



California

CITY OF OCEANSIDE

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

AUGUST 21, 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 M. 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

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

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:07 PM, August 21, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Feller and Felien. Councilmember Sanchez arrived at 2:11 PM. Also present were Assistant City

August 21, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:
Items 1, 2A and 2.1A.

[Closed Session and recess were held from 2:08 PM to 4:02 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Discussed (OCEA); no reportable action

2. PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957)

PUBLIC EMPLOYEE PERSONNEL EVALUATION (Section 54957(b))

A) City Manager

City Manager Peter Weiss tendered his resignation, effective December 27, 2013

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

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

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

Removed Item 27 from agenda; no action taken

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 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.

Changes to the agenda

CITY CLERK BECK announced that Item 14 has been removed from the agenda by staff.

CONSENT CALENDAR ITEMS [Items 3-16]

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.

The following Consent Calendar items were submitted for approval:

3. 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 meeting:

June 20, 2012, 2:00 p.m. Regular Meeting
4. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
5. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials, and services in amounts over \$50,000 for the Water Utilities Department and associated funds; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
6. City Council: Approval of Amendment 1 [**Document No. 13-D0564-1**] in an amount not to exceed \$150,000 to the professional services agreement with Carollo Engineers for financial advisory services for the Water Utilities Department; and authorization for the City Manager to execute the amendment
7. City Council: Approval of amendment 2 [**Document No. 13-D0565-1**] in the amount of \$25,323 to the professional services agreement with HDR Engineering for engineering design and support services for the Project Study Report for the El Camino Real/State Route 78 Bridge Widening Project, adding the scope of work addressing additional Caltrans comments for the completion of the study; and authorization for the City Manager to execute the amendment
8. City Council: Approval of a three-year percentage-based professional services agreement [**Document No. 13-D0566-1**] with Utility Cost Management, LLC, of Santa Monica, to provide utility bill analysis for the Public Works Department; and authorization for the City Manager to execute the agreement
9. City Council: Approval of professional services agreement [**Document No. 13-D0567-1**] with Environmental Science Associates (ESA) of Los Angeles in the amount of \$256,100, and [**Document No. 13-D0568-1**] The IBI Group (IBI) of San Diego, in the amount of \$608,375 to conduct the Coast Highway Corridor Study Environmental Impact Report (EIR); and authorization for the City Manager to execute the agreements
10. City Council: Approval of a professional services agreement [**Document No. 13-D0569-1**] with Southern California Coastal Water Research Project of Costa Mesa in the amount of \$89,743 for the City's costs to participate in a Regional Intensive Receiving Water Monitoring Program; and authorization for the City Manager to execute the agreement
11. City Council: Approval of a Memorandum of Understanding [**Document No. 13-D0570-1**] with the Oceanside Unified School District to provide School Resource Officers; approval to accept revenue to the City in the minimum amount of \$251,190 for FY 2013-14 and \$253,623 for FY 2014-15; approval to appropriate the revenue to the Police Department for the School Safety Enhancement Team; and authorization for the City Manager to execute the agreement
12. City Council: Adoption of **Resolution No. 13-R0571-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 13-R0572-1**]

between the City of Oceanside and the Oceanside Police Officers' Association Non-Sworn," effective August 21, 2013 through June 30, 2014

13. City Council: Adoption of **Resolution No. 13-R0573-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 13-D0574-1**] between the City of Oceanside and Management Employees of the City of Oceanside," effective August 21, 2013 through June 30, 2015
14. [City Council: Adoption of a resolution approving and implementing the MOU between the City and the Oceanside City Employees Association (OCEA) effective August 21, 2013 through June 30, 2015]

Removed from the agenda by staff

15. City Council: Adoption of **Resolution No. 13-R0575-1**, "...approving and implementing the Compensation Plan [**Document No. 13-D0576-1**] for Unrepresented Employees dated August 21, 2013"
16. City Council: Authorization for the Water Utilities Department to accept \$105,300 in grant funds from the California Department of Water Resources and the United States Bureau of Reclamation, for a Turf Removal Program offered through the Metropolitan Water District Conservation Incentive Program; approval to appropriate the funds to the Water Utilities Department, Parks Division, and Public Works Department; and authorization for the City Manager to act on behalf of the City as signatory to accept grant funds

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 3-13, 15-16].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 5-0.

CITY CLERK BECK announced that Item 27 has been removed from the agenda and will be taken up by Council at a later date.

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.

17. **City Council: Approval of revised Bylaws of the Integrated Waste Commission amending the Purpose, Composition, and Establishment sections of the Bylaws; and approval of the Integrated Waste Commission Work Plan for FY 2014-15**

CARI DALE, Water Utilities Director, stated the Integrated Waste Commission work plan changes, as determined by the Commission, reflect that the advisory capacity role of the Commission has been significantly expanded and that the changes to work plan goals reflect current objectives in the Zero Waste Strategic Resource Management Plan. The recommended changes to the bylaws are a result of the work plan changes. A computer graphic was used to show the outlined changes to the purpose, composition and establishment.

The recommendations are to approve the revised Integrated Waste Commission bylaws, as well as approval of the Integrated Waste Commission work plan for Fiscal Year 2014-2015.

CITY MANAGER WEISS forwarded to Council correspondence between staff

and Nadine Scott, Chair of the Waste Commission. In the bylaws of the Commission there is a clause in regards to termination of the membership. It indicates that the termination automatically expires upon expiration of the term of membership. Within the City Code there is a provision stating that upon expiration of a regular appointment, a member whose term has expired may continue to serve until the member's successor is appointed.

Should Council move to approve the bylaws, he asked that Council add in Section 2.3 that their term would continue until they are replaced.

MAYOR WOOD agrees wholeheartedly with that.

COUNCILMEMBER SANCHEZ stated with that added language, she **moved** approval [of revised bylaws of the Integrated Waste Commission amending the purpose, composition, and establishment sections of the bylaws; and approval of the Integrated Waste Commission work plan for FY 2014-15].

MAYOR WOOD **seconded** the motion.

COUNCILMEMBER FELLER stated we have a Zero Waste program in Oceanside. We have effectively completed more than enough of an effort to reach AB 939 goals and what is required of us by the State in that regard. We have all of these programs. We've implemented the Toter Program, and we're converting to CNG (Compressed Natural Gas). The whole need for this commission has already been exhausted. He's not going to approve this.

He made a **substitute motion** that Council ask staff to come back with dissolving the Integrated Waste Commission and allow the staff member designated for that to move forward with all that's necessary to keep the City in compliance with the rules and regulations. The people at community and Chamber events such as Harbor Days are typically Colleen and her staff, with a few other volunteers. He hopes that somehow we can fold that in, because we're having a tough time keeping commission members. We're struggling to meet quorums.

DEPUTY MAYOR KERN **seconded** the motion.

COUNCILMEMBER SANCHEZ stated this Commission basically reviews the rates and is the place where residents can go. These are volunteers. There are a whole slew of other programs that the Integrated Waste Commission has been looking toward working with the community.

We're talking about reducing waste, which is going to make our City better. We're never going to be finished with this until we reach zero waste. It's not about just meeting the letter of the law. We put this resolution forward and got a 5-0 vote before it even became law. We are a City that is looking forward, being progressive and being a leader in San Diego County in reducing our own waste. Every other city is doing this. Why would we ever think of dropping this?

We're also partnering with the schools. We've got three elementary schools that have gone to zero waste. The whole school district is talking about it. They need us to be a partner. There are a lot of things that we need to continue to look at and do better, such as needle disposal, etc. We need to make sure that we do the best possible job in reducing our waste. There are still people who are not contributing as much as they can to the blue bins. Within our own contract, if we go beyond a certain amount, that money comes back to the community. That contract is for 13 years.

There is no reason to demolish this commission. Why do we even have commissions? Is this the beginning of getting rid of all of the commissions? It doesn't make sense that we would stop doing this in mid-air. The staff and the commission are

doing a phenomenal job of moving us forward, but we haven't gotten there. The seniors in our community get it because they had to recycle; they lived through dire times with the Depression.

The seniors and kids are getting it. This is due to the wonderful partnership that we have with the school district. They understand this island of trash that's in the middle of our ocean. They understand picking up trash on our beaches to make them clean and to make them the kind of place where tourists would want to come and spend their dollars. It's her generation of people who are still not getting it completely.

We're not done and we can't just give one person this entire job. Every other city has other personnel. We're the city that has one person involved. This is a huge task for her. If we take this away we're certainly going to be going backwards instead of forward. She objects to this. We need to continue to be the progressive city that we are in reaching our zero waste goals. She asked staff to talk about the programs being worked on with the Commission.

COLLEEN FOSTER, Solid Waste and Recycling Management Analyst, stated we are currently implementing the first phase of the Zero Waste Strategic Plan, which is the first two years. The primary objective is to implement CalRecycle's AB 341 mandate, which is the mandatory commercial recycling mandate, as well as supporting the State's overall goal for 75% recycling. Another component of the Zero Waste Plan that we're working on is the Zero Waste Schools Project. We've developed a significant partnership with the school district and have resources involved within that.

Those are our primary objectives, including all of the other educational programs for waste and source reduction. We just got our most recent diversion rate, and we are at 72%. We went from 67% to 72%.

COUNCILMEMBER SANCHEZ stated we're not at 75% yet. She asked what the other phases are.

MS. FOSTER responded Phase 1 is year's 1-2, Phase 2 is year's 2-5 and Phase 3 is the remaining timeframe. Phase 2 is when we get into some of the potential legislative recommendations, such as source reduction in regards to plastic litter and pollution. We develop our reuse markets that are available to support the reuse industry. We also look at extended producer responsibility. The last phase would be remaining issues, including infrastructure development if needed at the time.

We're moving along well. We have one of the highest diversion rates within Southern California.

COUNCILMEMBER SANCHEZ asked if she would recommend that this commission be dissolved.

MS. DALE responded we could recommend some different strategies that Council could consider at the next meeting that would reflect both Councilmembers' comments this evening.

COUNCILMEMBER SANCHEZ stated this is unfair. The elimination of this commission was not even noticed. This should at least be continued to allow the input of people who are against this. She urged Council either to continue this matter or to vote no. She cannot believe that our rate payers would have nowhere to go except for staff. Staff would be undermined because they would have no support with only one person working on this.

Other cities like Chula Vista have several people working on this. They go to training and have a lot of support. She's amazed at the suggestion that we terminate the Integrated Waste Commission.

CITY ATTORNEY MULLEN clarified Council can't dissolve the Commission this evening. If he heard the motion correctly, it was to return with an item, and that would have to be a resolution. If it were Councils' direction to do that, we'd have to come back with a resolution to eliminate the Commission, and that would have to be properly noticed.

CITY CLERK BECK stated we need additional clarification because we have a substitute motion on the floor. He asked for the City Attorney's opinion on this.

CITY ATTORNEY MULLEN responded there is no such thing as a substitute motion under our code. We have a motion to amend the main motion. If it materially changes the main motion, then it would have priority. Technically speaking, under our code this motion would materially change it. If you want to comply with the rules of the Council you'd move forward with a vote on the motion. If it's defeated, then you would pick up the alternative motion at that point.

COUNCILMEMBER SANCHEZ asked if the original motion on the floor is to move to approve.

CITY ATTORNEY MULLEN responded there was a motion to approve that was seconded. The alternative motion was to direct staff to come back with an item to dissolve the Commission. You could do both of those things, but under our code we don't have a substitute motion; we have a main motion to amend. If the motion to amend the main motion materially changes the underlying motion, it does not have priority over the main motion. He recommended that Council vote and then come back with any alternative direction they have with the Commission if they would like staff to come back with an item to dissolve it.

COUNCILMEMBER SANCHEZ stated this really looks like it's going after certain people on the Commission rather than the work of the Commission. She finds it unethical and wrong to be doing this.

DEPUTY MAYOR KERN asked before he makes his comments, can Council vote on the main motion first to see where we're at. How does that work?

CITY ATTORNEY MULLEN responded it's up to the Chair, or you could call for the question.

DEPUTY MAYOR KERN wants everybody to have at least one chance to speak. One point of clarification is that Councilmember Feller didn't say to eliminate any programs. All of the programs that staff is implementing we're going to continue to implement. We're going to continue to work with the school districts and do all of those things. Actually, this is better for staff because now they don't have to staff another committee in order to do their jobs. If Councilmember Feller's motion passes, hopefully at the next meeting we can incorporate those things into the Utilities Commission. We'll actually streamline the process and still have an outlet for the public. If they want to address solid waste issues, they can come to the Utilities Commission.

It makes a lot more sense that the water, sewer and trash are all on one bill. They have one commission that handles that segment of the City with the Enterprise Fund. It also frees up the staff time taken to write reports for the Integrated Waste Commission, something staff is doing day-in and day-out. When he goes to these community events like Harbor Days, the only person he sees is Ms. Foster running 90 miles an hour. The more we can take off her to do her job, the better. The Commission doesn't do this; it's staff that does this. All of these things came about because of her hard work, so we want to continue the progress that has been made. 72% is great, and he's sure that Ms. Foster is going to get this to 75% by the end of the year. If we can cut down some of that time to staff another committee and have it go towards actually

implementing programs, maybe that will get us to 75%. That's why he seconded Councilmember Feller's motion.

The idea of streamlining government and processes is what we've been trying to do. Nobody is talking about doing away with transparency or attacking anybody. We're just talking about how we can improve the system and have everything come through one commission to make it an easier process to handle.

COUNCILMEMBER FELIEN stated that based on the discussion, the issue is what the workload of the Integrated Waste Commission is. Is it something where the Commission is instructing staff, or is it mostly an environment where staff is updating the Commission? What is the Commission itself actually doing in regards to these programs, as opposed to the work the staff is doing?

MS. FOSTER responded that in general, staff goes to the Commission to provide updates on current programs, and especially over the past year, where we're going forward with the Zero Waste Strategic Plan. As an advisory committee, they'll provide input on what they would like to see happen.

MS. DALE added there is also a subcommittee that reviews the solid waste rates before they come forward to Council. That functions in the same manner that the Budget Committee functions in the Utilities Commission. Currently, the Integrated Waste Commission is meeting monthly, so staff is required to attend and prepare agendas/minutes for that monthly meeting. As a comparison, the Utilities Commission is meeting every other month.

COUNCILMEMBER FELIEN asked if the Utilities Commission, based on their workload, would be able to absorb the public input and feedback portion currently performed by the Integrated Waste Commission.

MS. DALE responded it's something that we could fold into it. If we needed to add an additional meeting in order to accommodate that, we have the ability to do that. If we wanted to fold the rate review for the solid waste rates into the Budget Committee of the Utilities Commission, that's also something that could be done.

COUNCILMEMBER FELIEN assumes by the open-ended nature of the motion that we would be looking forward to staff recommending which commission these duties should be integrated into. He's picking the Utilities Commission. That seems to be a logical place, but it isn't necessarily the recommendation that would come back from staff. There might be a better idea once it's bounced around. He would assume the primary responsibility of the Integrated Waste Commission, in the glory days, was negotiating the contract with Waste Management and providing input.

Would there be significant staff savings and time if the Integrated Waste Commission was rolled into another commission?

MS. DALE responded she's providing an estimate on the amount of time she spends monthly with the Commission, which is probably 8-10 hours per month. Ms. Foster, who performs the bulk of preparing the agenda, as well as the minutes and corresponding with the Commissioners, spends a lot more time on a monthly basis. In that respect, it is significant.

COUNCILMEMBER FELIEN asked how much of that would still exist if you were reporting to the Utilities Commission, or is it the fact that it's a separate commission that's creating that workload?

MS. DALE responded an easier way to look at it is that both commissions have seven Commissioners. We get questions to respond to items throughout the month or on the agenda. She is responding to fourteen people in addition to the five

Councilmembers, so there are nineteen people in the City that have that advisory role that we respond to. It would reduce the number that we respond to, but expand the responsibilities for those seven that would remain on the Utilities Commission or other commissions.

COUNCILMEMBER FELIEN stated it seems there are enough questions worth researching to see if it's feasible to go in that direction. Based on staff information and public input, we can make a determination of whether or not there are economies and efficiencies that we can apply. Just because something was useful or efficient in the past, doesn't mean it's useful or efficient going forward in perpetuity. It's worth looking at.

COUNCILMEMBER FELLER stated if the public doesn't have a commission, they have us as a City that responds to their questions. When he gets something he doesn't respond to a commission. He responds to staff and their departments, who then respond to people. Staff is doing everything at this point that the Commission reviews. Our partnerships are between the City and the school district and the City and the waste hauler, who have to implement the program that we have been sending forward. The Utilities Commission is probably a natural place to be looking at rates, because everything appears on our trash bill. It's reviewed through the Utilities Commission anyway.

This isn't an attack on people; it's a way to free up some of staff's time to do more of these programs. He would hope that we don't attack people.

He asked if his motion supersedes Councilmember Sanchez's motion.

CITY ATTORNEY MULLEN responded her motion is first, and then he can take up his item.

COUNCILMEMBER FELLER asked if because we've discussed it, can we talk about coming back with his motion?

CITY ATTORNEY MULLEN responded yes. His recommendation is to go forward with the motion, as it was seconded with a vote. It's within the subject matter of what was noticed, at least the Integrated Waste Commission. Council could direct staff to come back with a properly noticed item.

COUNCILMEMBER SANCHEZ stated what she heard was cutting back on public input. We're talking about multi-million dollar contracts and the public being able to have someone reviewing that other than staff. The public has a natural suspicion of government; it always has and always will. As to the idea that we're done because we negotiated a contract, we negotiate a contract every 13-15 years. That is not the only purpose for the Integrated Waste Commission. They ensure that the contract is being done correctly. It ensures that there is a public eye to this, not just a staff person. When we talk about cutting out seven members of the public because it'll streamline, we're cutting out public input. We should never be doing that.

We don't have hundreds of people calling in on a daily basis because we have this level of review. If you don't have it, there's going to be a lot more people calling in. She can guarantee that it isn't going to cut down on staff time. It's probably going to increase because suddenly they're cut out completely. We're talking about public input, and that is what Councilmember Feller is cutting out.

We set up a system so that we could have a balance that includes public participation. We've already cut it back so much by making certain groups meet every other month or even on a quarterly basis. We've put the Senior Commission into the Parks and Recreation Commission. It's one thing after another. What we're saying is that we should be so efficient that we don't need anybody's input. We don't really need

a Council either; we should just let staff do it. That's really what the logical extension of this is.

She has not heard one good reason why we would be doing this.

MAYOR WOOD stated we had some changes in the past where if somebody's term was up but he/she wasn't replaced, they would stay there. We had a problem in the past with this. We had about 27 commissions with public members. It was a larger number than anywhere else, so we cut them down by about half. These are people that are volunteering their free time. We had some problems back then, and we cut back on those, especially in the Senior Commission. It takes time and money for staff to be out there for each one of these. There were some compromises about how often they would meet. We were trying to work it out.

This does involve people. He tried to remove somebody because of input from the public, but the voting majority kept that person. They wanted to remove somebody from the Waste Commission, and they voted to do that. However, under our policy they stay until somebody replaces them, and he's the one who replaces them, with the approval of the Council. This appears to be after one particular person. In order to do that, you're going to wipe out the whole Integrated Waste Commission. Giving it to the Utilities Commission is fine, but the Council majority are in charge of that commission, so it seems to be self-serving to a degree. By listening to the logic today about this one commission, it's probably best that we get rid of all of the commissions.

We'll play this by ear and see where it goes. It'll come back to us later. Those Commissioners will be at the podium asking why are they getting rid of them when they serve for free.

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

COUNCILMEMBER FELLER would like to have staff come back with an appropriate way to handle the Integrated Waste Commission. Since staff is doing 99% of the work, it makes sense to filter it into the Utilities Commission. He asked them to come back with a solution to change how we handle the integrated waste of Oceanside.

CITY MANAGER WEISS stated what he had written down and heard before was that the original motion was to dissolve the Integrated Waste Commission, incorporate the advisory portions into the Utilities Commission, but not eliminate any of the staff programs.

COUNCILMEMBER FELLER likes the City Manager's version of what he said earlier. He **moved** to dissolve the Integrated Waste Commission, incorporate the advisory portions into the Utilities Commission, but not eliminate any of the staff programs.

Staff is more than able to handle this, and the people will still have their voice in the Utilities Commission because they are a legitimate commission that reviews a lot of things.

DEPUTY MAYOR KERN **seconded** the motion.

MAYOR WOOD asked if this is rolling over the waste commissioners into the Utilities Commission.

COUNCILMEMBER FELLER responded no. He's asking that staff come back with a recommendation of how to dissolve this.

CITY ATTORNEY MULLEN clarified for the record that both the maker and the second agreed with the City Manager's characterization of the motion.

COUNCILMEMBER FELLER and **DEPUTY MAYOR KERN** agreed.

COUNCILMEMBER FELIEN stated there will be plenty of time for public and staff input. The issue is to review whether or not we need two separate commissions to handle a certain body of work. He doesn't think there is a sinister motive involved in saying let's check and see if things can be done better. It will be duly noticed; the public and staff will all get to have input; and the Council can decide what direction we want to go. We should always be willing to look for efficiencies and better ways to do things, while at the same time providing the method for the public to have its say and input. He doesn't see any problem moving forward with this motion.

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

MAYOR AND/OR COUNCILMEMBER ITEMS

28. **Request by Mayor Wood and Councilmember Felien to direct staff to prepare a Memorandum of Understanding with the Oceanside Museum of Art for the exclusive right to display artwork throughout City Hall**

MAYOR WOOD would like to see artwork displayed along the corridors of the Council offices and between the City Manager and City Attorney's office, something more cohesive and designed than we sometimes see. The artwork will make the place look professional for residents, businesses, outside organizations and dignitaries visiting. Discussions were initiated with the Oceanside Museum of Art in regards to assistance in such a program, and they were very positive about it. Artwork would be provided by the Oceanside Museum of Art. They would handle the liability for the artwork. Artwork would be rotated every nine months or so.

More details are needed to complete the proper MOU (Memorandum of Understanding) between Oceanside and the Oceanside Museum of Art. The City Manager's office and the City Attorney's need authorization to continue this discussion. It might take more than four hours, so we need approval of Council.

This would class up the place. He wants input from the City Attorney's office about liability, theft, etc. The museum may have some guidelines about what we may or may not want on the walls in City Hall. It would brighten up the place to get some nice artwork in here.

COUNCILMEMBER FELIEN stated this started off as a simple project. On the positive side, even though you sometimes see the waves and storms here at the dais, below the surface a lot of the work of the City goes on. In this particular case, his Aide and the Mayor's Aide got together and came up with an idea of getting some of the art out of the basement of the Oceanside Museum of Art and having it on display. That seemed great, and the museum was interested in that idea.

Now we have the City Attorney and Council involved. That may all be necessary, but this shouldn't be controversial in any way. It should be a 5-0 vote. If his colleagues have any concerns that they want to address, the idea is simply to have the benefit of some of the wonderful artwork that we have at the Museum of Art on display here at City Hall.

MAYOR WOOD asked for the City Attorney's input.

CITY ATTORNEY MULLEN wants to listen to Council and see what the direction from Council is. There are probably risk issues that we could work out with the Museum of Art. He's confident that any issues could be resolved, and we could bring back a Memorandum of Understanding to Council.

COUNCILMEMBER SANCHEZ would like to have the Arts Commission involved in this. It would be a partnership with the Arts Commission and the Museum of Art. She's not sure about the exclusiveness because it's a First Amendment right. It's freedom of speech. If she wants to put something out, beauty is in the eye of the beholder and somebody may not like it, but it is her right to put it out. Perhaps it's not exclusive but more of a partnership with the museum in having this opportunity to put some of the works of art on display so that the public can see it. It could be here in the Council chambers or maybe in the lobby.

She is concerned about the liability issues because it is a very public place. We have cameras, but we don't have a security guard that walks around to make sure that no one touches the works of art or does something to it that would somehow diminish it. The museum is very cautious and careful about their pieces of art because it is a depository. These acquisitions are something they're hoping to have far into the future.

CITY ATTORNEY MULLEN responded there are two issues he sees in developing a Memorandum of Understanding that Councilmember Sanchez hit upon. One is the Constitutional question. If we open the City property as a public forum, then we could only have what are known as legitimate time, place and manner restrictions that are viewpoint neutral. We could develop an MOU with the Museum and include the Arts Commission in that process.

The second issue would be developing appropriate language that makes sure the City can't be found liable, for instance, if a member of the public damages a piece of art in the public domain. Many other cities have these kinds of procedures, which we will look to model ours after.

COUNCILMEMBER SANCHEZ stated with those clarifications, she would be supportive of this. It would be wonderful to get it all out of the basement so that we can see it, but just not exclusive.

DEPUTY MAYOR KERN can't support this the way it's written. When you have the word "exclusive" and "art" in the same sentence, he just can't support that. If we want to bring in MiraCosta art, do they have to come to the Museum of Art to get approval to put in MiraCosta art or Oceanside High art or El Camino art? He would like to see this referred back to the Arts Commission. Have them work out the details and then come back to Council with directions to staff. This is what arts commissions do, and we're utilizing a commission. In a parallel process, it gives the City Attorney time to work out all the issues between the Arts Commission, the Museum of Art and other people that want to do that.

It's the idea of what individual Councilmembers like to put outside their office, and can they bring in their own or not? It's something we can work out, but he just hates the word "exclusive" and "artwork" in the same sentence. He hopes the maker of the motion would just refer this to the Arts Commission. There are two different things here: there's public art and art in public places. What we're really looking for is an art-in-public-places policy and procedure. He's looking for direction.

The question is who approves the art? Is it the Museum of Art or the Arts Commission? He doesn't want to have a Council meeting where we have art up here, and we get to vote on each individual art piece. That would be cumbersome. This is something where we really do utilize the Arts Commission to work with the Museum of Art. This is a good first step. Instead of seeing a motion tonight, he'd like to see direction to staff. He will leave that to the two colleagues that brought this forward.

MAYOR WOOD doesn't know if the Arts Commission has been involved or not. He imagines if we approve it tonight, the City Attorney is going to deal with both to get the wording and whatever is necessary.

CITY MANAGER WEISS stated we do have a policy dealing with art in public places. The Arts Commission is involved, and we did have a conversation with the Museum of Art representatives that recognized that. Part of the comments was to eliminate the word "exclusive." There is an Arts Commission component. They still would need to go through the Arts Commission, but the MOU provides an ability for the City to insure that their liability is minimized. We're only talking about the Council corridor and the corridor from the Mayors' office down to the Attorney's office right now. That would limit the City's liability should there be an issue.

We do have a policy. A copy of that has been given to the museum representatives. If Council wants to refer it back and go through the Arts Commission, we can do that. This MOU will need to go to the Arts Commission anyway if we draft one. They will be involved throughout the process, not only with the MOU, but in looking at selecting and approving the artwork that would go up.

COUNCILMEMBER FELLER is not going to support anything where art in public places allows somebody's interpretation of art. It could be obscene or just about anything in the art world. It sounded like Councilmember Sanchez was talking about maybe doing things here in the Council Chambers, or out in the lobby, or in our community rooms. Some of the artwork upstairs is quite outdated. Maybe there are new things that we could hang there, but we don't need to go to the Arts Commission for that if we're just changing what's upstairs. 98% of the people that see it work on the third floor. Most of the time you get very few people who even get behind there that are not City employees.

The Arts Commission has a terrible history of having no quorum. Hopefully, we can make that work better if it's going in that direction, but there are just too many liability issues. It turns him off to this thing with the public places. On the third floor we don't even need discretion; it's just where we work.

COUNCILMEMBER FELIEN doesn't have any problems with the suggestions that have been made. He's proud to see Deputy Mayor Kern and Councilmember Sanchez working together on this issue. He doesn't have any problem with eliminating the word "exclusive" from the motion or inviting the Arts Commission to provide their input on any agreement as part of this process. This originally started with what was a secured area up on the third floor requiring pass access. At this point, we are not dealing with the issue of pieces from the art museum being out or that they could be vandalized by some passerby. It's what he originally thought was a very simple process to display some art.

Obviously, whatever is produced as part of this process would be coming back to Council for a vote, so any issues or anyone not satisfied with the final wording would have another bite at the apple. He wants a 5-0 vote out of this. It's a simple idea to display some art that's currently down in a basement. He doesn't know if the Mayor would have an objection to eliminating the word "exclusive," and in addition, to direct staff to invite the Arts Commission to provide feedback and comments that satisfies the concerns of the Council.

MAYOR WOOD responded it's fine because we're going to be sitting down with the City Attorney, Arts Commission and the Museum of Art. It's all going to be worked out as far as the legal aspects. That's the problem in this day and age. We can't put pictures on the wall without getting some sort of legal advice. That's why the exclusive part was put in there. We want somebody like the Arts Commission to be able to say they approve it before it goes on the wall. We're hoping they have enough taste that they won't put things up like Councilmember Feller brought up. He's been to the National Art Museum in Washington D.C., and in the modern art area he's flabbergasted at what's in there. That's not the way we want it and why we put in the exclusive part, to let those people make a decision.

If the vote goes forward, it's going to come back to us with whatever is necessary to make it work. Everybody will be involved and have a chance to talk about it. He will change his motion. We can vote to send it back to staff, but it's really not an item that's necessary to vote on.

DEPUTY MAYOR KERN stated correct. Just send it back to staff, and let's not take a vote.

MAYOR WOOD asked if it's not necessary to vote.

CITY ATTORNEY MULLEN responded that's fine. What he's taking away from this is that Council is giving direction to staff to work with the Museum of Art to display art at City Hall and include the Arts Commission in the process. They will bring back to Council the end result.

[Recess was held from 4:59 PM to 5:16 PM]

INVOCATION – Cantor Larry Kornit

PLEDGE OF ALLEGIANCE – 2013 Miss Oceanside and Miss Teen Oceanside and their Princesses

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Employee Service Awards

Presentation – 2013 Miss Oceanside and Miss Teen Oceanside and their Princesses, sponsored by the Oceanside Sea Lions

Presentation – Mayor's Business Member Spotlight

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: See Items 1, 2A and 2.1A above.

CITY MANAGER WEISS announced he had given his resignation in Closed Session effective December 2013. He thanked the City, staff and public. It's time for change for him and the City.

COUNCILMEMBER SANCHEZ thanked the City Manager for 27 years of service to Oceanside. He will be missed.

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

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

DONNA MCGINTY, 2405 Mesa Drive, quit coming to these meetings because it's hard to have to witness some of the things that take place, which she finds embarrassing and alarming. It's too bad that we have to continue to be embarrassed.

Ordinance No. 08-OR0369-1, Section 11.25, says that there shall be no unlawful fireworks in this community. It says if Council approves a particular special event permit for a license for a fireworks event, they can do the event as long as they pay the fees. The San Luis Rey fundraiser event last Saturday was not one of those approved by the

Council events. She understands there was a \$200 per plate dinner. Their special event, according to an article in the paper, was a fireworks display, as was exhibited in the last couple of years.

She wants Council to think seriously when they decide to do this anywhere else in the City, about the fact that animals are scared to death. A lot of them are lost from their homes forever because of the annoyance of the noise from the fireworks, let alone the fact that we have the Fire Department stand by for the possibility of a fire occurring on the property or in the outlying areas as a result of those fireworks. They are unnecessary, unwanted, unwarranted and unwelcomed.

LARRY BARRY, 3973 Brown, stated one of the things that came up before is commissions. We try to save money, but we go about it the wrong way. There used to be community input, but it's almost impossible to get in touch with any of the Councilmembers, whether it's by email, phone or in person. The commissions were supposed to be the feeder stream to the Council. He's a big proponent and thinks it's essential that we have community involvement with these commissions. We need commissions with people that contribute to our society. They come from different backgrounds and different points of view and agendas. They bring their findings to the Councilmembers who then make the decisions.

5:00 P.M. – PUBLIC HEARING ITEMS

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

25. **City Council: Consideration of Zone Amendment (ZA12-00008) and Local Coastal Plan Amendment (LCPA12-00003) amending zoning regulations to allow emergency shelters by-right within certain light industrial zones and define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, in accordance with state law and the City's Housing Element for the Fifth Housing Element Cycle (2013-2021), and establishing the amended text as part of the implementing document of the City's Local Coastal Program – Housing Element Program 11 (Emergency Shelters, Transitional/Supportive Housing); and introduction of an ordinance and adoption of a resolution to effect these amendments**
- 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 Councilmember Feller reported contact with staff. Councilmember Felien reported contact with staff and public. Councilmember Sanchez reported no contact.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

RUSS CUNNINGHAM, Senior Planner, stated before Council are two Housing Element Action items, both of which constitute State mandates and are identified under Program 11 of our recently adopted Housing Element. Both of which address zoning constraints to housing for some of the neediest members of our community - the homeless and those at risk of homelessness. Per State law, these action items must be implemented by the City before the California Department of Housing and Community Development (HCD) will issue a final compliance determination for our Housing Element. We've spoken with Council before about the importance of this compliance determination, and last week Council received a memo from staff that, among other things, discussed the possible consequences of noncompliance.

