



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 27, 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 2:00 PM, March 27, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Councilmembers Feller, Kern and Felien. Councilmember Sanchez arrived at 2:03 PM. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

Regarding Item 2A, **MORTON NEEDLE**, 5039 Nighthawk, had sent each Councilmember two emails addressing his concerns after having reviewed the EIR (Environmental Impact Report). The EIR is hard to read; it's 58 pages of simulations, matrices or models of the Oceanside intersections and streets that will be impacted by the development on Quarry Road. If you analyze it in detail, it reveals that all of the significant, negative traffic impact, including traffic failure created by this Quarry Creek development, falls on the road segments and intersections in Oceanside. There is virtually no impact on the road segments and intersections in Carlsbad. They are shoving it all over the fence to us.

With this project, Oceanside will not get credit for affordable housing, the property tax revenues from 156 residences, or building permit revenues. We may get a slight sales tax revenue increase annually. Improved traffic flow is a definite no. Oceanside will get increased roadway maintenance costs with the increased traffic. The mitigation offset offer from the applicant is a bad joke. As far as emergency response costs to the City, Fire Station 4 would be the first responder in that area.

DAVID KEY, 6025 Piros Way, stated Carlsbad does a great job of maximizing their income and preserving the environment for their residents, and the Quarry Creek development is the latest example. They've found an area to put hundreds of affordable housing units that are isolated from their nice, high-priced neighborhoods. They don't have any direct roads or access into Carlsbad; they dump all the traffic into Oceanside.

He's amazed that Carlsbad would propose such a project. They don't care what inconvenience it causes Oceanside residents. They slough off the Oceanside critiques in the EIR. He read from the letter the City Manager and City Attorney sent to Carlsbad, stating that Oceanside supports a reduction in density and vehicular access to the project site from Carlsbad. Carlsbad's response to Oceanside's comments on the draft EIR are inadequate. The developer must be required to pay their fair share of contributions for cumulative traffic impacts. The EIR failed to provide good faith responses to comments confirming Oceanside's Fair-Share program. They put a bridge over Highway 78 at El Camino Real, but it didn't do a lot to improve the traffic on College and Lake Boulevards.

Oceanside's Fair-Share Contribution Policy and identified improvements constitute a reasonable plan of mitigation. The EIR fails to adequately analyze fire protection service impacts. Its reliance on Oceanside's informal fire response agreement conflicts with Carlsbad's growth management plan. We have Fire Station 4 at the end of Lake Boulevard. These are probably busy going to his neighborhood and will not have time to go into Carlsbad.

If Council lets Carlsbad proceed with this project, you are being too kind to them. It's clear that Carlsbad has no concerns for Oceanside residents and is contemptuous of Oceanside's needs, as expressed in that letter. Carlsbad does a great job of protecting their own neighborhood interests. His favorite example is the barrier at the junction of Mira Monte Drive and Foothill Avenue. It stops the Oceanside people that live in the area south of Lake Boulevard from driving directly to Calavera Hills Elementary School at Tamarack and College. They should open that. He presented his suggestions. Carlsbad should delete the road across Buena Vista Creek below the El

Salto Falls leading up to Haymar Drive and dedicate the land on the north side of the creek to open space. Instead of the Haymar Drive access, make a new road directly into Carlsbad. They should also reduce the scope of the project to more reasonable numbers and remove that barrier at Mira Monte Drive and Foothill Avenue to permanently provide a route through Tamarack to College. He urged Council to stand up to Carlsbad and go on the offensive.

DIANE NYGAARD, 5020 Nighthawk Way, attended the Carlsbad City Council meeting last night. She is surprised they keep saying that they've addressed all of Oceanside's issues, including those that Mr. Key mentioned in the letter, in spite of not having done anything except recommending mitigation measures. The Planning Commission recommended reducing the number of units to 600. They didn't discuss it last night except to say that if they reduce it by 600, the impact on traffic would be insignificant. They acknowledged that, even with the mitigation measures Oceanside has requested, there still will be significant permanent adverse impacts on traffic.

She reminded the Carlsbad Council of the cumulative failures in that area, according to the adopted Oceanside Circulation Element. She showed a map indicating the areas of traffic congestion in Carlsbad and Oceanside. She believes it is possible to come up with a package that addresses the traffic impacts on Oceanside. The EIR indicated that with no mitigation, it would require going down to 250 units. They won't do that, but opening the barricade at Mira Monte Drive allows people to bypass the intersection at Lake and College. She doesn't think anyone has looked at that as a connection to Carlsbad. It could give us real benefit at that congested intersection. It is worth exploring.

She thinks the people of Oceanside need to know that any package our Council signs off on needs to fully address the adverse traffic impacts on Oceanside. This includes a combination of road improvements, road connections to Carlsbad, reducing the number of units, transit, bicycling, pedestrians, etc. We need to see math that determines we have achieved that objective. Carlsbad won't be happy with the idea of reducing to 250 housing units, but let's figure out a way that works and put together a package.

COUNCILMEMBER KERN asked if the Carlsbad City Council closed the public hearing portion of their meeting.

MS. NYGAARD responded yes. They said they would take no further verbal or written materials. They were very specific about that.

[Closed Session and recess were held from 2:14 PM to 4:01 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

1. CONFERENCE WITH LABOR NEGOTIATOR ON STATUS OF NEGOTIATIONS PREVIOUSLY AUTHORIZED IN OPEN SESSION (SECTION 54957.6) AND PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957(b))

- A) CONFERENCE WITH LABOR NEGOTIATOR (Section 54957.6) – 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

Discussion (OCEA; MECO) and direction given; no reportable action

- B) PUBLIC EMPLOYEE PERSONNEL EVALUATION (Section 54957(b))
 - 1. City Attorney
 - 2. City Manager

Item discussed; no reportable action

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

- A) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (SECTION 54956.9)

Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

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

- i. Hirst v. Garcia, City of Oceanside
Superior Court Case No.: 37-2010-00101050-CU-PO-NC
- ii. Garcia v. City et al.
Superior Court Case No.: 37-2011-00101110-CU-WT-NC

Items discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:01 PM. Present were Mayor Wood and Councilmembers Feller, Kern, Felien and Sanchez. Also present were City Clerk Beck, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-10]

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

CITY CLERK BECK announced that Item 4 was removed from the Consent Calendar for discussion by a member of the public.

The following Consent Calendar items were submitted for approval:

- 3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
- 4. **Removed from Consent Calendar for discussion – Public**
- 5. City Council: Approval of an open purchase order in an amount not to exceed \$150,000 to Staples Contract & Commercial, Inc., operating as Staples Advantage, for the purchase of office supply products pursuant to the National Joint Powers Alliance (NJPA) Contract #031210; and authorization for the Financial Services Director to execute the purchase order
- 6. City Council: Approval of a professional services agreement [**Document No. 13-D0174-1**] in the amount of \$115,000 with RBF Consulting of Carlsbad to establish a

survey control network concerning public right-of-way improvements; and authorization for the City Manager to execute the agreement

7. City Council: Approval of amendment 5 [**Document No. 13-D0175-1**] in the amount of \$12,917 to the Installation and Use Software Agreement with CRW Systems, Inc., of San Diego for additional user licenses, prorated maintenance for the licenses and creation of a fats, oils and grease (FOG) permit program; and authorization for the City Manager to execute the amendment
8. Harbor: Approval of a three-year percentage property lease agreement [**Document No. 13-D0176-2**] with Jim and Ramona Rajner, dba Jimmy Romo's SUP Surf Shop, in the amount of \$18,000 minimum revenue, at 1850 Harbor Drive North, Suite C, located in the north basin of the Harbor; and authorization for the Administrative Officer to execute the agreement
9. City Council: Approval to accept \$20,000 in grant funds from the California Department of Resources Recycling and Recovery awarded to the City for the Beverage Container Recycling Competitive Grant Program; and approval to appropriate these funds to the Water Utilities Department
10. City Council: Adoption of **Resolution No. 13-R0177-1**, "...authorizing the City to participate in the State of California Franchise Tax Board City Business Tax Program, and authorizing the Financial Services Director to execute the agreement" [**Document No. 13-D0178-1**]

COUNCILMEMBER KERN moved approval of the balance of the Consent Calendar [Items 3, and 5-10].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 5-0.

Item removed from the Consent Calendar for discussion

4. **City Council: Approval to reject all bids received for the plans and specifications for the El Corazon Reclamation Plan Grading Improvement Project; approval of revised plans and specifications for the project; and authorization for the City Engineer to call for bids**

Public input

JIMMY KNOTT, 127 Sherri Lane, became concerned when he read this item and the plans that went along with it. We need to look at Central Park in New York and what they have done over the years. They didn't do it all at one time. These projects can be done over a couple hundred years. We should step back and look at the economics before moving ahead. That way we can save the taxpayers' money and do things at the right time.

Public input concluded

COUNCILMEMBER FELLER moved approval [to reject all bids received for the plans and specifications for the El Corazon Reclamation Plan Grading Improvement Project; approval of revised plans and specifications for the project; and authorization for the City Engineer to call for bids].

COUNCILMEMBER SANCHEZ seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

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

11. **City Council: Approval of amendment 1 [Document No. 13-D0179-1] to the Recreational Disposition and Development Agreement, and amendment 1 [Document No. 13-D0180-1] to the Disposition and Development Agreement with Sudberry Development, Inc., for the commercial area development and the balance of the recreational area development at El Corazon; and authorization for the City Manager to execute the amendments**

DOUG EDDOW, Real Estate Manager, stated that staff is asking Council to approve these amendments to the DDA (Disposition Development Agreement) and the Recreational DDA in order to get the timeframes consistent with the rebidding of the plans and specifications. Otherwise, the Sudberry due diligence period would expire before we got to the plans and specifications for the City to verify their cost. There are a couple of housekeeping items on the DDA. Item number 3 in the agreement needs to be changed to number 2. Also, the date of August 5th needs to be changed to August 15th to coincide with the Recreational DDA.

COUNCILMEMBER FELLER moved approval [of amendment 1 [Document No. 13-D0179-1] to the Recreational Disposition and Development Agreement, and amendment 1 [Document No. 13-D0180-1] to the Disposition and Development Agreement with Sudberry Development, Inc., for the commercial area development and the balance of the recreational area development at El Corazon; and authorization for the City Manager to execute the amendments].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

12. **City Council: Approval to update and complete the El Corazon Public Facilities Fee Study, initiate the process to establish the fee via completion of the study and setting of a Public Hearing, and obtain direction from the City Council on a citywide assessment or tax increase to fund the future development of El Corazon**

MICHELLE SKAGGS LAWRENCE, Deputy City Manager, stated that staff is requesting that Council authorize them to complete the impact fee study for El Corazon and initiate the public hearing process to implement a fee on new development. We're also asking direction on a potential citywide assessment or tax increase to fund the future development of the park.

In 2005, the Council adopted the Land Use Plan for El Corazon and in 2009 the Specific Plan. Both documents recognized there would be significant gaps in financing and both called for an impact fee along with other sources of revenue, such as keeping sales tax and TOT (Transient Occupancy Tax) generated on the site in the project, general obligation bonds, grants, etc.

In January, when the Council adopted its Strategic Plan, one of the goals was to take another look at an impact fee for El Corazon. In 2008, the City contracted with Willdan Financial to conduct a fee study. We received a draft copy of the report in 2009, and there is a copy in Council's packet. We did not finish the study at that time due to economic conditions. However, if you take a look at the study you can see that they identified the total facility cost at \$172,000,000. A computer graphic showed an estimated potential impact fee of \$22,000,000, leaving a large gap of approximately

\$140,000,000 where we would have to come up with non-fee revenue. We estimate it will cost about \$20,000 to update the impact study.

Staff recommends that Council direct them to get the study completed so they can initiate the public hearing process to implement a fee on new development. We appreciate any input Council might have on establishing a city-wide assessment or tax.

Public input

DIANE NYGAARD, 5020 Nighthawk, represents Friends of El Corazon. We support the update of the public maintenance fee for El Corazon. It's a key part of the financing plan that was approved when we approved the Master Plan for the project. It's an important step in the right direction. We don't need to make all of the decisions about financing this park today. This is intended as a long-term plan phased over a 20-30-year time period. Other than the most important first pieces, we don't know what the phasing plan will be as far as future public funding.

As the Deputy City Manager stated, the economic analysis done in 2005 relied on a broad range of funding sources to support this. The economic plan recognizes we're going to need substantial public investment to build the park, but that the operation of the park will come from commercial revenue. Let's take that important first step. We need to update the financing study and be further along in the planning and implementation of the park before thinking about the next \$150,000,000.

GEORGE McNEIL, 2153 Anda Lucia Way, wants to encourage Council to complete the study. All other decisions should be on hold. Once the study is completed, then you have all the information you need to make decisions. The initial financial information goes back to 2005, followed by the study in 2009. A lot has happened in the last 4-5 years. He's advocating for completing the study. After that's done, then you have the facts and can determine the best way to proceed.

Public input concluded

COUNCILMEMBER SANCHEZ agrees that we need to complete the study. This is obviously something near and dear to our citizens. Along with the soccer, we wanted to have the commercial put in place in hopes of generating funds that would support the park. Now we need to figure out how to address this gap. Doing the study now will go a long way toward making that decision.

She **moved** approval [to update and complete the El Corazon Public Facilities Fee Study, initiate the process to establish the fee via completion of the study and setting of a Public Hearing, and obtain direction from the City Council on a citywide assessment or tax increase to fund the future development of El Corazon].

MAYOR WOOD **seconded** the motion.

Regarding the plan talking about city-wide assessment of tax increases to fund this, **COUNCILMEMBER KERN** stated that if the study comes back saying we need to go out for a bond, it would probably be November of 2014 before it gets on the ballot. The complaint we get from the public is that we do one more study, and nothing gets done with it. If we do a study, he doesn't think we'll doing anything with it for a few years. Looking at it in practical terms, if we go for a tax increase for a bond for the \$122,000,000 or whatever it may be, he doesn't think it will pass. If you wait until 2016, we'll have to come back and do another study. He's reluctant to support this.

We have other items on the agenda that the \$20,000 could be put toward, such as security for our existing parks versus parks in the future. He was on the El Corazon Committee and understands the issues, but he has those concerns. He'll wait to hear from the other Councilmembers for direction.

COUNCILMEMBER FELIEN is not interested in a study that decides what tax and fee increases will be added on top of all the taxes and fees being paid already. His impression has always been that the park would be financed with the portion that was sold for commercial development. Before we go down the road of more fees and taxes, he wants to look at it in conjunction with the Goat Hill property. We have a money-losing golf course, and we're trying to figure out how not to lose money. We've had some proposals to develop that property, but it would require a vote of the people to convert it to non-park land. He thinks it would be more feasible to tie in the conversion of that space, and then use any proceeds the City gets to create more park land at El Corazon. This would give us a win-win situation that doesn't involve more fees and taxes in the middle of a recession. As far as finishing the soccer fields, he thinks doing a study now would be obsolete by the time we were in a position to use it.

He's reluctant to go forward with another study. However, if there is a majority vote in support of this, he has been asked that Council form a committee similar to that of the Inclusionary Housing Ordinance, where all of the stakeholders impacted by a potential fee would be involved in the process from the beginning. This seemed to work out very well and we came to a good conclusion with it. He hopes this study would be done in a similar fashion.

COUNCILMEMBER FELLER asked the Deputy City Manager about one of the computer graphics she presented indicating that, in conjunction with doing the impact study, Council would be moving forward with ideas for how to raise the money. Is that correct?

MS. LAWRENCE responded there is a large gap, estimated at about \$140,000,000. We were looking for any feedback Council may have regarding a general assessment or a tax.

COUNCILMEMBER FELLER stated it has been his contention all along that it would cost \$150,000,000, even when we converted this project to El Corazon from what it was before. We need to get through converting the soccer fields and get into the commercial development of the park first. We may study these things as we go forward, but we may be very successful with the soccer complex. It may generate a lot of different avenues versus approving this now and thinking about a bond issue in 2014 with the soccer fields not being opened yet. He is willing to give the soccer fields a year and then look at it again. He's not ready to approve this tonight.

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

13. **City Council: Presentation of the draft Municipal Separate Storm Sewer (MS4) Permit (Tentative Order No. R9-2013-0001) and the effects on the City and development**

MO LAHSAIEI, Environmental Officer, stated this item is informational and not for voting purposes tonight. The packet has 4 attachments, including letters from San Diego County as a lead permittee in this region. They have communicated with a different level of government bodies, including letters to the Governor of California and the Executive Officer of the regional Board. A computer graphic was used to show the history of the Municipal Separate Storm Sewer (MS4) Permit, which is a Federal permit issued by the State Regional Water Quality Control Board (RWQCB) to all the municipalities in the San Diego region. It has been enforced since 1990, and is renewed every 5 years. The goal of the permit is to minimize or eliminate the impact of pollutants generated by the storm and non-storm water runoff, like over irrigation.

Now is the beginning of a new 5-year permit cycle. The anticipated approval date is April 11th after two days of public hearing on April 10th and 11th. In response to this permit, we need to develop a comprehensive plan called the Water Quality

Improvement Plan (WQIP). We're given 18-24 months after approval of the permit to prepare the plan. The implementation of the plan will be for the next 5-year cycle.

A computer graphic listed the Oceanside departments involved in the implementation of the MS4 Permit. The Clean Water Program is responsible for water quality monitoring, inspections of industrial/commercial/municipal (ICM) illegal discharges happening in the City, and Total Maximum Daily Load (TMDL) compliance, which is a 20-year mandate. The Engineering Division handles the development and redevelopment of the MS4 Permit. The Public Works Department is involved in storm drain maintenance and street sweeping, and the Code Enforcement Division handles enforcement of the City Water Quality Code ordinances.

Included in the packet is a letter the Water Utilities Department sent to the RWQCB to voice our opposition. We made three major points. The first was that the inclusion of the MS4 permit requirements are based upon scientifically flawed Bacteria TMDL with unattainable targets and unrealistic implementation costs. This TMDL should have been by itself, but now they are tagging it with this permit. This will create a lot of hardship and cost for us. We're saying this mandate is not scientifically based until we gather more information. The second point is that the inclusion of Receiving Water Quality Limitation (RWQL) language unnecessarily exposes the co-permittees to liability from third-party lawsuits. The third point expressed our opposition to the expanded requirements for development and redevelopment projects.

A computer graphic showed Oceanside's past 5-year storm water program costs associated with this permit, including the cost breakdown by department. It's close to \$3,000,000 every year. The 2011-2012 expenditures that were already submitted were over \$3,000,000 just for Oceanside. For example, with flood control the Public Works Department does cleaning, maintaining and street sweeping. The street sweeping alone costs \$1,300,000. Street sweeping was previously not a mandate, but now it is, so we can't get rid of it.

The current annual regional costs associated with the existing MS4 permit, not including the TMDL mandate, is \$150,000,000 per year in the San Diego region. When you add the TMDL, it will add another \$144,000,000-\$272,000,000 per year for a total cost of between \$294,000,000-\$422,000,000 per year. For a 20-year commitment it will be between \$2,000,000,000-\$4,000,000,000.

The City requested that the County watersheds continue the separate categorization of single-family development (SFD) and that the priority development projects (PDP) be defined as a residential development of 5 or more parcels or condominiums, consistent with a final map. The old permit required the developers to prepare a SWMP (Storm Water Mitigation Plan) if they were developing 5 units or more. Now it applies if you have a development of only 10,000 square feet of impervious surface. This puts pressure on individual home builders. Implementation of a lower impervious surface from 5 units to only 10,000 square feet may reduce land development and redevelopment activities, and negatively affect funding sources that subsidize storm water programs.

With the old permit, if you had runoff generating on your site, you could treat it and then let it go. With the new permit, even after you have treated it, you are not allowed to let runoff leave your site; you have to allow it to stay on your site and percolate. Small sites have a challenge finding a place for runoff to percolate into the ground.

With any new development, you now have to figure out what the pre-development hydrology was on your site and base everything on that. This means going back to the pre-European migration to this area to see what the hydrology looks like. We're saying there's no way to go back that far. We're requesting maintaining the pre-project runoff standard for determining flow rates and durations, not the pre-

development runoff standard.

There will be two days of public hearings on April 10th and 11th at the San Diego RWQCB office building. The members of the County Board of Supervisors will be speaking, so they are highly encouraging elected officials like you to voice your opinions. He suggested that any Councilmember preparing to speak at the meetings should review the items he attached to the staff report.

Public input

JIMMY KNOTT, 127 Sherri Lane, Vice-Chair of the Utilities Commission, stated these issues are serious, and we would appreciate Council's cooperation.

Public input concluded

COUNCILMEMBER FELLER asked if the City was mostly affected in the river by the TMDL.

MR. LAHSAIEI responded yes.

COUNCILMEMBER FELLER asked if the City was affected by the runoff of properties 50 miles away, including the Lake Henshaw area and through River Valley.

MR. LAHSAIEI responded yes.

COUNCILMEMBER FELLER asked how we will account for the reservations in the area.

MR. LAHSAIEI responded there are 5 Native American tribes in the San Luis Rey Watershed, as well as Camp Pendleton. Both are Federal agencies. Unfortunately, California does not have jurisdiction over those, and they are not sitting at the round table with us. It's an excellent talking point for the public hearings. His department has brought these technical points up repeatedly, but none of these agencies are at the table. Oceanside is at the end of the pipe for all of these areas, and we have to deal with it at the beaches, creeks and rivers.

COUNCILMEMBER FELLER asked what happens with rainwater runoff.

MR. LAHSAIEI responded the City is basically held responsible for the dry weather period between May 30th and October 1st. During this time there is no tolerance for pollutants going through the waterways. During the wet season between October 1st and May 30th there is an exceedance allowance, which means there can be 22 days of exceedance as far as pollutants. Up to a certain intensity of rain, they expect us to capture it, treat it and let the water percolate on site. Beyond this it's considered an act of God; you can't do anything, so you have to let it go.

COUNCILMEMBER FELLER stated this is terrible for us because it translates into \$52,000,000 to \$250,000,000. Is that correct?

MR. LAHSAIEI responded it's actually from the \$150,000,000 that we are now spending, to between \$300,000,000 and \$422,000,000 per year.

COUNCILMEMBER FELLER stated that translates to about \$10,000,000 for the City.

MR. LAHSAIEI anticipates it would double, so instead of \$3,200,000 it would be close to \$7,000,000.

COUNCILMEMBER SANCHEZ stated the TMDL subject came up during

discussions about the Buena Vista Lagoon restoration project regarding how much money we had spent studying this and how the restoration EIR would help us to get more information about the TMDL's for the creek. It's not just the San Luis Rey River but also the creek, which is parceled out in Carlsbad, Oceanside, Vista and all over the County. How much was spent on the study?

MR. LAHSAIEI responded the order of the permit has not been given to them yet, but it will be a multi-million dollar amount if they have to deal with the bacteria TMDL analysis for Buena Vista. You also have the restoration itself, which is a lot of money.

COUNCILMEMBER KERN thinks the San Luis Rey Watershed is about 595 square miles. Oceanside is 5% or less of that watershed, yet we're at the end of the pipeline and have to deal with it while the tribes and Camp Pendleton are exempt. We don't have a baseline of bacteria created by natural causes. With all of the work we did restoring the river, we have more birds there, and the droppings contribute to the bacteria. If we're held responsible for the number of birds in the river, how do we mitigate this? He doesn't mind mitigating man-made pollutants, but there are many naturally occurring things that haven't been scientifically evaluated to determine a baseline on what the bacteria TMDL's are. He's going to be at the April 11th public hearing to make some of these points.

This is not good for anybody. For every acre of land, you will need an Olympic-size swimming pool buried in the ground to capture the runoff. That water would have to be distributed over a period of time so it soaks in. It's already affected one project he's been following because of the City's parking requirements. Water Quality Control said anything over 15 parking spots would cost an extra \$20,000-\$30,000 for the mitigation. They decided to decrease the size of the building and not have as many employees to accommodate the parking, so it's already affecting how people are thinking. People will adjust. The ultimate adjustment is they may leave and move somewhere else. If they want to do business here, they will have less square footage, smaller parking lots and less employees.

MR. LAHSAIEI added that his department has been voicing their opinion, saying they can't be blamed for all of the bacteria, as there are also naturally occurring sources. We are getting plans together to do a reference study to find out what the baseline is for a pristine watershed with minimal or no development. Then they can deduct the bacteria from natural sources and only be held responsible for the remaining man-made amount.

COUNCILMEMBER FELIEN sees this as environmental extremism on hyper-drive. He can't believe the callous disregard regulators have for the impact their decisions have on the private sector. He testified at the preliminary hearing and brought up a lot of these issues. For example, he raised the idea that we should be held responsible for the change in water quality from when the water enters our jurisdiction to the point where it leaves. He asked if any of the testimony was incorporated into the final requirements or if any adjustments were made based on the testimony of people explaining how crippling these requirements are going to be.

MR. LAHSAIEI said they did respond to some issues, but being regulators, sometimes they don't budge. Since Councilmember Felien attended the hearing, there have been thousands of comments from people. The last letter sent by the Mayor of San Diego and the County Supervisor mentioned these comments, along with the suggestion that the April 11th hearing be postponed until the regulators could respond to all of the comments before finalizing the permit.

COUNCILMEMBER FELIEN will attend the hearing if he can. This is a hidden iceberg under the water that will cripple our economy if it goes forward as-is.

CITY ATTORNEY MULLEN spoke to the attorney representing the City and the County on this issue. He was advised that they anticipated a revised tentative order to be issued today. He hasn't seen it and isn't aware if it's been issued yet.

MR. LAHSAIEI added they haven't seen the order either, but it's supposed to come in today or tomorrow.

MAYOR WOOD asked for an explanation of unfunded mandates involving the State on this issue.

CITY ATTORNEY MULLEN responded there was an unfunded mandates case filed by all of the co-permittees in San Diego County. We had some success with the Commission at the administrative level; however, the Board sued. The Attorney General's office handled the case in Superior Court in Sacramento and overturned the Commission's decision. We are appealing that decision with the matters fully briefed. There's also a similar unfunded mandates case pending, dealing with the LA permit. That case is set for oral argument in the Court of Appeal on April 17th. We're expecting more direction about the unfunded mandates issue within 90 days after April 17th.

MAYOR WOOD recalled they tried to do a dog park at the beach in the harbor area. A lot of people wanted it, but there were concerns from environmental agencies that said dog defecation on the beach is not acceptable and causes bacteria. He pointed out there are about 800 seagulls sitting in the same spot. They responded the seagulls didn't cause a problem, but the dogs would. He's not sure how they figure out the difference.

We became a charter city so we're not responsible for these things, right? We switched to be a charter city so we wouldn't have the State shoving these mandates down our throats. He asked the City Attorney if this has become an issue or not.

CITY ATTORNEY MULLEN responded the charter city issue doesn't apply to this area.

MAYOR WOOD stated this is a major unfunded mandate that's not possible for the City to pay. Passing this on to our residents is unbelievable. We've been up to Metropolitan Water District, and we'll go back down to San Diego regarding storm water issues. He asked Ms. Dale if she needs anything from Council.

MS. DALE responded this is just an informational item. She asked that Council contact her if they desire to speak so they can coordinate with the County.

CITY COUNCIL REPORTS

14. **Mayor Jim Wood**

MAYOR WOOD announced the Ironman race on April 30th. He reminded everyone to be cautious around the bicyclists and joggers, as well as the heavy traffic. He mentioned the City's annual Easter egg hunt at Buddy Todd Park on March 30th.

15. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the Soroptimist luncheon and the Crystal Apple teacher recognition ceremony in which Mary Noble and others were honored by their students. He acknowledged Mickey Todd's 97th birthday yesterday. He mentioned the Oceanside High School golf tournament on April 6th and the El Camino High School golf tournament on April 8th. He attended the Eagle Court of Honor for David Ordway.

16. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Crystal Apple teacher recognition ceremony in which Mary Noble was selected from El Camino High School, Patricia Grogan from Oceanside High School and Alexa Livingstone from Carlsbad High School. He mentioned watching the Oceanside Lifeguards cooperating with Sea World as part of a seal rescue at the Oceanside pier.

17. **Councilmember Jerome Kern**

COUNCILMEMBER KERN met with Assemblymember Rocky Chavez and Encinitas Mayor Teresa Barth at the San Elijo Wastewater Treatment Center. They're part of a coalition to recycle water. San Elijo has an effective pilot program. He's going to Washington, D.C. in May to get funding to start recycled water projects.

He introduced himself at OUSD as the newly appointed liaison to the school district. He met with the Superintendent yesterday and they discussed several issues facing Oceanside that they will be working on together. Last week he met with the Vista Superintendent and a Vista Councilmember to discuss similar school issues such as campus safety, school resources officers, etc. He has follow-up meetings scheduled with them in the next couple of weeks to work on these issues. He will also be meeting with Dr. Rodriguez at MiraCosta College to discuss their issues.

Last night he attended the Carlsbad Council meeting for the presentation of the youth employment program. With so many teens and college graduates either unemployed or underemployed, finding mentors and internships for them is important. He will be attending a San Diego County Water Authority meeting tomorrow.

18. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ has been meeting with members of the community regarding the recent violence and deaths of children in Oceanside at Libby Lake Park. Their discussions have culminated into an agenda item that people will be speaking on later in today's Council meeting. She also met with School Board members to talk about what can be done, especially in working with OUSD. She will be reporting on this at the appropriate time.

She attended a meeting of the Carlsbad City Council to represent a letter that Oceanside sent to Carlsbad opposing the Quarry Creek project.

[Recess was held from 5:00 PM to 5:13 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:13 PM. All Councilmembers were present.

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Youth from Vista Community Clinic

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Mayor's Business Member Spotlight
Presentation – Update on Public Opinion Survey Regarding Smoke-free Outdoor Dining in Oceanside by Vista Community Clinic

Presentations were made

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.

23. **City Council: Approval of the FY 2013-2014 Community Development Block Grant program budget; approval to allocate funding for various housing and community development activities, planning, and program administration; and approval to allocate grant funding for various public services and homeless programs [Document No. 13-D0182-1, Document No. 13-D0183-1, Document No. 13-D0184-1, Document No. 13-D0185-1, Document No. 13-D0186-1, and Document No. 13-D0187-1]**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmember Feller reported contact with staff and one of the defunded organizations; Mayor Wood, Councilmembers Felien, Sanchez and Kern reported contact with staff.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

MARGERY PIERCE, Neighborhood Services Director, acknowledged that the partners they have funded and are recommending for continued funding, based on the 3-year plan Council approved last year, includes the Teen Reach program at Libby Lake and Club Crown Heights run by Lifeline Community Services. Council approved a 3-year plan. We don't know how much money we'll be receiving from the Federal government for the Community Development Block Grant (CDBG) program and HOME Investment Partnership (HOME). We're expecting it to be published at any time.

The US Department of Housing and Urban Development (HUD) requires that this public hearing be conducted with a 45-day period for taking comments before the May 15th deadline to submit our Consolidated Plan to HUD. She had spoken with Council about the effects of the sequestration and cuts to our programs. They will definitely affect this year, and potentially the organizations we fund under Social Services and Administration would have to be repaid. However, having gone to Washington, D.C. last week on housing programs, HUD has indicated that CDBG may go up 4.5%, in which case staff will be making the appropriate adjustments per Council's direction.

The reason CDBG may go up is because last year when they did the allocation for 2012, a chunk of money went to disaster relief. Last week they approved the continuing resolution for the coming year, and that chunk of money will go back to funding and be spread among the communities. As far as public services, they will continue to fund Lifeline for Club Crown Heights and the Vista Community Clinic for programs in Libby Lake and the Eastside neighborhood. We will also continue funding the Oceanside Senior Citizens Association for their nutrition program that serves 70-80 seniors lunch on a daily basis. In addition, they do home delivery of meals for the homebound.

One item we are not recommending for funding is Angels Depot. Last year they had \$7,500, which was not CDBG funded. It came from money we received for administering the Laguna Vista Mobile Home Park, which we won't have this coming fiscal year. We will continue to support the Alliance for Regional Solutions with other funding so we don't have to use CDBG funds. We will continue to fund code enforcement and the afterschool programs at Joe Balderrama and Melba Bishop recreation centers for at-risk youth. She asked Council to approve the proposed budget, noting that there will be some flexibility with it.

Staff will take Council's continued direction on how that money will be spread in the different areas that are eligible. Most likely that little increase will go toward restoring the youth programs and senior citizen nutrition program. It won't be completely, but will incrementally give them a little more money.

Public input

JIMMY KNOTT, 127 Sherri Lane, thanked Council for consideration of continuing the senior nutrition program. As someone who is involved with the weekly Bingo fundraiser there, he appreciates any additional help that Council can give.

NANNETTE STAMM, Health Promotion Center Director, Vista Community Clinic, thanked Council for the continued funding of their REACH after-school programs at Libby Lake and Balderrama Center. Both areas are in need of these programs and they appreciate Council seeing that need and providing funding.

BARBARA MORENO and several youth from the North County Lifeline/Club Crown Heights program thanked Council for continued funding. They're getting better, and success stories are coming out of the Crown Heights Center every day.

