



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

MARCH 13, 2013

REGULAR MEETING 2:00 PM COUNCIL CHAMBERS

2:00 PM - OCEANSIDE CITY COUNCIL (COUNCIL),
HARBOR DISTRICT BOARD OF DIRECTORS (HDB)
COMMUNITY DEVELOPMENT COMMISSION (CDC), AND
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
Vacant

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

City Clerk
HDB Secretary
CDC Secretary
OPFA Secretary
Zack Beck

Treasurer
Gary Ernst

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

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

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

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 2:03 PM, March 13, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Councilmembers Feller, Kern and Felien.

March 13, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Councilmember Sanchez arrived at 2:06 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session: Items 2(A), 2(B), and 3. [Item 1 was not heard]

[Closed Session and recess were held from 2:04 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 was held

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Portion of 6.52 acres of land on Jones Road (APN 146-090-35); Negotiating Parties: City of Oceanside and Reach Corporation; Negotiators for the City: Darryl Hebert, Fire Chief and Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for a lease of real property

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Properties: Portion of relinquished right-of-way south of the Oceanside Welcome Sign east of North Coast Highway, Ron Ortega Park (APN 148-260-28), portion of Rancho Del Oro Drive right-of-way north of State Route 78, and portion of Haymar Street right-of-way west of College Boulevard; Negotiating Parties: City of Oceanside and Lamar Outdoor Advertising, ClearChannel Outdoor, Inc., Sunrey Media LLC/Signs of Support, and CBS Outdoor; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms of property use agreements

Items discussed; no reportable action

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Hirst v. Garcia, City of Oceanside
Superior Court Case No.: 37-2010-00101050-CU-PO-NC

Item discussed; no reportable action

4:00 PM – ROLL CALL

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

CONSENT CALENDAR ITEMS [Items 4-20]

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

COUNCILMEMBER KERN registered a no vote on Item 20, and Councilmember Felien abstained.

COUNCILMEMBER SANCHEZ asked to pull Item 12 from the Consent Calendar for discussion.

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 plans and specifications for improvements on California Street for the Safe Routes to School Lincoln Middle School/Palmquist Elementary School Project; and authorization for the City Engineer to call for bids
6. City Council: Approval of the continuation of an agreement in the amount of \$63,840 for a two-year period, effective July 1, 2013 through June 30, 2015, with Bloomberg L.P., of New York for access to a live market pricing and information system used by the Treasurer's Office in managing the City's investment portfolio
7. City Council: Approval of amendment 1 [**Document No. 13-D0138-1**] in an amount not to exceed \$29,500 to the professional services agreement with Keyser Marston Associates, Inc., of San Diego for as needed financial consultant services for the Weitzel Street and Mission Cove affordable housing projects; and authorization for the City Manager to execute the amendment
8. City Council: Approval of a budget amendment increasing the expenditure and revenue budget of the Building Division by \$57,000; approval of Amendment 1 [**Document No. 13-D0139-1**] in the amount of \$57,000 to the existing professional services agreement with Project Partners Inc., for contract building inspector services, and authorization for the City Manager to execute the amendment
9. City Council: Approval of a budget transfer in the amount of \$226,000 from the Major Thoroughfare Program, Fund 561, to the Mission Avenue Widening at Valley Heights Drive Project for design modifications and associated construction costs; approval of construction change orders 5 [**Document No. 13-D0140-1**] and 6 [**Document No. 13-D0141-1**] to Hazard Construction in the amount of \$36,029.29; authorization for the City Engineer to execute the change orders; approval of Amendment 3 [**Document No. 13-D0142-1**] to the professional services agreement with O'Day Consultants in the amount of \$12,644.20; and authorization for the City Manager to execute the amendment
10. City Council: Approval of the grant of easements for access and sanitary sewer line purposes to the City of Vista at City-owned property located at 1320 Lee Drive (APN 161-501-09 and 10), commonly known as French Field; and authorization for the Mayor to execute the easement deed [**Document No. 13-D0143-1**]
11. City Council: Approval to accept \$280,808 in grant funds from the Active Transportation Grant Program (ATG) awarded to the City for the North Coast Transit Station Bike Station Project and the Education/Encouragement/ Awareness Projects; approval to appropriate these funds to the Development Services Department; and authorization for the City Manager to execute the grant agreement [**Document No. 13-D0144-1**] and

all associated grant documents

12. **Removed from Consent Calendar for discussion – Council**
13. City Council: Adoption of **Resolution No. 13-R0147-1**, "...authorizing the filing of an application, and the execution of agreements, for Community-Based Transportation Planning grant funds, through the California Department of Transportation Planning Grant Program, for the Coast Highway Corridor Study", in the amount of \$300,000 for the Coast Highway Corridor Study; and authorization for the City Manager to execute all necessary grant documents
14. City Council: Acceptance of improvements constructed by Tri-Group Construction and Development, Inc., of San Diego for the Citywide Sidewalk Repair FY 2011-12 Project; and authorization for the City Clerk to file the Notice of Completion [**Document No. 13-D0148-1**] with the San Diego County Recorder
15. City Council/CDC: Acceptance of improvements constructed by Jeff Tracy, Inc., dba Land Forms Landscape Construction, of Laguna Niguel for the Tyson-Wisconsin Parking Lot and Coastal Rail Trail Project; and authorization for the City Clerk/CDC Secretary to file a Notice of Completion [**Document No. 13-D0149-1** and **Document No. 13-D0150-3**] with the San Diego County Recorder
16. City Council: Acceptance of the City Treasurer's Report for the quarter ended December 31, 2012
17. City Council: Adoption of **Resolution No. 13-R0151-1**, "...acting in its capacity as the Community Facilities District No. 2001-1 of the City of Oceanside (Morro Hills Development) ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 commencing with section 53311 of part 1 of Division 2 of Title 5 of the Government Code", and **Resolution No. 13-R0152-1**, "...acting in its capacity as the legislative body of the Community Facilities District No. 2001-1 of the City of Oceanside (Morro Hills Development) Improvement Area No. 1 special tax bonds series A of 2004 ordering judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982 commencing with Section 53311 of Part 1 of Division 2 of Title 5 of the Government Code"
18. CDC: Adoption of **Resolution No. 13-R0154-3**, "...approving the revised Administrative Plan for the Section 8 Housing Choice Voucher Program [**Document No. 13-D0153-3**]"
19. City Council: Adoption of **Resolution No. 13-R0155-1**, "...authorizing the acceptance of CALTRANS relinquishment of property located within State Route 78 adjacent to Vista Way between College Boulevard and Thunder Drive in the City of Oceanside", from the State of California Department of Transportation to the City of Oceanside for the Tri-City Hospital and medical office building traffic signals; and waiving the ninety days' notice of "Intention to Relinquish"
20. City Council: Adoption of **Resolution No. 13-R0156-1**, "...overturning Planning Commission Resolution No. 2012-P47 and denying Conditional Use Permit (CUP12-00009) to allow the establishment and operation of an auto towing yard at 1833 South Oceanside Boulevard (Roadway Auto Towing, Manuel Martinez, Applicant)" (*item was heard at the January 30, 2013, meeting; approved 3-1, Felien abstaining and Kern – no*)

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 4-11, 13-20]

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Item removed from Consent Calendar for discussion

12. **City Council: Approval to accept \$1.5 million in grant funds from the Active Transportation Grant Program (ATG) awarded to the City for the development of Mission Avenue Downtown Improvement Project Phase 1, Horne Street to Coast Highway; approval to appropriate these funds to the Development Services Department [Document No. 13-D0145-1]; authorization for the City Manager to execute the grant agreement and all associated grant documents [Document No. 13-D0146-1]; approval of a change order in the amount of \$92,001 to a professional services agreement with Kimley-Horn and Associates, Inc. (KHA), for additional design work associated with Phase 2 of the project, Coast Highway to Cleveland Street; and authorization for the City Engineer to execute the change order**

COUNCILMEMBER SANCHEZ stated it is her understanding that you cannot change the plans once you accept the grant funds. As it stands, Mission Avenue from Horne Street to Coast Highway will be one-way with reverse-diagonal parking. What she pushed for in agreeing to have it reduced to two lanes was to have a separated bike path. That didn't get included. She has gotten a lot of objections from residents regarding the one-way street and the reverse-diagonal parking. She is very concerned about it and doesn't want to approve funds, even though the City Manager's response is that we can always change it back.

These things take a while to filter down to the public. It would have been a better idea to make sure we had outreach to the community, especially after receiving comments from residents that the one-way street and reverse-diagonal parking doesn't make sense. The idea was to have bigger sidewalks for sidewalk cafés, but people sitting at the outside café tables will be exposed to exhaust from cars backing into the parking spaces.

We should take the opportunity to change this and make it better. We all have the same goal to make improvements that will make the streets livable. This just doesn't hit the mark.

COUNCILMEMBER KERN stated there was quite a bit of public outreach. We had several public meetings in which these plans were presented. We had this same discussion at an open session some time ago, and we approved this plan. At this point, we're just doing the follow-up on it.

He **moved** approval [to accept \$1.5 million in grant funds from the Active Transportation Grant Program (ATG) awarded to the City for the development of Mission Avenue Downtown Improvement Project Phase 1, Horne Street to Coast Highway; approval to appropriate these funds to the Development Services Department; authorization for the City Manager to execute the grant agreement [**Document No. 13-D0145-1**] and all associated grant documents; approval of a change order [**Document No. 13-D0146-1**] in the amount of \$92,001 to a professional services agreement with Kimley-Horn and Associates, Inc. (KHA), for additional design work associated with Phase 2 of the project, Coast Highway to Cleveland Street; and authorization for the City Engineer to execute the change order].

COUNCILMEMBER FELLER seconded the motion.

MAYOR WOOD has the same concerns as Councilmember Sanchez, but we've discussed this in the past, and we lost the vote. Hopefully, down the road there will be some changes. The one-way street was a concern because of the buses. A lot of people don't like to back into a parking spot and put their exhaust pipe right at the outside café tables. He wants the project to move forward but thinks down the road it will come back to us for changes.

CITY MANAGER WEISS clarified that, with the path we're on now, there won't be a change, provided that the City gets approval through the Department of Finance on a Finding of Completion and the bond monies become available. If this project goes under construction according to the timeline in the staff report, the time for change will have passed. Demolition and construction will start. Once the concrete goes in, there won't be an opportunity to make significant changes.

COUNCILMEMBER KERN asked staff to give the timeline to the public.