These two action items deal with emergency shelters and transitional and supportive housing. One responds to the State requirement that local jurisdictions identify at least one zoning district where shelters are allowed by right, without

discretionary approval and subject only to a limited number of development and operational standards, as outlined in State law. The other action item responds to the State requirement that transitional and supportive housing facilities be defined as residential uses and as such, allowed by right in all residential zones. Implementation of these two action items requires text amendments to all three of the City's operative zoning ordinances. These amendments are provided as attachments A through K of the ordinance that is under consideration. He doesn't intend to speak about the proposed amendments comprehensively or in much detail, but he asked Council to consider a few possible text changes.

The items under consideration were recommended for approval and adoption by the Planning Commission on the 24th of June. Since that time, we've received formal correspondence from one stakeholder. The changes to the proposed text amendments he's asking Council to consider are in part motivated by dialogue we've recently had with this stakeholder. To the extent the City has any discretion at all in how it implements these action items, it's where we choose to permit emergency shelters by right and, to a much lesser degree, what development and operational standards we choose to apply to these facilities.

As we've told Council twice before, staff recommends that shelters be permitted by right in non-coastal light industrial zones. He can talk about staff's rationale for this recommendation and their efforts to gain public input on that recommendation. He can share with Council the locations of these non-coastal light industrial areas. What we haven't previously told Council is that we now have two caveats to this recommendation. The first caveat comes in response to input that we received recently from a property owner in the Airport Industrial Park who is concerned about how an emergency shelter in this particular light industrial area could contribute to adverse impacts that he says are occasioned by the presence of the Brother Benno's Center at 3260 Production Avenue. Staff feels that an emergency shelter in proximity to Brother Benno's Center could actually mitigate some of the adverse impacts that the property owner speaks of, primarily by giving homeless individuals and families a place to go when Brother Benno's closes its doors each afternoon at 1:00 PM.

Staff is amenable to maintaining the CUP (Conditional Use Permit) requirement for emergency shelters in the airport industrial area. Given that this area constitutes less than 10% of the City's total inventory of light industrial property, we don't feel that keeping the CUP requirement in place in this particular area will be problematic for HCD.

The second caveat pertains to the limited number of light industrial properties that straddle Oceanside Boulevard between the I-5 Freeway and Hoover Street. Exhibit J of the proposed ordinance outlines the recommended development and operational standards for emergency shelters. One of these standards prohibits outright shelters within 300 feet of residential districts. What had dawned on us since the Planning Commission hearing is that this standard would preclude shelters on all of the light industrial properties along this particular stretch of Oceanside Boulevard, which was never staff's intention.

To account for the fact that these light industrial properties do lie relatively close to residential neighborhoods, both in Loma Alta and in Fire Mountain, and also to account for the fact that in that immediate area there are already quite a number of social services in operation, staff has recommended that shelters on these particular properties continue to be subject to a Conditional Use Permit so as not to prohibit shelters on the properties in this area, but instead to give the City the discretion to permit them as future circumstances may warrant. Staff recommends amending the aforementioned standard to say that shelters within 300 feet of residential zones shall require a Conditional Use Permit. We would need Council's direction to make that particular text change.

The property owner also commented on one of the operational standards, which

is a minimum staffing ratio of one shelter staff member per fifteen shelter beds. That is a very common standard across the State. It is the standard that staff has recommended. The property owner recommended a more restrictive or higher ratio of staff to shelter beds of one per eight. Staff believes that HCD would not have a problem of one staff per ten beds. He asked Council to consider that possibility as well.

Council's adoption of the zoning text amendments with or without the changes he noted would essentially bring closure to the Housing Element Update process and allow staff to get to work on other State mandated action items. That includes an amendment of second dwelling unit standards, zoning standards for second dwelling units, zoning standards for farm worker housing and new provisions that would allow flexibility in the application of zoning standards to reasonably accommodate the housing needs of our disabled community. Council can expect these additional action items to come before Council within the next year.

Public input

DONNA MCGINTY, 2405 Mesa Drive, stated it is her experience in a public agency that when it is not exactly spelled out in special needs descriptions, it can change very quickly. She lives in a neighborhood on Mesa Drive. Between Buddy Todd Park and her home, there are two living facilities next door to one another among children and elders. That is a bit too close. They are parolees and probationary coming out of different facilities. They are not governed by the State, County or City. There is no licensing requirement, and there are no dictatorial managerial provisions made on how the houses shall be run.

The two houses down the street from her are run without management or staff; they are self-managed. There have been two incidents in her home already. One issue was with a person from the drug and alcohol residents' facility and the other was in broad daylight from the psychiatric unit next door to it. They attempted to enter her home. It was necessary for her to protect the interest of her property, and she hasn't done that in the 42 years she's lived there. She's capable of doing this and will continue to because they are turning around weekly in those homes.

In the area of Loma Alta, there seems to be another couple of homes that are being dealt with in the same manner. Those are all within a quarter mile of her property. Even though Housing says it's not their forte and this hearing is not about that issue, she wants her neighbors to know to keep on the watch for this. Governor Brown has issued a list of another 800 to be turned loose from the prison system, and they are going to have to live somewhere. They are homeless when they come out and need to be probationary and guarded because you will find them living next to your children.

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

COUNCILMEMBER SANCHEZ stated while she did not receive input regarding what is before Council, she has received complaints from single-family residential neighborhoods where you have a transitional home with several unrelated adults. They are not supervised, and there is no program. Especially when you have kids playing in the street, their parents worry about these transitional homes that don't seem to have any kind of regulations going on. She has received several complaints about them popping up all over the City, including her Eastside neighborhood. She is concerned about that. They are popping up more and more, and there doesn't seem to be any kind of real regulations.

We're talking about single-family residential neighborhoods where we require a certain number of adults eighteen and over. You have to have onsite parking for that many people. This is all about enforcement. It puts a burden on our City and the General Fund to have to enforce our laws, when we should be able to have a say about

whether or not this is an appropriate place for it. It doesn't seem on its face that it should be appropriate for our single-family residential neighborhoods. Perhaps we have a higher density, but she doesn't like what's happening. There are a lot more calls for service. On top of that, there is the turnover in our residential homes because they don't want to live next to that. They are concerned about their kids, especially if they have young kids.

What can we do about this? This is what she's been asked over and over again. At lot has been passed at the State level, but we should have some restrictions that cover all neighborhoods. That's the yardstick, that you can't do something onerous to just one neighborhood; it has to be something that you can do for all neighborhoods. We do have some laws that we've been able to pass.

CITY ATTORNEY MULLEN responded there are actually two laws in place. The Residential High Occupancy Permit requirement requires a permit to be issued if six or more unrelated individuals over eighteen are residing in one unit. There's also a prohibition on boarding houses effectively, where three or more leases are involved in a single-family residential zone. Those are actually prohibited. Those are two requirements that the City put in place. Those would continue to be put in place even with this because they're applicable to all residential areas.

COUNCILMEMBER SANCHEZ asked if there is some kind of transition house with five people in it that can be stopped because it's more than three?

CITY ATTORNEY MULLEN responded no. If there were more than six, it would require a Residential High Occupancy Permit, and there would have to be a requirement that there is sufficient parking onsite. That could be stopped if there is inadequate parking. The problem is that State law very clearly dictates that we are required to treat transitional housing and supportive housing as a residential use to be subject to the same requirements that apply to residential occupancies. If there is a residential care facility, for example, we could still apply our Conditional Use Permit requirement to those types of facilities because they're creating impacts in the neighborhood.

COUNCILMEMBER SANCHEZ doesn't think the concerns are restricted just to the transition homes; it's anywhere that you have lots of single unrelated adults in a single-family residential neighborhood. That becomes a problem. Something like that is probably better suited to a downtown or more urban area versus a residential neighborhood. Those are the complaints she's been getting, in the Eastside especially. It seems like they were getting more and more of these.

MAYOR WOOD agrees with everybody's concerns about the residential areas, but he wants Council to get back on track with one thing: this is a State mandate that we have to do, and the City Attorney has addressed what it is. It's to not be anywhere near residential areas within 300 feet.

COUNCILMEMBER SANCHEZ clarified that's for a shelter.

MAYOR WOOD knows that, but thinks the one she's talking about is a little different. He agrees that as part of this, we need to enforce our own regulations besides this one.

COUNCILMEMBER SANCHEZ stated it is the same. She did not get these comments in response to what is before Council, but that's probably because people have not gotten the word out. People think Council will say it's okay to have these transition homes right next to their five-year old kid. She doesn't want to have to say she voted for this, because when they find out about it, it's going to be very difficult. She knows this is difficult for Council. She doesn't think that the six person rule has been very effective. She stills gets complaints about it. That was a first step.

She doesn't know what San Diego has done, but that we used a model from San Diego and also San Marcos for the dorm room situation where you've got multiple kids renting one house with twenty people living there. That was the beginning of it. It has been a way to lower the densities for single-family homes. How can we take the next step? That's what our public wants Council to do.

MAYOR WOOD agrees 100%, but this seems to be a little different in the sense that we're mandated to vote on this issue. He asked if someone could address Councilmember Sanchez' questions.

MR. CUNNINGHAM responded the State law that applies here is very prescriptive and very specific. He mentioned earlier that we have limited discretion with these action items and what we can apply locally and uniquely here. With transitional and supportive housing, unfortunately, it's the case that the language is very prescriptive in SB 2, telling us verbatim the language that we want to see the City enter into their zoning standards.

COUNCILMEMBER SANCHEZ doesn't think the Mayor understood what she said. She understands that whatever restrictions we have needs to be throughout the City.

DEPUTY MAYOR KERN knows how to change it. You get a new Legislature and change the majority and then you can change HCD. That's not going to happen. We're just following State law. We can rail against this as much as we can, but we're getting the wording from the State and we're applying the State rules. The State has taken this out of the hands of the cities because no city would want to do this. That's why the State has come in and overridden the cities on these issues. It's not something that we want to do; it's something we have to adopt in order to get our housing certification. Hopefully we can solve this.

He wants the 1:10 staff-to-bed ratio. He **moved** to approve the staff recommendation to introduce an ordinance approving the amendments of Articles 2, 5, 7 and 32 to the 1986 Zoning Ordinance, Articles 3, 4, 10, 13 and 30 to the 1992 Zoning Ordinance, and Articles 3 and 4(A) of the Redevelopment Zoning Ordinance; and adoption of **Resolution No. 13-R0577-1**, "...amending the local Coastal Program for the purpose of adopting State mandated changes to zoning standards for emergency shelters and transitional/supportive housing and requesting California Coastal Commission certification of said changes (City of Oceanside – Applicant) (LCPA12-00003)," to apply the proposed amendments related to transitional and supportive housing to all residential zones within the Coastal Zone.

However, he wants the 1:10 ratio. That's very important because it will address some of the issues that people were talking about with supervision. If we have an emergency shelter put in a light industrial zone, and another emergency shelter wants to set up within two blocks of it in the same zone, could that happen? He's fearful that we may overload some zones, so how can we control that?

MR. CUNNINGHAM responded the State allows us to apply a minimum separation requirement between shelters, but tells us that separation cannot exceed 300 feet. That standard is expressed as a maximum concentration of shelters. The standard reads that no facility shall be sited within 300 feet of another emergency shelter. That's measured from the property boundaries.

DEPUTY MAYOR KERN knows that we had a problem with one emergency winter shelter in a residential zone this past winter. That will not be allowed this coming winter, is that correct? Also, who declares the emergency? Is it something that we do?

MAYOR WOOD asked is it winter shelters he's talking about?

DEPUTY MAYOR KERN responded any type of emergency shelter.

MAYOR WOOD stated churches do it in the wintertime.

MR. CUNNINGHAM clarified what the State is requiring us to do is allow, by right, permanent emergency shelters. That may sound like an oxymoron, but these are shelters that are not subject to seasons or inclement weather, etc. They can operate year-round.

DEPUTY MAYOR KERN asked if that's the by right industrial part.

MR. CUNNINGHAM responded correct.

DEPUTY MAYOR KERN asked if anybody wants to go someplace else can we require a Conditional Use Permit?

MR. CUNNINGHAM responded yes.

COUNCILMEMBER FELIEN seconded the motion.

CITY ATTORNEY MULLEN doesn't know if Deputy Mayor Kern included the staff discussion about light industrial zones in the airport area as continuing to have a CUP.

DEPUTY MAYOR KERN thought he said that with the staff recommendation. Obviously, it's the airport industrial zone and the 1:10 ratio.

MR. CUNNINGHAM asked if that would also include the recommendation that we amend the standard regarding the distance between shelters and residential uses to say that shelters are not prohibited with 300 feet, but they would require a CUP.

DEPUTY MAYOR KERN responded yes we need to keep it as far away from residential areas as possible.

COUNCILMEMBER FELIEN wants to clarify that this is something that's being crammed down our throats from Sacramento. If anyone has any concerns or complaints with this, it is coming from Sacramento with a majority Legislature that has a world view that doesn't match the majority of Oceanside. Our hand is being forced on this.

He shares the concerns that Councilmember Sanchez expressed, but he's confused on how it relates to this item we're voting on. He thought we had a very narrow issue dealing with shelters in light industrial areas and had nothing to do with or didn't overlap in any way with halfway houses or shelters of any kind in residential areas. He needs an explanation on if we're in any way voting on rules that apply to activities in residential areas, as Councilmember Sanchez seems to be concerned about. Or, are we dealing specifically with shelters in light industrial areas?

MR. CUNNINGHAM responded while both of these action items fall under one program in the Housing Element, Program 11, they are distinct. One is addressing the State requirement that we allow emergency homeless shelters by right in a zoning district and the other speaks to an allowance for transitional and supportive housing facilities in all residential districts in the City. There are two action items here.

COUNCILMEMBER FELIEN stated it sounds like Councilmember Sanchez has some legitimate issues. He asked if there's anything she's brought up that we should address tonight or anything we should bring back for further discussion. He would want to address any concerns we need to deal with.

MR. CUNNINGHAM responded that as valid as those concerns are, the law is very specific and very prescriptive and essentially requires us to verbatim enter this language allowing these two types of facilities in all residential zones. To the extent that we have an opportunity to regulate these facilities, we can apply the development standards that apply in any residential zone to the physical facilities in which these uses operate. In most cases, these facilities go into existing single-family homes and apartment buildings. If one were to propose to build the transitional or supportive housing facility, that facility would be subject to the underlying development standards for that zone.

COUNCILMEMBER FELIEN stated if he understands what Mr. Cunningham is saying, what we're dealing with does address the issues Councilmember Sanchez brought up that we literally have no flexibility in terms of what we can adapt here tonight. We have to address it on a case-by-case basis, based on specific complaints from the community.

GEORGE BUELL, Director of Development Services, responded that is correct. Should the Council not take action on the transitional and supportive housing portion of this action/report, the State law would still prevail. It would preempt our zoning ordinance. Should somebody propose this type of facility in a residential zone, staff would be obligated to defer to State law.

COUNCILMEMBER FELIEN stated that's a lesson for everyone to pay attention to the candidates running for State office. It's seems Council needs to do what the State is mandating.

CITY ATTORNEY MULLEN needs to make one correction to the ordinance. There is a reference in the ordinance to the Community Development Commission which should be stricken because the Commission does not have the power to adopt ordinances.

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

26. **City Council: Comments from the public relative to water quality and to the Public Health Goals Report, as required by Health and Safety Code §116470, and acceptance of the Public Health Goals Report**

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

CARI DALE, Water Utilities Director, stated this is another mandate from the State. It's regarding water quality relative to Public Health Goals. Public water systems that serve over 10,000 metered service connections, with Oceanside having approximately 43,000, must prepare a report that gives information on the detection of any contaminates above the Public Health Goals. They also must conduct a public hearing and receive comments from the public relative to the report. This report covers drinking water samples taken during 2010, 2011 and 2012. The requirement to prepare a Public Health Goal report is unique to California. The reports are required in addition to the extensive annual public reporting of water quality information by California Water Utilities, and in addition, to federally mandated Consumer Confidence Reports.

Public Health Goals are just that; they are goals. They are developed by the State. They are not requirements; they are theoretical and controversial. Although this presentation specifically reports on Public Health Goals and how our water quality is in relation to the Public Health Goals, we'll also be discussing water quality as it relates to two other levels. A computer graphic was used to show a Maximum Contaminant Level

(MCL), which is a Federal mandate; and a Maximum Contaminant Level Goal (MCLG), which is a Federal goal.

In Oceanside, during the reporting period, we exceeded Public Health Goals for the four different constituents shown on a computer graphic: total coliform bacteria, lead, gross alpha radiation and uranium. These are not violations of drinking water regulations. It does not indicate that water was unsafe to drink. Another computer graphic was used to show the results for total coliform testing. Total coliform are a large group of naturally occurring bacteria which are generally not considered harmful. Testing for total coliform is done because it is an indicator of possible problems in the water. Its presence in the water is not unusual. Our water system is in full compliance with Federal and State requirements. We're not recommending any additional treatment.

The next constituent is lead. The main sources of lead in drinking water are lead solder and faucets containing brass or bronze internal parts, which usually contain lead impurities. Typically, these are found in consumer homes and not in our water system. Every three years the City is required to sample inside 50 homes for lead. This was last done in 2012. This determines whether or not the water system is providing corrosion control. If we weren't providing corrosion control, lead could leach out into the water and be harmful to consumers. A computer graphic was used to show that our water system is in full compliance with the MCL.

MARK HAMMOND, Environmental Compliance Officer, stated our water system is in full compliance with the Action Level, which is 15 parts per billion. 90% of the samples that we take in the City's homes have to be below 15 parts per billion. Our highest level was 5 parts per billion. Our 90th percentile was well below the Action Level.

MS. DALE used a computer graphic to show the health risks for lead. Our water system is in full compliance with the requirements, and no additional treatment is recommended for lead.

Lastly, gross alpha radiation and uranium was one of the constituents that exceeded the health goal. It's caused by naturally-occurring radioactive elements found in the soil and rocks. Uranium is a typical alpha radiation emitter. A computer graphic was used to show that the detected levels were below their respective MCLs, or the regulated level for these constituents. It also shows that it is not a violation of drinking water regulations or indicate that the water was not safe to drink.

A computer graphic was used to show some risks for radiation exposure, as well as treatment recommendations. What's important is the estimated cost for treatment, which if we were to treat would be \$53,000,000 per year. This exceeds our annual water budget to treat for this one constituent, so we're not recommending any additional treatment.

At this time, as part of the mandate, we would like to receive public comment on the report and accept the report relative to Public Health Goals.

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

DEPUTY MAYOR KERN reiterated to the public that our water is completely safe, and we test it all the time to make sure it is completely safe. It gets scary when we have a report on our water saying that maybe there's some problem, but this is something we do on a regular basis. For the water they test for home consumers, he asked if they go to somebody's house and pull it out of a faucet, is there a set number of houses they check constantly, or do they change the houses randomly.

MS. DALE responded if he's referring to the lead sampling, the requirement is to

test inside the home because the lead solder is typically found in home plumbing and not in the water distribution system. After it leaves the City's system and enters the home, the government wants us to see if we are regulating the corrosion control. There are a certain number of homes that are required to be tested each year. She believes the number is 50.

DEPUTY MAYOR KERN stated obviously we have some older homes and newer homes. He asked if it's something they pick at random? He would venture to say that the 5 lead reading probably came from an older home.

MR. HAMMOND stated we are required by Federal regulations to sample the lead inside the homes. This program has been going on for roughly 20 years. There are several tiers, and the homes have to meet the criteria in these tiers. We select the homes based on when they were constructed and whether they potentially had lead solder or plumbing. These homes were selected based on the tiers that are spelled out by the Federal regulations. The homes are all fairly older, probably older than 1983 because past that there was no lead in the solder or lead plumbing allowed. Most of the time when we find lead, it comes from the fixtures.

DEPUTY MAYOR KERN moved to accept the report [**Document No. 13-D0578-1**] on the water quality relative to Public Health Goals.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ stated most of the testing has been from the 50 homes for the lead and the 135 samples per month throughout the City's water distribution system. She asked about groundwater, since it eventually gets into our water system. There must be a different program for that. Is that right?

MR. HAMMOND responded that's correct. There are two sets of regulations and monitoring requirements. One is for surface water, which is rivers and lakes, and one is for groundwater.

COUNCILMEMBER SANCHEZ asked if they're somehow related because eventually they could get into our water system through the groundwater. We end up using groundwater for our drinking water, right?

MR. HAMMOND responded that's correct.

COUNCILMEMBER SANCHEZ has a concern about a new development. There is a new development happening where we have standing water because the flow of the San Luis Rey River has stopped. At the mouth of the river there is a huge sand berm and it doesn't look like water is ever going to travel out of there anymore. That standing water smells bad and will eventually impact this. She asked what other program we would be doing to be able to conform to the other program, which will eventually come back to us with our drinking water.

MS. DALE responded there is testing that occurs under the Clean Water Program and the Storm Water Program. They would be taking samples in that area. She can't go into detail on the constituents they're testing for, but she can have somebody check out that issue for Council.

COUNCILMEMBER SANCHEZ stated we have been closely monitored and finally got over the hump in terms of being in violation for the mouth of the river. Now we have this berm. She asked if there are plans for getting rid of that berm.

CITY MANAGER WEISS responded the smell is just a gradual increase of the algae because of the nutrients in the water. That berm will eventually be removed following the summer months. We open a channel out to the ocean as we do with

Loma Alta Creek. Depending on the amount of rain we get, there will be a natural flushing action as well. As soon as the summer months are over, we will be opening up access into the ocean. That will start to drain the river.

COUNCILMEMBER SANCHEZ asked if they're going to bulldoze the sand out.

CITY MANAGER WEISS responded yes, that's what we do.

COUNCILMEMBER SANCHEZ had a lot of those complaints, so she thought this was a great time to bring it up. She asked how our groundwater is doing.

MR. HAMMOND responded we have to remember that our groundwater goes through a reverse osmosis system, so it comes out essentially purer than other treatment processes.

COUNCILMEMBER SANCHEZ asked if it has more contaminates, it costs us more, doesn't it?

MR. HAMMOND responded that's correct.

COUNCILMEMBER SANCHEZ asked how are we doing? Are the costs going up and do we have the same quality that we've had for the past few years?

MS. DALE responded there was a synthetic organic which was newly discovered in the last ten years. We've had additional treatment at the Mission Basin facility to treat for that, but otherwise the cost to treat there is relatively inexpensive compared to other water sources.

Motion was approved 5-0.

27. **[City Council: Adoption of a resolution approving formation of the Hi Hope Ranch Open Space Maintenance District, confirming the diagram of the District as shown in the Engineers' Report, and confirming and authorizing the levy of the assessments for the District**
- A) Mayor opens public hearing
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence
 - C) City Clerk presents correspondence and/or petition
 - D) Testimony, beginning with Curtis M. Jackson, Property Agent
 - E) Recommendation – adopt the resolution]

Item removed from the agenda by Council

CITY MANAGER ITEMS

29. **Emergency repair to 24" main pipe located adjacent to Guajome Reservoir pursuant to City Code 28A.24.(a)(3)**

CARI DALE, Water Utilities Director, stated Council has a report about a 24-inch pipeline adjacent to the Guajome Reservoir that had a leak this week. It was significant enough to require some extensive repairs outside of what City staff would typically do. Because the leak is significant enough to cause property damage, we felt it was necessary to get an outside contractor in to conduct the repairs. They've trenched the pipe and exposed the leak. It is underneath the retaining wall around the reservoir and it's very deep, so repairs are being conducted at this time.

CITY MANAGER WEISS stated because we considered this an emergency repair, we had to add it to this agenda. We anticipate that the work will be completed by the end of next week.

COUNCILMEMBER FELLER moved approval [of Emergency repair to 24" main pipe located adjacent to Guajome Reservoir pursuant to City Code 28A.24.(a)(3)].

CITY ATTORNEY MULLEN clarified we need a 4-5 approval of the emergency repair under the Public Contract Code because this was done as an emergency.

DEPUTY MAYOR KERN seconded the motion.

COUNCILMEMBER SANCHEZ asked if there were any concerns lodged about how the emergency work was done.

MS. DALE responded not in the manner that the work was done, but there was concern about making sure that the reservoir stayed operational. Conducting the repair under an emergency order was necessary to have it done, especially during this time of year when it's really hot and we need the reservoir to be full for firefighting purposes, as well as for supplying water to customers.

COUNCILMEMBER SANCHEZ asked did any of the wildlife agencies register a concern about how the emergency work was done?

MS. DALE responded not that she's aware of. It's an already disturbed area inside the reservoir property.

Motion was approved 5-0.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD mentioned Oceanside had over 160 students visiting from France, 60+ students and teachers from Taiwan, 20+ students from mainland China and 20+ students from our sister city of Fuji, Japan. In October the Mayor of one of our sister cities will be visiting from Japan. He wished everyone a good Labor Day holiday and to be safe.

19. **Deputy Mayor Jerome Kern**

DEPUTY MAYOR KERN gave an economic update to the North County EDC (Economic Development Commission) and also at Camp Pendleton about the economic impact of the base. He talked to the SBDC (Small Business Development Center) about their program for contracting with government. He attended the library book sale last weekend, and it did very well. He also attended the business opening of Bounce Composites, the makers of stand up paddle boards, with Councilmember Felien and Mayor Wood. He also attended a couple of workshops, one on direct potable reuse and the other was about the update of our water treaty with Mexico from 1944.

He also attended the opening of LA Fitness and the NAACP (National Association for the Advancement of Colored People) back-to-school rally at MiraCosta College with Councilmember Felien. He, Councilmember Sanchez and the City Manager met with Oceanside Unified School District representatives to discuss their concerns. He and the City Manager also met with Vista Unified School District representatives and the Superintendent to discuss their issues, which with school starting were mainly regarding the traffic around the schools. He reminded parents to be aware that traffic laws apply and will be enforced at all times.

20. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Biocom Pac reception in San Diego

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with Deputy Mayor Kern. He also attended the Oceanside Museum of Art Summer Gala fundraiser.

21. **Councilmember Jack Feller**

COUNCILMEMBER FELLER thanked City Manager Weiss for his service to the community. He announced the Pier Swim on Labor Day.

22. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended the Concert in the Park at Rancho del Oro and the Jitters Coffeehouse fundraiser for the Oceanside Outrigger Canoe Club. She announced the Oceanside International Film Festival four-day event starting on August 22nd, followed by talent show events at the Star Theatre on August 31st and September 1st. She announced the grand opening of Alex Road Skatepark on August 30th.

INTRODUCTION AND ADOPTION OF ORDINANCES – None.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 6:53 PM on August 21, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, September 4, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

SEPTEMBER 4, 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 M. 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

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 2:05 PM, September 4, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Feller and Felien. Councilmember Sanchez arrived at 2:11 PM. Also present were Assistant City

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

Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:
Items 1, 2A, 2B, 3A and 4A.

[Closed Session and recess were held from 2:07 PM to 4:11 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

Item discussed (OCEA); no reportable action

2. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Approximately 21 acres at Pala Road near Los Arbolitos Boulevard (APN 158-301-46 and portion of APN 158-010-31); Negotiating Parties: City of Oceanside and Concordia Communities, LLC, Hallmark Communities, Inc., and Hillcrest Homes; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the sale of real property

Deputy Mayor Kern recused himself due to a conflict of interest

Item discussed; no reportable action

B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Portion of the San Luis Rey Water Reclamation Facility at 3850-3950 North River Road; Negotiating Parties: City of Oceanside and Cogentrix and W Power, LLC; Negotiators for the City: Cari Dale, Water Utilities Director and Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the lease of real property

Item discussed; no reportable action

3. PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957(b))

A) City Manager

Item discussed; no action was taken

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

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

Gregory Hawk v. City of Oceanside – Claim No. WC2008000171; Workers' Compensation Appeals Board No. ADJ7081301

Item discussed; direction provided; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:11 PM. Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Felien and Feller. Councilmember Sanchez arrived at 4:11 PM. Also present were City Clerk Beck, City Manager Weiss and City Attorney Mullen.

Changes to the agenda

CITY CLERK BECK announced that Item 13 has been removed from the agenda by staff. Item 17 has been pulled by a member of the public.

CONSENT CALENDAR ITEMS [Items 5-12, 14-16]

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.

The following Consent Calendar items were submitted for approval:

5. 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 meeting:

August 1, 2012, 2:00 p.m. Regular Meeting
6. 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)
7. City Council: Approval of annual purchase orders for the purchase of equipment, supplies, materials, and services in amounts over \$50,000 from various Fire Department funds for a total of \$1,236,193; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders
8. City Council: Approval of annual purchase orders for services in cumulative amounts over \$50,000 for the Financial Services Department and associated funds; and authorization for the Financial Services Director, or designee, to execute the annual purchase orders for FY 2013-14
9. City Council: Approval of Change Order 2 [**Document No. 13-D0603-1**] in an amount not to exceed \$214,280 to Synagro-WWT, Inc., for the Digester Cleaning and Repair Project; and authorization for the City Engineer to execute the change order
10. City Council: Approval of amendment 3 [**Document No. 13-D0604-1**] in an amount not to exceed \$384,800 to the professional services agreement with Parc Civil for additional as-needed Project Management and SCADA Professional Services; and authorization for the City Manager to execute the amendment
11. City Council: Approval of a professional services agreement [**Document No. 13-D0605-1**] with Carollo Engineers of San Diego in the amount of \$109,775 for the Water Utilities Department Efficiency Study project; and authorization for the City Manager to execute the agreement

12. City Council: Approval of a professional services agreement [**Document No. 13-D0606-1**] with Dudek of Encinitas in the amount of \$132,632 for design services for the San Luis Rey Wastewater Treatment Plant Major Upgrades Project; and authorization for the City Manager to execute the agreement
13. [City Council: Approval of a three-year cost-share agreement with the County of San Diego in an amount not to exceed \$142,580 for the development of the Water Quality Improvement Plan and implementation of the Total Maximum Daily Load Compliance Monitoring for the San Luis Rey River Watershed Management area; and authorization for the City Manager to execute the agreement]

Removed from the agenda by staff

14. City Council: Approval of a professional services agreement [**Document No. 13-D0607-1**] with Atlas Copco Comptek, LLC, of Voorheesville, New York, in the amount of \$87,428 for preventative maintenance to blowers within the San Luis Rey Water Reclamation Facility; and authorization for the City Manager to execute the agreement
15. City Council: Approval to accept \$112,128 in reimbursable grant funds from the 2013 State Homeland Security Grant Program awarded to the City; and approval to appropriate these funds to purchase emergency response equipment for the Fire, Police and Water Utilities Departments, fire station security locking systems for the Fire Department, and inspection software for the Fire, Development Services, Water Utilities, and Neighborhood Services Departments (Code Enforcement Division)
16. City Council: Approval to accept \$2,744,280 in reimbursable grant funds from the 2012 Staffing for Adequate Fire and Emergency Response (SAFER) Grant awarded to the City; approval to appropriate these funds to the Fire Department; and authorization to initially add six (6) firefighter-paramedics with the potential of up to eleven (11) for 24 months in support of National Fire Protection Association (NFPA) 1710 standard
17. **Removed from Consent Calendar for discussion – Public**

DEPUTY MAYOR KERN moved approval of the balance of the Consent Calendar [Items 5-12, 14-16].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0, Sanchez absent.

Item removed from Consent Calendar for discussion

17. **City Council: Adoption of a resolution approving and implementing the MOU between the City and the Oceanside City Employees Association (OCEA) effective September 4, 2013 through June 30, 2015**

Public input

ROBERTA RODRIGUEZ, 1165 Breakaway Drive, has been a dedicated City employee for over 34 years. She asked Council to delay taking action on Item 17 for adoption of a resolution approving OCEA's MOU. By delaying this item, OCEA members would have more time to further discuss possibilities of medical options. Following the OCEA bylaws to request a special meeting of the membership, 47 signatures were obtained. She understands that a special meeting of the OCEA membership could be held on Tuesday, September 10th. The reason for this request is to be able to further discuss the medical insurance options and to thoroughly inform all of the members of all ramifications of going with the Teamsters' stand-alone medical insurance.

At previous OCEA meetings, not everything was spelled out clearly to the membership. Our only option when the vote was held was to accept or reject the Teamster Kaiser stand-alone medical plan. Medical insurance is a very important part of some employee's lives. This not only effects current OCEA employees, but also those retirees both in and out of state and college-aged dependents that are out of state.

MAYOR WOOD asked if she had any signed forms.

MS. RODRIGUEZ responded she does. She gave the signed forms to the OCEA president and copies to Councilmember Sanchez.

STEVE KEMP, 2607 Buenos Tiempos, Fallbrook, has been a City employee for 27 years. He asked for a continuance on approving the OCEA MOU because he does not believe that the vote for the Kaiser-only plan was done procedurally or properly. It did not follow the association bylaws. A special meeting was called by Don Salazar. We were given a notice that said it was for a ratification vote. There was no mention that medical was going to be discussed again. The bylaw says that no business shall be transacted at a special meeting other than that for which the meeting was called. We were all thrown a curveball in that meeting, and he doesn't believe that all of the members were aware that there was going to be a vote for the Kaiser-only plan at that point. There was no mention of reopening the medical; it was a surprise to us.

Also, *Robert's Rules of Order*, which the bylaws say is the procedure we follow, say that there was supposed to be a call for a vote, but there never was a call for a vote and never a motion to second that vote either. Procedurally, nothing was done correctly. There was a hand vote taken by Don Salazar that he had assumed was for information only. The majority of people present did vote for the Kaiser-only plan, but he doesn't feel that the other employees were represented. If they would have known about it, they would have shown up for the meeting.

