



California

ITEM NO. 2

# CITY OF OCEANSIDE

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

AUGUST 7, 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**  
Jerome Kern

**Councilmembers**  
**HDB Directors**  
**CDC Commissioners**  
**OPFA Directors**  
Gary Felien  
Jack Feller  
Esther Sanchez

**City Clerk**  
**HDB Secretary**  
**CDC Secretary**  
**OPFA Secretary**  
Zack Beck

**Treasurer**  
Gary Ernst

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:03 PM, August 7, 2013.

### 2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Feller, Sanchez and Felien. Also present were Assistant City Clerk Trobaugh, City Manager

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

Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:  
Items 1, 2A(i), 2A(ii), 3A, and 3B.

[Closed Session and recess were held from 2:04 PM to 4:03 PM]

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

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

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

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

**Items discussed (OCEA, MECO, OPMA, OPOA, OPOA Non-sworn, and Unrepresented); no reportable action**

**2. 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) United States of America et al v. J-M Manufacturing Company, Inc.  
U.S. District Case No.: ED CV-06-0055-GW (PJWx)
- ii) The State of Nevada et al v. J-M Manufacturing Company, Inc.  
Superior Court Case No.: BC 459943

**Items discussed; no reportable action**

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

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: the Jolly Roger Restaurant at 1900 Harbor Drive North (portion of APN 143-120-10); 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

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Joe's Crab Shack Restaurant at 314 Harbor Drive (portion of APN 143-010-31); Negotiating Parties: Oceanside Small Craft Harbor District and Crab Addison, Inc., LP; Negotiator for the District: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the lease of real property

**Items discussed and direction given; no reportable action**

**4:00 PM – ROLL CALL**

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

**CONSENT CALENDAR ITEMS** [Items 4-17]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC/OPFA instructions. 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 City Council/HDB/CDC/OPFA or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

**CITY CLERK BECK** announced Items 8, 11 and 14 have been pulled for discussion by 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:
 

June 6, 2012	2:00 p.m.	Regular Meeting
June 27, 2012	2:00 p.m.	Regular Meeting
July 5, 2012	2:00 p.m.	Regular Meeting
December 5, 2012	10:00 a.m.	Regular Meeting (Swearing-in Ceremony)
December 5, 2012	2:00 p.m.	Regular Meeting
December 5, 2012	5:30 p.m.	Special Meeting of the City Council
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 a vendor purchase agreement [**Document No. 13-D0534-1**] with Petrochem Manufacturing, Inc., of Carlsbad in the amount of \$620,000 for the Annual Slurry Seal FY 2013-14 project; and authorization for the City Manager to execute the agreement
7. City Council: Approval of a professional services agreement [**Document No. 13-D0535-1**] with Vista Community Clinic in the amount of \$80,000 for the Project REACH Program at Libby Lake Community Center; and authorization for the City Manager to execute the agreement
8. **Removed from the Consent Calendar for discussion – Public**
9. City Council: Approval of a professional services agreement [**Document No. 13-D0537-1**] with Geopacifica, Inc., of Oceanside, in the amount of \$128,800 for backfill compaction testing, engineering, and geological inspections for the El Corazon temporary athletic fields and associated improvements located at El Corazon; approval of a budget appropriation in the amount of \$128,800 from General Capital Fund 501. Assigned El Corazon Account to the Silica Reclamation Fund Expenditure Account; and authorization for the City Manager to execute the agreement
10. City Council: Approval of annual purchase orders for the purchase of chemicals in amounts over \$50,000 from various Water Utilities Department funds; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders for FY 2013-14
11. **Removed from the Consent Calendar for discussion – Public**
12. City Council: Approval of amendment 1 to the lease agreement [**Document No. 13-D0539-1**] with Vista Community Clinic for a portion of the premises located at 4700 North River Road (Libby Lake Community Center), extending the term of the agreement for ten years and including an option to extend the agreement for an additional ten years; and authorization for the City Manager to execute the amendment

13. CDC: Approval of Contract Change Order 26 [**Document No. 13-D0540-3**] in the amount of \$108,148 to TC Construction Company, Inc., of Santee for the Downtown Storm Drain and Infrastructure Improvements Project; and authorization for the City Engineer to execute the change order
14. **Removed from the Consent Calendar for discussion – Public**
15. City Council: Approval of a sub-grantee agreement [**Document No. 13-D0542-1**] with the San Diego Unified Port District in the amount of \$80,000 from the FY 2011 Port Security Grant Program to fund equipment for the Oceanside Police Department Harbor Unit; approval to appropriate the funds; and authorization for the City Manager or designee to execute the agreement
16. City Council: Approval to accept \$145,427 in Supportive Housing Program one-year grant funds from the U.S. Department of Housing and Urban Development; approval to appropriate these funds to the Neighborhood Services Department – Housing and Code Enforcement Division; approval of an agreement [**Document No. 13-D0544-1**] with The Women’s Resource Center to use the funds for the operation of a 21-unit transition house; and authorization for the City Manager to execute the grant documents [**Document No. 13-D0543-1**] and the agreement
17. City Council: Acceptance of improvements constructed by Hazard Construction of San Diego for the Mission Avenue Widening at Valley Heights Drive Project; and authorization for the City Clerk to file a Notice of Completion [**Document No. 13-D0545-1**] with the San Diego County Recorder

**COUNCILMEMBER SANCHEZ** moved approval of the balance of the Consent Calendar [Items 4-7; 9-10; 12-13; 15-17].

**COUNCILMEMBER FELIEN** seconded the motion.

**Motion was approved 5-0.**

**Items removed from the Consent Calendar for discussion**

8. **City Council: Approval of a professional services agreement [Document No. 13-D0536-1] with Sowards and Brown Engineering of Encinitas, in the amount of \$118,800 for construction staking services for the El Corazon temporary athletic fields and associated improvements located at El Corazon; approval of a budget appropriation in the amount of \$118,800 from General Capital Fund 501 Assigned El Corazon Account to the Silica Reclamation Fund Expenditure Account; and authorization for the City Manager to execute the agreement**

**LARRY BARRY**, 3973 Brown Street, stated about 15 years ago he was one of the first people that came to meetings for El Corazon when Silica was going to give it to the City. Because of the 1962 Mining Act, as a mining company dealing with the reclamation of land, they were supposed to by law return it to how it was before they started mining it. However, there was a way out if they donated the land to Oceanside. They hung that \$5,000,000 carrot and said the City could take the land and make parks, etc. He hopes the City won't be nickel-and-dimed for every little thing. We just gave away \$1,200,000 on grading the property that's going to be turned into soccer fields, when in fact we were told that it was going to be about \$200,000. Now there's another \$200,000 for some engineering fee. We gave these people the land in a lease contract, and they keep coming back for more. That's his argument to this.

Once you get into these contracts, it's seems like it never ends. We need to stand up, be accountable and ask these people what we are really getting into. It

seems like the taxpayers of Oceanside are getting less.

**CITY MANAGER WEISS** stated the City received \$1,400,000, along with the land for the ultimate reclamation. We've also had a number of revenue-generating opportunities that are occurring on El Corazon that continue to replenish those funds. Council did award a grading contract, which was specifically the construction portion. Under the terms of the agreement, we are also obligated, not just to do the grading, but to do the inspections and the testing of that grading as well. These are the ancillary costs for those services. Had Council not awarded the grading contract, then we would not have brought these forward.

The reason they are here now is because we had to wait until Council awarded the grading contract to fulfill our final obligations for the overall construction of the pad for the fields. The developer then is obligated to actually put in the fields, the irrigation and everything else. This fulfills a portion of our obligation under the agreement that Council already approved.

**COUNCILMEMBER SANCHEZ** did understand it was part of our contract. It was something that came to us several months ago and was one of the items that was included within the contract. In exchange for this long-term lease and bringing the Surf Cup to Oceanside, there are 20 fields. She's heard that two or three of those fields will be available for use by the public. She asked for clarification because she's been asked this question by the public.

**DOUG EDDOW**, Real Estate Manager, responded two of the fields are open to the public all day long. It's only restricted when they have major tournaments there, but the public can use those fields as well as the little green-space park area. They don't have to make reservations to use that field. Those fields will be maintained by the developer, as well as their other fields.

**COUNCILMEMBER SANCHEZ** asked when he says unless there's some major tournament, is there a restriction on how many of those there are per year?

**MR. EDDOW** responded yes. There are up to 24 major tournaments, but they may not always need those two additional City fields. That's typically for the weekends. They're not being utilized at all during the week.

**COUNCILMEMBER SANCHEZ** asked if it's 24 out of 52 weeks.

**MR. EDDOW** responded correct. Again, a major tournament may not utilize the City fields as part of their overall operation. They wanted to reserve that right for something like the Surf Cup, which is a significant undertaking, and they would need that additional space.

**COUNCILMEMBER SANCHEZ** stated 20 fields sounds wonderful, but everyone fixated on 20 fields, when only two of them will be open to the public and our kids. The others are for professional soccer use. Is that right?

**MR. EDDOW** responded that's not accurate. What happens is that five of those fields during the week are being made available to the Oceanside Soccer Club. That's in addition to the two that are open to the general public. The hopes are that by giving the Oceanside Soccer Club those five fields during the week, five other fields in the City are opened up for other sporting activities.

**COUNCILMEMBER SANCHEZ** hopes that explains the contribution towards the City in terms of these fields. She **moved** approval [of a professional services agreement **Document No. 13-D0536-1**] with Sowards and Brown Engineering of Encinitas, in the amount of \$118,800 for construction staking services for the El Corazon temporary athletic fields and associated improvements located at El Corazon; approval of a budget

appropriation in the amount of \$118,800 from General Capital Fund 501 Assigned El Corazon Account to the Silica Reclamation Fund Expenditure Account; and authorization for the City Manager to execute the agreement].

**DEPUTY MAYR KERN seconded** the motion. He asked if the money used for grading is the reclamation money.

**MR. EDDOW** responded correct.

**DEPUTY MAYOR KERN** reiterated that the money they gave us for reclamation is the money we're using to reclaim the property. That's how that money got passed through to the actual placement of the fields.

**MR. EDDOW** clarified those funds are the funds that were otherwise generated on the site for reclamation activities.

**Motion was approved 5-0.**

11. **City Council: Approval of a property lease agreement [Document No. 13-D0538-1] with REACH Air Medical Services, LLC, of Santa Rosa, for the operation of emergency air medical transportation services in the amount of \$240,000 in rent for the initial term of five years for the use of a portion of City-owned property at 110 Jones Road for crew quarters and helipad base operation and for the use of a portion of the fire training center; an additional \$10,000 per year for branded name program and branding license fee; \$156,000 per year for program coordination as set forth in the integrated fire department air ambulance agreement for a total revenue of \$1,070,000 during the five-year term; and authorization for the City Manager to execute the lease and related documents**

**LARRY BARRY**, 3973 Brown Street, stated there are a lot of questions about this happening. Sometimes we're sold a bill of goods in this City. He calls it reciprocity, which is a mutual agreement and cooperation between two parties in the market buying things.

REACH (Redwood Empire Air Care Helicopter) Air is saying they're going to be giving us this money, but they're not giving us anything. They're going to increase the fees to the insurance payers in Oceanside. They've already stated that they're going to increase the fees for the heliport. He wants that to be perfectly clear to the taxpayers and the insurance payers of Oceanside. We have a lot of gang problems in Oceanside. He's sure those gang members are not up-to-date on their insurance premiums, so who's going to pay for them when they get airlifted out?

Also, are City paramedics going to be on these flights? Is FAA (Federal Aviation Administration) approval going to be needed for landing on Jones Street, as well as IFR's (Instrument Flight Rules), etc.? Did this go out to competitive bid for other Life-Flight services? What is so wrong with having our helicopters land in an airfield and then using hangars that we have there? He would like answers to these questions.

He saw the helicopter, and before they had a contract they already had it painted in Oceanside colors. He's not comfortable with this. Are we tied into this thing? For the people that can't pay for this Life-Flight service, who's going to pay for that? Mercy Air says that up to 40% of their clients don't have the means to pay.

**COUNCILMEMBER FELLER** met with the Fire Chief yesterday and had a question that he didn't ask then. In our backup, it says REACH will provide a minimum of 25 hours for the first year and 20 hours after that of flight time annually for branded flight program marketing and public relations. There are another 20 hours for the Fire Department for platform observation of disaster-type incidents. He definitely wants an

accounting of the use of the flight time: who used it, what it was for, what was the purpose for using an hour or two hours of flight time, etc. He asked if that's simple enough to do.

**DARRYL HEBERT**, Fire Chief, responded absolutely. The air ambulance system is very restricted, so they keep accurate documents about everything they fly: who's on the helicopter, what the purpose is, etc. Of course we'll have an accurate accounting, both on the REACH side and the Fire Department side.

**COUNCILMEMBER FELLER** asked if it's 25 hours annually.

**CHIEF HEBERT** responded 25 hours annually is for the PR (Public Relations) for any type of public display or event. The 20 hours is for the command platform.

**COUNCILMEMBER FELLER** moved approval [of a property lease agreement [Document No. 13-D0538-1] with REACH Air Medical Services, LLC, of Santa Rosa, for the operation of emergency air medical transportation services in the amount of \$240,000 in rent for the initial term of five years for the use of a portion of City-owned property at 110 Jones Road for crew quarters and helipad base operation and for the use of a portion of the fire training center; an additional \$10,000 per year for branded name program and branding license fee; \$156,000 per year for program coordination as set forth in the integrated fire department air ambulance agreement for a total revenue of \$1,070,000 during the five-year term; and authorization for the City Manager to execute the lease and related documents]. He's reviewed this and thinks they've solved all of the issues.

**COUNCILMEMBER SANCHEZ** seconded the motion. She stated that Mr. Barry had several questions and asked the Chief to briefly go over the benefits to the City for this program.

**CHIEF HEBERT** responded that REACH does offer a membership program that will be coming forward to the City, unlike Mercy Air currently. For those patients who can't pay, there is an opportunity for a subscription fee. There are no Oceanside Firefighter/Paramedic City employees on the helicopter. They will be hired by REACH. The nurse, paramedics and pilots are all hired by REACH. As for FAA approval, they're in the process of getting approval for the 110 Jones Road site, but they got preliminary agreement from not only FAA, but Caltrans (California Department of Transportation) and the many other jurisdictions that need to approve that site for a heliport.

**COUNCILMEMBER SANCHEZ** asked if the benefit besides the extra funds going to the City is the response times.

**CHIEF HEBERT** responded recently there was a perfect example. We had two traumatic injuries that occurred in Oceanside: a burn patient, a female that was burned severely with third-degree burns on over 30% of her body; and a vehicle accident with a broken femur that had active bleeding. There were two simultaneous flights that went out. That's one advantage, to have one helicopter in the City and an additional helicopter outside the City. Their response times will be improved, and their crews will be released quicker after dropping their patients off at the helicopter. The command platform is another benefit that we don't currently have today.

**COUNCILMEMBER SANCHEZ** asked if this is a vast improvement over what we have at this time.

**CHIEF HEBERT** responded yes. It's an improvement for the City and the County to have an additional helicopter.

**COUNCILMEMBER FELIEN** stated we've gone back and forth on this and had some calls just trying to understand the complexity of the agreement. We certainly

addressed the employee issue. As he sees it, we have three parts. We have the lease agreement, we have a coordinator position and we have the branding for the \$10,000. He asked what the necessity is for tying the coordinator position to the deal, as opposed to just having that dollar amount as part of a lease agreement. He's had some discussion with the City Manager, but for the public that's the crux of it; they need a better explanation of this.