NATHAN MERTZ, CIP Manager II, responded the bidding process will start in April of this year and take us through August. We will award the contract in August with the intent to start construction in September. The construction period would be from September of this year to May of 2014.

Motion was approved 4-1, Sanchez – 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.

21. **City Council: Complete Streets presentation as required by State Legislation for General Plan Circulation Elements**

JOHN AMBERSON, Transportation Planner, stated Complete Streets involves improvements to the transportation infrastructure that provides for other mode choices such as bicycling, walking, transit, etc. It is required as defined under the Complete Streets Act, which was approved under AB 1358 and implemented in 2011. Oceanside recently completed its Circulation Element update, which includes a set of the Complete Streets guidelines in the appendices. This demonstrates the City's commitment to implementing these concepts as part of our infrastructure improvements, either associated with new developments or improvements completed by the City.

One project that would implement a lot of these concepts is the Coast Highway Corridor Study, for which the RFP (Request for Proposals) was released last week. We hope to get a consultant onboard by the end of April. He introduced Kathleen Ferrier, who is the Policy Development Manager for Walk San Diego.

KATHLEEN FERRIER stated that Walk San Diego has existed since 1998. Their goal is to promote walkable communities around the region. They do a lot of education and safe-routes-to-school work. They also do advocacy for better walking conditions. Her goal is to give some context to livable Complete Streets. Many already know about this because of what is happening in Oceanside with the Circulation update.

Complete Streets is about streets designed for all users of all ages and abilities. It seems simple, but is actually complex because of traditional planning systems we've had in place for multiple decades. It is important to talk about streets because they help connect people, places and commerce. Our streets have evolved greatly over time. A computer graphic showed the days of horse and buggies on the street. At that time we had intense land uses and high population densities. One of the most significant changes with streets over time has been the coming of the automobile, with its faster speeds. As a result, cities and roads have been designed to accommodate more traffic and faster speeds.

The way a street is designed effects how people use it and whether or not they're motivated to use the street for various modes of transportation. A computer graphic showed an example of neighborhood traffic-calming components in which cars are forced to slow down in the neighborhood. It also showed a portion of Oceanside

Boulevard with no sidewalk. There may be plans to put a sidewalk there, which is good news. To the degree that sidewalks are available and user friendly, it really impacts how people can get around.

The traditional transportation planning process that is used to design streets and neighborhoods has been a linear process over time. Land use planning and transportation planning were done separately. This is what has happened in cities across the Country for the last couple of decades. However, under the Complete Streets banner, the desire to have more livable neighborhoods, and given the constraints cities face today because of limited space and the idea of building up rather than out, transportation and land use planning are becoming more integrated.

What typically happens is that the land use planners do their side of the planning and then send it to the traffic engineers to do an analysis of traffic. Given the development that is proposed, the question is how will it impact traffic circulation in the future? Often these analyses focus only on vehicular circulation to the extent that we have congestion on our streets. This is measured by something called Level of Service (LOS), which measures the delay of an automobile on a roadway segment or intersection. There has been no attention focused on other alternatives such as walking, biking or other community goals the City may have stated in policies or that was communicated by staff or community members.

The new transportation planning paradigm is now happening across the Country. Traffic engineers, cities and planners are working together more to look at how streets can better represent community values. Given the tradeoffs we have to make as we develop cities with growing populations and limited land, do we accommodate the environment, funding, streets, greater density, aging population, as well as younger people that may want to walk or bike more? We have to look at different analyses and policies in order to do this. This comes back to Complete Streets and what is embodied in this movement.

To understand these issues, it's good to look at the choices and consequences we face with road design. By focusing on one street metric, we need to realize we are making choices about community values, and ultimately consequences and tradeoffs take place. A computer graphic showed a City intersection where a new development was proposed. As a result of the policies around LOS and congestion, the City required the developer to widen the street to go to LOS C, which is a 20-second delay. By doing so, it's prioritizing the goal of lowering vehicular congestion over other goals the City has. In this example, the City has policies that support creating biking and pedestrian-friendly street networks. However, these policies were not evaluated as part of the decision-making process. Instead, everything was focused on LOS. This represents the old transportation paradigm.

With Complete Streets and the new paradigm, and with more involvement from planners and community residents to look at community values, we're seeing this start to change. This is a great time to talk about it in Oceanside because of the Mission Avenue project that is moving forward. We also have the work happening on Coast Highway. A computer graphic showed the difference between what a busy street looks like versus a congested street. When we talk about congestion and traffic, it's about perspective. As a business owner, you might prefer having slower traffic in front of your business so that people will be more likely to stop and patronize it rather than pass it by.

A computer graphic was used to show the pedestrian fatality percentages of various cities across the U.S. This reflects how the planning policies in this Country have created unsafe roads for walking. We have obesity and health issues related to reliance on automobiles. There is a positive relationship between more walking/biking and better health. The Complete Streets Act was passed in 2008 and enacted in 2011. The legislation cites health and environment as reasons for enacting the law. In order to

reduce greenhouse gas emissions and improve public health, the State requires transportation planners to do things differently.

Oceanside has an updated Circulation Element and a Complete Streets policy. Today almost half of our region's cities have Complete Streets policies. Complete Streets is more than a policy stating that your city will design streets for walkers, bikers and people of all ages. It is a complex combination of things like trip generation rates, parking requirements, traffic impact studies, functional street classifications, LOS standards, etc. used to analyze traffic conditions with development projects and the growth of a city.

Making these changes takes leadership at various levels in the City. Along with the California Complete Streets Act, the California Environmental Quality Act (CEQA) also changed, most importantly by allowing cities to design their own thresholds. Traditionally, mitigation measures were set because of LOS policies, but now and into the future cities do not have to use LOS as the mitigation factor. The City can design its own thresholds. This is a significant step in California.

Focusing on the implementation of Complete Streets, a lot is happening in North County. The City of Del Mar looked at roundabouts as an alternative to accommodating future traffic and also achieving some of its other community values. Their traffic analyses looked at the future car traffic count and other options to create a better village. They found that roundabouts and a road diet on Coast Highway were able to provide more roadway capacity than traditional stop signs and two-lane roads. It also allowed space for wider sidewalks and bike lanes.

The road diet option has been found to greatly reduce pedestrian and bike collisions, making streets safer while providing more space for livability components in streets and communities. A computer graphic showed a street in the Bird Rock Community in San Diego that implemented a road diet. It was converted from a four-lane to a two-lane street with a series of roundabouts. Walk San Diego research indicated that sales tax receipts for 95 businesses along La Jolla Boulevard went up 24% after the roundabout installation. Although this isn't necessarily attributed to those improvements, more people did start walking with their families and biking on the street, which was a positive thing because they patronized those businesses.

STEPHAN VANCE, Senior Principal Planner, SANDAG, was just at a meeting with the East County Realtors Association and was talking to them about Smart Growth, which involves providing for more transportation choices. That's what Complete Streets is all about. SANDAG is responsible for implementing a region-wide Smart Growth policy that's imbedded in the local Transportation Sales Tax program, or TransNet program. It requires all streets constructed or improved under the ordinance to be developed to plan for the needs of bicyclists and pedestrians. This affects all of the cities within the San Diego region. Since the Complete Streets Act was passed, these principles must be incorporated into circulation elements of each city's General Plans.

SANDAG recently adopted its latest version of the 2050 Regional Transportation Plan (RTP). One outcome of the process was a commitment from SANDAG to develop a regional Complete Streets policy. He is tasked with addressing this so he's been talking with the Planning and Public Works Directors in the region. He's also talking to the policy makers to get feedback on what the SANDAG policy should look like. We envision it as an opportunity to impact the way we do business at SANDAG, since we're also developers of public right-of-way through our public transit projects. We want to make sure to consider the needs of all users of the roadways, whether it be walking, riding a bike, driving a car, etc.

SANDAG also spends considerable time trying to meet the needs of our member agencies. We provide technical assistance with our Smart Growth and Pedestrian Design Guidelines, as well as incentives to local jurisdictions to help coordinate their

local planning with our regional transportation planning. These include our Smart Growth Incentive and Active Transportation programs. As we move forward to develop our regional Complete Streets policy, we also want to consider what technical assistance we can provide to help local jurisdictions to complete their own regional Complete Streets policies.

The first step is to identify what the community values are, and then to develop policies that are in-sync with those values. To have a meaningful Complete Streets policy, you need to find out what needs to be done to make sure the work results in projects that are reflective of your community values. Also, what kind of technical assistance can SANDAG provide to help develop implementation plans, since how you go about implementing your regional Complete Streets policies is what really matters.

We're interested in getting feedback to make sure our regional policy reflects your local values as well, in terms of how we balance the needs of all the users of the roadway.

COUNCILMEMBER SANCHEZ stated we have been getting input from the community saying they want walkable, livable streets. The way the City has planned streets in the past is not meeting the needs of our community. The Complete Streets idea is exactly what our community wants. For example, Rancho Del Oro Road had stop signs to slow down traffic, which resulted in more people walking and riding their bikes. This links directly to the El Corazon recreational fields that are planned this year.

It makes sense that the community wants walkable and livable streets, yet we are continuing plans for speeding them up. Stop signs have been replaced with lights, which has increased speed on the streets. This isn't what the community wants. They want to feel safe when riding their bikes and walking the streets. This is why we should be embracing Complete Streets planning.

It's the same thing with Melrose Drive and the outdated idea of having a Melrose extension. Right now it's slowed down because there are a couple of turns to get from Highway 78 to Highway 76 on Melrose. It's a natural way of slowing traffic because you drive around the county park. However, the plan is to make it straight and increase speed, as well as taking out 15 properties and several acres of the park. This doesn't make sense because after it's done, you have to go back and do things to slow it down again.

By incorporating Complete Streets, it forces us to rethink slowing down the streets. We're going forward with Coast Highway, with the idea of slowing down traffic so businesses can have a chance to have people in, broadening sidewalks and providing bike paths. People will feel safe in riding their bikes, which increases the number of people on our livable streets. If we're doing this for Coast Highway, shouldn't we also be doing it for the rest of the City? If these streets become livable community streets, people will want to be in Oceanside and spend money. They'll want to move to Oceanside because of that sense of community.

She hopes the City will be moving in that direction. We're at least doing this on Coast Highway, which shows that Oceanside wants to embrace the notion of livable streets. Where we get stuck is thinking that if we slow traffic in one area, we'll have to speed it up somewhere else in the City. She doesn't think we have to do that. What's good for the downtown businesses and residents is also good for our communities in the eastern part of the City.

