. He contacted the Chamber of Commerce there, and he would like to do an outreach. We're going to be contacting the business community here in Oceanside and asking them to help. It's time for Oceanside, California, to step forward and help these people. He read from a letter that the Chamber will be sending out.

SHELLEY HAYES CARON, Marron Adobe, invited the community to a special event this Saturday, November 10, 2012, at the Marron Adobe regarding the history of the area and of the Native Americans.

CURTIS BOVEE, 410 South Freeman Street #15, is an intern and Distributions Coordinator with Donate Don't Dump, which is a teen-run national non-profit organization determined to change the paradigm in the U.S. and draw attention to the cost of spoiled food, wasted resources and disposal costs, and the environment. Surplus food has the potential to alleviate hunger in the U.S. In the economic downturn there is a shocking new face of hunger. It is active military families, seniors and children. After discovering active military families, seniors and children at charity food distributions and learning that 96,000,000,000 pounds of edible food go to U.S. landfills each year, Gabrielle Posard, who was 12 years old at the time and is 15 now, was inspired to design a new logo and create Donate Don't Dump. Our mission is to encourage grocery stores, manufacturers and restaurants to donate their surplus products to food banks, diverting those resources before they become waste. We partner with all of the San Diego food banks to distribute donated food, acknowledge donors and public awareness campaigns. Donate Don't Dump was a stakeholder at Oceanside's zero waste workshops and is working with City staff to assist the City toward its zero waste goals at no added cost to the City.

GABRIELLE POSARD, Founder of Donate Don't Dump, thanked Oceanside for taking the initiative and being a leader in reducing food waste. The extent of food waste is shocking in America: 96,000,000,000 pounds of food is wasted every year, which is enough to fill 91 Empire State Buildings. Forty percent of food produced in the U.S. ends up in the landfills anyway. Once edible food becomes waste, it costs us even more. Food is the largest source of solid waste in landfills, and disposal costs of wasted food is over \$1,000,000,000.

Food donations save businesses money in their dumpster fees, have potential tax benefits and increase the informed consumers on their loyalty to the business. Through food donations diversion, surplus food becomes valuable. The value of wasted food is \$31,000,000,000, and just a 20% recovery of food would feed 25,000,000 people daily. Food banks will pick up the surplus food daily in refrigerated trucks. That helps the grocers, restaurants and food producers. It diverts the food from the landfills, and the tax benefit reduces dumpster fees and complies with the new California Mandatory Recycling law, AB 341.

She submitted a sample resolution for Council's consideration to encourage, expand and promote food donations to help Oceanside's businesses comply easily with AB 341. We challenge Oceanside to eliminate commercially wasted food.

COUNCILMEMBER SANCHEZ had intended to bring this resolution forward but missed the deadline to get it on the agenda. This is a wonderful non-profit organization. The resolution is a commitment to food recovery programs through donation as a strategy toward overall waste reduction and diversion goals within Oceanside's zero waste policy to eliminate food waste and alleviate hunger for under-served citizens through partnership with Donate Don't Dump. She would like to direct staff to bring this resolution forward at the next meeting.

COLLEEN FOSTER, Management Analyst, stated staff can work on preparing this resolution to take it to Council. Whether before or after the holidays, it's good to bring awareness about this as an option. Sometimes after the holidays is the best time because people forget about the need and donating. Over the next few months we would like to do more awareness with Donate Don't Dump. We've got some great partners. We spoke with Albertson's this morning, and they're on board to support this effort.

COUNCILMEMBER SANCHEZ stated our Oceanside grocery stores are taking the lead, and it's amazing what they're doing.

DEPUTY MAYOR FELLER asked for clarification that this does not preclude organizations that are currently doing; it's in addition, right?

LISA POSARD, 3225 Fortuna Ranch Road, Encinitas, responded that's correct. We partner with those organizations, the San Diego food banks. We are raising awareness at no cost to the City and helping the City in its efforts to lead the charge in zero waste.

DEPUTY MAYOR FELLER suggested that there are also churches that do that.

LISA POSARD responded yes, but they are all in need of more food. Every day there is tons of food that is wasted and rots in the back of grocery store dumpsters that could go for other uses and be diverted from landfills at no cost.

DENNIS HUCAK BAY, 2319 California Street, offered his congratulations to the winners of the election. He is here to talk about the Quarry Creek project, which is a Carlsbad, project. As the City Manager mentioned, the EIR is available on the Carlsbad website for public review and comment until December 7, 2012. A computer graphic was used to show the area in question. He thanked the City for insuring that El Salto Falls and Buena Vista Creek are well protected. We have a mining ordinance in Oceanside, but Carlsbad does not. Because of the insight of our officials in Oceanside, we now have a 100-foot natural barrier along Buena Vista Creek and another 50-foot planning buffer on each side of the creek. Now the developer wants to build 656 houses there. Instead of another housing tract, we have the opportunity to create a scenic open space corridor alongside Highway 78, a gateway into Oceanside that could reach from the waterfall to the waves.

All of the traffic from this project is going to empty into College Boulevard, causing traffic failure in Oceanside. We need to save that as open space, and he urged Council to do whatever they can to influence Carlsbad to save that panhandle as open space.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

After a moment of silence for Pastor Michael Wilson, **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 7:00 PM on November 7, 2012. [The next regular meeting is scheduled for 2:00 PM on Wednesday, November 28, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

NOVEMBER 28, 2012

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

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

Mayor
HDB President
CDC Chair
OPFA Chair
Jim Wood

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

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

City Clerk
HDB Secretary
CDC Secretary
OPFA Secretary
Barbara Riegel Wayne

Treasurer
Gary Ernst

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:02 PM, November 28, 2012.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Kern and Felien. Councilmember Sanchez 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 2 and 3. [Item 1 was not heard]

[Closed Session and recess were held from 2:03 PM to 4:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

No closed session held

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (SECTION 54956.9)
Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

Item discussed; no reportable action

3. **CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)**

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

Item discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:00 PM. Present were Mayor Wood, Deputy Mayor Feller and Councilmembers Sanchez, Kern and Felien. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 4-14]

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: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
5. City Council: Approval of a purchase order in an amount not to exceed \$157,709 to Orpak USA of Hackensack, New Jersey, for the purchase of a fuel management system for the Public Works Department, and authorization for the Financial Services Director, or designee, to execute the purchase order; and approval of a budget appropriation in the same amount from the Fleet Unrestricted Fund to the Fleet Replacement Fund to fund the purchase
6. City Council: Approval of a purchase order in the amount of \$17,760 to TriTech Software Systems of San Diego to develop and install an emergency dispatch testing application; approval of a purchase order in the amount of \$7,471 to Dell Marketing, LP, of Pasadena for the purchase of a computer server to support the test application; and authorization for the Financial Services Director to execute the purchase orders
7. City Council: Approval of a purchase order in an amount not to exceed \$75,000 with Outdoor Creations, Inc., for the purchase of public recycling containers to be placed in public parks, Civic Center public spaces, and within the Beach and Harbor areas; and authorization for the Financial Services Director, or designee, to execute the purchase order
8. City Council: Approval of Change Order 7 [**Document No. 12-D0773-1**] in the amount of \$38,626.07 to the contract with Select Electric, Inc., for improvements to the City's traffic signal communications system, for additional work requested by the City, and authorization for the City Engineer to execute the change order; acceptance of the improvements constructed by Select Electric, Inc., for the project; and authorization for the City Clerk to file the Notice of Completion [**Document No. 12-D0774-1**] with the San Diego County Recorder
9. City Council: Approval of Amendment 2 [**Document No. 12-D0775-1**] to the lease agreement with the Veterans Association of North County (VANC), to extend the current terms and conditions that exist with the rear 10,000 square feet of the building to include the front 3,500 square feet of the building, with compensation to the City in the form of services to the community; and authorization for the City Manager to execute the amendment
10. City Council: Approval of Amendment 3 [**Document No. 12-D0776-1**] in an amount not to exceed \$80,000 to the Professional Services Agreement with Value Strategies, Inc., for the installation of Oracle System software upgrades, Web-enabled applications and support of existing Oracle applications; approval of a Professional Services Agreement [**Document No. 12-D0777-1**] with Enterprise Technologies, LLC, in an amount not to exceed \$40,000 to design and build a new paystub inquiry, provide software support for Oracle integrations and interfaces; and authorization for the City Manager to execute the agreement and the amendment
11. City Council: Approval of a two-year professional services agreement [**Document No. 12-D0778-1**] with California Office Maintenance of Poway in the amount of \$289,476 for janitorial services for various City buildings, and authorization for the City Manager to execute the agreement
12. City Council: Approval of the Economic Development Commission's 2013 and 2014 Work Plan
13. City Council: Adoption of **Resolution No. 12-R0779-1**, "...approving submittal of applications to the Department of Resources Recycling and Recovery (CalRecycle) for

grants encouraging the use of recycle tire rubber products”.