**CITY MANAGER WEISS** responded if Council decides to approve this today, the lease and related agreements, REACH still has an obligation to go through the public discretionary review and entitlement process. They're going to need additional permits that will be subject to appropriate environmental review and public comment to locate at Jones Road. What Council is doing today will not exempt them from CEQA (California Environmental Quality Act) requirements or from dealing with neighborhood issues and meeting with the neighborhood groups to ensure that they can locate at 110 Jones Road. There's still going to be a public process for the actual location there.

As it relates to Councilmember Felien's comments, part of the broader issue is the lease agreement. At this point it's specifically for leasing the property where the helipad and living quarters are going to be. The related agreement allows for the City to recover costs and charge for not only coordinating the activities, but they're also going to be using the City's training facility, which is a significant investment that we've made. We also have related agreements with other entities where we charge them for using the training facility. In this particular case, we've estimated what the cost would be for our costs to deal with the training facility and the coordination of that.

There is no longer funding for a coordinator position. We are going to be using existing staff that will allocate some of their time to this. At this point, there will probably be more than one staff person, so they will be offsetting that cost directly to the Fire Department. They'll be charging to what will now be this account.

**CHIEF HEBERT** added that the relationship between Air Medical Services and the Fire Department is very important. The primary users in the County of that helicopter are fire departments, so we have a great relationship with not only the North County fire departments, but all the fire departments within the entire County. We'll be able to assist REACH in facilitating training events, coordinating any type of efforts, quality assurance reviews, etc. We'll be engaged with that to make sure that they're meeting the level of service that's expected.

**DEPUTY MAYOR KERN** thinks most of this has been addressed. This is our second time through. The first time through, the majority up here did not like adding PERS (Public Employee's Retirement System) employees to this project. There are no new PERS positions added to this project. That's why it's come back a second time. Hopefully that satisfies some of Mr. Barry's questions about positions and the money. Basically, there are two portions to this. There is the lease portion, which we talked about, and the fee-for-service for the training facility. It's been quite a discussion between the Chief, the City Manager and Council about how this will all work. We're stepping through this a little slowly, but in the end we'll come out with a good program.

The next step is that they have to get their entitlement and processing of their facility on Jones Road. It'll be an open process with comments at that time, especially from the neighbors about the noise issues, which REACH and the Fire Department will have to address in that CEQA process.

**COUNCILMEMBER SANCHEZ** asked if the total revenue is \$1,070,000 for the initial five years.

**CHIEF HEBERT** responded correct.

**Motion was approved 5-0.**

14. **City Council: Approval of a Memorandum of Understanding [Document No. 13-D0541-1] with the Vista Unified School District to provide one School Resource Officer; approval to accept revenue to the City in the minimum amount of \$130,418 for FY 2013-14 and \$132,001 for FY 2014-15; approval to appropriate the revenue to the Police Department for the School Safety Enhancement Team; approval to hire one (1) provisional police officer; and authorization for the City Manager or designee to execute the agreement**

**LARRY BARRY**, 3973 Brown Street, stated this item isn't clear to him. He knows that in today's environment Police officers on campuses are a necessity. His question is whether this is going to be for the schools that are in the Vista School District, but are located in Oceanside. What schools are they going to be covering? Also, is this a year-to-year thing or is this going to be multiple years?

**JOAN BRUBAKER**, 1606 Hackamore Road, asked for what school this provisional police officer is going to be. She's still smarting about the tax dollars Oceanside lost out on by the building of that school. Through State funds and taxpayers, they have put over \$100,000,000 into that school. If this police officer goes to some school that is within their boundaries, they should take it out of the school district's funds. Where is it going to be placed?

**CITY MANAGER WEISS** stated the cost of this officer is borne by the Vista Unified School District entirely. We're paying for all ancillary costs such as a vehicle, supervision and oversight. The MOU (Memorandum of Understanding) is pretty specific. The deployment will be to Vista Unified School District's high school and middle school facilities. That'll be worked out with the school district as the need is determined.

**FRED ARMIGO**, Police Captain, stated this position would primarily be dedicated to Mission Vista High School, as well as Madison and Roosevelt Middle Schools, and is being funded by the Vista Unified School District.

**COUNCILMEMBER SANCHEZ** stated this is different than with the Oceanside Unified School District where we share the costs. This is with Vista Unified School District. It's basically a pass-through, with all costs borne by Vista Unified. It's where they're needed. We'll still have some level of supervision because it's OPD (Oceanside Police Department). She's sure there will be full cooperation between the school district and OPD to ensure the safety of our kids.

She **moved** approval [of a Memorandum of Understanding [Document No. 13-D0541-1] with the Vista Unified School District to provide one School Resource Officer; approval to accept revenue to the City in the minimum amount of \$130,418 for FY 2013-14 and \$132,001 for FY 2014-15; approval to appropriate the revenue to the Police Department for the School Safety Enhancement Team; approval to hire one (1) provisional police officer; and authorization for the City Manager or designee to execute the agreement].

**DEPUTY MAYOR KERN** **seconded** the motion. Mission Vista is what's driving this. It is a new high school within our boundaries. He knows that Vista at one time was talking about Sheriff's and we came to this agreement between the City Manager, the Police Department and Vista Unified School District where they cover all the costs. As far as the other schools in the district, if there's a 911 call the closest police officer is going to respond. The security of high schools has become critical in the last few years, so having an officer on campus is needed. Even though it's Vista Unified School District, these are Oceanside kids going to those Vista schools. It's not just about drawing lines around it and calling it Vista. These are our children going to these schools, and they deserve that protection. That's why it's a good program for everybody.

**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.

18. **City Council: Adoption of a resolution establishing a "5-Minute Passenger Loading" zone on the north side of Via Rancho Road between Vista Alegria and Rancho Del Oro Drive; and approval of a request to remove the bike lanes and restripe Via Rancho Road between Vista Alegria and Rancho Del Oro Drive**

**DAVID DIPIERRO**, Traffic Engineer, stated this item is a request to establish a 5-minute passenger loading zone on the north side of Via Rancho Road between Rancho del Oro Drive and Vista Alegria. A computer graphic was used to show that Via Rancho runs in an east-west direction, with El Camino High School to the south and Vista San Luis Rey Community to the north. A little over a year ago, the Vista San Luis Rey Community contacted the City and requested that the City install a no-stopping zone on Via De La Paz during school hours to prevent drivers from using the street to drop off and pick up students. Via De La Paz runs parallel with Via Rancho Road. Parents are coming into this community to drop off and pick up their kids when school begins and when school lets out.

City staff evaluated their request and recommended against it. The reason was that if a change in the parking restriction in the Vista San Luis Rey Community is to take place, the change needs to be done throughout the community, not just on Via De La Paz. There are approximately four to five other streets that fall within this community. We've only received petitions from the residents that live on Via De La Paz. We've never received any petitions from any of the other streets. Instead, staff is proposing that a 5-minute passenger loading zone be installed on the north side of Via Rancho Road that will allow drivers to drop off and pick up students on Via Rancho Road instead of within the Vista San Luis Rey Community.

A computer graphic was used to show the current striping plan. We have a 5-minute drop-off loading and pick-up zone along the south side of the street. We allow some student parking on the south side further up. We currently have two 5-foot bike lanes, two 12-foot travel lanes and a parking lane on the south side of the street. Under the proposed striping, what we're recommending does not come without consequences, because we ended up removing the bike lanes to make this work. Now we've installed two 8-foot parking lanes for drop-off and pick-up and two 14-foot travel lanes that the bicyclists can also use.

After a number of meetings with the residents representing the Vista San Luis Community HOA (Homeowners Association) and three Planning Commission meetings, the represented parties agreed to staff's recommendation. This has been a collaborative effort with a number of participants, including OPD and the Oceanside Unified School District. He introduced Mr. Rowe, the Principal of El Camino High School, so that he can share some of the onsite improvements that the school has implemented to help alleviate some of the transportation issues.

**BOB ROWE**, Principal, El Camino High School, stated with close to 3,100 students, we recognize that the traffic and parking issues in and around the school are very concerning to the community and are a problem, especially when school begins and lets out. He gave Council a proposal that he prepared after working with OPD, members of City Planning and talking with his staff about what we could do to help address the concerns of the citizens in the community.

There was a direct request by the citizens. There is a semi-circle right in front of the Administration building, and we're going to make sure that it's opened up. That'll

allow people an additional opportunity for pick-up and drop-off. We're also going to allow all families and parents to utilize the student parking lot. We will completely open the student parking lot, which is quite large. We're hoping to take the traffic off both Via Rancho and Rancho del Oro, which is directly in front of the school, to minimize the traffic and the need to go into the neighborhood, and to give people alternative areas to go.

There will be security in and around the parking area at the front of the gate that can monitor and help direct traffic. We're going to do a direct plea to our parents and students to encourage carpooling. We're going to increase security around and through the neighborhood. We range roughly from five to seven security patrols throughout the day. The campus is approximately 52 acres, so it's a very large school. It's very difficult to post security, with the exception of the very front of the school, in any area on an ongoing basis, but we can send security to patrol the neighborhoods for loitering, etc. If there are issues with parking in the neighborhood, we will respond and help.

At the end of last year we provided the head of our security with a cell phone. That's available to the public and members of the community. Part of this issue was not just the traffic, but it was also parking and students walking through people's yards. We want to be responsive. When we get a phone call, we will have security there and respond in a timely manner.

Finally, after talking with the community members, the communication piece was huge. We're taking this plan and posting it on our website, and providing it to parents in written form. This is what we've come up with to help with the process.

**MR. DIPIERRO** stated that staff met with members of the Oceanside Bike and Pedestrian Committee, who opposed the removal of the bike lanes within this section of Via Rancho Road. A computer graphic was used to show the proposed striping plan. On the north side of Via Rancho Road, what's being recommended is a 5-minute passenger drop-off and loading zone. On the south side there's already an existing one, and then there is parking that's allowed.

Also, staff is requesting that the resolution now read that the 5-minute passenger loading zone on both sides of the street, as well as the on-street parking, only be allowed between the hours of 6:00 AM and 6:00 PM, Monday through Friday, and no parking between the hours of 6:00 PM to 6:00 AM. This will open up the shoulder area for the bicyclists to use during the non-school hours. As he mentioned earlier, we went to three Planning Commission meetings on this subject. At the first two meetings, we recommended no change, but the Commission insisted that we work out some resolution to help the neighborhood. This is the best that we could come up with. In doing so, we ended up having to remove the bike lanes.

#### Public input

**JIMMY KNOTT**, 127 Sherri Lane, asked how many bike riders go to the high school and how many of them take Rancho? What alternatives are being offered? How many outside of school bike riders take this route and what other accommodations are being offered? Also, what statistics weren't shared regarding bicyclists? This is something that even SANDAG (San Diego Association of Governments) would probably be interested in because of multimodal transportation.

**ALFI GRUBE**, 357 Vista Marazul, lives in the neighborhood. We initially started asking the Planning Commission, high school and the Police Department about this because of the success with the virtually identical problem at Oceanside High School that they solved very easily and calmly. We definitely need buy-in from Principal Rowe and El Camino High School. We'd like a copy of the parent-student alert regarding the change in the parking drop-off and pick-up recommendation policy for our files. We'd like to know when and how these will be updated and brought to the parent's attention.

Principal Rowe just mentioned that it would be on the website and also in some other communication. We understood that this informational letter would be included in the 2013-2014 registration packets, as we discussed during the Planning Commission meeting at the end of June. It has not been included. That was a vital communiqué to the parents for this upcoming change.

The Planning Commission would like to hear an update of any kind of substantial change in our situation in Vista San Luis Rey at the end of September. She presented this issue to Council about 10 years ago with photographs, etc. We're delighted that Principal Rowe has taken these steps. All of the things he touched on and all of the numbers he touched on were recommended by us, so we're delighted that he is taking some of these ideas to heart. We're looking forward to seeing some changes. We are in favor of the parking drop-off and pick-up.

Public input concluded

**COUNCILMEMBER SANCHEZ** stated one of the things she's hoping our City is moving towards is livable cities. The concept of bicycle-friendly and kid-friendly in every neighborhood, including downtown and that we move towards separated bike paths. She's very supportive of the separated bike paths. This looks like a short-term fix because we should not stray from our goal. She did receive a copy of the email from the Oceanside Bicycle and Pedestrian Committee, who strongly opposed the removal of the Class 2 bike lanes.

She hears the HOA and knows some people who live in that neighborhood. They're very concerned about the impacts from El Camino High School. However, she wants us not to stray from our real goal, which is to get out of these cars and to make kids and families feel safe about their kids riding their bikes. This would be a complete change from how everything is done in Oceanside. This is a great vision. We need folks on committees like this to constantly remind us that this is our goal. That is what she sees also with SANDAG in terms of getting grants and moving towards livable cities. That's what's going to get our property values to go up.

While she understands and wants to respect the process this has gone through, she wants to hear from staff that this is a short-term fix and that our long-term goal is to provide safe routes to schools for kids and bikes. It probably means applying for some grants. Her primary goal is the safety of the kids. Some of these kids are going to ride their bikes anyway and won't know the safest time to ride. We've already had a fatality where a kid was on a bike and got hit by a car. She doesn't want that to happen here.

She **moved** approval. She wants to hear from staff that the long-term goal here is livable cities with bicycles. Is staff going to apply for grants to make sure that this is safe for kids to ride their bikes?

**CITY MANAGER WEISS** stated there is no physical way to widen that street to add bike lanes back in unless you eliminate the parking on the south side of Via Rancho. That had come up before. However, this is a balance, as Mr. DiPierro mentioned. Staff's recommendation was to leave the bike lanes in and allow the parents to drop the kids off through the neighborhood because they are public streets. Unfortunately, through the community process and the Planning Commission, they are recommending an alternate approach, which is what you see before Council now.

Eliminating the bike lanes does not prohibit people from riding bikes in the street. We have a number of streets throughout the community that do not have bike lanes on them. At this point, if you want this to be a short-term fix, then we would have to go back and look at eliminating the parking on the south side of Via Rancho, because there's no physical ability to widen the road in which to put the bike lanes back in unless you eliminate the parking.

**COUNCILMEMBER SANCHEZ** does want to see a fix. If you have a sidewalk on one side, for example, it seems there should be a way of making it safe for kids to ride their bikes. This scares her because too many kids get hurt when they ride in the street. She doesn't want that to happen while she's a Councilmember. She asked if Mr. DiPierro had any comments on this.

**MR. DIPIERRO** responded the only thing he could do is to reiterate what the City Manager said. Our first recommendation was to leave well-enough alone; let the drop-off and pick-up happen within the community. It happens like that around all of the other surrounding schools. It's an event that takes place 15-20 minutes in the morning and 15-20 minutes in the afternoon, so just leave Via Rancho Road the way it is today. There's no real Band-Aid fix on a short-term. It's either doing what we're proposing right now to remove the bike lanes, or just leaving well-enough alone. We would continue to follow the path we've been following with the drop-off and pick-up that currently happens around that school.

**COUNCILMEMBER SANCHEZ** has to rethink this and will listen to her colleagues. She **withdrew her motion**.

**COUNCILMEMBER FELLER** asked Mr. Rowe how many people ride their bikes at this point.

**MR. ROWE** would estimate 30-40 students.

**COUNCILMEMBER FELLER** stated we're still allowing the parking on Via Rancho. He asked why we have parking out there.

**MR. DIPIERRO** responded the Principal would probably be better to answer this question. However, what he's been told in the meetings he's attended is that if a student cannot produce registration or a driver's license and show that they have insurance, then they're not allowed to park within the school site. That means they're going to end up parking outside on the city streets. He doesn't think you'll ever get 100% compliance from the students. If we were to eliminate the parking in that particular area, we're just pushing it into the neighborhood someplace else.