DOUG BEAR, 672 Edgewater Avenue, has been a City employee for 22 years. He believes choice is a lot better than stipulating that we have to accept this one Teamster plan. He concurs with the previous speakers.

DON SALAZAR, OCEA President, has been with the City more than 25 years. He's been on the OCEA Board for approximately 13 years and became President last year. We started negotiations this spring. We had several meetings with members regarding this. The ratification vote was on August 27. He has sent out and posted flyers, and we have a website where the Vice-President posts everything to give our members planned notification of what's going on. At the first meeting there were 25 people, and at the second meeting there were about 42. We were going to ratify it on the 20th, but the week before United Healthcare raised the Teamster rates. We came back to the members and didn't do a ratification vote. There were 73 people at that meeting.

We were going to go back to the City's plan and then realized that we could do a Kaiser Teamster-only medical plan. Several times in that meeting he asked if members were sure they wanted to do a Teamster Kaiser-only plan. He asked for a show of hands, and of the 73 members, 8 were against it. We've given our members plenty of notification. He can't make 300 people come to a meeting if they don't want to come.

We had a ratification meeting on the 27th. 115 members voted for the contract, and 46 voted against. That's a 2.5:1 vote to continue with Kaiser. He sympathizes with people that don't want to change their doctors. He personally has to change doctors, but he has to go with the majority of his members saying that they want to have this contract.

CHESTER MORDASINI, OCEA, reviewed that we've met with the leadership of

the Council through the whole process. We've been in negotiations since late spring, and it went to an impasse. We had an impasse meeting with the City Manager on July 8th, and reached a tentative agreement from July 8th through August 28th. We had informational meetings with our members. They showed up and understood what was going on. OCEA has a tentative agreement with the City that we reached as a result of breaking the impasse, so we didn't go to fact-finding, etc. The Teamsters are advising OCEA that we're calling for the vote tonight by Council. It is Council's obligation to vote because that's part of the process.

We fulfilled our obligation by reaching a tentative agreement with the City, notifying our membership, publicizing a ratification meeting and giving every employee in the OCEA bargaining unit an opportunity to vote, whether they were working or could show up. The majority of the members that voted, 115 to 46 or 2.5:1, voted to accept the tentative agreement. Now under the law, it's the obligation of Council to accept the tentative agreement as negotiated with the City Manager on July 8th.

On July 9th we informed the members in a meeting about the direction we were going. We had four successive meetings after that. This issue that no one knew or wasn't aware of what was going on is completely inaccurate. His advice to OCEA is to not take a re-vote on the tentative agreement because the tentative agreement stands. Councilmembers understand that once you vote, it's a vote. To go back and tell 115 members that 46 are going to decide to re-vote is not in the cards. He's been doing this for 25 years. We're not going to engage in an unfair labor practice, not with OCEA or this Council.

We ratified the tentative agreement. Now under the law, it is Council's obligation to accept the ratification and vote today to ratify the tentative agreement. We need to get on with the open enrollment and making the medical plan change.

Public input concluded

COUNCILMEMBER SANCHEZ stated the first time this came before Council she voted for it. She had assumed that everyone knew what was going on, that the employees were well represented and that there was equal bargaining taking place. She has since then inquired about what this would do for all of our City employees. Originally, the thought was that the Teamsters offer for health benefits would allow United Healthcare as well as Kaiser. That changed, and now it's only Kaiser. In effect, that jeopardizes all of the other City employee's ability to have a choice.

She doesn't feel that she has all of the information. Normally, she respects the bargaining process. This is something that was between representatives from the City Manager's office and representatives of the City employee's organization, but there are things happening outside of this. Whether or not they fully understand what happened, she's assuming they gave notice to the employees. They have 300 members, and 114 showed up. She's concerned about the impacts to other employees. Without truly understanding how we're going to avoid this impact to other City employee units and the unrepresented, she's going to respectfully either abstain or vote against.

This is highly unusual. We've never had this before, where a broker came in that has not been working with the City. This is a different broker; it's the Teamsters own broker. She didn't understand how this process was going to fan out. She assumed that everything would be the same. The only difference was that this is a different broker, whether it's a Teamsters broker or some other broker brought in to negotiate better health benefits. The goal for everyone is to try to bring down the health care costs. That's something we're trying to do every chance we get. That's what this bargaining unit intended to do. She's sure they did not intend to make things unequal for anyone. She's just concerned that the unintended consequences are going to impact other employee units.

COUNCILMEMBER FELIEN stated this is a very frustrating issue because we're dealing with the soaring costs of health care and the challenge it presents to the City, and the union leadership and membership. All of us struggle with this issue and try and work through it to a satisfactory conclusion. He asked Ms. Rodriguez if she submitted the petition with 25 signatures for a meeting.

MS. RODRIGUEZ responded she did.

COUNCILMEMBER FELIEN asked now that the union is in possession of that petition, what do their bylaws require them to do.

MR. SALAZAR responded the bylaws for that petition state that the 25 outstanding members can request a special meeting. In reading the bylaws, he has to give a minimum of 24 hours notice and also give all the membership the prerogative to schedule to be at this meeting. He talked to Ms. Rodriguez this afternoon. She said if this goes through, she still wants a special meeting. He would hold that on September 10th.

COUNCILMEMBER FELIEN noted that they submitted the tentative contract with the signatures approved by the union. If at this meeting a majority of the members agree with Ms. Rodriguez, saying they didn't understand what they were dealing with and it should go in a different direction, is that possible?

MR. SALAZAR responded there were 161 members that voted last Tuesday. 115 voted for this contract. We had a meeting before we counted the votes, and only 25 stayed. People just wanted to vote, so he had a committee come in and set it up. People came in, voted and put their vote in the box. It was a closed box until we had two members that weren't affiliated with the negotiation team count the numbers. He had 115 members who wanted this contract and 49 who didn't want it. We have 300 members, and he can't make those other members show up. We had a majority, and he has to go with what his members are telling him.

He understands and sympathizes with people, but we had a United Healthcare plan and a Kaiser plan. Somewhere along the line somebody got to United Healthcare, and they jumped up our prices extensively, more than what the City's plan was. We met before the meeting on the 20th as the Negotiation Committee to explain what happened and that we would have to go back to the City plan. It was brought up during the meeting that we just do a Kaiser-only Teamsters plan. People responded yes. He asked three times if they understood that we would only have a Kaiser plan and not United Healthcare. He asked several times to make sure they understood that it was a Teamster Kaiser-only plan. He did a show of hands, and out of 73, only 8 were against it.

COUNCILMEMBER FELIEN wasn't at the meeting, but there are concerns by some people that the meeting wasn't properly handled according to the procedures. He is assuming, as part of the contract process, that there is some boilerplate language that says that according to the rules of our union the majority have approved this contract. He asked the City Attorney if for some reason we believe that hasn't been met, do we have any legal right to challenge that assertion?

CITY ATTORNEY MULLEN responded that if there's a dispute between the members about the process, then that has to be handled by them. It's not the City's responsibility. They have represented that their agreement has been ratified and that they have the authority to sign the agreement. That is contained within the agreement.

COUNCILMEMBER FELIEN clarified that if members disagree with that conclusion, it's an internal matter with the union. He knows we're trying to address the

moral issue, but from the legal standpoint we don't have a case.

CITY ATTORNEY MULLEN responded it's Council's decision today to decide whether or not to approve the agreement. Under the Meyers-Milias-Brown Act, a tentative agreement is not binding on the Council until they vote to approve it. Council's decision today should be if this is a good or bad contract for the City and do they want to approve it. If there is a dispute about what the members knew when they voted, it's really for the members to resolve among themselves. It has been represented to the City that this agreement has been properly ratified. That is really what we should respond to. Council's decision today is whether they want to ratify the tentative or not, based on the terms of the agreement.

COUNCILMEMBER FELIEN assumes that Mr. Salazar would concur with the opinion of the City Attorney. He understands the challenges of getting people to a meeting and discussing complicated issues. If a majority for some reason felt they had gone down the wrong road, is that avenue open or is it shut since they certified that they have a tentative contract?

MR. SALAZAR doesn't think so because he's got 45 signatures, and there were 49 against, so it's still basically the same amount of people that were against this. It wasn't 100 more people. He doesn't think we should go back to a vote because there wasn't a significant change in the people that were against this. He has to look at the majority of the people that wanted this compared to who didn't want this, and it's still about the same amount of people that didn't want this that signed the petition they gave him this afternoon.

COUNCILMEMBER FELIEN asked if Council votes for the contract this evening and through the union meeting process over the next year the membership decides they went down the wrong road, how does that process work as we get to the open enrollment for the next year?

MR. MORDASINI responded at this point we've committed to the Teamsters Trust, which has 68,000 participating members with about 180,000 dependents. We have been able to offer the membership a considerable savings. Most of these members voted for their paycheck. Virtually no one is going to be paying out-of-pocket for the first year. The second year there will be a little out-of-pocket cost for the families with the increases that we anticipate, but for the most part for the next two renewal years it's going to be very positive for the OCEA members.

Two years from now when we go back into negotiations, if the relationship hasn't worked out, then the membership can tell the Board at that time that they want to change back to the City plan. We can attempt to come back in and negotiate that with Council. The other part of this is the issue with United Healthcare. United Healthcare represented to our trustees at their trust meeting that this was a high-risk group, and our trustees got cold feet. They had United Healthcare re-evaluate the costs, and the costs went through the roof. We brought that back to the membership. They voted to move in a direction to deal with the medical, just like the City is dealing with medical.

The City has issues with medical costs, and the employees have issues with medical costs. The out-of-pocket medical cost for a family employee in this City in OCEA is \$300 per month. Under the City plan, by 2015 with the caps that Council is imposing on this bargaining unit as a result of negotiations, families will be paying between \$450-\$500 per month. The majority of the OCEA employees said they can no longer afford it. They want to deal with the medical and turn it around to see if the Affordable Healthcare Act is going to change the landscape.

We have some employees that are upset. They are tied to the Scripps clinics.

Scripps Medical is the most expensive medical plan in San Diego County. When you're trying to deal with medical costs, you have to educate the employees. They made a decision. Now we're asking Council to follow the decision that Council imposed on the Teamsters during negotiations to deal with healthcare. None of our members are going to pay out-of-pocket for the first year. The second year is projected with a 10% increase because we have renewals, just like the City plan. With a 10% renewal, families will pay about \$22 per month out-of-pocket.

This is a win-win for all sides. He understands that there are impacts on the other groups, but part of the problem with the City medical plan is that you've got Medicare-eligible people on the City plan. Most cities in San Diego County have discontinued employees participating in the plan because it drives the age group up and this drives the costs up. We have all of those people that have retired still on the plan. That's part of what's driving the costs. We tried to deal with it and took direction from the governing bodies through the negotiating process. It went to an impasse, and we reached a tentative agreement with the City Manager. Now is the time to vote, and we're asking Council to call for the vote.

COUNCILMEMBER FELIEN asked if any of the three City employees who spoke thought that any part of the questioning was overlooked.

MS. RODRIGUEZ responded our meeting on August 27th was at 5:30 PM, but voting was allowed to start at 4:15 PM, which in her whole time at the City has never been allowed, other than a proxy for employees that have a working schedule like the shift operators or night shift people. She had asked if she could make a motion to not count the votes that night and bring it back with also offering us the City's medical plan or getting a medical plan other than Kaiser. She was told she couldn't make the motion. She asked why and was told it was because they said so. She should have been able to make a motion and bring this back to the membership.

They're stating that of our membership, 161 out of 290 people voted for this. Some people felt that it was a done deal and they didn't need to come and vote. They didn't understand how it affects everybody. That's why she's requesting a delay, to bring this back to the membership and get the word out to more than just the 161 people that put in their vote. She spoke at that meeting and brought up issues that she thought should be brought up, but there were only 30 people there because most had voted prior to the meeting.

COUNCILMEMBER SANCHEZ knows that Mr. Mordasini cares about every one of the employees. It seems that there is a desire to talk. It's not to say that it will change anything. It could or it couldn't, but she's prepared to come back at a special meeting of the Council next Wednesday to revisit this. That wouldn't impact the timelines at all and would give the Teamsters a chance to talk with the employees. It could settle the issue once and for all. Her concern is that people feel unhappy that they didn't get heard. It's due process; that's all it is at this point. If he could give them the chance to be heard, perhaps the vote will be the same.

MR. MORDASINI respectfully declines Councilmember Sanchez' request. The reason there weren't many people that stayed, for whatever presentation we were going to make at the ratification, is because by the request of the OCEA members we publicized the full tentative agreement with all the terms and conditions. We're only talking about medical right now, but there were other terms and conditions in the tentative agreement that we had to reach. We publicized that one week in advance.

Everybody had that tentative agreement in writing. They had the rates for the Kaiser-only medical plan. They were notified of the membership meeting to ratify. Employees asked to start the voting at 4:00 PM. They came in with the information that had been provided to them. They signed in and received a ballot, and they marked

their ballot. We gave them due process. It was a secret ballot, and they put it in the ballot box.

COUNCILMEMBER SANCHEZ asked if at any point they were given one proposal and then a second one that changed. That's what she understands happened.

MR. MORDASINI responded we broke the impasse on July 8th. On July 9th we notified the membership of the direction we were going. We had three subsequent meetings after that leading up to the ratification vote in late August. There was a lot of discussion on which way to go, but on August 20th we had the largest membership meeting up to that point. There were 86 employees there. Because of the issues with United Healthcare and the current broker, they decided 76 to 8 to move in the direction we did. That's when we finalized the proposal. We publicized it to all members. We did the internal mailing and put it on the website.

COUNCILMEMBER SANCHEZ asked if it was the only information sent out.

MR. MORDASINI responded the only official formal information was the one proposal that they voted on.

COUNCILMEMBER SANCHEZ asked if there was no possibility at all that their 300 members got the first proposal and then a second proposal. There's no possibility that they only read the first one and didn't bother to read the second one, thinking that it was probably the same thing?

MR. MORDASINI knows what Councilmember Sanchez is getting at, but respectfully, there was discussion about different alternatives.

COUNCILMEMBER SANCHEZ asked if he's saying it didn't go out at all.

MR. MORDASINI responded it didn't go out. There was discussion at the meetings. There was only one proposal, one tentative agreement that went out, which was the tentative agreement that went out one week before the ratification. At the end of the ratification day, 115 members came in and voted for the contract, and 46 voted against it. We believe they voted based on the impacts on their paycheck. He's been doing this for 25 years, and it's not unusual that 100 employees out of 300 won't show up. That tells you that they're not in dispute. The majority of our members came in and voted. Unfortunately we have 46 people who are not happy with the outcome. That's how the democratic process works, not only in this situation but in the union. We're a democratic union. We gave them the information, and they voted with a secret ballot. There is no advice from the Teamsters to make this change.

COUNCILMEMBER SANCHEZ stated the question she had was whether or not there were two proposals.

MR. MORDASINI reiterated there is only one proposal, and there will be no change of the outcome.

COUNCILMEMBER FELLER stated it sounds like Council elections. Probably 90% of the people don't show up for Council elections. The choice we're talking about here may affect the entire City. If OCEA is pulling out, we may not have the same choice for our medical under those negotiations. This is affecting all of us, but the Teamsters have gone through a process. His heart goes out to anybody that has to change. He knows it's a possibility for him getting into United Healthcare from where he is, with losing his doctor, etc.

This has been vetted. He hopes the Teamsters and the leadership will hold the meeting with the 46 people and even more if they are willing to show up on September

10 as they said. If this goes forward, they will still meet with the members to have the discussion.

He **moved** approval of [**Resolution No. 13-R0608-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 13-D0609-1**] between the City of Oceanside and the Oceanside City Employees Association"].

DEPUTY MAYOR KERN seconded the motion. He is going to vote for this because they're asking for a delay for a week, and he doesn't see a change in the outcome. Mr. Mordasini commented that there would be no re-vote, so all we're doing is delaying it. The longer we delay this, the more we come up against the open enrollment time. It would be a disservice to everybody. OCEA has some problems internally that they need to address.

He sympathizes with the people that don't like this, but we as a City are trying to get on top of the healthcare issue. The Affordable Healthcare Act is a misnomer; it's the Unaffordable Healthcare Act. What's driving all of this is that everybody is afraid of what's going to happen in the next couple of years. Within two years we'll see some settling of how the healthcare issue is going to be handled. Maybe when OCEA comes back for renegotiation in two years, we can figure out a better plan and go on from there. The reason that Council did this is that the out-years scare us too, regarding how we're going to have some certainty in our budget. That's why one of the things we said is that we need to cap healthcare for the citizens of Oceanside. That's why he supports this.

He hopes that Mr. Salazar goes forward with the meeting, but it sounds like there's not going to be any re-vote anyway. All we're doing is delaying the inevitable and dragging things out. It's an awkward position for us because it seems like we're trying to referee an internal dispute within your own union. That's not the position Council should be taking. We asked for and have a tentative agreement. Everybody has acted in good faith, so it's incumbent on us to act on it tonight in that respect.

He asked the City Attorney about lawful obligation of voting.

CITY ATTORNEY MULLEN responded the obligation is for Council to consider in open session the tentative agreement that has been drawn up between the parties. It's not binding because it has to be approved by Council in open session. That's why the item is before Council today.

DEPUTY MAYOR KERN stated if this was late July or August, he would grant that time. However, as of right now, we're three weeks away from open enrollment, so we need to go forward with this.

COUNCILMEMBER SANCHEZ thinks we're leaving an impression that is extremely incorrect. She and the Mayor have felt like we were not even part of these negotiations. She doesn't feel that we had the best interest of the employees at heart at any time during these negotiations. That's why people felt forced to go to a different system. The negotiations that happened were very unequal. She wanted to believe that they were equal. She at least felt that the representatives were there, but it was a message sent by the majority here.

The bottom line is that she knows employees have been taking home less and less. We had a difficult time of it in terms of the economy, and we're starting to get out of that. We've laid off employees, which means that people are doing the work of two. Employees haven't gotten a raise, healthcare is going up and they're taking home less. This is not what she would have voted for in the first place. She is very concerned that we keep putting this off as if we're going to get rid of everybody and contract everything out. That's really what's happening here.

The impression that we've got some people in the Council majority who really care about employees is incorrect. That's not what's happening behind closed doors. What is happening is that employees are being forced to take this position. It makes her extremely uncomfortable that they would have to do this. The Mayor has the experience of being an employee for Oceanside. He knows the ins and outs. He knows where the money is buried so that we can avoid giving employees raises. That's how it's been going on for the last 3-5 years.

The employees of Oceanside, as ambassadors of the City, work above and beyond the call of duty. We have employees that truly care for the City despite the fact that they have not gotten raises and we're having a morale problem. Everything is going well for us except for how we treat our employees. She's having a problem, because we forced employees into this corner and are saying they've got to take this deal. She doesn't like the deal. She wouldn't do this to herself or her family.

COUNCILMEMBER FELIEN stated one can sit here and only take so much when we're living in a fiscal fantasy land. He recalls that the vote was 4-1. The Mayor is the only one that can stand up here and say he didn't vote for the contract. He doesn't understand how it is that we have claims that the contract wasn't supported.

COUNCILMEMBER SANCHEZ stated even Councilmember Felien asked why she and Mayor Wood aren't participating.

COUNCILMEMBER FELIEN stated this is a frustrating issue, but he hates to hear this bunk that the majority doesn't care about the employees. When cities are managed so recklessly that everyone gets laid off and their pensions are destroyed, how does that care for employees? Detroit is the first of dozens of cities that are going down that road. Oceanside was going down that road before we had a majority that came in and instilled some fiscal discipline to avoid catastrophe. The decisions that drove Detroit into financial ruin weren't made the week before or the year before. They were in some cases made decades before. With the hard decisions we're making today, you won't see the fruits of it tomorrow or the year after, but if they're not made you see the disaster come 10-20 years from now. He has a perfectly clear conscience that the decisions we've made up here as a majority have put the City on a sound financial footing.

Employee packages consist of three things: basic wages, healthcare benefits and retirement benefits. The total costs are always going up. The issue is how it's distributed. Everyone's cost is going up. It's just that most of that is going into retirement and healthcare expenses, so we have to shuffle around the total. The total is never going down. We can give away the store and promise all kinds of stuff today, but two or three years from now when we have massive increases from CalPERS, how is all that going to be paid for? It's going to be paid for with massive layoffs, just like Detroit and so many other cities. Apparently, some of his colleagues are happy to go down that reckless, irresponsible road simply to make some people happy today.

He takes a broader approach to his responsibility of public office, and he's here to keep the City viable for decades, not just to get through the next election or to make a handful of people happy because they don't want to face the financial reality of the long-term fate of our City. He'll be happy to have his approach ratified in the next election coming up. Keeping our City solvent and our employees with a job is caring for our employees. That's the best way we can care for all of our employees.

MAYOR WOOD stated this was a tough decision for him. When this issue first came up, he believed that the City forced people into a corner. The union came back and said they were going to the Teamsters and pulling out of the City plan, which was their way of saying Council won't deal with us, so we're going with somebody else. It was payback because you felt the City hasn't been dealing with you the past couple of

years. Did it impact us? Yes, if you go to another plan all of our rates go up.

A meet-and-confer is just that. The City Manager, an attorney and their side get together and talk about this. We're not really privy to all of the details. Somebody comes back and tells us where we're at and how it's going. He has to admit, when the union came back and said they were going to the Teamsters, he thought they had two choices and were going forward. When he got more information about it, he was concerned about what would happen with the Teamsters contract. He thought it was a little misleading and didn't think everybody understood it. Even he didn't, so he didn't support this. He was the one who voted no on the contract.

When it came back, there was confusion with the Teamsters. It went to an impasse. The union got one more shot at it by talking to the City Manager and trying to resolve it, and they did. When they came back with this decision about going with one medical group and not two, he still was concerned that there was no selection process. It felt like we had pushed them into that situation, and he believes they did. He noticed that their rates are better than what the City was offering, which was explained tonight.

What he didn't understand was that some people came to Council and talked to us. Generally, we don't do that because it's a meet-and-confer type of thing, but there were concerns over the operational aspects of how the vote went down. He told them that we're on the other side and we have to vote, so they need to work this out with their own group. They wanted to have a continuation because they needed more time. He didn't mind having a continuation for a week or so if they wanted to work this out. However, after he and Councilmember Sanchez said they didn't mind it, he got a lot of feedback from two people on the Council about contracts and meet-and-confer.

They've signed a tentative agreement, and we have to go along with it. Some legal issues came up which concerned him, but he still thought they could continue it for a while. These are our employees, so now we can make everybody happy. He's got a dilemma because he likes both sides. He also gets a lot of pressure behind the scenes, that legally he's required to vote for this. He has to vote for this, which means big things in the future when they deal with other labor groups. When it comes down to a tentative agreement, we're supposed to say yes.

He's not happy with this, but he understands it and hopes it works out. It is going to affect his insurance too because he might have to go to a program where he doesn't keep his doctor. He's not going to resolve it tonight, and not everybody will be happy either way we go. He's going to follow the lead.

He was going to say if they wanted a continuance he would back it 100%. However, when he hears the comments made from the Teamsters and the OCEA President, it puts things in another light, and he feels obligated to go along with the agreement. Employees won't like that. If there was a violation of the protocol, the Brown Act or Robert's Rules, then they need to address that with the membership and leaders.

The other big issue that was brought up is that we have an open enrollment pretty soon. The Human Resources Director is concerned that this needs to go forward so she can get things done.

COUNCILMEMBER FELIEN has to eat some of his words. He always tries to be as truthful as possible, but the City Attorney says that his memory isn't as good as it should be. He wants to correct the record. The City Attorney says that Councilmember Sanchez' version of the vote is correct; that she was in opposition.

Motion was approved 4-0, Sanchez abstaining.

GENERAL ITEMS – None

[Recess was held from 5:00 PM to 5:16 PM]

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Jennifer Lacey

PROCLAMATIONS AND PRESENTATIONS –

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

Presentation – Update on the Oceanside Charitable Foundation

Presentations were made

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session:
See Items 1, 2A, 2B, 3A and 4A above.

MAYOR AND/OR COUNCILMEMBER ITEMS

27. **Request by Councilmember Feller for a presentation by Caltrans and the SANDAG team on the I-5 NC PWP and LCP Amendment Process and direction to staff, if necessary**

ALLAN KOSUP, Caltrans I-5 Corridor Director, stated SANDAG (San Diego Association of Governments) and Caltrans (California Department of Transportation) have been working hard over the last few years to develop a comprehensive package of transportation improvements in the North Coast Corridor (NCC). This is a \$6,300,000,000 package of improvements that will get constructed between now and 2040. It includes such things as completing the double track of the LOSSAN (Los Angeles-San Diego-San Luis Obispo Rail Corridor) line, the lagoon restoration at San Alejo and Buena Vista, and the express lane similar to I-15 and carpool lanes.

One of the key parts of developing this package of improvements is looking at how this set of projects is consistent with the California Coastal Act. One of the things we wanted to talk about today is an informational item about the relationship between the Public Works Plan (PWP) that we’re using for I-5 and the rail improvements, the City’s LCP, and the process that we’ll use to identify and remedy any inconsistencies between what we’re proposing and the City’s LCP.

To give some background on the coastal portion of the project, it shouldn’t be a surprise that it’s a very unique approach to projects of this nature. It’s \$6,300,000,000 of improvements all in the coastal zone. It’s been a very collaborative process working with the Coastal Commission and their staff on how we’re going to develop a framework to figure out if this project and this program of improvements are consistent with the California Coastal Act. The idea was to do this holistically and not piecemeal. As these projects come through, we really want to minimize surprises for everyone.

The idea of looking at it as a package also allowed us to look for opportunities to integrate modes, such as doing the bike improvements while doing the rail and highway improvements or how we can improve the lagoons concurrently when working on the highway. This holistic approach that we packaged under the Public Works Plan allowed us to do that. The idea is to provide assurances that the 40-year set of projects gets built consistent with the Coastal Act and everyone’s expectations, but also to build in

some flexibility because we know the world is going to change over the next 30-40 years in ways that we can't forecast. The Public Works Plan provides that framework.

How does the Public Works Plan relate to the City's Local Coastal Program? A computer graphic was used to show a pyramid (with the Coastal Commission at the top). We're starting with the rail improvement portion of the plan because both the rail and highway projects go through the coastal process. The rail projects are subject to Federal coastal law, and the highway projects are subject to State and Federal coastal law. They are a little different and how they relate to the City's LCP is a little different regarding the rail projects. We look to the LCP for guidance. Ultimately, we need to be consistent with the State Coastal Act.

When we look at the highway, the local LCP and the PWP need to be in direct alignment. If there are any inconsistencies between our Public Works Plan and the City's LCP, we need to resolve those as part of taking the whole package to the California Coastal Commission. On the side of the pyramid, we relate it to the City's General Plan process where you have projects coming up and they need to be consistent with the Specific Plan. The Specific Plan is consistent with the General Plan, etc., and this PWP is very similar to that. For example, as projects are designed in year ten and we bring that forward for consistency finding, we'll look to the PWP to assure that it is correct.

Over the last few years, we have been working very hard with each city's staff to figure out where those inconsistencies are and how we can remedy them. An example of that would be when cities developed their LCP's, they probably didn't envision the need to go right through a lagoon, where we have endangered species and environmentally sensitive habitat areas sitting right next to the State improvement. That's obviously an inconsistency that we need to address in the LCP. It's been very collaborative. We've had Coastal Commission and Oceanside staff with us the whole time so that we're not guessing at where the inconsistencies are and how to remedy them in a way that the City can live with.

One of the things we heard early on from the cities is that the LCP in each city is broad and has a big span. They don't want to open up the entire LCP for us just to amend it in our little project footprint. One of the solutions that has been developed with City staff and the Coastal Commission is the idea of an overlay. A computer graphic was used to show the area where the I-5 improvements project actually interfaces with the City's LCP. Those are the areas we'll look at for inconsistencies and figure out a way to address them. As it relates to the rail line, since those are under Federal guidance, we actually don't need to address LCP inconsistencies. We'll still work with the City, but the inconsistencies don't actually need to be formalized.

Because projects like this impact a lot of different cities, the law was written to give us flexibility as the project sponsor to bring forward LCP amendments directly to the California Coastal Commission. That way we don't have to work through the City, asking the City to do the legwork and be the sponsor of the amendment. We'll be the sponsor of the amendment. The challenge is doing it collaboratively so that the amendment matches what the City needs it to say. We refer to this as the third party-initiated amendment process.

It's also important to point out that this is not the end of the conversation with adopting the PWP next year. The Public Works Plan went out for a 60-day public review period in late March. We're working on addressing the public's comments. We plan on taking the Public Works Plan to the Coastal Commission for their adoption in spring of next year, but that adoption isn't the end of the conversation. These projects continue for the next 30-40 years, so the PWP has a number of checks and balances to make sure that we're still talking and the City is aware of what we're building within the framework of the PWP. For example, as we finish design on a particular project, we

bring it forward for Council's review through the Notices of Impending Development process.

Tonight's item is an informational item so that Council knows that this process is going on. We've been working on the actual amendments for a couple of years. We're nearing the beginning of the formal process, and that's why we thought it was important to be here tonight. We're going to submit the LCP's that we've been working on to the Coastal Commission. They will send them back to Council for their review and comment. We anticipate that the 90-day review period will be happening in the fall of this year. All of that will hopefully be leading up to a Coastal Commission hearing on the PWP in March for the whole \$6,300,000,000 in improvements.

Public input

PETER YEOMANS, 2021 South Ditmar, has been a resident of Oceanside since 1974. He currently resides about 100 yards away from the Buena Vista Lagoon. He represents a fledgling neighborhood association called the Neighborhood Buena Vista Lagoon Association. He's here because the thousands of people who live within several hundred yards of the Buena Vista Lagoon, both on the south side in Carlsbad and the north side in Oceanside, have a serious problem that we don't think is being addressed. We deal with mosquitos every single morning and evening during the warmer summer months. You cannot have a pleasant evening in your backyard or have a barbecue during the twilight hours. It's a very serious problem. We didn't hear that addressed when we had the community meeting in Carlsbad several months ago about the PWP.

He noted from the report Council was given that part of this process involves dealing with the mitigation of the Buena Vista Lagoon problems. Reference was made to the possible removal of the weir by St. Malo. That weir is causing serious problems for all of us in this area. We took a couple of days to obtain a petition because the Department of Fish and Game suggested it to us. We submitted the petition to Councilmember Feller, who came to the lagoon to receive the petition. The petition was nearly ruined because during the entire time that Councilmember Feller was talking to him, he was swatting mosquitos.

Every night, if you decide to barbecue during the summer months, you're going to have to sprint out to the barbecue to put your meal on and sprint back into the house. You have to wait until after the sun goes down to enjoy your back yard.

He asked Council to consider the urgency of the problem with mosquitos. Residents are always told to call Vector Control, which is the organization that flies helicopters around and drops pellets. Vector Control might be having an impact. Maybe we'd be in bad shape with mosquitos if they didn't drop the pellets, but we're in horrible shape anyway. He hopes Council will keep that in mind. We cannot enjoy our property because of the seriousness of the mosquito problem.

Public input concluded

MAYOR WOOD recalled that a few years back we had to get the money from Carlsbad and Oceanside to have the helicopter drop the appropriate items, but we had to get the approval of the State, Fish and Game, etc. Oceanside and Carlsbad paid for that once because of the constant complaints about mosquitos. He asked the City Manager to make a note of it. We might have to talk to Carlsbad again and see if we can work together on that.

COUNCILMEMBER SANCHEZ thanked SANDAG for stepping up to the plate and including the Buena Vista Lagoon as part of the Public Works Plan. A couple of years ago we were working with Fish and Game, which is now called California Fish and Wildlife. They are 90% owner of the lagoon. We were working toward a restoration

project and had put funding into it, including funds from the Regional Water Quality Control Board. At some point it stopped. It couldn't go forward because there was not a sense that there was support for the direction it was going. The Oceanside and Carlsbad Councilmembers got together and talked about how we have to keep going forward because this is a critical resource. It's a tourist draw for Oceanside, along with the health of the lagoon being critical for homeowners who live nearby and the wildlife that's in there.

We ended up going to Sacramento and getting some help there, but not enough, so SANDAG agreed to take the lead on the Environmental Impact Report (EIR). She thanked SANDAG for doing that and working closely with the Coastal Commission staff. There is about \$100,000,000 in mitigation funds. This is one of the impacts. She hopes that, as we go forward on the EIR, those mitigation funds stay in North County, particularly for the Buena Vista Lagoon. Caltrans is able to put the mitigation funds in other places in the County and even outside the County. However, this lagoon would garner a lot of credits for Caltrans. In that sense, it's something that hopefully will happen.

We have spent some money on behalf of Oceanside in terms of the Water Quality Control Board. We are under their guidelines for keeping the water quality, so it's not just California Fish and Wildlife as 90% owner; it's also the cities of Oceanside, Vista and Carlsbad. We need to work together with the homeowners that live in the mouth of the lagoon at St. Malo in coming up with something that will satisfy most of us. The health of the lagoon is something that's important to all of us, certainly concerning the mosquitos. If there wasn't standing water and it had more of a flow, you wouldn't have that problem as much. The County Department of Vector Control does have a tax they impose every year, so they have the funds to respond and should be responding. The cities of Oceanside and Carlsbad got money together to start the initial spraying before this tax. Now Vector Control is a very well-funded project, so perhaps the City Manager can contact Vector Control and work with the residents on that.