Public input concluded

COUNCILMEMBER SANCHEZ is proud of the work being done in the community by individuals and especially by the youth, who have made a commitment to their families, neighborhoods and to each other. They want a better life, to stay in school and avoid the stuff happening on the streets. They are role models for the kids in your neighborhood and school. A few years ago she was approached by someone in the Eastside neighborhood saying we need to do something to honor our kids. They need to know how important they are to us. The Eastside community decided to start Dia de Niños, or Day of the Child. All kids in the city are invited to this event to show them how valuable they are to us. These kids are our future. If they decide they are not going to stay in school and graduate, or get job training to be part of our society and go forward to pursue a dream, we will have a dismal future. The kids are our bright stars. That's why we need to continue our commitment to our youth.

This is a partnership between the City, the families and the school district. We've had cuts in CDBG every year, and it's gotten tougher to look at the budget and find ways to do more. Staff has been creative with it, but we've still seen cuts. The San Luis Rey Resource Center was closed, as well as the John Landes after-school and youth drop-in programs. She was invited to speak at the John Landes after-school program to about 25 teens who asked some good questions. They wanted to know about how the City works and what they could do to make their neighborhood safer. The kids want to get involved.

We need to put our priorities into our youth and seniors. She **moved** approval [of the FY 2013-2014 Community Development Block Grant program budget; approval to allocate funding for various housing and community development activities, planning, and program administration; and approval to allocate grant funding for various public services and homeless programs, as seen below **[Document No. 13-D0182-1, Document No. 13-D0183-1, Document No. 13-D0184-1, Document No. 13-D0185-1, Document No. 13-D0186-1, and Document No. 13-D0187-1]**].

CDBG PROGRAM BUDGET 2013-14

Revenue 2013-14

a. CDBG entitlement grant	\$1,108,685
b. Program income prior year (est.)	\$ 53,242
c. Program income current year	\$ 53,242 <i>MHS Loan</i>
Total CDBG Revenue current year	\$1,161,927

Expenditures 2013-14

a. CDBG Administration and Planning:

1. Housing Program Development	\$ 141,045
2. Fair Housing Programs	\$ 20,000 [Document No. 13-D0182-1]

3. Grants Administration	\$ 56,340
4. Neighborhood Revitalization Planning	\$ -
5. Neighborhood Revitalization (CHW)	\$ 15,000 [Document No. 13-D0183-1]
Total Administration and Planning/Cap	\$ 232,385 at 20% cap

Admin and Planning cap figured at 20% entitlement plus **current** year program income

b. CDBG Public Services:

1. Parks & Recreation Teens	\$ 18,600
2. Parks & Recreation 4 Kids Sake	\$ 18,200
3. Angel's Depot Food for a Week	\$ -
4. Brother Benno Foundation	\$ -
5. Boys & Girls Club Gangbusters	\$ -
6. Boys & Girls Club Libby Lake	\$ -
7. Senior Fitness	\$ -
8. Interfaith Community Services	\$ -
9. Ivey Ranch Park Association	\$ -
10. North County Health Services	\$ -
11. Oceanside Senior Citizens Association	\$ 17,330 [Document No. 13-D0184-1]
12. Vista Community Clinic Teen REACH	\$ 13,580 [Document No. 13-D0185-1]
13. Community Resource Centers	\$ 93,000
14. North County Lifeline Youth Programs	\$ 13,580 [Document No. 13-D0186-1]
16. S.U.N/Neighborhood Clean-up Activities	\$ -

Total Public Services and Cap \$ **174,290 at 15% cap**

Public Services cap figured at 15% entitlement plus **prior** year's program income

d. Housing Rehabilitation

1. Single Family Rehabilitation Loans*	\$ - prior year \$
2. Mobilehome Rehabilitation Grants	\$ - prior year \$
3. Program Management and Loan Services	\$ 100,000
Total Housing Rehabilitation	\$ 100,000

e. Section 108 Loan Payment \$ **274,302**

f. Code Enforcement \$ **355,000**

CDBG Program Expenditures \$ **1,135,977**

g. Contingency \$ **25,950**

Total CDBG Budget 2013-14 \$ **1,161,927**

e. Local housing program funds 2013-14

1. Casa de Amparo	\$ -
2. Fraternity House	\$ -
3. Women's Resource Center Emergency Shelter	\$ -
4. YMCA Oz North Coast Shelter	\$ -
5. Alliance for Regional Solutions	\$ 30,000 [Document No. 13-D0187-1]
Total homeless programs	\$ 30,000

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ stated we have to do more, and we have to do it as a community. Earlier we were talking about \$40,000 for fireworks and what that money could do for a neighborhood. It could do a lot of things. Together we have to make sure the kids are safe and that they see all of these possibilities.

COUNCILMEMBER KERN asked when they will know what the real allocations are. It seems to float out there for months at a time.

NEIGHBORHOOD SERVICES DIRECTOR PIERCE is understanding that Congress passed the continuing resolution last week. As soon as the President signs it,

per HUD, it will only take a couple of days to get to us. She's expecting it within the next week.

COUNCILMEMBER KERN asked if this means Council can continue these programs within the next week.

NEIGHBORHOOD SERVICES DIRECTOR PIERCE responded that's correct. She will send Council a memo when they get the final figures.

COUNCILMEMBER KERN stated sometimes government and speed are mutually exclusive entities. It's a great program, and he is encouraged that there's some money, especially for the youth programs going into summer.

COUNCILMEMBER FELLER asked what 4.5% amounts to.

NEIGHBORHOOD SERVICES DIRECTOR PIERCE responded not very much. Just for CDBG, what is 4% of \$1,100,000?

COUNCILMEMBER FELLER responded it's \$40,000 or \$50,000.

NEIGHBORHOOD SERVICES DIRECTOR PIERCE clarified it's \$40,000.

COUNCILMEMBER FELLER asked if Council is authorizing her to spend that money as they see the need, or will she come back to Council with this?

NEIGHBORHOOD SERVICES DIRECTOR PIERCE responded they will be spending it. However, when you get \$40,000 more, there is a 15% cap that will apply, so there won't be that much more available for social services. It will be spread among the normal categories.

COUNCILMEMBER FELLER ventures that something will start happening with the Camp Fire building in Crown Heights. Whatever can be done to spread the wealth in the Libby Lake area would be more along his lines right now. It's a worthwhile program. It's the kids' decision as to whether they will make good or bad decisions. They need the encouragement of their community and most of all, their families. Kids need to remember that their decisions get results. Choosing good decisions is what will get them somewhere. He challenged the kids to be Councilmembers in 20 or 30 years. He's eager to spend the money in this regard.

Motion was approved 5-0.

AGENDA ADDENDUM

MAYOR AND/OR COUNCILMEMBER ITEMS

- 24 (A) **Request by Councilmember Sanchez for an update from staff regarding our City's response to the recent acts of violence against our children, direction to staff to identify gaps in programming, and come back to the Council within 45 days with a report/recommendations on how to fill those gaps.**

and

CITY MANAGER ITEMS

25. **City Council: City Council: Update on the Oceanside Community Safety Partnership Program (OCSP)**

COUNCILMEMBER SANCHEZ requested that Salvador Leon Estrella speak on this as he had requested to speak prior to this being put on the agenda, and his speech

can lead us into this discussion.

SALVADOR LEON ESTRELLA, grew up in Crown Heights and is speaking on behalf of every community in Oceanside. He's not here to address the issue of violence against children, as Council is very aware of what's been going on these past 4 years. He's also not here to accuse Council of the problem. He's trying to propose some solutions involving community centers. Over the past 4 years, budget cuts have greatly affected our resource centers. As a young teen, he took part in the activities at the Crown Heights Resource Center. He enjoyed the bookmobile, which sadly no longer comes by Crown Heights or Balderrama. The Crown Heights Resource Center was a great influence on his future. He currently attends Cal State San Marcos and hopes to graduate. He thanked the City for providing these services. There are many individuals like him who have benefitted from the services the City has provided. Sadly, in the past 4 years there have been drastic cuts in our resource centers.

There's a direct relation between what's going on in the streets and these cuts. A computer graphic showed various City resources for youth that had funding cuts or had been closed. If the City invests in these resource centers and communities again, we will see some remarkable individuals giving back to the City in 10-15 years. These resource centers are not daycare centers; they are places that provide a future for youth. He asked Council to give back that boost of resources. He's not asking for anything big; he just wants to see the investment go back into the resource centers in every community, not only Libby Lake, Balderrama and Crown Heights, but throughout Oceanside. No one wants to see children murdered in the streets, and these community centers are very helpful in preventing this. He thanked Council for providing these services through the years.

COUNCILMEMBER SANCHEZ stated Council has been intimately involved with our neighborhoods. We know it is a small investment into our neighborhoods compared to what could happen. If one crime could be prevented by putting in a little investment, it's worth it. If that crime happens there's staff time, police, victims, court time, etc. One small investment is like 10:1; if we make the investment, we don't produce all of those costs that taxpayers end up having to pay. If we have someone in jail, we no longer have that person doing something positive and contributing his/her part in raising a family, getting a job and contributing to the economy.

She grew up in one of these neighborhoods and knows the Mayor has also walked these streets as a police officer for 31 years. He knows these neighborhoods very well. Councilmember Feller is very involved in these programs and is supportive. He's been involved in afterschool programs and athletic programs. She and Councilmember Feller have been on the Council for 13 years, and the Mayor has been on for 11 years. We know that if one fund gets cut, there is a ripple effect. If one staff member gets taken out of a resource center or is moved, something happens in our neighborhoods and with our kids. It is a delicate relationship, and she gives kudos to the staff members who establish and maintain these relationships with our kids. She asked the kids to be stronger. If one staff member goes and there is another person there, give them a chance. We're all here for you.

She had asked to put this item on the agenda because of what has happened. She knew something might happen because of the cuts. We have had some severe cuts. She thanked Salvador for putting the information together in one place. The John Landes Recreation Center has been closed since summer of 2009. That is a hotspot. We had youth beginning to organize there, but we cut that short. It's been very difficult knowing that we still have not reopened that center for our youth. We've had a police presence at the center and now have a job program there, but we don't have a youth program. We need that. The Balderrama Center programs have also been cut. It's not only City staff, but also the nonprofits that we contract with that have smaller funds too.

She referred to Mr. Estrella's computer graphic and itemized the cuts made to

programs. What isn't shown on the graphic is the closure of the San Luis Rey Resource Center, which we knew was critical. This has been a place where we had a lot of police resources, not youth resources. Salvador grew up in Crown Heights, and the bookmobile made a difference for him. Field trips have also been cut due to staff cuts, which have impacted the kids. There were also issues raised about unequal distribution of recreational opportunities. The feeling was that Melba Bishop Park had more programs than Balderrama Park.

We've had kids die from gang violence. This violence impacts us all. We need to make sure our kids are safe. She asked the Police Chief to give an update on the City's response to these acts of violence. She also requested an update from Ms. Pierce, the Neighborhood Services Director in charge of housing, community development, parks and afterschool programs.

FRANK MCCOY, Police Chief, stated the Police Department has been engaged with the community ever since he's been here, and we continue to do that. Specifically with the recent violence, we continue to reach out to the Libby Lake area and participate in different neighborhood meetings. Our detectives have been working around the clock on this particular case and will continue to follow-up on any leads we have. We will find those responsible for the murders of these youth. We can't do this without the community's help. We know that those responsible talk to people, and we need those people with information to please get contact the Police Department. We have a line set up for any tips or information. WeTip in the County is another opportunity, even if someone wants to call and be anonymous. We are looking for any information. We will continue to be diligent in looking for the folks responsible for this crime, just as we do with any other crimes in our community.

COUNCILMEMBER SANCHEZ asked if they are doing any additional cruising in the neighborhoods. Are the officers stepping out of their cars and walking the neighborhoods? What specifically is the Police Department doing differently?

CHIEF MCCOY responded that ever since this event we've had extra patrols in that neighborhood, as well as other neighborhoods in our community. We've had curfew sweeps in that specific area and other areas of the City. We've had officers out on foot in the park area. They've handed out fliers in the neighborhood to see if there are any other witnesses that can come forward. We've done a lot of innovative things to help with this case and will continue to be as aggressive as we can until we can bring those responsible to justice for this crime. We continue to reach out to the community in this area and all areas of the City.

COUNCILMEMBER SANCHEZ asked if solving this case is very critical and doing it quickly.

CHIEF MCCOY responded it's the top priority for them at this time.

COUNCILMEMBER SANCHEZ understands the City Manager has also been taking steps to make Libby Lake Park a safer place. She asked the City Manager what those efforts were.

CITY MANAGER WEISS responded that, as part of the ongoing coordination with the Police Department, we are looking at installing some additional lights aimed toward the park, with heads on the back that will light the slope and a portion of the dark area. We're also going to initiate some grading and landscaping along the slope. That seems to be an area where a lot of kids congregate and hang out. Next week we will be removing some of the trees and vegetation and replanting that. We will be following that up by adding 2 or 3 light poles to provide additional lighting in that area.

COUNCILMEMBER SANCHEZ asked if there are other places in the park that are dark. About 10 years ago, the City took back the park. We aerated the lake and

had a grand re-opening. We thought it was a safe place, but obviously we need to do more.

CITY MANAGER WEISS responded there is lighting all along the perimeter of the lake along the sidewalks, but there are numerous areas in the park that will be dark because of the way the park is laid out. It's not going to be physically possible to light up every square inch of the park just by the nature of the way it's laid out and the way the canyon area works. However, in the area where there seems to be the congregation, they will be providing additional lighting to provide some ambient light in that area.

COUNCILMEMBER SANCHEZ also met with Emily Wichmann, who's on the School Board. Ms. Wichmann has been on the Board of the Boys and Girls Club; she comes to all the meetings and has really worked closely with the Council and staff on some of these issues. She suggested that the School Board and Council meet, having all five Councilmembers and all five Board members talk about making sure that our children are our priorities. We have officers on the school grounds during school, but that has been cut. There were four officers, and now it's down to three. We've also talked about safe routes to school. We don't have school busing anymore, except for special education kids. We have to put together a program to make sure our kids get to school and home safely.

We talked about problems that Ms. Wichmann has heard about and the challenges we have. Having only one swimming pool for the entire City is very difficult. There are swim scholarships, but a lot of the kids aren't able to use the pool anymore because we only have the Brooks Street pool. We need to reopen the Marshall Street pool, especially for the summer, and bring back youth programs at John Landes Park and the San Luis Rey Resource Center. We have to plan for the summer that is coming quickly.

Perhaps we can have a meeting with the School Board within a month and then have follow-up by the liaisons, which are Councilmember Kern and herself, to make sure these things happen. What Ms. Wichmann wants us to do is revisit our City's priorities, and make this a high priority. Each of us needs to commit to this immediate need to focus on the safety of our kids.

We also have a standing committee. Brendan Mangan is the staff member assigned to that. She asked him to give Council an update.

BRENDAN MANGAN, Management Analyst, stated the committee was set up by Council in January of 2008. Our initial goal was to identify gaps in programs and the programs they had, but that quickly shifted to just sustaining what we had. With the economy, the focus was just keeping programs going in the resource centers and recreation centers. We had successfully applied for Cal Group grants, but these weren't filling the existing gaps; they were just keeping the basic programs they had going.

Each year our budgets have been cut, so he's glad to hear people talking about increasing budgets for youth. All of the agencies we work with are excellent. Our non-profit partners are fantastic. We have very dedicated people in the neighborhoods, but recreation hours have been cut. We have recreation centers that can't be open in the evening because we don't have the temporary staff. This wouldn't be a large amount of money, but we don't have temporary staff to actually staff the centers. Over the last seven years, most of the centers used to have 5000 hours of 1000-hour employees. Now each center has only 2000 hours. That's a huge cut and affects the ability to keep a center open.

We've been very fortunate with Cal Group, and we have a good partnership with the Oceanside Police Department. Cal Group funds police activity and suppression. It's 50-50: the other 50% funds the Crown Heights Resource Center, REACH at Libby Lake

and REACH at Balderrama Center. Even that funding is diminished from what the previous funding was. The recession not only impacted the City's ability to fund programs, but also hit a lot of the private funders and foundations. He never used to write Cal Group grants. Our job initially was to provide the site, and the services were provided by the programs. We used to get funding through the County, State and other funds, but it became necessary to get the funding we did just to keep things going.

Cal Group is our main source now. Even Federal funding is very competitive. There is a grant that the Vista Community Clinic is currently working on. It's a planning grant, which is a very large grant, potentially up to \$1,000,000. That's going to be a very competitive grant. It's a national grant, and we've found that when we're competing nationally, the money is going to bigger cities like Detroit and L.A. It's hard for us to compete on a national level. We're successful on the State level; over the last five years we've received four Cal Group grants. The current grant for Libby Lake expires at the end of this year. It funds REACH through June 30th, and we were able to extend it to August 30th because they're good at managing the money. We're looking at potential funding in that neighborhood for police and REACH activities. We're looking to scramble at the end of this year to see if we can identify other forms of funding.

For Crown Heights and Eastside, we have a Cal Group grant that runs from the beginning of January this year through December 31st of next year. That is funding both REACH in the Eastside and the Crown Heights youth program. There are some shared costs there as well. The programs have been improved; we've added best practices and parenting programs. We have other youth development programs, but we can always use more staff time. The people we hire at the recreation centers to keep programs open are not a big expense for the City. We've had cuts over the years, but if there's a potential for some money, even a small amount can go a long way in our centers. It's good to hear people talking about additional funding. Hopefully the recession is over.

COUNCILMEMBER SANCHEZ stated in light of the fact that we have a surplus of funds and these gaps in programs, it is her **motion** that we get an update from staff regarding our City's response to recent acts of violence against our children, and direct staff to identify gaps in programming and come back to the Council within 45 days with a report and recommendations on how to fill those gaps.

Public input

JIMMY KNOTT, 127 Sherri Lane, has advocated for over a decade and a half to have public safety cameras installed around the City in high crime areas or areas of interest. He encouraged Council to install public safety cameras in all of our parks, so that police can remotely view any incidents going on in those parks. Then they will know immediately what's going on, without having a physical presence.

ANGEL JARQUIN, Eastside resident, touched on Council elaborating on the gap between the community and the youth. The gap is in the recreational programs and their being open during the time that kids are out. Balderrama Recreation Park is closed after kids get out of school and open when they're in school. The youth is our future. It's a small investment for later on to have the youth in the community using all of these programs and resources to their advantage so they can better their future with education, jobs, etc. It will be an improvement to Oceanside and the economy. These programs provide somewhere for kids to go after school, somewhere to learn and advance their creativity rather than seeing violence on the streets. He asked Council to help fund these programs and have them available during the time kids can use them.

Public input concluded

COUNCILMEMBER KERN is close to seconding the motion, but wants to add a line identifying a funding source. We go through this exercise every year and know

where the gaps are and what we want to do, but how do we fund it? The previous speaker hit on it; it's resources. We've had very limited resources over the last few years. Our budget is about \$116,000,000, and our reserve out of that is less than one half of one percent. We've been running lean as a City. Everything we've done is a result of limited resources, and we've had to prioritize where we put the funding. We put it in the police and fire departments and public safety, but if you want to shift out of those into community centers, people have to understand that we're going to move this money from one pot to another because we don't have unlimited funds.

He knows there's some one-time money available. That might be identified as a funding source, but on an ongoing basis, you can't put it into an operational budget because it's one-time money. Next year it may not be there. We're projected to have a \$1,700,000 budget gap next year. That's his concern. It's finding the funding that's difficult to do. If the maker of the motion would add that line, he would second the motion.

COUNCILMEMBER SANCHEZ, as maker of the motion, **modified her motion** to include adding the funding source. In fact, we were going to do \$600,000 for a business loan, and we voted against that. We could use a small portion of that for a two-year program, then in two years we'll be in a much better situation financially. There are different ways, and she wants to give staff the ability to come back with ideas. We've had challenges with across the board cuts. Sometimes it makes sense, and sometimes there are things we've got to periodically prioritize. This is an excellent time to do it because we don't want this to happen again to our kids.

She's been asked to have each Councilmember make a commitment to making this a priority. If we can each do that, symbolically it will go a long way. How we approach this, in terms of making it a priority and figuring out how to do the best we can in getting these gaps filled, that's another thing. These kids want to work with us. We can all do this together; it's making that commitment.

COUNCILMEMBER KERN **seconded** the motion, with the addition of identifying a funding source. We need to prioritize what gaps we want to fill first.

COUNCILMEMBER SANCHEZ wants to make sure Council can meet with the School Board because this is a partnership, not just with the neighborhoods but with the schools. Sometimes a fight starts at school and it spills out into the street, so having this partnership and having dialogue is so critical.

COUNCILMEMBER FELIEN stated we need to keep in mind that the money that's available is one-time money. We have deficits going forward as far as the eye can see. We're getting word from CalPERS that within the next few years we'll have pension expenses going up 50%, and that is just the beginning. Anything we're committing here has to be cut from somewhere else. That's part of what the budget process is, to hear from the public to prioritize our spending. During the past 10 years, most of our City's expenses were labor expenses. When you have overly generous contracts, those are paid for by the very cuts we're talking about tonight. That's how the contracts are paid for, by cutting everything else the City does, which is roughly one-third of the budget. Choices have to be made.

The other way is to get revenue. When the City turns down major projects like the Manchester project, which would have brought in hundreds of thousands of tax dollars that could have funded these projects; those decisions have consequences. Decisions aren't made in isolation. If you're going to add to one area, you have to take away from another. He encouraged all of our citizens to participate in our budget process to help Council prioritize these issues. We want to make decisions that the community supports as much as possible. Then we can fund the critical programs and try to eliminate these kinds of tragedies that have taken place in our City.

COUNCILMEMBER FELLER asked Chief McCoy when they do curfew sweeps, what are the laws in place and who does it affect?

CHIEF MCCOY responded they have a City ordinance in place that limits juveniles from being out past 10:00 PM.

COUNCILMEMBER FELLER asked if that is a certain age limit.

CHIEF MCCOY responded it's under 18 years of age. When we find those individuals, they're taken to the police station, given a citation and their parents have to pick them up.

COUNCILMEMBER FELLER thinks that's an important tool. We've said the economy is going to get better in a couple of years for the last ten years. Sooner or later it will turn around. Schools have a captive audience every year. Every school has that opportunity to capture those kids for a moment to tell them about decision-making. It might work even better if their parents are brought in to hear the same information the children are getting. We can't allow 13-year-olds to be out with 16- or 18-year-olds. It's unacceptable that someone young is out in a dark place; it's wrong and children need to know it's not right.

We need to be training them in what is right in their lives. He hopes we can incorporate some of that in all we do, whether it's through the schools, the programs we're responsible for providing, or from the parents understanding that they're on the front line.

MAYOR WOOD stated everybody had something to say about the tragedy that recently happened. It wasn't just once; we had it in the same park before and in Crown Heights, etc. The Police Department has done an excellent job. They have people in custody in some of the other cases. This one concerns him because of the age and the location at night, and we're not getting much feedback from the public or the neighborhoods. He can't help but think they know who was involved. He asked anyone living in these neighborhoods and hearing anything by word-of-mouth, to feel free to contact the Police Department to say you have got information. He has no doubt that one of the surviving victims has a lot of information about it, but probably isn't cooperating.

He's behind this item. At a previous Council meeting, we were talking about giving \$500,000 to fund new businesses. We were told that street repairs and other things were probably a bigger priority. Now we've got a different priority, and the money can be used in a different way in a different location. The staff knows the streets better than we do. They can come back and tell us how we can fill some of these gaps. We're no different than any other city right now because of the economy. The economy has hit the whole State and nation. We do have to get the money from some source.

CITY MANAGER WEISS stated Council has referred several times to the money that was available for the business loans. Council allocated some of that money to the design and entitlements for the restrooms at the amphitheater. We're in the process of getting an estimate from the designer to do that. Once we have that, we'll know about how much is available for any other expenses you want to assign.

COUNCILMEMBER SANCHEZ restated the motion, which is direction to staff to identify gaps in programming and come back to the Council within 45 days with a report and recommendations on how to fill those gaps, identifying those funds, and also to direct staff to work with OHS Superintendent Larry Perondi for a joint meeting within 45 days.

COUNCILMEMBER KERN clarified the report should be 45 days, and the other

we'll leave open and try to do as quickly as possible.

Motion was approved 5-0.

[Recess was held from 6:37 PM to 6:45 PM]

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.

20. **Advance written request to reserve time to speak:** Salvador Leal Estrella spoke earlier on Items 24(A) and 25.
21. **Communications from the public regarding items not on this agenda**

JACKIE ANDRADE, 370 Calle Vallecito, is a former REACH student at Project REACH. She is currently in the process of completing her first year at MiraCosta College. Her academic goal is to obtain a bachelor's degree in criminal justice, with the hope of becoming a probation officer. She has lived in the Libby Lake community her entire life. Her family has been members of the community for over 25 years. The recent violent incidents taking place at Libby Lake over the past two years have cast a great shadow over her family, neighbors and friends. As a representative for the youth in her community, she would like to thank the City for taking immediate action towards making Libby Lake a protected and safe community.

We are excited and looking forward to seeing new lights shining in our park. We hope to continue to see the Oceanside Police Department heavily protecting our streets in the extended future. She does not want to lose any more of her friends. She encouraged people to not lose faith in her community and especially in the youth who call Libby Lake their home.

DIANE NYGAARD, 5020 Nighthawk, representing Preserve Calavera, was one of the many Oceanside residents who attended the Carlsbad City Council meeting last night. They had hoped that all 180,000 Oceanside residents would be there. This is a case where a project in Carlsbad is going to dump 100% of their traffic on our Oceanside streets. That traffic will result in failures on College, Lake, Plaza, Vista Way and the 78 ramps. Our City sent a great comment letter to Carlsbad, recommending a combination of roadway mitigation, reducing the number of units and a road connection to Carlsbad. She thanked the City for that, but it doesn't seem like that's what Carlsbad is actually going to do. She asked Council to hold the line and make sure all the traffic is mitigated. It looks like the decision will be made in the next two weeks. It's critical and we're depending on Council to keep the barricade up until Carlsbad fixes all of their traffic.

LINDA WALSHAW, 151 Robby Lane, has a message to Oceanside voters from the Alliance of Citizens to Improve Oceanside Neighborhoods, also known as ACTION. If you voted for Mayor Wood and Councilmember Sanchez, your votes have been high-jacked by the Council majority. Even the most conservative supporters cannot support the overturning of the will of Oceanside voters. Here are just a few things that have happened since November's election. The day Mayor Wood and Councilmember Sanchez were sworn in for their current terms of office, the Council majority passed a new ordinance stripping Mayor Wood of his powers of office and transferring those powers to themselves. They then removed the Mayor from all regional boards and commissions and appointed themselves as your representatives, even though you didn't vote for them. The Council majority opposes SB 7, a bill that will require charter cities to pay workers prevailing wages in order to receive State funds for public projects. The hotel projects currently under construction are not employing Oceanside workers, even

though Councilmember Kern promised they would bring jobs to Oceanside. Developers are bringing in workers from Arizona so they can pay them less, and those salaries will not be spent in Oceanside, but back in Arizona.

The Council majority and Building Industry Association (BIA) lobbyist attended the Army Corps of Engineers hearing on the Gregory Canyon landfill to support the building of a toxic waste dump on Oceanside's main water supply. Councilmember Sanchez and Mayor Wood oppose it. The Council majority promotes going forward with the Melrose extension, despite rejection of the project by the Planning Department. They do not have the supermajority required to take the 13 residential homes by eminent domain, but will ask the County to do so. The Council majority voted to use taxpayer dollars for a study to install sewers throughout our agricultural land at Morro Hills, even though residents there don't want it, and only three farmers wish to develop their land.

At stake tonight is a 24-hour, loud compressed natural gas (CNG) pumping station at Loma Alta that will impact Loma Alta Creek, endangered wildlife and the peace and property values of residents of the Loma Alta and Fire Mountain neighborhoods. Councilmember Kern intends to abdicate his self-appointed position on the San Diego County Water Authority, not back to Mayor Wood or any member of this Council, but to the Carlsbad Water Authority. Oceanside voters did not vote for or elect anyone from Carlsbad to represent them.

The City Attorney will introduce another new ordinance from the Council majority that will drastically change the process for selecting Deputy Mayor. That new process may prevent Councilmember Sanchez from being elected to that position. Oceanside's charter is a license to overturn the will of the voters. Your rights as voters are being trampled on. Show up at these Council meetings and tell this Council majority that they work for us. The voters are watching at home, and they will hear you.

LINDA SILLS, 42 Chico Lane, spoke on her views of United Nations Agenda 21, Sustainable Development.

PUBLIC HEARING ITEMS – Continued

22. **City Council: Consideration of an appeal of Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) to allow a revision to an existing Development Plan (D-9-95), and Conditional Use Permit (C-24-95) for the installation of a Compressed Natural Gas (CNG) fueling facility necessary to convert the existing diesel trash hauling fleet to a CNG fleet on a fully developed 3.7-acre site located at 2141 Oceanside Boulevard; and adoption of a resolution No. 13-R0181-1 upholding the Planning Commission decision to adopt a Mitigated Negative Declaration and approving the project – Waste Management CNG Fueling Facility – Applicant: Waste Management of North County – Appellant: Nadine Scott/Friends of Loma Alta Creek**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood and Councilmembers Feller, Kern and Felien reported contact with Waste Management, public and staff; Councilmember Sanchez reported contact with public.
 - C) City Clerk presents correspondence and/or petitions – emails received and distributed to Council.
 - D) Testimony, beginning with:

RICHARD GREENBAUER, Senior Planner, presented the appeal of the Planning Commission's action to approve a Development Plan and Conditional Use Permit (CUP) associated with Waste Management of North County's conversion from diesel fueling of vehicles to a compressed natural gas (CNG). A computer graphic was used to show the

zoning surrounding the existing Waste Management maintenance administration facilities. The site is within our General Industrial Zone District, which is the heaviest industrial zone we have throughout the City. To the north we have residential, as well as to the southeast. We have some public and semi-public to the north, with professional and commercial to the south.

A computer graphic was used to show the existing conditions on Oceanside Boulevard and the perimeter of the maintenance administration facility, where the vehicles currently reside and are fueled with diesel fuel. The landscaping is very sparse and, as part of this project, they have upgraded and enhanced it. The site plan showed the existing site, how it would be striped, and how they would incorporate either a light pedestal for dispensing the CNG fuel to the vehicles, or the K rails. The Waste Management facility would be converting to the exact same type of facility as what exists at the Oceanside School District bus facility off Mission and Canyon.

Another computer graphic was used to show where the compressor equipment for delivery of the CNG product would occur. The compressor equipment is positioned with louvers so that any noise from that compressor unit would go to the east and west rather than the north and south, toward the industrial areas. Also shown was the enhancement to the perimeter landscaping, where they would remove the existing or devoid areas and enhance them all the way around.

Waste Management has an agreement that includes a commitment to use CNG-fueled vehicles. Some vehicles are in use at this time, but cannot be fueled onsite, so part of the project is to bring the fuel to the site. One of the benefits of using CNG is that it will reduce air emissions and greenhouse gases. Once the conversion is complete, it takes about 3,100 cars off the street and the greenhouse gases they produce. This is a real benefit to the environment. The vehicles and the CNG-type motors are also 50% quieter than diesel. Diesel motors need a period of time to warm up, and that's where a lot of noise is generated. Another benefit is that it aligns with local and State renewable energy goals as we move forward with environmental review of projects that come before this body.

Staff has done a thorough analysis of the items the appellants wanted to appeal. There are several attachments on comments that have been received that we've put into the public record at the Planning Commission and as part of this action tonight. Staff is asking that Council uphold the Planning Commission's decision to adopt a Mitigated Negative Declaration (MND) and approve a Development Plan and Conditional Use Permit to allow the conversion of CNG at the existing fully developed 3.7-acre site at 2141 Oceanside Boulevard.

Appellant

NADINE SCOTT, Friends of Loma Alta Creek, has a procedural issue that the City Attorney can address. Each Councilmember should remove themselves from the dais due to conflict. They have an inherent conflict because they're getting \$1,000,000 from the applicant, Waste Management. They're also serving as the fiscal agent, collecting the fees from Oceanside residents for Waste Management. It would be very difficult to understand how they could make an independent review of the facts for the project without bias or conflict. Plus, if any Councilmember received \$250 or more from Waste Management in the last 12 months, they are disqualified. She asked that they recuse themselves because any of their actions tonight could be considered unethical at best, and common law bias at worst. The Council could be unable to cast a fair and impartial vote. She asked if any Councilmember was willing to recuse themselves.

She's here because Waste Management is trying to put lipstick on this pig of a project. This is not about CNG trucks. They will be marginally quiet, but absolutely not 50% quieter. There are facts and figures in the MND that don't indicate that. In fact, they will still be louder than the noise ordinance allows. The real issues are more

complex and have been ignored and covered up. Waste Management has failed to analyze all of the issues you will see on the screen. A computer graphic was used to show the impacts to Loma Alta Creek residents.

This is what her neighborhood goes through on every business day, with the noise, traffic, other vehicles onsite, about 100 vehicles coming in and out, hazardous materials being used, etc. They're not getting rid of the diesel vehicles. It will also completely sully the water quality and floodway. We shouldn't even be approving this to be developed in the floodway. They have completely ignored the offsite impacts.