**COUNCILMEMBER FELLER** thinks the Police Department would be very interested in people that can't produce insurance or registration and all the things necessary for driving a car. They might want to look out for that. He's not trying to pick off the students, but they're not supposed to be driving if they don't have all of that. The real concern he has out of all of this is that people being dropped off on the north side will be jaywalking to get across. He knows traffic will be moving slowly through there, but it depends on where they're dropped off.

**MR. DIPIERRO** responded that's possibly true. We are dealing with high school students. As shown on the computer graphic, we did install a school crosswalk at Via Rancho and Vista Entrada, and we see a significant amount of people crossing in that particular location. Again, you probably will never see 100% compliance.

**COUNCILMEMBER FELLER** stated that's his only concern. The rest of the community has all the bike lanes they need. We're pretty well covered in that area for 30-40 bikes. In this stage, you're not going to drive people out of their cars no matter what age. He **moved** approval [of adoption of **Resolution No. 13-R0546-1 with modification**, "...establishing certain traffic controls within the City of Oceanside (Five-Minute Loading Zone and Restricted Parking on Via Rancho Road between Rancho del Oro Drive and Vista Alegria)"], and approval of a request to remove the bike lanes and restripe Via Rancho Road between Vista Alegria and Rancho del Oro Drive.

**DEPUTY MAYOR KERN** **seconded** the motion. This is one of those things that

we're going to have to monitor to see how it works this school year and to see what complaints we have. With 30-40 bicycles, he doubts that less than half come down that road. They're probably coming from the other direction. It's open on the weekends. When he went to high school he rode the bus to school because he lived so far away. Now that's been eliminated because of financial reasons by the school district. The reality of the situation is that they couldn't afford busing anymore. That's what's driving people to take their kids to school. We need to have a drop-off zone for them and monitor it. Hopefully, the school district will have security personnel out there.

At the beginning of the school year, OPD is probably going to be out there monitoring the situation closely. Hopefully, when people get used to the process, it'll be smooth. We don't have a bike lane on Civic Center Drive; we have sharrows. Putting those in on Via Rancho will let people know that bicycles may be going down the street. Even though we don't have a dedicated bike lane, we let people know that there's more likely to be a bicycle coming. He doesn't know if that was in the plan, but if it's not he'd like to see that painted on the street.

**MR. DIPIERRO** stated in our meetings with members from the Bike and Pedestrian Committee, we did agree to install sharrows and some extra bicycle signs along that section of the road.

**DEPUTY MAYOR KERN** stated an after-action report in June will probably be helpful to see how it is working.

**COUNCILMEMBER FELIEN** stated since he was elected to the Council he's had members of the neighborhood come and address this issue. He's glad to see that we've hashed out a compromise. Asking for the research to be done on the crosswalk that was installed was one of the first things that he was involved in as a Councilmember. He's glad to see that went through. As someone whose children attended El Camino High School, he can vouch for the number of years that his wife was part of that traffic jam every morning and every afternoon. When one weighs all the factors, including the safety of the children going to school and the large volume of cars, this compromise is probably the best proposal. By having more designated drop-off positions, you'll create a safer environment for the cars to move in and out as efficiently as possible.

Whether there are bike lanes or not, the safety issue is that the cars are going to be in the car lane. They're going to want to pull over to the curb and then pull out, so it's a huge jumble where everyone has to be constantly alert for someone doing something silly or not being careful. This plan creates the overall safest environment. Maybe at some point the issue will need to be that for those couple of blocks, it's safest to walk your bike. He always thought that fewer pedestrians were injured by bikes than bicyclists injured by cars. For this small distance, what's the problem with the bicyclists on the sidewalk?

**MR. DIPIERRO** responded according to the CVC (California Vehicle Code), the bicyclists are supposed to be riding in the street. They're allowed to be in the street to ride their bikes, and that's where they should be.

**COUNCILMEMBER FELIEN** asked if it was Mr. DiPierro's opinion that the safest overall environment is to have the bicycles in the street with the cars.

**MR. DIPIERRO** responded that's the way the California Vehicle Code is written. A bicycle is basically a vehicle, so you don't want to mix them with pedestrians because then there's conflict. The place they should be is out in the street with the traffic, obeying the same rules that the automobiles do.

**COUNCILMEMBER FELIEN** thinks Councilmember Kern had an excellent point with the sharrows and making sure that everyone's aware that they're sharing the road. The whole point is to monitor this over the year to make sure it's working the way we

think it needs to work. If it's not working, we can come back. With the issues that the school is going to do, it looks like it will come together to create a better environment for dropping off and picking up kids, so he will vote to approve this.

**COUNCILMEMBER SANCHEZ** stated the problem here is the gridlock, and that's what we're trying to address. For her the sharrows are not enough. In the best circumstances, when you have that kind of gridlock trying to get kids to school on time, the best-case scenario is that you have minor fender-benders with other cars. When it's a kid on a bike it's not a minor fender-bender. That's why she has questions.

She has some questions for Mr. LaGrange regarding his letter. He's the author of the email that Council got and is on the Bicycle and Pedestrian Committee for Oceanside. He talked about Oceanside being committed to the Complete Streets policy. She asked if he felt strongly about this.

**HOWARD LAGRANGE**, 2575 Jason Court, responded yes. Removing that bike lane is not in concert with our Complete Streets policy at all. Besides that, it sends the wrong message to everybody in the community about how we prioritize transportation, that motorized traffic has a priority. It's also our feeling that we're trying to promote biking or walking to school, and this doesn't help. This makes it easier, in some respects, for parents to drop off their kids. Our position all along with school education has been trying to promote biking and walking to decrease obesity and to stop the rise of type-2 diabetes in students, so we're strongly opposed to it.

Our only proposal was to look at another alternative, which was to take the current parking on the south side of Via Rancho and convert that back to a loading zone, which it was originally. During the construction of the school, they converted that to a parking zone. Our recommendation is to convert that back. That allows you to have loading and unloading, and they also have the bike lanes at the same time. He's not sure why that was not considered. He was told that the reason is that students want to use that for parking because they can't get on campus. They can't get on campus because they don't have a driver's license or they don't have proper insurance. He asked Council and the community, is that why we want to have parking, to have violators of the DMV (Department of Motor Vehicles) code? It doesn't make any sense.

**COUNCILMEMBER SANCHEZ** stated we're talking about safe routes to school. She asked if an alternative route for the kids to ride safely on their bicycles that has a bicycle lane is basically not possible.

**CITY MANAGER WEISS** responded there are alternatives. Rancho del Oro and Mesa Drive have striped bicycle lanes.

**COUNCILMEMBER SANCHEZ** asked to get where?

**CITY MANAGER WEISS** responded they can get to El Camino High School.

**COUNCILMEMBER SANCHEZ** asked why wasn't an alternative route part of this plan? As she looked at the staff report, there was nothing about an alternative plan and alternative routes.

**CITY MANAGER WEISS** responded that with the issue that was presented, staff's recommendation was to leave it as it is. The neighborhood has public streets, which the public should be able to use to pick-up and drop-off. Through the community process and the Planning Commission, they were recommending an alternative approach, which is to allow the pick-up and drop-off on the north side of Via Rancho. The plan before Council accomplishes that compromise.

As for the issue that Mr. LaGrange raised about eliminating the parking, we can eliminate that parking, but it will push those students to park in other locations. Just

because we think someone doesn't have a license or insurance doesn't mean the police can pull them over and ask them to produce their license and insurance. They have to have probable cause to pull someone over. Your only other option is to eliminate that parking. This is the best compromise that has been crafted between all of the interested parties.

**COUNCILMEMBER SANCHEZ** stated Mr. LaGrange mentioned that it only became parking during construction of the science building. Is that right?

**MR. DIPIERRO** responded from what he understands from the past history, that's correct. If you were to remove that parking, it's still just on the south side of the street. Anyone that's coming from the east would be heading westbound and have to get over on that side of the street in order to do the drop-off and pick-up. That means they're probably going to have to drive through the neighborhood to do that, or they're going to just continue doing what they're doing: driving through the neighborhood to do the drop-off and pick-up. By taking away that parking, you're not really solving the problem.

**MAYOR WOOD** is not sure that anything will resolve the problem. It's too many students and a big campus. He's been through the area in the mornings, and the worst problem out there is the parents driving their vehicles. They'll pull over, park and double-park anywhere they want to drop off or pick up the kids. He's not sure that this will improve anything. He truly believes that even if you did that, they're still going to go on the side streets because that saves them from getting into the heavy traffic. It's almost impossible to get through those intersections in the morning and afternoon. He has more concerns about how the parents drive than anything else.

A public street is a public street, and they can use it anytime they want to drop off people. They still will after we implement this. Safety is our main concern. He doesn't want to shut off the bicycle path if necessary. 30-40 bicyclists is not very many in the big scheme of things. He's concerned about the neighborhood and their complaints. They have a big issue that's important to them. On the other side, we're opening Pandora's Box for every other neighborhood that wants to complain about the schools and parent drop-offs. The easiest answer to this whole thing would be to go back to having the school districts provide buses, but they're not going to do that with the budget situation.

As for the bicycle lane, we need to keep one. Is there any way you could have just bikes come into the eastern end of the school? The principal has his hands full with a lot of other things and will agree that the parents are the wildest ones in the mornings and afternoons. They just want to get out of there and dump the kids. The principal doesn't have a solution that's going to fix the problem now or in the future, other than getting the message out to the parents and try to change their attitude. He has his concerns, but we should stay with public streets being public streets. If we do it here, he can see this happening again at every other school including elementary, middle and high schools all around our City. He doesn't want to block off streets throughout our cities. The school just has to come up with a better plan. That's not going to make people happy, but he truly believes that's how it should be.

We'll have to find some way to work it out, even if it means tearing up some sidewalks and making the street wider. At least keep one side for parking. Something has got to be done other than this. The principal and staff have done a great job trying to come up with a compromise, but he just doesn't like it.

He doesn't see anybody pulling into the student parking lot to drop their kids off. He sees them out there on the streets, both in front of the school and off to the side.

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

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[Recess was held from 5:13 PM to 5:30 PM]

**INVOCATION** – Zack Beck

**PLEDGE OF ALLEGIANCE** – Si Wasserman

**PROCLAMATIONS AND PRESENTATIONS** –

Proclamation – Angel Aviles, 2012 Veteran of the Year, Pendleton Chapter

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

SPCA

**Presentations were made**

**CLOSED SESSION REPORT**

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

**CITY ATTORNEY MULLEN** reported on the items discussed in Closed Session.  
See Items 1, 2A(i), 2A(ii), 3A, and 3B above.

**MAYOR AND/OR COUNCILMEMBER ITEMS**

30. **Request by Councilmember Sanchez for a report/update from the Dr. Martin Luther King, Jr. Mission Avenue Bridge Renaming Committee**

**COUNCILMEMBER SANCHEZ** stated this is her request for a report/update from the Dr. Martin Luther King, Jr. Mission Avenue Bridge Renaming/Celebration Committee. We had scheduled a presentation by the Chair, Charles Adams, who is also the Chair of our Parks and Recreation Commission. Unfortunately, he went for a well-deserved vacation, and he fell.

This is something that members of the community have been working on for over a year. The first part had to do with finding a building or bridge to name after Dr. King. This was something that the NAACP (National Association for the Advancement of Colored People) had been working on for well over ten years. This committee did get support from the community. It was very exciting to see how many people stepped up to support this.

There was a petition that read, “We the residents of the City of Oceanside hereby submit this petition to honor Dr. Martin Luther King, Jr., by renaming the Mission Avenue Bridge to the Dr. Martin Luther King Bridge. Freedom and faith have long been valued by our highly patriotic community, as embodied in the City’s official seal: Freedom and in God We Trust. No one person epitomizes these most esteemed virtues than Dr. King, one of the only non-presidents to have a national holiday. His enduring legacy and historic leadership continue to be studied and revered throughout the world. Dr. King is especially relevant to the City of Oceanside. Now, more than ever, our multi-cultural youth need heroes who fill us with pride and whose lives are to be emulated. What is needed indeed is a bridge to adulthood. Such a public display of freedom, faith and pride in our City’s diversity will have a positive impact on our citizenry, as well as on our tourism and economic development.”

**DIANE STRADER** appreciates the fact that she can speak on behalf of the Dr. Martin Luther King, Jr. Memorial Bridge. The committee is very diverse. She thanked Council for their unanimous vote on November 7<sup>th</sup> in support of renaming the Mission Avenue Bridge. At that time, we clearly stated that we thought the bridge could be a symbol of the bridge from youth to adulthood. That focus has not changed for us. The youth will be a major part of the celebration. The event will be held on Thursday, September 26<sup>th</sup> at Oceanside High School during their extended break. We will have the

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associated student body playing a major and integral role in this event. Focusing on youth is what we wanted to do from the beginning, and this celebration is a follow through on the youth.

Willie Buchanon has agreed to be our guest speaker. He is a well-respected member of the Oceanside community and is known nationally. May this bridge always be a symbol of what a city can do when we come together and celebrate who we are as a diverse culture.

**MARIA RUSSELL**, President, Eastside Neighborhood Association, is a 12-year resident of Oceanside. She thanked Council for their support on our community efforts to change Mission Avenue Bridge to Dr. Martin Luther King, Jr. Bridge. We are blessed to live in a community with such diversity, and it is paramount that our youth never forget Dr. King and the civil rights movement. Our continual evolution for equality must always grow with each generation that follows. This bridge is symbolic for our children who cross this bridge every day to go to school and allows them to think for a moment of the struggles and hurdles of prior generations. May our children always remember an American hero who preached love, understanding and peace for all.

**COUNCILMEMBER SANCHEZ** also wanted to thank the Mayor for being a part of this process. One of the critical things in order to change the name of a bridge was to get a resolution passed in Sacramento. She thanked Assemblymembers Diane Harkey and Rocky Chavez. It was the end of October when we got the okay for the renaming of the Mission Avenue Bridge. In that time period we got the signs. The signs have been taken care of, so there's no cost for the City.

We approached Oceanside Unified School District about having a celebration because we wanted to ensure the kids were integrally involved in the unveiling of signs. We approached the school district about doing this at Oceanside High School during a recess, and they thought it was a wonderful idea. The ASB (Associated Student Body) is going to take care of most of the program. We do have Willie Buchanon as the guest speaker. This was a unanimous vote by the committee. Also, there will be a student speaker.

Because the recess is only 30 minutes, we're going to be doing a VIP reception beforehand. This basically is an invitation to the Council to save the date for that Thursday, September 26<sup>th</sup> at 10:30 AM, because the recess starts promptly at 11:30 AM, and then promptly at 12:00 PM the kids go back to class. We're very excited about this. She thanked the members who have been working so hard on this.

This is for information purposes only, so if there are any suggestions at all let us know. Basically the school is going to take care of most the program. One of the things we talked about in terms of the kids, is there's a Stepping club and also Baile Folklórico. Somehow they're going to work something out. We will be doing the VIP at no cost to the City.

**DEPUTY MAYOR KERN** stated this is an opportune time to bring this forward because it actually became official yesterday. It was chaptered at the State, and it went through all the assemblies and committees unanimously. Unfortunately, it took fifteen separate actions to get it there, so nothing is simple. He thanked Lyndsay Mitchell, who is the Legislative Director for Colonel Rocky Chavez, our Assemblymember from this area. She shepherded us through the process. A hard-copy proclamation will be coming. It took everybody's effort to get here. Obviously, the Council was unanimous. Our former Assemblymember, Ms. Harkey, our current Assemblymember, Rocky Chavez, and our State Senator, Mark Wyland, were all involved. It actually went through smoothly, even though there were seventeen separate actions that had to be taken to make sure it happened.