14. City Council: Adoption of **Resolution No. 12-R0780-1**, "...approving the deferred improvement agreement and parcel map for 1814 Avocado Road Subdivision", a three-lot subdivision located at 1814 Avocado Road, and authorization for the City Clerk to record the deferred improvement agreement [**Document No. 12-D0781-1**] and parcel map with the San Diego County Recorder

COUNCILMEMBER KERN moved approval of the Consent Calendar [Items 4 - 14].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

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

15. **City Council: Introduction of an Ordinance of the City of Oceanside to allow vehicles of veterans displaying a Special License Plate as outlined by the California Department of Motor Vehicles in accordance with California Vehicle Code Section 22511.3 to park in metered parking spaces without charge**

KIEL KOGER, Maintenance and Operations Manager, stated at the October 3, 2012, City Council meeting Deputy Mayor Feller asked staff to create or modify existing ordinances to allow veterans with special license plates any parking privileges permitted under the California Vehicle Code. Staff reviewed this request and found that we are able to exempt the following license plates from the requirement to pay in a metered space: Congressional Medal of Honor, Gold Star Family, Legion of Valor, Pearl Harbor Survivor, Ex Prisoner of War and Purple Heart. A metered space is defined as a parking space with a street parking meter present or a parking lot with an hourly rate.

This ordinance will allow vehicles with these license plates to park in metered parking spaces without charge, but it will not provide free parking in pay parking lots that have flat daily rates. Special license plates also are not allowed to park outside the limits of a timed zone, in permitted parking zones, or in a delineated ADA parking space.

Staff recommends that the City Council adopt the ordinance.

DEPUTY MAYOR FELLER thinks this is the least we could do to honor these people who have given so much of their life to us. He **moved** introduction of the ordinance.

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELIEN thinks this is an excellent idea, especially with this being a military town. This is the least we can do to acknowledge the sacrifice that these individuals made.

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

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session:
See Items 2 and 3 above. [Item 1 was not heard]

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.

28. **City Council: Adoption of an Ordinance of the City of Oceanside amending Oceanside City Code, Chapter 29, establishing sewer user rate increases** (introduced 10/17/12, 5-0 4-1 vote- Sanchez no)

COUNCILMEMBER SANCHEZ had voted no, so the 5-0 in the caption needs to be corrected.

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption of **Ordinance No. 12-OR0783-1**, "...of the City of Oceanside amending Oceanside City Code, Chapter 29, establishing sewer user rate increases".

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 4-1, Sanchez – no.

29. **City Council: Adoption of an Ordinance of the City of Oceanside amending Oceanside City Code, Chapter 37, establishing water user rate and external water provider charge increases** (introduced 10/17/12, 5-0 4-1 vote-Sanchez no)

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption [of **Ordinance No. 12-OR0784-1**, "...the City of Oceanside amending Oceanside City Code, Chapter 37, establishing water user rate and external water provider charge increases].

DEPUTY MAYOR FELLER seconded the motion.

COUNCILMEMBER SANCHEZ believes she voted no on this originally so the caption needs to be corrected.

Motion was approved 4-1, Sanchez – no.

30. **City Council: Adoption of an Ordinance of the City Council of the City of Oceanside amending Article 12 of the Oceanside Zoning Ordinance (RZA12-00001)** (introduced 11/7/12, 4-1 vote-Sanchez no)

COUNCILMEMBER SANCHEZ asked if this was the item having to do with the pawn shop.

DEPUTY MAYOR FELLER responded no.

CITY ATTORNEY MULLEN stated these are the zoning changes in Article 12 in Subdistrict 6A, the drive-thru among other changes.

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption [of **Ordinance No. 12-OR0785-1**, "...of the City Council of the City of Oceanside amending Article 12 of the Oceanside Zoning Ordinance (RZA12-00001)".

DEPUTY MAYOR FELLER seconded the motion.

Motion was approved 4-1, Sanchez – no.

CITY COUNCIL REPORTS

16. **Mayor Jim Wood**

MAYOR WOOD stated Kay Parker passed away last week. She was the Chair of our Housing Commission. She touched many lives and gave a lot to the City.

The Salvation Army needs assistance this year. The economy has been rough on them, and any help is appreciated.

17. **Deputy Mayor Jack Feller**

DEPUTY MAYOR FELLER attended the Vista Invitational Field Tournament for marching bands. Our teams from Oceanside and El Camino High Schools did a great job.

The Turkey Trot on Thanksgiving Day brought 9,000 runners and walkers to Oceanside. It's a great event for our town.

The Christmas tree lighting is tomorrow night.

Oceanside High School is going for their 9th out of the last 10 years CIF championship. If they win there, they will be playing for the State championship.

18. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Turkey Trot. He attended Congressman Issa's pancake breakfast to raise funds and toys for needy families on Christmas; an Eagle Scout ceremony for Andy Mathias; the event for the Disabled American Veterans, and the Chamber of Commerce Sunset Mixer at Tri-City Medical Center.

19. **Councilmember Jerome Kern**

COUNCILMEMBER KERN missed the Turkey Trot but saw pictures. There have been some concerns about the merging of the *North County Times* and the *Union Tribune*. We're the third largest city in the County and the newspaper should be centered in Oceanside. He has heard that *North County Times/Union Tribune* is going to be located in Oceanside. He heard they are negotiating for a lease on a site here. Everybody on the dais wants jobs in Oceanside so having them both remain here is important to us all.

He attended Congressman Issa's event, too.

15. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ congratulated the Mayor on his re-election and on getting a super majority of the vote. She thanked the voters for voting for her again as well. She congratulated Zack Beck on winning the City Clerk position.

Anita Soto passed away. She was still very active in the East Side neighborhood at 95 years old. Virginia Sanchez, her aunt, passed away as well.

Saturday there is a concert at the Star Theater to raise money for Canine Companions.

[Recess was held from 4:35 PM to 5:14 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:14 PM. All Councilmembers were present.

INVOCATION – Cantor Larry Kornit

PLEDGE OF ALLEGIANCE – Soccer Club of Oceanside Breakers

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Honoring outgoing City Clerk, Barbara Riegel Wayne

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

Proclamation – Honoring Congressional Gold Medal Recipient Robert Moore as a Montford Point Marine

Presentation – SUN 2012 Volunteer Appreciation/Slide Show

Off agenda Presentation – Soccer Club of Oceanside Breakers, Girls Under 9 Black

Presentations were made

MAYOR AND/OR COUNCILMEMBER ITEMS

16. **Request by Councilmember Kern to make a presentation in recognition of the 71st birthday of the Civil Air Patrol**

COUNCILMEMBER KERN stated the Civil Air Patrol is a congressionally chartered, federally supported non-profit corporation that serves as the official civilian auxiliary for the United States Air Force. It performs 3 congressional assigned key missions: emergency services, which include search and rescue; public disaster relief operations; and aerospace education for youth and the general public. It has recently been tasked with Homeland security and carrier service missions. The Civil Air Patrol also performs non-auxiliary missions for various government and private agencies such as local law enforcement and the American Red Cross.

Nationwide, the Civil Air Patrol is a major operator of single engine general aviation aircraft, which operates out of our airport in Oceanside. It's used in the execution of various missions, including orientation flights for cadets and provision of significant emergency service capabilities. Because of their extensive flying opportunities, many Civil Air Patrol members become licensed pilots.