One of the huge issues is sound. Sound not only travels to the sides but goes up and out and can actually be louder farther from the source. She gave Council a sheet of complaints she gets almost every day from her neighbors. Some are as far away as Eternal Hills; that's how loud the facility is now. Waste Management has concealed, downplayed and misrepresented the facts from this project, both to staff and to the public. Friends of Loma Alta Creek and Loma Alta neighbors have been actively involved in reviewing this project since March of 2011. Since then, we have done thorough research in spite of the City being less than forthcoming after numerous public records requests. We've done legal research and prepared a sound study showing that Waste Management violates the noise ordinance now, yet you refuse to do anything about it.

Waste Management's own sound study in the final MND and their lobbyist, Ms. Gunter, admits they are violating the noise ordinance now. That's in the record. Our sound expert states in the simplest terms that CNG compressors are extraordinarily loud and will almost certainly make the project louder, in spite of the CNG's extraordinarily modest reduction in noise. Waste Management cannot violate the noise and environmental regulations at will, no matter what they say their operating hours are. Their attorney even stated that is the true case.

We have submitted over 350 pages of documents to the City, demonstrating that Waste Management is violating the noise ordinance over and over again. This will damage the Loma Alta Creek wildlife corridor and interfere with the peace and quiet of our homes. This is not a good idea. You will have some short-term benefits with a few CNG trucks that will be replaced. It could be as low as 42 or even less. A noise effect was used to demonstrate what Loma Alta Creek residents hear at 5:00 AM every day. It's driving us crazy, and we've complained for years. This project will increase travel time to the transit stations on the roadways. It affects our health, and it's not humane. It's not a moral treatment of our neighborhood or the people in it to allow this to continue.

Everyone reacts to noise differently, depending on the time of night and day. She can't count how many times the neighbors have been affected by this, being awakened and startled out of their sleep. It is a noise violation after 10:00 PM and before 7:00 AM.

Waste Management has refused to meet with her or anyone in her neighborhood to discuss any potential solutions or mitigations. We offered them many options and never received the courtesy of a reply. This is documented and filed with the City. Waste Management once again will say they worked with us, but they have not. She sent their attorney a letter demanding a meeting, but got no response. She has submitted petitions and signatures from people in her neighborhood who strenuously object to the noise from Waste Management and understand that it will get noisier. It will get extremely noisy between 10:00 PM and 7:00 AM. That is illegal.

Due to the late hour and not being heard on time, several people from the neighborhood had to leave tonight. Councilmember Kern asked one neighbor, "Why do the same people complain?" She was shocked at his statement. If he did what he was supposed to do, none of us would even come here and show up. You cannot treat our neighborhood like a throw-away neighborhood. Buena Vista Audubon has submitted a

letter stating the overwhelming noise will cause harm to the wildlife corridor. They demanded an EIR and moving this to a less damaging location. It's documented with gnatcatchers and Bell's vireos. Council has a sub-area document on their table. It's very clear that this project is right next to the wildlife corridor, and noise does not stop at the property line. It will not be quieter. It will be much noisier due to the massive dual compressors that Waste Management incorporated and wants to install at the northern property line closest to our Loma Alta neighborhood.

She and two others went to see Waste Management compressors in Carlsbad. They threw us off the facility, even though they don't own it and are not the operators of the Palomar Transfer Station. Is this how an ethical company does business when they don't have anything to hide? The noise was awful, continual and well over the legal levels. Luckily, that CNG facility is where it should be, over a mile away from peoples' homes. No ethical company would locate these monstrous compressors near homes, a creek or wildlife. These compressors will be between 84 and 115.6 decibels. That is comparable to a jet overhead, a helicopter hovering over your neighborhood, or a deafening rock concert. It's damaging our health.

They will tell you the compressors aren't that loud or downplay it somehow, but the facts are in the record. We've heard and measured them, and they are awful. They will also downplay the truth and say you won't feel the trucks all night. That is not true. The trucks return as late as 7:00 PM, which is also in the record. Fueling starts and continues for 8-10 hours. They won't be done by 10:00 PM. That's a fabrication on Waste Management's part and untrue. If a truck needs to be repaired, they will not fuel it until after the repairs. Those often go until midnight and beyond. She can see and hear it from her house. They have failed to address many other issues. The little bit of work they did clearly indicates they should have had an EIR. They did the wrong level of environmental review. It's a new project with a lot of damaging environmental impacts that were never analyzed. Mr. Mullen will argue the facts about that, but the facts are the facts. It's a new damaging project, and an EIR is required.

They are only going to replace 42 out of 58 trucks, plus another 50-60 that go through the facility. This is less than half the trucks on the site. A noise effect was used to demonstrate the compressor noise. It's like having a bus next to your bedroom window. They will be taking trash to the Palomar Transfer Station. You don't know that because they didn't put it in the mitigated declaration. They didn't even analyze it. You'll hear about the so-called back-up beepers and the white noise. Those are far in excess of the noise ordinance, sometimes going up to 100 decibels. They can only go to 65 with wildlife and only 45 in a neighborhood. All of these facts were given to us by the City well ahead of this hearing, yet none of it will probably be mentioned tonight.

The pressure put on staff to approve these projects is unethical, and it forces them to not do as good a job as they could or would wish to. For those reasons and based upon the facts in the record, we ask Council to uphold the appeal and deny the project. It will be horribly damaging. Please limit their operating hours immediately to 7:00 AM-10:00 PM so they can at least comply with the noise ordinance. Demand that they relocate away from our homes, the wildlife corridor and the floodway. Council did this for Roadway Towing, denying them because they were going to make 24-hour noise next to residences. Send them back to the drawing board, demand they meet with the neighbors and put mitigations and monitoring proposals in writing.

For Waste Management to say they are good neighbors is not true. They have been the worst neighbors. She's not saying anything bad about their service; the guys working for them are great and do a very good job. She's talking about management and above. Demand they be ethical and honest for a change, with us and you.

Applicant

KEN RYAN, District Manager, Waste Management, stated back in 2010 we met with Council and talked about some long-term green goals that the City was interested in achieving. While we negotiated our franchise agreement, we were able to make great strides towards helping the City achieve those green goals. Part of that commitment in the franchise agreement was to change out our collection fleet to alternative fuel vehicles. As staff indicated earlier, once the transition is done, it will be the equivalent of taking 3,000 automobiles off the streets of Oceanside each day. We've worked closely with City staff to make sure the project meets all of the State and local requirements. We're asking Council to uphold the Planning Commission's approval to bring the fueling facility to our operations yard. He asked Ann Gunter to provide additional details.

ANN GUNTER, Lightfoot Planning Group, 5900 Pastor Court, Carlsbad, stated she is a registered lobbyist under the Oceanside regulations. We have been working closely with Waste Management and ET Environmental. ET Environmental is working with Waste Management nationwide to rollout CNG projects. Oceanside is fortunate to have CNG coming to town, but it's not in isolation. This is something that Waste Management and ET Environmental are experienced in: siting and designing. As mentioned, using the CNG collection vehicles as an alternative to the diesel will significantly reduce air emissions, and the trucks are quieter. As part of the City's review process, we looked at the entire project. We looked at siting these improvements on the existing developed site. We looked at the operational factors and the equipment involved. It was evaluated during a thorough staff review and included in the environmental documentation. The issues raised by the appellant, if Council reviewed the material that was presented in both the MND and the staff report, is taken out of that environmental documentation. All of the issues that have been raised by the appellant have been addressed and answered, and there is documentation that this project will conform to the City's noise ordinance.

Many misstatements have been taken out of context from the documents. Staff has done a good job of explaining why the different points in the appeal should not be upheld. There's a lot of implied controversy that is extraneous to the bigger issue, which is: have we looked at the issues of putting in a compressor, bringing CNG to this site and fueling the trucks that will give Oceanside the cleaner fleet they're looking for?

A computer graphic was used to show that (CNG) use will be located at the existing maintenance facility in the industrial area. The trucks come in from Industry Street, and the gas compression equipment is located inside the main entry. This involves a concrete pad and the CNG equipment, which are surrounded by bollards and screening fencing. Also shown was a similar type of facility in another location that has three compressor enclosures. Ours will only have one compressor with fencing that has opaque screening slats, so you don't see into the enclosure. The site will also be restriped to account for the fact that the CNG vehicles need to pull in forward to fuel at the dispensers. A computer graphic was used to show the locations of the fuel-filled dispensers. The central box has the four trucks that will pull in together. Along the edges there'll be two trucks that fill at each of those stations. Also shown was a blowup picture of the trucks in place with the fuel that fills at the front bumper.

Most of the issues raised by the appellant are in the documentation that Council has. One item that has been raised recently and is in some of the petitions and representations from the Audubon letter is that this is a 24-hour operation. To clarify, there are references in all of the documentation to fueling overnight. That doesn't mean the compressor is running all night long. It means the trucks are attached to the fueling posts overnight. When the trucks return to the yard in the afternoon at different times, starting at around 2:30 PM or 3:00 PM, the driver attaches the truck to the fuel-fill and it remains in place until the next morning. Typically the fueling of the returning fleet will be complete within about five hours after the last truck returns.

As is the standard of care in doing an environmental review, the environmental document looked at some worst-case conditions, such as what would happen if all the trucks came in empty at the same time at the very latest hour and had to fill. In doing that evaluation, the compressor sound levels were evaluated, and it was determined that at any hour of any point of the day or nighttime, the compressor sounds would be below the standard of the noise ordinance. The appellant also mentioned that if there were repairs to trucks or they were on maintenance, that they would not be able to be filled. This site includes one fast-fill station. This allows a truck that is in repair and isn't able to go through the slow fueling system to attach to the fast-fill station that fuels in less than ten minutes. It's an opportunity for Waste Management to have that vehicle back on the street doing collections without fueling in the late hours.

One of the other items that came up in the newspaper article yesterday was this misrepresentation about noise from the compressors, that it sounds like a jet engine. That information is very clearly in the noise analysis in Appendix C of the Mitigated Negative Declaration. The sound level was measured at the southern property boundary, which is the closest location to the sensitive receptors, which would be Loma Alta Creek. At that closest point, the sound level was determined to be 56 decibels in the overnight hours. That complies with the City noise standards.

She will touch briefly on the issue of the sub-area plan, creek and birds because it was fully addressed in the original MND that went out for public review. The City released an update of the draft plan in between the draft and the final plan, so there was a supplemental memo included in the final MND which is in Appendix D. To the extent that there are existing birds and wildlife in the vicinity, the result of this new fueling facility and conversion to the CNG vehicles is that there will be an overall reduction in noise levels from this site. We have a condition that restricts construction during the vireo breeding season. There's no potential to impact that, even though there are no known vireo's adjacent to the site. There are existing storm water controls installed at the site. It's in compliance with the City and State requirements. All of those controls will be maintained, so there is no pollutant or increase in pollutants going into Loma Alta Creek as has been suggested.

Your Council was forward thinking in wanting CNG vehicles to serve this City. Waste Management has worked hard to design the site improvements at this existing maintenance facility in a way that will accommodate the fueling equipment and comply with all of the applicable standards. She asked Council to deny this appeal and uphold the Planning Commissions' approval on this project.

Public input

FRANCIS KAZERSKI, 276 North El Camino Real, stated at his mothers' mobile park in east Oceanside, Waste Management came up with new trucks that come up to the mobile home. Before they had handlers come to the trash, now they have trucks with lifts. He doesn't have a decibel meter but knows that when your windows are open, it is extremely loud when those trucks come up and lift up the waste. He thinks the decibel meter situation needs to be looked into.

He's glad they're going to natural gas because everyone needs to close their windows with the toxic fumes coming from the old diesel trucks. Without a natural gas truck, you're inhaling toxic fumes right through your windows. That's worse than smoking cigarettes. If you had exposure to that over a period of time you'd have a buildup of carcinogens.

JIMMY KNOTT, 127 Sherri Lane, encouraged Council to delay their decision until facts are known and representatives of the community have a chance to visit the facility in Santa Ana and do their own measurements with staff in real life situations. Santa Ana has a refueling station at the Waste Management CNG station. We don't

have the real life facts from that station. Until those facts are known, you only have pure speculation.

He corrected one thing that Ms. Scott said. An offer was made to tour the facility of the Integrated Waste Commission at the Girl Scout waste recycling can dedication at Buccaneer Beach. He made the recommendation to Waste Management, and they agreed. He let staff and Ms. Scott know of the offer. He agrees about the sound.

We have speculation because the data is not known. He suggested setting this aside and letting Waste Management work with representatives of the community to resolve this. Maybe they can take care of this without taking any more of Council's time.

STEVE CONLEY, 416 Hoover Street, stated he and his wife have been Oceanside residents for 39 years. It's hard to believe that such a large industrial business like Waste Management was placed in a narrow valley and on a road that has so many pot holes and debris. It looks like a war zone. More importantly, it's so close to the Loma Alta Creek. It should be in San Luis Rey where they have an open valley where the sound doesn't congregate. They have a salvage yard and airport, and easy access to the 76 and the 5 freeways. Instead, we got it in our small valley.

The residents of Fire Mountain and Loma Alta that overlook Oceanside Boulevard get trash truck noise every day. It's not like other neighborhoods. He wishes it was just from sunrise to sunset, but he could hear the trucks backing up at 5:30 this morning from his bedroom window. We also have the Sprinter that goes seven days a week from 5:30 AM to 10:00 PM. That gives us less than eight hours of sleep per night. Now you want to give us an industrial refueling station that could work 24 hours a day.

He hears about the quick line to refuel one truck. What if a few trucks go down? Things happen in business. Waste Management got a new long-term contract. This will lower their time and travel and increase their profit. What do the residents get? Sure we get cleaner air, but this contract was signed in 2010, and now we're well into 2013. What we'll get is more noise, headaches, stress and frustration. What we won't get is much sleep. Think about the quality of life for the residents and not big business.

BILL FISHER, 510 Estremoz Court, has read the documentation in this case and is well acquainted with the facts. The City Planning Commission is recommending approval of Waste Managements' request for minor changes to its Industry Street facility, converting from diesel fuel to compressed natural gas for about half the number of vehicles currently onsite. The compelling evidence is that this project is a significant change, not a revision. The actual and potential impact on the fragile Loma Alta Creek floodplain, the wildlife corridor and on adjacent residential neighborhoods legally defines this as a new project. As a new project, the City must require Waste Management to submit an Environmental Impact Report. This has not been done, rendering the present recommendation of the Planning Commission invalid.

He wants to focus the rest of his comments on Waste Managements' clear violations of the City's noise ordinance, which have a dramatic effect on the residents of the Loma Alta neighborhood just north of the facility. He has visited the neighborhood countless times in the early morning, during the day and late into the night, personally witnessing the effect of these intrusive violations over an extended period of time. Excessive industrial noises include the use of loud pneumatic tools, piercing sound of backup beepers on the truck fleet leaving at the prohibited hour of 5:00 AM, the gearing and revving up of the fleet trucks departing each morning and loud metallic clanging and banging very early in the morning and late into the night. Much of this is measurable, sustained operational noise in violation of the noise ordinance.

These noises endanger the health and safety of nearby residents. They disrupt

sleep during the night and in the early morning hours. They especially affect persons at risk for serious health issues, creating physical and emotional distress. These violations disrupt the serenity and peace that residents have a right to expect in their homes and neighborhoods. The proposed installation of two very large and excessively loud compressors will turn Waste Management into a constantly intrusive and irritating extended operation. As a result, one can anticipate that the value of homes will decline over time as the intrusions increase.

He faults the City for ignoring the ongoing noise complaints over a period of many years. One of the main problems is that the City Code inspectors, contrary to requirements, do not have any audio measuring equipment or proper training in acoustics. Thus, they cannot precisely determine if the noises complained about actually exceed levels that constitute a nuisance or violation. Given this deficiency, they refuse to verify complaints even though two sound studies show that Waste Management is currently violating the noise ordinance and will continue to do so.

City noise complaints have been denied by untrained inspectors based on no measurable evidence. They have no empirical way of confirming this, which is absurd. He strongly urges Council to reject the project and have Waste Management go back to the drawing board and do an Environmental Impact Report. Require Waste Management to enumerate the specific noise mitigations they will undertake now and into the future.

CHARLES MCVAY, 200 North El Camino Real, applauds Waste Management for going green. His difference with them is the location of the compressor. He knows firsthand about compressors because he's worked around them. Waste Management is going to put large 10 X 25 foot compressors in that will be very loud and will run all night to fuel the trucks. The compressors will be as loud as a deafening rock concert or a jet flying overhead. He's worked around these machines and is a victim of them. He wears hearing aids, and compressors were a contributing factor.

When you're around the compressors you can't hear or talk; you have to walk away. If you work around them you put hearing aids on, but people in their homes can't do that. When you leave, you have a ringing noise in your ears for hours afterwards. When you lose your hearing, it's not all-of-a-sudden. You don't realize how bad it is until you can't hear your wife talk, etc. This compressor noise will do that to people.

He asked Council to have the compressors relocated to a remote area. This is the time for Council to show their humanitarian side toward people living in the area who don't want to hear the noise.

ROD JENKINS, Hoover Street, doesn't like the potential conflict of interest. It needs more analysis from as many sides as possible. With the noise, he has problems sleeping. The biggest issue for him is the property values. It's been a tough few years, and he doesn't want to see the property values go down again.

ERIN MORIN, 1241 Chambord Court, agrees with the residents. They are looking for quality of life, and this is a quality of life issue. We need to respect them and hear what they are saying. We should oppose this application. They need to find somewhere else to put the refueling station. The noise is unbearable, and the stress from not sleeping can cause health issues; it's a nightmare. One resident said it could be somewhere off Highway 76 and Airport Road where there are industrial warehouses. We should work together on this and come to a compromise. She is the Vice-President of ACTION, and they support this issue as well. They feel the site can be moved and we can come to a middle ground.

NORALEE SHERWOOD, 1526 Hunsaker Street, stated when she and her husband moved to Oceanside over ten years ago, we believed that Oceanside, with its

beaches, excellent library and diverse population had all the attributes needed for a first-class coastal city. Early on in our residence we saw that the city was taking small steps in that direction. There were more recreational opportunities for our youth, enhancement of the parks for families, and workshops involving the citizenry to devise ideas and plans to enrich the City. One of the overwhelmingly attended workshops focused on the Oceanside Boulevard corridor, with the wonderful open space of Goat Hill anchoring the west end and Loma Creek bordering it. We dreamed of slowly replacing the eye-sores along the boulevard with large and small retail stores, landscaping and pedestrian walkways. What happened to that plan?

The plan included restoring and enhancing the creek, much like what Escondido has done to entice patrons and wildlife. After defeating the cement plant, we were emboldened. In more recent years, the one ingredient we counted on to help Oceanside realize this vision has been missing. That is the Council majority, who should be dedicated to improving the quality of life for the people they govern. Instead, they are lining their pockets and deceiving us. Waste Management is in collusion with the Council majority. They have lied about the increased level of noise and the violations of environmental impacts on Loma Alta Creek and the creek's wildlife corridor. They have side-stepped standards disallowing the operation of their type in a flood zone and have misrepresented the increase of noise related to the larger fuel compressors, which she witnessed on a recent visit to the Carlsbad facility at night.

Waste Management has lied and refused to meet with the homeowners in the neighborhood that is most affected. Any mitigation that Waste Management has offered to address their concerns has been inadequate. For all these reasons, and the continued hope that Oceanside will still be a great coastal city, she urged Council to deny the Waste Management permit to expand their operation in any way on the present site.

ELAINE BARTON, 493 Lexington Court, stated when she heard about this development plan to put compressors in a residential area, it made her think of a couple years ago when Mitsubishi wanted to build a cement plant in that same neighborhood near private homes. The citizens of Oceanside had to fight hard to get the Council to change their mind. She doesn't like the feeling that some members of the Council are sitting in their office waiting for heavy industry to come into Oceanside after being turned down in other cities. This is what happened to Mitsubishi before they came here.

She hopes Council is trying hard enough to get more desirable businesses such as insurance companies, engineers, accounting, etc. All are inside office businesses and very desirable fields to encourage coming to the City. It would bring jobs to this City too. She agrees with a previous speaker about the real estate in Loma Alta and Fire Mountain being affected negatively if this noise problem is allowed.

DIANE NYGAARD, 5020 Nighthawk, is representing the Sierra Club MSCP/MHCP Task Force. We have been working on local and regional conservation plans for the last 12 years. We recognize that this is a good project. It's the direction we want to be going: greener and cleaner. There are a lot of good things about this project, but we do have an issue with noise. Council heard a lot from residents about the noise they experience, but as previously mentioned, the closest sensitive receptors to this facility are not people. They're the critters and birds along Alta Loma Creek. Imagine having even more sensitive hearing than people do and being that close to these noise generators. The same kind of disruption of normal lifecycle affects the birds and critters as well.

Ms. Gunter noted that with the evening measurement of noise, they found 56 decibels. Our threshold for noise is 65 decibels for people. It's the same threshold for our sensitive critters. That nighttime measurement is not when the CNG compressors are going. The issue is that we do have noise that exceeds our ordinances. It does spill over the boundaries of this project, and part of those boundaries is Loma Alta Creek.

We think this can be fixed, but there needs to be serious effort at mitigating this noise and hearing these community concerns that have existed for some time. Reasonable mitigation includes better shielding, dampening of noise, location of the compressor facility, hours of operation and vegetation that will screen visually and also dampen the noise. There are a lot of things that can be done, and one of the most important things is to have a monitoring/reporting system that gives the community some sense of confidence that this issue is being taken seriously. It's an easy thing to add to the mitigation for this project to make sure that this kind of system is in place.

CHUCK LOWERY stated two years ago he voted for the Mayor and Councilmember Sanchez and other members of the Council to approve the Waste Management contract that we're discussing tonight. At that time, Waste Management was very good at informing him of the issues around this new contract. What happened to all of those wonderful elements of that contract? How is it that Waste Management failed to explain how much noise their new project would bring to nearby neighborhoods? When did it become the job of Oceanside staff to fail to reply to resident concerns? Problems with Waste Management operating their site well beyond the permitted hours were reported numerous times over the past two years. City staff chose to ignore the reports. Who does City staff work for? They work for the taxpaying residents of Oceanside.

He wanted to know more about the noise problem so he met with the attorney representing Waste Management. The attorney was very interested in addressing this issue of noise and advised that he would get back to us with answers. However, the attorney returned none of the phone calls, letters or emails to follow-up after that meeting. He reassured us that Waste Management was operating within all regulations and that just like a regular citizen, they too wanted to be good neighbors. Could it be that he didn't return the messages because he found out that Waste Management was violating numerous elements of their current operating permit? Is it possible that Waste Management is not interested in being a good neighbor?

How is it okay for a business to disturb the quiet of their neighbors when City law says they can't? Why is the City not enforcing the law? Operations at the Carlsbad Waste Management site are noisy, but they're not located near residents. Oceanside residents are expected to tolerate that same noisy drone all night long. There's a great item you can buy online that's a decibel meter, and it really works. In this room we are speaking at about 65 decibels. If we have that noise constantly going in the background of our everyday life, as demonstrated earlier, it's much different than the gaps in between the words we speak.

Before Council approves further expansion of the existing site, he suggested they require Waste Management to reconcile their already existing violations. Why should Oceanside and our taxpaying residents be at risk of penalties if Waste Management is ultimately found to be in violation of State or federal statutes? What about the ongoing issues that impact nearby neighborhoods? Those neighborhoods were there before Waste Management arrived on the scene.

Appellant rebuttal

MS. SCOTT stated Ms. Gunter mentioned 39 fueling facilities as shown on a map. She looked at these facilities online and found that the vast majority of the facilities are not near homes, a creek or in a floodway. Regarding operational factors, it was stated that all issues were addressed. It's clear from our presentation that they were not addressed. Ms. Gunter mentioned the new striping so the new trucks would now back out. This will just add backup beepers to the noise we already hear. It will be a 24-hour operation no matter how they slice it. We spoke to their attorney who said they don't do fast-fill; it's not efficient and doesn't fill the trucks all the way. Slow-fill is the only efficient method. The documents are rife with references to the 8-to 10-hour

fuel time. She sees and hears trucks being repaired until midnight. They're repairing 5-10 trucks per night on average.

They're saying it's 56 decibels at the creek with this compressor. That's not true. The documents show they tested the compressor at 115.6 decibels. It's a huge difference. Regarding the Sub-area Plan, they admitted there are birds on the endangered species list. How would they know without doing a study? They have to do a study; it's required.

Years ago Waste Management did offer to let her see their CNG facility in Santa Ana. At that point she was not aware that they were putting compressors in her neighborhood. When she tried to go see them, she was thrown off the property. So, she and two other people went back at night, dressed in black clothes like they were criminals. It's ridiculous to make citizens do this when they should be protecting our neighborhoods, not trashing them. The compressors were loud. Her ears hurt for at least half an hour. If they didn't have anything to hide, why aren't they inviting her and a sound guy on a tour to do tests?

They are full of misrepresentations. You can say the trucks are 50% quieter, but it's a lie. You can see in the noise study where they tested their own diesel versus CNG. Their CNG trucks are still over 70 decibels, which is only an allowable amount during the day. The evidence is quite clear from the neighbors who live there, that this noise goes on all the time.

She asked the Council to be moral and tell Waste Management to come back with some other location. It's the only ethical thing to do at this point.

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

COUNCILMEMBER SANCHEZ thinks it's very important to hear from the community. With respect to Waste Management, she's very proud of the work we did three years ago in terms of the contract. It was the first time we incorporated zero-waste and doing the single-stream recycling. We got really excited about the CNG and clean energy. The bottom line is that this was a commitment. She wanted to take credit for being the first City working with Waste Management in going green and heading toward the right direction before being required by the State. It gave us time to get there, knowing we had the time to do it right.

She is very proud of this partnership. Council put a lot of pressure on Waste Management. They even talked about going out for bid to see what other company would give us a better contract. We decided to see what we could do with Waste Management, and we did a really good job. We also got a lot of input from the community. We wanted to do something good for the City. Waste Management has been the City's hauler for 30 years, before a lot of things happened on Oceanside Boulevard. In the last 10 years, we've done an Oceanside Boulevard visioning process. We say we want mixed use. Now it has become a residential neighborhood. We want to have residential upstairs and commercial downstairs; we want to get jobs on Oceanside Boulevard.

We also adopted the Sub-area Plan and now have more stringent requirements. Along with this, she has been consistently receiving noise complaints about the trucks ever since being a Councilmember. This was an industrial park, but as time has gone on things have changed in this neighborhood. We do have the Loma Alta neighborhood surrounding this area like a bowl, which means any noise that happens down at the bottom gets amplified up.

She wants to get CNG in as fast as possible. She wishes she had been part of working with staff and Waste Management on this issue, because she knew ahead of time that noise was going to be an issue. She had no idea whether it would be less

noise, the same or higher, although she was hoping for less noise. She's been monitoring what the Planning Department has been doing. For example, NK Towing first looked at Oceanside Boulevard, but was told to go look at the airport industrial park. They did and were required to enclose and do significant landscaping. That was probably a good thing, although she questioned it because she thinks noise would probably travel less in an industrial park where NK Towing has their site versus where Waste Management is currently.

NK Towing was required by staff to do all of these things for aesthetics, noise, etc., in order for the City to have the best project. When we as a City approve projects, we're hoping they will be operating there for 50-100 years. When we look at projects, we're not thinking just for the current, but also for the future. We talked about economic recovery and hoping that home values will increase. This is an incentive for us to do the best projects going forward, because we want home values to go up. Then the tax base goes up, and we're able to do a lot more things, such as youth programs, etc.

She looked at the staff report and noticed in the proposal under operations. For hours, it says that fueling CNG vehicles will use a slow-fill process. Time-fill systems allow trucks to fuel overnight. A fueling window will range from 10-12 hours for all trucks. There will also be one internal quick-fill post provided. This allows for better fleet management. It also says that typically the fleet vehicles depart the yard between 5:30 AM and 7:00 AM and return to the yard between 2:00 PM and 7:00 PM. The existing CUP allows for maintenance work to occur until midnight. These schedules would remain unchanged with the conversion to CNG. What she's reading here is that currently there's noise from 5:30 AM until about midnight. She asked what the current CUP allows for in terms of operations.

MR. GREENBAUER responded that, within the resolution, there are three different sites for Waste Management. This site is allowed to operate until 12:00 AM and can restart at 3:00 AM.

COUNCILMEMBER SANCHEZ asked if the current CUP says there's basically only three hours that there is no noise.

MR. GREENBAUER responded that is the worst-case scenario. This was an original condition back in 1995.

COUNCILMEMBER SANCHEZ is certain that staff has been getting the same complaints she has for the last 12-13 years. She asked if there is any way possible to restrict operations from 7:00 AM to 10:00 PM. She would consider this a new proposal.

MR. GREENBAUER defers to Waste Management. He's not familiar with the service impacts that might incur.

MR. RYAN responded there are a certain number of homes that have to get trash picked up every day, with a certain amount of maintenance that has to get done on every truck, every night. Hypothetically, the only way that could ever work is if we made a dramatic increase in the size of the fleet that services Oceanside. The footprint of the facility would have to be significantly larger, and this means perhaps more noise.

COUNCILMEMBER SANCHEZ asked if the only trucks fueling here are servicing Oceanside residents.

MR. RYAN responded the vast majority are servicing Oceanside residents. There are a few trucks that service Camp Pendleton, also.

COUNCILMEMBER SANCHEZ asked if Camp Pendleton had its own CNG fueling station.

MR. RYAN doesn't know if they do or not.

COUNCILMEMBER SANCHEZ asked if every truck was used every day. How many trucks are in the fleet?

MR. RYAN responded when built out, it will be 42 CNG trucks servicing Oceanside.

COUNCILMEMBER SANCHEZ asked how many trucks are out every day.

MR. RYAN responded every truck would be out on any given day. There might be an additional 5-7 spare trucks that could be put into use, depending on a breakdown of equipment or something of that nature.

COUNCILMEMBER SANCHEZ asked if he's saying it would not be possible to restrict hours.

MR. RYAN responded not if you want to get all the trash, recyclables and green waste picked up.

COUNCILMEMBER SANCHEZ has received complaints from residents behind the shopping center at I-5 and the 78. Especially when it's completely quiet, the sound travels so well, and it's so loud. She has concerns about the site. She wants this to happen very quickly but is also mindful that we can't afford to lower our property values. Lowering property values means less money coming into the City. She'd like to see if we could get the site enclosed or somehow mitigate the noise level. Either enclose it or move it to the airport industrial complex, where you could have it there all night long and residents wouldn't notice the sound. If there was at least a wall high enough, the sound would not travel. It's pretty flat there.

She gave kudos to moving forward with CNG, but has been hoping this would go faster. When they talked about this in 2010, she was hoping it would happen within a year. She is concerned about the site.

COUNCILMEMBER KERN stated all we're here to talk about tonight is the CNG refueling. That's the only thing here and in front of the Planning Commission, to ask if it adds to the noise and the complaints. We have had a CNG facility in Oceanside for quite a number of years. He asked staff about the facility at the bus barn at OUSD. It's been there for three or four years. How many complaints have we received about the CNG fueling at the bus barn?

DAVE MANLEY, Neighborhood Services Division Manager, responded none that he's aware of.

COUNCILMEMBER KERN stated he's talked to the OUSD people, and there have been no complaints there either. There are about 500 people that live within a quarter mile of the bus barn at the corner of Mission and Canyon. There's also a senior residential facility across the street. We've not received any complaints from them about the CNG fueling. We need to narrow our opinion and vote tonight to the CNG portion. He understands the overall complaint of noise, but he doesn't think the CNG fueling is going to change that. In fact, it's going to reduce it somewhat because the trucks are quieter and the compressors aren't all that loud. They had the same type of compressors at OUSD for years with no complaints.

He understands the frustration people have with an industrial operation down there, but we have very little industrial land left in Oceanside. We have about 98 acres between Crouch and El Camino and another 50-60 acres on the north side of the river of general industrial land. The airport is light industrial land, not general industrial land.

The industrial land would actually supply jobs for people in Oceanside. He asked how many employees Waste Management has.

MR. RYAN responded he has 90 employees in Oceanside.

COUNCILMEMBER KERN has no problem approving this CNG facility because overall it's good for the environment and gets diesel trucks away from Loma Alta Creek. If there ever is a leak, it won't go down into the creek. There are pros and cons about this, but the pros outweigh the cons.

He **moved** to adopt **Resolution No. 13-R0181-1**, "...upholding Planning Commission Resolution No. 2013-P01 adopting a Mitigated Negative Declaration and No. 2013-P02 approving Development Plan (D11-00007) and Conditional Use Permit (CUP11-00013) allowing the establishment and operation of CNG fueling facility at 2141 Oceanside Boulevard (Appellant: Nadine Scott, FOLAC) (Applicant: Waste Management of North County)," and deny the appeal.

COUNCILMEMBER FELLER **seconded** the motion. He lived for ten and a half years on the canyon above Waste Management. As far as noise from that location high above Waste Management, yes, he would hear it occasionally, but it was not something that kept them up all night. He asked Mr. Ryan to confirm that it would be 42 trucks with 5-6 spares when the facility is built out.