He thanked Council, the Assemblymembers and everybody that was involved in

this. If you want signs on the freeway, it's going to cost about \$6,400. Caltrans gave us a breakdown of cost. It'll only take six or seven months to do that. That's lightning speed for State government. If we want to go forward, he has the information and the application to pursue that.

29. **Request by Councilmember Sanchez for an update regarding final costs to the City for the July 3<sup>rd</sup> fireworks commemorating the City's 125<sup>th</sup> birthday; direction to staff to come back within 30-45 days with a plan for Independence Day fireworks next year and in the future**

**COUNCILMEMBER SANCHEZ** thanked Eileen Turk, because without her this wouldn't have happened. She did this at the same time as the fireworks and on the same day that we did the celebration in the morning. In that same week, we had the grand reopening of Marshall Street Pool. She pulled all of that together on a shoestring budget and made it look phenomenal. There were tons of people there, and we had three food trucks. Ten food trucks would have been better, but no one knew what the response was going to be. She had a chance to talk to all of the businesses there, and they loved it. They especially loved the idea that it was on July 3<sup>rd</sup>. The high school bands all wore the shirts with the City logo with 125<sup>th</sup> Birthday displayed on them.

It was Councilmember Feller's wonderful idea. She didn't know how it was going to work, because there were a lot of problems with the way they were done previously at the beach. The last time we did it on the beach, it cost about \$250,000 just for the public safety personnel. We had some problems that could have escalated because it was so packed. It was no longer a family-oriented project. It's turned into basically all tourists, and it's very difficult to get there. It's very restrictive because of the public safety issues. With the cloud cover, usually you have to be at the beach to be able to even look at the fireworks.

All of this was addressed by having fireworks at El Corazon on Rancho del Oro Road. You could see them. It was pretty clear. It was family-oriented, and she believes the personnel costs were a lot less. She is asking staff to come back with a report on the actual costs. One of the things she heard about were the sprinklers going off at 8:30 PM. We should probably fix that, as well as having more porta potties. This is an opportunity for us to establish a new tradition in Oceanside.

The biggest issue for her is July 3<sup>rd</sup> versus July 4<sup>th</sup>. She's been talking to people about this. July 3<sup>rd</sup> made a lot of sense because it's our City's birthday. That's really what we were celebrating, the 125<sup>th</sup> birthday of Oceanside. The businesses prefer July 3<sup>rd</sup>. She's talked to a lot of folks, and they like the idea of July 3<sup>rd</sup> so that on July 4<sup>th</sup> they can be at home doing their barbeques, etc. In terms of finances, having personnel on the beach at the same time you have personnel at El Corazon is a big challenge, and we're going to look again at the escalating costs. Having them on two separate days makes a lot more sense, to make sure you have the closed streets and the added personnel for the beach area on July 4<sup>th</sup>, and then on July 3<sup>rd</sup> a prequel to the 4<sup>th</sup> by having fireworks.

It's her request for an update regarding final costs to the City for the July 3<sup>rd</sup> fireworks commemorating the City's 125<sup>th</sup> birthday, directing staff to come back within 30-45 days with a plan for Independence Day fireworks next year and in the future. We're looking at establishing a tradition, so we have to be mindful of the costs.

She **moved** to direct staff to come back within 30-45 days with a plan for Independence Day fireworks next year and in the future, with an update regarding final costs to the City so that we all know how much this in fact costs.

**CITY MANAGER WEISS** stated on August 2<sup>nd</sup>, staff gave Council an accounting of the costs for the fireworks this year. They were approximately \$40,000 in rough

numbers, which included \$25,000 for the actual fireworks. In regards to next year, if Council wants us to put a plan together to bring back, we can certainly do that.

We've identified the costs. Next year will be a little problematic, simply because the Police Department provided a lot of the officers on their give-back day, and that won't occur next year. We can estimate those costs for next year. He would estimate, given what we spent this year and the type of response we had, it would certainly be less than \$50,000 even with the additional overtime costs with the Police Department. There is a good potential that in partnering with the Chamber, there are some off-setting revenue opportunities with adding a number of vendors that clearly seem to be in demand. We can put that together and bring it back to Council.

Public input

**DAVID NYDEGGER**, 928 North Coast Highway, is the President and CEO of the Oceanside Chamber of Commerce. He thanked Councilmember Feller for bringing this forward and Councilmember Sanchez for hopefully continuing this. As we all know, on the 125<sup>th</sup> birthday of the City on Wednesday the 3<sup>rd</sup> of July we had a wonderful day. When Council directs staff to look at this issue, he would like to be invited to come and sit at those meetings if that's possible. That was his main reason for coming here this evening.

Regarding the 3<sup>rd</sup> and the 4<sup>th</sup>, it's very difficult for both sides because there are a lot of issues that go back and forth with overtime and tired folks and working two days in a row with major events. A positive is that hopefully in July of 2014 we're going to have some paved parking at El Corazon and some graded fields. The venue is wonderful. There's no better place in the City to see the fireworks. The Chamber of Commerce is interested in participating in the discussions at this time.

**JIMMY KNOTT**, 127 Sherri Lane, reflected on events of July 3<sup>rd</sup> at El Corazon. There wasn't just one location where people could watch this. People were gathered at various locations.

Public input concluded

**DEPUTY MAYOR KERN** stated his informal polling has been about 60/40 in favor of the 4<sup>th</sup>. He and Councilmember Felien were at MainStreet the other morning and took this poll. More people thought of the 4<sup>th</sup> than the 3<sup>rd</sup>. The Chamber did a survey, and it came out about the same. That's something that can be worked out. We ought to consider both days when we come back. He prefers personally the 3<sup>rd</sup> because you have the next day off. Plus it gives you the opportunity to take the kids to the fireworks two nights in a row. For some people as far as tradition, it is the 4<sup>th</sup> of July. It is the nation's holiday, and a lot of people felt very strongly that we should have fireworks on the 4<sup>th</sup> of July. That issue is going to have to be addressed in this next 30 days. At the end of that 30 days, we can plan for next year.

The idea of having it for our convenience doesn't really mean that we're celebrating the nation's birthday. The 125<sup>th</sup> was a special occasion and we discussed that when Councilmember Feller brought this forward. That's something that's going to have to be addressed over the next month so there can be planning. He knows MainStreet would like to participate in some way too. They do have a vendor list and can maybe treat it like a special event. He doesn't think El Corazon is going to be ready by the 4<sup>th</sup> of July or even the first week of July next year. They're not going to start the grading until October of this year, and it won't be a paved parking lot, but it'll be parking.

He **seconded** the motion. Those issues have to be addressed over the next 30 days. He would assume that because we're going down to the cent, that this is the real cost. He doesn't know if there are any other costs out there that we haven't accounted for, but this seems pretty thorough. As the City Manager said, we could probably add at least 10%-12% onto that because of the difference in staffing next year, depending on the day. That's something we're going to have to address also.

Some of the restaurants ran out of food and some of the vendors had to go back home and get more food to come out. We didn't have enough porta potties. He thanked the Marriott people, because they did open up their hotel for people to come in and use their facilities. He talked to staff at the Marriott, and in each hotel they had twenty rooms booked by locals. People who lived in Oceanside booked a room in the hotel to see the fireworks. The sooner we can decide, the more people can plan.

**COUNCILMEMBER FELIEN** stated that originally when this was proposed by Councilmember Feller, it was an experiment. There were issues, and we weren't sure how it was going to work. He's glad to see that the experiment worked, and it is a rousing success. He was there watching it at the location, and the fireworks were a little too close. They were right there in front of us, and we had as great a show as he's ever seen. It was wonderful.

He's curious to know how many different locations people were able to view the fireworks from. That's part of the experiment, to not have to come down to the specific event, but to be able to go to parks or MiraCosta or other points in the City that would have a view of El Corazon and be able to enjoy the fireworks. He hopes we get that kind of feedback. At the event itself, it was very friendly and family-oriented. It was wonderful to have the high school bands there playing and entertaining us. It was everything we would have wanted from a fireworks celebration.

As to the issue of the 3<sup>rd</sup> or the 4<sup>th</sup>, he would lean to the 4<sup>th</sup>. He asked the maker of the motion and the second if they would amend their motion to make sure the cost study includes comparing the 3<sup>rd</sup> to the 4<sup>th</sup>, to see if there is a huge cost difference that we would benefit from. That would help the public decide as to what direction to go.

**COUNCILMEMBER SANCHEZ** clarified that's implied.

**COUNCILMEMBER FELIEN** stated that's something that we need to factor in. He leans towards the 4<sup>th</sup> unless there was some astronomical cost difference. It was a great success, and City staff did a wonderful job. Let's do it again next year.

**COUNCILMEMBER FELLER** stated Eileen just took it from the first meeting straight to what it was, so all the kudos go to her for the organization. One of the discussions was the cost of the fireworks on the 3<sup>rd</sup> or the 4<sup>th</sup>. They vary because nobody is doing them on the 3<sup>rd</sup>.

He has not heard one complaint about it other than sprinklers coming on. There was a little dust in the air from one or two of the fireworks that got pretty close to the crowd on the street, but there was nothing major to be considered other than maybe they need to move another 100 feet the other way if we do it there again. He heard from people that were camped by Pacific Marine Credit Union, post office, all over the hills, and even as far away as the high points in Vista and Carlsbad. The people in Carlsbad enjoyed it from quite a ways away.

As far as the 3<sup>rd</sup> or 4<sup>th</sup>, it's up to Council and staff to figure out. Is 30 days enough time for staff to figure it out?

**MARGERIE PIERCE**, Neighborhood Services Director, stated we've put together what it cost this year. It shouldn't be that difficult to project. The biggest increase in

cost is going to be extra personnel from the Police Department. It shouldn't take much to put that together. We can be back in 30 days.

**COUNCILMEMBER FELLER** enjoyed the fireworks and looks forward to seeing it come back there year-after-year. He thinks it's the right place. It's high enough, and we can get them to shoot them higher if we want to pay a little more money.

**MAYOR WOOD** thanked everybody that was involved. It was a great day for the City's 125<sup>th</sup> birthday. His only concern regarding whether it's the 3<sup>rd</sup> or the 4<sup>th</sup> is having public safety, Public Works, Fire, etc. there. He doesn't want to have guys working all night on the 3<sup>rd</sup> and coming back to work early in the morning on the 4<sup>th</sup> because that's when the crowds start coming to the beach. As long as it doesn't impact the public safety, he's okay with it.

As for the fireworks, they were outstanding. They've always cost us about \$250,000-\$500,000 to do the fireworks at the beach for public safety, because the crowds started getting out of hand. There are very few beach cities that do fireworks anymore. They came to Oceanside from everywhere, and it was a problematic crowd. That dwindled off because of the lack of fireworks at Oceanside, but Camp Pendleton still did them. We'd have to fill both days for public safety because they're going to have to be out on the beach on the 4<sup>th</sup> anyhow.

He was amazed at all the catering trucks that were there. They were running out of food because they were so popular. He liked that they blocked off the street, because that's where the people were sitting. It was clean; it wasn't in the dirt; and you didn't get the water sprinklers on you. It was a great location. It turned out to be a great event for the 125<sup>th</sup>.

If we can keep the costs down, we can have the fireworks. However, at \$500,000 for one day like it used to be, it's not worth it. This seems to be a priority for a lot of people in Oceanside. People seemed shocked at how big a crowd turned up. The caterers didn't expect this to be that big and didn't plan for it. In the future they will, and it'll be a lot easier.

**COUNCILMEMBER SANCHEZ** spoke to the businesses there, and they seemed to prefer the 3<sup>rd</sup>. She would like staff to talk to them to see what their thoughts are and come up with the best recommendation, which will include the costs. She suspects the costs will be higher if we have personnel in the middle and on the west side of the City. That's going to be a big challenge for us and will probably be a higher cost.

**Motion was approved 5-0.**

**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.

27. **City Council: Approval of an amendment to the FY 2013-2014 Community Development Block Grant Program (CDBG) budget due to the CDBG funding allocation exceeding the amount anticipated; approval to allocate an additional \$30,400 for CDBG Planning and Program Administration; approval to allocate an additional \$22,799 in grant funding to public services programs; and approval to amend the 2013-2014 Action Plan accordingly**
- A) Mayor opens public hearing – hearing was opened.
  - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Kern and Councilmembers Feller and Felien reported contact with staff; Councilmember Sanchez reported no contact.
  - C) City Clerk presents correspondence and/or petitions – none.
  - D) Testimony, beginning with:

**BRENDAN MANGAN**, Management Analyst, stated the City's fiscal year 2013-2014 CDBG (Community Development Block Grant) budget was approved on March 27<sup>th</sup> and the CDBG Action Plan on June 6<sup>th</sup>, based on estimated CDBG HOME (HOME Investment Partnerships Program) allocations and CDBG allocations due to the sequestration. At that time we were expecting a 6% decrease in CDBG. When the CDBG allocations were announced, we had an increase of CDBG funding for this year. The increase in CDBG was due to a national \$300,000,000 disaster recovery program that was not carried forward into this fiscal year and which offset the sequestration reduction for this year only. The \$152,001 CDBG increase to the City over the estimated amount allows for an additional \$22,799 in public services funding above the allocations made on March 27<sup>th</sup>, which is under the 15% CDBG cap. This also allows an additional \$30,400 under grants administration to remain at the 20% cap. We would allocate that to supplies.

The City's HOME Program allocation also increased by \$12,001 due to take-backs and also to paybacks from cities that either weren't using their HOME funding or had used it for their own type of projects and had to pay it back to the government. That adjustment increased our HOME funding by \$12,001. The recommendation from staff is to allocate \$16,000 of the additional public services funding to the Oceanside Senior Citizens Association for the Senior Nutrition Program and Club 55 Program. The remaining \$6,799 allowable under the cap would be allocated to the City's community resource centers for neighborhood resource fairs in Eastside, Crown Heights and Libby Lake. The resource fairs funding would replace existing funding that we're using through CalGRIP (Gang Reduction, Intervention and Prevention), as we have used the funding that we have available this year. We won't have any funding for Eastside and Crown Heights next year because we won't have a new grant for that area. There's a potential for some funding for Libby Lake, but we won't know that until later this year. It's a small amount of money for three fairs, and that's a part of the allocation that would be through the community resource centers.

The Oceanside Senior Citizens Association currently has 550 seniors signed up for their congregate meals, which are served at the Oceanside Senior Center. They also have 122 seniors on their homebound program. They serve over 1,500 meals per month at the senior center and 2,000 or more meals in home-delivery services. Club 55 currently has 169 members.

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

**COUNCILMEMBER SANCHEZ** moved approval [of an amendment to the FY 2013-2014 Community Development Block Grant Program (CDBG) budget due to the CDBG funding allocation exceeding the amount anticipated; approval to allocate an additional \$30,400 for CDBG Planning and Program Administration; approval to allocate an additional \$22,799 in grant funding to public services programs; and approval to amend the 2013-2014 Action Plan accordingly].

**DEPUTY MAYOR KERN** seconded the motion.

**Motion was approved 5-0.**

**MAYOR AND/OR COUNCILMEMBER ITEMS** - Continued

28. **Request by Mayor Wood to direct the City Manager to reprioritize FY 2013-14 CIP projects to include completion of street/railroad crossings for Quiet Zone project**

**MAYOR WOOD** stated for many years, one of the priorities has been getting the Quiet Zone through Oceanside. We've had several meetings and studies. Over the years he's gotten feedback from different sources and people in Oceanside. We're a

tourist town, and there's nothing worse than coming from out of town and finding out the train blows its whistle at night through Oceanside and wakes them up. That's not counting the people who live around the tracks.