She is glad that SANDAG is requiring this. It gets us to think in a different way. She used to ride her bike everywhere when there were only 30,000 people in Oceanside, but not now. If we slow down speeds and provide safe places for people to ride bikes, we'll get more people out.

MAYOR WOOD appreciates the input from SANDAG. With the adjacent cities picking Smart Growth or transportation corridors that even SANDAG doesn't approve, we have to deal with the complicated issues with traffic mitigation, etc. It's a regional issue for the cities.

MAYOR AND/OR COUNCILMEMBER ITEMS

33. **Request by Councilmember Kern for a presentation by the Oceanside Chamber of Commerce on the results of their assistance given to Oceanside, New York, as a result of Super Storm Sandy**

DAVID NYDEGGER, Chief Executive Officer, Oceanside Chamber of Commerce, stated the City of Oceanside in New York was devastated by Hurricane Sandy. We did an outreach program through the community and were able to raise \$10,000 to send back to the Oceanside Chamber of Commerce in New York. They then gave the money out in \$50 gift cards to Walmart and Lowe's. A video presentation showed the devastation from Hurricane Sandy and the thank you letters received from residents that benefitted from the gift cards.

MAYOR WOOD will be visiting New York soon to visit family, and he hopes to stop by their City of Oceanside.

MR. NYDEGGER will be returning to Oceanside, New York next Thursday. There are still people without homes living in motels. He would love to take back more gift cards when he goes back. Donations can be sent to the Chamber of Commerce Foundation and are tax deductible.

MAYOR WOOD asked anyone wanting to help this cause to send a donation to their sister city in New York.

CLOSED SESSION REPORT

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

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

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

31. **Request by Councilmember Feller for consideration of a fireworks presentation in Oceanside on July 4 to celebrate the City's 125th anniversary and direction to staff**

COUNCILMEMBER FELLER stated the City has been incorporated for 125 years. The birthday celebration is on July 3rd, and it would be appropriate to have a fireworks presentation. According to the memo Mr. Weiss submitted to Council a year ago, the price of fireworks would be about \$26,000-\$27,000, plus staffing costs of about \$1,500 in overtime and for neighborhood notification. Maybe we could have the Chamber take this on if we offered the money, but he doesn't know if they're willing to accept that. Oceanside has had fireworks almost every year. He wishes there was enough sand on the beach and environmental cooperation to do something in that area, but we don't have that right now.

If we did something at El Corazon above the Senior Center and made arrangements with the fireworks company, we might be able to shoot the fireworks about 300-400 feet. Since the elevation there is 200 feet, we would have a terrific view throughout the whole City. He's leaving it up to the Council to decide, but thinks it's a worthy investment. Maybe the City could start the process of asking the residents for donations. With 65,000 homes in the City, one dollar per home would easily cover the

cost.

He **moved** approval to go forward with the anniversary celebration, with the details to be determined.

COUNCILMEMBER KERN seconded the motion.

Public input

RUTH CLIFFORD bought her home in 1969. She always loved the fireworks and feels very sentimental about July 4th, having spent three years in a Japanese concentration camp during World War II. The Marines liberated them, and coming to America was the thrill of her life. She sees thousands of people coming to the beach, enjoying their children and having picnics. When the fireworks are over, she sees people walking back to their cars with smiles on their faces after having a wonderful day. She asked Council to please bring the fireworks back to Oceanside and re-capture the tradition we've had for so long.

She heard that the police don't want trouble at the pier. For the last two years there were police everywhere, and nothing was going on because there were no fireworks. If the police can't handle it, we have the Marines to help.

The people love the fireworks and wonder why we don't have them anymore. If we have the fireworks at El Corazon, people will be sitting on cement, and there will be traffic jams. She urged Council to reconsider bringing the fireworks back to Oceanside.

KIM FONTES, 605 Leonard Avenue, finds it ironic that she used to live by El Corazon and never came down to the water to enjoy the fireworks because of the traffic. Now she lives downtown, but the fireworks aren't here. She likes the idea of trying to bridge the cost because she understands it is expensive to have it by the water. Councilmember Feller is putting this idea forward at a lower cost. Hopefully it can be seen by a wider range of people in their homes, so you won't get as much congestion.

It is important for Oceanside to celebrate the 4th of July. She sent an email to Kathy Kinane of Kinane Events, asking if they could come up with a great event for the 4th of July, such as a Walk for Wounded Warriors. This could create enormous support for our military and also raise funds.

We should use this holiday to showcase Oceanside for the amazing City it is, making it a destination for all of North County. This will emotionally connect the community and also reward it with a great fireworks display.

DAVID NYDEGGER, 928 North Coast Highway, stated we have a unique opportunity this year because July 3rd is the 125th birthday of Oceanside, and we might be able to do the fireworks on the 3rd rather than the 4th to celebrate this City. The Oceanside Chamber of Commerce is a business organization; we understand profit, loss and costs. It's important that the City look at the expenses associated with this, specifically targeting the fireworks. He asked Council to consider this. He thinks the business community would be very supportive. We've had fireworks every year except the last three. We'd love to take direction from Council. If we can bring the fireworks back, we absolutely should.

Public input concluded

COUNCILMEMBER KERN asked for clarification on whether the Oceanside 125th birthday celebration will be on July 3rd or 4th.

COUNCILMEMBER FELLER is open to suggestions. He thinks it's a unique opportunity because 125th anniversaries don't come around often.

COUNCILMEMBER KERN asked what day July 3rd falls on.

CITY MANAGER WEISS responded July 3rd is on a Wednesday, and the 4th is on a Thursday.

COUNCILMEMBER FELLER asked the City Manager what the drawbacks are of having fireworks at the ocean.

CITY MANAGER WEISS is not sure we can even get the environmental permits to shoot fireworks over the ocean. The permits and barge are the most expensive parts. He's not sure what permits, if any, we would need to do the fireworks inland, but it would certainly be an easier task than going out over the ocean.

COUNCILMEMBER KERN thinks July 3rd is a good day to have it because it's Oceanside's 125th birthday. It could be put back to the 4th in subsequent years. It gives people the opportunity to see fireworks on the 3rd and then they can travel further down the coast to see fireworks on the 4th.

COUNCILMEMBER FELIEN is supportive of bringing back the fireworks. He's leaning towards the 4th because fireworks and the 4th of July are so identified together. It would also be wonderful to tie it in with the City's birthday and have a continuous celebration. The key to making it work is to pick the site, whether it is El Corazon, the airport, etc. Based on the height of the firework, the City needs to let people know where the fireworks will be visible from. It won't work to have people drive up to El Corazon because there aren't enough parking spaces. The idea is to spread out to different viewing sites so there isn't traffic congestion from people going to a single site.

COUNCILMEMBER SANCHEZ stated the main reason we stopped the beach fireworks was because it was costing about \$250,000 to provide safety for the residents. It was a cost we could not cover year to year. The biggest cost was not the barge but insuring the safety of the residents. She grew up here and remembers being on the beach every 4th of July to see the fireworks; it was a family outing. Since then it's gotten away from being a family outing. It is becoming so crowded you can hardly move. There were also incidents of people being arrested for fists fights, etc. The problems were from gangs coming from the outside. This is why we didn't have it as a priority in the budget to spend \$250,000 on fireworks.

For the last few years the 4th of July has not been clear. You couldn't see the fireworks because of the cloud cover. She's not sure that El Corazon is the best place for the event. During the Oceanside High School Homecoming you could see the fireworks. Whether you can see them depends on where you are in the City. If it is at El Corazon, people living on the coast will not see them. Maybe the City Manager can figure out the optimal location based on visibility.

It would be nice to have a celebration with fireworks for our City's birth. It's too bad we can't have it on a Thursday to tie it in with the evening market but that would only serve the Coast. Perhaps we can direct the City Manager to come back with potential sites with the highest visibility. If people have ideas for a location, they can contact the City Manager or Councilmember Feller.

COUNCILMEMBER FELLER doesn't think we have time to come back with a lot of sites. We know it can be done at El Corazon. He's not sure of the timeframe, but the negotiations have to occur quickly.

MAYOR WOOD thinks it would be wonderful to have a special event for the 125th birthday celebration. He would like more information about having events on a

Wednesday and Thursday in the middle of July. The big cost is having Fire, Police and Public Services out there. We'll need law enforcement and public safety in the City on July 3rd at the fireworks site, and especially along the highway where people will stop to watch it. On July 4th we still get crowds on the beach to watch the fireworks at Camp Pendleton, so we'll have two days of potential public safety use. He's concerned this will stretch the Police and Fire departments a lot over two days in the middle of summer.

He thinks it will be a bigger cost for both days. In this economy we do worry about the costs and whether the money could be used somewhere else. He wants to hear what the Police, Fire and Public Works departments have to say about two days, or should we have the fireworks on July 4th at wherever we pick. We'll need police services at the beach and in the middle of the City, which will split up the forces. Crowds will come to the beach on July 4th no matter what we do. He wants more information on the costs, including estimates for the public safety use.

He would still like to have an event, either on the 3rd or 4th, with some idea of the cost to the City. We still want the public to help with the cost of the fireworks, even though it's the least cost. The main cost is for public safety staff. He wants more details from public works, fire and police for either 2 days or one day. The City Manager may already have this information.

CITY MANAGER WEISS stated the memo Councilmember Feller was referring to did include a deployment plan developed by Police and Fire. If the event is at El Corazon, the Fire Department is going to station one engine company. The only Police resources will be traffic management to avoid people stopping on Oceanside Boulevard to access the site. Based on the last few years of July 4th activities, the total number of officers used has been declining. This has been taken into consideration and is included in the total cost.

MAYOR WOOD asked if having two days versus one day would make a difference.

CITY MANAGER WEISS responded it probably would not make a difference. Even if the event is only on the 4th, the amount of officers available in the beach area would be reduced, starting in the early afternoon and going into the evening. We may see that differing if circumstances change, but the progression over the last two years has been an overall reduction in number of officers on the beach.

MAYOR WOOD wonders if people on the beach either day probably wouldn't be able to see the fireworks at El Corazon. This will have to be addressed.

COUNCILMEMBER SANCHEZ stated Mr. Weiss indicated at a sidebar that there is a possibility of opening up El Camino High School to allow people to watch the fireworks there. This would also require some kind of traffic monitoring, but she wonders if it would be better to have the fireworks there.

COUNCILMEMBER FELLER stated the thought behind using El Corazon was the cost. There is no seating in the area, but the openness on top of the hills in the El Corazon area would allow, if they can shoot the fireworks high enough, a lot of the City to see it, even out in the Leisure Village/Ocean Hills area.