MR. RYAN responded that's correct.

COUNCILMEMBER FELLER asked if it will be CNG for the roll-off and commercial as well.

MR. RYAN responded yes.

COUNCILMEMBER FELLER asked where they are presently fueling.

MR. RYAN responded we are fueling diesel trucks at the existing facility, and we have a CNG fueling station in Carlsbad.

COUNCILMEMBER FELLER asked if there are CNG trucks on the road right now.

MR. RYAN responded yes, they have some on the road. For the short-term they are fueling at Carlsbad. It's important to remember that the facility at Carlsbad is at capacity on its existing footprint just to service Carlsbad. There's no slack-capacity for the Oceanside CNG fleet.

COUNCILMEMBER FELLER stated they've already said they would charge Oceanside for our trucks in one other venue. Waste Management has been accused of violations. Does Waste Management have violations that need to be addressed?

MR. RYAN responded they have not been cited by the City for any noise issues.

COUNCILMEMBER FELLER asked if there are any environmental violations.

MR. RYAN responded no.

COUNCILMEMBER FELLER stated Ms. Scott said she's had no contact with Mr. Ryan. He asked Mr. Ryan if he has reached out to her.

MR. RYAN responded he's not had any contact with Ms. Scott for a couple of months. He used to have breakfast with her on a recurring basis.

COUNCILMEMBER FELLER asked what the time-frame would be if this were approved.

MR. RYAN responded we're looking at the construction starting in September, with a relatively short construction timeline of 6-8 weeks.

COUNCILMEMBER FELLER stated Industry Street is not Rodeo Drive. We almost had Robertson's, but they just gave up. He hopes Waste Management doesn't give up. Roadway Towing was not a noise issue for him. It was the exact issue Councilmember Sanchez talked about, which was fairness. If Roadway was going there, they should have to enclose their site as well.

It's interesting that Councilmember Sanchez and another speaker tonight thought about looking in the airport area for a facility for Waste Management. We had the choice of having Waste Management build an entire facility for us there for a lengthy contract. We could've had a full facility in the airport area if we had just pursued that. He wished these same people had demanded that we site it there back then.

Waste Management has been close to his heart for 25 years. He worked there and understands they're good, legitimate people. He has no conflict with them and no reason to recuse himself, nor do any of the Councilmembers. We've been very lucky to have Waste Management in this City. They did a great job in the transition with the toters and the recycling. They've bent over backwards all the way, so he's very much in support of this refueling station in this site.

COUNCILMEMBER FELIEN thinks we all agree that transferring from diesel to natural gas is a tremendous benefit to our community as a whole. The issue comes down to whether or not a small number of people will have to bear an inordinate amount of noise and pay the price for the general good that everyone else will benefit from. The facility is required to maintain all of its operations within the City's noise ordinances, is that correct?

MR. GREENBAUER responded yes they are obligated to comply with the noise ordinance.

COUNCILMEMBER FELIEN stated the copy of the noise ordinance he has says for nighttime between 10:00 PM and 7:00 AM, residential noise is at 45 decibels, and industrial noise is at 65 decibels. He wants to confirm that this means if you measured it at the facility, it would have to be 65 decibels, and if you measured it on the roof of Ms. Scott's house, it has to be 45 decibels by the time it arrives there. Is that correct?

MR. GREENBAUER responded yes, that would be correct. For the residential component it would have to be at 45 decibels.

COUNCILMEMBER FELIEN stated looking at the huge package of materials he received, there are two noise studies that are included. He asked who actually did those studies and who were they done on behalf of.

MR. GREENBAUER responded one noise study that's within the MND was conducted by the applicant's noise consultant. The one that's within the package as part of the response to comments was produced on behalf of the Friends of Loma Alta Creek.

COUNCILMEMBER FELIEN asked in terms of either Waste Management or the City, do we believe there's any reason to question the legitimacy of these studies? Do we believe they were done in a scientifically sound manner?

MR. GREENBAUER responded that is correct. The previous environmental resource officer reviewed it when the draft came through. The environmental

consultant is noted for their ability to produce environmental documents. It was sound based in his review.

COUNCILMEMBER FELIEN doesn't claim to be an expert in this area. However, scanning the study, it appears there are numerous times that the noise monitored exceeds the allowed activity between the hours of 10:00 PM and 7:00 AM. Since the compressor hasn't been installed, it's not directly related to the natural gas issue, but it does relate to the time and operation of the facility. He asked if the City and Waste Management have different studies or do they agree that they're out of compliance for those nighttime operations?

MR. GREENBAUER would like to defer the question to the noise acoustician who prepared the document. He can better articulate the technical components. When the time-weighted average was tested for the noise study, it took in the ambient noise, not just noise from the site itself. Not being an acoustician, he would defer to the applicant.

COUNCILMEMBER FELIEN stated his larger question is getting the noise issue resolved, and he hoped there would be a way to come to some kind of agreement on what kind of noise is coming from the Waste Management site. He knows the backup beepers are quite loud and are meant for safety, but he wouldn't want to be woken up at 5:00 AM every time a truck is backing up. He asked how the noise complaints have been addressed to this point and how we have tried to resolve them. There seems to be a large stack of ongoing correspondence, so what attempts have Waste Management and the City done to be good neighbors?

MR. GREENBAUER once again deferred to the applicant to get into specifics. His understanding in the representations made to staff is that they have been moving forward to modify their operations onsite, such as the backup beepers. They've put in the white-noise beepers. The exact amounts they can articulate better, but they are moving forward. As part of the conversion, these vehicles will have the white-noise backup beepers rather than the beepers that currently exist on some of the vehicles.

COUNCILMEMBER FELIEN asked if the manufacturers that supply the paperwork for the compressors list the decibel level that the compressors operate at.

MR. GREENBAUER deferred to the acoustician to get into the specifics on that.

COUNCILMEMBER FELIEN stated this is more for Waste Management since they're buying the compressors from a specific manufacturer. When you buy a car it has a ton of information, and he's wondering if the documentation from the manufacturer includes the decibel readings of the normal operation of the equipment.

MS. GUNTER responded yes. The manufacturer specifications for this compressor do have the decibel levels. That was included as an attachment at the end of Appendix C. It is specific that the sound attenuation includes silencers to reduce the outside noise levels, and it specifically indicates the attenuation will be 80 decibels at 3 meters, based on their design considerations. Those calculations were used by the acoustician in doing the calculations as to what the effect would be at the property line limits.

COUNCILMEMBER FELIEN stated so we're talking 80 decibels. In reading the attached paperwork, he understands that the facility requires the use of the slow-pump method. The trucks are going to come in at the end of the night or afternoon, park, and then the compressor is going to pump throughout the night. Then he hears that the facility is shut down from 12:00 AM to 3:00 AM. He asked if the compressor will not be running between 12:00 AM and 3:00 AM.

MS. GUNTER responded the compressor runs until the trucks are filled. As a

truck comes in, it starts to slow-fill. If they bring five more trucks in, they start to bring the pressure up. The compressor runs until all of the trucks are at full capacity. That is assumed to be five hours maximum after the last truck arrives. The modeling that was done in the sound study assumed the compressor was running for a full hour. Even in the quietest times after 10:00 PM, it still showed that it was in compliance with the noise ordinance and would be 56 decibels at that property line.

COUNCILMEMBER FELIEN asked how the manufacturer shows it's 80 decibels but we're measuring it at 56.

MS. GUNTER responded it's based on the distance.

COUNCILMEMBER FELIEN asked if there's an economical way to provide additional shielding around the compressor in terms of some kind of sound buffer. Is it a practical option, even if it's at the edge of the acceptable level, to maybe cut off some more decibel counts?

MS. GUNTER responded that the sound attenuation and enclosure is provided by the manufacturer. It's designed to create this noise level. The calculations show that it won't exceed the noise levels. What is the magic number that you want to reduce it to? It's been sited and located. It was mentioned that the air vents have been oriented directionally so that those sound levels are ensured to comply with the ordinance.

COUNCILMEMBER FELIEN stated it seems to be a good project, but he wants to emphasize that he agrees that the project definitely has to be within compliance of the noise ordinance. We obviously can't resolve the issue tonight, but going forward he wants to find some way to set up a procedure in which we can all agree on what the noise level is and have a satisfactory way to determine whether or not the facility is in compliance with the noise ordinance. When the trash truck comes on his street, he knows when it's 7:00 AM on trash day. It's not a noise he would want to hear at 5:00 AM.

Even though some of these issues aren't directly related to what we're voting on tonight, they're legitimate, and we need to pursue them to a successful conclusion. He would like a commitment from the City and Waste Management, that they will make every reasonable effort to resolve these issues. He's hoping we won't let those complaints go.

The other issue is the environmental impact to the creek. There's a dispute as to whether or not it's a new project versus an upgrade of an existing project. He asked who makes that determination.

MR. GREENBAUER responded that original determination was made by the environmental resource officer at the time. He's no longer with the City. When a project comes in for the initial review that assessment is made, and direction is given to the applicant.

COUNCILMEMBER FELIEN asked if it's the City that makes that decision.

MR. GREENBAUER responded that's correct.

COUNCILMEMBER FELIEN asked, if there's a dispute over that and Council votes to move ahead with the project but the issue of whether it's a new or existing project remains, is that a separate track to get resolved or is it being resolved tonight with this vote?

MR. GREENBAUER responded the environmental document in front of Council is the item to be acted upon. It was adopted by the Planning Commission and deemed

adequate with the mitigation measures that were identified within the document to lessen all impacts to a level below significance.

MAYOR WOOD stated we've gone quite a while on this. It's a very important issue. He explained that they did a contract with Waste Management a while back and were very happy with it. He's talked with Mr. Ryan in the past and more recently regarding some of these issues. He's happy that they have a good contract and are going green with the clean air vehicles. He's talked to people from the neighborhood about their complaints. What he didn't know was that there were this many complaints regarding the sounds. It's page after page and fairly well documented. He knows we're here to vote on the CNG unit pump station and not the rest of it, but when he hears complaints like this, he's upset with the City for not following up. Adding to that is a new complaint about the compressor.

This is a very important issue and something we could all get together on. If you listen to the Council speaking tonight, the answer is that we want this, but what can be done to mitigate the noise? His first thoughts are that he wants this to go forward, but he also sees that both sides have good representatives telling him important things. There's a total conflict from both sides. If he had to pick a side right now, he would tend to go for the neighborhood because that's what he's here to represent as a whole. Yet we have a project that's about going green and having clean air. It puts him in the middle. That's why Councilmembers Sanchez and Felien were looking at how we can fix this problem, because it's too important to let it go away.

As for some of the other comments about previously putting the site at the airport, that was going to be a transfer station which is a big deal, not just for fueling the vehicles. North County Transit fuels their CNG buses, as do the school busses. Some are closer to residential areas, and others aren't. That's what we're talking about; will this cause more grief and noise that we're going to hear about later? When he sees four or five pages of complaints that he's never heard about, it bothers him. It affects how we vote tonight because it's a big issue.

He could abstain from this vote because he doesn't have all the facts, but he blames himself for some of it. He should have gone out to a CNG location to listen, but he didn't. He thought it was a big improvement to go to CNG from diesel, so never thought to go out and listen. He should have, but he's also in the arena of wanting this to go forward. It's going to mean clean air and all of the positive things, but when he listened to some of the people who spoke tonight, including Ms. Scott, as Mayor he's upset that he didn't know about all of the complaints. There's never a citation or a problem. That concerns him.

Maybe this should come back in some form with mitigation through the City staff or Waste Management. He doesn't want to go to litigation either and delay the whole project. Maybe this needs to come back with a guarantee that Waste Management has enclosed it, and there's not going to be 80 decibels with the machine, but it's going to be 56. There are noise violation elements in these complaints. He wishes we could meet in the middle like we always try to do. You've heard that from at least three of us. If he had to vote tonight, he'd go with the neighborhood because that's who he represents, but it is also slapping the contract that we put together to help the City. He wishes there were a compromise.

He talked to Mr. Ryan and Ms. Scott about this before. There are two sides here, and nobody seems to be in the middle. It puts him and everybody else in a terrible spot. He doesn't know if the City could sit down with Waste Management and the neighborhood to find a compromise. They put in new backup beepers that are quieter. He also realized for the first time that they're working until midnight and then starting again at 3:00 AM. He didn't know that. He would be concerned about the noise hours if it was during his sleep.

This needs to be addressed with this many complaints. The new potential unit might be the quietest thing down there if we put the compressor in. He believes that between the City, Waste Management and the neighborhood, we could work out a solution that would make everybody happy. Let's face it, when we built on Oceanside Boulevard and Industrial Street, it was a different world. It's where the airport used to be. He wants this to work out, and he needs more information. He needs to go to the site and listen to the noise. If he has this many complaints that were never addressed by the City, then he has a problem with that and will be talking to the City Manager about it.

He doesn't know which side is accurate, but he believes both of them. He has to decide whether we should continue this or come back at a later time. He doesn't want to find out after it's put in that we're still getting more noise complaints and are in violation. We need to address it now, not later. We can probably rectify all of this.

COUNCILMEMBER SANCHEZ wishes staff had been more proactive in terms of addressing the noise issues and perhaps finding a better place for it. The Planning decision was a split decision on the MND. It could have gone the other way. We have been very aware from the beginning that this project will result in significant environmental impacts, specifically noise. Therefore, there should have been an Environmental Impact Report, including an alternatives analysis and description of mitigation to lessen the noise. That's what her concern is. Normally we would have required some kind of mitigation for the noise, like an enclosure or whatever, because the noise carries. She's lived here forever, and that noise carries. It's like a bowl. It's the same effect at El Corazon. That's why we're not going to have concerts there, because everybody would hear it.

She wishes she could vote yes because this is the right project at the right time for reducing the greenhouse gas emissions. However, she can't burden a neighborhood with this, especially when we had other places we could have put this to keep the environmental impacts to a minimum, as well as maintain the property values. We will be talking about this for the next several years. If we want recovery we need these property values to be at their highest. We cannot have people leaving because we're impacting them when we didn't have to. We need more money in the General Fund; we need these property values to go up, not down. She wishes she could have been more involved from the beginning to make sure we had meetings with the community. She doesn't know what happened so we just stopped talking. That is never going to be a positive thing. She knows that our community wants to go forward and wants progress in Oceanside. We want positive development in Oceanside, and yet somehow we stopped talking to the residents. She hopes we don't do that again. She hopes they embrace the neighborhoods, the Complete Streets and all of the new ways of looking at how to resolve urban issues.

MAYOR WOOD asked if this is something we should continue, or can we have Councilmembers and City staff sit down with both sides and try to come to a solution?

MR. RYAN stated they'd like to have a vote tonight.

COUNCILMEMBER FELIEN asked if a yes vote is for Waste Management or for the appellant.

CITY ATTORNEY MULLEN clarified a yes vote is in favor of the motion, which is to affirm the decision of the Planning Commission.

CITY CLERK BECK added it's also to deny the appeal.

CITY ATTORNEY MULLEN responded that's correct.

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

[Recess was held from 8:49 PM to 8:55 PM]

CITY ATTORNEY ITEMS

26. **City Council: Introduction of an ordinance of the City Council of the City of Oceanside amending Chapter 2, Article I of the Oceanside City Code adding Section 2.1.56 establishing a process for the annual rotation of the Deputy Mayor position; and adoption of a resolution assigning numbers to each Councilmember for purposes of implementing an automatic rotation for the Deputy Mayor position and repealing Council Policy 100-42 and Resolution 00R-061-1**

CITY ATTORNEY MULLEN stated that Council has asked for a resolution that assigns numbers to each of the Councilmembers to provide for an automatic rotation. If adopted, it would have a rotation starting with Councilmember Kern as the Deputy Mayor for 2013, Councilmember Sanchez the following year, Councilmember Feller and then Councilmember Felien. There are any number of possibilities that can occur in the future, but your overriding goal as he understood it, is that you didn't want the Deputy Mayor to have that title/office in a year in which they face reelection. We've assigned the numbers 1, 2, 3, and 4, as stated in the resolution. If there is a new member that is elected, with it being possible to have two new members in the same year, it would be deferred to the City Clerk to assign a number, with the goal that they are not the Deputy Mayor in the year they face reelection.

COUNCILMEMBER FELIEN stated this was originally based on a motion he had entered. His goal was to remove the Deputy Mayor position from the political controversy that can sometimes plague our Council since the Deputy Mayor position is primarily ceremonial and not a policy issue. It's basically replacing the Mayor if he's absent to run the meeting, as well as representing the Mayor at events if the Mayor is unable to go. Since that didn't involve making policy in either case, it seemed fair to rotate the position among all the Councilmembers so that each one would have a chance to be Deputy Mayor at some point during their four-year term. In looking back over the history of the Deputy Mayor under the existing method, since Mayor Wood has been Mayor, the Council has been deadlocked close to 50% of the time.

The controversy preceded the existing Council and Mayor. Apparently an ordinance was passed with an attempt to resolve this 10 or 12 years ago. The Council couldn't even agree on how to assign the seats. This is a way to have it occur automatically so that we get a decision on whose going to be the Deputy Mayor without political controversy. He supports the ordinance and the accompanying resolution.

After the titling of the ordinance, **COUNCILMEMBER FELIEN moved** approval [of adoption of **Resolution No. 13-R0188-1 with modification**, "...assigning numbers to each Councilmember for purposes of implementing an automatic rotation for the Deputy Mayor position and repealing Council Policy 100-42 and Resolution 00-R-061-1" and introduction of an ordinance, "...amending Chapter 2, Article I of the Oceanside City Code adding Section 2.1.65 establishing a process for the annual appointment of Deputy Mayor."]

COUNCILMEMBER FELLER seconded the motion. He stated the resolution says Kern is 1, Sanchez is 2, Feller is 3 and Felien is 4. It says Kern in 2013, Sanchez in 2014 and Feller in 2015 if reelected. He clarified that he will still be here.

CITY ATTORNEY MULLEN responded there were probably so many changes to this resolution that it might have carried over from some prior language. He apologized and suggested striking it from the resolution.

COUNCILMEMBER FELLER stated that striking it would solve it.

MAYOR WOOD doesn't agree with this, but we'll go from there.

With that modification, motion was approved 3-2; Wood and Sanchez – no.

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

24. **Request by Councilmember Kern for City Council confirmation designating Carlsbad Municipal Water District as Councilmember Kern's proxy designee for the San Diego County Water Authority**

COUNCILMEMBER KERN stated this is a routine authorization of a proxy designation because of a change of director in the San Diego Water Authority (Water Authority). Carlsbad has had Oceanside's proxy for the last 25 years, for as long as he can remember. When Barry Martin was here, our representative for the Water Authority was Bud Lewis as the proxy. This is just part of a two-part process. This proxy designation has to be on file with the Water Authority. He is responding to their request to do this. The second part is if he for some reason could not go to a Water Authority meeting, he would have to designate in writing one of the Carlsbad representatives to vote our five votes. This is important because San Diego has 39 votes, and Oceanside has five. If there's an important vote and he can't be there, he doesn't want San Diego rolling over us.

He's knows there are questions about someone from this Council being on there, but that's not how it works. It's like with SANDAG. When you're assigned to a committee, the alternate is someone else within the SANDAG committee system, not someone from your City. When he was on Transportation, one year he was the primary and Lisa Heebner from Solana Beach was the alternate. When he couldn't attend a meeting, Ms. Heebner became the primary. The following year it flipped, and Ms. Heebner was the primary and he was the alternate. When she missed a meeting he became the primary. It has to stay within the organization.

They need an authorization from this Council and the Board that puts it on file with the Water Authority that Carlsbad is our designee for a proxy.

He **moved** approval of confirmation designating Carlsbad Municipal Water District as Councilmember Kern's proxy designee for the San Diego County Water Authority.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ is going to vote against this motion. She is concerned about a conflict of interest that we probably have with Carlsbad. She's concerned about the coming hearing regarding Gregory Canyon Landfill, and how it's an important water source for our residents. We're in charge of our citizens' public health and safety. Carlsbad is not. It presents a conflict of interest, and she'll be voting against it.

COUNCILMEMBER FELIEN asked Councilmember Kern if the proxy is a routine procedure that the policy of the Water Authority requests every city to do.

COUNCILMEMBER KERN responded that's correct. San Diego has ten representatives, and they don't have a proxy issue because they are cross-proxy. Carlsbad, until next year when they lose a member, is proxy to each other. Farrah Douglas and Keith Wellinger are the two members from Carlsbad and are proxy to each other, by rule of the Water Authority. Next year when they lose the other vote, Oceanside will more than likely be Carlsbad's proxy like we have been in the past. It only changed when they had two seats. It's something that the Water Authority has

requested.

COUNCILMEMBER FELIEN asked if this is just a routine paperwork issue that has no policy implications whatsoever.

COUNCILMEMBER KERN responded this is government in action.

COUNCILMEMBER SANCHEZ stated unless they vote against our interest; then it's not just routine.

COUNCILMEMBER KERN responded the last time they used the voting machines was the Poseidon project. Everything else is usually by voice vote. Keith Wellinger is the lead on the lawsuit against MWD. He was Fallbrook's General Manager, but he lived in Carlsbad. When he retired they appointed him to the Water Authority and Farrah Douglas is their City Councilmember.

COUNCILMEMBER FELIEN asked if he has a choice of which city he can pick as a proxy as a Councilmember.

COUNCILMEMBER KERN responded yes, he could pick Vista Irrigation or City of San Diego if he wanted to. He doesn't think he would do that. He would pick the one most geographically aligned with what we want.

COUNCILMEMBER FELIEN asked Councilmember Sanchez which city other than Carlsbad she thinks would be a better proxy for Oceanside.

COUNCILMEMBER SANCHEZ responded she would want to interview the cities and see which cities are most aligned with our future development. We have a desalinization project of our own, so it is in our best interests to ensure that nothing happens to the San Luis Rey River. We've spent millions of dollars to maintain it, so to think we could have a landfill in our river is not good.

COUNCILMEMBER FELIEN asked what that has to do with the proxy. The proxy could be changed at will, is that correct?

COUNCILMEMBER SANCHEZ responded at will, no.

COUNCILMEMBER FELIEN stated if for any reason we were not satisfied with Carlsbad voting if Jerry was sick or in a car accident, we've had a long-term relationship with Carlsbad and personal relationships with members of the City Council. These relationships exceed any he's had with other elected bodies in the North County area. He would be most comfortable with Carlsbad holding our proxy and thinks Councilmember Kern has made a good choice. Should any fears come to fruition on some issue, we could change that proxy in an instant.

COUNCILMEMBER SANCHEZ responded apparently we can't do it in an instant.

COUNCILMEMBER KERN responded that's why the designation. There are very few cities that sit on the County Water Authority. Oceanside and Carlsbad are the two that are most alike. Vista doesn't have one; it has the Vista Irrigation District. When you get down into Olivenhain and San Dieguito, those aren't the cities. Encinitas does not have a water authority. There are no other cities that we can designate. We can designate water districts, but they aren't closely aligned to what cities do. That's why he picked somebody that was geographically close and also aligned with our coastal issues.

COUNCILMEMBER FELIEN stated it sounds like a good choice to him, and he thinks this has been made into tempest in a teapot over what's basically a clerical issue.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated chapter 45 of the California Water Code of the County Water Authority Act of 1943, section 45(-6)(G), Director's Proxy, addresses this issue. It states that, subject to the confirmation of his or her public agency, a member of the board of directors may designate another member of the board of directors to vote in his or her absence. It says a few other things beyond this about how it goes back and forth and has to be registered as such, as Councilmember Kern has advocated and said very clearly.

Instead of being based on a population basis representation, it is based upon the total contributions of the County court of authority according to AB 692. Oceanside has only one vote, whereas Helix and Otay water districts have two. San Diego City has ten votes. This is being limited according to law. He would like one stipulation, that this proxy vote would communicate his or her actions and activities to the Utilities Commissions, City Council and the Directors of the Water Department, and seek their advice before voting on any issue.

CHARLES MCVAY, 200 North El Camino Real, opposes relinquishing Oceanside's representation on the Water Authority Board to Carlsbad. There is no benefit to Oceanside that he can think of, nor has he heard of any. He's heard nothing but praise for the services of our former representative, Brian Doyle, yet Councilmembers Kern, Feller and Felien removed Mr. Doyle and appointed Councilmember Kern to take his place. Now Councilmember Kern wants the Council to allow him to abdicate and give Carlsbad the authority to represent Oceanside. He asked why. Mr. Kern attempted to explain it, but he didn't agree. Several reasons come to mind as to why it's been done. It's vindictive retaliation against Mayor Wood because he was reelected as Mayor, beating Mr. Kern by an overwhelming majority of the voters.

He says this because of what has happened, starting with the same day Mayor Wood and Councilmember Sanchez were sworn in. First, the Council majority passed a new ordinance stripping Mayor Wood of his power of office and transferred it to themselves. Second, they then removed Mayor Wood from all regional boards and commissions and appointed themselves. We voted for Mayor Wood to hold these offices, not the Council majority. Third, the Council majority and BIA lobbyists attended the Army Corps of Engineering hearing on the Gregory Canyon Landfill, in support of building a toxic dump on Oceanside's main water supply. Mayor Wood and Councilmember Sanchez voted against it. Fourth, the Council majority voted to go forward with the Melrose extension, despite its rejection of the project by the Planning Department. Since they don't have the super majority required to take the 13 residential homes by eminent domain, they will ask the county supervisor, Mr. Horn, to do so. He thinks this shows a pattern. He has a feeling that somewhere the BIA's head will pop up in this connection.

Public input concluded

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

CLOSED SESSION REPORT

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

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

INTRODUCTION AND ADOPTION OF ORDINANCES – None.

March 27, 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 9:19 PM on March 27, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, April 3, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

APRIL 3, 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

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, April 3, 2013.

2:00 PM - ROLL CALL

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

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

Councilmember Sanchez arrived at 2:04 PM. Also present were City Clerk Beck, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

Regarding Item 2(A), **DIANE NYGAARD**, 2050 Nighthawk Way, stated last night the Carlsbad City Council approved the Quarry Creek project with all 656 units. That means we get 100% of the traffic from that project, over 5,500 ADT (average daily trips). They specifically asked if all of the Oceanside issues had been addressed and the response was yes. We find that hard to believe in light of the letter that Oceanside submitted and Carlsbad's own Findings of Facts and Statements of Overriding Considerations. There were 8 identified traffic failures associated with this project. Of those, the mitigation measures that Oceanside asked for, and Carlsbad agreed to, fixes 1 of the 8. That means 7 of the 8 are still in failure.

They went through detailed Statements of Overriding Considerations. For example, they said in spite of these mitigation measures, while they will reduce congestion and travel times in the area of impact, the improvements provided would not reduce impacts to a level less than significant. That's very clear; 7 of the 8 still have traffic failures in Oceanside. That means existing, as soon as the project is built, near term with additional improvements built in the area and at full build-out. With every item in our approved Circulation Element, these trips still cause significant impacts in Oceanside.

We're asking for Council's support to protect the residents of Oceanside from these failing traffic conditions that we will never be able to recover from. Tell Carlsbad to keep the barricade up until they have done what they can to fix this traffic.

FRED SANDQUIST, 6408 Crossbill Court, Carlsbad, echoed the previous speaker's comments. Carlsbad approved the full 656 units. With that comes a tremendous traffic impact on both Oceanside and Carlsbad. This is just adding to an already difficult problem there. An increase of 5,500 ADT is significant. He doesn't see how they can address it. The project has too many units for the size of the site. That results in a difficult situation.

McMillan is giving a fair share to Oceanside, and he questions whether that is adequate enough. It also depends on whether you actually do it and feel that you want to take those projects on to correct a problem that's in Carlsbad. He urged Council to take a close look at that.

There is a little bit of a safety issue, too. They mentioned last night that the fire response is going to potentially come from Oceanside, which is the closest. He suspects that with the traffic impacts in the area, it's going to be difficult to meet a 5-minute or less response time. He urged Council to go back to Carlsbad and state your feelings on this.

WALT MEIER, 4332 Stanford Street, read from newspaper articles about the impact of traffic failure on Oceanside and its residents. Oceanside doesn't get any credit for affordable housing, property tax revenues or building permit revenues for the project. Those all go to Carlsbad. Oceanside may get incremental increase in sales tax revenues from the 3 major stores in the area. Improved traffic flow is a bad joke. Mitigation offsets from the applicant, McMillan, is a bad joke when you read it in the EIR (Environmental Impact Report). Oceanside's Fire Station No. 4 is the closest to this project, which will impact us down the road on Lake Boulevard. We may become dependent on Vista to help us if we need it. That increases response times in both cases. It's not likely to generate expanded commercial development because there isn't any space. It will definitely cause massive traffic failure.

He encouraged Council to take action on a measure that would the City to provide an alternative roadway to reduce the estimated 5,500 daily transits from this development onto and off College Boulevard. It's all on College. It appears the only

viable option is the completion of Marron Road from Oceanside to its western terminus at El Camino Real. Blocking access from Marron Road in Oceanside is the only leverage Oceanside possesses to encourage Carlsbad to do the right thing.

DAVID KEY, 6025 Pirgos Way, stated this is typical Carlsbad, but now it's up to Council. You have the key ingredient, the Marriot on Marron Road. They can't do anything unless you let them. How much is this Council willing to allow Carlsbad to unilaterally degrade the quality of life for Oceanside residents? You don't have to plead with them; you're in charge. It's your duty to override the unilateral action of Carlsbad to get mitigation. This is about quality of life and not money, but Council has an equal responsibility to guard the Oceanside quality of life: traffic, fire/paramedic and open space. Keep the barrier on Marron Road until they agree to provide a road directly into Carlsbad, block off access to the other side of the creek at Haymar Drive, and reduce the scope to preserve more open space. As a good gesture, we need to get them to open the barrier at Mira Monte and Foothill. You don't have to suggest these mitigations to Carlsbad; you can demand them. He urged Council to do that.

LINDA KONONCHUK, 4545 Hancock Circle, has been a Sunset Hills resident since 1987 and has seen the traffic increase over the years. If Oceanside goes along with Carlsbad's Quarry Creek project, where is the traffic relief going to come from for Oceanside? It won't. Perhaps that Rancho del Oro exit would work, but we need to get the traffic off of College Boulevard. Rush hour is already a nightmare and it's going to get worse.

DENNIS HUCKABAY, 2319 California Street, stated Carlsbad stiffed Oceanside last night. Their City Council agreed to stuff all 656 housing units that the developer requested in Buena Vista Valley. They did not take into account the requests for mitigation that Oceanside made. All of that additional traffic will spill into Oceanside streets. They did not agree to reduce the number of housing units or open up a road that would empty out into Carlsbad. All of that traffic is going to spill into Oceanside streets. It is an issue that far transcends many of the things that we spend too much time talking about in Oceanside. This issue should unite Oceanside. It's not a political issue. It's something that all of Oceanside needs to realize is being done to us. You, as our elected leaders, need to prevent Carlsbad from putting this over on Oceanside. It's a traffic and public safety issue. Oceanside's Fire Department is going to have to answer all of those 656 housing units when they need assistance. Our seniors who live in that area are going to have to contend with all of that traffic. It's precarious enough trying to cross College Boulevard. He can't imagine how much worse it's going to be if Carlsbad gets its way. He asked Council to stop this from happening.

JACK ANDERSON, 4871 Baroque Terrace, did some reading of Carlsbad's EIS (Environmental Impact Study) and it's mind-boggling. Oceanside is getting the short end of the stick. He noticed the EIS showed a Level of Service (LOS) A on College Boulevard in Carlsbad. He read that the EIS assumes the Cannon extension to Ocean Hills is complete at the time. That would reduce traffic and account for the LOS A on College in Carlsbad. The density that was originally approved was at a point in time when Marron Road was something that was going to be built.

One of the mitigation measures is adding a lane on College, northbound right-turning onto Lake. That would add 12 to 14 feet, which increases the time a pedestrian crosses. With a 12-foot lane and a walking speed of 3.5 feet per second, it adds about 3.5 seconds to every crossing, which subtracts from the available green time of the signal. He couldn't see anywhere in the report that it was accounted for. We need to either require them to build the Marron Road extension or cut the density back to what it was originally.

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

[Closed Session and recess were held from 2:20 PM to 4:02 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

No closed session held

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

A) CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION (SECTION 54956.9)

Initiation of litigation by City pursuant to Subdivision (c) of Section 54956.9: One case

In closed session, Council voted 3-2 (Wood and Sanchez – no) to take no action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 PM. Present were Mayor Wood and Councilmembers Sanchez, Feller, Kern and Felien. Also present were City Clerk Beck, Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-9]

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

COUNCILMEMBER SANCHEZ requested Item 4 be pulled from the Consent Calendar for discussion.