The Civil Air Patrol has about 35,000 senior members and about 26,000 cadets in over 1,600 local units flying in the United States, District of Columbia and Puerto Rico. At numerous overseas United States Air Force installations, Civil Air Patrol members are civilians who are not paid by the U.S. government for their services, but rather their members are responsible for their own annual dues and fees and must pay for their own

uniforms and related expenses. This is done at no government expense.

JESSIE PARFENBURGER, Civil Air Patrol, stated Civil Air Patrol has a long-standing history of volunteer service dating back to World War II, where they covered the coast of America, guarding against U-boats. Our primary mission is aerospace education, cadet programs and emergency services.

Our squadron on Camp Pendleton has exceeded our expectations. We have over 100 members and have become the largest squadron in California. We have reached Quality Cadet award 3 years in a row. We have won the Aerospace Excellence award, the National Color Guard competition 3 times and the Pacific Region Color Guard competition 5 times. Our primary goal is cadet involvement, aerospace education and emergency services. We cannot do it without community support. We are always looking for volunteers. Without that, we cannot do great activities and sponsor these cadets for future involvement leadership in the community.

27. **Request by Councilmember Felien to direct the City Attorney to draft an ordinance that will allow any Councilmember to make nominations to fill positions on all regional boards and commissions, and to allow any Councilmember to make a motion to remove any appointed individual from any regional board or commission**

Public input

BRENDA SOUZA, Oceanside resident, thinks this item is brought before Council out of jealousy. Mayor Wood needs to be on the SANDAG Board. She's been to SANDAG and seen how hard he's worked. We don't need to do this. It isn't fair to Oceanside. Oceanside has spoken about who they want for Mayor.

JIMMY KNOTT, 127 Sherri Lane, thinks this should be in a workshop. There has been no information to the public about the reasons why this needs to come to Council at this time. We need some background on this. If it's not broken, don't fix it.

DONNA MCGINTY, 2405 Mesa Drive, commended the City Manager for looking at some outsourcing issues that are reasonable, particularly in the Harbor. She appreciates what Councilmember Felien is doing here. Everything is a compromise. The SANDAG Board should be shared among all of the Councilmembers. There should be a rotation on SANDAG and on all of the commissions and committees. Then Councilmembers can get a flavor for what Oceanside is really like and the differences that exist here.

LARRY BARRY, 3973 Brown Street, is conflicted on this. He believes in a strong Mayor. The Mayor should be supporting us and getting all of the money and opportunities from SANDAG that he can. There is a philosophy in Oceanside to try and keep us a small town. Mayor Wood has a go-slow approach, but we're literally giving away millions of dollars to our sister cities along the coastline. Now they're getting better roads and transportation. We're not reaping the benefits from the taxpayers' money that we put into this. We should be more aggressive and determined to get more benefit from SANDAG as a City of 180,000 people. It's all politics. He understands wanting to keep the small community, but we need to bring money into the City so we can pay for police, fire and schools, etc. We're missing the boat.

GRAHAM FRASER, 2119 Oceanview Road, supports Councilmember Felien's request on the basis that this about a decision-making process. We have 5 Councilmembers. We've elected the same 5 again, so obviously the City is satisfied with those 5. We're talking about a process to make a decision. This only allows a nomination, which will enable a decision-making process to go forward where the

Council will talk to one another and present their various views on who would be best suited for the various positions, whether it's SANDAG or the San Diego County Water Authority, etc. We should think of this request as a decision on how to make better decisions. Discussion typically reveals a better solution.

CHARLES McVAY, 200 North El Camino Real, asked Council not to support Councilmember Felien's request on this ordinance. It is not needed. Heretofore, our Mayors were granted the authority to appoint representatives to regional boards and agencies, subject to the approval of Council. Councilmember Felien's excuse is he wants to remove Mayor Wood from SANDAG because the Mayor does not agree with Councilmembers Kern, Feller and Felien. That is a poor excuse. If this ordinance is adopted, then any reasonable person would believe that anytime a representative to any board or agency made a decision that Councilmember Felien did not like, he would attempt to remove them. Just because someone does not agree with you is no excuse to enact a new ordinance just so one can have their way. No one in their right mind would want to be a representative on any board or agency with this threat hanging over their head. This sounds more like a dictatorship.

We all know this excuse is nothing more than a red herring in an attempt to circumvent the will of the voters who sent a loud message that they re-elected Mayor Wood to another term of office by an overwhelming majority. Besides doing official business, Councilmembers are expected to set examples for our young people. Voting for this ordinance is setting a bad example in that the message sent is that if you don't get your way, then get it by hook or crook.

The United States Constitution grants the President the authority to make appointments. If it's good enough for the President of the United States, it's certainly good enough for our Mayor. In order to set a good positive example to our young, every Councilmember should vote no on this proposed ordinance.

HOLLI MORTON, 200 North El Camino Real, has heard Councilmember Felien say on many occasions to let the people decide. The people just decided, and the Mayor was voted back in on a 2:1 vote because the people love this Mayor. Mayor Wood takes the fact that he's supposed to be non-partisan very seriously. That's important to this community. He's not smug, arrogant or manipulative, and he cares about every faction. That's why the people care about him. We don't want to continue to play these contentious games with our Council. Things are fine. Don't fix what's not broken. The people want him to represent us.

CHRIS WILSON, 770 Harbor Cliff Way, read from Section 102 of Article 1 of our City Charter and from an Attorney General opinion from 1998 regarding this issue. According to what he read, attempting to do this by ordinance would put Oceanside in violation of State law. A legal battle would be a waste of the taxpayers' money.

DIANA SUNDE, 1335 Lemon Street, is the Welcome Committee Coordinator for the Eastside Neighborhood Association. In light of recent publications, she has concerns both as a citizen and a voter that our voices are not being heard, nor are our best interests being served. The votes are in and the residents of Oceanside have spoken. We have the utmost confidence in the Mayor's ability to do his job with integrity and in regards to the quality of life for the citizens of Oceanside, with our best interests always in mind. For you to try to change the rules and regulations to suit your own wants and needs is less than democratic. She asked Council to set aside past conflicts and move forward with the voters request for a more unified and courteous Council.

MARIA RUSSELL, 1323 Lemon Street, is the President of the Eastside Neighborhood Association. On November 6th, Oceanside residents spoke and Mayor Wood was rehired to be a good steward and run our City for the next 4 years. She

doesn't understand why this issue with SANDAG is being created to attack Mayor Wood when the voters have clearly stated our position to move forward in support of Mayor Wood. This is the time that we all have to come together, work together and not create obstacles that waste time and money. Her wish for Councilmembers in 2013 is for the Council to practice a little humility, have respect for each other, put a greater focus on bringing Oceanside to the next level and stopping the gridlock. Our citizens deserve it and demand it.

ELAINE SAUTER, 7216 Mission Avenue, stated this movement to allow any Councilmember to make nominations to fill positions on all regional boards and commissions, which would empower them to remove any appointed individual, one of whom is now Mayor Wood, our SANDAG representative, seems to be nothing more than a political maneuver. It would unnecessarily make what is now the streamlined process of the Mayor creating a list of representatives and submitting that list to Councilmembers, into a chaotic free-for-all that would make the process exponentially unmanageable.

Not even a month ago, the voters elected Jim Wood as their Mayor. He had over 54% of the vote. His next closest competitor was well under 31%. The voters showed their support for the Mayor in overwhelming numbers. Clearly the majority of voters felt he has their best interests at heart and that he votes on issues and appoints delegates the way they want him to. If not, he would not have won by such a huge margin. This evidence makes her feel that this measure by Councilmember Felien is unnecessary, does not conform to the implicit will of the people and must be voted against.

She is always grateful for the opportunity to address the City Council, but this time she also feels no small amount of annoyance. She leads a busy life, and this is the second incident in about 6 months that she has had to spend time and political activity to combat some useless, questionable and perhaps self-serving motion. The last time was the vacancy decontrol issue. The mobile home measure failed by a large measure, and now here she is again addressing an issue that should have never been brought up.

She beseeched the members of the Council to address the serious problems our City has and get ready to buckle down to economic and social issues we are likely to have in the future as military personnel are reduced, taxes raised and entitlements cut. This kind of proposal is beneath them, and she beseeched Council to put their attention elsewhere.

LINDA WALSHAW, 151 Robby Lane, stated the Council majority have made it abundantly clear to Oceanside voters that despite Mayor Wood's overwhelming re-election, they intend to continue to ignore the will of the voters and run their own agenda.