SANDAG is also including public transportation, so it's all in one. That was missing before, and now it is a total look at things. For the coastal rail and the mitigation of the lagoon, she hopes those dollars will stay here in Oceanside and North County. She asked if the Public Works Plan includes Carlsbad Boulevard, because it tends to flood.

MR. KOSUP is not sure about that. He asked Councilmember Sanchez where she meant on Carlsbad Boulevard.

COUNCILMEMBER SANCHEZ clarified it is Carlsbad Boulevard between Oceanside and Carlsbad at the lagoon. She believes that's part of the Public Works Plan. That would be welcomed to be part of the mitigation, as well as the I-5 and 78 freeways. That is something that we have for years wanted to address. There isn't any other interchange that has a light like that. She will be following this and ensuring that we get the Buena Vista Lagoon project in as good a place as possible for funding.

MAYOR WOOD stated for him it was the widening of I-5 coming up from Solana Beach, which we all want. All you have to do is get on the freeway on a weekend to find that there are problems. A lot of that money was taken away from North County and Oceanside because we weren't shovel-ready with the Buena Vista Lagoon. The Environmental Impact Report was necessary. The public is always asking us what the problem is. It's coming this way and we have to be shovel-ready. The I-5 widening will help us, but we also need the flyover at the 78 because it is backed up for miles at that traffic light.

He gets a kick out of the litigation over more mass transit. The biggest part of

mass transit is that it won't work unless we double-track. Most people don't know that the rail lines are usually busy at night with the freight lines bringing goods in. We have a problem there, and we need to double-track. We need to replace the trestles. That has a big impact on the environmentalists and the Environmental Impact Reports, but they were built between 1904-1912. He asked with the upgrade of this whole area, will they address the issue of the trestles?

MR. KOSUP responded yes. He asked if Mayor Wood was referring to the trestles in the south part of the corridor at Peñasquitos Creek/Lagoon.

MAYOR WOOD responded anywhere from Oceanside going south. That was the big hang-up for a long time. We wanted mass transit but couldn't do it unless we fixed the trestles or double-tracked. He knows that's important to a lot of environmentalists, but sometimes they slow things down because of the permits. He hopes that's moving forward. The wetlands have certainly been a big issue for us.

ROB RUNDLE, SANDAG Regional Planner, stated as far as the Buena Vista Lagoon Environmental Impact Report, we completed the Notice of Preparation phase, which is the initial process where we ask the public to give us input on the scope and content of the environmental documents. We have received quite a few comments from agencies and the public. We're organizing those and feeding them into the process of preparing the EIR. We're doing the engineering phases so that we can do the hydrological modeling required to prepare the EIR. We're looking at both saltwater and freshwater alternatives at an equal level of analysis, so they both get the same attention as far as what benefits or impacts they might have. We anticipate having a draft environmental document available for public review in September or October of next year.

BILL PREY, SANDAG Principal Engineer, is the Corridor Director for the LOSSAN portion of the I-5 work. We are making a lot of progress on the double tracking in the corridor. Recently, he spoke to the North San Diego County Regional Development Corporation. Deputy Mayor Kern and Councilmember Felien also participated in that meeting. We were happy to get the support of Oceanside in our endeavors. We have the replacement of the Santa Margarita Bridge project in Camp Pendleton underway, which will be completed later this year. It will probably be totally complete in the spring of next year. The deck has been poured on that bridge, so there's a double-tracking bridge ready to be completed. We replaced the bridge out at Trestles Beach in February. We've recently completed the Santa Fe Pedestrian Crossing in Encinitas, and there are three others on the program to be completed once they are funded.

In Camp Pendleton we've just bid out the San Onofre-to-Pulgas double-track project, which is a \$24,000,000 project. The bid is about \$18,000,000, and construction for that project will be underway this year. We have the Sorrento Valley double-track project that's also out to bid right now. It's another \$20,000,000 project, and we'll be doing some double-tracking north of and through the Sorrento Valley station. There is a project to replace the aging bridges in the Los Peñasquitos Lagoon. That will go out to bid next year. We recently received notice that we've been awarded about \$14,000,000 in FRA (Federal Railroad Administration) funds in a grant application. That's going to be used on the Los Peñasquitos bridges, which will allow the money that was previously programmed there to be spread to other projects.

As we discussed at the meeting a couple of weeks ago, there's a major project that will be going forward at the Oceanside Transit Center. That will probably go out to bid next year. It's a \$20,000,000 project, and it's going to provide a third platform at the Oceanside Transit Center. Three trains will be able to pass through while two trains are sitting in the station. This is really going to help facilitate operations at the Oceanside Transit Center, which is a major transit center in our region. The work that's going on in the corridor from Sorrento Valley through Oceanside is \$6,500,000,000.

\$2,300,000,000 of that is the LOSSAN Corridor, and about \$4,000,000,000 of that is the highway work, with \$200,000,000 of environmental work.

There is a tremendous amount of work that will be going on in this corridor in the next 40 years. We're happy to be part of it and to help deliver these projects.

MAYOR WOOD stated we're the second busiest train corridor in the United States next to New York. It's really a busy corridor, and it's improving.

COUNCILMEMBER FELLER is also interested in grade separation in the downtown area. That's probably another \$20,000,000 job. Mr. Kosup is asking for support just to continue to allow staff to do what they've been doing for two years and support the amendment process, making it as simple as possible for approval as quickly as possible. He's glad to hear that Mr. Rundle is here to speak to the lagoon. Mr. Yeomans is right about the mosquitos, but Mr. Rundle has all of his information now. He is the one that should have received all of the documents that Mr. Yeomans gave him a week ago.

He asked about the taking of the houses. He was very interested in that when Mr. Kosup did his presentation. The whole Council would like to know exactly what Mr. Kosup told him.

MR. KOSUP responded our idea was to get out to all of the coastal cities and flush out any issues so that when they have the formal review of the amendment we've resolved as many of those issues before they get the final. They want to make it as smooth through the California coastal process as possible. On the collaborative piece, we don't need an action tonight. We'd just like to know that we're on the right track and continue to work with staff.

As it relates to the right-of-way, when we put out the environmental document in 2010 for the I-5 widening, there was a lot of negative feedback about the impacts to homes and questions to the department about whether we could do better. Between 2010 and where we are today, hopefully we've done a lot better. First of all, we picked the smallest project, which was the eight-plus-four. That has the smallest footprint, so a lot of right-of-way impacts went away with that. Then we asked our designers and other team members to sharpen their pencils and see how we could do even better. We're about 50% less than the relocations that we were identifying in 2010.

It's a lot of improvements. It's a very tight corridor, and we're going to continue to work to see if we can do even better. Right now, there are five single-family homes and two apartment complexes that we would give the option to relocate. They're not mandatory relocations, in that the buildings will still be there. However, the impacts to the right-of-way are such that the folks might want to relocate. We'll work with them through the acquisition process to work that out. Some of those acquisitions are a ways away because the improvements requiring that kind of impact are towards the end of the program.

5:00 P.M. – PUBLIC HEARING ITEMS

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

25. **CDC: Adoption of a resolution approving Regular Coastal Permit (RRP13-00002) for the replacement and reconstruction of three existing public beach restrooms located at Breakwater, Sportfisher, and Tyson Streets; and the remodeling of the public restroom located at Wisconsin Street – Beach Restroom Project Phase I – Applicant: City of Oceanside**
 - A) Mayor opens public hearing – hearing was opened.

- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmembers Feller and Sanchez reported contact with staff. Mayor Wood, Deputy Mayor Kern and Councilmember Felien reported contact with staff and public.
- C) City Clerk presents correspondence and/or petitions – none.
- D) Testimony, beginning with:

JOHN HELMER, Downtown Area Manager, stated improvements for the beach restrooms have been a goal of the City for many years. In 2007, Wallace Roberts and Todd, a consulting firm, held a workshop at the Council to talk about a very large and ambitious vision for a number of improvements on the waterfront. Three years later the City hired RRM Design Consultants from San Clemente to focus on what was called the first phase of the Beach Restroom Improvement Project. They held three public workshops between late 2010 and early 2011 to discuss things such as function, architecture, color, style and objectives.

A computer graphic was used to show the objectives that were discussed, which are new restrooms, higher fixture count, integrated new beach showers and an open floor plan for increased security. In taking public input and the advice of the design consultants, we've come up with the project we have today. These projects are all located in the Coastal Zone and require a Coastal Development Permit. Another computer graphic was used to show an overall view of the restroom locations. There is a restroom remodeling project on the pier; however, that is outside the City's coastal jurisdiction. It's in the jurisdiction of the Coastal Commission. The commissioners have been given a memo describing the jurisdictional issue. That restroom is specifically not a part of this hearing and not a part of the Coastal Development Permit Council is considering today.

The objectives are to demolish and replace the three restrooms at Breakwater Way, Sportfisher Drive and Tyson Street and renovate the restroom at Wisconsin Avenue. The renovation at Wisconsin Avenue will only be internal and include new paint, fixtures and tile. There'll actually be a net gain of two fixtures at that restroom, and there'll be a common freestanding wash area on the outside of that building.

A computer graphic was used to show the floor plan of the new restrooms. There is a central area where the facilities will be. This restroom has fourteen rooms with toilets in them and two accessible rooms. On the outside of each row of toilet rooms, there will be free-standing common wash areas. This is a typical floor plan. They will all be very similar with a wing-style roof. The materials are concrete block and cast-in-place concrete. The color tones are blues, grays and some earth-tones. The corridors have the wash areas on the outside. We've added new shower facilities. We've also added new surfboard storage areas. The surfboard areas are on the beach side. He showed a computerized perspective drawing of what this will look like with the open-corridor look. For security purposes, the police will be able to look down the corridors. The doors will actually be open about a foot on the bottom, so they can be checked overnight.

Staff has analyzed this project and worked closely with the Coastal Commission staff. All of these restrooms are located in the Downtown D district. Staff has determined that the project is consistent with all aspects of the Zoning Ordinance. It's consistent with the Local Coastal Plan. It enhances a number of policies in the LCP, including improving public access, and it enhances the public's enjoyment of the beach. There's going to be a net gain of 28 new toilet fixtures on the beach, which is a great improvement. Staff has determined that this project is categorically exempt from CEQA (California Environmental Quality Act) because it's the replacement of existing facilities.

On July 27th the Downtown Advisory Committee reviewed and considered this project and unanimously recommended that the CDC approve the Coastal Development

Permit for this project. The staff recommendation is that the Commission adopt the resolution approving the Coastal Development Permit and approving the Categorical Exemption.

CITY MANAGER WEISS stated there is one change. There is an addendum to the packet. We did get information from the Coastal Commission that has been added to the packet with two additional conditions. He wants to make sure that if Council is going to approve it, we include those two conditions as well.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated in staff's presentation there was no mention of porta potties during construction. He would like to make sure that was included so that the public will have access. He also did not see a bench that would be available for parents to use to control children or place objects when showering. This is one thing that parents have let him know they need when they have children with them.

STEVE MASCHUE, 999 North Pacific, is from North Coast Village and participated in the 2010 reviews because we wanted to make sure we had it right. We want to make sure that, as these designs and work schedules progress, we're allowed to participate in some of the decision-making in future forums as they finalize some of the designs. For example, when are they going to actually start the work? He knows they're going to start the project, but when are they going to start the building, what hours are they going to work, will there be jack-hammering at 7:30 AM, etc.

Also, the drainage at that corner of Breakwater and The Strand has always been a problem. The water flushes down from Breakwater, rushes out, discolors the sand and causes erosion. During the drier spells, little irrigation leaks seem to lie there in almost a continuous puddle because there is no drainage. The drainage at that corner has never been planned out. Some of the water comes from the hosing down of the restrooms. It seems like somehow we could make changes to that while we're doing this large project.

The computer graphic showed no landscaping. It seems that flowers or something incorporated into these buildings would enhance the appearance, and North Coast Village could possibly participate. For example, years ago we arranged with staff to take over the flower garden owned by the City at the end of Breakwater Street. Our landscape guys maintained the trees and bushes, pulled the weeds and put down weed cloth. They actually operate the irrigation system, which is in a trap door in the ground between the street and the restroom. We want to make sure that irrigation pipe with City water to irrigate City land stays there while we're maintaining it because it really enhances the appearance of the whole corner. It wasn't mentioned in the project.

Also, the flowerbed is retained with creosote logs that have been there for about 40 years. We don't think it's our authority to change them. He doesn't know if part of the plan is to make changes to it while they have heavy equipment there.

A few years ago, vending machines were put in front of the existing restrooms. He doesn't see where there's any vending machine on the new restroom design. We'd like to know how they're going to be positioned if they're going to be installed.

Finally, the wave run-up analysis states that the restrooms will get hit by storms at high tides. Those waves do come in the high winter surf. The wave run-up analysis said that you should put sandbags down during that period. Why don't we design it differently so that we don't have to sandbag it? That's a labor-intensive job; it look's ugly and it's impractical. If we could raise the floor of the whole thing up about a foot and put some low walls down to divert the waves, it would eliminate the need of a crew having to put sandbags on and off during storms.

JOAN BRUBAKER, 1606 Hackamore Road, stated the \$5,000,000 in funds from the sale of the mobile home park were for this restroom restoration. She wondered if there will be money left over after this work has been done. If any money is leftover, she hopes it is invested wisely.

STEVE MARLEY, 999 North Pacific Street, lives in North Coast Village across the street from the Breakwater Way restroom. He's also a Board member there. He was involved with the public discussion about this a few years ago and was pleased with the design work that was done. However, he has a couple of concerns. One was that they have the sinks outside, and it appears there's no gate there. He's concerned that this could become a convenient overnight outdoor restroom. That was a thought we had back when these designs were being done.

From one of the earliest artist concepts that he saw, it appeared that the restroom was moved south 30-50 feet to make room for a turnaround on the beach for cars and a drop-off point at the end of Breakwater Way. It would change the location of the restroom and would be blocking views for people. It would be a concern to a lot of people, since everyone's paid for their properties based on the view they have.

JOHN GRAHAM, 999 North Pacific, is a resident of North Coast Village. The restrooms, both current and planned, are really close to the front of his home, so he's very concerned. He saw the cost of all of the restrooms, but he never saw the cost for each. During the public hearings, the most popular restroom was one that was split. There was a section that went all the way through the middle if you were going from north to south, so there would be a view through there and a walkway. He wondered what happened to that. His bet is that it was a bigger footprint.

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

NATHAN MERTZ, CIP Manager, stated porta potties will be brought in for mitigation while the bathrooms are closed. We're also anticipating construction to be predominantly during the winter months, so use levels will be lower then. However, we will have accommodations for beach attendance. Benches are included and are integral to the building itself. Cast-in-place concrete benches will be on the west side of the building by the surfboard racks and showers. Construction is anticipated to start after Labor Day in 2014 and run the better part of the year into 2015. Regular work hours will be observed from 7:00 AM to 6:00 PM.

Drainage will be integral within the restrooms. There will be floor drains in all of the stalls, floor drains within the plumbing-chasing floor drains at the shower, as well as at the sink areas. There won't be much runoff from that building when cleaning or using the amenities in there. There is no new landscaping included with the project. Existing landscaping will be there, which is the palm trees. We need to evaluate the replacement of the vending machines. Determining whether or not they're appropriate in these areas is something that the operators and programmers of these bathrooms would be doing. We're just approving the Coastal Permit tonight.

There are two phases. This is the first phase of an overall larger project that we're approving tonight. The second phase will address the bathhouse restroom, the historic restroom that was referred to, as well as creating additional restroom and maintenance facilities close to the amphitheater area and Betty's Lot. This project is estimated to cost around \$1,400,000 for these three restrooms and the two remodels. The remaining money would go towards Phase 2 of the project.

At dusk hours, the bathrooms are currently locked by Harbor and Beach Maintenance. All of the doors will be locked, but the open format of the restrooms will allow for visual observation from a drive-by scenario when on The Strand. All of the

interior portions of the building will be locked. There are no relocations of the buildings and no addition of roundabouts proposed with the project. The buildings that you see on the beach run in a rectangular north-to-south fashion. All of the buildings are now being oriented in a rectangular fashion to the east and west, so we're actually creating more view opportunities and less massing in the north-south fashion. They're basically on the same footprint as the old buildings.

The cost for each restroom will be between \$450,000-\$500,000 per new bathroom. That's how we get to the \$1,400,000-\$1,500,000, and the remodels are negligible to that cost.

COUNCILMEMBER FELLER moved approval [of adoption of **Resolution No. 13-R0610-3**, "...approving a regular Coastal Permit for the construction and/or remodel of four existing public beach restrooms located at Breakwater, Sportfisher, Tyson, and Wisconsin Streets and the Strand Beach Restrooms Replacement Project – Applicant: City of Oceanside"].

DEPUTY MAYOR KERN seconded the motion. One of the things touched on was how expensive they are. It's a penal-grade facility. It is an expensive thing, but the quality and durability adds a lot to the cost. One of the things he constantly gets asked by the community is when the bathrooms are going to be replaced. The one at the bandshell is going to be the follow-up to that. It's probably the most heavily used of all of them because of the activity around that end of the pier. It's a good project for Oceanside, and it's good for our residents. He hopes that we can get this moving and get it all done in an appropriate amount of time.

COUNCILMEMBER SANCHEZ had put the bathrooms as number one on our list, so she's happy that this is happening. She is also happy that they are pursuing getting a grant from the Coastal Conservancy because these are the kind of things that they look at and award. She noted some concerns were voiced.

There are also several amenities. They are increasing the number of stalls, so that's good for the public. They're increasing outdoor shower outlets, drinking fountains, towel hooks near the showers and the toilet stalls inside. The lifespan is 30-50 years. The cinderblock will be treated and waterproofed to protect the restroom from damage caused by storm waves. She likes the fact that the entire structure is going to be treated with an anti-graffiti agent.

Most of the concerns were responded to. She doesn't recall having landscaping. These are on the sand. It's really a beach experience, and people like the palm trees that we have there now. She supports this and is anxious to see if we can get some of this funded through a grant.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

28. **Request by Councilmember Sanchez for a presentation by the Honor Bowl organizers and direction to staff**

COUNCILMEMBER SANCHEZ stated people throughout the City have seen the banners on Mission Avenue for this great event this weekend.

MARK SOTO, Honor Bowl Founder/Promoter, stated the event will be held this weekend at Oceanside High School. He's sure everyone has seen and read the articles and advertisements. There was an 8-page insert included in the *Union Tribune* (UT) newspaper that was mailed out last week to 200,000 people. We have the biggest high school football event in the State coming to Oceanside. It is the biggest event on the

west coast.

The Honor Bowl is being recognized nationally as one of the top events in the nation not to miss. This event is not just about football; it is also an opportunity to pay homage and raise awareness of our military men and women who currently serve or who have served in the United States Armed Forces.

This event has eight high school football teams that have all expressed their honor to be able to participate. This is not our first attempt to stage such an event. For the past three years, our football invitation has become well-received by the regions we've held our events in. Sacramento, our home town, continues to be an integral part in teaching their schools why winning is not as important as having the opportunity to say thank you, a simple, but well received effort to give gratitude to our troops.

Everyone on our staff in the Honor group are unpaid volunteers. We have used our personal money to help make this event a success. We do not reap financial rewards personally. Unforeseen costs at the last minute throws us a curveball because it takes money away from the reason that we hold this event - to raise funds to invest back to our military veterans.

We're two days away from the crowning achievement. Everything has been positive until he received a message about costs for police overtime one week before the event. Sacramento's Del Oro High School has held this event for three years and has never charged us to use their facility. The local services, sheriff, fire and EMT (Emergency Medical Technicians), have never charged us to hold this event in that area. The Placer County Tourism Office was thrilled when over 500 beds were sold when we held this event.

Last year Del Oro, Granite Bay and other teams from Norcal stayed in the Westlake Village area. The tourism dollars increased, plus having the top football invitation. It was stellar for everyone associated with the event. Westlake High School and Thousand Oaks Police, Fire and EMT did not charge us to have this event in their area.

In March he met with the Oceanside School District and presented them with an overview of the plans for the Honor Bowl. We nailed down UT San Diego and brought them on as our presenting sponsor, and the media blast has been happening. In the past few months he's had meetings here laying the groundwork for what is coming to Oceanside. The Oceanside Chamber of Commerce, City Manager and the Mayor's office have been well aware of the Honor Bowl.

The local State and national media interest had been phenomenal. The US Marine Corps and US Army recruiting office in San Diego have volunteered up to 200 men and women to assist in the set-up, tear-down, ticketing and security. They will provide a personal presence because they get what we are doing. Oceanside High School will be transformed by being decorated with US flags, armored vehicles, inflatable drill instructors, etc.

Oceanside was considered to host the Honor Bowl last year because of the close proximity to Camp Pendleton. General John Bullard, Commander of Camp Pendleton; Colonel Willy Buhl, Commanding Officer for the US Marine Wounded Warrior Battalion; and Colonel Tim Rice, Commander of the 3rd Battalion 5th Marines, will all be here to participate in Oceanside at the Honor Bowl. Oceanside High School participated in this event last year and travelled to Westlake Village. They saw the prestige this event brought to that community and asked him to consider bringing this event to Oceanside.

Because of the notoriety of the past events, we have earned the respect and support of Time-Warner Cable, who will broadcast three of the games in the Southern

California and San Diego footprint. This is the first time that Time-Warner has ever broadcast three games live in HD (High Definition). This is happening in Oceanside. The prestige and good will of hosting the Honor Bowl will come back to Oceanside in multitudes.

With last minute expenses for police support, the cost will surely take away from the money that we hope to generate to buy many of our wounded military veterans new wheelchairs and other medical support items they desperately need. He is here to solicit Council's support. Looking back on the various meetings, teleconferences and emails, he never had any inkling of this added cost to his non-profit.

He trusts Council can now better conclude that the Honor group should not be charged for these services, but should be rewarded for what we have brought to the City.

MAYOR WOOD stated this was presented to us a while back and we wanted to be involved as a City, especially with our impact on the military.

COUNCILMEMBER SANCHEZ thanked Mr. Soto for believing in Oceanside. She didn't know the story about how Oceanside had gone to see this and said they would like to have the Honor Bowl here at Oceanside High School. Their success in bringing so many people in is what ended up happening, in terms of the overtime. She put this on the agenda to consider a motion to direct staff to waive those costs.

COUNCILMEMBER SANCHEZ moved to direct staff to waive the overtime police officer fee for the Honor Bowl activities. It's amazing how much Mr. Soto has been able to bring, in terms of volunteers and role models for our youth.

MAYOR WOOD seconded the motion.

DEPUTY MAYOR KERN asked when was the initial meeting with the City's special events coordinator?

MR. SOTO responded in March of this year.

DEPUTY MAYOR KERN asked if those costs were disclosed to him at that time.

MR. SOTO responded no.

DEPUTY MAYOR KERN stated it's been Council policy that we don't do this. When Ironman or beach soccer comes in, they probably put more heads in beds than this event will, and we don't waive those costs. His concern is that we're setting a bad precedent of expecting the taxpayers to pick up the costs for poor planning. He can't support this because it goes against our policy that we've had for the last few years about everybody paying their own way. He's sure there is Police Department staff that will be on anyway, and some of those costs we'll have to pay because the officers are there. However, he doesn't think the taxpayers of Oceanside should pick up the overtime cost for this event. He appreciates what they are doing and the whole idea behind it. He knows that Council wants to be the hero by giving out taxpayer dollars, but we have this policy in place for a reason.

His concern is that if beach soccer or Ironman comes in, they're going to say that we waived the cost for the Honor Bowl, so why not waive the cost for us? It's a slippery slope that we go down when we start going against the policies that we set. There is a reason that we set these policies. The idea is that we protect the taxpayers. That's what we are here for.

He cannot support this motion. He thinks the Honor Bowl should have to pick up

the cost like any other special event. He's sure these costs probably were disclosed because he knows the whole process of special events. He's done about 30 of them in Oceanside in the last several years. All of these things usually come out in the meeting with the special events coordinator. They tell you what the costs are when you file your traffic plan, etc. All of those things happen in one meeting, so he can't believe that this is a surprise.

MR. SOTO stated nothing was ever represented to us about any additional expenses. After that, we met with the City multiple times. We even made a presentation here in March of last year, where we told the City about what was going on. Nothing was mentioned. He's been working with Lieutenant Laser for the past two or three weeks, and it wasn't until last week that she called and alerted him to the fact that we were going to be expensed for some additional fees. We've never been charged for that.

It may be naiveté on his part, but it's something that has never occurred in the three years that we've been building this event. We were invited here. We've been invited by many cities across the nation to take this event to their yard. Even San Diego has invited us, but we felt that it should be here because of the proximity of Oceanside to Camp Pendleton.

We never were approached with anything like that. He wishes he could say that Deputy Mayor Kern was correct, but he's not. We just found out.

CITY MANAGER WEISS clarified that, because they're on the school district property, they are not getting a special event permit. We've had conversations with the school district about getting those plans together, but it wasn't until the last couple of weeks that they finally sat down with the Police Department. Because they were on private property, we could not get them to file a special event permit. They still haven't filed a special event permit. There is no traffic control plan. The traffic plan has been put together by the Police Department. It was a couple of weeks ago that they got with Lieutenant Laser to put that plan together, based on the impacts to the neighborhood.

COUNCILMEMBER SANCHEZ asked how much it would be. Is it \$6,000?

CITY MANAGER WEISS responded the out-of-pocket overtime cost is roughly \$5,800.

DEPUTY MAYOR KERN stated somehow the school district let them down. Maybe the school district can cover those costs. He doesn't think the general taxpayers of Oceanside should cover those costs because there was a communication breakdown between the school district and the City. He appreciates what they're doing, but he doesn't think Council needs to be a hero tonight. He can't support it.

COUNCILMEMBER FELIEN asked for the City Attorney's opinion on the legitimacy of the motion because there's nothing here saying that we're going to be spending money. If there was an issue of whether or not we had proper staff interaction, he would have been in a better position to ask more questions among the staff and the organizers to form an opinion. Every now and then the City messes up and there isn't communication. He agrees with Deputy Mayor Kern that we have to be careful before we make an exception because then there will be 100 groups that ask why the exception was made here and not for them.

CITY ATTORNEY MULLEN asked Councilmember Felien if his concern is whether, per the Brown Act, it has been appropriately agendaized. Is that correct?

COUNCILMEMBER FELIEN responded yes. He doesn't see that it's been agendaized for a request to spend money.

CITY ATTORNEY MULLEN stated it has been agendized. He agrees that it's somewhat broad, but it has been agendized to provide direction to staff related to the Honor Bowl. Though it is somewhat vague, it's legal. If Council wanted to move forward to waive these fees, it's been appropriately agendized.

COUNCILMEMBER FELIEN feels that he's being ambushed with a request for money that wasn't put straight forward in the motion. The legality is settled, but he would rather have the issue of spending money come back. We can find out if we have an issue that got messed up or not. He's not ready to make an exception tonight. He wishes the agenda item would have been better worded so that he could have been better prepared to address this issue.

COUNCILMEMBER FELLER first heard about this in March of last year, before Oceanside went to Thousand Oaks. He helped to facilitate the meeting to get the parties that were involved together. We met at the Chamber offices and had a pretty good consensus of where this was going. At that time, they said they thought this would be a great place to come. Oceanside won.

As far as every one of those special events, they've been granted waivers. We've participated wholly in almost all of them. The Ironman, beach soccer tournament and Turkey Trot have all received City funds in the granting of a waiver of fees at their beginning. Not to say that this is going to open the floodgates for things in the future, but this is a worthy cause to invest in this year for the future.

If we're going to continue to have it, we need our eyes wide open. As Mr. Soto said, it may be naiveté over what was happening, but he knows the school district has been very supportive. He knows that staff is happy about getting this here, and the Chamber is also glad. This is a can't-miss situation this year, so he's going to support the motion. He heard the City Attorney say that it's not illegal to do this. He hopes we can figure this out for the future. Hopefully this event can come back.

MAYOR WOOD stated this was brought up a long time ago, and he was ecstatic. It's good for Oceanside, tourism and our military neighbors to the north. We'll be crucified in the paper if we say no to this. The school district has always had security at every game on their school. They'll be there anyhow as security officers. He can guarantee they'll be there; they have to due to the liability.

The requirement for police officers is going to be fairly minimal in time and money. We have something here that's good for all of us.

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

5:00 P.M. – PUBLIC HEARING ITEMS - Continued

26. **CDC: Adoption of a resolution approving Conditional Use Permit (RCUP13-00003) and a Regular Coastal Permit (RRP13-00003) to allow for beer sampling and tastings with associated sales of related merchandise within an existing building located at 505 and 507 Coast Highway – Surfside Tap Room – Applicant: Tracey Hemstreet**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Councilmembers Feller and Felien reported contact with staff. Mayor Wood and Councilmember Sanchez reported no contact. Deputy Mayor Kern reported contact with staff and public.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with

so she supports it. What she has a problem with is that this is a Conditional Use Permit; she and a number of people are on a special notification list; and this is the first she's heard of it. It's a constant problem. The notification list is not getting notification of these types of activities for the coastal downtown area. She asked Council to direct staff to make sure they include them in the notices for these types of things. The Conditional Use Permit is definitely something the public should have been engaged in and notified of.

Even though she completely supports this project, staff needs to improve their notice to the public.

CHRIS WILSON, 770 Harbor Cliff Way, stated this is an area of town that he frequents almost on a daily basis. Most mornings he gets coffee across the street, and one of the things he sees in that stretch of Coast Highway is a lack of foot traffic. This would be a great opportunity to draw some of that foot traffic north along Coast Highway. A lot of the other businesses in the area would benefit. There was a swimsuit shop just across the street from this proposed location that recently closed down. The owner mentioned that they didn't have enough foot traffic to support the business.

We've already got Stone Brewery downtown and a number of other breweries that draw tourism in, and this would be a great addition to the area. He supports this.

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

COUNCILMEMBER SANCHEZ is very excited about this project. She loves the idea of gourmet food trucks. There is something like this in San Diego that's like a wine tasting that they do once a month. It sounds like an exciting thing, to enjoy tasting beer and having food nearby.

She **moved** approval of adoption of **Resolution No. 13-R0611-3**, "...approving a Conditional Use Permit and Regular Coastal Permit to allow for a beer tasting facility located at 505 and 507 North Coast Highway – Surfside Tap Room – Applicant: Tracey Hemstreet."

DEPUTY MAYOR KERN **seconded** the motion. He likes the idea and the use. We're in a coastal city and hopefully things are successful enough that they come back in a few years to have the ability to sit outside versus being in a room when you're two blocks from the beach. Obviously, that's not something we're going to address tonight. He likes the design, and hopefully it will come close to that.

One thing that we talked about earlier is that Oceanside Ale Works is not directly involved in this. Even though he likes Oceanside Ale Works, it'll be opportunities to taste brews from other breweries.

Applicant

TRACEY HEMSTREET, 5175 Via Malaguena, stated initially when he started his project, he was working closely with Oceanside Ale Works. Since then he's had to pursue his own ABC (Alcohol and Beverage Control) license, which allowed him to officially break his involvement with them. He's a patron of Oceanside Ale Works; he's been going there for many years. He originally started out wanting to support a local brewery, and he's still going to support them. He wants to serve every beer they have on tap out of his tap room. As a result of pursuing his own ABC license, he can expand to some of the other local micro-breweries as well.

DEPUTY MAYOR KERN wanted to get out to the public that it'll be more than one brand and style. He will probably be there a couple of times because he's a long-time patron of Oceanside Ale Works too.

COUNCILMEMBER FELLER stated it's been identified as two addresses. What is the address?

MR. HEMSTREET responded it is two parcels, but it's 507 North Coast Highway.

COUNCILMEMBER FELLER doesn't know if he's concerned about outside consumption. He asked if it's something they plan on at this point.

MR. HEMSTREET plans to eventually go back to ABC and submit an updated application to have outside tastings. What that requires is to secure the facility better with outside fences. Early on, he wanted to make sure he was a good tenant to his neighbors because they have residential housing behind them. He wanted to ensure that when he decides to go that route, he can keep the noise down and make sure he can still present the area without having a major disturbance to the residences.

COUNCILMEMBER FELLER stated it's indoor consumption, but is he going to have product for sale?

MR. HEMSTREET responded that's correct. The ABC license he's pursuing allows him to sell bottled beer, and he can do off-site sales.

COUNCILMEMBER FELLER wanted to make sure that was clear because he heard something different a minute ago.

MR. HEMSTREET clarified that any tap he puts on he's going to back up with the bottles.

COUNCILMEMBER FELIEN wanted to follow-up on the issue of notification because he knows a while back Council voted on something that reduced the required notification. That was based on the assurance that a permanent list would be maintained so that anyone who was concerned about projects in the City would be notified. He asked if this was a project that fell under the requirement to notify people on the permanent list, based on our current policy.

MR. NIGHTINGALE responded that's correct. He'll have to take a look at the list of people that are asking to be notified and be sure that the appropriate people are on there. He knows they have that list within the Planning Department.

COUNCILMEMBER FELIEN wanted to make sure that the list is working the way it's supposed to and that community activists who are concerned about projects are getting notified when these items come up.