The following Consent Calendar items were submitted for approval:

3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
4. **Removed from Consent Calendar for discussion - Sanchez**
5. City Council: Approval of two purchase orders: in an amount not to exceed \$523,330 to Downtown Ford of Sacramento for twenty Ford Fusions and one Ford F250 4x4 Crew Cab and in an amount not to exceed \$71,063 to Motorola Solutions, Inc., of Chicago, Illinois for twenty radios; and authorization for the Financial Services Director, or designee, to execute the purchase orders

6. City Council: Approval of Amendment 1 [**Document No. 13-D0194-1**] in an amount not to exceed \$230,000 to the professional services agreement with Atkins North America, Inc. of San Diego for engineering and as-needed public outreach services for the Water Department; and authorization for the City Manager to execute the amendment
7. City Council: Approval of a professional services agreement [**Document No. 13-D0195-1**] in the amount of \$26,295 annually for online services for the network of automated VenTek pay parking stations with Caracal Enterprises, LLC (dba VenTek International), of Petaluma; and authorization for the City Manager to execute the agreement
8. City Council: Adoption of **Resolution No. 13-R0196-1**, "...authorizing approval of a Memorandum of Understanding [**Document No. 13-D0197-1**] with North County Lifeline for the 2013 Alternative Court Treatment Program", which will reimburse the City in an amount up to \$12,000 for approved expenses, appropriating these funds to the Police Department; and authorizing the City Manager to execute the Memorandum of Understanding and all other required documents
9. City Council: Adoption of a budget amendment increasing the revenue and expenditure budgets of the Building Division by \$13,000; and approval of the addition of one Development Services Technician position

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

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

4. **City Council: Approval of plans and specifications for the Mission Avenue Improvements Project Phase 1; (Downtown); and authorization for the City Engineer to call for bids**

COUNCILMEMBER SANCHEZ was opposed to making Mission Avenue from Coast Highway to Horne Street one way with reverse diagonal parking. We could and should have had a separate bike path. We could have done a great Class A-1 bicycle path and used this as a model for the rest of Coast Highway and other places. Instead, the only fix to this is to spend more money doing it. She believes a lot of the residents won't like the one-way. She opposes this.

MAYOR WOOD agrees with Councilmember Sanchez. However, he supported it last time because the project has been through a lot, and he wants to move forward.

COUNCILMEMBER KERN moved approval [of plans and specifications for the Mission Avenue Improvements Project Phase 1; (Downtown); and authorization for the City Engineer to call for bids].

Public input

HOWARD LA GRANGE, 2575 Jason Avenue, represents the Oceanside Bike Committee and has worked on the Mission Avenue project for the last 5-8 years with staff. We tried to balance everything out as best we could as far as pedestrian, motorized and bicycle traffic. The street width does not allow a Class 1 bike path, but we agreed to have a path for cyclists on the north side of the road, which would have green paint. That would be a shared road with sharrows. We think that's the best alternative based on that width. It's very important to have width also on the sidewalk

for dining, etc.

With respect to reverse-angle parking, we've also vetted out reverse-angle parking for the past 10 years in this community. About 8 years ago, Sergeant Gow from the Transportation Committee looked at the reverse-angle parking and came back with a positive statement on it. He looked at other communities that do reverse-angle parking, which has been around for a long time. Seattle has 280 blocks of angled parking, and their accident rate has decreased about 33% from backing out the normal way. Reverse-angled parking is much easier, and when you are pulling out, you can see the traffic. When you're parked, the doors open so that the driver and passengers can come toward the sidewalk.

Regarding fumes coming from the back of the vehicles, reverse-angled parking has been looked at on Mission Avenue to insure that any place that has restaurant seating out front is protected by some type of vegetation or bulb-out areas, so he doesn't think that will be an issue. He suggested that since we have vetted this Mission Avenue project out for a long time, it's time to approve the contract and move forward.

COUNCILMEMBER SANCHEZ stated with respect to whether or not there is room for a separated bike path, during the discussion we talked about doing it on one side of the street. She asked City Manager Weiss if there would have been room to do it on one side of the street.

CITY MANAGER WEISS responded yes. He understands there is going to be a bike path in the street, but it's going to be identified with the sharrows.

COUNCILMEMBER SANCHEZ stated that is not the Class A or Class 1 that she was hoping for. The one city that is becoming the bicycle city for the coast is Long Beach. She talked to a Long Beach City Councilmember, and they would never do one-way or shared bicycle/automobile traffic. We're trying to be a destination place, including being bicycle friendly. She's sad we're going to lose out on this opportunity.

BRENDA BATALE, 301 Mission Avenue, agrees with what we're doing. It's going to be a good improvement for Oceanside. When the City has allowed buildings to go in, you have had the foresight to create the 35-foot from the curb on the north and south sides because it prevented having tunnel vision to the sea as people go down Mission Avenue. She is concerned that the upper decks and decorative walls going up at the Marriott could end up cutting down that 35-foot corridor. It sets a precedent for other construction.

COUNCILMEMBER KERN has been to Long Beach and ridden their bike lanes. They have a lot of traffic things they do to accommodate bikes. This project has been extensively vetted to the public. There were at least 3 huge public outreach events at the Community Center where people saw what the plans were and approved what was going forward. We've also had a public hearing on this. We're at the point now where we approve the contract to go forward because this is what everybody wanted.

CITY ATTORNEY MULLEN clarified that Council is not approving the contract tonight; you're just approving the plans and specifications and going out to bid. The funds that are being used to do this project are Redevelopment Tax Allocation Bond Funds, and the use of those is going to be contingent upon approval from the Oversight Board and the Department of Finance. There are a couple of hurdles we still need to overcome.

COUNCILMEMBER SANCHEZ recalled a conversation she had with the City Attorney that by April 1st we would have heard about possibilities of going forward.

CITY ATTORNEY MULLEN recalled the conversation was about the due diligence review. The one you're referring to is the "all other funds". We've already

have the loan mod fund approved, and we're still awaiting approval. He believes it was supposed to be today, but he has not heard anything.

COUNCILMEMBER FELIEN seconded the motion.

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.

10. **City Council/Harbor: Harbor Management Outsourcing proposals**

FRANK QUAN, Harbor and Beaches Coordinator, presented the staff report reviewing personnel and financial information. Staff requests Council direction on whether to proceed with negotiations with California Yacht Marina for the management, administration and customer service of the boat slip rental program and maintenance of boat docks, park lands, service buildings and parking lots.

Public input

KEVIN KETCHUM, California Yacht Marina (CYM), 22905 Lockness, Torrance, is the largest marine operator in Southern California, with 6 marinas in 3 counties and over 2,100 slips. We are recognized in the marina industry as being experts in the field of management. We have developed marinas from raw ground, remodeled older facilities and taken over operations from private operators and municipally owned and operated marinas. He read reviews and spoke of other marinas they have managed.

MARK RUBINS, 3983 Packard Lane, Carlsbad, is a slip renter in Oceanside harbor and has seen a lot of changes in the 4 years he's been there. Would this outsourcing guarantee the \$250,000 savings per year for 5 years? What is the City going to do with the \$250,000 a year for 5 years?

RICHARD MILLER, 4773 Ventana Way, is a City employee in the harbor. Under this contract, there is \$100,000 of infrastructure costs that the City must still maintain. If Council looks at the numbers a little closer, you'll find that we spend way more than that on our infrastructure. We have dock replacements and repairs and an ongoing electrical issue that we've been dealing with for years. The City cost in that area is going to be way higher than \$100,000. The employees in the harbor work every day to make it better down there. We just raised slip rents, and now we have a little bit more money to do what we need to do. You won't find a harder-working group of people than the ones working in the harbor.

CHESTER MORDASINI is the President of Teamsters Local 911 and the representative of the Oceanside City Employee's Association (OCEA). He reminded Council that in the miscellaneous group in the City we're down 135 positions, and we're down 40-50 positions in OCEA. The lack of bodies to do the work is becoming a critical issue on an ongoing basis. If there were a catastrophic event, who would you get to do the work?

This bid says the vendor is going to reduce the cost of current employees by \$380,000. What kind of employees are they going to be able to hire for \$380,000 less if they're hiring the same amount of people? You have a dedicated work force that's been in the harbor for a number of years. You have a dedicated group of marina people who have rented your slips, and you have a 30-year waiting list. What kind of service are you going to give to this community when you tell them you're going to take the employees away and put a vendor in there that they don't know and is unproven? With all of the money and resources you've put in the harbor, why would you want to give

your control away to an outside vendor that you don't know and that is unclear on what kind of maintenance they're going to be able to provide? For the first 7 years, you're only going to have minimal savings. With the CPI escalator, you're going to be breaking even in 7 years, with a significant amount of deferred maintenance. Who's going to pick up the tab then? The savings is not significant enough to give up control of your pristine municipal harbor.

He asked Council to rethink this proposal and keep it in-house. Let's keep your employees working down there and maintain your control. Oceanside has a good amount of special events, and these workers take care of those events.

DAVID ALBERT, 603 Seagaze Drive, has been a harbor resident for the last 20 years. This has been extensively vetted. He is concerned and upset that this item has come before you today. Previously there was a motion, a second and a vote at the Harbor and Beaches Advisory Committee to stop wasting staff and City management time further investigating this. A 2.5% savings at the onset is an extreme loss. He has nothing against California Yacht Management, but even they have expressed how well operated this city is. The harbor is extremely well operated. There are some things that need to be improved on, but we can do that. Do not outsource and take away the jobs of the hard-working Oceanside employees. Do not disregard the volunteer efforts of your citizens who voted as a committee to cease and desist. This topic should not even have come up.

BILL ROUSH, 7075 Whitewater Street, Carlsbad, is a slip renter in Oceanside. This talks about money, but not much money. What about our dream to make this a jewel? You're going to take that away and disenfranchise us by putting a layer in the middle. Make us part of the team. Let's keep this the best place around. Oceanside staff is fantastic. Let us work with staff and be part of the team. There is a Harbor Advisory Committee that has given Council their recommendation. Let's work together to make this a better harbor. Don't put a layer in the middle.

DENNIS SCHWANDER, 5042 Nighthawk Way, is a slip renter in Oceanside harbor. He doesn't believe we should outsource harbor operations. We went through 3 years of dealing with committees about the slip increases that were supposed to put us in the black for at least a 10-year period with the CIP increases. He's afraid that in 5 years, when the new lease would take over, slip increases would price a lot of us out of the harbor. Any type of emergency, like bad storms, where extra personnel is required, this contract doesn't take care of that. He's against the outsourcing. The amount of savings is not worth the loss of control and the ability to have the employees take care of the emergency needs.

Regarding the Tideland's Lease, it has never been explained what it is we're paying for. He's done considerable research and talked to the City Attorney and apparently it is true that all portions of the harbor, except the jetty's and groins, are outside of the State Tideland's Trust with the City due to historical coastline before the harbor was built. So the only thing in the harbor the City has to report as far as income being taken in and spent are the revenues generated within the items at the pier, including what used to be McDonald's, Tower Optical, Pier Bait Store and Ruby's Diner. If it's outside of the Tideland's Trust, why are we paying \$500,000 into the Tideland's Lease? Is it truly a Tideland's Lease or should it be called a Harbor District Lease?

BOB SPENCER, 1202 North Pacific Street, lives in one of the condos in the harbor and sees the day-in/day-out operations of the harbor. He asked Council a few months ago if this was dormant or what was happening with it. He's upset with the process. His concern is economics. Bids were sent out to 4 entities. Two of them were rejected right off the bat because they couldn't make a competitive bid. So the City had 2 bids. If you split the difference between the 2, we're being run efficiently. One says you're saving \$148,000 the first year, and the second one said they would exceed the cost of what we're doing by \$235,000.

If we get savings on this, it isn't a direct savings to the City. It's a direct savings to the Harbor District. The revenues earned in the harbor are, by statute, to stay in the harbor. Where are these savings going to go? They have to stay in the harbor. If that is the case, then why is there a discussion about raising slip fees? If there's going to be a rebate, we should get the slip fees lowered. It doesn't add up. We have an efficient harbor, and it generates a ton of revenue to the City. We have events going on all the time. Why risk it? Did staff members even go out and see the harbors that this company is managing? This is a beautiful harbor so don't risk that. He urged Council to reject this outsourcing.

JIM JENKINS, 1429 Calle Marbella, is on the Harbor and Beaches Advisory Committee and is a business owner in the harbor and one of the Vice-Presidents of ACTION (Alliance of Citizens to Improve Oceanside Neighborhoods). The staff recommendation shows nothing about how the Harbor and Beaches Advisory Committee advised Council not to go forward with this. It's wrong to have a committee of this size and disregard what they do.

Outsourcing takes away jobs from City residents. It takes away what you as officials said you were going to do – create more jobs in this City for the residents. By outsourcing, you're bringing an outsider in that's going to bring their own subcontractors and staff in from outside of Oceanside. You have an incredible team here with a set of skills that can't be matched or compared to what the outsiders will bring in. He kept reading in the package from them that they are going to bring in subcontractors. Those are concerns.

Another concern after reading through the bid packages is that no matter what happens, in 5 years the slip fees are going up. CYM will be allowed to raise slip rents without Harbor Board approval to a level equal to that of the average per-foot slip rent of all non-yacht club marinas in San Diego Bay, San Diego Mission Bay and Dana Point. That will be done automatically done without the approval of the Board or the advisory committee. That's wrong. We've already been hit with a \$3.00 per foot increase and were told that is what was needed to cover the next 20 years. We were lied to.

There is a potential savings of \$148,000. There is no guarantee there. There is no stating of the actual costs to manage. It just says 5% of the net. That's a variable. Outsourcing to companies like these only allows success in their ability to create a monopoly by raising rates, create high vacancy ratings by raising rates and create a diminishing effect of what this harbor was meant to be as a small pleasure craft marina for the average blue collar worker by raising rates. If he is not mistaken, the waiting list has continued to go down. Our vacancy rating right now is zero. Their report states that most harbors have 17-30% vacancy, and that's where we will be if you keep raising the rents.

He pointed out that outsourcing is a sign of the Council's inability to perform your jobs. You were elected to represent the people of this City and to manage. If it is necessary to have an outside management firm manage our harbor, then why do we need you? The harbor has a great operation and a great staff. You don't need these other people to come in and take away what you've built over the years.

KEVIN BYRNE, Harbor and Beaches Advisory Committee member, stated that by outsourcing, we're taking risks. The risk is in the contracting itself. It's an open-end contract. They give you a flat bit for a certain amount of services, but those services may or may not be realized. Their job will be to make money. One of the ways they're going to do that is by constantly farming for extra services. He read in their proposal that they plan to have a total of 5 rank and file members to service the harbor. Currently he believes we have 9. That's not an equivalency. They can't perform the same functions with fewer people, and they don't know the harbor as well as our people. To that end, he believes they will be looking for extra work.

His biggest concern with service contracts is that there is little to no control. The lowest bidder in this process complimented the City on the way the harbor is being run now. It's well known up and down the coast that it is an excellently run harbor. He has a problem with taking the risk of losing that effectiveness and those tools. It might look good on paper, but he doesn't believe there are any guarantees on this type of contracting work. This isn't a good idea. The Harbor & Beaches Advisory Committee came out against it unanimously. He supports that.

Public input concluded

COUNCILMEMBER SANCHEZ stated this is a critical issue for our residents and especially for those who pay into this Enterprise Fund. The slip owners pay the operations costs, so it's important to hear from you. The staff report indicates that the 2 qualified finalist firms said that harbors go out to bid when there is general customer dissatisfaction and/or an inability to adequately run the harbor. Both of the proposers complimented staff on how efficient the harbor is currently run. That is important. In addition, it stated that contracting out will not result in any significant savings for the City.

This is an Enterprise Fund. Slip owners pay for the operation of the harbor. Those slip owners are satisfied with the harbor employees and are requesting that we do not contract out. The Harbor & Beaches Advisory Committee voted unanimously against contracting out. There are very few companies who do this outside of yacht clubs. We are living through the bad results of what happens when a city contracts out for services in this situation in the example of our animal control contract. Our current animal control contracting is costing us probably double what we normally would be paying, and we're getting a lot less service. We get a lot of complaints from our citizens regarding barking dogs and other issues that we're unable to have our contractor do. We have to send out police officers, which is not the way a city should be run.

The information we're getting now is that with outsourcing the slip fees will definitely go up significantly after 5 years, without any suggestion of increased services. The current proposal is for one manager, three office people and five maintenance staff. We currently enjoy a manager, three full-time and one part-time administrative staff, nine full-time and one part-time maintenance workers. We're getting a lot more now, and we're getting quality. In addition, City employees are available 24/7 for emergencies. Employees from other department would probably have to be dispatched to respond to emergencies. Just like our animal control contract, it ends up costing the City and the taxpayers more.

She **moved** to reject all bids and not contract out harbor management.

MAYOR WOOD seconded the motion for discussion. He asked staff to address some of the questions that has been asked by previous speakers.

Regarding the question of whether outsourcing would guarantee a \$250,000 savings every year, **MR. KETCHUM** responded our proposal and the cost estimates do not show a \$250,000 savings. The current number we're looking at is about \$186,000 in year one. As far as guarantees, the answer is no. We did not represent that. However, if you check with the City of Coronado, we don't see a budget of how much we can spend. It's the cap. We consistently come in 20-30% below projected numbers. Our approach is not based on compensation for cutting corners. It's not a percentage of net after expense. There is no incentive to us to not do a first-class job. Compensation is based off a fee of slip revenue, but there is no incentive to cut corners and nothing in it to us.

Regarding what the City would do with the savings, **MR. QUAN** responded that hasn't been discussed yet. There has been no talk of a rebate on slip rents or any other

discussion regarding any savings.

Regarding the \$100,000 cost for infrastructure, we spend a lot more than that. We usually average approximately \$175,000 to \$200,000 on dock replacement every year. The staff replaces one dock or a portion of one dock every year. They do that in-house so there is some cost as opposed to contracting out to a general contractor.

Responding to Mr. Albert's question about the advisory committee and the wording in the staff report, the staff report was written prior to the advisory committee meeting. The advisory committee did vote unanimously against outsourcing.

The Tidelands Lease is just the name of the lease. That is the percentage rent that the harbor pays to the City for the use of the land and the infrastructure, such as the streets, etc. It is different from the beach and pier Tidelands Lease, which go to the State Tidelands.

Regarding whether staff visited the CYM marinas, he visited one of them 2 months ago in San Pedro. He's been to 3 others through the years and they're very well maintained, high-end marinas.

Regarding staff and using subcontractors, **MR. KETCHUM** responded our proposal did not include or talk about subbing out a lot of the components. However, the issue about staffing and employees, the RFP required the respondent to first look to City personnel who would like to apply for the job, and all key personnel are subject to City approval. We would expect that the lion's share of the employees would come from the community. We do have key employees, such as a Dock Master we may book to come here. However, our first responsibility is to look to current staff to see if anybody would like to join us. When we took over part of Los Angeles, a lot of those employees stayed with us.

There are some things that do get subbed out, but our experience is that those are all local vendors. We have no intentions of bringing vendors from other cities. The vendors and employees would be primarily local to the community. We respect staff and think that the staff at the harbor has done a good job. We told them that up front. As far as cost-savings, the private sector does have ways, without cutting corners or reducing services, to deliver a quality product, as long as the private sector is not rewarded to cut service. The question is at what price does it make sense.

COUNCILMEMBER FELIEN believes the savings to the City are woefully underestimated because the pension costs are not fully accounted for. CalPERS plans to raise their rates 50% over the next few years, and that's just the beginning. None of those rate increases are factored into these expenses. He asked how the \$7,978 was calculated on Page 2 for unfunded pension liability.

CITY MANAGER WEISS responded staff provided Council with a detailed memorandum on how that was calculated. That is only the unfunded pension liability. The future of PERS rate increases, a portion of them based on what PERS has released to us, has been included in the five-year projections going forward that Council had asked for in the memorandum last week.

TERI FERRO, Finance Director, stated there are 3 components of the pension costs. There is the past service that somebody has already served; that's history and there's no way to undo that. That is the unfunded liability. There is an unfunded liability that the City owes CalPERS and, based on the 12 positions if this was going to be outsourced, that is the cost that the City would have to continue paying to CalPERS until we get caught up with the liability amount.

The second part is the current service: what is the employee earning this year? For fiscal year 2013-14 and for those 12 positions, it is \$51,360. If we were to

outsource and those positions were eliminated, that piece goes away, and the City no longer is liable for paying that.

The third piece is called future service: what are employees going to earn in future years? We don't know how long they're going to live or work, so CalPERS gives us an estimate of what they think the future cost is going to be. For example, starting in fiscal year 2014-15 based on the CalPERS analysis, we are going to pay \$54,100 that one year, and it increases continually. If we outsource and eliminate those positions, that goes away.

The amount that remains on the City's ledger is the unfunded liability. If those positions are eliminated, the City is still liable for it, so the remaining employees have to continue paying that amount. What CalPERS is proposing, having done the first hearing and not yet the second hearing, is to recover that unfunded liability within 30 years. At the end of 30 years, the City will be fully funded, and then there is no more cost to the City. We don't have those numbers yet and will not have them until the end of June of 2015.

COUNCILMEMBER FELIEN stated when he looks at the past 11 years, in 2001 our total City payroll was \$664,000,000 for CalPERS payroll. During that time, our unfunded liability went from a positive or surplus of \$11,000,000 to an unfunded liability of \$167,000,000 based on our last report received. That change of \$179,000,000 comes to 26.9% that we've accrued year over year that's not being factored into our budget. What he sees in the presentation is cash accounting, but not the full accrual accounting that's necessary for this build-up. That's the optimistic scenario. If we compare the surplus to the termination liability that was in the last report of \$482,000,000, the total liability was \$471,000,000. That's 72% of unfunded liability. That's 72¢ for every dollar in payroll that's building up and not being paid anywhere. It's hard for him to believe, looking at the chart that was provided, that we have the normal cost of 10.692% and an unfunded rate of 9.88%, for a total of 20% and that it's covering current costs, much less any of the unfunded liability and reducing this. At the minimum, 27% is building up every year that we have employees on CalPERS because they're woefully undercharging through, taking losses and pretending we're not going to have a recession for the next 30 years and are just going to catch up. Are you saying that 20% covers the accrual costs of what members are earning?

MS. FERRO responded that is what CalPERS is saying. They take into consideration age, gender, marital status, etc. It is her understanding that we are only looking at the 12 positions right now, not the entire City. That \$51,000 for fiscal year 2012-13 will be invested and by the time those positions retire and earn over their remaining retirement years, according to CalPERS' actuarial assumptions, that is enough.

COUNCILMEMBER FELIEN asked why our rates would be going up 50% if that's enough.

MS. FERRO responded there are several scenarios here. First, the CalPERS Board of Directors is trying to cap when the unfunded liability will be paid off. The way it works right now, it's a rolling formula, so the 30 years continues to be 30 years. If you think of it as a mortgage, you want to know how much your final payment is and a cap. You want to know in the year 2037 they're going to be paid off. That's what the new formula is. The only way for CalPERS to do that is to bump up your payments now. But there is still a limited amount you're going to pay.

COUNCILMEMBER FELIEN doesn't see how 20% is enough and yet we're getting notified of a 50% rate increase. That still doesn't deal with the issue of the discount rate that everyone outside of CalPERS thinks is woefully overstated. Using CalPERS own calculation, they use a 4.8% for their termination liability calculation, which is the only figure they'll actually honor for a transaction. He did some

calculations, and we seem to be off here. He doesn't understand where the figures come from.

CITY MANAGER WEISS knows PERS is scheduled to be looking at that again in the future. The 50% increase was a comment that was released in a press report. Following the CalPERS Board and what they are calling their Method 5 analysis, our rates go to about 24% from the 20%. That will be over a 5-year period. Some of that rate increase will be going up, but it is not for local agencies. The largest hit, the 50%, is going to go to the school district employees. One of the issues you have the ability to do, separate from looking at modifying CalPERS' way of giving us our numbers, is to prepay it. Rather than pay off the unfunded liability that PERS is now doing over a 30-year period based on their rate increases, there's nothing stopping us from saying we want to make an additional payment to PERS to buy down some of that unfunded liability. It is within Council's authority to direct staff to do that if you would like to. It will not change our long-term rates or the rates CalPERS passes on to us, but it will buy that unfunded liability down quicker.

COUNCILMEMBER FELIEN's position is that the cost here is woefully understated. When you factor that in, we're going to be closer to \$250,000 of savings per year from costs we're avoiding. Those savings will go on because we don't see the news from CalPERS getting better over the next 10-20 years. It's only going to get worse. This is a direction we need to go. We're going to have these costs, and we can't pretend these costs aren't coming. You either have to raise taxes or lay people off as these pension costs go up, or you have to find creative ways to deliver the same kind of service. Outsourcing is the one realistic way to go. We can put it off. The crisis won't come tomorrow, but it will come. This Council has an obligation to look beyond the next budget and plan for the future. We need to take advantage of opportunity. Saving roughly \$250,000 per year isn't a huge amount, but why would we turn it away? He will be voting no on the motion.

COUNCILMEMBER FELLER stated Mr. Quan made a statement that several people are being retained.

MR. QUAN responded 4 employees will be retained for contract administration and maintenance of harbor/beach and the public area surrounding that.

COUNCILMEMBER FELLER stated we heard about deferred maintenance in these other harbors. Do we have a plan for that?

MR. QUAN responded Dana Point Harbor does have a lot of deferred maintenance. We don't defer maintenance at Oceanside Harbor. We try to do as many improvements in-house as possible. Our staff is highly skilled. This is one of a few harbors, if any, where they replace the actual floating boat docks in-house. All of these employees can operate boats, tow 100 tons of dock through the harbor, weld, cut steel, etc. They have all of those skills.

COUNCILMEMBER FELLER asked if we have 9 people in the harbor at all times.

MR. QUAN responded we are short one right now. We had a retirement a few months ago and have not filled that position yet. We have 9 full-time and one part-time maintenance workers.

COUNCILMEMBER FELLER asked if those employees are only dedicated to the harbor.

MR. QUAN responded yes. We do not count the ones that are funded by the General Fund that work near or on the pier. That was not included in this RFP, and we haven't discussed that today.

COUNCILMEMBER FELLER stated we don't know if annual dock replacement that's been done for the last 10 years or so is part of something they do that is going to come out of their side of the equation.

MR. QUAN stated we've done it for over 30 years, and the staff has built approximately half of the docks in the harbor.

COUNCILMEMBER FELLER asked if the docks deteriorate regularly if we're replacing some every year.

MR. QUAN responded they have a finite life span of 20-30 years.

MR. KETCHUM has discussed this topic with Mr. Quan. The dock system is a relatively simple item to remove and replace, but it does require a skill. We would approach it as what is more cost effective, hiring an outside contractor or doing it in-house. If we could do it in a week or 2 weeks then you're better off using a vendor for that service so you don't have the ongoing labor cost for that. He can't say if they would do it in-house or out-house because we don't have enough information right now for the specific task that would be required.

COUNCILMEMBER FELLER asked if that means that CYM is paying for it.

MR. KETCHUM responded the monies would be paid from the operational fund, but it's not being paid by us. We're not looking for \$1,000,000 to \$2,000,000 with everything paid out of that. Our only compensation is based on a percentage of slip revenue. From there we operate the marina on a direct-cost basis. There is no economic benefit. We save no monies by cutting corners. The City has the benefit of the actual cost, matched up with the total revenues.

COUNCILMEMBER FELLER stated we do not currently charge the slip renters for electricity. Essentially they all get the same kind of service whether they're there once a month or every day.

MR. QUAN responded that is correct. We don't meter for any of the utilities.

COUNCILMEMBER FELLER asked who is responsible for slip renter parking. Is that commonplace in all of the marinas?

MR. KETCHUM responded parking for your boat is relatively typical. Every marina is different, but dedicated free parking is our preferred style of providing parking to our customers. Secured parking changes. It is his understanding that it would be CYM's responsibility to maintain those parking areas and the passes to make sure only those people who are supposed to be parking there are.

COUNCILMEMBER FELLER pointed out it clearly stated that there are 6 parking lots that the City is still responsible for, so that means the slip renter parking is included.

MR. QUAN responded the 'slip renter only' parking lots are included in the RFP, along with the 72-hour lots that are directly adjacent to those slip renter parking lots. Normally the parking lots are split down the middle, with one side being slip renter only. The 6 parking lots that were excluded from the RFP are the beach pay lots.

COUNCILMEMBER FELLER asked for clarification that the City is still taking care of the parking lots for slip renters.

MR. QUAN responded no. The contractor would take care of those. The City would take care of the pay lots.

COUNCILMEMBERS FELLER asked where slip renters dump their sewage.

MR. QUAN responded we have two pumpheads; one next to the launching ramp and one in front of the Harbor Office.

COUNCILMEMBER FELLER asked who pays that bill.

MR. QUAN responded those are paid for by Boating and Waterways grants. The contractor would maintain them.

COUNCILMEMBER FELLER asked what the policy is on yacht brokers that sell boats with the slip.

MR. QUAN responded the slips in Oceanside are transferrable. It would require Council direction to change that policy. We took that to the advisory committee last year, and they voted not to change the transfer policy.

COUNCILMEMBER FELLER thinks it is wrong for us to be allowing that to happen down there.

It seems like we don't have enough answers at this point. We've done an RFP, and the one-page response from them doesn't answer a lot of questions.

MR. QUAN stated the money saved would immediately go into the Harbor Fund. We've never made any plans because we don't know exactly how much money would be saved. We have an estimate of \$186,000 in the first year, but there's never been any discussion on where that money would go. Immediately it would go into the Harbor Reserve Fund. It could pay for future capital improvements or other improvements around the harbor. It is locked into the harbor and does not go into the General Fund or any other fund.

COUNCILMEMBER FELLER asked for a recess before he votes.

[Recess was held from 5:21 PM to 5:30 PM]

COUNCILMEMBER FELLER stated there are too many unanswered questions for him on this. We have no budget deficit this year. Our City has made substantial cuts and we are going to continue to do this. We have some heavy negotiations with many employee bargaining groups this year. If in January he sees that we are at a \$1,700,000 or \$2,000,000 deficit, then he's going to be first in line to bring some of these outsourcing issues back. At this time, he's not going to support this. He'll look at it in January.

COUNCILMEMBER KERN appreciates staff, but what's driving this is the PERS. If you look at what's happened to other cities, their PERS costs are driving them into bankruptcy. If we do not get a handle on this at the end of the day, this will come crashing down on us as a city. It may not happen to this Council. Within 5-6 years PERS is raising their rates by 50%. The memo from the Finance Director says next year it goes up 20%. This is not a reflection on the employees. They're great people. It's a reflection of how we, as a City, handle our finances. That is Council's job. We represent all of the taxpayers of Oceanside. We all helped pay for that harbor on our water bills for years, so the harbor does not just belong to the people inside the harbor. He's glad they've taken ownership, but it's owned by the people of Oceanside because they're the ones that paid for it. We are in the service delivery business and seeing if we can deliver services at a cheaper cost by outsourcing.

He appreciates staff and all they've done, but what are we going to do in the out years? If Councilmember Feller can't see that saving \$839,000 over a 5-year period is a

substantial savings, then the City Manager should pull all of the RFP's for all of the outsourcing because we're just wasting our time. We get to this point, see where the savings are and then we walk away. When we did the street sweepers, we could have saved \$780,000 the next day because we had to go out and spend money. That savings was substantial, and we didn't do it. We're just going through the motions here because we don't have the political will on this dais to say we're here for the benefit of the taxpayers. We are not an employment agency. We're here to fulfill our fiduciary duty to the people that pay our bills.

We didn't even talk about healthcare costs. That's the next bubble we're going to be facing, and it's going to be a very contentious item when we get into negotiating with our bargaining units. We need to cap healthcare costs. It's a runaway cost that we cannot afford. Healthcare is going to dwarf some of the PERS problems on a year-to-year basis. We haven't talked about risk management either. That would save us a ton of money.

He's the liaison on Harbor and Beaches, and he understood what they were talking about. The people who spoke tonight gave a true reflection of what happened at that meeting, but they did not have these numbers. Unfortunately, the numbers they had were off by \$124,000. He doesn't know if the vote would have been the same if they had had the correct numbers at that time. Saving \$839,000 over a 5-year period to put back into the harbor is well worth it.

MR. KETCHUM stated that as the contractor, we work for the City. The patriarch of our group is no longer with us, but he staked his career on customer service. Our goal is to be the best marina operator, which means you provide your boaters with the best facility where they're proud to bring their friends and family. That's our approach, but we work for you. We're accountable to staff and the voters.

COUNCILMEMBER KERN dug into the numbers because that's what we should do. He thinks these numbers are conservative, but they're true savings. CalPERS is going to raise their rates to us over the next few years by 50%. The City Manager talked about prepaying some of the unfunded liability, but we're struggling to find money to keep resource centers and after-school programs open. There is no extra money. He doesn't think the Council would support taking the money that we want to apply toward services to pay for retirement. We're going to continue down this road. Hopefully this Council will flip over in the next 5 or so years, and it will be their problem. That's not how he works. If we have a problem now, he wants to fix it now. That's what we're elected to do here. He will not support this motion.

COUNCILMEMBER FELLER asked earlier about what happens when we have a dock replacement. We just received a bid back for what was 8 ladders to be installed in our harbor. We initially said they would be \$175 to have them privately installed by Bellingham. It's now \$19,166. That's ridiculous. That's in a memo we received today. There are too many ambiguous things in just this short little proposal that weren't discussed, and at this time he's not willing to go forward. It may happen in January or February of next year. It could happen to the library or street sweeping if we're in trouble.

COUNCILMEMBER KERN made a **substitute motion** to continue this for 30 days to let Councilmember Feller do his research and then come back. We're not going to come back in January because of the PERS costs.