Mayor Wood has been re-elected to office by over 54% of the vote. Even if the Council majority's proposed Proposition F had passed last June, he would have still won re-election. Unhappy with this outcome, the Council majority are now making a blatant grab for power in an attempt to usurp for themselves those duties that rightfully belong to our Mayor, in spite of the fact that Councilmember Kern has publicly stated in the past that it should be the Mayor's responsibility to attend or appoint representatives to SANDAG. Voters should ask themselves if Councilmembers Kern, Feller and Felien would still be seeking to strip the Mayor's office of these powers had Councilmember Kern become Mayor. Of course not.

Councilmember Felien claims it is the Mayor who is preventing the Melrose Extension project from moving forward, but what he's not telling voters is that this proposed project was rejected by the Planning Commission because "the detriments of the proposed project far outweigh any benefits". The Council majority who claim to be

fiscally responsible then chose to ignore the Planning Commission's rejection of the project and went on to spend hundreds of thousands of taxpayer dollars on more studies when they did not get the results they wanted. Now they propose to eliminate the Mayor's participation to force the outcome they seek.

She urged Oceanside to return control of the City Council to the people, support the Mayor you re-elected and contact your Councilmembers and tell them to stop this grab for power.

MIKE BULLOCK, 1800 Bayberry Drive, is the Transportation Chair for the San Diego Chapter of the Sierra Club, which endorsed Mayor Wood. He goes to a lot of SANDAG meetings and notices that all of the representatives there are either Mayors or people designated by Mayors. Whose views align with the voters of Oceanside?

AB 32, the Global Warming Solutions Act, was passed in 2006. It asked for 1990 levels of greenhouse gas emissions by 2020. Proposition 23 would have suspended AB 32. It was funded by the Koch Brothers and Texas oil companies who came here to California. It was endorsed by the San Diego Republican Central Committee, and it lost by double digits in San Diego County. Oceanside, with the vote of Wood, Sanchez and Lowery, opposed Proposition 23. He spoke about votes on various issues in 2012.

This issue tonight is just a power grab. They want to grab the power from Mayor Wood, who won by a large margin. That means the power would be taken away from the one the people voted for and given to Councilmembers Kern, Feller and Felien, with whom the voters have disagreed on climate, local transportation issues and vacancy decontrol.

WINDY BRAVO, 3030 Oceanside Boulevard, stated some of the remarks made recently in the press by Gary Felien about a lack of representation seemed to be something that was meant to shock and awe.

SANDAG representation is an extension of the will of the majority as it's been exercised at the polls. The new ordinance should subject the majority's confidence to the whims of ambitious and unprincipled folks whose ill-conceived projects serve the aims of a non-representative majority. What you really see here is a small percentage asserting itself as a majority. That's not what's going on here. We have a majority of voters who elected Jim Wood.

We don't want to see ill-concerted projects serving the aims of the non-representative minority as reflected in the Council. Their projects are unpopular and work at cross purposes to the people's will. Such a whim has no place in a democracy. Your proposed ordinance is an offense, so exercise wisdom.

MIKE CROGAN, 4522 Coronado Drive, doesn't normally personalize remarks when he addresses the Council. Since this initiative is so transparently personal, he'll make an exception. We can appreciate how the loss suffered by Councilmembers Kern and Felien recently is clouding their judgment. Councilmember Felien, as lead headhunter for Councilmember Kern's mayoral campaign, is surely wondering what went wrong.

Since you couldn't win the Mayor's office in a fair election, you turn to Plan B. Mr. Crogan said he and many others in this town voted for Jim Wood to fill this Mayor's office, and he condemns the majority for their shameless attempt to change the office and take away the Mayor's powers of appointment and for another attempt to usurp the will of the people who voted for this Mayor.

LINDA SILLS, 42 Chico Lane, opposes this proposal by Councilmember Felien.

She has faith in Mayor Wood being appointed to SANDAG because she agrees with him on his ideas regarding the Circulation Element, etc., especially the Melrose Extension. When you have the will of the people, a body politic and constituents, you should listen to them. They elected you. If your goal is to have a 9% approval rating, like the U. S. Senate and House, then you're well on your way. She asked Council to please do the will of the people.

CAROLYN KRAMMER, 904 Leonard, congratulated Mayor Wood. The people have spoken; the City is behind you, and a lot of your supporters are in this room tonight. She asked Councilmember Felien, if Councilmember Kern was sitting in the Mayor's seat today, would this item be on the agenda tonight?

DIANE NYGAARD, 5020 Nighthawk Way, stated we all want our City to have the most possible influence in our regional planning agencies. They have huge control over regional funds. The best way to do that is to have our Mayor continue as our SANDAG representative. Anyone who thinks otherwise doesn't really understand how SANDAG works. It's a system of appointments within the structure at SANDAG that depends on seniority and politics with 18 member agencies, and the City of San Diego having a weighted vote. Our Mayor has seniority at SANDAG and has demonstrated that he knows how to work the politics to get the most for Oceanside. If that's really the objective with this change, it makes no sense.

Public input concluded

COUNCILMEMBER FELIEN stated when we review the history of the Mayor's office in Oceanside, when a separately elected Mayor was created in the early 1960's, the voters passed the option to create a Mayor, but that election did not confer any powers to the Mayor's office. All of the powers of the Mayor's office were created by City ordinances passed by City Council majorities. Any ordinance to increase or decrease the Mayor's power can pass by a simple majority of the Council. In short, any power enjoyed by any Mayor is at the pleasure of any Council majority. The question regarding appointments to regional boards and commissions arises on whether or not the appointee represents the Mayor or do they represent the Council as a whole. He believes the appointees represent the Council as a whole. As such, he believes the Council, as a whole body, should make these appointments.

The current process works fine when the Mayor is part of a working majority because it does not matter who actually nominates or proposes nominees when a working majority can quickly come to an agreement and the nominees will actually represent the Council as a whole. The past authors of the current ordinance did not anticipate the effects of a situation in which the Mayor was part of a voting minority on the Council, which leads us to the impasse we have in regards to the expectations of performance for existing appointees. The current appointment process does not recognize that there is a big difference between appointing third parties to positions and appointing fellow Councilmembers to positions. His proposal will give the Mayor the lead role in the appointment process, but no longer the dominant role. His proposal also fixes the flaw in the current process by clarifying how appointees are removed and replaced. Our current ordinance is silent on this issue.

Since the current Council majority was elected 2 years ago, he believes the Mayor has not fairly reflected this political shift in his appointments. Since the existing Council majority was kept in place by voters in the most recent election, it's time to fix this broken appointment process. The Mayor has not represented the Council majority on SANDAG. The most recent example is when approximately \$800,000,000 was freed up when the Interstate 5 (I-5) widening project was scaled back. The Mayor voted to spend the money in South County rather than voting to fight for North County projects, like the Highway 78/I-5 interchange improvement currently scheduled for 2035, which

still has a signal to control traffic from one freeway to another. We shouldn't have to wait until 2035 to get improvements in North County when the \$800,000,000 was adjusted from a North County project.

Unfortunately, no other Councilmembers have a vote on important committees, even though we are the largest city. It's the job of the Mayor or any SANDAG representative to get other Councilmembers in position so the City has more influence. For Oceanside to have only 1 vote reflects the Mayor's lack of influence at SANDAG. Past Council majorities have not hesitated for a second to exercise their majority power. Examples include removing Mayor Dick Lyon and Councilmember Feller from SANDAG and ramming through a last minute labor contract less than 24 hours before Councilmember Felien took office, even though that majority had been repudiated at the polls. The hypocrisy that some Council majorities can exercise their power but other majorities cannot is absurd. He would think the current minority would be less reckless about talking about another abuse of the recall process to waste another \$500,000 considering their support for the abuse of the recall process is one reason he believes they are still the minority. He hopes the Mayor was just blowing off steam.

If citizens don't want the Council to control the Mayor's powers, there is a solution: the City Charter. Propose an amendment that details the Mayor's authority. If you are not happy with the Council response, you can collect signatures and put it directly on the ballot. The Charter is the people's Charter. When we had our Charter workshop and he listed a bunch of items as suggestions, some of them specifically dealt with these issues. There was no response whatsoever as far as putting the Mayor's power in the City Charter.