GEORGE BUELL, Director of Development Services, stated Ms. Scott has been receiving notices of public hearings and projects that are underway for some time for projects that were outside of the downtown area. Relatively recently, however, downtown projects have come under the purview of Development Services. It's a matter of instructing our clerical staff that the parties of record that we typically send all notices to, including Ms. Scott, need to be included in the downtown projects as well. That can be taken care of tomorrow.

COUNCILMEMBER FELIEN wants to make sure we're notifying everyone who wants to be notified.

Motion was approved 5-0.

INTRODUCTION AND ADOPTION OF ORDINANCES

The following items are ordinances for introduction or adoption by the City

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

29. **City Council: Adoption of an ordinance amending zoning regulations to allow emergency shelters by-right within certain light industrial zones and define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, in accordance with State law and the City's Housing Element for the Fifth Housing Element Cycle (2013-2021)** *(Introduced on August 21, 2013, with modifications, approved 4-1, Sanchez-no)*

Public input

JOAN BRUBAKER, 1606 Hackamore Road, noticed that when you fill out the form that is necessary for this it calls for it to be published in a local newspaper. Staff is calling "North County Times," but that hasn't been published in almost two years. Staff needs to change the newspaper it cites.

Public input concluded

After titling of the ordinance, **DEPUTY MAYOR KERN** moved adoption [of **Ordinance No. 13-OR0612-1**, "...amending zoning regulations to allow emergency shelters by-right within certain light industrial zones and define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone, in accordance with State law and the City's Housing Element for the Fifth Housing Element Cycle (2013-2021) – Housing Element Program II (Emergency Shelters, Transitional/Supportive Housing)"].

COUNCILMEMBER FELLER seconded the motion.

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

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

BRIAN CREWE, 3808-55 Vista Campana South, is a former Senior Commissioner for the Oceanside Senior Commission. Last year Council dissolved our volunteer senior commission. The Senior Commission just wanted to add a few things to benefit seniors in this City. AARP (American Association of Retired Persons) talks about age bias. There is a Federal law against age discrimination. There's also a Federal Law Act of 1975 which deals with age. There are 41 cities in Southern California that have senior commissions, and the second largest city in San Diego County does not anymore.

There are 40,000 seniors and veterans who are not able to ask a program to be considered because there's no senior commission. If Council is not going to back up our seniors, why would anybody who is a senior ever come to Oceanside?

NADINE SCOTT is glad Mr. Crewe is talking about the Senior Commission because Council had such wonderful volunteers, and our Senior Fair was fantastic. When Council got rid of them for no reason, our senior fair has gotten thin and is poorly done. It's a shame.

She was surprised when she realized Council wants to dissolve the Integrated Waste Commission that she happens to be the Chairperson of. Staff didn't have the courtesy to call us and let us know. She watched the tape to see what went down because it was only supposed to be to approve our work plan and bylaws. She was surprised when staff made several untrue statements to Council in a public meeting.

At a recent Water Utilities meeting, there were eight staff members doing nothing while burning their salaries. Council is all about cost savings; that's the pretext for dissolving our commission. We have seven dedicated and diverse volunteers representing the entire City that have expertise in the area of solid waste and reduce-recycle-reuse. We've worked very hard, and staff had the nerve to say our commission does nothing. As you can imagine, her commissioners are upset. Staff also alleged that the Water Utilities Director spends 8-10 hours on our commission, which is not true. She doesn't come to our meetings most of the time. When she does, she speaks for ten minutes with an oral report. She's never given us a written report.

She has three pages of things that this commission does that are of value to this City and every ratepayer. She will be sending it around to Council so they understand what we do. This is nothing more than a personal vendetta because she's very supportive of Waste Management as a Chairperson. We helped get the contract to our ratepayers that enhanced service by far, but that isn't all we do. We do much more than just the contract, which was stated on the tape. She will be presenting the three pages to each Councilmember.

The whole pretext that it's cost saving is incorrect. As Chair, she makes sure they meet for one hour, that the agenda is one page and that there is a quorum each time. When the Water Utilities Director says we can't get a quorum, it's not true. Her commissioners were unhappy to hear what she was telling Council. We were told not to come because all it was supposed to be was a mere proforma approval of our work plan and bylaws.

Her neighborhood is suing Waste Management because of excessive noise. The only way to try to handicap the neighborhood is by getting rid of her on the Integrated Waste Commission. She's not going away. She is very dedicated to her community. She has a 25-year ethic of public service. Our volunteer commissioners believe in public service. We are saving this City so much money. One example is that Council is drinking water out of a container, not bottles. That's one little thing that we accomplished. We have so much more to do on the Zero Waste Plan. There are lots of things that need to be accomplished.

The Water Utilities Director was also not correct when she said that we don't participate in community events. Every commissioner participates in a minimum of one, if not five or seven events. The City is getting a bang for their buck, just like it got out of the Senior Commission. We also have a different culture than the Utilities Commission. Their job is to sell a commodity and do infrastructure. Our job is to bring the City forward to stop dumping trash and maximize our resources. She doesn't think there is anyone on the Utilities Commission who has the ethic of loving trash and everything that goes with it like we do.

She will continue to meet with Council, but wants to correct the record that staff has spoken untruths. She has seven people on her commission who will tell you those statements were not true. Council will be saving costs by keeping the commission.

JOAN BRUBAKER, 1606 Hackamore Road, stated some time ago there was an anti-smoking effort that she believes fell flat on its face. She has since noticed repeated articles in the newspaper regarding E-cigarettes. If and when Council wants to make an ordinance about smoking, they will need to seriously consider E-cigarettes because they are just now beginning to analyze the vapors coming out and floating across the room in other people's breathing areas as to whether they are not anything to be worried about.

If Council is ever thinking of another ordinance having to do with smoking in any City locations, she asked that they consider the E-cigarettes because they are going to be coming online more and more.

SANDRA WUYTENS, 2010 Rue De La Montagne, represents the community of St. Malo Heights. We live in a gated community overlooking Oceanside Boulevard. Part of our HOA (Homeowners Association) property has a substantial canyon. On August 12th she discovered that her home had been broken into and all of her jewelry taken. She called the police and they came out and immediately took a report. The following Friday, we had transient-type people walking at the top of the canyon behind our homes. Police were called and Code Enforcement Officer, Bernard Tinant, went into the camp. Citations were issued, and a gun was confiscated. Both of them responded to her that same day, explaining what had occurred.

These transients are getting bolder in looking for things they can steal to support their drug habits. She met the following week with Officers Tinant and Moore. On her way to this meeting, she went down Apple Street and was amazed at the support systems that are there for the low-income, homeless and transient-type individuals, which include gang members, criminals and drug users. The transient-types camp on our private property. They create safety issues in our community and a huge cleanup cost that the taxpayers are subject to time and time again.

We at St. Malo Heights are concerned for our safety, personal property and the cleanup costs that we incur, which last year was \$5,000. A couple of weeks ago it was \$500. If Oceanside is supporting some of these free services that keep the transient-type individuals in our area to camp on our private property, then the City should be responsible for the costs of cleanup. Maybe then Council would see the need for increasing the hours that Code Enforcement can go in with police officers and issue citations, put them in jail and hopefully get them out of the area.

We need more police coverage for that area for the safety of our taxpayers and their personal property. The Code Enforcement officer only has four hours per week that he can get up at 2:00 AM and ride with the police officer into these encampments. There are many in Oceanside, and four hours does not do it. The officer can't begin to get into all of the areas, cite people and eventually put them in jail. The police officer told her that's the only thing that's going to get them out of the area because they don't like jail.

She appreciates Council's help on this. We have 34 homes in our community, and we are all concerned about our safety and the cost of cleanup.

MAYOR WOOD stated if you read Item 29 on the agenda, that's the State telling us things we have to do regarding the homeless in the area. The Police Department does respond; it's a busy department. We get more homeless in the area because of the good weather. A lot of them are ex-military. He hopes Council can help, but some of the regulations are forced down our throat from the State.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD congratulated the graduates from Kaplan College. He and two other Mayors attended the event in Escondido. He announced that local activist Tom Dempsey passed away.

19. **Deputy Mayor Jerome Kern**

DEPUTY MAYOR KERN attended a series of meetings with the San Diego County Water Authority. We're dealing with the Regional Water Facilities Plan right now and how we're going to plan for water in the next 20-30 years. One of the key elements is the Bay-Delta Conservation Plan. He has a couple of meetings next week regarding this. He attended the skate park opening on Foussat Road.

20. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the skate park opening. He encouraged parents to have their kids wear helmets and elbow/knee protection. He also attended the Change of Command ceremony at Camp Pendleton.

21. **Councilmember Jack Feller**

COUNCILMEMBER FELLER announced the grand re-openings of Palmquist Elementary School on September 6th and Mission Elementary School on September 11th. He also announced that Ivey Ranch has their Western Hoedown on September 7th.

22. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended Thomas Dempsey's funeral service. She also attended the skate park opening. She announced the Honor Bowl on September 6th, the Arbor Day Celebration on September 12th at Buddy Todd Park and the Noche Mexicana event at the Civic Center on September 15th.

ADJOURNMENT

After a moment of silence for Thomas Dempsey, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 7:40 PM on September 4, 2013, to a workshop on September 18, 2013, at 2:00 PM [The next regular meeting is scheduled for 2:00 PM on Wednesday, September 25, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

SEPTEMBER 25, 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

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 2:00 PM, September 25, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Feller and Felien. Councilmember Sanchez arrived at 2:14 PM. Also present were Assistant City

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

Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

City Attorney Mullen titled the following items to be heard in Closed Session:
Items 1, 2A, 3A and 4A.

[Closed Session and recess were held from 2:02 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

Item discussed (Unrepresented); direction given, no reportable action

2. EVALUATION AND DISCIPLINE (SECTION 54957(b))

A) City Manager

Item discussed; direction given, no reportable action

3. CONFERENCE WITH REAL ESTATE NEGOTIATOR

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Portion of Rancho Del Oro Drive right-of-way north of State Route 78, portion of Haymar Drive right-of-way west of College Boulevard, portion of Ron Ortega Park (APN 148-260-28), and portion of APN 148-340-26; Negotiating Parties: City of Oceanside and BGT Media LLC, CBS Outdoors, ClearChannel Outdoor, Inc., and Lamar Outdoor Advertising; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms of property use agreements

Item discussed; no reportable action

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

A) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

DUNEX, INC., CAVALIER MOBILE ESTATES v. CITY OF OCEANSIDE
Superior Court Case No.: 37-2012-00055503-CU-EI-NC

Item discussed; 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, Feller and Felien. Also present were City Clerk Beck, City Manager Weiss and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 5-21]

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.

COUNCILMEMBER SANCHEZ pulled Items 17 and 19 for discussion.

The following Consent Calendar items were submitted for approval:

5. 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 August 15, 2012, 2:00 p.m. Regular Meeting
6. 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)
7. Harbor: Approval of a purchase order in an amount not to exceed \$130,000 to Bellingham Marine Industries, Inc., of Bellingham, Washington, for replacement docks for the Q, R and S Docks at the Oceanside Harbor; and authorization for the Financial Services Director, or designee, to execute the purchase order
8. City Council: Approval of Amendment 1 [**Document No. 13-D0632-1**] to the professional services agreement with Sequoia Financial Services extending the term of the agreement for one additional year to provide revenue collection services for the Financial Services Department; and authorization for the City Manager to execute the amendment
9. City Council: Approval of a professional services agreement [**Document No. 13-D0633-1**] with Insituform of Fullerton in the amount of \$162,350, approval of a professional services agreement with Hadronex of Escondido in the amount of \$83,218, approval of a change order to purchase order 1001472 with Sancon of Huntington Beach in the amount of \$144,243, for construction services necessary to comply with Regional Water Quality Control Board Settlement Order R9-2013-0004; approval of budget transfers in the amounts of \$306,393 from Fund 721 to Haymar ECA # 1 CIPP Fund, \$78,215 from Fund 721 and \$4,903 from Fund 722 to Haymar ECA #2 SMARTCOVERS Fund; and authorization for the City Manager to execute the agreements
10. City Council: Approval of a two-year professional services agreement [**Document No. 13-D0634-1**] with Prizm Janitorial Services, Inc., of Escondido in the annual amount of \$72,509 for park restroom cleaning services; and authorization for the City Manager to execute the agreement
11. City Council: Approval of a professional services agreement [**Document No. 13-D0635-1**] with Washburn Grove Management of Hemet in an amount not to exceed \$139,100 for Phase I Re-mowing of the San Luis Rey River; and authorization for the City Manager to execute the agreement
12. City Council: Approval of a one-year professional services agreement [**Document No. 13-D0636-1**] beginning September 30, 2013, with Facilitating Access to Coordinated Transportation (FACT) of Oceanside, in an amount not to exceed \$66,150 for senior shuttle services; and authorization for the City Manager to execute the agreement
13. City Council: Approval of a three-year cost-share agreement [**Document No. 13-D0637-1**] with the County of San Diego in an amount not to exceed \$150,884 for the

development of the Water Quality Improvement Plan and implementation of the Total Maximum Daily Load Compliance Monitoring for the San Luis Rey River Watershed Management area; and authorization for the City Manager to execute the agreement

14. City Council: Approval to accept \$17,000 in grant funds from the National Endowment for the Arts awarded to the City for the Big Read Program; and approval to appropriate these funds to the Library Department
15. City Council: Approval of **Resolution No. 13-R0638-1**, "...authorizing acceptance of \$51,233 of the Edward Byrne Memorial Justice Assistance Grant of 2013", awarded to the City; approval to appropriate these funds to the Police Department for gang and violent crime suppression details; approval of the grant budget; and authorization for the City Manager, or designee, to execute the grant documents
16. City Council: Adoption of **Resolution No. 13-R0639-1**, "... accepting Federal Aviation Administration Grant Agreement No. 3-06-1073-011-2013 for improvements at the Oceanside Municipal Airport", in the amount of \$339,619 in grant funds awarded to the City for airport-related improvements; approval to appropriate these funds to the Airport Maintenance and Operation Fund; and authorization for the City Manager to execute the grant documents
17. **Removed from the Consent Calendar for discussion – Council**
18. City Council: Adoption of **Resolution No. 13-R0640-1**, "...establishing certain traffic controls with the City of Oceanside", all-way stop controls at Hunsaker Street and Grandview Street
19. **Removed from the Consent Calendar for discussion – Council/Public**
20. City Council: Approval to remove a portion of the double-yellow centerline on the public section of Panorama Ridge Road between the private portion of Panorama Ridge Road and Northerly Street
21. City Council: Acceptance of the City Treasurer's Report for the quarter and year ended June 30, 2013

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 5-16, 18 and 20-21].

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

17. **City Council/HDB/CDC/OPFA: Adoption of four resolutions establishing the 2014 meeting schedule dates and times for regular meetings of the City Council, Small Craft Harbor District Board, Community Development Commission, and Oceanside Public Financing Authority**

COUNCILMEMBER SANCHEZ stated in the past, we have avoided certain dates, like the League of California Cities conference, which was last week. We almost had a workshop on that day. We also avoided the Coastal Commission hearings. We will be having some items before the Coastal Commission, so she was hoping to avoid those dates. We are continuing what we've done in the past, which was to have a month with no meetings to give staff a break and allow Councilmembers to catch up on things.

She asked to continue this item to the next meeting in order to include the California League of Cities conference and to avoid the dates for the Coastal Commission. This isn't a 'time is of the essence' issue.

MAYOR WOOD asked if there is any problem in continuing this to another meeting.

DEPUTY MAYOR KERN asked if Councilmember Sanchez is proposing some changes or asking staff to come back and overlay the Coastal Commission and League of California Cities so we know when they are.

COUNCILMEMBER SANCHEZ responded so we can avoid those. She thinks there is also a retreat for SANDAG that we usually avoid as well. We used to have that information on our calendar so we could avoid scheduling workshops on those days.

DEPUTY MAYOR KERN thinks we ought to continue it and have staff overlay those things that may be in conflict.

COUNCILMEMBER FELIEN asked if the Coastal Commission dates have a specific set of rules they follow, like the last Thursday and Friday of every month.

COUNCILMEMBER SANCHEZ responded no. They do what we do by avoiding certain holidays, etc.

COUNCILMEMBER FELIEN would like to find something that fits within all of those organizations. All of those events are important as well and we should get those overlaid with our calendar.

Regarding Coastal Commission, **COUNCILMEMBER FELLER** stated there's no reason we can't just change that date if we find out it conflicts. We can just postpone the date of our Council meeting with proper notice. There's no reason to schedule when the Coastal Commission meets. He understands the retreats and trip to Washington D.C., but not just having the Coastal Commission on there.

DEPUTY MAYOR KERN thinks Councilmember Sanchez is only asking that staff come back with a calendar that has all the other events overlaid on it so we can make those decisions. We may come into conflict with one of them and have to make that decision, but the earlier we can make our decision for next year, the better for staff and the public.

COUNCILMEMBER FELLER heard that Councilmember Sanchez wanted the Council meetings to avoid Coastal Commission meetings.

COUNCILMEMBER SANCHEZ responded that is what she's going to be asking people, that we avoid meeting those dates.

COUNCILMEMBER FELLER is not willing to avoid at any cost when the Coastal Commission meets.

DEPUTY MAYOR KERN stated when we come back with the calendar, we can see if there's a conflict we don't know about and can make those decisions at that time.

19. **City Council: Adoption of a resolution to dissolve the Integrated Waste Commission**

DEPUTY MAYOR KERN clarified this is a Council action, so if someone doesn't agree with it, please address the Council. This is not something that was driven by staff.

COUNCILMEMBER SANCHEZ stated there was some information provided to Council at the last meeting when this was discussed, so she would be interested in those comments as well. This came as a complete surprise and was not noticed for dissolution of the Integrated Waste Commission. It was noticed to approve the plan.

Public input

SUSE SHROYER, 276 North El Camino Real, stated that since the current Council majority has taken control, the number of public commissions have been reduced or eliminated from 23 to 15. Oceanside is still supposed to be a democracy, not a dictatorship where public opinion is silenced. As a resident, she has a right to know and demands to know.

She asked about the \$40,000 that was transferred from the budget and where it went. Why wasn't the letter opposing Gregory Canyon ever sent? She has lived under a dictatorship in her lifetime, and this Council majority is an example of dictatorship in Oceanside.

LINDA WALSHAW, 151 Robbie Lane, Vice-President of ACTION (Alliance of Citizens To Improve Oceanside Neighborhoods), stated since Councilmembers Kern, Feller and Felien have created a voting block on this Council, the number of public commissions having input to the City government has been reduced from 23 to 15.

We are here again to oppose Councilmember Feller's motion to dissolve yet another public commission, this one on integrated waste. The move to dissolve this commission is made more concerning by the fact that it comes only after the commissioners asked questions of City officials regarding monies transferred from their own budget to the City Manager's office. They received no explanation and then inquired about the status of their letter opposing the Gregory Canyon landfill. Rather than answer the commissioners' questions, the Council majority moved to dissolve the commission entirely.

Government cannot function without an open, accountable and independent ethics process. The molestation of that process by a majority is an abuse of power. The concept of public trust is the cornerstone of democratic government. Whatever trust the public places in its officials must be respected. The RICO (Racketeer Influenced and Corrupt Organizations) Act statutes state in part that elected officials have a duty to uphold the public trust. Once the voting public no longer has faith in their government or third-party interests are given precedence over the interests of voters, a breach of trust has occurred.

With regard to the failure to submit the Commission's letter opposing Gregory Canyon while public comments were being accepted, it is unlawful for a public servant to obstruct, delay or prevent communication of information that directly involves or affects the public agency or a public entity served by the public servant. Public trust is essential to make government work for its intended, e.g. to insure that public officials are using their office to further public interest, but also to preserve public confidence in the democratic process.

The United States Supreme Court observed that a democracy is effective only if the people have faith in those who govern, and that faith is bound to be shattered when officials or their appointees engage in activities which arouse suspicion. The official federal statement on transparency in government states in part that they are committed to creating an unprecedented level of openness in government and will work together to insure public trust and establish a system of transparency, public participation and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in government.

This Council majority is failing in their duty to keep our government transparent by further silencing public input. We the public, the voters who elected you to office, submit that, by dissolving Integrated Waste and other public commissions, this Council majority has breached the public trust.

JEREMY JUNGREIS, Chair of the Oceanside Utilities Commission, is not here to take a position on this item, but to provide some information for Council's consideration. If you give the Utilities Commission additional duties, we'll do our best to perform them on behalf of all of you. If you choose to keep things status quo, that's fine too. We're here at the pleasure of the Council and will perform the duties and try to give you the best recommendations we can, whatever jurisdiction Council chooses to give to us. That's ultimately Council's call.

There have been a lot of comments made about staff, and he doesn't blame the people on the Integrated Waste Commission for sticking up for what they believe in. Having only been the Chair of this commission since July, his dealings with staff have been very positive. When we've wanted additional information, it's been provided, and our questions have been answered.

JOAN BRUBAKER, 1606 Hackamore Road, has watched this Council weed away the people who voluntarily help them make their decisions. By doing away with the Integrated Waste Commission, you're abolishing a lot of useful information to the City. She detests how Council has weeded away the commissions. What will it be next?

DIANE HANSON, 200 North El Camino Real, asked Council to please keep the Integrated Waste Commission. They are doing a valuable job with recycling, and that job needs to be continued. Perhaps the Council majority wants to dissolve the Integrated Waste Commission because the Commission opposed the Gregory Canyon landfill project, which the Council voted to put through. Perhaps it's because the Commission questioned why the \$40,000 of their budget was transferred to the City Manager's budget. When an explanation was requested, there was no response. The Council majority is trying to limit the public's input into our local government. This is a breach of the public's trust and the law.

LARRY BARRY, 3973 Brown Street, is in favor of keeping the Integrated Waste Commission intact. There are more voices to be heard. This is a democracy. We elected Council. He doesn't always agree with a lot of things that happen here, but he will do his best as an American citizen to stand up for his rights and what he believes in. These are volunteers who want to contribute to this community, and we want our voices to be heard. Even if we don't agree on everything, we can talk and share ideas. The voices of the community need to be heard. He strongly urged Council to allow people to serve on these commissions. He cannot understand how we're going to save money by this action. He asked Council not to dissolve this commission and to allow other voices to be heard.

WILLIAM FISCHER, 510 Estremoz Court, stated the citizen's Integrated Waste Commission has faithfully served this City since 1991, over 22 years. Today's resolution offers no credible evidence as to why this long-serving commission should be abruptly dissolved and its responsibilities assigned to the Utilities Commission, except to misleadingly suggest that the responsibilities of integrated waste are similar to those of the Utilities Commission. This is not true. The City website states that the Integrated Waste Commission is tasked to make Oceanside a leader in San Diego County with regards to recycling, waste reduction and solid waste management. The Utilities Commission, on the other hand, is facilities-focused, advising on matters pertaining to municipal water, sewer and drainage facilities.

He attended the September 17th meeting where the Integrated Waste Commissioners and the public expressed dismay at the pending Council resolution. When questioned, staff was not able to provide any rationale for Council's decision,

except that the commissioners serve at the pleasure of the Council. The subsequent staff report of that meeting is basically a dismissal of the commissioners' concerns. It entirely ignores the commissioners' unanimous request to have the comments of both the commission and the public included in the staff report, which they were not.

Integrated Waste and the other 15 advisory commissions, committees and authorities play a very important governance role. The appointed commissioners represent volunteer participatory governance as an enhancement to the representative governance of the elected Council.

Ronald Reagan celebrated volunteers by saying they are the very heart and soul of America. They have helped make this the most compassionate, generous and humane society that ever existed on the face of this Earth.

At the last Integrated Waste Commission meeting, one commissioner described how profoundly she was affected by her appointment to the Commission. It prompted her to study the United States Constitution and fully explore the scope of her responsibilities as a citizen. It made her realize how significant her voluntary participation in the governing process was. Too bad her commentary was not included in the staff report as requested. It was an object lesson in civics.

The resolution before Council discourages future commitment by citizens to volunteer their valuable time and experience, thereby setting a negative and unwise precedent. Please let discretion on behalf of the common good trump the narrower notion of volunteer service existing only at the Council's pleasure. He urged Council to vote against the resolution to dissolve the Integrated Waste Commission.

VICTOR ROY, Rancho San Luis Rey, is opposed to the elimination of the Integrated Waste Commission and putting it under the control of the Utilities Commission, which is already overburdened with its current responsibilities. This is a very important commission, and it needs to operate independently from the Utilities Commission. He urged Council to keep the commission in its present form.

He was shocked to hear that Councilmember Feller made a motion on August 21st to dissolve this commission. We need more public access for input and oversight in our local government, not less. The current 7 commissioners are doing an excellent job for the people of Oceanside on many different fronts. These 7 non-paid, volunteer commissioners are providing valuable services to the City, as well as to our greater community. They have crafted and implemented the very smart Zero Waste Strategic Plan, which is currently in Phase I of a three-phase project. Going green and staying green is what this commission is all about. This is not the time nor the place to diminish this main-stream cause by elimination or consolidation of this commission. The presently constituted commission is providing a clear and concise vision and action plan and going green and staying green.

He asked Council to give the commissioners their vote of confidence today and allow them to continue performing this good public service. They believe strongly enough in this issue of integrated waste so as to offer themselves and their valuable time to benefit our entire community. If Council dissolves this commission, they will be setting a bad example for the people of Oceanside.

Last week at the Integrated Waste Commission hearing, he asked the staff to answer the question as to why \$40,000 was surreptitiously taken from the commission's budget and transmitted to the City Manager's office. They remained silent. He asked Council if tonight they would answer that question, which has not been answered so far.

He opposes the elimination of the Integrated Waste Commission and the consolidation into the Utilities Commission and urged Council to keep it in its present form.

NADINE SCOTT, 550 Hoover Street, is the Chair of the Integrated Waste Commission. She met with Councilmembers Kern, Felien and Feller, who lied to her, saying they had open minds and this was all about efficiencies. We know that is not true. Your illogical behavior will cut 7 dedicated, talented, hard-working members of the public for no other reason than the Council majority did not want her on the commission. She even offered to resign. Her commissioners are appalled at Council's behavior and oppose this.

Council previously reduced commissions. At that time, you didn't get rid of the Integrated Waste Commission. In June of this year, you reappointed somebody. But when you found out you couldn't throw her off the commission, you decided to work with staff to come up with the dissolution idea. Sadly, you can't remove her unless you dissolve the commission. This is childish. Our bylaws were presented to Council with the change that you cannot automatically remove a commissioner. That's Council policy. It's a good policy because it encourages more public participation, which you apparently do not want.

This will actually cost more because you'll have to change the City Code and that will entail a lot of staff work. The Utilities Commissioners don't really want this. They already have 4 to 6 meetings a month. If you want to look at efficiencies, look at how the Utilities Department is run. The 2 times she visited the commission meetings, 6-8 staff sat there collecting their salaries, pensions and, in some cases, overtime. They're not bad people; they're there because Director Dale makes them come there. They didn't participate, they just sat there. If you want to look at efficiencies, look at the Utilities Commission and all of the wasted staff time.

If the Council majority would have come to her and asked her to quit in order to keep this commission intact, she would have done it. However, they chose the crooked path. You've made several enemies tonight.

JIMMY KNOTT, 127 Sherri Lane, is the Vice Chairman of the Utilities Commission. The Utilities Commission decided not to take a position on this. If Council decided to give these responsibilities to the Utilities Commission, we would take them on; however, they would request converting the two alternate positions they have to permanent positions dealing exclusively with integrated waste matters.

The commissioners on the current Integrated Waste Commission are not happy because of the way this was handled. It was mishandled the same way the Telecommunication and Senior Commissions were dissolved. Council needs to learn to handle things more professionally.

DONNA MCGINTY, 2405 Mesa Drive, doesn't serve on any commission. She is ashamed of this particular group of commissioners for how they have treated staff. She doesn't like the idea that they've accused Peter Weiss of being a thief by stealing Enterprise Fund money. Why haven't they submitted a public records request or talked to the Finance Director? Why haven't Mayor Wood or Councilmember Sanchez provided the information to them? They have embarrassed the entire City with their derogatory remarks.

Public input concluded

CITY MANAGER WEISS stated the \$40,000 that was transferred was not transferred to him. In the franchise agreement with Waste Management, it provides for an annual franchise fee that is paid by them. There is also a provision for the City to receive what they determine to be excess revenues as a result of enhanced recycling efforts. For this current year, the City received \$80,000 in additional revenues. Upon staff's recommendation, the Council approved that those monies be split 50% to the General Fund and 50% the Rate Stabilization Fund and the Solid Waste Fund. Because

they were considered franchise fees, 100% of those could have remained with the General Fund, but Council did approve, as part of the budget process, a 50/50 split. That's where the \$40,000 went. It did not go to the City Manager's budget; it went to the General Fund.

COUNCILMEMBER SANCHEZ asked the Integrated Waste Commission Chair, Nadine Scott, how often the commission meets.

MS. SCOTT responded they meet as needed. We respected the Council's directive that we look for efficiencies, so we do not meet every month. For most of the months that we did not meet, it was because Water Utilities Director Cari Dale could not be present. We were very flexible, at staff's request.

COUNCILMEMBER SANCHEZ asked how often in the past year the commission has met?

MS. SCOTT responded about 6 times.

Further responding to Councilmember Sanchez, Ms. Scott stated they have 7 members. They had a quorum for each meeting. The meetings lasted one hour. That was one of her initiatives to save staff time. She wanted to insure that the agendas were one page long, if possible; that we did action minutes, which are very brief; and that we only meet for one hour. We realized staff time was being strained, and we respected that.

COUNCILMEMBER SANCHEZ asked Ms. Scott to briefly describe the duties of the Integrated Waste Commission with respect to the waste hauler contract, our zero waste resolution and implementation of our contracts.

MS. SCOTT responded that traditionally we have monitored the contract with Waste Management, which is the largest contract in Oceanside. We've also monitored the green waste facility because it's very important to us. It's a vanguard facility that saves us a lot of money. We were instrumental in doing the Zero Waste Plan. Several of us sat on the selection committee for the consultant. We followed it minute-by-minute and were able to bring that forth to Council and get it adopted. It is a 3-phase program. Increasing recycling has been very successful. There are also Phases 2 and 3. There isn't going to be anyone who understands the issues or realizes how important they are. There are legal issues, and there will be penalties to pay if this City does not conform to some of the regulations. By having citizens on this commission, it makes the pill a lot easier to swallow because we all live here too. We buy the goods and services from the various businesses that will have to comply.

We went out to green fairs and every public event. Her commissioners willingly went out and helped. She was shocked to hear Council say we don't attend events because we've all been to events and helped out.

COUNCILMEMBER SANCHEZ asked with respect to Phases 2 and 3, can you describe them briefly.

MS. SCOTT responded it includes things like food composting, reusing items and having a facility where people can come in and buy these items. A lot of good items are being thrown in the trash. We were thinking of doing a business green program. They have a very nice one in Carlsbad where businesses are rewarded and recognized for going green and having green practices. We were also thinking of green construction practices. The list is enormous. It was adopted by this Council, and you need people from the community to sell it to the community.

We need to teach people not to use plastic bags. This is a serious issue. This involves fossil fuels being created to make plastic bags. All in good time these issues

would have been brought forward by our commission with cooperation of staff, which we often did not get.

COUNCILMEMBER SANCHEZ is going to be opposing this and suggesting that they meet on at least a quarterly basis. This came on a Council agenda routinely on August 21st, and it was simply to present the commission's workplan for approval. As she understands it, attendance was not made necessary by the commissioners. She's worked with the commissioners in the past, especially with respect to the waste hauler agreement. She attended WasteCon and the CRA (Carolina Recycling Association) conference and got educated. She spoke with the consultant and got behind zero waste for Oceanside to get ahead of legislation, as well as to be innovative and be the one to bring in green businesses. This is good for business and keeping our beaches clean. It is good for extending the life of the landfills in terms of the regional costs. This is good for business.

She was surprised that on August 21st, rather than reviewing the workplan and approving it as we generally do, we talked about dissolving the commission. We've already cut down commissions and consolidated them. The two that have a lot to do with our citizens in terms of fees are Integrated Waste and the Utilities Commissions. These are the 2 commissions where people can come and ask about their bill, make sure we are doing our job in keeping fees down and insuring that we provide the best possible service. Putting these 2 together does not make sense. The Utilities Commission has a 2-hour meeting time. To add another hour to that is too much. She can't see just assigning 2 commissioners to it because it would take the whole presentation to show what is going on with integrated waste.

Legislation is not going to stop. Our legislators are constantly passing laws that we need to get in front of. It costs us less if we know something is going to get implemented. We can reach out to our entrepreneurs in the City and say we need green businesses; how can we support you? We need the public's participation in all of this. These are partnerships with business, Waste Management, the community and City staff.

This is a bad road to go down. We often hear that we don't want to expand government. This is the opposite. We are going to be taking over without providing the ability for the public to give their input. We need to have a cross-section of the community involved in these commissions. We need to have a good representation of what is important to our community. She's not sure if the reason behind this is getting rid of one person or the commission's request to oppose the Gregory Canyon Landfill. We need to take a few steps back and ask what the issue is. She doesn't see staff time being affected at all. There are going to be inefficiencies because people are not going to know where to go and who to ask. It takes time to get people up to speed on these issues. We need our commissioners and to hear from the public. We want to continue to encourage this volunteerism that we have from the public. It is the good will that we depend on.