CITY ATTORNEY MULLEN stated since that would be an amendment to the main motion, you'd have to have the maker of the motion's consent and second. The current motion is to reject the RFP, so that's the motion that's been seconded. You could vote and the depending upon the outcome take up the subsequent motion.

COUNCILMEMBER FELIEN urged Councilmember Feller to vote no on the current motion and accept Councilmember Kern's motion to continue it for 30 days. We already know we have a \$2,700,000 deficit this year. Our surplus was based on one-time events that are never going to recur. Even with the temporary surplus we have, we're still going to be discussing what we're going to cut this June for next year's budget. He doesn't understand how we can put off \$800,000 in savings. If there are specific details you need to know about the proposal, get the information you need, but we already know we're operating in an ongoing operational deficit as far as the eye can see.

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

5:00 – INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Readers from Oceanside Library

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – National Library Week

Proclamation – Fair Housing Month

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

Presentation – 2013 San Diego County Fair

Presentations were made

CITY MANAGER ITEMS

20. **City Council: Annual update of operations and improvements at the Oceanside Municipal Airport**

LYDIA KENNARD, Principal of Airport Property Ventures, LLC, lessee and operator of the airport, stated it's been a hectic, exciting and good year for us at the airport. Our company took over the management and development of the airport in September of 2009. We have 70 full-time tenants and 4 active businesses at the airport, including our largest and newest tenant, Tsunami Skydivers, which has brought a lot of new users and exciting activity to the airport. We've also increased our fuel sales. We promptly made our annual minimum payment of over \$100,000 to the City and paid all of the expenses of the airport during that period.

We've been successful in securing both State and federal grants. The State grant program is under our California Aid to Airports Program (CAAP) where we get about \$10,000 a year for various maintenance and improvement projects. We were also able to secure an additional \$50,000 of back CAAP fund for the airport, which have been utilized for a variety of repair and maintenance programs.

Our federal grant program has been very successful. We've secured almost \$750,000 for the airport and include 4 PIC projects. One is the Airport Layout Plan, which is a required planning document for the airport. That plan has now been approved and has been secured by the FAA. We also applied for a perimeter fence and access gate project, which is very important because it secures the airport from unauthorized pedestrian use and wildlife. That has been fully funded. From the design standpoint, we are 100% complete on the fencing design and we're ready to go out to competitive bid shortly.

Other projects that have been funded by the federal government are the Waterline and Fire Hydrant Program, as well as the terminal building upgrades. There has been new paint, bathrooms and flooring. The terminal building looks a lot better.

We also upgraded the restrooms to comply with ADA (Americans with Disabilities Act) requirements. The fire water hydrant service line is currently under construction and should be completed in the next 2 months.

We received another grant for the comprehensive master planning effort for the airport through the FAA. That work started on March 25th and will include an extensive community involvement component.

We have a very large 5-year capital improvement program. We've been working with the FAA to format this, as well as City staff. There will be hundreds of thousands of dollars directed toward this airport for its long-term improvement.

Finally, our long-awaited hangar development project, with 10 new hangars and approximately 16,000 square feet of building, has been fully funded; the design is completed; it's permitted and we're going to begin fabrication for the hangar building shortly. We hope to have that up and running by fall of 2013. We already have 7 deposits for those 10 hangars.

COUNCILMEMBER KERN stated we're getting all of this information just now. Next year he would like this information a few days beforehand so we can look at it instead of going through slides. It was gone through so quickly that it was a lot to absorb at the last minute.

He doesn't see anything in this presentation for promotion of the airport. Is there funding or a budget for that? How are we promoting the airport? That was part of the RFP and contract, to promote the airport on behalf of Oceanside.

DARCY DRISCOLL, Airport Property Ventures, LLC, responded right now the promotion we have been doing has been related to that of the new hangar development in terms of getting the hangars secured. As far as what we've done for outreach for the community, we are a member of the Oceanside Chamber of Commerce. We placed an ad in honor of the 125th anniversary of Oceanside, as well as placed ads at the high school baseball field. She is not certain at this point that there is a lot to be promoted in terms of excitement at the airport. We've partnered with Tsunami Skydivers to cross promote their activities, as well as set up a Facebook page on the Oceanside Airport.

COUNCILMEMBER KERN would like to see technology upgrades. With the advent of wi-fi and iPads, you can download maps and weather information sitting in your airplane while you're refueling or before you take off. He hasn't seen anything in the report about wi-fi upgrades.

Are there parking issues? Some days it looks really crowded with Tsunami there. Is there an ability to have people park to get to their airplanes or do they have to pull onto the tarmac?

JOHN DRISCOLL, Airport Property Ventures, LLC, responded it's usually the Saturday and Sunday traffic with Tsunami. We have had no problems and haven't had any complaints. There is street parking, and we haven't had to open up on-airport parking except for special events we've had. We're tracking that to see how it's going. Even with that special event, we're able to accommodate that by bringing people on the tarmac. We're okay right now, but we'll keep watching.

COUNCILMEMBER KERN stated parking problems are good problems to have. The question is how we accommodate that when we start going through these upgrades.

He saw the water lines out there. Is there a plan for how the planes are going to access their hangars once the trench is dug?

MR. DRISCOLL responded the Master Plan is going to define the future of this airport. It will end up being a planning document, but we may move the terminal depending on what the outcome of this discussion is in terms of the Master Plan. Once we're going through the process, you'll see drawings and recommendations by the consultants in terms of where the hangars should be. They will do a demand forecast, which will forecast the demand in the region for Oceanside Airport out 15 to 20 years. Parking will be an issue because as we increase the number of hangars available, parking will have to be addressed.

We will consider a restaurant as part of the new terminal building as well. There are going to be some huge changes. As you look at the airport today, it's going to be dramatically different when the design is done and it's fully built out. It's possible that on the 14 acres, given the fact that there is going to have to be some movement of the taxiways closer to the older hangars that are out there, we may not be able to get as many hangars in that location as exist now. It may be that becomes a different use and put all of the hangars on the north side. There will be a lot of activity and discussion and it will all be very well defined through this process, which we expect to have done at the end of this year or next spring.

COUNCILMEMBER KERN clarified that when they come back with their report next year, you'll at least have the Master Plan formulated.

MS. KENNARD responded we will have a draft. It goes through several months of FAA review. According to that schedule and assuming that holds, there is a lot of community involvement and input that is part of that process.

COUNCILMEMBER KERN always thought the airport would be a perfect place to have a bicycle concession. People can fly in, rent a bike, ride the bike trails down to the harbor and ride them back. Is that a possibility?

MR. DRISCOLL responded we've talked a little bit about that. We have not been able to get anybody who wants to become a sponsor of that service at the airport. We were thinking of trying to lock into the people who do it downtown, but the dilemma is you get 5 or 6 bicycles for lease and end up having staff going out to pick people up when tires get flat and they sort of thing. We were trying to find a third party who would be interested in operating it as a concession. We weren't looking to make money on it, we just thought it would be a good idea. We have not been successful in finding anybody willing to do that.

COUNCILMEMBER KERN thinks that may be something we can refer to the Bicycle Committee.

COUNCILMEMBER FELLER asked if Tsunami fuels in Oceanside.

MR. DRISCOLL responded no. They fuel at Palomar because they use jet fuel and we don't have jet fuel. We're working with REACH Medical and Tsunami because they want to fuel at the airport. With both of them using jet fuel, it makes sense for us to figure out supplying jet fuel at the airport.

MAYOR WOOD stated people need to know that there was a court case pending so you couldn't do much during that time. Now that's been resolved and we can move forward. The Carlsbad Airport seems to be booming, but they seem to be leaning more toward being a commercial airport rather than a private airport. Hopefully we'll get a lot more people interested in us.

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

EDDIE POPESCU, student, is here on behalf of concerned citizens on Roselle Avenue and Linda Drive in Oceanside. Regarding the intersection at Roselle and Linda, the views are obstructed from all angles, and near misses happen all the time.

JOSE VASQUEZ is a student at Rancho Vista High School. They drive to the school every day and use that intersection since it is the most convenient way. He's never driven in a more dangerous intersection, and in this intersection he's had more near-miss experiences than anywhere on the road. This morning he couldn't see with the obstructed view and as he pulled into the intersection, there was a car coming into the intersection. He was lucky enough that the driver swerved out of the way. If there was a 4-way stop there, that would have been avoided.

MR. POPESCU believes that unless something is done to insure the safety of this intersection, future collisions are inevitable. He brought a petition with signatures from concerned residents and citizens who are pledging their support in our endeavor to make this intersection safer. He asked Council to implement a 4-way stop sign at this intersection.

MANOLITO ARCIAGA, 3011 Linda Drive, supports the request of the previous speakers about the installation of 2 more stop signs at the intersection of Roselle and Linda. Without them, we might have lives lost, property destroyed and financial burdens to victims. He asked Council for their support on this request.

HOWARD LA GRANGE is a Board Member of Visit Oceanside and on their behalf thanked the Council for their support of the Ironman last weekend. We had 2,500 participants approximately, and we estimate between 5,000 and 7,500 additional family members and friends that attended. These people stayed in our hotels and ate in our restaurants over the weekend. We also noticed that this year more participants came on Thursday to stay the weekend. People came from as far away as Maine and Alaska. He thanked staff for all they did to make the event a success.

JOAN BRUBAKER, 1606 Hackamore Road, stated about 2 years ago Carlsbad realized they needed to do some affordable housing or they would lose State money. They scrambled and came up with the project in the Quarry. Now we have a request and an approval for 650 homes in that area. That would be fine if there was an in and out route. The distance between Hacienda Drive and the street that leads into Walmart is a very congested area most of the time. The only exit these 600 to 650 homes will have is going to be on Oceanside streets. Unless Carlsbad tunnels through that hill, there's no way for those residents to get out into Carlsbad from there. It will be impossible for the present streets to accommodate the vehicles that will come from this project. How can a project get the okay to build when they have not made any appropriations for traffic? When the school was built on Highway 76, they had to provide some improvement to the highway before they could get permission to build. Most projects have that requirement. How did this project get permission to build without having an appropriation for traffic? People are not going to stay in their homes 24 hours a day, 7 days a week. They're going to be on the road at some point. Why doesn't Oceanside send a legal request to get an answer or remedy to this problem? This is an injustice to Oceanside and only benefits Carlsbad.

BOB SPENCER, 1202 North Pacific Street, is Chapter Leader for the Oceanside Chapter of Organizing For Action (OFA). It was originally organized as a re-election campaign for the President, but now our number one issue is common sense gun safety. We are not going to go away. We have about 1,000 members in Oceanside who have worked to elect in our volunteer database. He called on Council to reassert some funds

into our youth. He would like the Council to support universal background checks. It is not about taking away Second Amendment rights. It's about common sense. Councilmembers lobby Congressman Darryl Issa for extensions of roads, but let's lobby for the safety of our citizens. All law enforcement is saying now how beneficial universal background checks would be.

LINDA WALSHAW, Vice-President of ACTION, is representing the 42 Oceanside communities and tens of thousands of voters who participated in last November's election but are now being ignored by this Council majority. ACTION is a non-partisan, non-profit organization comprised of Republicans, Tea Party Members, Democrats, Independents, Conservatives and Liberals alike. What these voters have in common is that we all live and vote in Oceanside, and we are beyond tired of having the will of Oceanside voters ignored by this Council majority. Oceanside's city charter, written by a BIA lobbyist with no public input, is nothing more than a license to overrule Oceanside voters. Whenever a vote will likely go against this Council majority, they simply make up a new ordinance changing existing law, as they are doing here again tonight.

On tonight's agenda, voters will be told that their choice for Mayor meant nothing as 3 Councilmembers vote to further transfer Mayoral powers of office to the very candidate who lost the November election. Voters elected Mayor Wood with full powers of office intact, including the power to select the Deputy Mayor of his choice. Yet tonight the Council majority will move to appoint Councilmember Kern or Councilmember Felien as Deputy Mayor for the coming year. What happens when voters are no longer able to choose their own representatives? The consent of one's chosen representative is a right that dates back to the Magna Carta, and is a right Americans fought a revolution to protect. Be accountable to Oceanside voters. Stop wasting taxpayer money on projects that only benefit outside builders and developers. Fix the roads we already have; protect our emergency services; restore our youth and senior programs, libraries, parks and pools; and preserve rent protections for seniors, veterans and the disabled.

There is no worse tyranny than to force a man to pay for what he does not want merely because you think it might be good for him. Government cannot function without an open, accountable and independent ethics process. The molestation of that process by a majority is an abuse of power that cannot stand. Our founding fathers would shudder to see outside interests push some government officials toward conduct the American people don't want from their elective leaders. They are abusing power and jumping through hoops to ingratiate themselves to campaign contributors, while step-by-step, day-by-day real problems that keep American families up at night fall by the wayside.

LINDA SILLS, 42 Chico Lane, congratulated the Oceanside Police Department for apprehending the suspects with regard to the Libby Lake crimes. As for these proposals to take powers away from our Mayor, she is opposed to those. Sometimes the members here act like 8th graders who aren't getting their way. The only hope for this panel going forward is to inspire the voters of Oceanside to find and elect people who will balance our Council with those who will listen to the people and bring a little more liberty and constitutional principles to our City.

GENERAL ITEMS – Continued

11. **City Council/OPFA: Adoption of resolutions authorizing the issuance of Sewer Revenue Refunding Bonds, Series 2013A, by the Oceanside Public Financing Authority, in an amount not to exceed \$18,000,000, and authorizing the execution of certain documents and directing certain actions in connection therewith**

MICHELE LUND, Treasury Manager, presented the staff report.

CITY MANAGER WEISS stated Council did receive some inquiries this afternoon. The proceeds from this go to the SCADA (Supervisory Control and Data Acquisition) program. There is a reference in the documents in regards to some one-time monies that are referred to the Communities Facilities District (CFD) from Morro Hills. That is related to the CFD that we have in place for the Arrowood Country Club project, which had been called Morro Hills Country Club at one time. This does not have anything to do with the issue in regards to the sewer study that's going on in the Morro Hills agricultural area.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated as a member of the Budget Committee of the Utilities Commission, with the savings involved of about \$5,000,000 over 15 years, he can support the measure. The Committee has many questions on the remainder of the budget and a secondary meeting of the Budget Committee has been scheduled for next week to seek clarity and to explore other options. He recommended in the future to publish online any proposed budgets and adjustments before their consideration with Council. A public workshop would also be helpful to iron out any issues before they are presented to Council for consideration. Council should use the Utilities Commission as the vehicle for that public workshop.

Public input concluded

COUNCILMEMBER KERN stated it's important that we get the SCADA system up as quickly as possible. This will go a long way at the treatment plants to bring us up to speed.

He **moved** adoption of **Resolution No. 13-R0198-1**, "...authorizing the issuance by the Oceanside Public Financing Authority of Sewer Revenue Refunding Bonds in an aggregate principal amount not to exceed \$18,000,000 and approving certain documents in connection therewith" and **Resolution No. 13-R0199-OPFA**, "...authorizing the issuance of not to exceed \$18,000,000 Sewer Revenue Refunding Bonds, Series 2013A, approving the execution of certain documents and authorizing certain acts in connection therewith", and authorizing the execution of certain documents [**Document No. 13-D0200-1** (Preliminary Official Statement); **Document No. 13-D0201-1** (Disclosure Agreement); **Document No. 13-D0202-1** (Indenture of Trust); **Document No. 13-D0203-1** (Installment Purchase Agreement); **Document No. 13-D0204-1** (Assignment Agreement); **Document No. 13-D0205-1** (Purchase Contract); **Document No. 13-D0206-1 2003** (Escrow Agreement); **Document No. 13-D0207-1 2008** (Escrow Agreement); **Document No. 13-D0208-1** (Bond Counsel Agreement)] and directing certain actions in connection therewith".

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER FELIEN stated recently we had to increase our water and sewer rates, part of which was to cover the payment coverage ratios that were required in the bonds. Does the money we save with this refinancing take the pressure off that issue?

MS. LUND responded yes. When you raise the rates, and with the revenue collected, we've actually improved your bond coverage position. By refinancing the bonds and lowering the debt service payments, it creates more coverage. It will relieve it, but you've actually improved your position by the consistent rate increases that have occurred since 2008.

COUNCILMEMBER SANCHEZ received several concerns about this item because it did refer to some projects and there was some suggestion that this also included the sewer study for Morro Hills. Staff has indicated that this has nothing to do with that. Also, there were some concerns about the authority that we would have

under Proposition 218. She was able to get information that this is what we've done in the past. It's a refinancing scheme. The idea is that we have lower rates right now, and this will save the City in taxpayer money in the long run. Based on those 2, she will be supporting the motion.

COUNCILMEMBER FELLER thought Ms. Lund said it was \$3,000,000 in savings, but Mr. Knott said it was \$4,500,000.

MS. LUND responded the overall savings when you look at the net present value calculations. That's the gross savings, but when you account for the cost of issuance and other items, it reduces your net present value savings to \$3,000,000. That was the gross.

SARAH BROWN, Stifel, Nicolaus & Company, Inc., stated we're the bond underwriter, and we still have a couple of weeks to go before we'll be in the market with the pricing so we can't guarantee any level of savings today. We've conservatively estimated that the gross savings, if you were to add up the annual savings over the life of the 15-year financing, would be approximately \$4,500,000. It's a common measurement in public finance to take that annual savings and net present value it back to today, divide it by the amount of bonds, and if it's greater than 3% we call it a worthwhile endeavor. That \$3,500,000 - \$4,500,000 is already incorporating the cost of getting to that point, which includes your legal costs, sales commission, rating costs, etc. We can say net-net, the Sewer Enterprise Fund will pay \$4,500,000 less in debt service through the life of the bond issues.

COUNCILMEMBER FELLER stated we got two scathing letters and one phone call saying this was the dumbest thing in the world, but it's relatively painless in this regard to save \$3,000,000. If that's what it turns out to be, then that's a very good thing.

Motion was approved 5-0.

CLOSED SESSION REPORT

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

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

Public input

SHELLEY HAYES CARON, Marron Adobe, has followed Quarry Creek for years and feels there is a great injustice being done to Oceanside with this project. When this project was scoped originally, it was for a lot less than 656 units. It was around 250-293 units. The mitigation proposed by the developer does not mitigate the traffic. There is still traffic failure on the whole College segment. They're already putting a restaurant in where the old bank used to be at Plaza and College, and they're putting in a right turn lane to mitigate traffic, but the entrance to the fast food restaurant is 40 feet from that turn and another turn into the shopping center 40 feet past that. The only way into the restaurant is there. She can't see how this is going to work. There is also a car dealership there, and today alone there were 2 car carriers parked on Haymar offloading vehicles. They park all of the repair cars along the highway there, which is another impact.

Carlsbad doesn't want affordable housing in Carlsbad, so they're putting it on Oceanside's border. Oceanside is going to have to foot the bill for services and traffic. It's far beyond a reasonable amount; it's 5,500 trips a day. Council has a petition from Costa Sarena with 400 signatures on it opposing this project. They expect you to do something. You have 3 senior centers on the corner of Lake, and the pedestrians

coming from those centers can't even get across the street now. To ignore this impact to our City is not the right thing to do. She's not opposed to the project, but she's opposed to the traffic and burden it's going to create. She asked Council to listen to the testimony from the staff in Carlsbad and see how they portray Oceanside's traffic and how they deal with it. It's not very nice. She asked Council to fix the problem now.

JIMMY KNOTT, 127 Sherri Lane, was informed that Quarry Creek was discussed in Closed Session. Years ago, other community members helped bring peace to the Lake Boulevard community by ceasing the constant blowing up of the land and all that went with it. They helped bring commerce there and balance it with preservation. Oceanside participated to preserve the heritage, land and culture. Carlsbad apparently does not share Oceanside's caring attitude. He asked for Council's support in coming to a reasonable accommodation and not taking all of the abuse that's coming from Carlsbad. He suggested taking Carlsbad's 656-unit project to SANDAG as a violation of its 2050 Plan and ask them to review and mediate it. They did that with College Boulevard when they put up the k-rail to prevent Oceanside residents from entering Carlsbad. Once again, they're playing tactic games.

GARY LAWRENCE, 3421 Caseras Drive, stated we don't want the traffic from this project hitting our streets. There is a huge backup there. There are streets in neighborhoods in Carlsbad that lead into Oceanside that have k-rails to keep traffic going through their neighborhoods into ours because people use it as a cut-through. He suggested we put up one of our own at the end of our City limits so no traffic can go in and out of that road that is in Oceanside. We'll knock it down when we come to a better solution.

Public input concluded

COUNCILMEMBER SANCHEZ stated Council did vote in Closed Session today to oppose this very unjust project. Our role as Councilmembers is to protect and serve the citizens of Oceanside, first and foremost. This is a Carlsbad housing project, which will have 100% of its impacts to traffic and quality of life on Oceanside and its residents alone. She attended the meeting in Carlsbad when they received input from Carlsbad and Oceanside residents, and by 10:1 there was opposition to this project. Those that supported this project talked about the required responsibility of Carlsbad to build affordable housing. They talked about what they've done historically to eliminate affordable housing. They had several opportunities to build affordable housing in Carlsbad in what they call The Quadrants, and they deleted 100 units here and there. The only reason they did that, in her opinion, is that they had planned all along to dump all of the impacts on Oceanside residents. We're talking about many Oceanside neighborhoods.

Carlsbad has not been a very good neighbor. Their barrier on Mira Monte still stands. That road has been built, and yet they are making our residents travel further because they cannot drive through that barrier. However, they can put all of this traffic on us. They are adding 656 units, which is 5,500 extra trips per day on Oceanside residents. When we objected to this project, we demanded that we have certain fixes for traffic. We also demanded that they lower the number of units on this project because every unit above and beyond the 200 is unjust to our residents.

Today our Council majority voted against litigation to stop this from happening to Oceanside residents. This is not just a traffic issue; this is also a quality of life issue. We are going to be providing services to Carlsbad residents. Oceanside is not going to get the benefit of property taxes or get credit for having those affordable units. Our firefighters and police officers are not going to standby when there is a call for help from Carlsbad. They're going to respond, and that means the quality of life for our citizens goes down. It will be our senior and youth programs that will be impacted, not Carlsbad's. We try so hard to provide youth and senior programs, and yet we're going to allow 656 additional units. We don't collect any monies from those to cover those

extra services. That means less for Oceanside residents.

We have put \$8,000,000 into preserving the historical site of Marron Adobe. It is the site of the beginning of the families who were the leaders in developing Oceanside. It's the oldest home in Carlsbad and Oceanside, and it straddles both cities. It is a critical cultural resource for the Luiseño Band of Mission Indians. It is also the area of historic El Salto Falls. A city is known by its history, cultural resources, museums and by the way it treats its residents. That's why we should be standing up. Our citizens deserve for us to fight this unjust project. It is winnable and the right thing to do. She voted to move forward with litigation to fight this project because it is our duty as Councilmembers.

MAYOR WOOD has gotten to the point of being embarrassed to sit on the Council because of this Council majority. This is a good example of Council not representing the citizens of Oceanside, but representing builders, developers and Carlsbad. That doesn't mean he doesn't get along with Carlsbad; he deals with them all the time. This is one of those examples where it got too far too quickly. He sat on SANDAG when this came up. Carlsbad named this location as their Smart Growth area to SANDAG, and SANDAG said no. They still picked it for here because it sits on our border. That intersection at College and Lake is at an F level of service at best. It's terrible. This will just add to that. They'll never open up Cannon Drive or route traffic into Carlsbad, so everything will pour onto College Boulevard and Lake. Besides the 656 homes going out there, when there were supposed to only be 200, they're also building a second high school just over the hill on College. It's going to be devastating.

The developer said he would kick in for mitigation to some extent to fix some of the roadways. That might help for a little while, but our traffic engineers told him today that it will probably fail when all of the other things are built. One of the redeeming aspects is that Carlsbad indicated they will finally build a fire station over there. They say they won't build anything until the fire station is done, but we'll see. Residents need to be mad at Carlsbad for impacting us because it doesn't seem like the mitigation is going to take care of it. People have said there should have been some kind of outlet there like Rancho del Oro at Highway 78. That went on for some time, and it doesn't look like it's ever going to be built. Carlsbad voted to approve it as-is, even though we sent 4 letters saying no. They didn't care what we said, and they believe the mitigation by the developer will take care of it. It won't, especially in the future.

What are our choices? We can sit back and do nothing and let it go forward because we only have 30 days to respond to this. The other option is to file litigation, and he thinks we should because that will get us into court and we may be able to get mitigation out of it. The Council majority decided they didn't want to do anything about it. That's their choice, but they don't seem to be representing the citizens of Oceanside. He can't remember when he's gotten more phone calls and emails about something, other than the rent control issue. Even people from Carlsbad were calling him and saying it's the wrong thing to do.

The impact of this is going to be devastating. We need to do something about it. Some people are worried that the 3 hotels we're thinking about putting in front of the Carlsbad mall could result in a lawsuit if we file a lawsuit for this. That's possible. We're here to represent the citizens of Oceanside, and time after time there is a disappointing outcome by the voting majority here. This is one of those decisions where we need to represent our City and not developers or their money.

Someone earlier suggested we put k-rail up and block them like they've done to us. They'd probably sue us. This is just not right. Someone also suggested we go to SANDAG with this. You'll have to talk to Councilmember Feller about that; he sits on SANDAG now. He's sure Councilmember Feller will represent all of you at SANDAG.

COUNCILMEMBER FELIEN voted the way he did on this because we would in all likelihood lose the case. Looking at the mitigation, as a City what we have the right to do is request that we get mitigated for the impacts. We asked the staff to put together a list of requests to be mitigated for the project, and we told them not to be shy. They put together a list and went to Carlsbad. Carlsbad agreed to every single one of the requests that was put on there that directly related to the project. College Boulevard has a lot of traffic, and it's going to have traffic whether or not this project is approved or not. The question is whether the mitigation that was agreed to is going to offset the traffic that directly relates to the project. The analysis we got said yes it will mitigate the project traffic. It's still going to be a tough intersection, and it always will. However, the mitigation offsets the marginal impact of the project. He supports more roads to connect traffic.

The opponents to this project are the very ones who encouraged Carlsbad to remove Marion and Haymar off their Circulation Element that would have provided the extra access to this project. Now we're supposed to go to court when Carlsbad's defense is going to point to all of the plaintiffs in the front row and say they removed those roads because all of them requested it. How would we have a case doing that? Based on the advice we got from the City Attorney, our case related to traffic would be extremely weak.

CITY ATTORNEY MULLEN can't discuss Closed Session material, and you can't divulge information that was learned during Closed Session. It's difficult, but we're not allowed to publicly discuss information that was learned during a Closed Session meeting. You can state your own opinion.

COUNCILMEMBER FELIEN stated the opinion he formed based on the information he received in Closed Session is that we would lose the case. What's the point of going to court on a case you're likely to lose? This wasn't a one-sided issue. Based on the information we received, there are no guarantees which way you go. The developer did agree publicly to all of the requests that we publicly requested from them based on improvements to College and the adjacent area, so he felt that litigation wasn't going to gain us any more to offset the impacts.

COUNCILMEMBER SANCHEZ requested a point of order. Oceanside requested a reduction in the number of units. Carlsbad did a Findings for Overriding Considerations, accepting that all of these impacts on Oceanside residents don't matter. We requested that they reduce the number of units, and that was not accepted by Carlsbad. That did not change.

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.

19. **[City Council: Adoption of a resolution making findings that the proposed cogeneration project to be installed by CHP Clean Energy, LLC, under a power purchase agreement will generate cost-savings; approval of the power purchase agreement with CHPCE La Salina, LLC, of Boston Massachusetts, for the construction, at no cost to the City, of the La Salina Wastewater Treatment Plan Cogeneration Facility project and subsequent energy purchase; and authorization for the City Manager to execute the agreement**
 - A) Mayor opens public hearing
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence
 - C) City Clerk present correspondence and/or petitions
 - D) Testimony, beginning with Cari Dale, Water Utilities Director
 - E) Recommendation – adopt the resolution and approve the agreement]

Item continued to a future Council meeting

INTRODUCTION AND ADOPTION OF ORDINANCES

The following items are ordinances for introduction or adoption by the City Council/HDB/CDC/OPFA. Ordinances are laws of the City of Oceanside and require introduction and adoption at two separate City Council meetings (urgency ordinances are an exception, and may be introduced and adopted at one meeting as an emergency measure). The City Council/HDB/CDC/OPFA has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that full reading of ordinances may be waived. After the City Attorney has read the titles, the City Council/HDB/CDC/OPFA may introduce or adopt the ordinances below in a single vote. There will be no discussion of the items unless requested by members of the City Council/HDB/CDC/OPFA or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

21. **City Council: Adoption of an ordinance of the City Council of the City of Oceanside amending Chapter 2, Article I of the Oceanside City Code adding Section 2.1.56 establishing a process for the annual rotation of the Deputy Mayor position** (*introduced on March 27, 2013, 3-2 vote, Wood and Sanchez-no*)

After titling of the ordinance, **COUNCILMEMBER FELLER** moved adoption [of **Ordinance No. 13-OR0209-1**, "...of the City Council of the City of Oceanside amending Chapter 2, Article I of the Oceanside City Code adding Section 2.1.56 establishing a process for the annual appointment of Deputy Mayor position].

COUNCILMEMBER KERN seconded the motion.

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

CITY COUNCIL REPORTS

12. **Mayor Jim Wood**

MAYOR WOOD announced that four arrests were made on the Libby Lake shooting.

13. **Councilmember Jack Feller**

COUNCILMEMBER FELLER stated it was great to see the cooperation between the triathlon and Sunrise on the Shore. El Camino High School is putting on the play *Legally Blonde*. Oceanside High School is having their golf classic on Saturday, and El Camino High School is having theirs on Monday. Oceanside Optimists Annual Spaghetti Dinner is Sunday.

14. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended both Easter Egg Hunts at Balderrama Park and Buddy Todd Park. He saw everyone setting up for the triathlon.

15. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Easter Egg Hunt at Buddy Todd Park. The VANC luncheon is tomorrow at Outback Steak House.

16. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended a committee meeting at Libby Lake Community Center regarding the recent violence and finding solutions. The Relay for Life with MiraCosta College will be on April 20th.