His motion was to go forward with this and have the City Manager come back with information. If it's better to have a one-day event for enforcement, then maybe it should be on July 4th.

COUNCILMEMBER KERN thinks if the Chamber picks it up, then doing a special events permit traffic plan means we have to start moving on it now.

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MAYOR WOOD agrees. He never thought about El Camino High School where people could sit in the bleachers and watch. Maybe that would be better.

COUNCILMEMBER FELLER stated the difference there is the limited area, and it encourages people to sit down. El Corazon is open and visible from every direction.

COUNCILMEMBER SANCHEZ asked if there is a limit on this.

COUNCILMEMBER FELLER responded the memo from November of 2011 indicated about \$40,000.

Motion was approved 4-0-1, Sanchez abstaining.

[Recess was held from 5:08 PM to 5:21 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:21 PM. All Councilmembers were present.

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – 2011-2012 Miss Oceanside, Miss Teen Oceanside, and their Courts

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – Colorectal Cancer Awareness Month

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

Presentation – 2012-13 Miss Oceanside and Miss Teen Oceanside Court

Presentation – MiraCosta College 2013 Update by Dr. Francisco Rodriguez

Presentation were made

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

KATHY CHRISTY, 3250 Roberta Lane, stated Council has been hearing from many people about the terrible traffic the Quarry Creek project will cause, mainly because of the 656 homes being built on our border at College and Highway 78. A series of computer graphics showed images of Buena Vista Valley and other areas that will be impacted by the Quarry Creek project. Also shown were comments from residents in favor of preserving the Buena Vista Valley panhandle.

SHELLEY HAYES CARON, Marron-Hayes Adobe Historic District, stated this adobe has existed since 1839. A lot of people haven't visited it or know that it even exists. She invited people to a special event this Saturday to see the Buena Vista Creek Valley and to visit the adobe. This land was first owned by Spain, then Mexico, and then the United States. It has always been a gathering place for the community. The Native Americans were here first, followed by the Missions and then the Ranchos. The style of how California developed was because of these early places.

The Marron Adobe is eligible for the National Register as a historic district. It's a quarter of a mile wide and goes down to the wetlands, encompassing a melted adobe

and a standing adobe. It also has some archeological sites. We've been doing school tours for 14 years with third and fourth graders, where they can hear of the local history. Her family tree goes back to 1888 with the founding of Oceanside. In 1875 the Marron family and the Hayes Family combined here.

DAVID NYDEGGER, 928 North Coast Highway, stated the Oceanside Chamber of Commerce has taken on the role of helping the City celebrate its 125th birthday. We've had committee meetings going back to early last year. One thing we're doing now is a banner program. We have about 15 people ready to go forward with this. He showed an example of the 125th celebration banner. We'll be putting up these banners around town to welcome people to Oceanside.

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

32. **[Request by Councilmember Sanchez for report on the five North County City Managers' evaluation/plan for forming a JPA, SB 555 Clean Energy District and the Clean Energy North County program; provide analysis of Ygrene Energy Fund's proposal including program features, costs, operations, and administration; and direction to staff]**

CITY CLERK BECK stated this item was pulled by Councilmember Sanchez and will be scheduled for a later date.

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.

29. **City Council: Adoption of resolutions to adjust construction and development review fees for Building, Planning and Engineering; and institution of a "second-tier" inclusionary housing in-lieu fee for dwelling units achieved above the City's residential base density allowances (this item is continued from February 27, 2013)**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmember Feller and Mayor Wood reported contact with staff; Councilmember Felien reported contact with staff and the Building Industry Association (BIA); Councilmember Sanchez reported contact with staff and the BIA; Councilmember Kern reported contact with staff, BIA, public and developers.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

GEORGE BUELL, Development Services Director, provided Council with a proposal to adjust a number of development-related fees. In 2011, the Council adopted a fee study. A number of fees were increased at that point. The objective of the study was to achieve full cost recovery on discretionary applications, as well as ministerial permits. Exceptions to that were water heaters, residential solar systems, developer conferences and appeals. The current proposal is to make minor adjustments to fees, add clarifications to our fee schedules and add a new second-tier housing in-lieu fee.

In the Building Division, we're looking at a number of reductions for small projects, as shown in the first attachment to your report. We discovered that the fees set were out of proportion with the improvement cost. For example, if you were to do a minor renovation of a powder room that costs \$1,500, the fees for that review were out of line with the cost of the improvement. We're looking at fee reductions for things like patio covers, residential additions and remodels.

We're looking to define what complex and simple mechanical, plumbing and electrical terms are as they relate to the schedule and to add descriptions for new

construction and tenant improvement terms. We're looking to expand use of the General Plan Update surcharge to include all building permits as originally intended.

It was our intent to find a mechanism to fund periodic updates to our General Plan. Council adopted a 10% surcharge on building permits, but that has been applied only to new construction. As a result, in the first year we only generated about \$25,000, when we were hoping to generate closer to \$120,000. If we don't change this, it will take about 50 years to fund a General Plan Update, which is completely out of line with what the Matrix study revealed. They recommended a 10-year period.

In the Engineering Department, we're looking for fee reductions for small projects such as dumpster/storage units in the right-of-way. Currently we charge over \$400, but we're looking to bring that more in line with other communities to about \$100. We're also looking for reductions to storm water review fees for standard priority projects. This relates to water quality reviews that the division performs. We're also looking for Council to allow us to establish deposit accounts for selected, atypical applications. These are applications that may require a short period of time, or may require a large amount of research and work. The developer would then be compensating the City on a time and materials basis.

We would establish a new fee for any type of review required in the discretionary review process requiring more than two rounds of review. This is because two rounds of review were factored into the fees the Council adopted in 2011. Anything beyond that was not factored in. This is consistent with what we've identified with the Planning Division as well. In the Planning Division, we'd look for expanded use of deposit accounts. For example, a developer wanting approval for a project requiring a General Plan or Zoning Amendment, or a simple application for a Development Plan or Conditional Use Permit (CUP) could have fees over \$20,000. This is beyond the cost to provide the service, so we would look to expand the use of those deposit accounts.

With telecommunication projects, our intent is that all those would be paid on a deposit basis. We're adding that clarification and looking for Council to endorse that as well. With the second-tier inclusionary housing fee, Council gave direction to staff to do this back in January. The specific amount of \$12,250 was identified at that time. The resolution before you would establish this as directed by Council.

Staff's recommendation is that Council adopt resolutions to adjust construction development review fees for Building, Planning and Engineering, and institute a second-tier inclusionary housing in-lieu fee for dwelling units achieved above the City's residential base density allowances.

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

COUNCILMEMBER FELLER moved approval [of adoption of **Resolution No. 13-R0157-1**, "...adopting revisions to the development processing fee schedules for Building"; **Resolution No. 13-R0158**, "...adopting revisions to the development processing fee schedule for Planning and Engineering"; and **Resolution No. 13-R0159-1**, "...establishing the amount of the second tier inclusionary in-lieu fee", for dwelling units achieved above the City's residential base density allowances.]

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER SANCHEZ objects to the second tier. We traded off the CUP, spending so much staff and community time to come up with design criteria to be added to the CUP. Now we're saying if you pay this amount, you don't have to go through the CUP. She is concerned about that because she doesn't know any City that has given up its power to do a CUP. She is objecting to the above base density elimination of the CUP.

MAYOR WOOD agrees with Councilmember Sanchez. At the last meeting we discussed this issue. We could bifurcate and vote separately, but he thinks objecting to it is the best way. He supports the rest of it, but objects to the inclusionary housing fee because of the CUP.

Motion was approved 5-0, with Councilmember Sanchez and Mayor Wood voicing their objection to the second tier inclusionary housing fee regarding elimination of CUP.

30. **CDC: Adoption of a resolution approving the 2013-2014 Annual Public Housing Agency (PHA) Plans for the PHA fiscal year beginning July 1, 2013 and authorizing the Community Development Commission Chairperson to submit the PHA plan to the U.S. Department of Housing and Urban Development (HUD) and execute all related documents, with the inclusion of changes made to the PHA Plan as a result of public comments**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Council member and constituent contacts and correspondence – Mayor Wood, Councilmembers Feller, Felien and Kern reported contact with staff; Councilmember Sanchez reported no contact.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

ANGELA D. HANIFIN, Housing Program Manager, presented the annual Public Housing Agency (PHA) Plan. The Neighborhood Services Department administers the federally funded Section 8 Housing Choice Voucher (HCV) Program, a rental assistance program that provides subsidies to about 1,600 families/low-income households in Oceanside. The Department of Housing and Urban Development (HUD) requires that we hold a public hearing and ask the Community Development Commission (CDC) to approve the annual plan. There is a 5 year plan that addresses the agency's mission and goals, which is included in the packet. It was approved in 2010. The Annual Plan addresses the agency's operations and services. It's the plan for 2013-2014.

We assist approximately 1,600 low income Oceanside households. The participants pay a portion of their rent based on their income, and the balance is paid directly to the rental owner by the Neighborhood Services Department. The PHA Plan also includes the Family Self-Sufficiency Action Plan. Up to 100 of our voucher participants are enrolled in this program, which is within Section 8. In this program, we assist participants to develop plans for self-sufficiency with the goal of becoming employed and independent of Welfare assistance.

We have about 5,500 families on our waiting list. That represents more than a 6-year wait. The average income for households in the program is around \$16,000. The average subsidy per month is about \$872. It's a deep subsidy program helping very low-income households within the City. HUD regulations require that a public hearing be held after a 45-day public comment period, which is why we're here tonight. HUD regulations also require that a Resident Advisory Board (RAB) participate in the planning process in developing the plan. We had three of our voucher participants serve on the RAB. The RAB made some recommendations, which are included in the Staff Report.

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

COUNCILMEMBER FELLER moved approval of adoption of **Resolution No. 13-R0160-3**, "...approving the 2013-2014 Annual Public Housing Agency (PHA) Plan and authorizing the CDC Chairperson to submit the plan to the U.S. Department of Housing and Urban Development with the inclusion of changes made to the PHA Plan as a result of public comments, and execute all related documents."

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

34. **Request by Councilmember Kern to communicate opposition to SB-7 (Steinberg) Charter Cities: Unlawful Conditions on State Funding to:**

**The Chair and Members, Senate Committee on Labor and Industrial Relations
Senator Anthony Canella
Senator Mark Wyland
Assemblymember Rocky Chavez
Gareth Elliott, Legislative Affairs Secretary, Office of Governor Jerry Brown
Alma Perez, Consultant, Senate Committee on Labor and Industrial Relations
Chris McKenzie, Executive Director, League of California Cities**

COUNCILMEMBER KERN stated once again the State Legislature is attacking charter cities. They did this a couple years ago with SB 922. This time it's SB 7. He is moving to submit a letter on behalf of the City. Everybody has a copy of the letter. He read the letter stating Oceanside's strong opposition to SB 7 and describing its negative impact on the City. He **moved** to submit the letter.