Originally, at NCTD (North County Transit District) they let Del Mar do a study on changing the horns at the intersections. It seemed to work, but it's still a problem. Before we spend all of our money, we need to make this a priority for Oceanside. No matter what time of day or night, when the train comes through and blows the whistle, it's annoying. Under Federal law, the engineer has the right to blow the horn whenever he thinks is best.

Most of the problems are in the Encinitas area where we have a lot of people who walk in front of the trains and get killed. What we have in Oceanside is different. Most of our downtown area is heavy residential or commercial. We have five intersections that need to be Quiet Zone areas. Staff had feedback at one of our meetings that three of the five intersections had gone quite a bit towards a Quiet Zone. He'd like to make sure the City Manager and staff make this a priority, and if we get money available, we go for a Quiet Zone as soon as possible. We also need to get NCTD onboard, so we'll know what the cost might be and what the timeframe is.

He gets asked all the time about when the Quiet Zones are going to happen. Every city in the County wants them, but it's a Federal law that the engineer has the choice to blow the horn unless the train, passengers and vehicle traffic would be protected by improving those intersections. His motion is to have staff look at it and reprioritize it. It is a money issue, but one of the priorities is to make our tourism industry happy. He gets complaints from just about every hotel in town that their customers' biggest complaint is the train going through and blowing their whistles all day or all night.

He'd like feedback from either the City Manager or staff on where it stands in our City and those intersections.

**SCOTT SMITH**, City Engineer, stated currently staff is processing a contract with a design consultant in order to do an additional diagnostic meeting to determine exactly what improvements are necessary to implement a Quiet Zone. We've already filed a Notice of Intent. Afterwards, we can go through the process of meeting with all the important entities that have a say within that Quiet Zone. Then we'll be able to determine the costs associated with that, as well as start to outline a timeframe of implementing that.

**MAYOR WOOD** stated we've done this year-after-year. It seems we've studied it to death, and we've all agreed that we want to do it. He's not sure he needs or wants another study, but he understands if you have to deal with all the parties involved, like Federal, State, etc. If it's necessary, let's move on it and get it done. He asked for clarification from Mr. Smith. We've done a lot on three intersections, but we have to do five in order to have a Quiet Zone. Is that correct?

**MR. SMITH** responded that's correct. There are five crossings in Oceanside, and the southerly most three have received some treatment, through the efforts of Amtrak and the Sprinter project.

**MAYOR WOOD** asked what we're looking at for time and/or needs.

**MR. SMITH** can't tell Council a schedule right now, but we're executing a contract with the consultant. Then we have to start scheduling the meetings with the given parties: the BNSF (Burlington Northern Santa Fe Railway), NCTD, Amtrak, and the California Public Utilities Commission, in order to determine what the improvements are.

We've gone through multiple studies because the first one was outlined while the

Quiet Zone was still relatively new. A lot of the players didn't know exactly what was going to be required, so you had differing opinions. As time has progressed, there seems to be more of a consensus as far as what improvements are necessary. The first study was really broad because the entities that were participating didn't agree at that point in time. In the second study, they had progressed some so we were able to take out a lot of the improvements and reduce the cost.

Now we have all different players involved. Once again, NCTD has seen a number of staff turnover, and we want to confirm that what has been proposed is going to be accepted by the parties that will make that decision. It's premature for him to tell Council how long it will take to implement, but we are going to come back in a relatively short period of time once we've hired the consultant and do a pass-through memo to give Council an update on the timing.

**MAYOR WOOD** doesn't want to put pressure on staff's shoulders by saying let's move faster than we have to, but we've been doing this year-after-year with consultant-after-consultant. He would hope that at some point we have what's necessary. He asked the City Manager to reevaluate cost factors in getting this as a priority moving forward. We're doing sand on the beach and the restrooms. The Quiet Zones should be the next priority. He's concerned about the tourists staying down there.

Public input

**HOWARD LA GRANGE**, 2575 Jason Court, is on the Visit Oceanside Board, the MainStreet Board and is co-chair of the Oceanside Bike/Pedestrian Committee. All three of these organizations have an interest in establishing Quiet Zones in our City. From a tourism and visitor standpoint, as part of MainStreet and Visit Oceanside, he's heard many complaints from visitors staying at hotels and rentals near the rail crossing. The Wyndham is especially cursed by being close to the rail crossing, with customers being woken up three or four times every evening as the freight trains pass through Oceanside. Talking to the general manager of the Wyndham, it's their number one complaint. If you go onto TripAdvisor, which he recommends, you'll see it's an issue. It also is an issue with recurring visitors to our area. If someone goes to TripAdvisor and sees that people are being woken up continually, it's not positive.

With the new hotel coming in next year directly next to the rail crossing, he ensures Council that every customer will be complaining, not only through TripAdvisor, but probably to Visit Oceanside and the City Council also. As the Mayor mentioned, this is an issue that first came up and was analyzed in April of 2007. Some estimates were given, but it was the first opportunity they had to look at it. A lot of things have changed since then.

The Bike/Pedestrian Committee has an interest in this because, in order to construct the Coastal Rail Trail through our coastal area, especially through Wisconsin and Oceanside Boulevard, much of the infrastructure required for Quiet Zones was incorporated in the design by SANDAG. This is paid by SANDAG.

The alternative on the Coastal Rail Trail was to go to the next signal intersection, which means you're crossing Oceanside Boulevard. That is unacceptable to SANDAG. They were willing to provide a lot of the infrastructure required, which should cut the cost in constructing these Quiet Zones. It's been six years, and it's time to address this issue before we lose more tourism dollars.

**STEPHEN MASCHUE**, 999 North Pacific Street, is President of the Homeowners Association at North Coast Village. We have 550 units, and we get the train horns all night long. We also have about 150 of our units that are rented during the summertime as vacation rentals. It has quite a tourism impact on the community. We really would like to see that Quiet Zone established. It disturbs his sleep, and he knows it also affects our tourism, TripAdvisor ratings, etc. It really has a strong impact on our rentals

and our community in North Coast Village.

We understand it's expensive and we hope Council can find alternative sources of funding if they don't have enough money to swing it. One of the sources that he keeps looking at is the North Coast Corridor Project. It seems they're willing to build sound walls to protect the people from the increased sound from the widening of the freeway. As part of that North Coast project, they're going to increase the number of trains that are going up and down. They're even building a terminal in Camp Pendleton, which means more are going to be going past our complex. It seems fair to us to say if they're going to shield the people from freeway noise, we ought to be able to get shielded from the train horn noise as well, by helping to contribute to the Quiet Zone Project.

We could also share in the cost through some sort of hazard abatement district. The poll that was attempted four or five years ago clearly showed that there wasn't a lot of support for increased property taxes. However, that was based on a \$9,000,000 estimate for those five crossings, and they estimated only 1,000 affected residents. When you divide \$9,000,000 by 1,000 and then try to get a bond for that, it made the cost sound ridiculous. If we took the 2,000 or 3,000 units that were affected when you include the hotel rooms and divide that into the new number, which is \$2,500,000, it comes down to better cost-sharing. If we had to share a little of the cost and the City put up some of the money, we could pull the project off. We really need it.

Public input concluded

**MAYOR WOOD** stated the plan is to double-track from Oceanside to San Diego, which will double the train traffic when it's finished. You'll get twice as many trains and horns, so it's a real priority right now. He wants input from the public and Council regarding this and to make it a higher priority for some of the potential money through SANDAG and the help from NCTD. Two of our Councilmembers can talk to those groups about money from SANDAG and help from NCTD. He wants to get this done as soon as possible.

Every city in the beach area wants this. The cost factor isn't what it used to be; it's not \$9,000,000.

**COUNCILMEMBER FELIEN** stated this is a long and technical process. We had a presentation from the North County Transit District on a new study. There was an issue of whether or not as a city we'd moved along far enough to where we didn't need to participate in that study. He asked if that decision has been formally made.

**MR. SMITH** recommended that we didn't participate in that study because it was not necessarily in alignment with where we were. It was his recommendation, and it still stands as his recommendation, that we don't participate in that study but focus on our given five intersections and not the whole corridor within San Diego County.

**COUNCILMEMBER FELIEN** stated his understanding is that we have a chance to get a substantial contribution through the improvements that are taking place in the corridor. We get to piggyback on those programs. We should make sure that we acquire as much outside funding as we can. He asked the City Manager if any additional money, after having adjusted our CIP (Capital Improvements Plan) budget this year, is going to accelerate that process?

**CITY MANAGER WEISS** responded the short answer to that right now is no. However, we have in this year's budget allocated money to do the diagnostic study within Oceanside, which we are mandated to do. It's not an option. As we get closer, improvements are made and time changes, we have to do the diagnostic study to identify the improvements. If the improvement costs come back within reason, then we are looking at alternate funding sources as result of some regional projects that may

impact the rail line. If those moneys become available, we certainly will pursue them, but it's going to be a matter of timing. If we can finish the diagnostic studies and identify the improvements needed and the costs, in order to make those improvements in a timely manner we're going to have to fund them, unless the timing with some of these other projects is such that they work together.

If it's our funding, we'll have to look at funding sources. It may be that we have to go to the property owners and the hotel owners and say we need to charge them for part of this, but we won't know until we finish the diagnostic study. That money has already been allocated; Council doesn't need to do anything. Once the Engineering Department finishes that study, we'll be able to come back to Council with the cost. He suspects it will not be in the \$7,000,000-\$9,000,000 range as it was before. He suspects it will be in the \$3,000,000-\$4,000,000 range. We'll have to make some decisions on how to implement that as quickly as possible.

**COUNCILMEMBER FELIEN** asked if he is correct in assuming that we can get that information and factor it into next year's CIP budget without missing any opportunities to move ahead on these projects.

**CITY MANAGER WEISS** responded the timing will be such that as you build your next year's CIP budget, we should have the information available to provide options for Council to make this happen. He doesn't see the diagnostic study taking so long that it's going to affect that budget. We will start coming to Council in February and March with those budgets. By then, we will have enough information to know how that will play out.

**COUNCILMEMBER FELIEN** would be shocked if there wasn't anyone on the dais who didn't support the idea of moving as rapidly as possible to create these Quiet Zones. At the same time, we need to make sure we have everyone chipping in a little and doing serious number crunching to see if we can come to a deal. The people directly affected can put in a little; the City puts in a little; and we get some from SANDAG and North County Transit District to move this forward. Since we've just approved the CIP budget last month, it seems we can accommodate that within the normal budgeting process that will take place again next year. He doesn't see the need for this motion or what's going to be accomplished by it.

He doesn't know if the City Manager needs further explanation or the Mayor would care to elaborate a little more. We're all onboard with the goal here and it seems that the budget has already accommodated everything that we can move on that's under our control at the moment.

**MAYOR WOOD** stated the only reason he put it back on the agenda is that everybody in town and on the Council wants it. We had \$5,000,000 out of a recent sale that came to the City. We put money aside for sand and for fixing up the bathrooms. Some of that money is going to still be available. He wanted to find out how much is left. Everybody has used a portion of it already. He put on this item to reprioritize this particular issue. If there's money available from that money, then this is a good cause.

**COUNCILMEMBER FELIEN** supports the objective and thinks it's worth discussing when we get to that item. He doesn't know if we need a separate vote. If in the discussion of the Council and City Manager we feel there is a need to designate specific funding, we can incorporate it within the motion to allocate the remainder of the mobile home park proceeds. That seems to be the best way to go.

**CITY MANAGER WEISS** added that if it's a priority, now would be the time to set chunks of money aside in anticipation of what may be a bigger cost later on. It would make sense to do that.

**COUNCILMEMBER SANCHEZ** stated we have been talking about this for a

while, and cost was always the main issue for us and the citizens of Oceanside. The upper range was at one time \$9,000,000. We looked at some kind of cost sharing. Staff tried to look at establishing a district so those impacted would help with the costs. That failed. No one was interested in paying into this. That's a big concern because once we start getting the Sprinter back on line, there are going to be requests for Quiet Zones there too. Even with Quiet Zones, it's not complete silence. The report before said that Quiet Zones do not completely eliminate noise associated with railroad crossings. Warning bells will continue to sound, and train operators are permitted to blast the horn when safety concerns are present, such as pedestrians walking in the railroad corridor.

She recently took a train ride to Ventura. At every stop they sounded the horn. Her concern is somehow equitably looking at this and trying to figure out how to pay for this. She's not opposed to making it a priority, but she's concerned about how to get there. There was a suggestion that we put off street maintenance every year for a few years, from \$250,000 to \$500,000 worth, but she doesn't think that's an option. Our streets need maintenance. It's a bigger cost if something happens, and we end up paying for it. She doesn't like that suggestion.

She knows staff has been looking at this and trying to figure out where to pull funds. She had the sense from talking to folks involved with the mitigation issues for the I-5 widening that this was not something they were interested in doing. There are higher priorities for them. In terms of credits, they get higher credits for doing things like fixing lagoons. There are several lagoons that Caltrans could put in that would give them several credits. She doesn't know if this even qualifies for credits. Caltrans is looking at trying to get as much as they can out of this I-5 widening in terms of the mitigation. She sees this as a very low priority for them to put money into this.

She's interested in seeing this done. She's not opposed to voting for this, but the issue is going to be costs. There's going to be annual maintenance and insurance costs. Those things are going to go on forever, and she'd like to see some input into this.

**DEPUTY MAYOR KERN** has heard repeatedly that we don't have a cost, and we don't have a timeline. He doesn't think we can prioritize a budget that we've already approved which such vague information. He thinks we should be putting it into the 2014-2015 budget. As we go through the process and get those timelines and costs, then if we wish we can prioritize it in the 2014-2015 budget. Until we have those costs, he can't see reshuffling a budget that we just approved. It is a great idea, and we've all heard about it repeatedly from the neighborhoods and the visitor community to do something about that.

We're doing the transit center improvements. They're putting a third track in. Part of that is to do all the improvements on the Mission Avenue crossing then. Maybe we can save some money there. There is a proposal to take the Coaster all the way to San Clemente and to have a stop in Camp Pendleton, so it is going to increase rail traffic to the north. The people at North Coast Village are going to have Coaster trains that'll come by probably five or six times a day. They're going to do those rail improvements, so maybe they can incorporate some of those in that process.

Until we have a firm idea of cost, he can't see changing our budget that we approved. Going forward, once we have those costs and timelines, we can incorporate it into next year's budget. He's going to put pressure on our representatives from North County Transit District and SANDAG to go to those respective organizations and see what kind of help we can get to defray that cost across the region and not just for the citizens of Oceanside. If the Mayor wanted to change his motion to prioritize it to the 2014-2015 budget he would be supportive of that.

**MAYOR WOOD** stated it won't be necessary.

**COUNCILMEMBER FELLER** first heard about this through NCTD in 2002 or 2003. When he was Chair, it was going to be a priority. Unfortunately, in 2005 we were all-of-a-sudden out of there. Then our staff got involved and started putting things together. He appreciates what staff has done over these years to do it as painlessly as possible. We are the last part of the north coast corridor to be built. We didn't fight for that in particular in our freeway widening, so they're doing everything down south working north. It'll be thirty years before we are actually able to see widening here on Highway 5 and some of these things work in concert.

Councilmember Sanchez brought up the Sprinter side of it. There are ten crossings over on that railroad. He doesn't think the rail that Deputy Mayor Kern mentioned goes up to Mission; it only goes to the depot. He doesn't know what can be done about the two northern rail crossings immediately. He asked if we had all the money that we needed, how soon could that be done?

**MR. SMITH** responded we'd still have to finish the diagnostic study to make sure that everybody is in agreement. It's hard for him to put a timeline on it because he needs to get five different agencies in agreement on what the final improvements are. Once we have that, depending on the improvements, he can then dictate the timeline. Some of them could be as simple as extending a median in the interim with glue-down delineators and getting credit for that, knowing that the long-term goal is to build a median. For example, with the Surfrider crossing he's already negotiated with SANDAG, and they are going to be doing the majority of improvements at that crossing. However, they are in design phase; they haven't funded the construction. We would have to have an interim solution at that crossing until it's acceptable to all parties before we can get the final construction done through the Eastbrook-to-Shell project, the double tracking project that goes over the San Luis Rey River.