April 3, 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 7:45 PM on April 3, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, April 17, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside

April 17, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Councilmember Sanchez was absent. Also present were Assistant City Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

[Closed Session and recess were held from 2:04 PM to 4:02 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

No closed session was held

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (SECTION 54956.8)

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: 76-acre Center City Golf Course (APN 151-011-11); Negotiating Parties: City of Oceanside and Goat Hill Partners, LLC; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the lease of real property

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: 1325 Harbor Drive North (Monterey Bay Cannery Restaurant); Negotiating Parties: Oceanside Small Craft Harbor District and Aloha Partners, LP; Negotiator for the District: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the lease of real property

C) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Property bounded by Pacific Street, Myers Street, Seagaze Drive, and Civic Center Drive (APN 147-261-01 through 12; 147-076-1, 2, 3, 10, 11, 12); Negotiating Parties: SD Malkin Properties; Negotiator for the City: Peter Weiss, City Manager, and John Mullen, City Attorney; Under Negotiations: Terms of disposition agreement and lease

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 (SECTION 54956.9(a))

- i. People v. M&L Financial Company (415 Grant Street)
Superior Court Case No.: 37-2013-00033674-CU-MC-NC
- ii. Hirst v. Garcia, City of Oceanside
Superior Court Case No.: 37-2010-00101050-CU-PO-NC

Items discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 PM. Present were Mayor Wood and Councilmembers Feller, Kern, Felien and Sanchez. Also present were City Clerk Beck, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 4-14]

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

CITY CLERK BECK announced that Item 7 has been pulled by a member of the public.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC/OPFA: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission, City Council, and Oceanside Public Financing Authority of the following meetings:

July 16, 2012	2:00 p.m.	Special Meeting of the City Council
December 12, 2012	2:00 p.m.	Regular Meeting
5. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
6. City Council: Approval of amendment 1 to three Encroachment Permit Agreements between the City of Oceanside and Sprint PCS Assets, LLC, for telecommunications facilities located: on the east side of Vandegrift Boulevard, 290 feet south of Douglas Drive [**Document No. 13-D0244-1**]; at 3770 Merced [**Document No. 13-D0245-1**]; and on the west side of Elaine Avenue [**Document No. 13-D0246-1**]; extending the term of the agreements from October 1, 2012, to September 30, 2017, with minimum revenue to the City in the amounts of \$84,000; \$84,000; and \$86,389 respectively, and authorization for the City Manager to execute the amendments
7. **Removed from the Consent Calendar for discussion – Public**
8. City Council: Approval of an amendment to the easement agreement [**Document No. 13-D0248-1**] with North County Transit District for additional railroad right-of-way for the Coastal Rail Trail Project, Phase 2B, between Oceanside Boulevard and Wisconsin; and authorization for the City Manager to execute the amendment
9. City Council: Approval of a professional services agreement [**Document No. 13-D0249-1**] with Apache Asphalt & Seal Corporation of Vista in an amount not to exceed \$62,522, for repairs and sealcoating the parking lots and roadways at the San Luis Rey Waste Water Treatment Plant; and authorization for the City Manager to execute the agreement
10. City Council: Approval to accept \$272,166 in grant funds from the State of California Enhancing Law Enforcement Activities Subaccount awarded to the City for the COPS 2013 Grant Program; approval to appropriate these funds to the Police Department; and authorization for the City Manager, or designee, to execute all grant documents
11. City Council: Adoption of a budget amendment increasing the revenue to the Senior Transportation Program in the amount of \$13,900; approval of an increase in the amount of \$19,368 to purchase order 1001231 with Oceanside Transportation Services,

LLC of San Diego for taxi scrip booklets; and authorization for the Financial Services Director, or designee, to execute the purchase order

12. City Council: Adoption of **Resolution No. 13-R0250-1**, "...designating certain real property as non-native grassland," reserving a four-acre site of City-owned real property, being portions of Assessor Parcel Numbers 157-021-03 and 158-010-31, lying east of Whelan Lake and north of the San Luis Rey River, as non-native grassland related to the San Luis Rey Wastewater Treatment Plant Solar Project; and direction to the City Clerk to file a certified copy [**Document No. 13-D0251-1**] with the County Recorder
13. City Council: Adoption of resolutions initiating the proceedings for renewal of the City's eleven Landscape Maintenance Assessment Districts for FY 2013-14, and setting a public hearing for May 15, 2013, at 5:00 p.m. for the Del Oro Hills, Douglas Park, Guajome Ridge, Mar Lado Highlands, Mission Meadows, Peacock Hills, Rancho Hermosa, Santa Fe Mesa, Sunburst Homes, Sunset Hills, and Vista Del Rio Landscape Maintenance Districts

Del Oro Hills

Resolution No. 13-R0252-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987"

Resolution No. 13-R0253-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Del Oro Hills Landscape Maintenance District, Assessment District 1-1987"

Resolution No. 13-R0254-1, "...declaring its intention to levy and collect assessments for fiscal year 2013-2014 within the Del Oro Hills Landscape Maintenance District, Assessment District No. 1-1987 and setting a public hearing on the proposed assessments"

Douglas Park

Resolution No. 13-R0255-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Douglas Park Landscape Maintenance District, Assessment District 5-1981"

Resolution No. 13-R0256-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Douglas Park Landscape Maintenance District, Assessment District 5-1981"

Resolution No. 13-R0257-1, "...declaring its intention to levy and collect assessments for fiscal year 2013-2014 within the Douglas Park Landscape Maintenance District, Assessment District No. 5-1981 and setting a public hearing on the proposed assessments"

Guajome Ridge

Resolution No. 13-R0258-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989"

Resolution No. 13-R0259-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Guajome Ridge Landscape Maintenance District, Assessment District 1-1989"

Resolution No. 13-R0260-1, "...declaring its intention to levy and collect assessments for fiscal year 2013-2014 within the Guajome Ridge Landscape Maintenance District, Assessment District No. 1-1989 and setting a public hearing on the proposed

assessments"

Mar Lado Highlands

Resolution No. 13-R0261-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988"

Resolution No. 13-R0262-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988"

Resolution No. 13-R0263-1, "...declaring its intention to levy and collect assessments within the Mar Lado Highlands Landscape Maintenance District, Assessment District 1-1988, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Mission Meadows

Resolution No. 13-R0264-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Mission Meadows Landscape Maintenance District, Assessment District 2-1979"

Resolution No. 13-R0265-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Mission Meadows Landscape Maintenance District, Assessment District 2-1979"

Resolution No. 13-R0266-1, "...declaring its intention to levy and collect assessments within the Mission Meadows Landscape Maintenance District, Assessment District 2-1979, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Peacock Hills

Resolution No. 13-R0267-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Peacock Hills Landscape Maintenance District, Assessment District 1-1977"

Resolution No. 13-R0268-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Peacock Hills Landscape Maintenance District, Assessment District 1-1977"

Resolution No. 13-R0269-1, "...declaring its intention to levy and collect assessments within the Peacock Hills Landscape Maintenance District, Assessment District 1-1977, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Rancho Hermosa

Resolution No. 13-R0270-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Rancho Hermosa Landscape Maintenance District, Assessment District 3-1982"

Resolution No. 13-R0271-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Rancho Hermosa Landscape Maintenance District, Assessment District No. 3-1982"

Resolution No. 13-R0272-1, "...declaring its intention to levy and collect assessments within the Rancho Hermosa Landscape Maintenance District, Assessment District No. 3-1982, for fiscal year 2013-2014 and setting a public hearing on the proposed

assessments"

Santa Fe Mesa

Resolution No. 13-R0273-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987"

Resolution No. 13-R0274-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Santa Fe Mesa Landscape Maintenance District, Assessment District 2-1987"

Resolution No. 13-R0275-1, "...declaring its intention to levy and collect assessments within the Santa Fe Mesa Landscape Maintenance District, Assessment District No. 2-1987, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Sunburst Homes

Resolution No. 13-R0276-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980"

Resolution No. 13-R0277-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Sunburst Homes Landscape Maintenance District, Assessment District No. 1-1980"

Resolution No. 13-R0278-1, "...declaring its intention to levy and collect assessments within the Sunburst Homes Landscape Maintenance District, Assessment District 1-1980, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Sunset Hills

Resolution No. 13-R0279-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Sunset Hills Landscape Maintenance District, Assessment District 2-1982"

Resolution No. 13-R0280-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982"

Resolution No. 13-R0281-1, "...declaring its intention to levy and collect assessments within the Sunset Hills Landscape Maintenance District, Assessment District No. 2-1982, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

Vista Del Rio

Resolution No. 13-R0282-1, "...directing the City Engineer to prepare a report on the fiscal year 2013-2014 renewal of the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001"

Resolution No. 13-R0283-1, "...approving the City Engineer's 2013-2014 fiscal year report on the Vista Del Rio Landscape Maintenance District, Assessment District No. 1-2001"

Resolution No. 13-R0284-1, "...declaring its intention to levy and collect assessments within the Vista Del Rio Landscape Maintenance District, Assessment District 1-2001, for fiscal year 2013-2014 and setting a public hearing on the proposed assessments"

14. CDC: Adoption of **Resolution No. 13-R0285-3**, "...approving the revised Administrative Plan for the Section 8 Housing Choice Voucher Program [**Document No. 13-D0286-3**]"

COUNCILMEMBER KERN moved approval of the balance of the Consent Calendar [Items 4-6 and 8-14].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 5-0.

Item removed from Consent Calendar for discussion

7. **City Council: Approval of a property use agreement with North County Lifeline, with compensation to the City in the form of maintenance of the entire property and payment of utilities and security service, for the building at 402 Brooks Street for use as an after-school program facility and/or to provide activities to the general public; and authorization for the City Manager to execute the agreement**

Public input

TATYANA VOGEL, P.O. Box 3416, is representing a non-profit organization called Little Helper. We are currently providing over 20 free applicable life skills programs for the local community children. We bring to the table big corporations like Barnes and Noble, Target, Union Tribune and Mission Federal with free workshops for children. As well, we have over 15 professional instructors who are willing to share their experience and help local community children to have hope and an opportunity to dream. She hopes that Oceanside will consider our outreach efforts to reach local community youth.

Last fall we were able to create a free event for 250 kids. It was a very successful event, and we would like to continue working at Crown Heights Resource Center. Currently there are 40 kids attending an after-school program with Lifeline. We would like an opportunity to have a minimum of 225 and up to 450 kids attend these free applicable life workshops. We would love to share the building at 402 Brooks Street or somehow make it possible in the future for our programs to be accessible by the low-income family kids. We are trying to reduce the high rate of suicide attempts and gang and crime involvement in Oceanside.

Public input concluded

MARGERY PIERCE, Neighborhood Services Director, stated there was an RFP (Request for Proposals) process, and Lifeline was the only agency that responded to the RFP. She would be happy to speak with this agency and offer a collaborative opportunity for them.

COUNCILMEMBER FELLER moved approval [of a property use agreement [**Document No. 13-D0247-1**] with North County Lifeline, with compensation to the City in the form of maintenance of the entire property and payment of utilities and security service, for the building at 402 Brooks Street for use as an after-school program facility and/or to provide activities to the general public; and authorization for the City Manager to execute the agreement].

COUNCILMEMBER SANCHEZ seconded the motion. She stated that Lifeline has been a phenomenal partner for Oceanside during the 13 years she's been on the Council and probably long before that. They've been consistent in our community,

providing professional services to our kids. Consistency is incredibly important in order to ensure that we don't get spikes in crime. She is happy to continue to support Lifeline and is looking forward to having the kids there again.

Motion was approved 5-0.

GENERAL ITEMS

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

15. **City Council: Adoption of a resolution authorizing application to the Section 5317 New Freedom Grant program in the amount of \$437,809, committing general fund match funds in the amount of \$260,300, committing in-kind volunteer services with a value of \$181,509 for fiscal years 2014-2017 for the senior transportation program; and authorization for the City Manager to accept awarded funds and execute all associated grant documents**

MARGERY PIERCE, Neighborhood Services Director, stated for fiscal year 2013-2014 we have an approved award from SANDAG that the Council authorized and approved, including a general matching fund of \$61,000. We're currently waiting for that contract for execution from SANDAG. After fiscal year 2013-2014, SANDAG has awarded approximately \$47,000, and no award for fiscal year 2015-2016. Without that money and the ability to apply for these transportation dollars, our senior transportation would come to a halt for all practical purposes. Currently, we're serving about 1,200 seniors and doing 800 rides per month. We're also turning away people every month.

This grant application is for three years at a total of \$437,809. The general match is \$260,300. Of that, the volunteer hours would match \$181,509. The match is about 48-52%. That's a good match from just the volunteers.

When the Senior Commission was designated, one of the primary recommendations from the Senior Commission was to develop a senior transportation program. That was Council's direction to staff. We've been successful and hope to continue to be successful in obtaining the New Freedom Grant for the City.

MAYOR WOOD asked if FACT (Facilitating Access to Coordinated Transportation) has been impacted by these.

MS. PIERCE responded yes. This is in addition to that. The demand is extremely high here.

COUNCILMEMBER SANCHEZ moved approval of [Resolution No. 13-R0287-1, "...authorizing application to the Section 5317 New Freedom Grant program in the amount of \$437,809, committing general fund match funds in the amount of \$260,300, committing in-kind match funds with a value of \$181,509, stating the assurance of the City of Oceanside to complete the project, and authorizing the City Manager to accept awarded funds and execute all documents pertaining to the grant"], for fiscal years 2014-2017 for the senior transportation program.

COUNCILMEMBER KERN seconded the motion.

COUNCILMEMBER FELLER asked Ms. Pierce if our current matches of \$61,000 versus \$198,000 end in 2012-2013.

MS. PIERCE responded that is correct. The \$181,000 match is over a three-year period. The \$260,000 is also over a three-year period.

COUNCILMEMBER FELLER asked what the total dollar amount is for the program as it exists right now.

MS. PIERCE responded for 2013-2014, it's budgeted for \$198,300 of grant money, with a \$61,000 match. That's approximately \$259,000.

COUNCILMEMBER FELLER asked if it has steadily been that amount.

MS. PIERCE responded the matching grant went up about \$5,000 this year, and we're in the third year.

COUNCILMEMBER FELLER was very involved when we initially got this pilot program out of SANDAG. He asked why that money is going away.

MS. PIERCE responded we applied for the money, but we didn't get enough points. Part of it is our cost per ride. When Council approved this, there was a survey done among the seniors about how much money they would be willing to spend per ride. It was a low cost of around \$5 that they felt they'd be able to afford. The cost for our program versus other programs that charge seniors more money meant that we lost points on that. A survey was redone, and we got the same type of response from the seniors that the level they would be able to afford was around \$5.00. Since we lost points with SANDAG, they're not funding us as much.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

25. **Request by Councilmember Kern for a presentation regarding the Youth Employment Program (Y.E.P.)**

COUNCILMEMBER KERN has been working on this program with James Hayes through MiraCosta College and the County Office of Education for some time. We took this show on the road two weeks ago, going to the greater Chamber of Commerce of San Diego, Carlsbad City Council and North County EDC (Economic Development Council). We're talking about some of the things we can do in this community. One of the things we can do is try to find jobs for kids. We're out there working to see if we can find mentors for internships.

JAMES HAYES, Founder of Youth Employment Program (YEP), stated he wears many hats throughout the County. One thing he's trying to do is increase the number of opportunities for teenagers at high schools and also college students. This program might be able to bridge business members, education and the community at large. A computer graphic was used to show the unemployment rate for 16- to 19-year-olds actively seeking employment in California. These are students that are actively seeking employment, not teenagers as a whole. Right now the California unemployment rate is at around 8%, but for 16- to 19-year-olds looking for a job, it's around 50%-60% if you include all students. For those actively seeking jobs it's still very high at 36% unemployment rate. So, 36% of the students cannot find employment.

One of the things they're running up against is one interview question where they're asked, "What experience do you have in this field or industry?" Obviously their answer will probably be none. That's why we're going to try to imbed an internship program where they can get the experience for landing those jobs and careers. 36% is the absolute worst unemployment rate in the United States. A computer graphic was used to show that the percent of high school graduates with no post-secondary education that have full-time employment is 16%. There is quite a large number of the 16- to 19-year-old age group that is either not working or not in school. So what are they doing? This leads to the question about teenage crime. If they're not in school

and not employed, what are they doing? If there are any municipalities that have a crime problem, especially with teenagers, this internship program might help to alleviate that.

We can solve this with an Oceanside internship program. You could have a City-wide internship program that will be a one-stop shop through an online portal where businesses can post for free and students can view/apply for all of the internship opportunities online. By doing this, we can focus on Oceanside businesses and students and have them start communicating and working together. For students this program offers high school credit options and college credit opportunities. We also offer career prep classes and pre-internship workshops that are available. We're already doing this at Ocean Shores High School and will be starting with Oceanside High School (OHS) on May 1st. We've already met with Clair Burgener and El Camino. They all have a strong interest. Duane Coleman, the Associate Superintendent, and Bess Bronson, the Director, are very strong supporters and have already managed to receive some of the funding to provide these pre-internship workshops for the students. This is also available for any MiraCosta College students.

The key thing is that it's instructor-guided, and it's a great chance for students to explore careers and get that experience they need. We're planning on starting a summer internship pilot program where students will be able to receive MiraCosta College credit for being in an internship in the City. After that, we'll have year-round internships for students. The businesses will get free branding with their logo placed on the website. That is different from traditional internship programs. There are two Oceanside businesses, Sunny Day Tutoring and Impact Design, that students will be able to see. They can go online and click on a business to get the company description and also a description of the internship itself, including opportunities, duties, etc.

Through our education partners, such as the school district, San Diego County, ROP (Regional Occupational Program) or MiraCosta College, we have Workers Compensation available. That was one of the major concerns that businesses had. We also act as an internship liaison, so if businesses have questions about rules on internships or the students have questions, we act as the go-between to make sure that effective communication pathways exist. This is for both high school and college students. We have instructors that guide the students along because it is for credit. It's great for businesses because they are now able to share their knowledge with the younger generation in hopes of developing the workforce of the future.

Hopefully, for the community this will be a great program to showcase, not only for the County, but since it's online it can be national. This is a City that really cares about its students, their workforce development and employability. Hopefully the teenage crime rate will be lowered with this program. He's seen studies where between 3:00 PM and 5:00 PM is the worst time for teenage crime. If they're on an internship and actively working, hopefully they're not out on the streets causing trouble. All of this is a very low cost to keep sustained, especially if it's a joint-effort between all community partners. He's already talked to the Oceanside Chamber of Commerce and OUSD. With City involvement, this would be a great program for the City. We also have strong parental support. We already have some members of Oceanside's parent-teacher-student association who are really going to help promote to the businesses this concept/idea.

This is a win-win for all involved. Hopefully we can create a sustainable program with the entire community. It could be regionally or locally branded.

COUNCILMEMBER FELLER stated the high schools don't generally have PTO's (parent-teacher organizations); they have boosters or something to that effect. He asked what PTO's they are approaching.

MR. HAYES responded OHS.

CHRISTINE WINICKI, 1016 Alberta Avenue, is a paid member of the OHS parent-teacher-student association. We had a meeting last night where the program was discussed. We have an email list of about 100 parents total, of which only about 50 are paid members. All of the information was provided to us with flyers to send out to our own business contacts, or friends in various organizations that we feel would be beneficial for our students. We're going to be sending that out. This is just OHS, not El Camino, Claire Burgener or Ocean Shores.

COUNCILMEMBER FELLER stated there are close to 7,000 students in the four high schools. He asked if she's only reaching 100 parents, is that what she's aiming at?

MS. WINICKI responded that's the parents trying to promote the program.

COUNCILMEMBER FELLER stated Mr. Hayes was saying he was approaching PTO's.

MS. WINICKI responded that was one avenue. The other avenue, from at least an Oceanside point of view, is with our career/college counselors, who will push it out through the students. The Chamber of Commerce is on board. We would love support from the City Council and all of the members and constituents that Council reaches, as well, to create this kind of positive environment.

COUNCILMEMBER FELLER asked if Mr. Hayes is getting a paycheck to do this.

MR. HAYES responded not yet. He has been a teacher for the past 12 years in the Vista Unified School District. He taught high school business. What he noticed was that, even though he could give the theory to his students in the classroom, one of the biggest opportunities he could give them was internships. For 12 years he offered internships for his students. That's where they can take what they've learned in the classroom and actually apply it and figure out how to communicate with adults in the workplace and gain those valuable professional skills. It was because of this that he decided to envision a much larger area instead of just his own students at a certain high school where everyone's working in a silo. He wanted to really expand this over a larger area where there's more community involvement. Too often you have these programs that are just one grant, and once that's gone the program disappears. Everyone loses from that.

It takes a village to have as many people support this program and keep it running and sustainable. It's the best way to keep this going year after year for all Oceanside students.

COUNCILMEMBER FELLER applauds the effort. Of all the things he does, he's in the schools the most. He sees opportunity for this to start at the 7th or 8th grade level, to prime them as they get into the 16- to 18-year-old age group.

MAYOR WOOD stated we're certainly in favor of any way that Council can improve or help our youth. However, he's constantly bombarded by the military, especially considering our town and the returning veterans. Now there's a wind-down from the military at Camp Pendleton, which involves job opportunities and job training for the returning veterans and Wounded Warriors. Mr. Hayes is in competition with that group trying to get training. It seems to be a priority to help veterans first. He thinks this is a very good project.

COUNCILMEMBER SANCHEZ has never heard of this program and spends a lot of time talking with teachers and the kids. She asked if it's kids up to 16-years old. Is that right?

MR. HAYES responded we tend to focus on 16- to 18-year-olds, including the freshman and sophomores at the community college level. There's already a lot of internship support when you're a senior at the university level.

COUNCILMEMBER SANCHEZ asked where they have office space.

MR. HAYES responded in Carlsbad.

COUNCILMEMBER SANCHEZ asked if they are accessing classroom space at OHS.

MR. HAYES responded yes. They supply the space, and we bring the experts in to train the students on everything from how to build a resume, applications and the pre-internship portion of preparing them for what it's like being in a work environment, such as how to speak to their supervisors, how to speak to customers, etc.

COUNCILMEMBER SANCHEZ stated we have a program through the library. They help with putting resumes together. We're also talking about putting together some kind of an economic development project for kids, perhaps focusing on getting a gourmet food truck and teaching them the business. For building up business skills, employment and the notion of actually doing this in the community, it's getting the kids interested in other avenues besides having nothing else after school. We've lost the Boys and Girls Club as an after-school drop-center, so we're relying on our resource centers and after-school programs that the City basically funds.

MS. WINICKI would just love for Oceanside to be on the front of this wave and for us to push this type of positive program for our youth, instead of negative information about the youth in Oceanside.

COUNCILMEMBER SANCHEZ asked if they are reaching out to at-risk youth.

MR. HAYES responded correct.

COUNCILMEMBER SANCHEZ asked if they are reaching out to the Latino community, the Samoan community and the African American community.

MR. HAYES responded correct.

COUNCILMEMBER SANCHEZ asked if they have role models in those groups.

MR. HAYES responded absolutely. In fact, some will be internships that are on the open market so it is open for competition between students. We do propose a sheltered internship program, where we take certain at-risk youth and pair them up with a mentor in the business community.

COUNCILMEMBER KERN stated we've been doing this for a few months now. They Mayor is right; there are competing things out there. However, this is for our youth to go forward. Sometimes the military guys can't do internships. They need a job, and they're trying to find employment. With this, we talk about paid and unpaid internships. It exposes these students to the workforce. He worked through high school pumping gas, but those jobs are gone. Most of his friends worked at McDonalds and other fast-food places, but now those jobs are taken by adults. It's hard for students to find a job to gain the experience so that when they actually go out for their first paying job, they have a resume that shows they've worked certain types of jobs.

We need mentors/internships/available businesses and students to do this. Mr. Hayes is going to be the conduit between these two. That's what we're looking for. A

student can go online to see the internships available and a business can go online and list the internships they are willing to offer to make those connections. Hopefully things will start getting traction.

CLOSED SESSION REPORT

21. Closed Session report by City Attorney

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

CITY COUNCIL REPORTS

16. Mayor Jim Wood

MAYOR WOOD announced the Relay for Life event, which will be held on April 20th at MiraCosta athletic field; and the San Luis Rey Mission Cemetery cleanup on April 27th by volunteers from the Mormon Helping Hands organization. He welcomed Boy Scout Troop 789. The memorial service for Mike Green will be held on April 18th at the Oceanside Mortuary.

17. Councilmember Jack Feller

COUNCILMEMBER FELLER announced the Business Expo today at Pacific Coast Business Park; the Rotarians-at-Work Day, in which the four Oceanside clubs will be repainting the buildings at Heritage Park on April 20th; and the Friends of the Library high-tea in the Oceanside Civic Center on April 19th.

18. Councilmember Gary Felien

COUNCILMEMBER FELIEN attended the Regional Water Quality Board hearing to oppose new regulations they are considering that will have a huge impact on the cost of doing business in Oceanside. He also attended a League of Cities event at Northrup Grumman to tour the unmanned aircraft facility.

19. Councilmember Jerome Kern

COUNCILMEMBER KERN requested a moment of silence at the end of the meeting for the victims of the Boston Marathon bombing. He met with Dr. Francisco Rodriguez and Board member Leon Page from MiraCosta College regarding what we can do to work together. He's the liaison from Council to the education community. One of the things we discussed is the Gear Up Program, in which MiraCosta College is working with OUSD to get kids in the 7th and 8th grade geared for college. He will be attending the Gear Up Conference on April 20th at MiraCosta College.

Last Friday he met with Assemblymember Rocky Chavez at MiraCosta College. We had a meeting with representatives of the student governments of MiraCosta College, Palomar and South Western, to discuss government process. He attended a ribbon-cutting ceremony last Saturday for East 2 West Cuts, a new barbershop on Oceanside Boulevard; and the Regional Water Quality Board hearing to speak against the new regulations. He will attend the Friends of the Library high-tea on April 19th after the Board retreat for the San Diego Water Authority.

20. Councilmember Esther Sanchez

COUNCILMEMBER SANCHEZ announced the annual Dia de los Niños event at Balderrama Park on April 27th.

[Recess was held from 4:53 PM to 5:13 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:13 PM. All Councilmembers were present.

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Empresa Elementary School Choir

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Mayor’s Business Member Spotlight

Presentation – Update on Boys & Girls Club of Oceanside by Tami Walz, CEO, and Jodi Diamond, COO

Presentations were made

PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS

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

Advance written request to reserve time to speak: None

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

LIZ RHEA, 4962 Gabrieliemo Avenue, stated she and Mr. Les George are members of the Harbor and Beaches Advisory Committee and the ad hoc committee, which was formed for the emergency rescue ladder issue. At the last meeting, Councilmember Feller briefly brought out the amount that was on a memorandum directed on March 23, 2013, from Frank Quan through the City Manager. The memorandum stated that the eight ladders would cost \$19,966, when in reality the ladder should cost around \$1,600 plus shipping and cost of the maintenance department to install. The total cost in reality should not exceed \$3,000.

Back in the early part of February, she and Mr. George set up meetings with Council to show and explain the ladders and the cost. At that time, we stated that the ladders from Bellingham Marine are engineered and ready to install in our docks. The cost in the present memorandum is the same scenario that was presented to the Harbor and Beaches Advisory Committee by Mr. Quan months ago. At that time, he stated that the cost of these ladders were astronomical and would be out of the question. He stated that an engineering study would have to be done. This statement was made before Mr. George found the ladders we presented to Council at our meetings. The memorandum before Council is incorrect. Mr. George will go into the correct item number, explanation and further information as to why the bid is incorrect.

We tried to work with Mr. Quan and the City Manager to provide the information we presented to Council. For some reason, the information was not considered and not used. Both gentlemen were not receptive to our findings. We urge Council not to accept the bid and submit a new bid with the correct information related to Bellingham Marine. We also urge Council to instruct that a new bid be submitted for the eight ladders and that staff acquire a cost from the maintenance department for the installation of the ladders.

COUNCILMEMBER SANCHEZ stated cost is always going to be an issue for us, but public safety is very important. She asked the City Manager if this is going to come

before Council, in terms of which ladder we're going to be purchasing and what the cost will be. It sounds like there are two possible plans for ways to go forward: one that the Harbor and Beaches Advisory Committee is recommending and another one.

CITY MANAGER WEISS already had a conversation with Mr. George, and we have already ordered the ladders based on his specification. We've given Council a memo. Those ladders are ordered, and they're going to be the ladders for the pilot program installed by City staff. At the completion of that pilot program, if Council wants to move forward with putting the ladders throughout the entire Harbor, our recommendation has been that we do a formal bid that includes the dock assessment, the liability issues we had previously discussed, and the dock rehab if necessary based on that assessment. The six ladders have already been ordered.

COUNCILMEMBER SANCHEZ asked what the cost is.

CITY MANAGER WEISS responded each ladder is \$200 plus the shipping.

COUNCILMEMBER SANCHEZ asked if the City will be buying eight ladders at about \$200 each, which will be installed by staff. Is that what it is?

CITY MANAGER WEISS responded the original plan was six ladders as a pilot program. Following the completion of that pilot program, if we do the 40+ ladders, then we would recommend that we do the formal assessment of the docks, etc. We gave Council a memo on that a couple of weeks ago.

COUNCILMEMBER SANCHEZ stated the memo she recalls getting had to do with a different ladder. She asked if it's six ladders. She thought it was eight.

CITY MANAGER WEISS responded the original pilot approval was for six ladders. When we got the estimate from Bellingham Marine, because the significant cost is not in the ladder but the dock assessments, we had asked how many we can put in for \$20,000.

LES GEORGE, 1028 Tait Street, is on the Harbor and Beaches Advisory Committee. Back on September 27, 2012, an ad hoc committee was formed to research these ladders. The ladder was brought to Mr. Quan. Mr. Quan stated that the City Attorney does not support the ladders due to the liability involved. Mr. Quan also stated that staff had already looked at this in the past, was against it and would need Council's approval to go any further. The ad hoc committee came back with a report to the advisory committee, who voted unanimously to request placement of the emergency boarding ladders in the Harbor for testing. Mr. Quan again stated he would do nothing until directed by Council.

He and ad hoc committee member Liz Rhea met with each Councilmember and took time to put together a program to show how the ladders work. Each of the members of the Council agreed that this would be something that would benefit our Harbor as far as public safety, and that the cost for installing the ladders appeared to be reasonable. That was before we saw this study. Ms. Rhea attended the budget workshop as Council requested, and presented the ad hoc committee recommendation and also the committee's unanimous recommendation for this. At this meeting the City Manager said that he would handle it.

On March 26, 2013, he and Council received the RFP saying that it would be \$19,966 for eight ladders. That works out to a cost of \$2,495 per ladder. The bid had so many added costs that it was over the \$15,000, so it would have to be put on hold until the July 2013 budget. He thanked Councilmember Feller for asking questions about the bid at the April 3rd Council meeting. He was already trying to figure out what was going on and felt it was wrong. Councilmember Feller forwarded this issue to the

City Manager, who contacted him the same day saying he was not happy. He said we got our ladders for the testing only with the following stipulations: eight ladders only, but now it's six; Harbor staff would install them; he would only allow ladders with the stipulation that the Harbor District be responsible if someone was injured while using the safety ladders, which are for rescue only and not for swimming; the additional ladders would be installed by Bellingham Marine staff, who must be sent down from Dixon, California; and an engineering study would be required. The engineering study and placement recommendation are supposed to defer the liability from the City. Cal/OSHA already has a standard that would work fine for our Harbor and costs nothing or very little for the implementation of their rules. He agreed to help set up placement of the test ladders with consultation from the Harbor Police and maintenance staff.

These ladders would be placed in the highest traffic areas of our Harbor to allow for greater protection of the public and harbor users. The City Manager at first refused to allow him to meet with staff about the findings of the best location for the installation of the ladders. He explained to the City Manager that there was some concern that the ladders could possibly impede police operations if put in the wrong place and that the maintenance staff would be working around them and should be involved in deciding the placement of them. The City Manager said he would have Mr. Quan call him. This was on April 4, 2013. He still hasn't heard from the City Manager or Mr. Quan on this issue.

If we used the original bid that the staff came up with, we would have spent over \$18,000. It appears that if we're going to require them to come down to do this report, it's going to cost a lot more money than what he originally put into the bid. He still thinks it's a safety issue and very important. He's spent over a year on this, and he can't understand why we can't get staff to work with people that are on the advisory committee, volunteering their time and effort to make our City and Harbor a better place.

JIMMY KNOTT, 127 Sherri Lane, gave Council a handout that was not shared by our SANDAG representative. SANDAG issued a report this month about 30 years of crime in the San Diego region.

We have a crime-rate-per-1,000 population increase of 11%, violent crime increase of 17%, property crime rate increase of 11% and an FBI increase of 12%. The only reduction was in domestic violence crimes. This is the net result to the public of Council's inattention to property and other violent crimes. He encouraged Council to put aside their in-fighting and address these serious issues.

MAYOR WOOD stated all of the Mayors in the entire County have met with the District Attorney of San Diego and the Chief of Police regarding the number increases. The problem we've all complained about is Proposition 109, which released all of the non-violent criminals from prison. The crime-rate went up accordingly, with all of those prisoners being released into our County. All of the Mayors and Chiefs of Police have complained about it, but it was a State issue. He'll be the first to go on record that the State caused most of our problems and the increase in crime. If you want to write or talk to somebody, send it to your State Legislators.

ALAN LAUER, 3407 Soyla Drive, stated almost 15 years ago he joined with several others in a charitable organization called the Bread of Life Rescue Mission to serve the poorest of the poor in Oceanside. This organization has become a significant partner with many agencies, including City agencies. Bread of Life provides shelter, meals and counseling to a very large and growing population of needy people, including many seniors, veterans and children.

Because the City has been very good to us over the years, we want Council to know that all is not well with the Bread of Life. Owing to a long, persistent economic

recession, the need for our services has greatly increased, and charitable donations to Bread of Life have drastically declined. For that reason, our financial situation has become quite severe. So much so that Bread of Life expects to close its doors on or before the end of May.

There's still time to avoid the shutdown. However, the time is growing short. For that reason, Bread of Life is making an urgent appeal for contributions. We understand that these are difficult times for entities and individuals in both the private and the public sector. We're reluctant to ask for your help. However, we know that Oceanside has a proud history of solving problems, so we're reaching out to you in humility and great appreciation in the hope that somehow you can step up and help solve our problem. He thanked Council and the City for having been very good to the Bread of Life.

BILL IMS, 2023 Caleta Court, Carlsbad, volunteers a lot of his time with a variety of organizations in Oceanside. Currently he is the President of the historic Star Theatre, which is just one block away to the north. He requested they be put on the agenda at the next meeting. The Star Theatre has been in existence since 1956. Although it started off as a 900+ seat theater for movies, in 2000 it was sold to a non-profit organization, the Poinsettia Center for the Arts, with the one condition that it provide performing arts for the community of Oceanside. We met that, and for the last 12 years thousands of children and adults have performed on our stage.

The benefits to the community have been tremendous. The Harris Poll indicated that students who participate in the arts usually outscore students who don't participate. The average increase for verbal scores on SAT's is a plus-65 beyond what the average person has. In math it's plus-34. It helps to build self-confidence and self-esteem. Reading comprehension is much better, and the number of dropouts from school is reduced significantly. It also helps the community tremendously and revitalizes downtown areas.

The reason he'd like Council to consider putting this on the next agenda is because July 13th is when we will celebrate our 125th anniversary of this community. We're going to have a huge event right outside these walls, and he hopes that Council will attend. We would like to have our marquee, which is 57 years old, refurbished by that date. A lot of it doesn't work, and it's anything but energy efficient. The estimate to have it refurbished is \$102,000. We have raised \$45,000. We would like our marquee to be shining bright when everybody visits us on the 13th. He's not asking for a handout but would love a loan. We'll pay it back. We are one of the few community theaters in all of San Diego County that operates in the black. If you haven't seen our shows, please come. We are second-to-none and would truly appreciate it if Council could put us on the calendar to discuss this in more detail.