How can someone from one commission having to do with all of these things represent us well if they're overburdened or haven't had a chance to review materials? It will basically be like a rubber stamp, approving what staff tells them to approve.

She **moved** that we do not eliminate the Integrated Waste Commission and that we instead work out a plan to be as efficient as possible and perhaps eliminate one more meeting.

MAYOR WOOD seconded the motion.

COUNCILMEMBER FELIEN had the opportunity to meet with the Chair of the commission and felt that meeting was very useful. Because someone comes to a decision that you don't agree with, doesn't mean we need to have personal attacks or

that there are disparaging motives behind that decision. The point of a commission is to provide public input and help Council do the job that the majority wants to do as a whole. In a perfect world, that majority would be 5-0, but often it is not.

If the Gregory Canyon Landfill was the primary issue for this then it would have been dealt with in 2011. Since it is on the table, it's kind of silly to think that a commission is run off on a political agenda that's in defiance of where the majority of the Council is on record as stating that's where the City ought to go. Anyone who is opposed to that majority view can form any committees they want and have all the meetings you want. Having a commission or not doesn't prohibit any political input whatsoever. Being on a commission should be a technical job to implement City policy and provide input on technical expertise that members of the Council may be missing. If it turns out that merging with the Utilities Commission doesn't work, it can be changed. None of these are final decisions. Everything is an experiment when you're trying to find efficiencies and work together. Consolidating commissions, which are there to implement Council policy, is up to the Council. They decide what commissions are helping them with their job and which ones aren't. That has nothing to do with disparaging the volunteerism or civic commitment of anyone who served on a commission or brought their expertise or enthusiasm to an issue to try to make our City a better place.

Since he's lived in Oceanside, he's been extremely impressed with the spirit of volunteerism we've seen. He's amazed at the number of people who fill out applications to serve at various volunteer duties for our City. That's a complement to our City and everyone should applaud themselves for that kind of civic participation. However, in the end it's a Council decision to determine which commissions help the Council do its job. There's nothing sinister in that decision or process.

DEPUTY MAYOR KERN went to the workplan and heard the word "direct" often. Their job is not to direct anything. These commissions are advisory to the Council, and he has not received any information from this commission for at least a year. He doesn't even know if the liaison attends because the liaison never reports what happens at the commission.

He met with Ms. Scott and was disappointed when she ended the meeting saying we should fire everyone on staff. That theme was carried over to the meeting they had after that.

He appreciates everyone who volunteers. We've been trying to streamline government for the last few years. We have 15 commissions now, and he believes Carlsbad only has 12. This makes sense because your water/sewer/trash bill should be able to be addressed at one meeting with one commission. You can also address Council at any time. It's more efficient and helps the public have a place for input and ask questions. Most of the time, they don't wait for the commission hearing, they contact us on the dais either directly or through our Aides, and we refer them to the right department. This may be something we have to revisit in the future. Our contract with Waste Management runs for another 13 years, so maybe in 11 years we can form an ad hoc committee to start reviewing what the new contract will be. Between now and then there's no reason to have this commission.

We've heard from the commissioners that they have attended events, but he was at the last recycling event helping staff set up the booth, and he didn't see any of the commissioners. Last year at Harbor Days he was in the booth for about an hour and didn't see any of the volunteers. He appreciates all of the volunteers and what they do, but at the end of the day, we need to say that we're not going to do the same thing over and over just because we've done it in the past. It's up to staff to implement Council's actions, and they've done a good job at that. He's all for streamlining government. The public will still be served.

COUNCILMEMBER SANCHEZ is listening to the reasons being given, and it sounds like the rationale is that we don't need any commissions because people can just call in to Council to have their questions answered. The reason we need commissions is that we need to have recommendations about broader policies. You don't get that on a one-on-one. The bottom line is that this is a political move to remove people because they are looking into how to make our City better and incorporate zero waste goals so we don't need landfills. We need to do things in a way that will be a cleaner footprint. She's discouraged by this conversation and was hoping that we would talk about efficiencies. But all she's hearing is that we don't need commissions. This is a city of 180,000 people. We can't talk to everybody. We need our public members.

Motion (to not eliminate the Integrated Waste Commission) **failed 2-3**; Kern, Felien, Feller – No.

DEPUTY MAYOR KERN moved approval [of adoption of **Resolution No. 13-R0641-1**, "... to dissolve the Integrated Waste Commission".

COUNCILMEMBER FELIEN seconded the motion.

Motion (to adopt the resolution to dissolve) **approved 3-2**; Wood and Sanchez – No.

[Recess was held from 5:06 PM to 5:18 PM]

INVOCATION – City Clerk Zack Beck

PLEDGE OF ALLEGIANCE – Soccer Club of Oceanside members

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – National Hispanic Month

Presentation – Mayor's Business Member Spotlight

Presentation – Mayor's Youth Sports Recognition and Appreciation Award

Presentations were made

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session: Items 1, 2A, 3A and 4A.

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.

31. **City Council: Approval to allocate Community Development Block Grant (CDBG) contingency funds in the amount of \$25,400 to the Brooks Street Swim Center, increasing the funding for existing project improvements (termite/roofing); and approval to amend the 2013-14 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 Councilmember Feller reported contact with staff. Councilmembers Sanchez and Felien reported no contact.

C) City Clerk presents correspondence and/or petitions – none.

D) Testimony, beginning with:

EILEEN TURK, Neighborhood Services Division Manager, stated this public hearing is required for the allocation of CDBG funds for improvements to the Brooks Street Pool.

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

COUNCILMEMBER SANCHEZ moved approval [to allocate Community Development Block Grant (CDBG) contingency funds in the amount of \$25,400 to the Brooks Street Swim Center, increasing the funding for existing project improvements (termite/roofing); and approval to amend the 2013-14 Action Plan accordingly].

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

32. **Request by Councilmember Sanchez to consider a ban on the sale of dogs in pet stores within the City of Oceanside and direction to staff**

COUNCILMEMBER SANCHEZ is asking Council to direct our City Attorney to draft an ordinance regarding the banning of the retail sale of puppies from puppy mills. She wants to narrowly tailor this ordinance. There may be some changes in the way the language ends up in terms of the motion, but that is what she's looking for. There is an issue that has been raised that could be very costly for the City and dealing with our animal control contract.

REBEKAH SNYDER stated we represent the majority of voters against puppy mills who know the facts and understand why this issue is so important. Selling puppies in a retail store is a business that is built on cruelty and profit over quality. This kind business is a black eye for Oceanside. It's an embarrassment to our community and will financially add to the burden of our taxpayers.

JIM KILBY stated today you're going to hear the word puppy mill. A puppy mill is a dog breeding operation in which the health of the dogs is disregarded in order to maintain low overhead and maximize profits. A computer graphic was used to show examples of puppy mills. 25% of all animals put to sleep in shelters are pure-bred. That's 1 in 4.

According to the ASPCA (American Society for the Prevention of Cruelty to Animals), Missouri is the puppy mill capital of America. Its home to over 3,000 commercial dog breeding facilities and supplies more than 40% of all U.S. pet store sales. Hunte Corporation in Goodman, Missouri, distributed more than 90,000 puppies nationwide. Hunte has received an F rating from the Better Business Bureau. Reputable breeders do not sell to pet stores.

In 2010, Missouri votes passed the Puppy Mill Cruelty Prevention Act. It established minimum standards of humane care. Wire floors and cages were to be eliminated by 2011. Maximum breeding females per facility was to be no more than 50. The cage height had to be tall enough for the animal to stand up. There would be no more than 2 litters per 18 months. The dog breeders and farmers rebelled and convinced the Governor to come up with the Missouri compromise, which said that it allowed cages with existing wire flooring to remain indefinitely. It would not allow wire flooring in new enclosures after 2016. There was no limit on breeding females and no cage height requirements. There was no restriction on litter frequency.

Dogs are social animals and deserve the human contact they long for. No dog should even be sentenced to life in a puppy mill. Cruelty should not be a choice.

COUNCILMEMBER SANCHEZ is not seeking to include Oceanside breeders. This is very specific and related to cruelty issues. There are some exemptions that include publicly operated animal control facilities or animal shelters, private charitable or non-profit humane society or animal rescue organizations, publicly operated animal control agency, non-profit humane societies or non-profit animal rescue organizations that operate out of or in connection with a pet store. What we're talking about is a very specific problem that has come within our City lines.

MS. SNYDER stated the dogs you see in the store are from licensed breeders who fall under the USDA (United States Department of Agriculture) standards. The same stamp goes on the meat you buy in the store. There are no upper or lower temperature restrictions for dogs that are being housed outdoors. It is recommended that if it gets below 45 degrees outdoors then bedding is suggested. If it's above 85 degrees, a fan is suggested. However, based on this recommendation, they don't have to do anything. An animal can live in Minnesota when it's 9 degrees out, and they don't have to have anything under the USDA standards.

USDA standards only require cleaning every 2 weeks. In a kennel with multiple dogs, the accumulation of hair, dirt, debris, urine and feces, etc. is atrocious and is a breeding ground for disease. The only cage requirements are that the dog must be able to turn around, and it must be 6 inches taller than the dogs inside.

In a commercial breeding setting, females are either mating, pregnant or nursing their entire lives. The puppies are the lucky ones who get to leave. For the females, this results in malnutrition and complete exhaustion for the mother dog. Additionally, this results in lifelong behavioral problems developed during the puppy's first 8 weeks of life as they grow up in cramped filthy environments. These are the parents of the puppies you see in the pet stores.

There are less than 100 USDA inspectors in the United States and over 10,000 facilities to be inspected, which includes facilities like Seaworld, research labs, zoos, slaughterhouses and kennels. Even the minimum standards are hardly enforced.

The Hunte Corporation is the middle man. Puppy stores do not get their dogs from puppy mills, they have to get them from a middle man or broker, and that is the Hunte Corporation in Goodman, Missouri. Mr. Salinas, the owner of San Diego Puppy and Oceanside Puppy, has been on record saying he gets his dogs exclusively from the Hunte Corporation, which is the connection to the puppy mills. The Hunte Corporation is one of the biggest puppy mill brokers. They supply Petland and many other stores with puppies. They supply puppies to the US, Argentina, Chile and Japan. Puppies often travel thousands of miles in dirty conditions with no food.

If you ask a pet store employee where their puppies come from they will tell you they do not come from puppy mills, which is a deceitful way to tell the truth. They come from the Hunte Corporation, which in turn buys them from the puppy mills.

LESLIE DAVIES stated as consumers we have the right to choose the products we want to buy. A seller has a moral and ethical obligation to provide their consumers with accurate information regarding the conditions of these products. A consumer relies on truthful information in order to make an informed choice. Mr. Salinas commits fraud every time he tells his customers that his puppies do not come from puppy mills. He is intentionally engaging in deceitful business practices. Puppy mill dogs often come with hidden and serious health problems. Consumers who unwittingly buy these inferior products suffer both financially and emotionally when their new puppies develop health or behavioral issues. There is no legal definition for what a puppy mill is, but everybody would universally define those USDA breeders as being a puppy mill. For Oceanside to continue to allow Mr. Salinas to conduct business in our City is unethical and un-American.

SCOTT STERLING stated Council has the opportunity to reach the moral high ground and speak up for creatures that don't have a voice. You have seen visual presentations of the conditions in which the animals go that are being retailed out of Mr. Salinas' store. He believes in free enterprise, but along with that comes the responsibility of full disclosure. There is no full disclosure here. Twice Mr. Salinas has been successfully sued for the condition of the animals. These conditions will persist if we allow the retail outlets to persist. He doesn't blame Mr. Salinas for the conditions at the puppy mills, but he is contributing to the problem by engaging in the activity of distributing these animals that have been abused. The puppies don't have a voice. Only those of us who care about the condition of animals can speak for them. He asked Council to take this information and do the right thing.

MS. SNYDER is a US Marine with over 15 years of active duty service. Camp Pendleton has approximately 22,000 Marines, the majority of whom make less than \$30,000 a year. Having a puppy store less than 3 miles from the front gate of Camp Pendleton, which directly targets the service members on services that they cannot afford, is an affront to the character of Oceanside businesses and to the service members.

Many service members cannot afford a puppy from Oceanside Puppy; however, through offering no money down and in-house financing, these facts are concealed. The animals are selling for \$2,000 to \$4,000+. In the first year of an animal's life, you can expect to spend upwards of \$1,000 in vet bills and supplies. That's 10% of a sergeant's base pay. How is that supportive of the troops?

Oceanside Puppy gets their puppies from commercial dog breeding facilities that are operated with an emphasis on profits above animal welfare, also known as puppy mills. Regardless of how cute the faces are or how ethical Oceanside Puppy might appear, their very existence as a facilitator of puppy mills and breeders that mass produce dogs in a world that is highly overpopulated is a moral abomination.

CHRIS NELSON stated Albuquerque, New Mexico, banned companion animal sales in 2006, and the results are stunning. According to NBC, since the ban started, animal adoptions have increased 23% and euthanasia at City shelters has decreased by 35%. Critics of this ban insist that people looking for a pure-bred will just order from the internet and, by default, a puppy mill.

What if, by allowing Oceanside Puppy to sell breeding dogs and encouraging buyers to breed, we decrease adoptions by 23% and increase euthanasia by 35% at our shelter. What does that do to the price of our animal control contract? While it's true that some people will still go the puppy mill route, Albuquerque's proven success shows that a ban will save money and save the lives of perfectly good animals looking for a home.

David Salinas, the owner of Oceanside Puppy and San Diego Puppy, recently gave an interview to Channel 10 News in which he said that San Diego Puppy is actually leading now in the cause of spay and neuter. To fact check this, she called all four vets he uses and asked if they had a discount or special offer in conjunction with the store. They said no, but when pressed they said they did offer the County rates for spay and neuter when customers asked. That's great but that program has nothing to do with Salinas and has been in place for years. Next, she went to Oceanside Puppy and asked the manager if any of the puppies were spayed or neutered. He said no, that occasionally one or two come in fixed, but most are not. She asked if the puppies are fixed before adoption, and he answered no. She asked if they had a recommended age to spay or neuter the puppies once they were in a home. He said no, most people want their dogs to have puppies so they won't spay or neuter them. Is this what David Salinas considers leading the cause? It's not just the inhumane treatment of animals that Oceanside Puppy is complicit in; it's the pending increase in the cost of running our

shelter, which the City will have to pay for.

She urged Council to consider investigating why an ordinance like this would be good and to write something reasonable that includes no ban on breeding dogs for reputable breeders. We love reputable breeders.

ELAINE GODZAC stated we are counting on our elected officials to do the right thing. Once we know better, we must do better. Oceanside Puppy is wrong for our City's status and reputation, and it's not the right thing for dogs. A puppy mill store may not be illegal, but it is wrong. Retail sales of mill-bred puppies should be prohibited by City ordinance.

COUNCILMEMBER SANCHEZ stated the idea is to address a very specific problem that has come to Oceanside. This came to Oceanside because of the City of San Diego's ban on puppy mills. She asked the City Attorney to look at the legislation that was adopted in San Diego to see if there were any issues there. He does not have any language today.

We heard about the cruelty issues having to do with puppy mills, but we also heard about the cost to taxpayers. Our current contract with the Humane Society is almost \$1,000,000 a year. That comes out of the General Fund, which is our taxpayer money. We have a good system of volunteers coming forward and trying to address our current issue, but this complicates it and makes our problem even more difficult.

She **moved** that Council direct the City Attorney to draft an ordinance banning commercial establishments from selling dogs from pet stores unless the animal is obtained from the Humane Society or from a tax-exempt rescue organization. Such ordinance shall exempt Oceanside breeders.

She asked the City Attorney to look at what San Diego did and come up with something that will address the problem. We love our pets here in Oceanside, and we do not want to address any of that. We only want to address the problem.

MAYOR WOOD seconded the motion. He would like to include cats as well.

Public input

MICHAEL STOLKEY, Hunte Corporation, stated the Hunte Corporation is the industry leader in animal welfare, committed to the highest level of standards in the areas of animal husbandry, genetics, veterinary practices, nutrition, compliance and regulation. We are a licensed provider, purchasing from the top of the line professional breeders who share our commitment to animal welfare, not those that are depicted in the pictures shown today. We then sell and deliver only to upmarket pet retail stores, such as those owned by Mr. Salinas. Our customers share our commitment to quality and must be under veterinary supervision.

As a licensed provider, we are compliant with all federal and state regulatory agencies, operating legally in all states where we conduct business, including California. In addition, we support and strenuously adhere to all applicable animal welfare laws. The Hunte Corporation has also partnered with the American Kennel Corporation (AKC) to promote responsible pet ownership. That means that all of our puppies are microchipped and enrolled in a lifetime membership in AKC's recovery database, which is the largest of its kind in the world. Consumers also receive free training support for their puppies.

A study conducted by Cornell University has confirmed that less than 3% of all puppies in shelters come from pet retail stores. If you check any of the puppies in the shelter here he can almost guarantee they are not Hunte puppies from Mr. Salinas' store.

We spare no expense on transporting our puppies safely with care, comfort and help. As the educational leader, this weekend is our 14th annual 2-day event where we have 1,400 breeders who have signed up to attend. Breeders receive education from industry experts in a variety of fields, and Mr. Salinas has been a regular.

KIRA SCHLESINGER, 270 East Douglas Avenue, El Cajon, represents Mr. Salinas and Oceanside Puppy as counsel. Mr. Salinas is not the problem. He is a bona fide businessman who is honest and doing the best he can. She visited his facility herself. If you're trying to craft an ordinance along the lines of the San Diego ordinance, be aware that that ordinance is constitutionally infirmed. It violates the dormant commerce clause and the good faith that Mr. Salinas has put in. It was crafted without the proper due process provision and is extremely vague. The language that ended up in that would turn any one of us that sold a single puppy for profit into a "commercial establishment".

These people are very passionate, but the evidence they bring forward is no evidence at all. It does not and has not talked about the conditions in shelters. It is a verifiable fact that only 11% of the Oceanside puppies are even purported to be pure-bred. The issue of taxing or putting a higher tax on your animal control is specious. You have the choice and the opportunity to pick the animal that is most appropriate to your family and lifestyle, which you only get through the pet stores, not through the shelters. The average age for shelter is 3.7 years and they are mixed breeds. People who care about and want a pure-bred puppy can those at Oceanside Puppy. The way the ban is written now is overinclusive in that it takes a legitimate business but doesn't take in shelters that are also known in many instances to have poor living conditions for the dogs.

She asked Council to consider the facts carefully before you craft any legislation.

COUNCILMEMBER SANCHEZ clarified that we do not have a language today. This is for direction to the City Attorney. We're not talking about just doing the San Diego ordinance. We want to make sure we take care of the problem and protect our own animal breeders in Oceanside.

DAVID SALINAS, Owner of Oceanside Puppy, 1906 Oceanside Boulevard, stated these people have wished a lot of ill-will and harm on him and he feels like his life is in jeopardy. Animal rights extremism is not a joke. PETA has been deemed by the FBI as a terrorist group. One of his employees was injured. We're putting up with people going overboard in our store, and we will call the police and have them arrested.

Our breeders are regulated by federal and state standards. We don't work with breeders who have direct violations. If they have indirect violation, like the food bowl wasn't covered, that needs to be fixed but it's not a bad breeder. If a breeder has a direct violation, we cut them off.

Speaking for himself, he is the only business that is affected here. You're putting me and my employees out of a job. His and most of his employees are minorities. We have a right as citizens and as legal business owners to run a legitimate business. He's put his blood sweat and tears into this business.

COUNCILMEMBER FELEIN asked for a point of procedure. We had the proponents of the ordinance at an unlimited time to give their presentation and it seems unfair that the people who are affected by the ordinance are being cut off at 2 minutes.

COUNCILMEMBER SANCHEZ responded that organized presentation was her presentation.

COUNCILMEMBER FELIEN stated we can do it now, or when it's his time they can come up and say the same thing.

MAYOR WOOD stated Councilmember Felien has a point, but we had a presentation. He has to limit all of the speakers to 2 minutes or we'll be here all night. If anyone has anything to submit, they can give it to the Clerk and it will be part of the record.

JOHN FOWLER, Cabrillo Kennel Club, is here as a resource and is not supporting one side or another tonight. We were founded in North County in 1959. We're the first kennel club in San Diego County. He spoke of the things they have done over the years. We agree that breeders should not be targeted in terms of restrictions.

In terms of pet store sales, we agree that we cannot support what we have seen as puppy mills. However, we have to be careful and think carefully when we say we will only buy from animal shelter and rescues, as opposed to people like Hunte Corporation. What animal shelters and rescue groups are we going to go with? There are hundreds of rescue groups.

ALAN GUNTHER, Vista, stated there are certain breed characteristics that one can never find in a shelter, humane society or rescue organization. Please consider in your language the rights of truly dedicated breeders, dog show exhibitors, service dog organizations and those who are in search of truly quality health dogs.

CHERYL YODES, Oceanside resident, has friends who are dog breeders and have show dogs. They have very clean establishments. Councilmember Sanchez did say that this doesn't affect reputable dog breeders, but if you're going to regulate things, you need to make sure the wording doesn't hurt reputable dog breeders.

JEN TAIT, 1807 West Parkside Avenue, Burbank, is here on behalf of the Humane Society of the United States and thanked Councilmember Sanchez for bringing this issue to the table. The Humane Society questions the efficiency and ethics of a system that allows substandard commercial breeders to profit from shipping their dogs into our communities and asking citizens to subsidize through taxes the euthanasia of dogs for whom there are not enough homes.

The Humane Society opposes the sale of puppy mill puppies. We have no issue with pet stores, per se. Just this month our staff has worked with 3 different pet stores, helping them convert from puppy sales to a humane business model that includes offering for sale only dogs sourced from animal shelters or rescue groups. This is unequivocally a viable business model. Not only have several small, privately owned pet shops successfully made this change, but the biggest and most successful pet stores in the nation, PetSmart and Petco, refuse to sell commercially-raised dogs and instead work to find homes for homeless pets. We would be pleased to work with any pet store in Oceanside to help them make this transition. If they would rather not work with our organization, we would be happy to put them in touch with other pet store owners in Southern California and across the country who have made the switch to a humane model and are thriving.

HARRIET SELDIN, Encinitas, stated there's been some talk about the euthanasia of dogs, and she reminded everyone that our area shelters do not euthanize healthy or treatable dogs. That is not the problem. We've heard tonight that the pet store puppies don't end up in shelters anyway. She hopes Council will allow people to have their choice of pet and allow businesses to operate. We're not talking about a particular business; it's the policy in general for any business. She asked Council not to move this forward.

DAPHNE EDMONSON, 2218 Shadyridge Avenue, asked if Oceanside really wants to allow puppies who are raised in horrific conditions to be shipped in from

another state, only to be sold to unsuspecting customers. Laws are passed to protect people from being victims of this sort of commerce. We depend on our lawmakers to protect our community from harmful business practices. Allowing Oceanside Puppy to continue to sell out-of-state puppies from puppy mills will only perpetuate the puppy mill problem plaguing this country and will end up costing our taxpayers money. She asked Council to ban Mr. Salinas from conducting business in Oceanside.

MARGARET WILLIAMSON, 240 Hickory Street, has been listening to everyone this evening and thinks it's important to remember that we really love animals and come together with that common goal. We want what is best for our animals. At the same time, she listened to the presentation. It was well done, but she asked if equal time is going to be given to the other side of the issue. It sounds like your minds are made up. The gentleman from Hunte Corporation wanted to make a presentation, and he wasn't given the time. This is a very important issue and we need to take the time to listen. She asked Council to give everyone fair time.

ADRIANNE MOCK, 2094 Lavrinda Place, San Diego, stated one of the problems with an ordinance like this is that it sets up a monopoly for the Humane Society and their selected rescues. There are dozens of organizations in San Diego County that do rescue. The Humane Society and the rescues that they select are the only ones that are going to be able to sell dogs and cats to the public. You're shutting down and eliminating local businesses. This is also restraint of trade; you're telling the businesses that they can stay open only if they source their animals from the shelter and their selected rescues.

One of the other issues is that a lot of rescues are importing dogs. We heard from one rescue alone that brings in 500 dogs from Mexico. There are dogs coming in from Puerto Rico, Taiwan, Manila, Iraq, Iran and other countries, and these countries have no oversight on breeding or disease control. We're seeing new strains of rabies. We're seeing many diseases and parasites in the country now. These animals are brought into the country with no quarantine period and come from countries with no veterinary care. They're street dogs. They collect them off the street or from people who are breeding dogs and taking them to the rescues for importing. This is not a good business model for any county or city to uphold. If we want responsible breeders and healthy animals, we need to source them from our own country.

JANE CARTMILL, President of San Diego Animal Advocates, P.O. Box 230135, Encinitas, stated we are an all-volunteer, non-profit animal rights organization. We've been in the San Diego area since 1984. She thanked Council for taking a look at this issue. It's been a concern of theirs for many years. We've been actively promoting spay, neuter and other welfare issues. She urged Council to consider broadening the scope of this a bit to include cats and possibly birds. Any sales of animals need to be looked at.

ZOLA MUHAMMAD, San Diego, stated the Hunte Corporation processed 90,000 puppies through their assembly lines last year. They ship 2,000 puppies a week to pet stores. They have taken millions of dollars in corporation welfare and are still profiting \$26,000,000 a year. The USDA has cited Hunte for keeping dozens of puppies in too small cages. They have repeat citations for transporting underage puppies and other violations. They were also cited and fined by the Missouri Department of Natural Resources for clean water and waste violations for having trenches of dead canines on their premises. The department said Hunte was close to violating the State Bred Animal Disposal Law that allows no more than 1,000 pounds of dead animals per acre. This means Hunte is legally allowed to throw away 1,000 pounds of dead puppies in ditches on their property. That's 250 dead puppies per acre.

In 2006, 60 puppies were killed in a Hunte truck fire. All of the puppies were caged in a 40-foot trailer truck and had already been transported 1,000 miles before they died. Under the Freedom of Information Act, we know to be true that the Hunte

Corporation has received at least 2 rural development business and industry loans from the USDA. Hunte received a \$3,500,000 loan that is due in 2020. They also received earlier loans in 1996. According to the loan documents, the loans are secured by accounts receivable and inventory. The same agency that is in charge of inspecting kennels and brokers is the same agency that underwrote millions of dollars in loans to a business it inspects. That is a definite conflict of interest and is not acceptable.

Puppies are not products. They bleed, feel and are more than just objects to own. She asked Council to please do the right thing.

JANICE HATCH, San Diego Animal Defense Team, stated they have spent the last 6 years in San Diego County doing educational outreach and investigations of the source of each of San Diego County pet store's puppies. What we found is shocking. Every one of them got their puppies from puppy mills, including Oceanside Puppy. Like most of the others, Mr. Salinas orders through the Hunte Corporation in Goodman, Missouri. It's the largest corporation in the United States that sends out puppy mill puppies. We have now investigated several of the breeders used specifically by Oceanside Puppy. On David Salinas' website, he shows photos of his breeders with rolling green lawns and beautiful yards for them to grow up in. The reality is a Doberman puppy for sale at Oceanside Puppy's grand opening, came from a kennel he uses in Iowa, whose latest inspection report shows severe matting on the backs and legs of the breeding dogs. She would hope that would be one of the direct violations that Mr. Salinas talked about. There were also rusty jagged edges on the pens, a build-up of feces and flies and dirty drinking water for the dogs. Contrast that with the photos Mr. Salinas shows of his breeders on his website. Another kennel he used to supply his grand opening has 179 adult breeding dogs and 106 puppies. Inspections found violations for dogs with painful matted hair, deteriorating and unclean housing, inadequate veterinary care, and expired and unlabeled medication.

Oceanside is a wonderful community that cares about animal cruelty, and now you have an opportunity to become part of the solution instead of part of the problem. She asked that Council support the ban.

DAWN DUNSMORE, San Diego Animal Defense Team, wanted Council to know about a former San Diego Puppy employee who contacted them to make a statement for this hearing. She would feel extremely upset if the ban did not pass, and she had not spoken up. She did request that her name remain anonymous. However, she did say it could be supplied to the Councilmembers privately, which she will provide along with a link to the video of the interview with her.

She was considered the nanny of the puppies and was responsible for their health, even though she was not a licensed vet or technician. She was ordered to give antibiotics to the puppies on an almost daily basis, even if they didn't need it. She said they would get upset stomachs and become almost lethargic because of it. Pneumonia was a common occurrence, and she had to call the vet on a daily basis. She took many of the puppies home at night because she was worried about their health and well-being. She also said that many of the puppies suffered from sugar crashes, which is an industry term for hypoglycemia. She was concerned because the new owners of the puppies would not know what was happening and would not get them the proper treatment. This could escalate to a more serious issue if not given medical attention.

She purchased a puppy from San Diego Puppy, which ended up having coxidia, an intestinal parasite commonly caused by being around infected adult dogs. This is a common issue with puppy mill dogs. Her receipt stated that the puppy was from Iowa, but it did not have any other information, such as address, breeder and USDA number, which is required by law. She brings this to your attention because Mr. Salinas has had his employees speak on his behalf in the past, and we wanted to speak up on behalf of the innocent puppies.

RONNIE STEINAU, Animal Protection and Rescue League, showed a video of a puppy mill where Mr. Salinas gets some of his puppies.

MARK RUFENACHT, 4443 Salisbury Drive, Carlsbad, works as a volunteer at the San Diego County Animal Shelter in Carlsbad. With the redevelopment of downtown Oceanside and all of your efforts in the pier district, it is clear that Oceanside cares deeply about providing a safe, family-friendly community. However, to not place a ban on pet stores that sell puppy mill puppies would be taking a huge step backward for the City. He asked Council to not allow Oceanside to become a safe haven for those unscrupulous store owners to operate a business that promotes the continued inhumane treatment of animals for profit.

ALISON BARDO, 7243 Margerum Avenue, San Diego, had not planned to talk today, but as she listened to both sides expressing their views, she felt compelled to address a few things she heard. The representative from the Hunte Corporation showed fancy offices and sparkly clean cages that were probably new and had never housed a dog, but he didn't address the mother dog that spends her entire life breeding without love or affection. She doesn't think the photos we've been shown of the bad conditions are fake.

Mr. Salinas says there is oversight to the Hunte Corporation, but we've already addressed how lopsided the inspector to puppy mill ratio is. There are far too many facilities for the USDA inspectors to do a good job of oversight.

Mr. Salinas does not address the spay and neuter issues and releases unaltered dogs for sale. He cannot control what happens to those dogs or if they reproduce after leaving his facility. It doesn't seem to be important to him. Most of us who want to ban the sale of puppy mill puppies volunteer our time for this cause. We do not make money; we do it out of the love in our hearts. We care very much about this and hope Council will adopt the ordinance.

KAREN CLAYTON, 4142 N. Cerdoba, Spring Valley, has been involved in rescue for approximately 7 years. Mr. Salinas constantly says that rescues are getting rich off their dogs. He uses Helen Woodward as an example. Helen Woodward has been around for 40 years and is located in Rancho Santa Fe. They are not government funded; they are funded through public donations and celebrity endorsements. Diane Keaton is on their Board of Financial Directors. They hold many fund-raising events to fund their efforts. We are not making any money off these dogs.

Mr. Salinas has a chance to be a hero in this situation, but he chooses not to because money is key to him and to the Hunte Corporation. Our rescues and shelters are drowning in dogs.

PATSY DOWNS, 1303 Crestridge Drive, has been a resident of Oceanside for 53 years. She commended Council for considering this. You would be joining the 28 municipalities in the nation that already have ordinances banning the retail sale of pets in stores. Of those 28 municipalities, 13 are in California, including San Diego, Los Angeles, Aliso Viejo, Burbank, Chula Vista, Dana Point, Glendale, Hermosa Beach, Huntington Beach, Irvine, Laguna Beach, South Lake Tahoe and West Hollywood. This will not impede private ownership of breeders breeding animals and selling them, or sellers allowing the humane organizations to sell through them.

PETER KEYS, 100 Harbor Drive, #2104, is President of the San Diego Cat Fancier's Association. We are the world's largest registry of pedigreed cats. We believe there is no valid reason to take away a citizen's right to choose a pet from a pet store. In California we have the best specific pet store laws already on the books statewide. All of the pet stores in California are now well regulated. Do we need yet another layer of unnecessary regulation? This is in Council's hands. Right now there are very few puppies available in pet shelters. It is far better for Oceanside citizens to have a choice

from a reputable pet store rather than buying their pet sight unseen over the internet, which is happening more and more.

LINDA MARTINO, 339 Dorsey Way, believes that everyone in this room cares about animals. Their motivations are deeply felt. The presentation said they couldn't define what a puppy mill is. If you can't define what it is, how can you make good legislation to prevent the sale of dogs from puppy mills?

The target here seems to be the sale from puppy mills, but we've heard many speakers say if we're going to do that then we should include cats and birds. What concerns her is if Council is only going to target one specific problem, or are they going to make it broader. Getting your pet from a shelter is a good thing to do, but it should be by choice. She wants her choice to be hers and not one imposed on her by a group of people.

WILLIAM FALCO, 1965 Duke Street, has listened to what everyone has to say tonight. While there are good intentions, there are also ramifications. If you stop an industry, then there will be no more pedigree dogs or cats. The shelters do not always provide healthy dogs. He got a dog from a shelter in San Diego that had parvo. It happens to everyone in the industry. He cautioned Council to think before you write this. There is a lot of damage that can be done.