**COUNCILMEMBER FELLER** knows that Supervisor Horn has already stated that he's going to build a platform at Camp Pendleton. He hopes these five agencies can work faster on this than they have with our river. This is a high priority and always has been for him. He's talked to staff many times about it, and the effort staff is putting in at this point is probably as good as we can do without the study. In relation to what is the highest priority, the Wyndham has said that the sand is the number one issue. The sand and the bathrooms are major issues for our tourism. He knows tourists down there are hearing the trains, but the community is stuck with trains going through here. Train engineers do whatever they want when it comes to railroad crossings if they think there's a danger.

Maybe we can set aside a little money later in this agenda tonight to be ready when we need to be ready and plan it in the next budget. That would probably work best for us.

**MAYOR WOOD** was cautious on how he put this on the agenda. He didn't want to say take money from Peter to pay Paul. However, it's a priority. It's been going on for as long as any Councilmember has been on the Council. Recently we sold a piece of property and got \$5,600,000. Before the ink was dry on that document, we had people putting \$700,000 aside for sand on the beach. It's a good item, but that's \$700,000. Then we had somebody else put in an item to refurbish all the bathrooms at the beach, which is also a great item.

He's requesting to reprioritize where we spend the money. That's not necessarily going to the CIP money, but we got \$5,600,000. If we don't need the sand money, that's \$700,000. If the bathroom refurbishing at the beach is a couple of million dollars, that might be more than enough money to finish off our Quiet Zone. We might have \$3,000,000 left. The City Manager guessed it might cost another \$3,000,000 to finish those intersections, so there is one-time money that can be spent.

He would normally not touch it because that money should have gone back to the Mission Cove housing project, but that wasn't going to happen with this Council. Since they're spending money on other issues, he put this on the agenda. If there's going to be money left over, he wants this to be the priority for the citizens that live near the tracks, let alone the hotels and the guests that come to our town. TOT (Transient Occupancy Tax) tax is a big issue in Oceanside; that's tourist money. If there's going to be any money left out of that \$5,600,000, and any other that we have extra, he'd like to make a motion that we set aside that money as a priority for the Quiet Zone.

**CITY MANAGER WEISS** responded there currently is about \$2,000,000 left to be allocated. Council does have an item later on. If Council wants to allocate all of it and additional money to the Quiet Zone, that certainly would keep us from hearing that item.

**MAYOR WOOD** stated if the bathrooms aren't that much money and we have money, we don't need to do the sand refurbishment because we're going to dredge the harbor next year. That's pushing about \$3,000,000 already, and that's the City Manager's estimate to do all of the intersections. It would be done. That would be his motion.

**CITY ATTORNEY MULLEN** mentioned if that was the Mayor's motion, to take the unallocated funds for the sale of the property and apply them to Quiet Zones, Council has that as a separate item on the agenda and may want to call that now concurrently, because there is a speaker for that item as he understands it.

#### **CITY MANGER ITEMS**

##### **33. Allocation of Laguna Vista Sales Proceeds**

**JOHN SEYMOUR**, 4322 Piedmont Drive, San Diego, is from National Community Renaissance. He believes staff would be supporting a portion of the proceeds going to the Mission Cove affordable housing project. That project is not just our project, it's our City project. The Council bought the land in 2006. A couple of years later they went out to an RFP (Request for Proposal) and rejected it. Then it went out to the community, and they finished the Vision Plan. The Vision Plan came back, went back out to the RFP and they selected the developer team. Now we're at the point in our project where the EIR (Environmental Impact Report) has been issued. It's out for a 45-day public review, coming back on September 16<sup>th</sup>.

A portion of those funds would get us closer to closing the gap financing. The project is about housing for veterans, seniors and families, with an adult daycare center, resource family center and ample amenities on the project. It is the vision that Oceanside's Council adopted, and we're implementing that for the City. We have an executed Disposition Development Agreement and a Regulatory Agreement. The ground lease is executed; the City owns the dirt. It's going to the Planning Commission in November and coming to Council in March. We anticipate commencing grading early next year.

We also have Wells Fargo, JPMorgan Chase, PNC Bank, Hudson Housing Capital and many other private-sector investors ready to come into this project if we can move forward and close that gap financing. We're not asking for it all; we're asking for a small portion of it. This is the City's project as much as it is our project to deliver to the City.

We're the City's partner, and if Council would like to set up any individual meetings with our private-sector investors, we're ready to do that. We hope Council can put some of those funds towards the Mission Cove project because after-all, that was a mobile home park for residents. The rents were guaranteed, and a portion of that

should go back to housing.

**MAYOR WOOD** stated we had feedback at previous Council meetings in which the voting majority of the Council wasn't going to spend any of the money on that project. They were spending it on other issues. Before it's all spent on everything else, he wants to get this as a priority because he doesn't think the Mission Cove project is going to get funded by a vote of this Council. If they're not going to give it to Mission Cove, he wants to use it for at least something that would benefit Oceanside.

He thinks the money should have all gone to Mission Cove. It's a very important project. It's affordable housing for veterans and seniors, but it didn't look like that was going to happen.

**MR. SEYMOUR** stated we're not asking for all of that. We're asking for a small portion to get us closer. There are additional Federal HOME funds that we're going for as well. This is not a make-or-break of the Cove project. If Council says no, then that's fine, but it will be further pushed out. This is an opportunity to bring it closer and to get those jobs created. It is a recommendation by staff, and we've been working hard with Planning to get this through the process. The land is bought, and we're there. The City Manager is recommending a small portion. We're getting closer, and he asked the Council to support that tonight. Again, this is not just our project; this is the City's for the City Housing Element. We're trying to get that housing built. More rooftops is what we need.

**CITY MANAGER WEISS** stated the total proceeds to the City is about \$5,600,000. Council does have a policy where if they receive one-time revenues, they would use those revenues for one-time expenditures, debt reduction or to enhance reserves. They should not be relied on for future budget periods. Council had some discussion with the Oceanside Mobile Home Park Authority to use the funding to allocate them to the Mortgage Revenue Bond Fund, which would then go to affordable housing projects. The priority affordable housing project for the City has been Mission Cove.

Council has already allocated \$650,000 to beach sand replenishment. Those moneys are not encumbered for any project; they're just allocated within the budget. Council will need to take separate actions to actually encumber those funds if the project comes forward. Council also allocated \$3,000,000 for the beach area restroom replacement project. There were a number of other projects that had been previously identified as needing money. Those included the Senior Center kitchen; Mission Avenue phase 2; pier rehabilitation, including some of the bracing and the concrete portion; quiet zones; pension obligations; and public art.

There's about \$2,000,000 left in the Laguna Vista sales proceeds that can be allocated. As of this afternoon, he went over with the interim Finance Director the preliminary year-end numbers for the past budget year. With one exception, every department was under budget in their expenditures. Primarily, that's the result of our internal delay in filling vacant positions, holding positions open for some period of time and the recruitment process as well. We also saw some increases in revenues, primarily the result of the residual distributions from the former Redevelopment Agency.

Right now, we're looking at approximately a \$1,000,000 surplus. It could actually be more, depending upon how the year-end actually goes. Our year-end actually closed out with an additional few days in June that weren't accounted for. There will probably be a little more in funding that's available to Council. Council does have an additional \$1,000,000 that they could allocate to projects. Our recommended allocation for the Laguna Vista sales proceeds was to put \$650,000 to Mission Cove, \$500,000 to the Healthy City reserve, restore the unallocated General Fund reserve, \$300,000 to the pier rehabilitation and \$25,000 to public art. We had funded that for a long time but stopped that funding a number of years ago.

We also had received some input in regards to the timing for the Buccaneer Beach restrooms. They are in the City's CIP for design two years out. Council has \$1,000,000 that was not available, and we're conservative on that. If Council wanted to put \$500,000 to the Quiet Zones now and build that account so that when such a time comes that they need money, they will have money there. They would not be scrambling to try to do assessments or anything else. He would also recommend that \$250,000 of that go to expedite the Buccaneer Beach restroom because we've gotten a lot of complaints from the public. We're doing all of the beach restrooms, but it didn't include Buccaneer Beach. That's primarily because Buccaneer Beach was not within the Redevelopment Area.

Council does have some flexibility. In addition to that \$2,000,000, they do have an extra \$1,000,000. Council could also apply the whole \$3,000,000 to the Quiet Zones. As soon as we finish the diagnostics, then we would have money available to allocate for building everything. Regardless of any other funding sources or partnerships that we could enter into, Council would then have at least a good portion of the money to build all of it in one shot.

**MAYOR WOOD** stated if there's money available, he wanted it to go to the Quiet Zones. It's more of a priority than some of these other items. He understands there are other priorities for other Councilmembers. He thought most of this money should go back to the Mission Cove. Hopefully, staff can come back to us with numbers on that extra money, what's available and what staff has heard from SANDAG or NCTD about putting some of the money aside for the Quiet Zones.

He knows staff has to have it go out to review, and that's going to take some money. He's willing to compromise. He just wants to make sure the money available that was leftover from Laguna Vista and was going to places other than Mission Cove goes the Quiet Zones.

**COUNCILMEMBER FELLER** suggested that if we do have this found money and wanted to set it aside, other than the Healthy City reserve and unallocated General Fund reserve, that's \$1,000,000. Put in that allocated funding of \$1,000,000, and then those two are funded when we have the final budget.

**MAYOR WOOD** stated no matter what the City Manager wants to do with the money, we all have to vote on it.

#### Public input

**JIMMY KNOTT**, 127 Sherri Lane, stated we also have an issue with the dams, which are holding off a lot of the sand that's coming to the coast. These need to be addressed. We can get them addressed through the Integrated Water Management plan that's currently being developed by the San Diego County Water Authority.

For the Quiet Zones, there are other funds besides SANDAG. Council has the right to petition for Federal railway funds. He encouraged Council to look into those. Those are additional funding sources that we normally do not have, but that other cities have.

**MARY JANE JAGODZINSKE**, 4305 University Avenue, San Diego, stated they appeared before Council before Laguna Vista was sold and had asked to be considered for a part of those proceeds to keep Mission Cove moving faster. It will create 300 jobs. We will be bringing jointly to the table about \$65,000,000 of private equity. She is routinely talking with banks, and they are always asking her about their pipeline and specifically about this project. That includes Union Bank, BofA, US Bank, Chase and National Equity Fund. They're ready to go as soon as we are. Our EIR is out. We hope to be able to start grading early next year.

She knows Council has difficult decisions and respects that, but anything Council can provide for Mission Cove would be greatly appreciated for the seniors and veterans and people that need to live there.

Public input concluded

**CITY MANAGER WEISS** stated the City Clerk has called item 33 as we're hearing it, so at this point given the comments that he's heard and from what he gathers from Councilmember Feller's comments, Council is comfortable with asking for the Mission Cove allocation. He heard to combine what was designated for the Healthy City reserve and the allocated General Fund reserve and allocating those to Quiet Zones. We also have the extra money for Quiet Zones and Buccaneer Beach restrooms.

**COUNCILMEMBER SANCHEZ** unfortunately was not at the meeting on June 26<sup>th</sup>. She had informed Council that she was going to be attending the International Livable Cities Conference and hoped that they wouldn't be voting on anything critical or important. Unfortunately, the \$5,600,000 was on there. This is her first chance to weigh in. She is disappointed because we should be making this money stretch. These funds initiated from Housing Department funds. There was a sale of a lease-hold that the City had. The City bought the lease-hold, and money was being generated every year for maintenance and capital improvements. Things were really going along well, but this Council decided it didn't want to be in the business of managing a mobile home park anymore.

She feels strongly about moving forward on Mission Cove. We need to put some of those funds into that. It doesn't have to be all of it, just a portion of it. She didn't hear what portion that would be. No one has said a dollar amount. She asked Mr. Seymour what dollar amount that is.

**MR. SEYMOUR** responded it's staff's recommendation.

**COUNCILMEMBER SANCHEZ** stated okay, that is included in what would be recommended by staff at this point. For the larger picture, this \$5,600,000 is something we were not anticipating. We have a lot of needs. She understands that the renovation of the bathrooms is already in the budget. That's Phase 1. Phase 2 is what we're talking about with the \$3,000,000. This is the bathroom at the band shell. We should not be spending all of this money on bathrooms. We should be leveraging. The Coastal Conservancy gives grants for things like this. She's seen it over and over again. We have not even applied for that yet. She asked staff to look for money everywhere because it's about stretching these funds.

It's the same thing with SANDAG. When we're looking at the Coast Highway improvements in South Oceanside, what they always look for is leveraging, meeting the City's investment in a project. This is going to be a Smart Growth, livable cities-type thing. That's what they're looking for criteria-wise for funding. That's where you're going to get into the one or two priorities for SANDAG funding. We should have some funds set out for that.

We have not had a chance to look at everything that's important to us and that we're actually going forward on. Looking at potential funding, how can we accomplish most or all of these? She was disappointed about the \$3,000,000, because we don't have to put all of that to fix the bandshell bathrooms. It is a historic building, and it's going to cost more to fix it. She doesn't see doing a maintenance building out of it. She'd rather see something visitor-serving that will get us the dollars, in terms of the Coastal Conservancy.

The money is there for Phase 1. Phase 2 is the bathrooms and also looking at where the police have an office and whatever else the building is being used for. She doesn't want to spend it all. We still have to deal with the issue about lights in Rancho

del Oro. We have all of these things that people are asking us to address. We need to have some kind of decisions on the issues that are critical. Lighting is a public safety issue as well. She still wants to proceed in good faith in terms of some of these issues, including the lighting in Rancho del Oro.

We can actually stretch out the \$5,600,000 to do several things. We've also talked about Jeffries Ranch. There is still the issue about Jeffries Ranch Road being closed. There are all of these things that we have where we could put money. What are we going to do about these other things? Aren't they important as well? This needs to be more of an equitable distribution of where we put these capital improvement-type funds, not just in one place. We need to look at keeping Marshall Street pool open. We have a lot of requests and need to plan this out better regarding what's out there and how we can leverage these dollars.

She's hoping that staff will continue to look into getting more funding. She has every belief that we can do this if we come up with a project that is visitor-serving and that is going to fix the bathrooms or rehab the bathrooms of this historic building. They wanted to do another bathroom and fix it in terms of maintenance use, but she's sure we can find another use for it like doing bathrooms and the police substation. She appreciates the City Manager's proposal for the balance, but she doesn't want to see \$3,000,000 spent all in one project.

As to the sand replenishment project, she understands that the grunion were not anticipated at all. It's very unusual for grunion to be there at that particular time. That's why sand was not placed on the beach this time. Now it's going to take more studies, and it has to be sand that is acceptable quality. Most of that \$600,000 is transportation costs. They now have to do all of this analysis of the additional costs so we're probably looking at closer to \$800,000. Since it's going to probably happen closer to the time that we do dredging, we could probably distribute the sand in a better way.

That is our sand. We're talking about sand that is at Whalen Lake. They have to get another permit because we don't have a permit at this time. That's another process and is also an added cost, but we do have provisions for storing sand at El Corazon in the meantime. There are all these little details that we have to look into and try to figure out how to stretch the dollars for the betterment of our entire community.

**COUNCILMEMBER FELIEN** stated when we voted last month for the beach restrooms, that was to replace the funding from the Redevelopment when it was destroyed by Sacramento. The bathrooms were always recognized by Council as being critical, both to our residents and our tourists. Council made the correct decision in moving forward in that direction. If we can get additional funding from other sources to offset some of that cost, we'd all be happy to allocate it in a different direction, but he doesn't see any point in reversing that vote.