The earliest his suggestions can go into effect would be in mid-January, based on the timing and the readings that are required. The old process is still in effect, and the Mayor can propose appointments. We can see if they accommodate the current majority. He would prefer to have this settled before the end of the year. That is still on the table.

He **moved** to instruct the City Attorney to draft an ordinance to accomplish the following:

- A) require the Mayor to submit a list of proposed appointments to all regional boards and commissions for the coming year at the first scheduled City Council meeting after the swearing-in meeting in December of election years; to submit a list of proposed appointments to all regional boards and commissions for the coming year by the second scheduled City Council meeting in December of non-election years;
- B) for any of the Mayor's proposed appointments to any regional board or commission that are voted down by the City Council, any City Councilmember may make a motion to propose nominees for appointment to any regional board or commission;
- C) if the Mayor does not submit a list of proposed appointments to the City Council by the times prescribed above, or any position that otherwise remains unfilled after the second scheduled City Council meeting in December, at any following City Council meeting any Councilmember may introduce an agenda item to submit a list of proposed appointments for all regional boards and commissions;
- D) allow any City Councilmember to submit an agenda item and make a motion to remove any appointee to any regional board or commission;

E) for any vacancy on a regional board or commission created by City Council removal of an appointee, any City Councilmember may submit an agenda item and make a motion to fill the vacancy;

F) instruction to City staff to return the proposed ordinance to City Council for review on the meeting of Wednesday, December 5, 2012; and

G) because Councilmember Kern has a scheduled absence for the meeting on December 19, 2012, instruct City staff to prepare the paperwork to schedule a special City Council meeting for 2:00 PM, Wednesday, December 12, 2012, for the second reading of the proposed ordinance.

DEPUTY MAYOR FELLER seconded the motion for discussion.

MAYOR WOOD asked if this goes forward, what would be the date that is 30 days after the last reading.

CITY ATTORNEY MULLEN stated just to be clear, we're not agendized today to set a special meeting. There is a process under the Brown Act to call a special meeting. Either the Mayor can call it or 3 members of the Council can call. Assuming that process goes forward, the introduction of the ordinance would be December 5, 2012. If a special meeting is called for December 12th, that would be the adoption date and then the ordinance would become effective 30 days thereafter; or on or about January 12th.

MAYOR WOOD asked if, unless he's removed, he'll be the Mayor appointing those position up until about the 12th of January.

CITY ATTORNEY MULLEN responded yes.

COUNCILMEMBER SANCHEZ has a pre-existing conflict on December 12th with the Coastal Commission hearing so she hopes Council is not moving to exclude her from that vote. There is a Council meeting on December 19th, so she doesn't understand why we don't have it on the 19th.

COUNCILMEMBER FELEIN stated that Councilmember Kern has a scheduled absence from that meeting.

COUNCILMEMBER SANCHEZ asked about December 18th or the 31st. Other Councilmembers should be considered besides Councilmember Kern. Her absence has been known for months.

She takes exception to depicting our Mayor as one who has not fought very hard at SANDAG and represented us diligently. He has been to every single meeting for years. He has tried very hard. She knows this because she has been working alongside him to get Highway 78/I-5 as something that should come forward. We've been fighting that for years. There is now a different SANDAG. The Chair has been elected out of office for SANDAG. There are going to be a whole lot of changes so this may be ceremonial. This may be just to say you can do this.

This is a democracy and something that every citizen in Oceanside feels very proud of. We have either relatives or individuals themselves who fought in combat so that we could have this freedom of democracy. We don't go out and settle things in the parking lot; we settle things via due process. Before going into this election, for the better part of 2 years, we have had an active debate as to whether or not Mayor Wood was effective. We had an election about that. Every issue that has been brought up here on the dais was brought up during that campaign season. The voters of Oceanside

chose Mayor Wood decisively. It was not even close. It was 2:1, which is a super majority vote.

We have known all along that the Mayor's office includes the power of appointment. There are only 2 differences between a Councilmember and a Mayor. Those are is that the Mayor presides over all of our meetings and that he has the power of appointment, subject to approval by the Council. There is your power of 3: majority rule. On 85% of the issues we vote on, we vote together as a Council. It is those issues that we feel passionately about that capture the headlines. She heard on the campaign trail that we should be able to debate on the dais and feel free to bring forward our issues. We have done that. The people have spoken. This motion before us is one of the most undemocratic acts that she has seen. She's embarrassed and ashamed of it.

She sees this as an attack on the office and duties of the Mayor, in a City where we directly elect the Mayor. This is against all democratic principles. She heard it said that the voters returned the same Council to the dais in the recent election. There was a lot more behind the numbers. If you look at the numbers for those that ran on certain principles and those that ran on opposite principles, Mayor Wood received 30,491 votes so far. She received 26,035 so far. Dana Corso received 20,339. In terms of the opposition for Mayor, Councilmember Kern received 17,157. Deputy Mayor Feller received 21,484 votes and Mr. Dykes received 14,386. There were 76,865 for Wood/Sanchez/Corso, compared to 53,027. She believes that if this vote had lasted another couple of days, we would have had a different result. It was close with respect to Deputy Mayor Feller and Ms. Corso. The other 2 offices weren't even close. To suggest that the electorate wanted to keep it all the same would have meant that all 3 of us would have been overwhelmingly elected, and that's not what happened.

A couple of people have referred to a published opinion of the Attorney General, which was handed to her during the break. She is an attorney and hasn't had much time to review it, but she's spoken to the City Attorney and has friends in the Attorney General's office. The arguments that are discussed in this opinion seem relevant to our discussion as well. They talked about the difference between statute and an ordinance. The ordinance is what we're talking about and what cities can do. A statute generally means a state or federal law.

Our City Charter was basically an anti-labor Charter. It was about not wanting to have livable wages or project labor agreements, which the City had never had in its history anyway. It did not discuss whether we should change from the kind of governance that we have, which is a strong City Manager/Mayor form of government. It kept everything intact.

The opinion said if the term statute were to include ordinances it would be a simple matter for a City Council to enact an ordinance that would negate, in this case Section 40605 – Mayor appointment directive, by placing the appointment power in its own hands. We believe instead that the legislature intended to create a system of checks and balances by placing the appointment authority in the hands of the elected Mayor while giving the City Council the right to reject Mayoral appointments. This balance system would be circumvented if a City Council could, at any time, abrogate the Mayor's appointment authority through the enactment of an ordinance. That had to do with a general law city, and we're a charter, but she believes the reasoning applies just as well here.

Above and beyond our individual beliefs in terms of issues and how we feel about issues, it is the duty of every Councilmember on the dais to support our form of government and agree to play by the rules. If the result is not of your liking, you don't try to change those rules. That's what's happening here. No other city has ever done

this. It's embarrassing that we even have this for discussion.

She hopes Council doesn't do this. It won't change anything at SANDAG. In fact, you probably have an even higher burden because your friends have just gotten unelected. Your network of associates has just gotten unelected. Now is the time to rebuild and find middle ground. Stripping the Mayor of his powers isn't going to get anyone to want to talk to us. It doesn't present the balance. The Mayor's door is always open. She's never heard of anyone being turned away.

She's never served on SANDAG, so it's not about her. There are a lot of projects that we need to work together on. If we don't, we're not going to get the money. There are things that we agree on. Our challenge is to focus on those and stop focusing on those items that we don't agree on. That is what she heard over and over in the community. There is a lot of support for working on Coast Highway. There is almost no support for projects out east that will drain our services and our ability to provide them. If we create more demand with no more money, that means all of our levels of service go down.

She heard someone refer to how Carlsbad City Council talks about things ahead of time and comes out to the dais united. In Oceanside, we're more passionate; we care about our issues, but we abide by the results. You're asking us to abide by those results. When you speak against the recall, you're asking us to abide by results. Please abide by the result that we just had. Please allow Mayor Wood to be our Mayor.