SYDNEY CICOUREL, 1017 Van Nuys Street, San Diego, is the Campaign Coordinator for the Companion Animal Protection Society (CAPS). She showed a video of an undercover investigation of Hunte Corporation. We are the only organization that exclusively investigates pet shops, their consumer complaints and puppy mills. We have investigated over 1,000 puppy mills and successfully introduced 5 ordinance bans in the US, including San Diego.

Sadly, all pet store owners lie to the public about the origin of their puppies. There is no oversight whatsoever, and its consumer fraud, pure and simple. CAPS conducted a 2-year investigation of Mr. Salinas and his San Diego Puppy, starting when he began selling out of a garage. During our investigation, we received 6 complaints from consumers. The complaints included a range of problems from genetic defects, finding out the dog is not the breed it was sold as, parvo and kennel cough. Two puppies died from parvo. She's taken calls from consumers whose children are devastated at the death of their puppy, and David Salinas won't return their calls. The complaints on Yelp are also staggering.

Oceanside is doing a fantastic job of upgrading and making this City a place where people love to live, work and visit. 34 other cities have adopted these ordinances because of the consumer fraud problem in this industry. She urged Council to do the same.

RICHARD HAWES, 1482 Mountain Meadow Drive, is a local dog trainer. His dog was bought from a responsible breeder and not a puppy mill. As a trainer he has worked with many dogs from puppy mills, and typically they do have their problem. Most of them can be overcome. There are also local puppy mills here that sometimes get shut down. The breeding dogs from those shut down puppy mills are the hardest dogs to work with. They have never been socialized with other dogs and have been confined to 3 x 5 crates for their entire lives. He doesn't want this to be confused with responsible dog breeders. There is a big difference between a responsible dog breeder and a puppy mill dog breeder. Let's support our local responsible dog breeders. If a breeder does not let you onto their property to see their facilities, they are probably a puppy mill. Let's investigate where we get our dogs come from. Dog owners need to have a choice, but it needs to be an informed choice. Buy your dog from a responsible breeder if that's the way you choose to go.

BELINDA RACHMAN, Attorney, 1125 Chiquapin Avenue, Carlsbad, stated this has nothing to do with liberty. She's for freedom of choice of all kinds, but as a member of a French bulldog rescue for the last 23 years, she can assure you they wind up in the pound or Humane Society. People move and can't keep them. If you're buying a dog for \$3,000 to \$5,000, there is a tremendous inclination to breed them to try and get your money back.

Council is responsible for the fiscal health of this City. If you think bringing in a business like this doesn't have an impact, you'd be sorely mistaken. It's been proven in city after city where they get rid of live dog sales that adoptions go up. You can get a pure breed dog of any kind from any rescue. If you really love dogs, you have your choice of all kinds of rescue organizations to get involved with. Why should Oceanside carry the financial burden because somebody was kicked out of San Diego and came here? If you want to take good care of your City, you need to look at the financial ramifications of allowing a business like this in your town, even if you're not a dog lover.

KENNY FLORES, 633 Persimmon Way, is a small business owner in Oceanside and volunteers for a non-profit rescue group. A lot of us look at our dogs and see family members that we love and care for. Other people see dollar signs. Recently our City shut down a puppy store due to animal abuse issues. We depend on our elected officials to do the right thing. Oceanside Puppy is the wrong thing for our City's growing status and reputation. A puppy mill is a life of torment. It may not be illegal, but it is wrong. While the suffering of the puppies at Oceanside Puppy may be short-lived, the suffering is not so temporary for parents of these puppies who live their entire lives in deplorable and substandard conditions. The parents of these puppies are imprisoned in overcrowded and filthy cages. They are bred repetitively until they can no longer reproduce. We have yet to hear about what happens to these dogs once they are not capable of breeding. He asked Council to join other growing cities and pass a ban similar to the one passed in San Diego.

SHIRLEY OLSEN, 2440 Dunstan Street, stated responsible breeders strive to improve the structure, temperament and natural ability of a particular breed. They thoughtfully evaluate the structural soundness of the dog, many times gaining the opinion at the dog show or from other breeders. They are health screened for many different things. The findings are put online and are available for public review, including the pedigrees 5 generations back.

Responsible breeders carefully review the pedigrees, record DNA and evaluate temperament and natural ability. Before breeding, both the sire and the dame will be tested for Canine Brucellosis and STD. If the results are positive, the dogs will not be bred. If an inheritable disease arises, the dog will not be used in the breeding program and will be spayed/neutered. Responsible breeders care for dame and her entire litter until the puppies are at least 8 weeks old. They socialize and spend time together. They learn bite inhibition and their rank in the pack.

Responsible breeders will screen prospective owners to try to insure that the puppy is placed in a home that can care for the animal. Responsible breeders include a purchase contract, which include the owner's responsibility as well as the breeder's, health guarantees and their return policy. Responsible breeders are willing to take back any animal of their breed at any time for any reason, reducing the need for rescuing dogs. Responsible breeders do not sell on the internet and do not sell to puppy stores because they realize that breeding a dog is a lifetime of responsibility and accountability for that animal they have bred.

COLEEN KELLY, 2525 Jefferson Street, is a retired San Diego Deputy District Attorney and spent her career upholding the law of the State of California. She beseeched Council to use the power bestowed upon you by the people of Oceanside to draft, pass and uphold this proposal.

KIM TRIBER, 301 West Mission Avenue #303, is new to the community that Council has worked so hard to upgrade. She has worked with rescue groups. Her husband is the national purchaser for a \$300,000,000 company. He brings a lot of commerce into Oceanside. In that comes commerce to our restaurants, businesses and hotels. We book 52 to 70 hotel rooms a year, 25 breakfasts, 25 lunches and 50 dinners with international people coming in and staying for vacation. This is devastating to people like us, and we are willing to move if things like this are allowed in this beautiful community that we've chosen to live in. We'll take our tax dollars somewhere else.

DOROTHY McCORKLE, 4610 Bristlecone Court, hopes Council will construct an ordinance that will be fair to the people of this City. The question of whether these are puppy mill puppies has been answered satisfactorily. Licensing and USDA restrictions don't mean too much. What's going to happen when these animals are brought into this City?

If Mr. Salinas sells 3 dogs a day for 300 days, and if the people who bought those dogs each have one litter, that brings 2,200 dogs a year into our community. Can we afford that?

She would like to include cats and rabbits in the ordinance as well. These are homes that are lost while we have struggling shelters and rescue groups out there trying to find homes for the animals that already exist.

ALLISON KINTNER, 3153 Skyline Drive, has been rescuing shelter dogs for a few years now. She has provided Council with some information from websites of the Humane Society of the United States, ASPCA and Best Friends Animal Society.

The owner of Oceanside Puppy pointing to that sign is where he lost her. Animal abuse and neglect does not equal corporate freedom. She will never understand how he keeps bringing that up.

She talked about a Labrador retriever who walked in circles all day long because it had been caged for so long, that's all it knew how to do. Think about a dog raised in a cage breeding about 2 litters a year for their short 7-8 year life span in a puppy mill. They are never let out of a wire cage their entire lives.

ANDREA de BAAY, 1571 Buckboard Drive, has 2 rescue dogs; 3 horses, 2 of which are rescues; a rescued bunny that some bought as an Easter present for a 2-year-old; and a bird somebody dumped on her. She just found a home for a rescued tortoise and just lost 2 of her rescue dogs. Over 10 years ago, she bought from a pet store a so-called pure-bred German Shepard that was supposed to be from a reputable breeder. She found out it was from a puppy mill in Missouri. A lot of times you can't find out about hip dysplasia until they are over a year old, which is when most warranties expire. Hers was a year and a half old, and the hip dysplasia was bad. When she first got her, the dog had kennel cough and an eye infection. She had so many other illnesses that she had to be put down at a year and a half old. Ms. de Baay was heartbroken and mad that she was lied to. She will never buy from a pet store again. She asked Council to do the right thing.

DIANE BEDROSIAN, 4374 Stanford Street, Carlsbad, has three animals that she got in Oceanside. She found 2 cats outside of a restaurant that were with her for 13 and 17 years, and her current cat is from the San Diego County Humane Society. She has 2 German Shepards from rescues. The rescue organizations are not making money. She doesn't have anything to do with PETA, so the assertion that those of us who want this have something to do with PETA is completely incorrect.

BRYAN PEASE, 302 Washington Street #404, San Diego, is co-founder of the Animal Protection and Rescue League based in San Diego. It looks like our former bad business models are in Oceanside now. He worked with San Diego on the wording of

the ordinance, and it's good that Council and the community are being educated about puppy mills. This is not asking Council to regulate puppy mills that are out of state. It's about the issue of what is being sold in Oceanside and the manner in which it's being sold, so you don't have to get into what is a puppy mill and what isn't.

Reputable breeders do not sell pets in pet stores. If a puppy is being sold in a pet store, that is a consumer protection issue and an issue for taxpayers. That's what the Council needs to deal with. It's not about David Salinas; it's not about one person. He can still make money and operate a pet shop selling pet supplies. Many sales bans that have to do with animal cruelty have been upheld in the past few months in California. It should be worded in a way that we're not exempting Oceanside breeders per se. What is being exempted is animals that are bred and reared on the premises where you can go and see how that animal is raised.

CATHY KELLY, P.O. Box 73, asked that Council not pass this suggested ordinance regarding banning sales of dogs, kittens, birds, rabbits or whatever else these people want to stop us from having. This ordinance is lobbied for by animal rights people with agendas. Animal rights organizations have stated that their ultimate goal is to eliminate animal use, ownership, meat, wool, zoos, conservation programs, labs and pet stores to protect animals from humans. She is an animal welfare person, which is different than animal rights because she isn't an activist with an agenda.

She loves animals, takes very good care of her pets and thinks that everyone should. She does not support puppy mills. They do exist, and they're awful. She does not support labs that experiment on animals. It is her constitutional right to have a pet. The USDA has already implemented laws on the care, breeding and transport of animals. To force us to buy pets from shelters only is outrageous and against the rules of a free market society.

There are many pet owners who love their pets and take good care of them, but they have no idea of what's happening to our society with the passing of laws like this, which are grass roots. If you take the bricks out of a wall one-by-one, the wall falls over. To remain silent is dangerous.

Good people in our society, who are not involved in the politics of animal rights, have no idea how their donations to PETA and the Humane Society of the United States and their ilk go to use. It is not in the care and feeding of animals. These insidious laws are being enacted by animal rights people who spend their donation money on lobbyists to convince politicians to side with them. These laws are self-serving, supporting shelters to sell only their product. That is not fair. She urged Council to not prohibit the sale of pets in pet stores.

Public input concluded

Changes to the agenda

CITY MANAGER WEISS announced that Item 33 was removed from the agenda tonight. It has been continued to next week, and any actions that have been associated with that will also be delayed until after Council has it's opportunity to discuss it.

[Recess was held from 7:37 PM to 7:48 PM]

MAYOR AND/OR COUNCILMEMBER ITEMS - Continued

32. **Request by Councilmember Sanchez to consider a ban on the sale of dogs in pet stores within the City of Oceanside and direction to staff**

COUNCILMEMBER SANCHEZ asked the City Attorney, after all of the testimony today, would he be able to craft an ordinance that would address the sale of puppies from puppy mills and yet address the concerns of breeders.

CITY ATTORNEY MULLEN responded many of these ordinances have explicit exemptions for breeders. San Diego has an exemption for breeders as does Dana Point. He feels confident, if it were the direction of the Council to create that type of exemption, that we would be able to craft an ordinance. He would want to make sure we have very specific objective language so it's not subjective and potentially overbroad and vague. He thinks we could put something forward that would be legal if that were the direction of the Council.

COUNCILMEMBER FELIEN stated we've had a lot of passionate testimony that's gone back and forth. He has 2 dogs, one of which they got from the Humane Society. Another they saved from being a rescue dog and like any pet, they become a member of the family. He wants to do anything he can that's going to help animals, making sure they are well treated and well cared for.

He's uncomfortable with some of the issues of the ban that have been discussed. He also feels it was unfair that the proponents of the ordinance had an unlimited amount of time to make their case, and the people who are directly impacted by the proposed ordinance got 2 minutes and a little more.

He asked what the definition of a sale is. Is that going to include stores like Petco that charge for vaccinations, spaying and neutering, but otherwise don't charge for the dog. Is that going to be counted as a sale?

CITY ATTORNEY MULLEN responded in general the intent of these types of ordinances is to prohibit the commercial sale from a retail type of establishment. If there's not a transaction, he wouldn't think that would involve a sale. The San Diego ordinance applies more broadly than just a sale, also including to barter, exchange, give away, etc. It wouldn't prohibit the vaccination services or other related services, only the transactions involving the dogs.

COUNCILMEMBER FELIEN asked how we define what a responsible breeder is. Is there an industry list or organizations that we could all agree on as to what constitutes a responsible breeder? The flip side of that is what constitutes a puppy mill. The issue of geography has come into play, and he would think there should be reputable organizations in the Midwest that keep track of what responsible breeders are, as well as our own local breeders.

The issue that was brought up that was legitimate is whether dog rescue organizations also bring in dogs from outside our geographical area. Are they going to be given a different set of standards than the people who are selling animals as a business? There's also the issue of whether there is a direct correlation between having a for-profit pet store and how that impacts our local Humane Society. There is an opportunity to research, if all of the dogs being sold are microchipped, exactly what dogs that enter our shelters are related to dog purchases at for-profit stores, rather than hearing estimates and assertions. The exact amount should be able to be mathematically determined.

What standards are acceptable? That goes back to the issue of a responsible breeder. This is a field he doesn't claim expertise in, but if the dog breeders in the Midwest claim they are USDA licensed and supervised, and many of our speakers tonight don't feel that's adequate, then what standards would apply, if any, to local breeders to say they are any more reliable? If we're going to go down this road, an ordinance shouldn't only apply to one person or one source of dog. If there is a problem that needs to be addressed related to the treatment of animals, it should apply to everyone who's involved in that activity with animals.

He invited Mr. Salinas to come speak if he felt there was something he didn't have the opportunity to say. He'd also like to hear from the Hunte Corporation representative if he felt there was anything he didn't get to say. People who are concerned about an ordinance being over-reaching need to have a chance to make their case.

MR. SALINAS stated all of us here love animals. He wouldn't be in this business just to make money. He's not a millionaire. He likes this business and loves puppies. He has a moral and ethical standard that he abides by that some people may not agree with, but he follows every state and federal law, pays his taxes, and does everything that he's been asked to do. He's being singled out. He's the only pet store here. We moved to Oceanside because North County is a different community. It was either sell his business or move north.

Regarding the military personnel being able to afford our puppies, we do offer financing. The discount is only \$50 on a \$2,000 dog, so it isn't that much of a benefit, but it's a little something.

He's been out to the breeders and distributor himself and has seen them with his own eyes. They are not what you see on the slides presented tonight. The public is welcome to go to Hunte Corporation and view the facilities for themselves. All of our puppies come with their shots. They're dewormed, microchipped and vet checked. Pet store puppies are the most vet-checked puppies in the industry. The statement that the owner of the puppy is going to incur thousands of dollars in vet bills is not true. We abide by the California Puppy Lemon Law, which means that we pay 150% of any vet bills that the customer incurs. If a customer pays \$2,000 for a puppy, then we're going to pay \$3,000 in vet bills. That's the law, and we abide by that. If you buy a puppy from a shelter, you don't have that protection. If someone wants to buy a puppy from a shelter they should do it, but we should have the right to choose.

The photos and videos shown tonight are several years old. Like any industry, it evolves. The 1980's kennels are not the same as the 2013 kennels. They're getting better and better. If there is an issue with the USDA and their federal guidelines, then that needs to be taken up with the USDA. Why single him out?

He encouraged Council to look closely at the facts. He printed up tons of information that he gave to the Mayor and Councilmembers. You can see in that information that there are also substandard shelters. If you're going to pass an ordinance, it should affect the shelter system as well. We offer everything the customer could want regarding the background of our pets. We have computers set up in the store where they can research the breed before they buy it. What else should he do? He can't make a profit selling dog leashes and nail clippers. They go to Petsmart for that. He only sells puppies, but he sells quality, registered, pedigreed puppies. He invited anyone to come to the store and see for themselves.

COUNCILMEMBER FELIEN asked if there have been any police incidences at Oceanside Puppy.

CITY MANAGER WEISS is aware of at least 3 calls for service at the pet store.

COUNCILMEMBER FELIEN asked if anyone has been charged or arrested or are the police being called to prevent that.

CITY MANAGER WEISS is not aware that anyone has been arrested.

COUNCILMEMBER FELIEN asked Mr. Salinas if any of his employees have been harmed.

MR. SALINAS responded it's been close, and the protestors also harass the customers. Part of their tactic is character assassination. They have made pictures of his face and put it on and wear devil suits. They have posted literature in front of his church saying he is an animal abuser. This may be funny to them, but it isn't funny to his family.

MR. STOLKEY can speak with emotion and show pictures like the proponents have, but he wants to speak to the facts. He's listened to a lot of alleged facts today, but hasn't seen any supporting documentation. He saw some math that projected the amount of puppies that will end up in your local pet shelters through pet retail sales. All of their puppies are microchipped, and he welcomes anyone to go to the shelter and see if that's true. The code will lead right back to Hunte Corporation and Mr. Salinas' store if it is one of ours.

He saw allegations about the amount of puppies we sell and the profits we make, but there was no substantiation behind it. He sees pictures of cages, which are horrific and emotional, and they support the shut-down of any substandard breeding operation in the country today. However, our vets and trained vet technicians are on the ground visiting the breeders that we do business with. They don't live in these conditions or cages for a lifetime like our opponents state. The pictures they have shown are very dated.

How do we get through this? How do Californians understand the facts and reality of the situation? The facts are our door is open. He extended an invitation for anyone to come and see us for themselves what really goes on. That's the only way to discern truth from fiction. It's not local and it's not easy to do, but if you're really interested in justice, that's the only way it can be served. We can take you to our professional breeders so you can see the conditions that these dogs are raised in that we do business with. They are nothing like what's being purported here. We believe in animal welfare, not animal rights. There's a huge distinction there.

These activists also attempted to sue Sea World in 2009 for anti-slavery laws for keeping fish in their tank. If animals had rights, that would be a source of legitimacy. Welfare is taking the best veterinary practices and protocols and using them to our best ability to raise the industry to the level and standard that you would all be please with and which we do every day.

He urged Council or anyone to come see them.

COUNCILMEMBER FELIEN asked, regarding the mother dogs that are breeding the puppies, what their standard of care is. Do they get out of the cages? How much time is spent in the cage and how much playing in the yard? What type of environment do they live in?

MR. STOLKEY likened it to a backyard setting with pens where the dogs have the ability to be on the ground and have run areas, which is established by USDA and state criteria. Dogs have to be out and have the ability to run. We can supply photo and take you to the facilities. There are prescribed regiments for physical exercise that our breeders adhere to. We know that because we are there.

COUNCILMEMBER FELIEN asked what laws the State of California has for pet stores and what protection is provided at the State level.

MR. STOLKEY can't speak to California's laws, but the issue here is choice. We have no problem with shelters. Shelters serve a purpose. But the statement that we contribute to the shelters is not correct. There is an industry where puppies and dogs are coming in from overseas to support the need to sell dogs at the shelters. He didn't see any strays running around this community today. We can't legislate people to be responsible pet owners. There are conditions where people have a dog and can no

longer keep it. They lose their job or have to move. If they've had a bad experience with a dog, then it could go to the shelter, and someone else will have a bad experience with that dog.

In life, if there's health there is sickness; if there's life, there is death. That's part of life. We try to mitigate those conditions to the best of our ability, and we do it better than anyone else. If any puppy comes from our sources, it's automatically assumed it's a puppy mill or substandard breeder. There are good and bad in every industry. We work to separate the good from the bad and only work with the best. AKC is in our facilities on a regular basis, and we have a great relationship with them. We're working together to promote the best practices in the industry and collaborate on animal husbandry. We train together. We offer education and training from top industry experts.

COUNCILMEMBER FELIEN has been to the Humane Society, and it seems like a wonderful organization with volunteers who are committed to what they are doing. In the last report they issued, they've had 13 dogs, 67 cats and 18 other animals die while in their custody for various reasons. It may be the condition of the animals when they were brought in and nothing could be done, or it might have been an accident that occurred at the facility. Tragedy does happen, and he would want to make sure any ordinance we're passing on a store doesn't give them stricter standards than what is expected in a shelter. What applies to one needs to apply to the other.

From what he observes, everyone seems to be doing the best they can for the dogs and animals that are in their custody. Some animals don't make it; they get ill. We don't need to extrapolate statistics to unfairly make a generalization that may or may not be true. He hopes this process gets accurate information from third-party sources that we can all consider credible because most of the night has been charge and counter-charge. Each side thinks their evidence is good and the other side's evidence is lies. That makes it difficult for him. He would like to have some confidence in the information he's relying on to draft an ordinance.

DEPUTY MAYOR KERN asked Dr. Kaye Henderson, an animal scientist with a Bachelor of Science from Washington State University, a Master of Science and PhD from UC Davis in psychology specializing in reproductive psychology and post-doctoral training at Cornell University of Veterinary Medicine. She is a college professor, a member and past President of Delsler Kennel Club of San Diego, and has been the legislative liaison for 20 years belonging to NAIA.

DR. KAYE HENDERSON stated NAIA is the National Animal Interest Alliance. Joan Miller with the Cat Fancier's Association is going to begin our presentation. She also represents the San Diego Cat Association and NAIA.

JOAN MILLER has been with the Cat Fancier's Association for over 25 years and was Vice-President for many years. She is also the former President of the National Council of Pet Population Study and Policy. We have produced the most reliable data in the country, particularly on the relinquishment of animals to shelters. She's heard some data tonight that is not as accurate as it should be.

Everyone has different ideas about what pet is ideal for their home and environment. We're concerned that any kind of seller ban will limit people's choices. A pure-bred dog or a pedigreed cat may be just perfect for someone and they should be able to make that choice. However, we also think that many people want to get a pet from a shelter or a rescue group as a way to give an animal another chance. We feel very strongly that people should have the choice.

We have common goals that are very important. We want pets to be healthy and well-adjusted, and we want the puppies to be in good environments. Reaching our common goals is also important. We share an interest in the permanent bond that is

very important and has a lot to do with why animals are relinquished to shelters. When owners have the appropriate pet selection, they can make choices, and there are less animals that are relinquished. Getting the ideal pet means a range of species, breed and temperament.

Research shows that dogs are surrendered to shelters when the pet doesn't meet their expectations. That's why it's important to choose the species they want, whether it's a cat, bird, dog, etc. They need to think about the size and age. The shelters have a limited supply of puppies, and the younger dogs are the most desired by prospective owners. That is shown by the research. Temperament is also important, particularly if they are families with children. There is also the investment. Less expensive dogs are more frequently relinquished to shelters.

We understand and appreciate that originally cats were not going to be considered. However, it seems that tonight maybe they will be. We are very concerned about this. We hope that you will not add cats to any proposed ban or ordinance. Cat breeds are very rare and have a long history. We have very few breeders, and the loss of one can be detrimental to a breed.

The incidents of pedigreed cats in shelters is negligible. The only research was done years ago, and they said it was .01% from what they could figure. She's spoken to other shelters, and they have told her pedigreed cats are very rare, unless someone dies and leaves one behind. San Diego had an exemption, but they didn't think it through. Now every cat has to be bred and raised on your premises. That means if you found a stray cat, which breeders take in sometimes to find them a home, they can't do that because it wasn't bred and raised on their premises. This is an unintended consequence that is most unfortunate. She asked Council to not make exemptions so restrictive that it would be the loss of our pedigreed cat breeders.

DR. HENDERSON stated these people do not represent us, nor do they represent most of your constituents. She represents the American Kennel Club, the National Animal Interest Alliance, Cabrillo Kennel Club, Delsur Kennel Club, Bahia Kennel Club and Silver Bay Kennel Club. We don't need to ban animal sales or breeder regulations. The CAT's analysis is a flawed analysis. It's not a local group, and their mission is to ban all sales of dogs and cats nationwide. However, if you read the CAT's analysis carefully, you will see that when they investigated San Diego Puppy, the Department of Animal Services never found any violations. They always had a clean record.

Our recommendations are that Council should take no action on a ban of pet sales. Let your residents keep their choice. Avoid actions that would result in the movement of dogs for purposes of adoption or sale from foreign countries, particularly those that have dog-to-dog rabies, as this protects the public. Consider how shelters and rescues might be made accountable to protect buyers and adopters because they are not regulated in any way.

Another reason we don't need the pet store ban is because now with the internet release of all AFIS records, it's easy to see if a breeder is a good or bad breeder. In particular, California has just put in very strong regulations that were proposed by the pet industry and have been agreed upon by all of the animal welfare organizations. We have the strongest in the country. She urged Council to read those and see if there is anything that Oceanside needs to do.

Our shelters do not euthanize healthy or adoptable dogs. They do kill animals that people bring in that have cancer or are vicious and can't get along with society. They haven't killed treatable or adoptable dogs in 13 years. We have strong humane treatment laws in place. The puppies that go to a pet store are regulated in the state of their birth, the state of their distributor and in the state they arrive in by both federal and state regulators. A puppy might have as many as 7 hands-on examinations by

different veterinarians if it's sold in a store. California has one of the most complete pet store standards in the nation and also one of the most comprehensive pet warranties. But it only applies to local breeders, home breeders and pet stores. It does not extend to shelters or rescue dogs.

There are unintended consequences of such a ban. First it discourages a pet-friendly environment, and it also discourages collaboration among all of the stakeholders. Even with a ban, there is going to be a demand for pure-bred dogs, and it cannot be met by the local home breeders in the area. The alternative sources are far less regulated. You don't want to do anything that drives animal sales underground because that activity discourages vaccinations and licensing, which impacts local revenues. We don't want to encourage importation from non-local sources. Breeder restrictions or exemptions adversely affect local dog and cat breeders.

Consider where the rescue dogs are coming from. They're not from pet stores and they're not from local pure-bred breeders. A lot of them are coming from countries with rabies, like Mexico, China, Columbia and Romania. There is actually a shortage of small dogs in the United States, and shelters all over the country are importing from these countries where rabies is prevalent.

Another source is failed adoptions. If we have animals that are poorly socialized and not healthy, they are more likely to fail in their adoptions. Then there are strays, and we have no provenance on those.

In a report by customs and border protection that was commissioned by the Humane Society and Christine Kehoe, they found that 10,000 puppies per year are smuggled into San Diego. Most of them never leave San Diego. They're mostly pure-bred and hybrid dogs. The people who are smuggling them make a good profit, usually 6 times what they paid for the puppy, because the demand is great. No one stops this or sees to it that these animals are healthy.

The Center for Disease Control and Prevention is adamant that the movement of dogs for the purpose of adoption or sale from areas with dog-to-dog rabies transmission should be prohibited. Do we have to have a child get rabies to realize that it's a bad practice to be bringing animals in that are not quarantined and vaccinated?

In order to open a rescue in the United States, you just fill out a tax form, and you're a rescue. You may never have actually rescued an animal. Nationwide we have to look at whether there are good rescues and not-so-good rescues, just like there are good breeders and not-so-good breeders.

What's wrong with giving a monopoly to the shelters and rescues for pet sales? The U.S. has a shortage of small puppies and, as a result, it's common practice to import dogs from out of state and out of country. Los Angeles has recently changed their policy. They used to spay every dog that came in pregnant, but now they're letting them have the puppies so they'll have something to sell. Helen Woodward does the same thing. Street dogs from Mexico have the same characteristics that we're concerned about: no prenatal care, no or poor socialization, diseases, parasites and poor environment. When they come in and don't do well in their new homes, they end up in the public shelters at a cost to taxpayers.

Petfinders lists 100 rescues in San Diego. Focus has 160. We've got great bona fide non-profits and some that are not-so-good, but many of them are getting their dogs from out of county, state and country. These failed imports are not good. Helen Woodward, on 2 occasions, went as far as Romania to bring in puppies. This is animal rescue without borders.

If you go to Petco for an adoption event, the shelter dogs are primarily from Mexico, bringing problems to Oceanside from outside of the county. This organization brags that they bring in 500 dogs to San Diego every year from Baja.

We recommend that Oceanside take no action, retain the residents' choice and avoid actions that encourage movement of dogs for purposes of adoption or sale from places that have rabies.

[Recess was held from 8:32 PM to 8:36 PM]

MAYOR WOOD stated this is an emotional issue for everyone, and it's getting late. He'd like to keep on topic. He can't do anything about international law or other states. We can decide what we do here from the public's input. He wants to hear about what we can do locally. This got off topic. We're only talking about an ordinance in Oceanside stopping the sale of animals from puppy mills.

He was taken to task because he didn't give the other side time to talk. Then he found out the other side had prearranged for a group to put on a presentation.

DEPUTY MAYOR KERN does not support this tonight. He cannot see us going forward with any kind of ordinance at this time. He has friends on both sides of this issue. He supports SPOT and has gone to their fundraisers. The bottom line is that everybody wants responsible pet ownership. One woman said that her side cares more than the other sides so they should be able to tell them where to buy their pets. That doesn't sit well with him. There is passion here, but we also need civility. It's rude to come up in the middle of someone's presentation and interrupt them when they sat quietly through yours.

Vilifying the other sides is not right. One woman said all pet store owners are liars. That's a broad statement, and it's not true. If that's not true, then he can make the distinction that everything else you say is not true.

We don't need another ordinance in California. We are the 49th in freedom in the United States. We have plenty of ordinances in California that regulate this business. He suggested his colleagues vote no on this. If there seems to be a problem later on, we can start tracking it and get real statistics and information instead of emotion. Then we can come forward with an ordinance. He has rescued dogs and had pets, and he doesn't like the accusation that we don't care because we don't agree with them. He will never support anything brought forward with that attitude. If anyone wants to have an open, honest discussion about this issue, his door is always open. All he's heard tonight is emotion and old pictures and video?

COUNCILMEMBER SANCHEZ stated the San Diego City Council, in July of this year, adopted this ordinance unanimously. This is not a partisan issue. When asked, Dr. Gary Weitzman, CEO of the Humane Society, said the point of the ordinance is to encourage reputable and responsible breeding and adoption or sales. It will not affect backyard or hobby breeders or responsible reputable breeders that are actually doing a great job at providing great dogs that often aren't in the shelter or rescue environment.

From what she's heard tonight, this is what we all want. So what is the fear about this ordinance? From the mouths of the opposition, they agree with us that we want to have healthy puppies. If they aren't selling puppies from puppy mills, then banning them shouldn't be a problem.

From the beginning she said she wanted this to be narrowly tailored for our residents because they're the ones being hurt. Our residents will have to pay for more euthanasia. She asked Ms. Snyder if it's true that we don't allow any euthanasia.

MS. SNYDER isn't a representative of the Humane Society, but it's not true that they don't euthanize them. If you go into a shelter and see a dog and it's gone the next day but they tell you it wasn't adopted, you can put 2 and 2 together. There is overpopulation.

COUNCILMEMBER SANCHEZ knew that. We have that information. The shelters are actually helping us and our citizens. There were lots and lots of volunteers that spoke up tonight saying they are here to help. The other side focused on having a right to do this.

We heard that Mr. Salinas got kicked out of San Diego on a ban that excluded breeders. The City Attorney said that we can craft an ordinance that will not affect our breeders. This is only targeted at the non-reputable breeders and puppy mills. She knows a lot of reputable breeders and kennels who pride themselves on their dogs and who are involved in shows. They're not here tonight because they asked her if this would affect them, and she told them no. She would never do that. She wants to address a horrible situation and thinks we can all agree on something that gives the residents a choice, but a choice with truth. There needs to be openness about where these dogs came from that they're going to spend thousands of dollars on.

She saw a 2012 date on the films shown here tonight. They aren't from the 1980's. All of these bans/ordinances are recent. This is happening over and over, and she believes it's because it's becoming a burden on taxpayers. We've asked a lot from the shelters and our volunteers already. It's a work of love for them, and saving one more dog is their reward. Our citizens are asking us to do this. The opposition is mostly from out of Oceanside. We want good businesses here, and we want to have a City that everybody is proud of.

One woman who is involved in the rescues said her husband is involved in a multi-million dollar business, and they will move from here if we don't do this. That's not what we want. We want people to come here. We profit a lot from all of our volunteerism. She asked Council to support something that will address the problem and at the same time protect the breeders. The opposition said they don't participate in this kind of business, so they're going to want this then.

COUNCILMEMBER FELLER gets his goldfish from the carnival and has a brother-in-law who raised rabbits to eat them and use their pelts. As a kid you went to the pet store to look at the pets. He has owned several animals, and his family owns a lot of them. He feels like we're talking about whether we're going to do something for good or bad against our children. This is not something he takes lightly. He's had at least 2 suggestions from people who are very close to him who do not want to have the kind of activity shown in the pictures of the puppy mills and are in favor of shutting down a legal business. There's nothing illegal about having a store on Oceanside Boulevard.

He asked how much sales tax there is on a dog.

MR. SALINAS responded 8%.