COUNCILMEMBER FELLER **seconded** the motion.

Public input

JIMMY KNOTT, 127 Sherri Lane, read excerpts from an SB 7 analysis. Currently there are 44 trade groups supporting this bill and 5 opposing it. The rest are charter cities that are running in fear of the bill, although some charter cities do support it. Kansas put this bill forward, setting an example for us. He is asking Council to look at what the economic impact will be on Oceanside.

CHARLES MCVAY, 200 North El Camino Real, urged Council to support SB 7. If passed, it will add section 1782 to the Labor Code relating to public works. It will prevent Councilmembers from undermining the wages of its citizens. It is critical to guarantee quality construction products by encouraging contractors to perform with an efficient, skilled and organized workforce. In the long run, this will create cost savings to the City taxpayers. It will deter poor work performance by unscrupulous contractors.

Many studies and policy research has confirmed that the prevailing wage is an effective driver for local economy growth. Cities with prevailing wage exemptions have not generated quality, nor have they seen the cost savings they promised. Most have seen costs go up because of substandard construction performed by unqualified contractors. Without prevailing wage protection, workers are pushed into more subsidies such as health care, housing and other services. Employers that pay workers the prevailing wage subsequently hire skilled workers who invest in their training and support apprentice programs to replace retiring workers with qualified workers. The prevailing wage ensures workers will financially support their families, thus keeping them off Welfare, food stamps, Medicaid, etc. They also contribute to the local economy.

The Council majority has proven that the money they supposedly saved will not benefit Oceanside. They hired workers from Arizona for lower wages, thus throwing your own constituents under the train. The workers will spend their money in Arizona to support their families. Their city and state will benefit while Oceanside and California loses. 25 local families will have to receive subsidies because their hard-earned tax dollars went to out-of-state workers. We all need to support this addition to SB 7 so this will not occur again. These workers get paid by the day with no paid holidays, sick leave, or vacation time. They don't work all year long and need the money.

LINDA WALSHAW, 151 Robby Lane, stated as Vice President of ACTION, she is here to speak for herself and on behalf of the voters in the 42 Oceanside neighborhoods that contacted our organization with their concerns about the mockery the Council majority is making of this City. Every week they make it clear that they are behold to their financial backers, the BIA. Despite the outcome of the elections, how many voters signed petitions, or the hundreds of citizens that show up to speak out at Council meetings, this Council majority will stay on their predetermined course, completely ignoring the will of the people who elected them to the dais.

During his campaign, Mr. Kern talked about the need for jobs in Oceanside, stating that planned development projects he supported would bring those construction jobs to the Oceanside workers. At recent Council meetings, we learned that those promised jobs have been given to out-of-state workers instead. Oceanside families desperately need those jobs, yet the developers responsible for the hotel projects under construction have brought in workers from Arizona so they can pay them less. Tonight Mr. Kern asked the Mayor and Council to oppose a State law that would prevent charter cities from receiving State funds for public works projects unless they require contractors to comply with the State's prevailing wage laws.

Oceanside is a charter city. The charter was not written with public input or by our City Attorney, but by a lobbyist for the BIA. The Council majority has a problem paying workers appropriate wages as required by state law and continues to allow developers to give Oceanside jobs to out-of-state workers. The voters of Oceanside have a better idea. We intend to deprive Mr. Kern and Mr. Felien of their jobs at the first opportunity. Once unemployed, perhaps then they will understand how important it is to receive a fair wage for a day's work. Maybe then they'll grasp the necessity of preserving affordable housing for seniors, or why we need paramedics and how much it costs to ride in an ambulance, or why it's critical to protect our food supply by saving Morro Hills from development and why we shouldn't place a toxic landfill on our main source of water at Gregory Canyon.

If being unemployed doesn't reconnect them with average Oceanside citizens, maybe they'll finally get it when they realize they probably should have waited until after the 2014 elections before closing soup kitchens downtown.

ENRIQUE REYNA, 1386 Ridgemont Court, has been up since 4:00 AM walking picket lines for the unemployed in our City. He urged the Council to support SB 7 and not send the letter Mr. Kern has shown to his constituency, which is in opposition to prevailing wages. Prevailing wages is a law that makes developers, employers and construction management companies pay a livable wage, depending on the prevailing wage. This sounds like a fair law protecting workers.

Councilmember Kern is in opposition, saying it won't make companies competitive. He doesn't know if Mr. Kern has ever been a working man, but when employers say competitive, it means if the employee doesn't like the wage offered, they can leave because someone else is willing to work for less. It's a fight to the bottom, especially with how the economy is now. More jobs are what is most important. These laws are needed. This Council just voted in a law to install more second-tier fees on construction. If the law wasn't there, do you think those construction managers would pay the extra fees? They would not. We need a law for the community to do the same, so he supports SB 7.

Public input concluded

COUNCILMEMBER SANCHEZ thinks the charter is a farce. It was written by the BIA, and it barely passed. It was passed by less than 20% of the voters. It did not go through a public process or the City Attorney's office. It was introduced and passed with Councilmember Chavez voting on it and then leaving. This is his legacy, as well as Councilmember Feller's.

This horrible charter is not our Constitution by any stretch. It's four pages long and says there was an attempt to ban project labor agreements, which we've never had in Oceanside, and to ban prevailing wage. That was it. The Council majority wants to say we're a general law city with a strong City Manager form of government, but they retain all the other powers for municipal affairs. They have abused the charter to strip our Mayor, who won by a majority of the vote, of his right to lead the City.

This letter is inaccurate. She asked the City Attorney if he had approved the letter.

CITY ATTORNEY MULLEN responded he did not review the letter; it's a League of California Cities letter.

COUNCILMEMBER KERN confirmed that the source of the letter is the League of California Cities.

COUNCILMEMBER SANCHEZ stated the City Attorney did not approve this.

CITY ATTORNEY MULLEN wasn't asked to review and approve it. It's the Leagues' letter.

COUNCILMEMBER SANCHEZ stated the letter misstates what the case says. The bottom line is that we already have two laws, SB 829 and SB 922. They basically say if you have a ban on project labor agreements, you do not get State funding. It becomes effective in January of 2015. Now we have something very similar in our charter, which is an absolute ban on being able to provide a prevailing wage. This ties our hands, and she believes it's illegal.

SB 7 says if you have a ban on providing prevailing wage, which basically means hiring local workers for jobs we're creating, then you do not qualify for State funding. She agrees with what SB 7 says. We've been talking as a Council about creating jobs. We passed projects, believing we were creating jobs for our local citizens to provide for themselves and the local economy. What really happens is that we have the hotel project that hires 80 iron workers from Arizona. The City loses by keeping the unemployment rate high and by the money going back to Arizona. Why would we want to subsidize that?

If it happens in the private sector, it will happen here, and it should not. When we talk about prevailing wage, it's about studies that look at what the wages are in a particular area and setting a fixed cost of labor. Everybody knows the cost of labor ahead of time, and this is fair. If we want to insure continued economic success and prosperity for the City, we should not be afraid of this. It's not about labor unions; it's about putting our people to work. We shouldn't be subsidizing projects in Oceanside or the State with people coming from Arizona. It does not make our community economically successful.

She can't believe this letter has been put forth, since Councilmember Kern has said he believes that we should not take a position on legislation. He voted against taking a position when she and the Mayor said we needed to take a position against taking out rent control at the State level. This is inconsistent. The Council majority say they don't want to take a position. Now they're saying they want to take a position. On top of that, they're voting against our residents and their ability to have jobs.

This is on the agenda to send a letter to the Chair and members of the Senate Committee on Labor and Industrial Relations. She talked to Alma Bettis, a consultant on the Senate Committee, who told her that SB 7 passed. There is lot of support for this, and there should be. This is about citizens of Oceanside being able to get jobs. She is against this letter. We don't have a real charter. She's going to attach a copy of this

letter to her own letter about what a charter is, so they know what a farce it is. Most cities in California are general law cities, not charter cities. This is going to level the playing field for our cities so they can get back to creating jobs for their residents.

COUNCILMEMBER FELIEN has studied economics extensively as part of his degree. The idea that the government can control wages and markets is a plan that failed in the Soviet Union. He addressed the idea that if the government wasn't controlling wages, every single person would be working at the minimum wage. Obviously they do not. The reason is because supply and demand works for wages and creates a market just like any other market. When the economy is in recession and demand goes down, then prices for the supply also has to go down. That applies to labor as well. He's not aware that the City has any power to control who a developer hires or does not hire. We don't have that within our capacity. So the issue of where people come from for their jobs is irrelevant to the City. If someone living in Illinois wants a job in Texas, is Texas supposed to stop people from coming across the border to apply for the jobs there? It's been the history of America that people move to where the jobs are. It's called labor mobility.

The charter was passed by the people by over 55%, and the people have spoken. He asked if there were two or three projects that were immediately rebid and saved approximately \$800,000 when the charter passed.

CITY MANAGER WEISS responded there were several projects that were rebid, but he doesn't recall the exact savings because one of those projects was redesigned.

COUNCILMEMBER FELIEN stated we can easily say it was hundreds of thousands of dollars. One of the projects built prior to the charter passing was the kitchen at the Senior Center. It wasn't able to be completed because of the prevailing wage requirement. Had we been under the charter city, the Senior Center would have been completed in its entirety. If every project we did was bound by the prevailing wage, which forces prices above what the market is, then we would have to cut the services we provide to our citizens. We'd have 10% fewer potholes filled, 10% fewer streets being built and 10% less on our capital improvement projects of every kind.

This bill, if implemented, directly attacks our City's ability to provide a better living environment for our citizens. He commends Councilmember Kern for bringing this letter forward and fighting for our local control against an overreaching State trying to pander to special interests and strangle charter cities by lowering our ability to attract businesses and create jobs by making it more difficult to create the infrastructure.

COUNCILMEMBER SANCHEZ reminded Councilmember Felien the harbor bathrooms project went over budget, and we got less than expected. Then the contractor went out of business. This is what we got for using non-prevailing wages.