His understanding is that's the money we needed to move ahead now. We want to make sure that project gets done. We were told that was the most important thing that's going to have the most immediate impact. As far as the remaining money, if there is not a consensus on where it goes, that's what unallocated General Fund reserves are for. We can pull it out from there if an opportunity comes up for Quiet Zones or Mission Cove or anything else. He would be interested in pier rehabilitation because that affects our business, our image, our tourists and our residents. That would be a high priority for him.

On the issue of Mission Cove, he's hearing two stories. Mission Cove says private sector people are waiting for the City to do things. He's under the impression the City is done with what we've said we're going to do, and we're waiting for the private sector to do their share. Can someone explain who's waiting on whom here and where are we in terms of the agreement that we signed with Mission Cove? Has each side done what they said they were going to do? Is one side waiting on the other?

**CITY MANAGER WEISS** responded that at this point, both sides are in the process of doing what they've said they were going to do. As Mr. Seymour had mentioned, the EIR is now out for public review. The environmental process has taken longer than what had been originally anticipated. The DDA (Disposition and Development Agreement) had time provisions in it that allowed, at an administrative level, to provide one extension, up to one year. That extension has been granted. Any further extensions would need to come before this body. At this point, he doesn't anticipate that there will be a need for further extensions based on what has happened so far to get the environmental work done. That environmental work has been done.

As we move forward in the negotiations and doing the DDA with the developer, they had demonstrated that there was a funding gap. The City has put money into the project, but they've identified a funding gap. They are seeking private investors and tax credits and affordable housing money generation, but there's still a funding gap. That was identified early on. Part of the DDA included that future revenue that the City would get for affordable housing projects would initially be allocated to Mission Cove with some caveats that we could do other things with it. So there was always this anticipation that there was a funding gap.

This \$650,000, should Council allocate it to the project, does not close that funding gap all the way. It helps funnel the project a little closer, but there is still going to be a need, as we move forward in partnering with them, to identify other funding opportunities. It may be in the form of other one-time moneys or other ways of offsetting some of their long-term costs. Right now the EIR is out. The environmental steps are moving forward, and the project is moving forward. The funding will have to at some point merge with the development of the project. However, right now everything is on track.

**COUNCILMEMBER FELIEN** asked, assuming each side does what they're supposed to do, how much more is needed from the City to do what we said we were going to do so this project can move forward?

**CITY MANAGER WEISS** doesn't know if he can say how much more is needed from the City. There is still a funding gap. We are aware that there is an opportunity to receive some additional moneys through the former Redevelopment. There is a loan that's going to be able to show up on the recognized obligation payment schedule that would go into this particular project. He can't tell Council what the actual funding gap is.

**COUNCILMEMBER FELIEN** is hearing \$650,000 now. He wants to know what's going to be the final number, however it's stretched out. What can we realistically expect to be asked for to complete this project so we can prioritize that and understand what timeframe we're dealing with, along with other needs like Quiet Zones and everything else that we've discussed and not overpromise.

**MR. SEYMOUR** stated the funding gap today is \$3,500,000, minus the staff recommendation of \$650,000, which leaves the balance. How are we going to get the balance? In Councils' recently adopted Housing Element, it had shown additional Federal HOME funds coming to the City. That's the other portion of approximately \$374,000 for 2013-2014, and additional inclusionary housing fees. When Council went back and revised the ordinance, there were other developers in the City coming forward and using this as a bank and also writing the fees to the project. With the Federal HOME funds, the anticipated inclusionary housing fees coming forward in the next year will close the gap.

We're doing our value-engineering. Once we close that gap, then we are able to apply for the tax credit allocation. That's when the equity comes in. When we get the allocation, that's when the \$65,000,000 comes into the project. It doesn't come in now;

they can't do that per Federal law. Combined, we have probably seven or eight private sector investors that are waiting for us to make the allocation submission to TCAP (Tax Credit Assistance Program) at the Treasurer's office. Once we get it, that's when the money comes in. We're not allowed to apply until we have the EIR done and the entitlements, which is coming to the Commission in November and to this body in March. That's the timeline; we are that close. If we don't get the \$650,000 and then we get the Federal HOME funds and the inclusionary, we're still tracking along to close that gap. That's how close we are.

**COUNCILMEMBER FELIEN** asked if we commit the \$650,000, then based on the other sources from the City from other taxes and revenue that's already allocated to affordable housing, we will have done our part? The shovel will go in the ground and we will not have another vote up here for one-time funds? Everything else is already in motion based on allocated funds?

**MR. SEYMOUR** responded yes. You have Federal HOME funds coming from the Federal government anticipated, plus you have the future inclusionary housing fees coming in. Those two sources will be coming in over the next twelve months according to the report out of Housing. We will have to come back to Council one more time for that allocation, and then we are done. We're ready to go. Phase A, B and D are out the door, and we are delivering the pad to Phase C. That's where we are. It's this, the Federal HOME funds and those inclusionary housing fees that are coming forth as anticipated.

**COUNCILMEMBER FELIEN** asked the City Manager if he's basically onboard for that summary.

**CITY MANAGER WEISS** responded yes.

**COUNCILMEMBER FELIEN** stated if that's in fact the case, it would seem that the \$650,000 recommendation would be a good way to go, unless any other Councilmembers have something we're overlooking here. To have this project put to bed is something that we've been working on a long time. To get that moving would make sense to him.

He doesn't know how we want to address the issue of the Mayor's request of whether we're allocating something for Quiet Zones or allocating it for the General Reserve fund. In fact, it's always there if some emergency comes up if we want to go another direction.

**MAYOR WOOD** stated he'll go with this because he'd rather have this than some of the other potential things. He's willing to stick with this. He just wanted to make sure we didn't use all the money out of the sale of the park.

**COUNCILMEMBER FELIEN** wanted to follow-up on a comment that Councilmember Sanchez made on the issue of the Rancho del Oro lighting. He met with the Board at their most recent meeting, and he's a resident of Rancho del Oro. The City did win its case, but as we know there is often a difference between the law and justice. As we were discussing possible settlements, the Council did throw around a few ideas. It is an issue we need to come back to. Since each side has proven the legality of where we stand, that still leaves the issue of coming to a fair settlement or resolution to that issue. He would want to address the issue, whether it's a part of next year's budget or some of the one-time money that may come in with the adjustment of this year's year-end budget.

He would go along with the Mayor's suggestion of voting for this allocation now. It seems to be the best one that meets the priorities that we've heard.

**DEPUTY MAYOR KERN** wants to make something clear because there was a

misstatement up here. This money does not belong to the Housing Department. This money belongs to the citizens of Oceanside. The proceeds that we receive should go to the best use to benefit most of the citizens of Oceanside, not just one department. He's a little disappointed in the Mission Cove presentation because they started this project before we sold the mobile home park. Now they're coming in tonight saying that somehow if we don't allocate money to them, the whole deal will fall apart or it will be stretched out for years. He's trying to understand what is being said about how they really need the money otherwise they can't close the gap. They had a pro forma before we even sold this mobile home park, and they should stick to that pro forma.

He's not willing to commit any more money until he sees some private equity in this. The City's on the hook for \$17,000,000 or \$18,000,000 now. We've done our part. We need some performance. They haven't met their benchmarks, and we had to extend. Until he starts seeing some performance on benchmarks, he's very reluctant to give them any more money. If we want to take this one-time money and use it for affordable housing, he'd rather give it to the Solutions for Change on Weitzel Street. If we gave them the money, that project would probably be done before Mission Cove turns a blade of dirt. If our real goal is to provide affordable housing, we have a project that's coming forward that might be able to get done.

He ran into a buzz saw when he went to the South Oceanside meeting last week, about why we forgot about Buccaneer Beach? We did all the beach restrooms and it's all the beach restrooms except the one at the band shell. It's the restrooms on the sand, Tyson Street, Wisconsin and the pier. It's all of the restrooms except the bandshell. The design was done with Redevelopment money, so all we need to do is fund the construction. That's why we brought it forward at this time. We can get this done, and it will be the best benefit for the most people of Oceanside.

He commends the Mayor on the Quiet Zones, because that would be a better benefit to the citizens of Oceanside, particularly those in the rail corridor rather than the other projects. We're all up here to do what's best for the full citizenry of Oceanside instead of just one department.

We allocated money for Healthy City. We had a motion last meeting to increase it from 12% to 13%, and he doesn't see why we're revisiting that vote that we've already taken. We also had a vote for the infrastructure amount of \$500,000, effective in 2014-2015. That vote's already taken. If we're going to go back and keep revisiting votes that we've already taken, we'll be here ad infinitum just reevaluating votes. He would probably make the motion to just put it all into unallocated General Fund reserves right now and figure out what we want to do with it. Right now we have everybody here trying to figure out what to do with this money, and we have to try to make a decision tonight. Maybe we shouldn't have to make a decision tonight; maybe we should wait 30-45 days and think this thing through before we start spending money.

Obviously everybody has their own ideas, but right now he's just a little confused about all the moving parts of the motion and what we're going to do. He **moved** to continue this for 30-days and come back with some decisions.

**COUNCILMEMBER FELIEN seconded** the motion for discussion.

**COUNCILMEMBER SANCHEZ** is not confused. She knows what is presented here. This is the City Manager's recommendation as to \$3,000,000, because he presented to us the fact that we have another \$1,000,000 surplus. She also addressed the prior Council action because she was not here. She gave Council a heads-up that she would not be here. Last December or maybe it was November, one of our Councilmembers gave us a heads-up that he would be gone for a day and out of respect for him, he asked Council not to do anything that would be critical or spend a lot of money. We did that for him. She's hardly ever gone and doesn't anticipate being gone again. If so she would ask us all to be respectful of each other, especially if time is not

of the essence.

She would like to make a substitute motion that we adopt the City Manager's recommendation as he has proposed, plus what Councilmember Feller has added to it, which has been accepted by the Mayor and reiterated by the City Manager, that incorporates the extra \$1,000,000. That is what we're here about, not the initial \$3,000,000. She's actually hoping staff will not spend it all because they will find other funds via grants. As to what is on the agenda tonight, she's ready to vote on that substitute motion and hopes there is a second for it.

**MAYOR WOOD** stated there's a little confusion about the extra \$1,000,000. That's something that the City Manager is going to bring back to us. He'd rather vote on what's on the board than touch that \$1,000,000. Let him get back to us. He's willing to let staff come back with the City Manager about that money. If Councilmember Sanchez will amend just what's up there, he would second it.

**COUNCILMEMBER SANCHEZ** made a **substitute motion** to approve what the City Manager has recommended per what's on the board, understanding that staff is going to come back with the other \$1,000,000.

**MAYOR WOOD** **seconded** the motion.

**COUNCILMEMBER FELIEN** stated the motion and the substitute deals with Mission Cove, and Deputy Mayor Kern gave a pretty passionate speech that seemed to contradict the understanding he thought we had worked out with the City Manager and Mr. Seymour, in terms of missed benchmarks and things like that. He's trying to see that we at least can all agree as to where we are. He asked Deputy Mayor Kern, based on the discussion he had with the City Manager, what is it that he feels hasn't been met or that Mission Cove should have done that they didn't.

**DEPUTY MAYOR KERN** got a rundown of what the agreement was. They did ask for an extension, and he doesn't think they're going to meet the extension. They were supposed to apply for something in November, and we're extending that. They have two times that they can apply for these tax credits, November and June. They're not going to meet November, and they may not meet June of next year. The bottom line is that they had a plan before this one-time money became available. We have this one-time money, and somehow they're desperate for it. If we don't approve it, the whole deal falls apart. Maybe it's the tone that he's missing, but it sounds that way.

**COUNCILMEMBER FELIEN** stated that's what caught his ear. Everything should have been fine before the sale, and now we're using money from the sale to patch up what Deputy Mayor Kern thinks is a hole that shouldn't be there. Is that a good summary?

**CITY MANAGER WEISS** responded when the City entered into the agreement, Redevelopment was still alive. The City received 20% of the tax increment generated by the Redevelopment Agency that went to the City's affordable housing program. A good portion of that money was being allocated to this particular project. With the elimination of Redevelopment, that money went to the State and left a gap for this particular project. There were some issues. The extension was requested and granted, but part of the reason for the one-time money is because there was no longer the affordable housing money coming from the tax increment that would have been available to the developer.

**COUNCILMEMBER FELIEN** asked if we vote tonight to commit the \$650,000, where does it go?

**CITY MANAGER WEISS** responded it sits in the non-departmental account and would have the Mission Cove name next to it. Once they decide that they actually have

to spend it, the Council would have to take subsequent action to encumber the money to that project.

**COUNCILMEMBER FELIEN** asked if we get a second bite at the apple?

**CITY MANAGER WEISS** responded yes.

**COUNCILMEMBER FELIEN** asked between tonight and any of those subsequent votes, are they planning to apply for these funds in November? Is Deputy Mayor Kern accurate in terms of that calendar?

**CITY MANAGER WEISS** responded Mr. Seymour would have to verify it, but it's his understanding that they can't apply until they get their EIR and entitlements approved and can demonstrate they have the funding. The schedule for the Planning Commission for the EIR right now is in November.

**COUNCILMEMBER FELIEN** asked if Deputy Mayor Kern would be correct, that they would have to apply next July?

**MR. SEYMOUR** stated there are two times you apply. The first time is in March, and the second time is in July. We as the developers are pushing staff hard to get this project through, and they are working as hard as they can. The reason we didn't make our schedule was not because of us. We're a national developer; that's why the City picked us. We're the best company for this deal. It's because of the complexities of the project of the land that the City is ground-leasing to us. It's no-one's fault. That's the complications of development. It's not our fault; it's not the City staff's fault. Staff sometimes gets very upset because we are pushing them so hard. Staff is doing a great job.

This is what happens in development. This is a large project. This is 14.5 acres; it isn't some 60-unit rehab deal. This is the largest comprehensive project in San Diego County. There is no larger project. When RDA (Redevelopment Agency) went away, that money was part of the RFP that went out, and that was part of our funds. Now we've cut back probably \$3,000,000 in value-engineering and streamlined that project down so that we can still meet Council's adopted vision. We could get rid of the adult daycare center and the family resource center, but we're not going to do that because that's Council's adopted vision.

We can come back to Council and say that we can further cut the costs, but we're not going to do that. We want the highest architectural integrity of this project. If that \$650,000 doesn't go to Mission Cove tonight, the project isn't dead. However, it's going to move it along quicker to replace those lost RDA funds. He would do anything to get Wells Fargo, JPMorgan Chase and Union Bank to meet personally with Council to say that Community HousingWorks and National Corps are the best developers for this deal and that we're ready to write the checks, but we can't until we apply for our tax credits. We can't apply for tax credits until we get the gap filled and the EIR done.

We're looking at coming to Council in March and then applying in July for our tax credits. The DDA allows us multiple attempts to apply because it's very competitive. We're competing against the City of San Diego. This project is competing against multiple projects down there. We've spent probably \$1,000,000 to date on staff time and our own money as well to get this project moving. We're your partner on this; we're not your enemy.

**MS. JAGODZINSKE** stated we have not increased the gap that is in our DDA. We are working diligently to get that reduced in any way we can. We're all working very hard, and we will get this built. She knows that and is looking forward to the ribbon cutting with all of the Councilmembers.

**COUNCILMEMBER FELIEN** stated the other project that was discussed but that's not on this list and he thinks is important is the bathrooms at Buccaneer Beach. Based on the current plan, it's going to be another two years before that's completed if any of these funds were allocated for that. He asked at what point in the process is money holding things up? If we had a blank checkbook, how fast would this go?