DEPUTY MAYOR FELLER thanked the audience for re-electing him. You might have avoided this if you weren't so vehemently opposed to Proposition F. When Shari Mackin was elected, he was ripped out of the Chair of NCTD at that point, and he was taken off of the Executive Committee of SANDAG. She was made the appointee at that time. We've lost traction ever since. We should be at a bare minimum on transportation and planning as representatives from our region, but the Mayor doesn't appoint any of us to that. They've relegated the authority to Del Mar and Solana Beach, who total about 15,000 to 20,000 residents. Oceanside is on Borders and Public Safety. He's proud to represent the City on that, and he brings back what he hears down there and runs it through the City Manager, who actually does run this City. The idea before was and always has been to get the consensus of the Council when you're representing the City at SANDAG. That has never happened. It's whatever the whim of the representative is. That is something that we need to establish.

He wishes these people in the audience had spoken that passionately about when we lost seniority on SANDAG and NCTD. There are a lot of projects. A guy named Joe Collegian was on Transportation at SANDAG for about 12 years, and because of him there's the interchange at Loma Santa Fe. Del Mar has received many great additions with their freeway widenings through their representation.

We continually hear about a large portion of Guajome Park. That's a 557-acre park that has a corner of it, about 5 acres, that is relegated to the widening of Melrose. That's years away as we all know.

He asked the City Attorney if this violates State law.

CITY ATTORNEY MULLEN responded in his opinion it does not. Under the current City Code Section 2.1.64, all appointments are to be made by the Mayor with the ratification of the City Council. Our City Code, in Subsection G, references Government Code Section 40605, which in turn gives the Mayor appointment authority over regional boards and commissions, subject to the ratification of the Council, unless there is some other State statute that provides unambiguously otherwise. Section 40605 expressly applies to general law cities. There is no State statute that applies to charter cities in

terms of the appointment authority to regional boards and commissions. In his opinion, you could do this, but only through an amendment to the City Code.

DEPUTY MAYOR FELLER asked when the State law was passed or the FPPC change enacted.

CITY ATTORNEY MULLEN stated the Deputy Mayor is referring to the FPPC (Fair Political Practices Commission) regulation that formerly prevented Councilmembers from voting on their own appointment, and that was changed this past year. He doesn't have the exact date, but it required us to post on the City's website all of the various stipends that are available to public officials serving on regional boards and commissions. Once we've done that then you have the ability to vote your own appointment. We did the Council action to place it on the website in the last 6 weeks or so.

ASSISTANT CITY CLERK TROBAUGH stated it was amended in March of this year.

In answer to Carolyn Krammer's question, **DEPUTY MAYOR FELLER** would much prefer not having a strong Mayor form of government. It is ceremonial. He commends Mayor Wood for his activities in the community. He's a wonderful representative for the people. He just doesn't think we're getting what we need at SANDAG. Somebody has to be fighting for things like Highway 78/I-5. If we could have moved that widening around and had forceful input, we could have been treated differently, instead of having to wait another 20+ years for this interchange. He's sure they have their reasons, but we didn't fight very hard for that. Also, at NCTD when he was there we were starting to work on quiet zones and things like that. It has completely fallen by the wayside. That's something we can push, as well. He would love it if the Mayor would get the consensus of the Council and continue to be the representative, but he doesn't think that will happen.

COUNCILMEMBER SANCHEZ has been working with SANDAG as a Councilmember who also happens to be a Coastal Commissioner, so she knows the ins and outs of the Commission. It was her intent to work really hard with SANDAG, understanding that she would never get appointed by this body to SANDAG, but at least work with them and others who do listen to her who are in elected offices and who would be working hard with her to make things happen for Highway 78/I-5. She's talking about getting several required permits to make things happen. She has no delusion that she would ever get appointed, but if she doesn't get involved in this it won't happen. If this happens to the Mayor, it will hurt her ability to make that happen. She understands the desire of each one of the Councilmembers to do as much as possible for our City, but let's do it in a way that is respectful of each other.

DEPUTY MAYOR FELLER meant to ask about the 12th.

CITY MANAGER WEISS responded even if this motion does pass, Council still needs to take a separate action to set that special meeting. He would recommend moving it to Monday, December 10th at 2:00 so Councilmember Sanchez can participate.

COUNCILMEMBER FELIEN thought there was an issue of having to wait a week between a first hearing and a second hearing, which was driving that issue.

CITY ATTORNEY MULLEN responded you need to wait 5 days.

COUNCILMEMBER FELIEN stated if Monday is acceptable and works for everyone here, that's fine for him.

DEPUTY MAYOR FELLER would hope that would be later in the day on the 10th.

MAYOR WOOD thanked everyone for re-electing him. He wants to be fair about this. He wasn't going to run for Mayor again this last time. He has 45 years of service to Oceanside and thought it was time to retire. The reason he didn't leave is because of vacancy decontrol and the respect that citizens needed in the community. He was asked by the people to run, so he did. The frustration level is with things like this. He's voted in as the popular Mayor, and then people try to take away his authority to appoint. As simple as it may be, he has 2 things the rest of the Council don't have: he gets to run the meetings and appoint people to committees and commissions with the approval of Council. It's frustrating to be in the voting minority for most of the last 10 years.

He's been called a RINO (Republican in name only) by the newspaper. He did that because he has some displeasure in the past with the Republic party, but he's still a Republican. When he got here he learned very quickly that you're supposed to be non-partisan. When you run for office at a local level, you can't even list your party affiliation. He has to go to Sacramento and Washington D.C. and deal with both parties. If you stay in the middle and say you're non-partisan, you get people from both sides who might want to help bring money back to his City. We've always brought back millions of dollars to benefit the City when he goes to Washington D.C. He basically deals with 3 people: Congressman Issa, Senator Feinstein and Senator Boxer. The power brokers in Washington D.C. are Feinstein and Boxer. Last year Congressman Issa didn't even want to see us. If Councilmembers Kern, Felien or Feller went there, they probably wouldn't get a dime, in his opinion. Staying in the middle pays off. It's the same at the State level.

SANDAG is a powerful committee in San Diego made up of 18 cities and other people. Mostly Mayors show up as the representatives or somebody the Mayor appoints. It's a powerful agency with a lot of input on money from TransNet taxes. He has just now become the senior Mayor in North County. That has influence at SANDAG. The last election, countywide, generally went democrat. Most everything we do at SANDAG is a compromise. We have all of these cities, and we have power votes. We're a big city and we only get 5 power votes. Chula Vista gets 6, and they're the second largest city. The City of San Diego gets 25 votes, as does the County of San Diego. If those 2 vote together, we can't beat them. The power base is in the south because that's where the power votes are. That's not what it's about. You have to give and take. Things have to be shovel-ready or you can't get the money from SANDAG.

He has a lot of influence at SANDAG; however, that money that was supposed to be up here for North County got moved south because of some issues that came up at SANDAG. It went to the second choice, which we all approved - the Interstate 5 widening. We were picked last because of the Buena Vista Lagoon and the impact on the environment. They knew that the widening of Highway 78/I-5 both had to be done at the same time because of the environmental impacts on that body of water. We weren't ready. We didn't even have the EIRs (Environmental Impact Reports) because Fish & Game hadn't done them. The money couldn't be spent here without that done.

Recently Councilmember Sanchez, as a member of the powerful Coastal Commission, said she would get with Oceanside and Carlsbad and try to get SANDAG to do that study instead of Fish & Game in order to move it forward so we could widen the freeway at Highway 78/I-5. Without that, it will never go forward and never get the money. Councilmember Sanchez stepped up and said between Carlsbad and Oceanside, along with SANDAG, we'd front another \$800,000 to do those studies. We wouldn't have gotten that without her saying, as a representative of the Coastal Commission, she wanted it done. Both cities kicked in the money and now the study is going forward. As

the freeway comes north, we are put last because of the issue of the Buena Vista Lagoon. He didn't like it, but he can't force them to give us the money if we can't use it and don't have the EIRs done. That money went to another agency in the County. It's a give and take issue.

After the last election, we now have a democratic Mayor in San Diego who has 25 power votes and a new County Supervisor who might be on the next SANDAG Board with 25 power votes. Encinitas threw out their Mayor, who was the Chair of SANDAG, because he didn't listen to the public. We are seeing a power switch at SANDAG. Whoever sits there should do the best they can.