COUNCILMEMBER FELLER wholeheartedly supports this, even if SB 7 passes, and we're burdened with another State mandate. It affects nothing with the projects on private land that we've talked about. We anticipated those jobs coming to Oceanside because of the business they are creating. It would be great if we had 80 iron workers in Oceanside, but we don't have that many. It's not our place to force unions on private business. He'd rather see this letter go to every Senator and Assembly member to make sure that everybody receives our feelings on it. We need to move forward.

MAYOR WOOD won't support this or sign it. This has come up on several occasions. It's appropriate for any representative in any City, including ours, to send letters to whomever they want, but he's not going to send a letter representing the Council or Oceanside on this. He suggests the Councilmembers all send individual letters to whomever they want, and he'll do the same.

We have a terribly flawed charter in Oceanside. It's been misused for inappropriate things and should be gone. He doesn't want to represent this City on any charter, especially with our flawed one. We haven't had a prevailing wage issue in the past. The living conditions in Southern California are very expensive, and we need the prevailing wage. If you didn't support this, your city will not get State funding to some extent. He doesn't know where this will go, and Councilmember Sanchez said the bill has already passed.

On any issue, individual Councilmembers can send letters to whomever they want, but he's not going to send this letter because the City does not agree to this. He represents a large number of people who voted for him, and he's not sure they want to do this. He thinks the verbiage needs to be changed; it's not accurate. Don't send a letter saying you represent the City as a whole. There won't be a Mayor's signature on it. He'll be sending his own letters, and he thinks we should all do it that way. We have a totally flawed charter that he hopes will be gone by 2014.

COUNCILMEMBER KERN stated we live in a global economy. The people building the hotel here are out of Utah. They come to California and invest and hire people wherever they can get them. There's only 6% union membership in the United States now. It has dropped dramatically in the last few years. California is slightly higher, but not by much. As the previous speakers said, the hotel project did not come under government control. It was a private contractor on private property building a private project. Whether SB 7 was in place or not had no effect on that project. To try to tie that into this issue doesn't make sense. As far as him ever being a worker, he was a finish grader who graded Leisure Village Ocean Hills years ago.

Councilmember Sanchez had stated that we don't oppose legislation, but that's what we do oppose. What she was talking about was ballot Proposition 98. He had said since it was going to the vote of people, the City should take no position because the people would vote on it directly. With SB 7 the people don't have a chance to vote on it directly; it's going through the legislatures. We have to let them know how we feel here in Oceanside.

We have a very elegant, simple charter. It was put through in El Cajon, and there were no problems there. To follow-up on what Mr. Knott said, prevailing wage was put in place in 1931. Charter cities were exempted in 1932. If we stick with the history and tradition, this legislation should never have been brought forward. Since 1932, charter cities have been exempted from prevailing wage laws. The reason this is coming forward now is that after the Vista decision, there are about 30 other cities in California that are thinking about writing charters. Thirty cities have sent letters of opposition to SB 7. He talked to the Mayors of Vista and Carlsbad. Both are charter cities and both have sent letters to oppose this.

This is not just about the prevailing wage, but about charter cities determining their own laws. As written, SB 7 would prohibit charter cities from using State funding on any construction project because we don't have prevailing wage on projects that we self-fund. The Vista case stated that cities are allowed to do that. That's why he thinks this law is unconstitutional. It's a way that the Legislature is trying to get around what the court has said. The California Supreme Court firmly and rightly upheld the right of charter cities to determine whether they should pay prevailing wages when contracting for public work projects paid with local funds. If the State provides money for projects, either with loans or grants, those funds will go to pay prevailing wages. This just deals with our funds and our local taxes. It is strictly about local control of wages.

SB 7 is based on a constitutionally rejected theory that the State can punish a charter city for exercising its independent right. The theory admits charter cities have the right to not pay prevailing wage, and the court has upheld that right. However, they will punish that city if it exercises that right. The theory was rejected in the State Supreme Court Sonoma case in 1979. So this bill will not stand up in court. The letter

was generated by the League of California Cities, which has gone on record in opposition.

Thirty cities and the League of California Cities have opposed it, and he is urging Council to oppose it. There are 484 incorporated cities in California, and 121 are charter cities. If SB 7 is overturned, you will probably see another 30 or 40 charter cities within the next 5 or 10 years, just because of this one provision. He knows there are some philosophical differences here, and he doesn't want to make it personal and attack anyone. It's what he believes in, and it's the right thing to do to oppose this legislation. We are sending Sacramento a message that this is what our voters wanted when they voted for the charter.

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

CITY COUNCIL REPORTS

22. Mayor Jim Wood

MAYOR WOOD congratulated Angel Lopez for being chosen by the Boys and Girls Club of San Diego County as the Youth of the Year.

23. Councilmember Jack Feller

COUNCILMEMBER FELLER attended the bridge renaming ceremony in honor of Dan Bessant; the airport renaming ceremony for Robert Maxwell Field; the three-year anniversary for the His House congregation on McDonald Street; the Library's staff appreciation breakfast; and the Oceanside Police Department employee recognition luncheon. He announced tomorrow's State of North County Address with Supervisor Bill Horn.

24. Councilmember Gary Felien

COUNCILMEMBER FELIEN attended the opening of Brother Benno's Thrift Shop; the Oceanside Police Department employee recognition luncheon; the Library Employee Recognition Breakfast; the airport renaming ceremony for Robert Maxwell Field; and the bridge renaming ceremony in honor of Officer Dan Bessant. He also attended the recent Visit Oceanside, monthly MainStreet Oceanside and Chamber of Commerce meetings.

25. Councilmember Jerome M. Kern

COUNCILMEMBER KERN made a cameo appearance in Guys and Dolls at MiraCosta College. He attended the airport renaming ceremony for Robert Maxwell Field and the police recognition luncheon. Tomorrow he will be attending his first San Diego County Water Authority meeting. He will also be attending the Aqua Conference in Sacramento later this month.

26. Councilmember Esther Sanchez

COUNCILMEMBER SANCHEZ announced the formal ceremony for Oceanside's 125th Birthday Celebration on July 3rd, sponsored by the Oceanside Neighborhood Services Department, Oceanside Public Library, Friends of Oceanside Parks, Friends of Oceanside Library, Chamber of Commerce, Visit Oceanside and MainStreet Oceanside. She introduced her new Aide.

INTRODUCTION AND ADOPTION OF ORDINANCES - None

March 13, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 7:16 PM on March 13, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, March 27, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MAYOR AND COUNCIL WORKSHOP

March 19, 2013

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

**2:00 PM - OCEANSIDE CITY COUNCIL
- WORKSHOP**

Mayor

Jim Wood

Deputy Mayor

Vacant

Councilmembers

Jerry Kern
Esther Sanchez
Jack Feller
Gary Felien

City Clerk

Zack Beck

Treasurer

Gary Ernst

City Manager

Peter Weiss

City Attorney

John Mullen

The adjourned meeting of the Oceanside City Council was called to order by Senior Councilmember Feller at 2:05 PM, Tuesday, March 13, 2013. Councilmember Felien led the Pledge of Allegiance.

2:00 PM - ROLL CALL

Present were Councilmembers Feller, Kern and Felien. Councilmember Sanchez arrived at 2:08 PM. Mayor Wood arrived at 2:24 PM. Also present was City Clerk Beck.

WORKSHOP ITEMS:

1. **Planning Commissioner Applicant Interviews and Council Appointment of 1 commissioner**

CITY CLERK BECK stated each applicant will have 8 minutes total, unless Council decides otherwise.

Kirsten Jones, 310 South Horne Street, #3B, moved to Oceanside last year and since moving here, she's been able to partake in a lot of offerings of the City, while also noticing the potential improvements that could be made. This is why she's applying to be on the Planning Commission. She wants to give back and work within her new community to shape the way the City forms and redevelops itself so she's able to create a strong city and is able to work with others on a team to work toward a better community while building upon all the great things this City already has. She hopes to bring a fresh prospective to projects so all residents are able to fully engage with everything that this great City has to offer.

Standard Question 1: Why do you want to be a Planning Commissioner?

Ms. Jones would like to be a Planning Commissioner because since moving here she has seen a lot of potential. However, she has also noticed the potential

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UNTIL APPROVED AT SUBSEQUENT
MEETING BY CITY COUNCIL**

improvements that could allow for residents and tourists alike to improve the current experience of life in Oceanside. She has ideas on how to improve the City to make it even more welcoming and warm for all people

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Ms. Jones has an inherent interest in City planning and urban affairs, which she first pursued in college where she doubled majored in political science and urban affairs. This interdisciplinary study allowed her to see the connectivity between how a city is planned and how it operates on a day-to-day basis, as well as seeing the benefits of how redeveloping areas can improve productivity and provide enjoyable spaces within the City. She's worked with multiple cities to give her input to insure that the City develops in a productive way.

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on the Planning Commission?

Ms. Jones responded no.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Ms. Jones responded the greatest responsibility of a Planning Commissioner would be to uphold the General Plan of the City so the City develops in a way that is congruous. All the zoning issues that arise are able to be resolved so the City is able to flow smoothly, and we are able to create opportunity for others to develop and redevelop the land in a way that provides for a strong community.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Ms. Jones responded her first priority would be to think about how a development would impact the immediate community. For example, if it were a business that was seeking to locate to a specific location, if that business is able to serve the greater good, even though it is a private interest, it might have a larger and more important effect than a park or a public space. The best thing to do in that situation is to weigh the pros and cons of both development options and remain unbiased in that decision-making process.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Ms. Jones has many ideas. The first thing is Coast Highway and redeveloping it so that it works as a walkable area that attracts young and old people alike. It would increase the pride of the City. A lot of people tend to go to other towns and cities to get the beach town experience, whether that's shopping in Carlsbad or eating in Encinitas. We could lure a lot more people into Oceanside and keep people here if we create Coast Highway in a more productive way.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances, and it is going into an area where it is an allowable use, even though there is local opposition to, how would you decide?

Ms. Jones responded if the development fits within the General Plan, as well as keeping the compatibility of the area intact, it's important to hear that development out. However, at the same time, it is important to have public hearings and hear the opposition.

If the opposition has reliable complaints that might have more to do with environmental impacts that aren't shown with zoning ordinances or things like that, it's important to weigh those as well. It would be more of a case-by-case scenario where she would have to make her decision based on the complaints about the potential development, as well as what the development can offer the community.

In closing, she is excited about the opportunity to work with the Commission. The current projects being overseen by the Commission are interesting to her and something that she's passionate about, even if she hasn't been able to express it as concisely as she had hoped to. She has a lot of idea for ways to improve the City, as well as to build upon the great spaces we already have here. She hopes to have an opportunity to do so.