**CITY MANAGER WEISS** responded if you allocated the money tonight, then we would need to start the design process and then the entitlement process. Because of where that restroom is in Coastal jurisdiction, it's going to take a significant amount of time for the design and entitlements. If you allocated the money tonight, we would then start the design process and at least do the selection for a design consultant. We have a tenant that's running a business that would end up being displaced for some period of time. We would need to see what their needs are because we'd have to include a visitor-serving commercial component in the overall demands of the restroom.

We'd start that process now, and hopefully the design would be finished within a six- to eight-month period. He can't tell how long the entitlement process would be because of all of the regulatory agencies, but that would certainly expedite it.

**COUNCILMEMBER FELIEN** asked if we did something tonight, how much quicker would the bathrooms be done as opposed to the current plan and the current budget?

**CITY MANAGER WEISS** responded a year.

**COUNCILMEMBER FELIEN** asked what's the amount for that roughly?

**CITY MANAGER WEISS** responded in the CIP budget it's \$250,000 for the design and entitlement processing.

**COUNCILMEMBER FELIEN** stated in lieu of that and that we would be coming back for a vote for the Mission Cove money anyway, tonight doesn't accelerate that process. We have the issues of the Rancho del Oro streetlights and Buccaneer Beach if we want to accelerate that. It makes sense that we put it all into unallocated General Fund reserves for now. In view of the total priorities that have been discussed, let's see if we can hash down the numbers a little better and vote on the projects as we get more information and have to come to some decision points.

**COUNCILMEMBER FELLER** stated Mission Cove was approximately a \$4,000,000 gap just about three or four months ago, so we are significantly better. We have property that we're selling. He saw in the newspaper that the City is selling some properties on Coast Highway. He's satisfied that the \$650,000 is a valuable investment. We don't need to touch the Healthy City reserve, so you can throw that into the unallocated General Fund reserves. He would keep Mission Cove and stick everything else into the unallocated reserves.

**COUNCILMEMBER SANCHEZ** asked including the pier rehabilitation?

**COUNCILMEMBER FELLER** responded if we felt like that was the need at the time, we could probably just take it right out of the unallocated reserves. He asked the City Manager if that works.

**CITY MANAGER WEISS** responded yes.

**COUNCILMEMBER SANCHEZ** amended her motion to reflect that.

**MAYOR WOOD** as the second concurred.

**CITY MANAGER WEISS** clarified it's \$650,000 allocated to Mission Cove and everything else to the unallocated General Fund reserves.

**CITY CLERK BECK** clarified the original motion he had from Deputy Mayor Kern was seconded by Councilmember Felien for discussion. It pertained to delaying the allocation of these funds for 30-45 days. There was a substitute motion from Councilmember Sanchez to allocate those resources now that there's been further discussion. We had a motion and a substitute motion.

**COUNCILMEMBER SANCHEZ** added we have a substitute motion to vote on, which is \$650,000 and then everything else in the unallocated General Fund reserve.

**MAYOR WOOD** stated we can come later to vote on what it's used for.

**COUNCILMEMBER SANCHEZ called for the question.**

**MAYOR WOOD seconded** the call for the question.

**Motion on the call was approved 4-1**, Kern – No.

**MAYOR WOOD** stated we're going to vote on the substitute motion now, which is the \$650,000 and everything else goes in the reserves.

**Motion was approved 4-1**, Kern – no.

31. **[Infrastructure Reserve Funding**  
A) Report by Peter Weiss, City Manager  
B) Discussion  
C) Recommendation – provide direction to staff]

**Item continued to a future meeting.**

32. **[Healthy City Reserve Funding**  
A) Report by Peter Weiss, City Manager  
B) Discussion  
C) Recommendation – provide direction to staff]

**Item continued to a future meeting.**

**GENERAL ITEMS** - Continued

19. **City Council: Denial of a request to establish an all-way stop control at the intersection of Kelly Street and South Horne Street**

**DAVID DIPIERRO**, Traffic Engineer, stated the recommendation from staff on this item is that Council deny the request to establish an all-way stop control at the intersection of Kelly Street and South Horne Street. Staff was contacted by residents requesting that all-way stop controls be installed to help clarify the right-of-way between vehicles and pedestrians. A computer graphic was used to show that the intersection between Kelly and Horne Streets is a four-legged intersection located in a residential neighborhood of South Oceanside Elementary School. Stop controls already exist on Kelly Street at Horne Street, and there is a yellow school crosswalk on the north leg of the intersection.

An all-way stop warrant analysis was conducted in which no warrants were met. A computer graphic was used to show the warrant analysis form. If we've already qualified an intersection for a traffic signal and we needed to do an interim measure, we would consider an intersection for an all-way stop. That is not the case here. We look at the accident history, which we did at this particular location over the last four years.

There were no accidents reported. We look at traffic, pedestrian and bicycle volumes. According to our analysis, this intersection did not meet our requirements.

South Oceanside Elementary School currently has two adult crossing guards, one located at the all-way stop intersection of Stewart Street and Cassidy, and one adult crossing guard located at the mid-block crosswalk on Cassidy Street at Serrano Street. Staff contacted the school principal about relocating one of the crossing guards, and we were informed that there is more concern with the guards at the current locations due to the much heavier pedestrian and vehicular traffic. Based on staff's observation as school let out, approximately 30 students accompanied by adults crossed at the intersection of Kelly and Horne. City staff has updated all of the school signage around the school, which included signage to supplement the crosswalk at Kelly and Horne.

At the June 24<sup>th</sup> Planning Commission meeting, the Commission recommended approval for the all-way stop, stating that the location is near a school and has a fair amount of pedestrian activity.

**MAYOR WOOD** stated it's unusual to get a denial. This went through Planning and came forward to staff, who looked into it and said no.

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

**COUNCILMEMBER FELLER** stated there are not very many sidewalks in that general area. He knows there is along that side of the school, but on the other side there are no sidewalks. That is probably circumstantial. He doesn't think we're going to be able to add sidewalks in that area. Kelly is not a very busy street, and that's where you have your stop signs at this point. We just have to trust that crosswalks do that. Some are walking unattended, but usually parents or an adult would be with the child.

He **moved** approval of [denial of a request to establish an all-way stop control at the intersection of Kelly Street and South Horne Street].

**DEPUTY MAYOR KERN** seconded the motion.

**COUNCILMEMBER SANCHEZ** noted that the Planning Commission heard this and actually voted to approve a stop sign 4-1, but they don't have anybody here to speak on behalf of this. She is concerned whenever there is a school, which is the justification they gave. They voted for it because it is next to a school. She is concerned and wishes she could hear more. Kid safety for her is more important. She constantly hears requests for stop signs because of cars that are traveling too fast. It's your own neighbor or a soccer-mom that is trying to get their kids back and forth who tend to be the worst offenders. It does slow traffic down. It makes the place safer, and she is about safety first.

She is going to vote the opposite way. She is sorry that the folks from the neighborhood are not here who asked for it, but out of caution she's going to vote for the public safety of it.

**COUNCILMEMBER FELIEN** stated it looks like Kelly Street has the stop signs and Horne Street doesn't. Is that correct?

**MR. DIPIERRO** responded that is correct.

**COUNCILMEMBER FELIEN** assumes the parents or community members who brought forward this request had some reason for it. He asked were there near misses or things that they were concerned about that just didn't get reported as accidents? What was the reason the neighborhood came forward? Usually these things are motivated by some incident that we want to make sure doesn't happen again. Do you know what took place here?

**MR. DIPIERRO** understands it is just the pedestrian activity. We looked at the accident history. The reported accident history doesn't show anything. From one person's perception to another, they might call them close-calls, but the request was that there are children crossing at the cross-walk with no stop controls. From what he's been told, in the afternoon there are about 30 kids or so crossing with adults to go to an after-school program at the church down the street.

**COUNCILMEMBER FELIEN** asked as part of the Planning Committee, did anyone come forward and say we don't need a stop sign there and want through traffic?

**MR. DIPIERRO** responded no. We had one member that came to speak in support of it. He obviously got the attention of the Planning Commission to vote to install the stop sign. As far as the engineering studies which we're held to, it did not qualify based on those.

**COUNCILMEMBER FELIEN** accepts the engineering analysis, but what harm would there be in putting it in, rather than having a better-safe-than-sorry kind of approach? He's sensitive to it being near a school and having issues of a larger number of kids congregating. When we make the decision to put in a stop sign, is there any attempt to poll the neighborhood, or did he understand correctly that one person came and said he wants a stop sign here? Is that what drove this?

**MR. DIPIERRO** believes they had a couple of requests. We evaluate it based on our engineering study. It did not qualify. We deny it and take it to the Planning Commission. There's a public forum for people to come in and speak at that time in favor of it, which happened. Now we're here tonight. Again, it's really at the discretion of the Council. If Council would like the stop sign, then we would move forward with it.

**COUNCILMEMBER FELIEN** stated that the school felt, based on the traffic, that it was more urgent that the crossing guards stay where they're at. Did they have any opinion one way or the other if the stop sign itself would be helpful?

**TEALA COTTER**, Assistant Traffic Engineer, met with the principal at that corner and observed the pedestrians crossing in the traffic through there. He did not have any great need for an all-way stop at that intersection. He thought everything ran pretty smoothly.

**COUNCILMEMBER FELIEN** will lean with the staff recommendation, but he's willing to come back and look at it again if there's a compelling case that we're missing.

**COUNCILMEMBER SANCHEZ** asked if usually there is a petition, and that's how it gets to the Planning Commission. There were several neighbors who wanted this, is that correct?

**MS. COTTER** responded there was one petition. It was from the church that had sent a letter to the Council with a petition, but that's not necessarily how we go forward with conducting all-way stops. That's not the decision-making criteria to put in an all-way stop.

**COUNCILMEMBER SANCHEZ** understands, but it's the way it gets to staff.

**MS. COTTER** responded it doesn't need a petition. It could be one person contacting us. There's no petition needed.

**COUNCILMEMBER SANCHEZ** stated several years ago she had a really bad accident leaving Kelly Street. The traffic there is fast. Traffic is a problem in this neighborhood. It always has kids even though there are no sidewalks. They walk and ride their bikes. It is a safety issue. That's why she's still going to say no.

**Motion was approved 4-1, Sanchez – No.**

**PUBLIC COMMUNICATIONS ON OFF-AGENDA ITEMS**

No action will be taken by the City Council/HDB/CDC/OPFA 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**

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

**LANCE ROGERS**, 835 Fifth Avenue, San Diego, is an attorney in San Diego and an Encinitas resident. His focus is on the representation of medical marijuana patients and dispensaries in California, specifically in San Diego. He's represented the first licensed dispensary, which was licensed by the San Diego Sheriff's Department. He worked hand-in-hand with law enforcement on that issue. He's currently with the shareholders group working with the City of San Diego to work on an ordinance for that city. He's here before Council on what he believes is an important public safety issue. He's here at the request of Nature's Leaf Collective. Specifically, he has approached the City to bring this issue once again before the Council for its consideration. He has spoken with the City Manager and has been advised to bring it before Council in the form of a zoning text amendment, which is how we'll be proceeding.

As part of that, Mr. Sadler and the collective have worked with a trade association by the name of the California Cannabis Industry Association to look at data, specifically with regard to public safety and how best to address this issue. There is a draft amendment that has been created for the collective, which we'll be putting before the City. It's been his experience that the data shows that, with a lack of oversight which is currently what we have in Oceanside, crime goes up. What we're asking for is sensible regulation that balances both the very real public safety issue of marijuana with finding access and an outlet. The problem that hundreds of citizens in Oceanside face right now is where do you get medical marijuana? There is no answer to that. There has never been an answer to that, and that's why this keeps coming before this City in the form of litigation. He's been involved in litigation with the City Attorney's office on this issue, and he's hoping that we can avoid it this go-around.

There has been a recent legal case that came down from the California Supreme Court in May, which hopefully will clarify the legal landscape. Additionally, the California State Legislature hopefully will draft an ordinance that will clarify this for the City. We'll be back before the City; we're just making a brief introduction and look forward to working with the City on this.

**GEORGE SADLER**, 2525 South Vista Way, Carlsbad, is the Director of Nature's Leaf Collective, a medical cannabis dispensary located in Oceanside. We are actively in the process of filing an amendment to the zoning for medical cannabis dispensaries in Oceanside. He had met with the Planning Department and the City Manager and had been advised to pursue a path through the Council and the Planning Commission.

He understands that this can be a controversial issue and that the members of Council have to make difficult decisions for Oceanside. He hopes that Council will consider working with him as the director of Nature's Leaf Collective, to not only provide safe access, but to help in the process of regulating the position of dispensaries in Oceanside. There is currently a need within Oceanside for the dispensing of medical cannabis, and with the right structuring the City can offer a safe access for the more than 13,000 registered patients in Oceanside. The City has clearly started this process by allowing doctors in Oceanside to provide patients with the recommendations necessary to obtain medical cannabis. The problem now is where the patients have to go to obtain the medicine.

We should all remember that medicinal cannabis has been legal in California since 1996 when proposition 215 was passed. It was the people of California that fought hard to legalize it. The need for medical cannabis has become in such demand that dispensaries are needed to not only provide good quality and safe medicine but to also provide a comfortable and safe environment for people to access their medicine. With patients ranging from surviving cancer patients, MS (Multiple Sclerosis) patients and many other patients with life-threatening illnesses to the elderly and our veterans, we should really consider accommodation for their needs to this medicine. Working together with Council and the people of Oceanside to regulate not only the number of dispensaries in Oceanside, but the types of locations, we can provide safe access to all the registered patients of Oceanside.

### **CITY COUNCIL REPORTS**

20. **Mayor Jim Wood**

**MAYOR WOOD** had approximately 120 student visitors from France over the last week visiting Oceanside and has another group of 65 here this week. We also had a large group from Taiwan, and students and teachers from China. They were very educated and spoke fluent English. He finds it interesting that foreign countries have now picked Oceanside as the spot to come for the students, parents and teachers.

He's looking forward to the Mayor of our sister-city of Kisarazu, Japan, coming to Oceanside in the early part of October.

21. **Deputy Mayor Jerome Kern**

**DEPUTY MAYOR KERN** stated the surf contest last weekend was a very well attended event. It's a national surf contest. They were very complimentary of the Police Department and the help they got controlling the crowds, especially at the autograph lines.

Tomorrow morning he's giving a presentation at the North County Economic Development Council on the economics, health and prospects for Oceanside.

22. **Councilmember Gary Felien**

**COUNCILMEMBER FELIEN** attended the Heritage Park concert of gospel music. He also attended the opening for the Marshall Street pool. It's great to have that facility available for the community. Earlier in the day, we had Oceanside's 125<sup>th</sup> year anniversary celebration. It was great to hear the old-timers talk about the history of our City and what we've accomplished since 1888.

23. **Councilmember Jack Feller**

**COUNCILMEMBER FELLER** spent a week in Northern California and visited UC Davis.

24. **Councilmember Esther Sanchez**

**COUNCILMEMBER SANCHEZ** attended the International Livable Cities Conference. She met Mayors from all over the world. The International Livable Cities Conference is about making every part of a city livable, bicycle-friendly and kid-friendly.

She also attended the grand reopening of Marshall Street pool. She attended the meeting of the Scottish Rite Center, where our officer, Matt Lyons, won Officer of the Year.

August 7, 2013

Joint Meeting Minutes  
Council, HDB, CDC and OPFA

**INTRODUCTION AND ADOPTION OF ORDINANCES** – None.

**ADJOURNMENT**

After a moment of silence for Nick Barnhart, who passed away, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 9:05 PM on August 7, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, August 21, 2013].

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

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Zack Beck  
City Clerk, City of Oceanside