MAYOR WOOD asked the City Manager to put this on the first agenda possible. We need to address this issue and maybe it could be a loan. It is a focal point downtown, especially the marquee out front. It's an old building. They've done so much for the children and the community, not just in Oceanside but also around North County. He would like to see more under-privileged youth from Crown Heights or Libby Lake be involved in theater. He's been to numerous events there and has been very happy every time he's gone. He also knows they give a lot back to the community.

The marquee has been there since 1956, and he was there on opening night. He asked the City Manager to come back with something that Council could review.

COUNCILMEMBER SANCHEZ used to go to the Star Theatre to see the latest James Bonds movies. It's a tremendous cultural institution. It has played home to many community events, including all of the arts. The Oceanside Film Festival has been wonderful. It's great for the community and the residents, and she'd like to see how

Council could help.

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.

23. **City Council: Adoption of a resolution approving Conditional Use Permits (CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003) for the establishment and operation of a dining and entertainment venue with full alcoholic beverage service, live entertainment, dancing and a waiver of regulated use locational requirements for a dancing establishment at 2237-2241 El Camino Real – Crossroads Restaurant – Applicant: Y&O Unlimited LLC, dba Crossroads**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmember Feller reported contact with staff and site visit; Councilmember Felien reported site visit; Mayor Wood reported contact with staff, site visit and public; Councilmember Sanchez reported contact with owner, public, staff and site visit; Councilmember Kern reported contact with staff.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

AMY FOUSEKIS, Principal Planner, stated the proposal under consideration for the Crossroads Dining and Entertainment venue is comprised of four entitlement requests. Conditional Use Permit 12-00018 is to allow for the expansion and operation of the Crossroads restaurant to permit full alcoholic beverage service, expand the seating capacity to 275 seats and allow the operation to function between 10:00 AM and 2:00 AM. The project proponent also proposes to include live entertainment and dancing as part of the activities of the venues within the facility. The dancing portion is considered a regulated use under Article 36 of our Zoning Ordinance. There are specific regulations for processing, as well as location requirements that apply for that particular use. Specifically, there is a 1,000-foot requirement from other residential uses and 1,000-foot minimum distance from other regulated use.

A computer graphic was used to show the location of the existing portion of the restaurant and the portion where the applicant is proposing to expand into. This proposal was considered by the Planning Commission on March 11, 2013, and was unanimously approved.

The project site encompasses approximately 11 acres. It's in the 2200 block of El Camino Real on the west side of El Camino Real and south of Via Las Rosas within the Camino Town and Country Center. The suite that the applicant currently occupies is located at the corner, and the proposal is to expand to the north of the existing facility. Proposed improvements include interior tenant improvements only. Surrounding land uses include office and retail/commercial to the south, as well as to the east. The Target Center is located to the immediate south. There is a joint parking agreement between this portion of the shopping center and the adjacent shopping center between the tenants.

To the north and west, the site is surrounded by multiple-family residential uses. The pad of the site sits lower than El Camino Real, but it rises significantly along Via Esmarca and Via Las Rosas, separating itself from the adjacent residential uses. This provides a desirable buffer between the retail uses and the residential uses to the west and north of the site. A computer graphic was used to show the slope differential along Via Esmarca, which is approximately 30 feet. Existing residential use is right across from the Crossroads restaurant, but primarily what you see are garages. The residences are set back even further, more than 200 feet.

A computer graphic was used to show the differential along Via Las Rosas, as well as views from the back of the Crossroads restaurant and the service area looking to the west toward Via Esmarca. There is significant landscaping that provides screening from this vantage point as well. Another computer graphic was used to depict the limits of the existing restaurant. It currently captures approximately 4,500 square feet. The expansion will include a buffet service, bar area, stage/dance area and an upper level mezzanine that will also be allocated for dining.

Overall, the facility will accommodate up to 275 seats. The dancing area is 487 square feet. Parking will be provided exclusively onsite, and overflow parking can be accommodated at the adjacent Target Shopping Center. The total square footage for the facility with the expansion would be approximately 17,000 square feet.

The applicant and staff have worked very closely with our Police Department. The applicant has incorporated all of the recommended conditions as part of the Management Plan, which was presented to the Planning Commission and approved in its entirety. This is included as part of the packet Council received. Staff has evaluated the proposed development and has determined that the project siting would provide adequate buffers between the expanded restaurant facility and adjacent residential uses. The dining and entertainment complex will be sufficiently managed through security and other facility operation measures in a manner that will ensure compatibility of the proposed use with the shopping centers retail use, as well as other uses in the immediate area.

The dining and entertainment complex will also serve as a catalyst for the revitalization of the Camino Town and Country Shopping Center. The proposed land use will be consistent with prior uses onsite and will not overburden the circulation system. Staff is recommending that Council adopt a resolution approving Conditional Use Permits 12-00018, 13-00001, 13-00002 and 13-00003, with findings and conditions of approval as forwarded to Council for consideration. We have provided notice to property owners and tenants within 300 feet. We have received no objections.

Applicant

OTIS HENDERSON, Y&O Unlimited LLC, dba Crossroads, is one of the co-owners of Y&O, Inc. and Crossroads Smokehouse BBQ. We created the concept of Crossroads Smokehouse BBQ to fill a need in the community, not just based on our financial greed. He's been in Oceanside since 1992. He's a retired Marine after 20 years. When they asked him where he wanted to go, he said he wanted to stay here. One thing he was never able to do though since being here is go for a night out in Oceanside. The reason is that at his age, he didn't feel comfortable with the younger adults out there socializing. He needed an atmosphere that was a lot more mature, where he could take his girlfriend or wife and have a good time. We created an atmosphere where if you don't think like someone 37 years or older, you probably won't feel comfortable. You don't have to be 37; you just need to have the maturity level. That's why we're bringing in the dancing, music and artists that we have; everything is designed for people that are more mature-minded.

Oceanside is a great City. There's no other place he'd want to be, but there's a gap. We've got something for our 25 and younger adults and for our senior adults in the 65+ age range, but the rest of us have to go to San Diego, Temecula or Orange County. He thinks they can fill that gap very well and hopes that Council will favorably consider their proposal.

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

COUNCILMEMBER SANCHEZ stated this is a wonderful venue. When Mr. Henderson talked about his dream and putting all of his money and heart into it, that's infectious. He talks about this dream of having a destination venue; a place where you can get local artists and practice your food arts that are to die for.

She **moved** to adopt **Resolution No. 13-R0288-1**, "...approving Conditional Use Permits CUP12-00018, CUP13-00001, CUP13-00002, CUP13-00003 for the establishment and operation of a dining and entertainment venue with full alcoholic beverage service, live entertainment, dancing and a waiver of regulated use locational requirements at 2237-2241 El Camino Real (Y&O Unlimited LLC. DBA Crossroads -- Applicant)"

MAYOR WOOD **seconded** the motion.

COUNCILMEMBER FELLER asked if the second story has an elevator or needs one.

MS. FOUSEKIS responded at this time the plan does not include an elevator.

MR. HENDERSON responded when we were putting the structure together, the question came up as to whether we had to have an elevator for the second floor. We worked with Building and ADA Regulations, and they said we had to improve the property by at least 80%. If we improved the ADA facilities by 80%, we did not have to put in an elevator. We did all of the other things required to bring us up to the 80% mark, so an elevator was not required.

COUNCILMEMBER FELLER asked if putting a restaurant like this near a church is a regulated use.

MS. FOUSEKIS responded yes it would, because once this particular use is established it would not necessarily preclude another non-regulated use to be established close to it.

Motion was approved 5-0.

24. **City Council: Consideration of a General Plan Amendment (GPA12-00002) to adopt an update to the City's Housing Element for the Fifth Housing Element Cycle (2013-2021) – Housing Element Update – Applicant: City of Oceanside**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmembers Feller, Kern, Felien, and Mayor Wood reported contact with staff; Councilmember Sanchez reported no contact.
City Clerk presents correspondence and/or petitions – none.
 - C) Testimony, beginning with:

RUSS CUNNINGHAM, Senior Planner, stated the California Department of Housing and Community Development (HCD) has deemed the City's draft Housing Element update for the 2013-2020 planning period to be substantially compliant with State Housing law. HCD is prepared to certify the updated Element as soon as the City implements two State-mandated revisions to zoning standards: one related to emergency shelters and another related to transitional and supportive housing. Staff is now in the process of drafting the required zoning text amendments, and we intend to bring those to Council for formal review and approval within the next three months.

The Housing Element is the only component of our General Plan that requires State-level review and approval, and the only element that must be updated on a State-prescribed schedule. The updated schedule is tied to adoption of the Regional Housing Needs Assessment (RHNA), which allocates to all localities within the San Diego region

what is determined by the SANDAG Board of Directors to be each jurisdiction's fair-share of regional housing need over what's referred to as the Housing Element cycle. We are now entering the fifth Housing Element cycle, which extends from 2013-2021. The RHNA allocation for the fifth cycle was adopted in October of 2011, roughly a year and a half ago. State law says that updated Housing Elements must be adopted within 22 months of the adoption of the RHNA, which results in a deadline of August 30th of this year for all jurisdictions within the San Diego region.

If Council is favorable to adopting the updated Housing Element, we will have met this statutory requirement. Linking the housing update to the RHNA really speaks to the State's motivation for requiring Housing Elements and ensuring their compliance with Housing Element law. With State law finding that lack of affordable housing is a critical problem that threatens the economic, environmental and social health of the State, Housing Elements are the means by which cities and counties demonstrate that they have both suitable regulatory frameworks and adequate land resources to allow for and accommodate their local housing demands. These include the housing needs of low-income households and special populations such as the disabled and the elderly. At the same time, housing law says that local governments are to support employment growth, mobility for residents and protect the environment. That's a tall order, and it may explain why so many jurisdictions have a difficult time getting their Housing Elements certified. We're pleased to be able to say tonight that HCD has found that our draft update effectively balances these very different and often competing interests.

It's an expectation that cities will engage in public outreach as part of their update process. We have done so. One of the required components of a Housing Element is an analysis of the extent to which local development review procedures and standards constrain the production of new housing. While State Housing Element law doesn't explicitly identify the Conditional Use Permit (CUP) as a major obstacle to housing development, CUP requirements raise a very large red flag for HCD. Throughout our dialogue with HCD staff, the City's CUP requirements for housing projects loomed as a very serious concern, serious enough to keep us from getting what consultants refer to as the happy letter from HCD.

Coming to the rescue in the midst of the Housing Element review process were the recently adopted changes to inclusionary housing standards that, as of January, included the waiver of the CUP requirement under certain circumstances. These recent changes greatly assuaged HCD's concerns about how our CUP requirements may be inhibiting the production of affordable housing. If not for these changes coming when they did, staff would most likely be giving a very different presentation tonight.

Another required component of the Housing Element is the housing sites inventory, which is a parcel-by-parcel listing of land resources available to accommodate new housing, including housing for low-income households. The sites inventory must demonstrate that the City currently includes enough vacant and re-developable land under appropriate zoning to accommodate the City's RHNA obligation, which happens to be roughly 6,200 total new dwelling units during that planning period he mentioned, of which roughly 2,700 are expected to be income-restricted. Council may recall that the 2005-2010 Housing Element stated that substantial rezoning would be necessary to meet the City's RHNA obligation. A very detailed review of the City's existing land resources conducted by Planning staff over a year ago concluded that our RHNA obligation for both the previous and upcoming planning period can be met without any rezoning. The sites inventory we subsequently prepared shows that the City currently has enough land under appropriate zoning to accommodate our RHNA obligation.

As the map exhibits included with that inventory illustrate, most of the inventory properties lie within or immediately adjacent to our existing transit-served commercial corridors. The inventory and associated maps thus show that the City can provide for future housing growth without inducing more urban sprawl, without compromising

employment lands and without forcing residents to get into their cars every time they want to visit the grocery store, run an errand or go to the beach. HCD staff was pleased to see that future housing growth in Oceanside will occur in a smart land-use and development pattern that makes efficient use of existing infrastructure and transit service. As to whether this was a key to our compliance determination, it's difficult to know, but we can say that HCD asked not a single question about the environmental implications of our draft update.

The only substantive change was the deletion of the reference to the 20% set-aside that previously existed under Redevelopment for the purposes of affordable housing. Regarding changes to the draft update over the past six months, he emphasized that these revisions are limited; they're non-substantive in that they don't involve any changes to current land-use or housing policies or standards. For the most part, the changes involve clarification of content that's been in the draft update since its first iteration. Regarding the housing sites inventory, we added additional analysis of the development potential of sites that were already in the inventory that Council saw before. We did add a separate inventory that speaks to our capacity for above-moderate income housing, most of which is already entitled land projects like the St. Cloud project off Mesa Drive.

With respect to regulatory constraints, the additional analysis of our project review, procedures and standards, and including in the second iteration the changes to inclusionary housing and zoning standards that this body approved in January, appears to have been crucial to our certification. We provided some additional information regarding emergency shelter zoning. The State asked that we include total acreage and the number of sites under light industrial zoning to demonstrate that this zoning district would be an appropriate district for allowing emergency shelters by right. We were successful in demonstrating that to HCD.

HCD has determined that our draft update is substantially compliant with State Housing Element law. It will be deemed fully compliant when we complete two State mandated changes to our zoning standards. In 2007, Senate Bill 2 amended State Housing Element law to require local jurisdictions to establish at least one zoning district where year-round emergency homeless shelters are permitted by right; that is without a CUP or any other discretionary approval. SB 2 authorized the cities to establish development standards, and, despite the fact that they're to be allowed by right, we can establish objective standards. A computer graphic was used to show the list of objective standards. Staff will get to work doing some comparative analysis of what other jurisdictions have done that have already implemented these standards, and will take direction from that precedent.

Staff has recommended, as was indicated in the September staff report, that our light industrial zones that are outside the Coastal Zone be those zones where the shelters are permitted by right. That was vetted by the ad hoc committee of Planning Commissioners and Housing Commissioners that reviewed the initial iteration of the Housing Element. They supported that idea in public workshops with the Housing Commission and the Planning Commission last summer. That idea was broached and supported by both of those commissions as well. SB 2 also requires that local jurisdictions define and regulate transitional and supported housing facilities as residential uses no different than other residential uses. Specifically, the mandate requires us to state in our zoning ordinances that transitional and supported housing is a residential use of property subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

It's important to note that State law already significantly preempts local zoning authority over these types of facilities, requiring that cities allow small-scale residential care facilities by right in all of our residential zones. It's possible that inserting new definitions of transitional and supportive housing into our ordinances will allow by right

some uses that currently are prohibited or that require a CUP. Very much like the density bonus provisions that this body approved last year, even in the event that we did not codify these changes that the State is asking for, State law would largely preempt our local zoning authority to preclude these kinds of uses or further regulate them. We'll be doing more research that will help staff and Council understand the implications of those changes. Transitional-supported housing must be defined as a residential use. It must be subject to standards no different than those applying to other types of housing. It is somewhat comforting to know that these types of facilities remain subject to State and Federal standards and licensing requirements.

Achieving State certification of the Element within the prescribed deadline of August 30th does have its rewards. In meeting this deadline, we have no RHNA carryover. The RHNA from the previous period that we said we would address through rezoning, HCD has essentially forgiven, so we don't double our RHNA obligation. Secondly, there is no mandatory re-zoning that would require us to permit high-density residential by right. We are now in an eight-year update cycle rather than a four-year update cycle, which should save us some staff time and money going forward. Our eligibility for grant funding is maintained.

Preparing this update was very much a team effort and credit goes to a number of people who were integral to getting the job done.

He requested a minor modification to the resolution on the third page, as directed by the City Attorney. There is language that speaks to the approval of the Mitigated Negative Declaration for this project. He requested to change the word "approve" to "adopt."

Public input

JIMMY KNOTT, 127 Sherri Lane, supports this but pointed out that the public in the past has had many objections to having supportive housing in certain communities. That will remove this as a cause for any type of complaint or issue within that community or any community within the City. He wants to make sure he is hearing that correctly.

Public input concluded

COUNCILMEMBER KERN asked if locating by right is just one location in the City for emergency shelter. It's not any place in the City, it's just by right they can locate one emergency shelter in the City. Is that correct?

MR. CUNNINGHAM responded the expectation of the State is that the City will identify a zoning district as a district in which emergency shelters can be established by right. Staff's recommendation, which the Housing and Planning Commissions have supported, and that was referenced in the staff report in September, is that our light industrial zoning designation be that designation where emergency shelters would be approved by right.

COUNCILMEMBER KERN asked if we get one and somebody else wants to come in and open another non-profit emergency shelter, they can as long as they're within that district? Can we have several within a district?

MR. CUNNINGHAM responded yes, that potential exists.

COUNCILMEMBER KERN asked if it's the same with transitional housing.

MR. CUNNINGHAM responded yes. State law does have concentration restrictions that apply to certain types of residential care facilities, where they can't be

located in some cases within 300 feet of one another, but that's maybe a city block separation.

COUNCILMEMBER KERN asked if he will come back with the zone change on the area he wants to designate for these, or will he just say that all or light industrial is open?

MR. CUNNINGHAM responded we need to make that distinction between emergency shelters and these other types of facilities. The State only requires that we establish a zoning district for emergency shelters, and then requires that we establish definitions in our zoning ordinances that provide for transitional and supportive housing as being no different than any other type of residential use. We need to better understand what that means. We're going to be researching it and getting a better understanding of the implications. He thinks it's very much like the density bonus provisions that we adopted. Had we not adopted those density bonus provisions, a developer could come to our counter tomorrow and invoke the State provisions, and we'd be obligated to process a project under those provisions. We think that's essentially the case now, regardless of whether we codify this language or not.

COUNCILMEMBER KERN stated one of the things we took out was the CUP requirement for some of those, so that's why HCD is happy or at least satisfied. This is an eight-year process now instead of every four years, so hopefully it will free up some staff time to actually build things instead of doing staff updates for the State.

He **moved** approval for consideration of a General Plan Amendment (GPA12-00002) and adoption of **Resolution No. 13-R0289-1**, "...adopting an update of the City's Housing Element for the Fifth Housing Element Cycle (2013-2021) – Housing Element Update (Applicant: City of Oceanside)," with the modification requested.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ is very disappointed with this process. She's especially disappointed with the total lack of a real public process, where we had community meetings in several of our communities that would be extremely interested in how this would change their neighborhoods. She is disappointed that we didn't at least have 4-5 community-wide meetings to explain to residents how this could very well change the character of our communities. This was a building industry-driven process. We've given away the store to out-of-town corporations, giving very little back to our residents. She can't understand how any City would be willing to give up a CUP. This has completely un-empowered our residents in our neighborhoods, and that's why she'll be voting against this.

COUNCILMEMBER FELLER couldn't be more happy with the efforts they've put into this. It's an outstanding process going forward where we will be able to build things.

CITY ATTORNEY MULLEN clarified for the record that the motion included adoption of the Mitigated Negative Declaration as well.

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

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

After a moment of silence for Michael Greene, who passed away, and the victims in the Boston Marathon bombing, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor

April 17, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

District Board of Directors and Oceanside Public Finance Authority at 6:46 PM on April 17, 2013, to a joint City Council/OSD Board workshop on Wednesday, April 24, 2014, at 2:00 PM at the El Corazon Senior Center. [The next regular meeting is scheduled for 2:00 PM on Wednesday, May 1, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

JOINT CITY COUNCIL/OCEANSIDE UNIFIED SCHOOL DISTRICT BOARD WORKSHOP

APRIL 24, 2013

**ADJOURNED MEETING 2:00 PM EL CORAZON SENIOR CENTER
3302 SENIOR CENTER DRIVE**

**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 at 2:03 PM, Tuesday, April 24, 2013.

2:00 PM - ROLL CALL

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

Present from Oceanside Unified School District were Superintendent Perondi and Board Members Adrienne Hakes, Janet Bledsoe Lacy, Lillian Adams and Emily Wichmann.

Mayor Wood led the Pledge of Allegiance.

WORKSHOP ITEMS:

1. **Discussion regarding recent gang violence and youth safety concerns**

LARRY PERONDI, Oceanside Unified School District (OUSD) Superintendent, thanked everyone for taking the time to meet with our staff to discuss civilian safety and related items. Our staff is committed to safety. We serve children from 2 years old all the way up to seniors in high school. Today we're going to go over 3 topics:

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

- Logistics of security
- How we respond to a crisis (on and off campus)
- What we are doing for prevention

We are not a stand-alone organization. We get support from other entities/groups as well. Other staff from OUSD will speak and then the City Manager and he will receive insight from Council and the Board.

TIM WARE, OUSD School Intervention Manager, stated school safety is dear to his heart. Our Emergency Operations Center (EOC) began in 2008 and is designed keep our safety organized. We have activated our EOC on 1 occasion for lock down and 2 occasions for modified lockdown. We want to give our students and faculty the support they need. 9 out of 10 activations are for heightened security needs. We take pride in doing what we can to make our schools and our cities safe. We train our campus supervisors, school resource officers and noon duty personnel on a weekly basis.

We also have lockdown training. We come to the site with the Oceanside Police Department (OPD) and conduct a small scale EOC. We work with OPD, Oceanside Fire Department (OFD), the crisis response team, parents and the community, as well as the students and faculty. We evaluate everything as it pertains to safety. We want our schools to be hard targets.

STEVE LOMBARD, Director of Communications and Public Information, stated the most recent event is the Libby Lake Park shooting. District leadership is linked through a group text, and when we're contacted late it's not a good thing. The moment a situation arises, we respond. We start preparing a reaction, counseling, transportation and media relations. A lot of misinformation goes around, and we need to make sure the information we give out is correct. He went through the process of how they responded to the Libby Lake shootings and the timelines.

MR. PERONDI stated there is constant communication between OPD executive leadership and him. We have to enact a multitude of services every day, and we need to be ready to work together.

CHERI SANDERS, OUSD Director of Student Services, stated the packet they gave out discusses in further detail the school site specifications and what we have in the community to help students. We also have additional information put together to give you an understanding of our ASSETS Program, which is an after-school program that receives funding from the federal government. Computer graphics were used to demonstrate various programs, such as gang awareness, treatment of drug and mental health issues. Community-based programs assist, including Vista Community Clinic and North County Lifeline.

COUNCILMEMBER SANCHEZ stated bullying has become an issue. Do we have a program at Oceanside High School?

MS. SANDERS responded yes. It is included in the anti-gang issue.

COUNCILMEMBER SANCHEZ asked if it was zero tolerance and what happens.

MS. SANDERS responded there are consequences.

MR. PERONDI stated the "he said/she said" becomes difficult. Our expulsion teams have begun to benchmark how we will respond to these items.

COUNCILMEMBER SANCHEZ asked if OUSD provides information to OPD about fights.

MR. PERONDI responded yes. We want to make sure the community issues are brought to OPD's attention, and we've had really good results.

MS. SANDERS stated many of the after-school programs check grades of students and determine the progress of individuals. She doesn't have hard data.

COUNCILMEMBER SANCHEZ asked if the school district has been able to maintain funding for programs.

MR. PERONDI responded no. These are labor-intensive programs that require money.

COUNCILMEMBER SANCHEZ asked which programs are the highest priority.

MR. PERONDI responded they need to have counselors being funded, money for security issues and have the right noon-duty personnel in elementary schools. Also, prevention programs in middle school and direct intervention programs in high school are priorities.

JANET BLEDSOE LACY made a presentation.

PETER WEISS, City Manager, stated community safety is a partnership. We need to create a system where safety concerns are citywide.

BRENDAN McNAMARA, asked for the City's lead in partnering with existing programs to find funding. The Oceanside Community Safety Partnership (OCSP) was formed in 2008 and is a result of public and private organizations coming together. The initial task was to identify gaps in services. Since the recession, we are trying to keep our current programs. Eastside, Crown Heights and Libby Lake are the focus areas.

During tough economic times, we are trying to improve the quality of our programs and reduce some of the issues with prevention and intervention. Funding has been year-to-year, balancing necessity with reality. The programs have been improved by working with North County Lifeline and Vista Community Clinic.

ADRIANNE HAKES asked what they are looking for.

MR. McNAMARA responded they are looking for which programs are the most successful and to reduce criminal activity. In a recession, there are a lot of issues. There has been a small increase in crime of 4% in the Eastside neighborhood. We could be in worse shape. There are several programs for youth, and we're working on teaching parents parenting skills to teach their kids good alternatives. He reviewed some of the programs available and noted the Vista Community Clinic has a planning grant over a 3-year period.

MR. PERONDI asked if this is similar to the Harlem project.

MR. McNAMARA responded yes.

COUNCILMEMBER SANCHEZ asked if the all three at-risk neighborhoods are included.

MR. McNAMARA responded no. Crown Heights and Eastside are included, but not Libby Lake.

EMILY WICHMANN asked what the subjects are of the parenting programs, and was told it is a home-based program with 2 hours in each session for 5 weeks. In the end, we're hoping they have learned good parenting skills.

MS. WICHMANN asked if we have invited students and school members to the program, and is it bilingual, and was told yes we have invited them, and yes it is bilingual.

MR. McNAMARA stated the most impacted neighborhoods are willing to partner with the City. Libby Lake has come a long way with the Save Our Street (SOS) program, which is a faith-based organization and gives back to the community. Many of the people utilizing their services were gang members. It's a long-term challenge, and the program has been successful in getting kids to attend college. Many parents and students say they could not have done it without SOS.

We look for intervention grants. We need to identify funding. The Police Explorer Program (PEP) was introduced in 2000. Currently there are 18 explorers who have been issued uniforms and equipment and are being introduced to a career in police work.

TOM AGUIGUI, Oceanside Police Department, stated PEP starts at 14 years old. The goal is to have 30 explorers. We currently have 18. The program is about leadership, experience and safety. Our vision is to have students become police officers. The Boys Scouts of America is a partner in our program. We instill discipline and responsibility into the kids. We encourage them to make a difference.

MS. WICHMANN asked if they recruit through the schools.

MR. AGUIGUI responded yes. We have offices on campus.

COUNCILMEMBER SANCHEZ asked if they are neighborhood based.

MR. AGUIGUI responded no. We have an aggressive recruitment campaign.

MR. PERONDI stated we need to make it a priority to clear students out of dangerous areas. We work with OPD, and that assures us of expedited progress.

MR. AGUIGUI stated we have a unified command, with immediate communication with executive leadership if an incident affects a school and that helps us lockdown schools. We always self-critique. We need to be better prepared to provide safety in a crisis. We are doing safety checks at campuses. We share costs with the school district and give our attention to Oceanside schools. If anything catches our attention, he contacts Mr. Perondi.

COUNCILMEMBER FELLER asked how you react to issues on school campuses that are in Oceanside but not in our district, such as Vista High School.

MR. AGUIGUI responded we do respond to them efficiently, but we do not have an SRO (Student Reserve Officer) at their school.

MS. BLEDSOE LACY stated there are 5 school districts coming into Oceanside: Carlsbad, Bonsall, Fallbrook, Vista and Oceanside.

MAYOR WOOD is concerned that the perpetrators are from Vista. They cross boundaries to come into our town to retaliate.

MR. AGUIGUI responded that would be investigated by the San Diego Sheriff's Department. They are the support for Vista Unified School District (VUSD). They were very helpful.

There was discussion about how many reserve officers VUSD and OUSD are getting. Reaching out to the middle schools and safety cameras in hot zones were suggested. The police department is looking at all possibilities.

April 24, 2013

Mayor and Council
Workshop

[School Board Member Hakes left the meeting at 3:21 PM]

MR. McNAMARA spoke about the measures being taken in the various communities, which include grading, landscaping and lighting improvements to prevent congregation at Libby Lake Park.

MIKE BLESSING was impressed by the work of staff and asked how we capitalize on the work of OUSD, OPD and staff. We need to encourage more partnerships.

LILLIAN ADAMS commented on the Save our Streets and Citizen's Academy programs.

MS. WICHMANN would like a report on the gaps of service and how we can fill them. She would like to meet quarterly and partner more decisively. She would like to see better communication between our parents, teachers and the community so they understand what is going on in our community. We need to educate the students and keep them busy and involved. We need to be vigilant and address job training, preschool, dress, etc. We need more basketball programs, for example, to keep kids off the streets. OUSD is child focused while the City has to worry about the entire City.

ADRIANNE HAKES added that there is an opportunity for joint grants. We need to partner with the City to look into those.

MS. BLEDSOE LACY has been on the Board for 20 years, and the Board is active and involved in the community. Between the Board and Council, we can squash gangs to protect our community. There are scholarships available to students from organizations who have pledged to serve our youth. We need to continue to work together to protect our kids.

MR. PERONDI stated gangs are a manifestation of issues at an early age; therefore, we must intervene at an early age. We must act to make our community safe. Our City stands up for its children.

The violence that occurred is determined by specifics. But our community needs to say that safety is our first priority. OPD and Council work to make it better. We're all on the same page.

MAYOR WOOD stated there have been cutbacks due to the economy, and this Council must determine where we spend our money. We have no control over the Libby Lake incident. Someone from outside of our jurisdiction came into our City to carry out this shooting. Where are the parents of these kids in these situations? He's not looking to blame anybody, but he's gotten many calls about this. We need to do the right thing for public safety.

COUNCILMEMBER SANCHEZ grew up here, and there were no gangs then. OUSD is a great district, and kids from here go on to attend some of the top schools. We need to keep the programs we have and get more programs that are aimed at keeping kids safe and out of trouble. We need to take back our park. We need to teach our kids the skills to survive and thrive. We need to focus on safety and opportunity and close the gaps in our programming for youth.

COUNCILMEMBER FELIEN thinks there needs to be long-term solutions that will directly affect the gang problem. Is there enforcement of a curfew?

CITY MANAGER WEISS responded the curfew is 10:00 PM.

COUNCILMEMBER FELIEN believes we need to have more cameras in in areas of high criminal activity.

COUNCILMEMBER FELLER stated public safety is a big issue and Senate Bill 109 is causing some issues. The combined grants are a great idea, and the SOS program is smart. He is overwhelmed by the number of programs we have. Money will not save everything. Young people need to make wise decisions and talking to them continually is essential. Their guardians are not being good parents. Parents need to be responsible. We need to open up buildings between 6:00 PM and 9:00 PM to mentor students and make a difference. We need to find opportunities that require a minimal amount of money.

COUNCILMEMBER KERN stated the people who need to be here aren't here, and the people who are here don't need to be. We need to leverage nonprofits to have programs available. We need to be cost-effective and leverage for services. It will be up to the Superintendent and the City Manager to tell us how we can proceed.

Public input

LARRY BARRY, 3973 Brown Street, stated we need to get students involved in the community. The crime in Oceanside is a police and a community problem. We need more help from both.

KREG COBB stated Oceanside has improved a lot over the years, but children are still dying. There have been too many funerals.

MARIA RUSSELL represents the Eastside Neighborhood Association. We need to focus on the kids who need immediate help and we need to produce more money to do that. Some kids aren't blessed with good parents.

SALVADOR LEAL ESTRELLA, 1896 College Boulevard, grew up in Crown Heights. We need to see improvements in the community. What are our priorities? It is partially the parents' fault, but they are working and don't know what's going on. We need to gather up the young people to work in the City.

DEBRA GARCIA, 4832 Siesk Drive, is seeing good things from the district. She lives near Libby Lake Park and is tired of the violence. Students, staff and parents need to work together. Parents where she lives only speak Spanish. It would help if we all spoke the same language.

DONNA MCGINTY, 2405 Mesa Drive, has lived here for 71 years and there were gangs around when she was a student. Do we have enough Spanish speaking people involved with this? A lot of these people don't speak or write English. There has been too much emphasis on the negative things. We need to celebrate every neighborhood.

NANETTE STAMM, 1000 Vale Terrace, Vista, representing Vista Community Clinic, stated we need to make programs wider and deeper. We need to have extra hours, maybe until 9:00 PM to treat different kids at different hours. We need to leverage funding.

JOSH MILLER/ISAIAH KING, youth, stated we all have cell phones or mobile devices, so make a mobile application that makes gang violence more visible. Students, faculty, and staff need to put more emphasis on communication. We need to express our vision for what we want to do.

ERIN MORIN is a member of ACTION (Alliance of Citizens To Improve Oceanside Neighborhoods) and doesn't believe this is all the parents' fault. Parents try their hardest, but sometimes they are from single parent homes and/or have economic issues. We need to work this out in our budget and determine our priorities.

JAMES GREER, JR., 21453 Pebble Beach Drive, stated we need to put kids first. We need to connect the dots and get information out to parents. We would love

April 24, 2013

Mayor and Council
Workshop

to continue those conversations and move forward on these items. Our goal is to instill character into kids. A common language brings words and meaning to the community, and children aren't left behind. School needs to be a safe place.

TIM WARE, 4884 Baroque Terrace, believes we need to take the Bookmobile to neighborhoods and let kids take advantage of this mobile motivation station.

HARRIET WICHBURG, 818 North The Strand, sees kids congregating on the streets every morning and afternoon.

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

ADJOURNMENT:

MAYOR WOOD adjourned this meeting to Wednesday, May 1, 2013, at 2:00 PM. This adjourned meeting of the Oceanside City Council was adjourned at 4:45 PM Tuesday, April 24, 2013.

ACCEPTED BY COUNCIL:

Zack Beck
City Clerk, City of Oceanside