John Scrivener, 2593 Fire Mountain Drive, is the sitting Vice-Chair of the Planning Commission now. He's been happy with the last 4 years and has thoroughly enjoyed his opportunity to serve the City. He most enjoyed working on the Telecommunications subcommittee and getting the new Telecommunications ordinance put into place. We've got a very collegial Planning Commission at this point, and we work well together, as well as with Planning staff and the Building Department.

Standard Question 1: Why do you want to be a Planning Commissioner?

Mr. Scrivener stated his response in his opening paragraph.

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Mr. Scrivener is currently sitting on the Planning Commission and has the experience working with the staff. He has a long history of construction and was in the telecommunications industry for 20 years. He's familiar with working with jurisdictions throughout the United States; he's worked in over 500 jurisdictions and is familiar with the planning process at the City level.

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on Council or the Planning Commission?

Mr. Scrivener responded no.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances, and it is going into an area where it is an allowable use, even though there is local opposition to it, how would you decide?

Mr. Scrivener responded we would listen to the public, but we are forced by the nature of the law to regard the zoning ordinance as what it is. We have to follow the zoning ordinance.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Mr. Scrivener is particularly fond of the work we did on the Vision Statement for Mission Avenue and Oceanside Boulevard. He'd like to see some of that implemented. There's been a lot of work done. If we could implement even 20% or 30% of that, it would make a tremendous step toward making Oceanside more livable and walkable.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Mr. Scrivener is a strict constructionist. He has an overwhelming desire to see property rights respected, so it would have to be such an overwhelming case for the public good to overwhelm someone's property rights. That case would have to be made clearly and distinctly to the Planning Commission.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Mr. Scrivener responded to give the citizens of Oceanside a forum to bring their projects forth and expect a fair hearing and interpretation of what the ordinances are in the City. He would also like to be able to point in a direction that we would like to see the City go by approving certain types of construction and buildings.

He would like the opportunity to be here in another 4 years applying before Council for another 4-year stint as a Planning Commissioner. It's been a wonderful experience; he's met some wonderful people and enjoyed the process.

Ivan Fox, 1284 Panorama Ridge, has an interest in planning, economic development and quality of life in Oceanside. He has a vacation home here and recently moved back here permanently. He has an interest in the direction and planning that goes on. He has over 35 years in land planning and is a Civil Engineer. He owns a business in Encinitas and one in Escondido. He is honored to be considered for Planning Commissioner. It's an important position in terms of providing decisions to Council and in land planning. He is quite familiar with CEQA and all of the issues regarding general plans and general plan elements.

Standard Question 1: Why do you want to be a Planning Commissioner?

Mr. Fox responded it's primarily the direction. Oceanside has some of the greatest assets along the coast of San Diego with its pier, airport, beaches and harbor. It is the premier City as far as he's concerned. He'd like to see good planning and economic development. He likes the direction Supervisor Horn is going with the prosperity on purpose and unification of North County to be on the same level. This is an opportunity for him to put his efforts where his dreams and aspirations are for Oceanside.

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Mr. Fox graduated from San Diego State University in 1981. He worked with the City of San Diego's Transportation Field Division. He worked at the City of Oceanside for several years doing plan checks when they were contracting services out to a company he worked for. He worked for the City of Santee as the head of their Capital Improvements Program. He was instrumental in getting some of their early land grants during their incorporation. He's also done quite a bit of work for the City of Poway. Since that time, he has been with several engineering firms in San Diego. In 1991 he purchased his current company.

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on Council or the Planning Commission?

Mr. Fox responded no.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Mr. Fox responded there are a lot of issues in evaluating those. The first one is the constraints themselves, which would be presented by the staff. After the reports, there would be the environmental issues and compliance with the General Plan and

zoning regulations. In balancing that, a lot of those decisions have been made through the General Plan process. An awareness of what the interests of the overall City and Council in directing how development is to progress would be a consideration. Land use rights are inherent in America when it was established, but it has to be balanced with good planning as well. Otherwise it would be very haphazard. He's done quite a bit of background and historical research, and planning is something that has been around for a long time. It needs to be balanced between the land use rights and the interests of the public.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Mr. Fox responded he and his wife own 2 homes here and love walking on the beach, so they've become very familiar with walkable communities. He's also a real estate broker, which makes him familiar with the term. Along with his planning efforts, he's learned about traditional communities. We've steered away from that in some of the old world planning ideas where we isolate subdivisions and try to put all of the commercial retail away. That requires transportation where people have to get in their cars. The more traditional type of neighborhoods, which we're moving toward, is to try to incorporate the retail and commercial needs within the communities. He's been involved in numerous projects and thinks those are good goals, creating those kinds of walkable environments, as well as mass transit. He believes that getting people out of their cars, walking, and meeting their needs in terms of living, is a necessary part of good planning.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances and it is going into an area where it is an allowable use, even though there is local opposition to it, how would you decide?

Mr. Fox responded opposition sometimes can bring ideas that can be useful in the overall project. Any developer is trying to create a project that has marketability. Sometimes that opposition may be in something that is instrumental. In balance, there is opposition out there that has one inherent goal, which is to stop development. He's not an advocate of that. He's in favor of protecting the environment, but the way you go about it is important because land use rights are also important. Opposition needs to be balanced with whether their opposition is for something that is clearly necessary for the project. There is a balance that needs to be weighed. It's important that the public has the ability to speak to it as well.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Mr. Fox responded to see the project, hear the staff report and to make a recommendation or decision based upon facts of what is presented. Also, to bring along an idea that Oceanside is a diverse community and trying to address that as part of it. When it gets down to the decision-making, a lot of it comes out of what is presented in the technical reports: the environmental reports and staff reports, and what the recommendation of staff is. He likes to balance that. He doesn't necessarily go with what staff recommends, but balances it. If they're recommending it, they've probably done quite a bit of work before it ever gets before the decision-makers. They need to balance that out and make sure the public has an opportunity to speak to it because they're not always involved in the process.

To close, Mr. Fox is excited about the opportunity. One of his partners asked why he wanted to volunteer and he replied that he has a vision and a dream. Councilmembers have vision of what they want Oceanside to be; that's why you're here. This is where the rubber hits the road. He'd like to try to make a difference, no matter how small.

Thomas Morrissey, 2340 Caddie Court, went to school at Arizona State and earned a construction engineering degree. He went to work for a company in the Middle East for 4 years. He worked in New Orleans with an engineering company who worked on the Department of Energy's Strategic Petroleum Reserve. After that, he went back to school and got a Master's Degree. He was involved in restaurants in Phoenix but sold those. He moved to Oceanside in 1990. He's married with 2 kids who are in the Oceanside School District.

Standard Question 1: Why do you want to be a Planning Commissioner?

Mr. Morrissey has a skill-set that helps. The purpose of the Planning Commission is to promote development that makes sense. When it comes to the physical plan, economics and safety, he has a skill-set that help bring sustainable development to Oceanside. He would like to give something back to the City.

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Mr. Morrissey responded one of the things in his business as a general contractor in Oceanside is that we are relationship driven. Whenever you're trying to get something done, you're going to be dealing with a lot of different people and groups who have different needs. One of the ideas in knowing what the mission statement is of the Planning Commission and knowing there are rules and regulations as to how you develop, is in trying to deal with the different problems and challenges to come up with a solution that works for most of the people. You can't make everybody happy all the time, but there is a best solution. In his business one of the things they try to do is find a win-win for all as much as they can.

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on Council or the Planning Commission?

Mr. Morrissey responded no.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Mr. Morrissey responded the more that you can bring people outside into a promenade where they're out and there's energy, that's a good thing. One of the things they had tried to do on the pier project was make a promenade where there were lots of activities and a walkway that brought the people into the downtown area. From there we can create an economic engine to assist the City in the things it wants to do as far as development.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances and it is going into an area where it is an allowable use, even though there is local opposition to it, how would you decide?

Mr. Morrissey responded that as long as it is under the GP and is zoned properly, he would listen to what the opposition had to say and try to empathize with their feelings. However, at the end of the day a property owner has the right to develop their property. If it meets the criteria of the Planning Commission mission statement as it relates to physical, economic, safety, etc., he would go with the development.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Mr. Morrissey responded integrity. That would be the most important thing, as well as leadership. What makes a city great is good leadership.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Mr. Morrissey responded the person who owns a piece of property has rights. He doesn't think you can trample on those rights. If there is a development that comes up where all of the parameters are met, that's a tough call. The good of the masses also has to be taken into consideration. It's hard to give a pat answer because there are so many things involved. He does believe in the right of an individual to develop their property. He also believes there are social and cultural responsibilities that come into play that have to be weighed. All in all, for the good of the City all of those things have to come into play and be looked at.

Councilmember Feller's Follow-Up Question: There are 2 meetings a month, which are set a year ahead of time, and he wanted to stress the importance of attendance.

Mr. Morrissey wouldn't commit to something unless he thought he could do it. Knowing that there are times specific, he can work around it to make sure he attends the meetings.

As a planning person, he understands the process and relationships, and those are important to get something done.

David Zernik, 1220 South Ditmar Street, stated the people need jobs and affordable housing now. Whether we build the needed amenities or not, the population of Oceanside will increase by about 700 people per year. The soldiers are coming home from war, and they need jobs now. He has the will, and there is a way, to preserve and enhance existing neighborhoods, simplify and streamline the process, and provide the needed infrastructure improvements. His goals are to do all of this while safeguarding the public. Safely comes first. The power of yes. He asked that our City government provide a simple message of support, teamwork and encouragement.

Standard Question 1: Why do you want to be a Planning Commissioner?

Mr. Zernik wants to improve the city and make it a better place. Right now with the current conditions, it's tough to get a building permit. Through the Planning Commission, he would like to simplify and streamline the process, while preserving our existing neighborhoods and enhancing them. There are a lot of needs out there and we can accomplish a lot of things.

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Mr. Zernik graduated from San Diego State University in 1993. He's been practicing engineering for 20 years. Not all of those years were in Oceanside, but 15 of them have been.

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on Council or the Planning Commission?

Mr. Zernik responded no.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances and it is going into an area where it is an allowable use, even though there is local opposition to it, how would you decide?