He hasn't always put some of the Councilmembers on the subcommittees because they don't seem to want to cooperate with him or the public. At the time, he didn't think they could do the best job at SANDAG and NCTD so he didn't appoint them or removed them. He also puts people on the SANDAG subcommittees for the 5 coastal cities. That's all he can appoint to. Del Mar is the smallest city, but they're also the richest city. A lot of these cities want influence by volunteering to be on bigger committees and commissions; that's how they get their muscle. The problem is if you step on the toes of the smaller cities, it doesn't look good. He nominates a lot of them to positions because it gives them the feeling that they have some power as a smaller city. Sometimes those people do a better job than some of our Councilmembers.

The Council majority wants to remove him from SANDAG because he doesn't support the 3 of them and their direction as the voting majority on the Council. He doesn't represent the voting majority, and they don't like that. He represents the voting majority of the public. That isn't the same direction the Council majority is going. He is a Mayor who tends to be non-partisan, so that's why he won the last election. He represents the public and not the Council majority. If they win this battle, then one of them will be at SANDAG and will hopefully represent the public.

The problem he has is that the Council majority has not listened to the public in a long time, so why would they listen to the public when they're on a powerful agency like SANDAG? He has always been hesitant about appointing people who don't listen to the public.

The City Attorney says they can do this. As the Mayor, he can't get legal representation from the City Attorney because that would be in conflict. Can they give him a lawyer who can answer his questions and protect what he thinks he has as the Mayor? Hopefully they will, or we'll go to court on it and find out they have to give it to him. This came up about a year ago, and there was a ruling from the Attorney General's office of California saying the Mayor had the right. If this goes through, he's going to go to the Attorney General's office, who just awarded one group a tentative decision against SANDAG. He doesn't want to put the City Manager or City Attorney in a bad spot, which is why he feels he needs to seek outside representation.

Regarding Highway 78 at Rancho del Oro, there's no money for it. It's not on the 2030 or 2050 plan, so why fight it? If we want to get that, we'll have to take a lot of money away from some other region, and they're not going to give it up. With SANDAG's face changing to be more democratic, they have a bigger battle on their hands. The Mayor of San Diego will most likely make the big change with all of his power. If he gets removed, he'll have a battle on his hands and it might cost taxpayers extra money. He apologized in advance for that. He doesn't like the language and word games going on with this item.

They put this time limit in here because in the beginning of January all of the people will have sworn in their candidates and new Councils and he represents the 5 coastal cities. The new Councils will be sitting there and that's when we're going to pick

people who have been newly elected to sit on these subcommittees and boards. They're doing it fast because they figured out the power brokers are Oceanside, Solana Beach, Encinitas and maybe Del Mar. We get to pick who gets to be on those subcommittees, and it may not be them.

They want to have a special meeting that he normally calls. He probably wouldn't call it, so the three of them can to try and hurry this up before a new City Council in the North County gets sworn into office.

COUNCILMEMBER SANCHEZ stated it sounds like this vote is going to go through, and she doesn't want to rob this man of any days of being the Mayor. She would rather not be at that special meeting than to rob him of any time at all of not being Mayor.

MAYOR WOOD has never had a meeting where we passed over all of the items on the agenda that are actually important to take this before the audience. We have to get back to some of these items.

COUNCILMEMBER FELIEN acknowledges the Mayor's door has always been open when he wants to talk to him, and he has always been gracious to his requests. But there is a difference between being gracious and responsive. We don't play on the same team, but he is complimentary on their interaction on a personal level.

We've had one team that had no restraint whatsoever in removing people from office when those appointees did not match their view of the world. They had the right to do that. Councilmember Sanchez and Mayor Wood participated in those votes, yet they seem to want to deny a majority the right to pick people they feel more comfortable representing them. He doesn't understand the supposed double standard. It's democracy when one side gets to do it, but somehow it's a dictatorship when the other side enjoys the same privileges of office.

We have 2 types of appointments: one of which is affected by his motion and one which is not. In terms of third party appointees, such as when we appoint to the City Planning Commission, Utilities Commission, etc. the Mayor appointment is exactly the same. The reason is because those are third parties, and he doesn't have any issue there. The issue he has is when we're picking appointees to positions that are going to be filled by Councilmembers. When those appointees are going to be Councilmembers, he believes a different dynamic is required. Those appointees are supposed to represent the Council as a whole, and the Council as a whole should have more influence. The Mayor is correct that the structure of his motion is to recognize the ceremonial role of the Mayor. He gets first crack at making nominees, but if in the end the majority would not support those nominees, they would have the power to put forward other people. As Deputy Mayor Feller mentioned, we don't have a strong Mayor form of government, so he's trying to acknowledge the ceremonial role the Mayor can play, while saying the majority has rights of its own. When we're picking Councilmembers, the Council should have more voice in those decisions. He urged a yes vote on his motion.

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

CITY MANAGER WEISS stated part of the motion included that this item come back to Council on December 5th. Normally, we would be posting the agenda tomorrow afternoon, so we will show this item on there, but the agenda posting that will be online will not have the back-up material. It will be posted by the minimum required time, which will be Monday, but the back-up material and ordinance will probably not be in the agenda that gets posted tomorrow afternoon.

CITY ATTORNEY MULLEN stated it can be posted by Thursday night.

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.

22. **Advance written request to reserve time to speak:** Cathy Nykiel

CATHY NYKIEL, MainStreet Oceanside, announced that tomorrow are the tree-lighting ceremonies and the Sunset Market. There is a chance of inclement weather, so Parks & Recreation will make the final call at 10:00 a.m.

Our City is doing a book drive. MainStreet Oceanside is partnering with Soldier's Angels to provide donations and packages to our service members during the holidays.

Information for anything going on in Oceanside can be seen on the City's special event website.

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

JIMMY KNOTT, 127 Sherri Lane, stated the public will be receiving a notice this week from Cox Communications telling them that beginning December 13th, channels 18 and 19 will be shifted to the higher digital channels. This will require new equipment from Cox and future additional cost. This will affect our fixed-income and minimum wage recipients who can only afford the basic package. Cox is only willing to help for one year; however, the City Manager's office believes this is uncalled for, and to potentially encumber the citizens with these costs is unconscionable. The citizens have a right to access their local government on the television without those additional costs. The City Manager's office has sent correspondence to Cox and has requested that the access be retained and the for citizens to receive it at no additional cost.

He met with staff members and found out that for mobile home parks that are in the 100-year flood zone there are some new interpretations that would affect the people who live in those zones. People may want to look into those new interpretations.

KEN LEIGHTON, 1109 South Nevada, stated in new stories and editorials, the *North County Times* has done everything possible it could to make us look like a town overrun by gang-bangers, where if you run for public office you might get shot. He implored the City to direct the police to investigate and determine if death threats were made to Council candidate Jimmy Knott, as was reported. A *North County Times* editorial of November 17th said "Knott should be allowed to participate in public life unmolested". Another article stated Mr. Knott had threats to his safety and his life. He finds that hard to believe. This is serious stuff. It is an indictment on how low-life our political process has allegedly become. Please show some leadership and have the Oceanside Police Department get to the bottom of this. If Mr. Knott was threatened with his life, let's prosecute those who lodged said threats. If he wasn't molested and not threatened with his life, then let's expose this for what is, an attempt to get attention at the expense of our City.

He believes there was no molestation or death threats and that this was all one big scam perpetrated by Mr. Knott and cheerfully executed by the *North County Times*. If there were threats, let's uncover the felons, put them in jail and clean up our reputation. Just as Oceanside moves ahead with all of these positive steps forward, why does one activist and a newspaper struggling with declining readership get to slander our community and get away with it? Mr. Knott now wants everyone to forget about it and get along, after he got the paper to slime our City. The City doesn't employ a public

relations specialist who would project a positive image, probably because we can't afford such a position. Why do we have someone who is supposed to be on our side, an appointed commissioner, take us down in this fashion? Let's not telegraph to everybody that if you run for office in Oceanside, you do so at your own peril; that you might be killed. He urged Council to get to the bottom of these alleged death threats. Prove these threats, or retract your slurs.

MIKE BULLOCK, 1800 Bayberry Drive, Transportation Chair for the San Diego Sierra Club, spoke on climate mandates on regional driving and Carlsbad's proposed Quarry Creek zoning changes.