Mr. Zernik responded it's very important to listen to the needs of the people who oppose a project. No one just wants to kill a project. They have an issue with traffic or

noise or something. If people had a complaint, he would sit down with them and find out what we could do to make them support what we're doing.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Mr. Zernik responded recognizing that everyone's needs are important in the process. The main thing is to be balanced and fair and weigh everyone's situation. Also, a big part of what commissioners do is communicate. It's important that we tell people up front and along the road what is happening. We may not be able to do exactly what people want every time, but let's at least communicate, encourage and work with them.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Mr. Zernik responded the world we have is complicated, and rights and democracy are not the same thing. He supports property rights, but when the population increases, it affects your neighbor. We need to address those impacts and concerns but also provide for property rights at the same time.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Mr. Zernik responded we need to enhance the neighborhoods that we have. There are a lot of people in the Eastside neighborhood who want to improve or add on to their homes. We can talk about downtown, as well. We've got a great train station there and people are out of their cars and using the train, but there is no affordable housing by the train station. One way to get people out of their cars is to provide more housing by the train station and downtown.

In closing, Mr. Zernik wants to help the people who need jobs and places to live. Let's provide a simplified Building Department that ordinary people can use. We need to provide a conduit so that the people of Oceanside can invest in their future. The future is coming; let's get prepared for it.

Marie Jebavy, 1773 Ivy Road, has lived in Oceanside since 1996 and feels it's a good time for her to give back to the community that has been so good to her. As Planning Commissioner she can use the talents she has gained over the last 24 years in real estate. She is a certified real estate appraiser and a property manager. Oceanside can prosper with planned communities in desirable commercial areas. Over the years she has learned what people are looking for in the community. Oceanside has a lot of room to grow, and she could help in making good decisions for the City. She has training in negotiations and arbitration, which keeps you focused on the facts. That gives her the skills to analyze and listen to all sides before making any kind of decision. You have to evaluate the proposals and obtain the best results for the City.

Standard Question 1: Why do you want to be a Planning Commissioner?

Ms. Jebavy feels she can help with the skills that she has and the information she has gotten from people living in the different communities of Oceanside. It's not just the home; they want to be close to schools and retail. They want walking trails and bike paths, and Oceanside has a lot of those things to offer the community.

Standard Question 2: Describe the background and experiences that make you a desirable candidate.

Ms. Jebavy was in real estate for 24 years so she is always looking at the City people have chosen. That City doesn't always meet their needs, so you're always analyzing what each city has to offer. Each community needs to be analyzed, as does each project that comes along. Will that project be good for the area and City?

Standard Question 3: Are you related to or do you have any type of work or affiliation with anyone on Council or the Planning Commission?

Ms. Jebavy responded no.

Councilmember Feller's Question: What do you see as the greatest responsibility of a Planning Commissioner?

Ms. Jebavy responded to look at each project as it comes along and see what the positives and negatives are for the City. We need to make sure the benefits outweigh the negatives.

Councilmember Felien's Question: How would you weigh the competing interests of private property rights and the overall community interest as a member of the Planning Commission?

Ms. Jebavy responded that's hard to do, but you have to look at the ultimate outcome of the project. There are rules that apply to a person's property rights, but sometimes there are things that outweigh the property rights of the person.

Councilmember Sanchez's Question: What ideas do you have to make our City a livable City with livable streets? If you'd like, you can pick a neighborhood and area and describe what you would do to improve it.

Ms. Jebavy responded one of the improvements she'd like to see is in South Oceanside. It could be a great area for mixed use, with retail on the bottom and lofts on top. You don't see as many people out in South Oceanside like you do in the Redevelopment Area, so there is improvement needed there. With its proximity to the ocean, people can walk there, and it's a great neighborhood.

Councilmember Kern's Question: If you had somebody come forward who meets all of the zoning requirements, there is little or no variances and it is going into an area where it is an allowable use, even though there is local opposition to it, how would you decide?

Ms. Jebavy responded no decision can be based on just one group of people who are against it. It has to be for the betterment of Oceanside, not just one group.

In closing, Ms. Jebavy is looking to help the Planning Department work efficiently and effectively. Sometimes we get caught up with things that make us focus on something that isn't important. We need to look at each project that comes before the Planning Commission and ask if it's good for the community, the right thing for the community and does it serve the purpose of the community. Therefore, with her ability to analyze and her background, she believes she could come to the right decisions for the City.

MAYOR WOOD stated we're always lucky in Oceanside to have an abundance of applications for certain committees/commissions. The Planning Commission is one of those. These are highly competitive candidates we have. We only have one opening.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated Council has many unique and strong applicants for this position. We didn't hear the candidates' visions, likes, dislikes or plans; all of which can impact the decisions made by a Planning Commissioner. He would like to have seen this pursued in a little more depth by each candidate to get a better

understanding of each of them. He asked the Council to examine the current composition of the Planning Commission and ask who would fit best toward the goal envisioned by the City. We need people familiar with the laws, plans and codes of the City, County and State. They need to be in touch with the community and be able to listen first and develop new ideas. There are many capable candidates before you.

Public input concluded

COUNCILMEMBER KERN thanked everyone for coming down and applying for the Planning Commission. Mr. Fox, Mr. Morrissey and Ms. Jebavy are more in tuned to what he was thinking a Planning Commissioner does. He was particularly impressed with Ms. Jebavy and her statement about being the arbitrator of the facts. That's what Planning Commissioners are going to have to do: listen to the facts and make decisions based on the facts. Ms. Jebavy has a good grasp of that, and she understands the traffic flows and the difference between Redevelopment and South Oceanside.

COUNCILMEMBER SANCHEZ thanked everyone for being here. Her top two are Jay Scrivener and Ivan Fox. Jay has done a good job as Planning Commissioner. He's now Vice-Chair and attends all of the meetings. He really listens and reads the material. It's a lot of material, and it's important to read it. This job is volunteer work and a big commitment. She was impressed with Ivan Fox, not just with all of the work he's done in the County and his businesses and properties in Oceanside, but he lives here. He's been in the County for many years and has seen the changes. This community is a living, breathing community, and she got the sense that Mr. Fox knows that. He mentioned that we had moved away from the old world planning, and now we're coming back to it, the idea of living and shopping in the same place and having a thriving community. She is also impressed with Kirsten Jones and her background. Oceanside is lucky to have her here, and she will be a great asset to this community. Mr. Morrissey has a background with the pier project, and that was a break-through for Oceanside. Everybody likes what has happened with that project that he worked on.

COUNCILMEMBER FELIEN thanked everyone for their time. This is a very public process and can be a little unnerving. While it may sometimes be awkward, the public good is being served by having an open and transparent process. He is impressed with the backgrounds and enthusiasm of the people who applied. We need someone on the Planning Commission who has some background in the community and has been here for a while.

COUNCILMEMBER FELLER thanked everyone who applied. We've done a lot of work in the last few years with planning and building. We've done the streamlining and reasonable outreach. We have staff working toward attainable goals. People who are interested in developing in our community understand that we're trying. We have great candidates who believe in what they are speaking about.

We know a year in advance when the meetings are. There is very little reason to miss the meetings unless we have an emergency. In 12 years he's missed maybe 2 meetings. We are committed to being here. Quorums are necessary. That's the only way the goals of the Planning Commission work. He doesn't support Mr. Scrivener because of absences. When the Commissioners are there, they need to vote and not abstain.

The one who understands and has been around here the most is Tom Morrissey. He's been here since the late 1980's and was part of the pier project. If we had gotten that project off the ground in the 1990's, it would have been a great project and less intrusive than anything we've had down there since then. He understands that particular need in the area and what to bring to the downtown community.

He liked what Mr. Fox said. He's heard what Mr. Zemik's ideas are on the campaign trail and he has his focus. Ms. Jones sounded remarkable. She hasn't seen all of Oceanside yet and will make a difference someday if she hangs in there. Ms. Jebavy is

a quality person.

He would vote for Tom Morrissey for this position.

MAYOR WOOD stated this is not an easy decision. He went through all of the applications and we have outstanding candidates. He knows Mr. Scrivener, who is seeking reappointment. He supports him because he seems to have the knowledge and has been on the Planning Commission. Mr. Fox is at the top of the list. Ms. Jebavy was also in his top 3 candidates.

COUNCILMEMBER KERN moved to appoint Marie Jebavy to the Planning Commission.

COUNCILMEMBER FELIEN suggested an alternative motion. He's been hearing and weighing the comments from the Council. He'd like to invite Mr. Fox, Mr. Morrissey and Ms. Jebavy to be our 3 finalists and ask them each one more question to try to sort it out. He'd like to have a process to get a little more comfortable with making a choice.

COUNCILMEMBER KERN doesn't think that would be fair to the other candidates.

MAYOR WOOD stated that would be inappropriate.

COUNCILMEMBER FELIEN thought we had done it before where we trimmed it down and then made a decision.

COUNCILMEMBER KERN responded every time we've done this we've made the decision without follow-up questions.

COUNCILMEMBER FELIEN was thinking of when they appointed the Treasurer.

COUNCILMEMBER KERN stated that was different because it was an elected position that we were appointing.

COUNCILMEMBER FELIEN seconded the motion for discussion.

COUNCILMEMBER SANCHEZ thought it sounded like Ivan Fox and Tom Morrissey were the top 2. Ivan Fox is her top choice. She appreciates Mr. Morrissey's background and what he did with the pier. She liked Mr. Fox's responses to the questions. All of the applicants are qualified and she thanked Mr. Scrivener, who has been on the Planning Commission, for his service.

MAYOR WOOD stated the most common name he heard from the Councilmembers was Ivan Fox.

COUNCILMEMBER FELLER stated the reason he is partial to Mr. Morrissey is because he's been here 20 years working and is the most qualified in this round.

Motion failed 4-1, Wood, Sanchez, Felien and Feller – no.

MAYOR WOOD moved to appoint Ivan Fox to the Planning Commission.

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER FELIEN stated Mr. Fox has an impressive background. He is also impressed with Mr. Morrissey's background as well. He leans toward appointing Mr. Morrissey.

Motion failed 2-3; Kern, Felien and Feller – no.

March 19, 2013

Mayor and Council
Workshop

COUNCILMEMBER FELLER moved to appoint Tom Morrissey to the Planning Commission.

COUNCILMEMBER FELTEN seconded the motion for discussion. He would like to hear Councilmember Kern's opinion on Mr. Morrissey as opposed to Ms. Jebavy.

COUNCILMEMBER KERN stated it's a hard decision. He voted for the person he thought was best.

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

2. **Public Communication on City Council Matters (Off Agenda Items) – None**

ADJOURNMENT

MAYOR WOOD adjourned this meeting to Wednesday, March 27, 2013, at 2:00 PM. This adjourned meeting of the Oceanside City Council was adjourned at 3:35 PM, Tuesday, March 19, 2013.

ACCEPTED:

Zack Beck
City Clerk, City of Oceanside