DIANE NYGAARD, 5020 Nighthawk Way, representing Preserve Calavera and over 100 North County families, stated we expect that Council will all be concerned about the Quarry Creek project right on our borders. This is the Council that saved the sacred waterfall and added a 50-foot buffer to the creek to make sure we could accommodate a public trail. This project that is now proposed by Carlsbad is going to more than double the number of housing units that are currently zoned. Up to 656 are proposed. They are not providing for the full buffer or bicycle/pedestrian trail connections to El Camino Real. They are asking Oceanside to provide 100% of the fire and emergency medical service. Of great significance to everyone is that 100% of this traffic is going to dump in Oceanside. Both of the roads will connect at College in an already heavily congested area. We've got 4 senior communities at Lake Boulevard by College. We would hope that you would represent all of us here in Oceanside and ask how do to that project right.

We think there are 4 key things that are part of doing it right: fewer units - every unit accounts for 7 to 9 traffic trips everyday so reducing each unit will make a difference; improving pedestrian safety - not just in their part of the project, but it needs to connect all the way through the Quarry Creek Shopping Center and across the intersection at College Boulevard so people who live along Lake can safely access that area with a lot more traffic; bicycle/pedestrian connections to El Camino Real so we can all truly enjoy that waterfall; and public transit subsidy. North County Transit District (NCTD) says they can put together dynamite transit routes to serve the shopping center, Carlsbad's new high school on College Boulevard and Coaster/Sprinter stations.

DOUGLAS FENCL, 307 South Horne Street, stated there is a specific proposal to make Horne Street one-way traffic from south to north, with angled parking on the east side. The development of this proposal resulted from an Oceanside Coastal Neighborhood Association (OCNA) meeting in early October when talking about the Belvedere project. The specific proposal that Council has received was part of a presentation by Joan Bockman, the President of the OCNA, and is part of the record. All of the people in attendance at the meeting were in agreement with this proposal because it has impact from additional traffic that the Belvedere Project can bring. The Belvedere Project and the new hotel project are great things for the City. We can't wait to see all of this development get done, and the downtown area driving the economics of the City. We believe there will be benefits to this because right now the intersection at Michigan and Horne is not safe and not a straight-through intersection. We could make it safer for people driving and accessing their cars.

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.

25. **City Council: Consideration of Zone Amendment (ZA10-00001) and Local Coastal Plan Amendment (LCPA10-00001) to consider amendments recommended by the California Coastal Commission to the City's Wireless**

Communications Facility, Satellite Dish, and Antennas Standards, and establishing the amended text as part of the implementing document of the City of Oceanside's Local Coastal Program (LCP); and introduction of an ordinance and adoption of a resolution to effect these amendments – Wireless Communications – Applicant: City of Oceanside *(continued from November 7, 2012)*

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

JOHN HELMER, Interim City Planner, stated there is a computer graphic he can present but unless specifically requested, he will waive that and be available for questions.

Public input

JIMMY KNOTT, 127 Sherri Lane, sat on the committee that helped form this ordinance. He listed a few items he had problems with. A computer graphic was used to show hot spots where there are issues. There are 100 cell towers listed in the City, but he went through a list that showed more than that. There is supposed to be a map of the cell towers, and the City doesn't have a map. We brought these problems up to the Coastal Commission and we were ignored. We don't want to be ignored anymore.

SHARON NEWBERRY, Oceanside resident, referred to the suggested modifications by the Coastal Commission that Council is supposed to be looking at. What is the City doing to make the intelligent decision as to where a tower or antennae is being placed? The City has no map or monitoring system so how is the City supposed to take care of the residents of this community, as suggested by the Coastal Commission. She wants to know how Council is making their decisions.

Public input concluded

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

MR. HELMER stated all telecommunications facilities are required to submit with their application a radio frequency report to see if they comply with the Federal Communications Commission's regulations for radio frequency. Those are reviewed by a third party. All projects that have been submitted do comply with the FCC regulations. The City cannot further regulate radio frequency; that's in the jurisdiction of the FCC. We are requiring all applicants to submit information showing that they are complying with applicable FCC regulations on radio frequency radiation. Turning on and off power had to be within those regulatory requirements from the FCC. He doesn't know if they do turn off or down their power.

He doesn't understand the other question about the Local Coastal Plan (LCP). What you have before you is the modifications to the entire wireless communications ordinance as suggested by the Coastal Commission. Most of these modifications relate to a project being consistent with the LCP. There are some minor definition requirements, and there is another requirement that noise from these facilities comply with the City's noise ordinance.

This project, upon Council's action and certification by the Coastal Commission, will be part of our certified LCP and by extension, consistent with the Coastal Act.

CITY ATTORNEY MULLEN stated the speaker may have been referring to Section 3920, which discusses federal pre-emption. If there was a gap in coverage that was proven by the applicant, then there is the potential for an applicable development standard to potentially not be applied. It's very clear under Section 3920 that it is the applicant's burden to demonstrate a gap in coverage by clear and convincing evidence. They would be required to set forth all applicable evidence that would then be independently tested with a third party to establish that. That has not occurred since this ordinance has been effect in areas outside the Coastal Zone.

Regarding a map, **GEORGE BUELL**, Director of Development Services, acknowledged that throughout the course of working with the ad hoc committee, there was a commitment made by staff to produce a map. That map has been in progress, and we're exceptionally close to completing it. He was hoping to get it to Mr. Knott prior to this meeting. He recognized that based on the information he's seen, there are many wireless facilities in town. The one memo that Mr. Knott presented showed 569. He also viewed a listing of all of the individuals who have the right to operate a HAMM radio, including handheld HAMM radios. He was surprised by that number until he realized it includes handheld devices. We have not received one complaint about a HAMM radio antennae since we implemented the new ordinance, so it seems to be working well. He will have that map out by the end of this week.

DEPUTY MAYOR FELLER moved approval of [Zone Amendment (ZA10-00001) and Local Coastal Plan Amendment (LCPA10-00001) to consider amendments recommended by the California Coastal Commission to the City's Wireless Communications Facility, Satellite Dish, and Antennas Standards, and establishing the amended text as part of the implementing document of the City of Oceanside's Local Coastal Program (LCP); and introduction of an ordinance and adoption of **Resolution No. 12-R0782-1**, "... for Zone Amendment (ZA-10-00001 Revision 2) modifying Article 39 of the Oceanside Zoning Ordinance regarding wireless communication facilities" to effect these amendments – Wireless Communications – Applicant: City of Oceanside].

Our reception on The Strand is bad. He hopes something can be done with that.

COUNCILMEMBER KERN seconded the motion. He wanted the HAMM operators to know that this has no effect on them whatsoever.

COUNCILMEMBER SANCHEZ stated both Ms. Newberry and Mr. Knott testified at the hearing at the Coastal Commission, and Coastal staff explained to the Commission that the issue of mapping was a City issue and not a Coastal Commission issue. The Commission did make these recommendations, and they were accepted by the Commission. She's glad to hear that the mapping issue is almost complete. Will the mapping be available to the public soon?

MR. BUELL responded yes. The way that we've set it up is to provide a map where you can click on a link and it will take you to its Google base. You'll be able to click on each individual location that's marked by a tag and see who the carrier is and various information on the specific locations. This will be available on our website.

COUNCILMEMBER SANCHEZ stated Coastal staff did recommend that compliance with the LCP language be included, as well as a requirement that there be proof by the carrier that there is a significant gap. There are people who are concerned about these things and she hopes to assure the public that we are concerned about sharing all of the issues that we are able to legislate and enforce. We care about the community in terms of aesthetics, as well as not having an overabundance of these if there is not this significant gap. She is hoping staff will take all complaints seriously on this issue. She supports this with the hopes that we are responding to complaints by

the public and that we take them seriously.

CITY MANAGER WEISS stated staff has had conversations with one of the cell carriers in regards to looking at gaps along The Strand. This action tonight will let them move forward in looking at that closer. The other location we have asked them to look at is Douglas Drive.

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

ADJOURNMENT

After a moment of silence for Kay Parker, Anita Soto and Virginia Sanchez, who passed away, **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 8:32 PM on November 28, 2012. [The next regular meeting is scheduled for 10:00 AM on December 5, 2012].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Barbara Riegel Wayne
City Clerk, City of Oceanside