COUNCILMEMBER FELLER doesn't believe in his heart that everybody is out here to fight each other over the issue of dogs and that this is going to kill the potential growth of the City. He hasn't heard the definition of a reputable breeder, and how you regulate that? He doesn't know what a reputable breeder is. Is that one that has 2 dogs and 3 times a year they have litters?

He heard the Mayor say something earlier about the shelters having discussions with Oceanside Puppy. Is that true?

MAYOR WOOD responded yes.

COUNCILMEMBER FELLER wonders if you end up with a reputable place to get puppies if that happens. He doesn't know what he's going to do here because he's not really sold on either side. There may be a little too much emotion for us to have the responsibility for dominion over the animals. He doesn't believe anybody here believes cruelty to animals of any kind is a good thing.

COUNCILMEMBER FELIEN stated using the report from the Humane Society itself from July of 2011 to June of 2012, they claim they have not euthanized a single healthy dog. They had approximately 3,000 euthanasias, but they were classified as dogs that were untreatable, either brought by the owner or became that way in their care. They claim they are not euthanizing any healthy dogs.

All of our nerves have been rubbed kind of raw here, so he asked Councilmember Sanchez if she would be interested in an approach where we get some information we all agree on, sit down with Mr. Salinas and the Hunte Corporation and the Humane Society, and see if we can agree on what a puppy mill is and what a reputable breeder is. We need to get a better handle on the regulations that the State already provides. He's no expert in this field. He's tried to research the issue the best he can. The first thing that would be helpful before we consider an ordinance would be to see if we can agree on some definitions so at least we find out where we all agree regardless of where we are on the spectrum. If we can at least get those settled, then we know what direction we might want to go in.

He's hearing charges and counter charges, and he doesn't know who has the irrefutable evidence. The pictures we saw represented atrocious conditions. They obviously happened somewhere at some time. Whenever that was, it's absolutely unacceptable. If there is something we can do as a City in a small way to bring that to an end in a reasonably structured ordinance, he's willing to look at that. The first step is to see if we can find out where we agree and don't agree on some solid definitions that would go in an ordinance: what is a sale, what is a responsible breeder, what is a puppy mill.

He asked Councilmember Sanchez if that is a direction she would be interested in going.

MAYOR WOOD asked the Manager of the North County Humane Society if there are puppy mills to her knowledge.

MARTHA PEDERSON, Senior Director of the North Campus of the San Diego Humane Society and SPCA, has been in the animal welfare profession for over 18 years. She has investigated numerous puppy mills and backyard breeders in cities where she previously worked and now in Oceanside and Vista.

Are there backyard puppy mills? Yes. Are there commercially sanctioned puppy mills out of state that are shipping puppies in? Yes. As your service provider, we want to be here to answer questions and get the information you need to make the best choice for your community. Your community has spoken, and it is a passionate issue. Animal issues resonate with people like nothing she's ever seen or experienced.

At the San Diego Humane Society we support a ban or ordinance that would not allow animals to be manufactured at commercially sanctioned animal cruelty operations. The bottom line is we are wholly supportive of responsible breeders, but you all need to know what that means. We are currently trying to reach out to breeders across the County to put a list together to go and visit and to be partners with. Everybody that comes to our facility may not find the exact breed that they want. We do have some pure-breds and we are regulated. We all have to have a Veterinary Premise Permit. The California Veterinary Medical Board regulates us.

We support the humane model, and that is entering into partnerships. We support local business. It's important to our community. When the economy took a downturn several years ago, the pet supply industry continued to flourish. Stores can thrive without selling puppies that are shipped in from puppy mills.

We'll work together if you'd like to gather more information, but she feels like the community spoke. It is your community that we're here to serve.

MAYOR WOOD has been to puppy mills in Southern California and out of state. Those pictures that were shown were very accurate of a puppy mill. They were in small cages with multiple dogs, always barking. They had no affection from anybody. He's not in favor of puppy mills, and that's what we were looking at tonight. The ordinance that we're recommending needs to go to staff and come back to Council, so everybody has the option to see how it's written and then say yes or no. It should go to staff so they can start looking at it.

It's hard to believe that all of these cities that have come up with similar ordinances, and they are big cities, didn't have any opportunity to see what was written by their staff or attorneys. We're seeing more and more cities doing that.

He asked Ms. Pederson is this is a reasonable ordinance if we say it doesn't apply to local breeders and do you agree that it should apply to cats, dogs, bunnies, etc.?

MS. PEDERSON responded our shelters are full of dogs, cats, puppies and rabbits. Those are the categories that end up with us on a daily basis in huge numbers. We don't euthanize healthy treatable animals, and the goal is for us to help the other coalition shelters in the County get to zero. We have that initiative: G20, Get to Zero. That means we're impounding that many more from those shelters that are at risk for euthanasia so they won't have to euthanize them. However, then we're treating and caring for them, which adds cost. We took in over 9,000 animals last year, which is several thousand more than the year before 4,478 were at the North Campus alone.

It is a reasonable ordinance if all of the stakeholders involved are heard and the City Attorney can formulate language that satisfies everyone.

We keep saying the word rescue, and there are breed-specific rescues that are specific to one pure-bred dog. Those pure-bred dogs are coming from pet stores and other breeders. Things go awry in the home, and they get turned in. The rescues are getting pure-bred dogs that would normally come to us.

Let's work together to draft the language and then help each other define a puppy mill and a reputable breeder. We'll gladly help, and we'll gladly sit down with Mr. Salinas and work something out to where it could be amenable to all.

MAYOR WOOD is emotional like everybody else. His two dogs are family. The Humane Society has a \$1,000,000 contract in Oceanside, and that's not cheap. What you're doing costs the taxpayers money. When he goes down to the shelter, there are more and more animals, which means more cost to the taxpayers.

The Humane Society had offered to give Mr. Salinas animals to sell free. That would help him make sales and help the rescue animals too. Maybe that's not what the people want, but if he wants a particular breed dog, he can find it. If you don't want a shelter dog, you can find a pure-bred dog from local reputable breeders. They aren't cheap, but they're out there.

MS. PEDERSON stated the pet stores don't have to come to the shelters or rescues, they can hook up with the local reputable breeders. That way they're local, and we know how they're bred and born and that they are humanely kept. There are probably people sitting in the room tonight that could help him with that. It won't be as

profitable as the commercially-bred animal.

MAYOR WOOD asked if Ms. Pederson has any issues with this ordinance.

MS. PEDERSON responded no. If we address the concerns of our local breeders and the language is amenable, it would be fine. She doesn't know if San Diego's ordinance should be copied because there are some language issues with that, but we can learn from that one. There are 33 other cities across North American that we can look at. Council has an opportunity to set the benchmark for how this type of ordinance should be written.

MAYOR WOOD stated there are always 2 sides, and one side isn't smarter or better than the other. We're not trying to stop anybody from picking the animal they want. It's all about puppy mills. The issue got off track.

DEPUTY MAYOR KERN agrees that we're not ready to write an ordinance tonight or even send it to the City Attorney. We don't agree on what a local breeder is or a reputable breeder. Hunte Corporation may be classified as a reputable breeder, so they could still supply Oceanside Puppy with their puppies. Without the definitions, it doesn't work. Without determining those definitions, we're in no position to write an ordinance.

Maybe we can come back after we have the data and definitions so we can agree on what we're going to write an ordinance about. We have no clue what we're talking about up here.

If you go on Craig's List, there are hundreds of people selling dogs. That's the problem. It's not a legitimate business who controls their puppies. You can buy puppies on the side of the road. That's the problem. Singling out one business is not going to solve the problem.

MAYOR WOOD stated the goal is to shut down puppy mills so the puppies can't be sold in our state or city. There's no big hidden story here. He'd like to bring an ordinance forward where pet owners have to spay/neuter their animals, but its costly.

COUNCILMEMBER SANCHEZ is not confused. She's seen the pictures of puppy mills. We're talking about commercial breeding operations where a female dog is caged for up to 7 years, or however long she continues to breed, with no exercise. That's a puppy mill. Unhealthy conditions, inbreeding and producing unhealthy puppies. She's hearing that Oceanside Puppy isn't getting his puppies from puppy mills, so this shouldn't be a problem for him. He made that statement in the *Union Tribune* when San Diego ruled on their ordinance. He shouldn't be worried about an ordinance banning the sale of puppies from puppy mills.

She is proposing a very narrow ordinance, and we should start with dogs. It may end at dogs. She took out the language about cats and rabbits, because she wanted to be able to get agreement on the dais. She wanted to take a baby step and say puppy mills. She doesn't want to go into people's backyards. She doesn't think that's the problem. The reputable breeders she knows are showing their dogs, and the dogs are going to good families.

She's sure the City Attorney would meet with everyone and come up with the right language. It sounds to her like banning puppy mills is okay with everyone. This is consumer protection as well for our residents. How can we do this and allow our residents to be able to have good dogs.

We didn't have this problem before. We just got it. We have the Humane Society that is willing to partner with the business owner. This is not just addressed to Mr. Salinas, it's addressed to anybody that would come into our City and want to set up

shop selling puppies from puppy mills. A puppy mill is where you're trying to lower your cost of producing a puppy by not providing enough space or socialization. It's all of the things you've seen in our presentation tonight. Having the City Attorney come back with language addressing the concerns, we would avoid backyard breeding and get rid of puppy mills selling in our City.

She agrees that cats need to be taken into consideration too, but for now we need to limit it to dogs. Her motion was to direct the City Attorney, after meeting with the stakeholders, to draft an ordinance banning commercial establishments from selling dogs from pet stores unless the animal is obtained from the Humane Society or from a tax exempt rescue organization. Such ordinance is to exempt breeders as provided.

COUNCILMEMBER FELIEN thinks Councilmember Sanchez pointed out some relevant issues as to what we're trying to stop. With all due respect to the City Attorney, the people who are best qualified to define what a puppy mill and reputable breeder are in the audience. He would like to tap into the expertise first. He also heard Mr. Salinas say he doesn't buy dogs from a puppy mill. He heard the representative of the Hunte Corporation say they don't run a puppy mill. He's happy to hold then to account for that promise and assertion. He would rather see if we can get some working definitions first. Once we have those, we can come back. He's talking about a week or 2 weeks maybe. He thinks we can get through the hurdle of passionate views and hammer out an acceptable definition of a puppy mill and responsible breeder.

The problem with the wording that was just suggested is he doesn't think there is some magical purity because someone claims they are non-profit. A company or business that's run for a profit to sell pets isn't in and of itself an evil institution. The issue is what is the condition of the animals in their care regardless of whether the purpose of the organization is to be profitable or non-profitable. Because of the raw nerves and passion we've seen on display, this should be slow and steady to get us to our result rather than trying to rush to a decision this evening.

COUNCILMEMBER SANCHEZ stated exempting breeders allows for a supply for a pet store. It's exactly what was proposed by the representative from the Humane Society. We're not closing off supply, just bad supply, the inhumane supply. We're not reinventing the wheel here. She's heard that everyone wants to come up with the best ordinance. We want people to buy in Oceanside, and we want to have healthy animals. We don't want taxpayers to pay more for animal control.

DEPUTY MAYOR KERN asked what the enforcement mechanism is on this. If Hunte is a reputable breeder according to USDA standards, then everything is fine and goes on the way it is. If the Hunte Corporation is found not to be reputable, Mr. Salinas can buy dogs from another supplier who might be a puppy mill. So what's the enforcement mechanism? What's the timeline?

COUNCILMEMBER SANCHEZ responded the Humane Society would be the enforcement mechanism. The timeline could be 60 days.

CITY ATTORNEY MULLEN stated the timeline would be at the direction of the Council. If you want 60 days, then he'll strive to come back within 60 days. In answer to the enforcement mechanism, if it's a provision of the City Code, it would be enforced like any other provision of the City Code. There would be administrative remedies like citations, which would gradually escalate. In addition, there could be misdemeanor criminal penalties or civil nuisance abatement. It's along the same lines as we've done with medical marijuana dispensaries that are in violation of the City Code.

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

GENERAL ITEMS

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

22. **City Council: Adoption of a resolution authorizing the execution and delivery of 1) an equipment lease/purchase agreement with Banc of America Public Capital Corp. in an amount not to exceed \$5,500,000 to retrofit street lights citywide; approval of 2) a professional services agreement with Southern Contracting of San Marcos in an amount not to exceed \$5,094,947 for design-build and project management services; and authorization for the City Manager to execute the agreements and related lease documents**

PETER WEISS, City Manager, stated we have previously provided Council with information regarding converting the City's streetlights from their current bulk configuration, which had multiple high pressure sodium or metal hi-li, to all LED's. We have been waiting for the California Energy Commission to issue loans. They have been delaying that action for some time. We have now found a commercial lending institution that will lend us the money.

There are roughly 8,400 street lights in the City's inventory, and our energy costs are almost \$700,000 per year. We are estimating that the conversion will reduce those energy costs in half. It also provides carbon reduction. The maintenance costs will be reduced by approximately \$190,000 since the LED's last 3-4 times longer than the conventional bulbs that we're dealing with.

Last year we prepaid the final debt service payments for the acquisition of those street lights, and that amounted to about \$250,000 per year. The saving is actually about \$476,000. Both of those exceed the actual debt service that's going to be pledged back onto those loans.

The cost to the contractor, including contingency, is about \$5,000,000. We will actually be getting, upon the initiation of the installation, a \$450,000 SDG&E rebate, which reduced the total out-of-pocket costs to \$4,600,000. However, we have to get the loan in the higher amount. Once we get the rebate back from SDG&E, that rebate, as well as any other monies that we save in the conversion, are going to be used to pay down the loan as quickly as possible. It's a very good deal. The interest rate we're paying is 3.15%. Banc of America is going to provide that financing. They have done so with a couple of other cities because everyone is seeing the difficulty through the State.

We're recommending approval of all of those actions. If Council approves this tonight, we are going to issue the Notice to Proceed on October 1st and try to close the loan in mid to end of October. We estimate that, because it is design-build and our contractor has to solicit bids from other suppliers, the installation will start in January and be completed in May of next year.

MAYOR WOOD asked if this was out to bid.

CITY MANAGER WEISS responded we will not be putting it out to bid. It's a design-bid contract through the State contractor. Southern Contracting is the contractor that will be installing, but they are going to have to get bids from other suppliers of the LED fixtures.

COUNCILMEMBER FELLER moved approval [of adoption of **Resolution No. 13-R0642-1**, "...authorizing the execution and delivery of an equipment lease/purchase agreement [**Document No. 13-D0643-1**] with respect to the acquisition, purchase, financing and leasing of certain equipment; authorizing the execution and delivery of an acquisition fund agreement and other documents required

in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution", with Banc of America Public Capital Corp. in an amount not to exceed \$5,500,000 to retrofit street lights citywide; approval of a professional services agreement [Document No. 13-D0644-1] with Southern Contracting of San Marcos in an amount not to exceed \$5,094,947 for design-build and project management services; and authorization for the City Manager to execute the agreements and related lease documents].

DEPUTY MAYOR KERN seconded the motion. He asked if there is any salvage value to the lights we're getting rid of. Is there any way that we could sell them to another municipality for parking lots or something?

CITY MANAGER WEISS responded the majority of light fixtures are going to stay the same; it's only the head and bulbs that will be replaced. If there is salvage value, because there may be some other cities that still have them, we will try to do so. Many of the lights we're going to be replacing we've put off replacing for the last several years knowing this was coming, so the fixture and the bulbs will not have much service life left.

COUNCILMEMBER SANCHEZ stated staff anticipates approximately 50% energy savings in addition to tariff savings and savings from reduced maintenance costs due to longer lasting lamps. How many years will it take for us to realize savings?

CITY MANAGER WEISS responded we'll see the savings right away. Once they are installed, we will start seeing the energy reduced savings.

COUNCILMEMBER SANCHEZ asked at what point will it be cost-efficient that we did this.

CITY MANAGER WEISS responded approximately 5 years.

COUNCILMEMBER SANCHEZ asked if after 5 years it will be paid off.

CITY MANAGER WEISS responded it won't be paid off, but we'll start the energy savings at that point and will make up the difference in paying the debt service. The City will start realizing the \$250,000 that we had been putting into the prior debt services profit back to the City.

COUNCILMEMBER SANCHEZ asked if this is a loan for 12.2 years.

CITY MANAGER WEISS responded that's correct. The repayment will come from the energy savings, which is about \$400,000 per year, plus the debt service that we are no longer going to be paying.

Public input

JOAN BRUBAKER, 1606 Hackamore Road, stated this sounds beautiful and it would be a nice improvement. She remembers Deputy Mayor Kern complaining about the CalPERS payments that are going to kill the City and how our budget can't possibly stand it. When she saw this \$10,600,000+ expenditures she wondered what the City was thinking. The payments are practically what they have been, but you're making them twice a year. You just got the other debt settled, and now you're getting back into a deficit condition for at least a few years.

It is a good change, but the report said the fixture prices are coming down. Maybe if we wait a little longer, you'll get a better price. This is a bad time to take on an expenditure like this. She asked Council to think about the budget that you're always talking about.

Public input concluded

COUNCILMEMBER FELLER clarified this is a \$5,500,000 loan and it isn't increasing any costs we have because the savings is paying for the debt and the electricity. Is that correct?

CITY MANAGER WEISS responded that is correct.

COUNCILMEMBER FELLER stated so we break even right away, and in 5 years we start paying for the future out of the savings.

CITY MANAGER WEISS responded correct. Even though the individual cost of fixtures is going down, and we're seeing some of that by having the delay, the 3% interest is one that we need to take advantage of.

Motion was approved 5-0.

23. **City Council: Introduction of an ordinance amending Article 14, Section 14 and 14.1, of the Oceanside Traffic Code by the addition and changes of various sub-sections to establish various speed limits on various streets**

PETER WEISS, City Manager, used a computer graphic to show a summary of the streets where we're changing speed limits. By law, we cannot arbitrarily change those speed limits, and we have had some issue recently in regards to speed surveys. We have to update our speed surveys on a regular basis or the court may find that the citations that we write may not be valid, which means we suspend citations. We are in the midst of doing a comprehensive speed survey of all of our major streets. The streets on the computer graphic have either never had a formal speed survey done and speed limit adopted, or ones where we have had to make changes.

The back-up contains information as to how we go about the engineering studies to justify those speed limits, and which ones we can reduce to a lower number. Primarily, most of them are either the same as what they are or within 5 miles per hour of each other. Staff recommends that Council adopt the updated speed on this one.

COUNCILMEMBER SANCHEZ stated it looks like they are either going up, staying the same or establishing. The 2 that are being established are Oceanside Ranch Boulevard. One segment is Rancho del Oro Drive to .356 miles south of Old Grove Road, where there was none, and now its 40 miles per hour (mph). The other is .356 miles south of Old Grove Road to Old Grove Road and is being established at 40 mph. It looks like there was a study about traffic accidents that says we need to go higher in some places.

CITY MANAGER WEISS stated staff took every opportunity we could to lower them within what the law and the courts would allow.

COUNCILMEMBER SANCHEZ moved approval [of introduction of an ordinance amending Article 14, Section 14 and 14.1, of the Oceanside Traffic Code by the addition and changes of various sub-sections to establish various speed limits on various streets].

Lowering the speed limits would require more studying, traffic calming and changes to sidewalks and bicycle lanes, etc. We're not there, we're just trying to make it so the citizens are safe driving around and we're able to enforce our own speed laws.

DEPUTY MAYOR KERN seconded the motion. If there was previously no speed limit, does that mean we couldn't get speeding tickets?

CITY MANAGER WEISS responded there's still a prima facie limit, but you could have gone 45 mph there without getting a speeding ticket.

Regarding Corporate Center Drive, **COUNCILMEMBER FELLER** stated Oceanside Boulevard to Avenida de la Plata is only about 1,000 yards.

CITY MANAGER WEISS responded it's primarily a result of the downhill direction as to why the speed limit is higher.

COUNCILMEMBER FELLER stated these are such short distances. On Douglas Drive there's a short area where the speed limit increases from 45 to 50 mph.

CITY MANAGER WEISS responded the 50 is the section where it's down to one lane in each direction, which is where we have the speeding issue. We have had issues there legally in enforcing the speed limit.

COUNCILMEMBER FELLER thinks since it's such a short distance we should change all of it.

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

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

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

JIMMY KNOTT, 127 Sherri Lane, stated last Tuesday evening at the South Oceanside Community Association, the Oceanside Police Department (OPD) reported that there is a concern about auto break-ins. Most have occurred in residential or poorly-lit areas. OPD advised locking cars and homes and making sure your car windows are up. They also advise not leaving purses, computers, backpacks, etc. in plain view. If it looks inviting, it probably is. They advised telling visitors not to put their keys on top of their tires. If you have a break-in, call OPD.

There have been some business break-ins in the late night and early morning hours on Coast Highway. One business suffered a \$40,000 loss last week. We need to implement common sense security measures. If we see anything suspicious around our neighborhoods, don't hesitate to call OPD.

CITY COUNCIL REPORTS

11. **Mayor Jim Wood**

MAYOR WOOD announced the Martin Luther King, Jr., Bridge dedication ceremony tomorrow.

12. **Deputy Mayor Jerome Kern** – no report due to time

13. **Councilmember Gary Felien** – no report due to time

14. **Councilmember Jack Feller** – no report due to time

15. **Councilmember Esther Sanchez** – no report due to time

INTRODUCTION AND ADOPTION OF ORDINANCES – None

September 25, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 9:57 PM on September 25, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, October 2, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

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

OCTOBER 2, 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

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 2:00 PM, October 2, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Feller and Felien. Councilmember Sanchez arrived at 2:04 PM. Also present were Assistant City

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

October 2, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Clerk Trobaugh, City Manager Weiss and City Attorney Mullen.

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

[Closed Session and recess were held from 2:01 PM to 4:02 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Item discussed (Unrepresented); no reportable action

2. PUBLIC EMPLOYEE APPOINTMENT, PUBLIC EMPLOYMENT, PERSONNEL EVALUATION AND DISCIPLINE (SECTION 54957(b))

A) City Manager

Item discussed; direction given, no reportable action

3. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: El Corazon (APN 162-082-06,08,09 & 51); Negotiating Parties: City of Oceanside and Sudberry Development, Inc.; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for the lease of real property

Escrow closing date has been extended until November 17, 2013

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

Item discussed; direction given, no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:02 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 4-7]

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.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
5. City Council: Authorization to award a contract [**Document No. 13-D0652-1**] in the amount of \$314,988 to Jeff Tracy, Inc., dba Land Forms Construction of Laguna Niguel, for the construction of the Oceanside Boulevard Transit Access and Beautification Project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents
6. City Council: Adoption of **Resolution No. 13-R0653-1**, "...authorizing the submission of an application to the State of California Department of Housing and Community Development for a Multifamily Housing Program loan in an amount not to exceed \$3,000,000 for the Weitzel Street Apartments Project; and authorization for the City Manager to execute the required application forms, documents, and any amendments or modifications thereto"
7. City Council: Approval of an update [**Document No. 13-D0654-1**] identifying deficiencies and recommending upgrades to the Master Plan of Drainage

COUNCILMEMBER SANCHEZ moved approval of the Consent Calendar [Items 4-7].

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS – None

CITY MANAGER ITEMS

17. **City Council: FY 2012-13 Year-End Budget Update** (*Continued from September 25, 2013*)

MICHAEL BLAZENSKI, Interim Finance Services Director, has divided his presentation into three sections: revenues, expenditures and reserve balance. The original budget that Council adopted over a year ago was \$116,000,000. Council amended the budget for both one-time and recurring items. It increased the revenue estimate by \$9,000,000. The actual unaudited numbers are going to come in even higher than what was budgeted. The big one-time addition was for the sale of Laguna Vista, which was more than \$1,000,000 that Council didn't originally budget for. The total combined, unaudited number is \$127,000,000 in revenues for the current year.

Next year's budget for revenues is \$121,000,000, of which \$613,000 is going to be used from reserves. A computer graphic was used to show General Fund revenues. If you look at the actual unaudited numbers, Council actually received almost as much as was budgeted last year for revenues. There's a good chance that Council will not have to use as much of the reserves as was expected. There is nothing he saw that would indicate a decrease in revenues for next year.

The adopted budget was \$116,000,000 for expenditures. Council then approved various adjustments to the expenditures, as listed on a computer graphic. Council paid off some debt and allowed for a software update. There was an increase in Fire Department overtime and other increases. This was an increase of \$2,800,000, for an amended budget of \$119,000,000.

A computer graphic was used to show the unassigned reserves. For recurring items, Council increased the reserves by \$5,700,000. The one-time reserves were increased by \$6,600,000, for a total increase of \$12,000,000. However, we have some previously allocated one-time money, as was discussed at a previous meeting, of \$4,300,000 that was allocated from the sale of Laguna Vista. We have carryover spending of \$1,000,000. These are items that were approved in the prior year. We have contracts or obligations we have not yet spent that we'll be spending in the current year. The City Manager is allowed to carry these forward by the SOP's (Standard Operating Procedures) that Council has written.

We have a request to take part of the \$796,000 in saved money from police salaries and use that towards CAD, which is a computer automated dispatch system. The Police saved their money so they could pay for that, and Council will have to approve it tonight.

In effect, we have the unassigned current-year reserves, with recurring revenues and expenditures of \$3,900,000 and one-time money of \$1,900,000, for a total of \$5,900,000 of unassigned current-year money. The prior-year number was \$1,997,000, so the total unassigned reserves are \$7,900,000 as of June 30th.

MAYOR WOOD asked about the money from the CIP (Capital Improvement Program) funds from the downtown area.

CITY MANAGER WEISS responded the residual distributions we received from the former Redevelopment Agency are included in the one-time monies.

COUNCILMEMBER FELIEN stated the chart showed that Council was spending roughly \$400,000 out of the reserves for the 2013-2014 fiscal year. He asked what that consisted of.

MR. BLAZENSKI responded that was in the budget document. It dealt with Financial Services. The City Manager would remember that item. The item was in the budget that Council passed.

CITY MANAGER WEISS responded those are reserve funds that were allocated for the Oracle upgrade. When we accumulate money over time for that upgrade, it technically shows up in the budget as coming out of reserves.

COUNCILMEMBER FELIEN clarified it's money we've saved up and are now allocating, so it's a cash flow issue. We're not spending above our revenues deliberately?

CITY MANAGER WEISS responded that's correct. It's for a one-time expense.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated in the past Council has brought forward questions/issues about future unfunded debt, rainy day funds and funds the City has drawn to pay other things. What has been borrowed from the past was not displayed. What was shown is a current example of what has been expended and what is planned to be expended. This is an incomplete snapshot. He wants to have a more complete snapshot so the public has an idea of what is being shown to them.

Public input concluded

MAYOR WOOD asked for the balance number again.

CITY MANAGER WEISS responded what Council saw on the computer graphic is just a snapshot of the report that's in the packet. The report not only

addresses the City's General Fund, but all of the various Enterprise Funds as well. In reality, the City's overall operating expenditures as a whole were below budget and our revenues had exceeded our budget. As was presented to Council, those additional funds go into the unallocated reserves. That number was almost \$6,000,000 added to the unallocated reserves.

The action Council has to take is to approve the proposed adjustment for the Police Department's CAD system.

COUNCILMEMBER SANCHEZ moved to approve the adjustment for the Police Department's CAD system.

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

- 18. **City Council: Adoption of an ordinance amending Article 14, Section 14 and 14.1, of the Oceanside Traffic Code by the addition and changes of various sub-sections to establish various speed limits on various streets** *(Introduced on September 25, 2013, approved 5-0)*

After titling of the ordinance, **DEPUTY MAYOR KERN moved** adoption [of **Ordinance No. 13-OR656-1**, "...amending Article 14, Section 14 and 14.1, of the Oceanside Traffic Code by the addition and changes of various sub-sections to establish various speed limits on various streets"].

COUNCILMEMBER SANCHEZ seconded the motion.

Motion was approved 5-0.

MAYOR AND/OR COUNCILMEMBER ITEMS

- 16. **Request by Mayor Wood to make appointments to or motions for removal from some or all of the City's Advisory Groups**

Mayor's Appointments to Committees/Commissions

Term Expires

ARTS COMMISSION

Reappoint Karen Williams-Graham as Regular	7/1/2016
Appoint Jonathan Fohrman as Regular – MiraCosta Rep. (replacing Dana Smith)	7/1/2016

October 2, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Appoint Ruth Jameson as Regular
(replacing Gregory Snaer)

7/1/2016

ECONOMIC DEVELOPMENT COMMISSION

Reappoint David Morris as Regular – Banking/Finance Industry

9/26/2016

Reappoint Ward O'Doherty as Regular – Community at Large

9/26/2016

Reappoint Jerry Salyer as Regular – Manufacturer

9/26/2016

HOUSING COMMISSION

Reappoint Robert Mikulay as Regular

7/1/2016

POLICE & FIRE COMMISSION

Reappoint Tim Probart as Regular

8/1/2016

MAYOR WOOD moved approval to make appointments to or motions for removal from some or all of the City's Advisory Groups.

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

CLOSED SESSION REPORT

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

CITY ATTORNEY MULLEN reported on the items discussed in Closed Session:
See Items 1, 2A, 3A and 3B above.

CITY COUNCIL REPORTS

8. **Mayor Jim Wood**

MAYOR WOOD announced the Oceanside Senior Expo on October 10th in conjunction with the Farmers' Market at the Civic Center. He mentioned the letter he received from the Oceanside Museum of Art thanking the Oceanside Firefighters Association for in-kind donations to the Art Museum. He also received a letter from the Muscular Dystrophy Association thanking the Firefighters Association for their support in helping others. He congratulated Congressman Ron Packard on being named the Good Scout of the Year by the Boy Scouts of America.

9. **Deputy Mayor Jerome Kern**

DEPUTY MAYOR KERN is the liaison to the Harbor and Beaches Committee. They brought an item up that they'd like to bring forward to Council.

KEVIN BRYNE, Harbor and Beaches Advisory Committee, stated this is a grassroots effort to pick up where SANDAG (San Diego Association of Governments) left off on the regional beach Shoreline Protection Program, Phase 1 and Phase 2. From everything he could gather from going to their meetings, they are not moving forward. We're stuck between a rock and a hard place, in that our beaches still have a problem.

These programs were designed to last five years, and they've done a good job of doing that. However, we need to move forward on this for a number of reasons. First of all, it's a quality of life issue. Secondly, it's an economic issue. These beaches

generate money. SANDAG did a wonderful job in setting the Shoreline Protection Proposal Project. One of the things they studied in depth was the economics of this. There's a positive benefit-to-cost ratio to having stable beaches.

The proposal itself came out of a conversation he had with Ron Noble, who is a noted Oceanographer and Coastal Engineer. He designed the Oceanside pier and Phase 1 of the regional Shoreline Protection Project. Mr. Noble suggested that they put together a proposal and submit it to the City. Essentially, it's putting an expert opinion on a retainer. Mr. Noble outlined it in the scope of work, and Council and staff had an opportunity to look at it.

The objective is to select a viable plan to move forward into the future because we're going to have to. This is one issue that's not going away. The biggest threat is the rising sea levels, which is scientifically accepted. It's going to happen, and we have to protect our property. The simple way to do it is with soft seawalls, or beaches, because they are economically viable. We'll make money from the tourist trade and local residents going to the beach. It's a big part of Oceanside. We identify closely with our beaches.

We have to address this issue and we're behind on the process by five years. This needs professional discourse involving hiring an expert. He's not saying the City Engineering Department can't address the issues. They can, but there are times when you need to contract out some professional opinions.

DEPUTY MAYOR KERN stated since Council can't take any action on this tonight, he asked the City Manager to agendaize this for the next meeting on October 16th. Then Council can give direction at that time.

MAYOR WOOD stated for many years the City has gone to Washington, D.C. because the harbor is a joint harbor with the military. We're supposed to be guaranteed sand from dredging. We've gone back to do a sea study off Oceanside regarding our sand because of the jetty that stops it. However, they never get funding so it dies every year. The Deputy City Manager also asked for money for this study to keep the sand on the beach, but it's always pushed off because it's not an important enough issue for them to do anything.

Councilmember Feller has brought this up several times. Staff went back to Florida to look at how you can keep the sand on the beach. We've done some of these studies ourselves, but it doesn't get funding every time. If we do it, it has to be approved by the Coastal Commission and potentially by the Federal government because of the harbor. He's gone back to Washington, D.C. for at least nine years on this. It's sad that they never seem to have the funding for it.

It's an important factor for us when they do dredge. The last time they didn't put sand on the beach from the harbor because of the grunion. It's something we should put on the agenda and discuss.

MR. BRYNE stated Council has done a lot, and this is going to show the Federal government and State that we're serious.

DEPUTY MAYOR KERN stated a lot of things are happening on the San Diego Water Authority. We're on track to go to trial with the rate litigation with Metropolitan in December. The other thing is the Bay Delta Conservation Plan. That's going to be on the ballot next November. They also discussed the complicated issue of what to do with the Quagga mussels.

10. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended Oceanside Harbor Days; the ceremony

for the naming of the Mission Bridge in honor of Dr. Martin Luther King, Jr.; the Evening to Remember to benefit Solutions for Change; and the National POW/MIA Recognition Day at the Naval Hospital on Camp Pendleton.

11. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the opening of the Holocaust educational exhibit at the Army/Navy Academy; Oceanside Harbor Days; and the grand reopening of Eternal Hills Cemetery. He announced SANDAG's North Oceanside Double Track project informational open house on October 9th.

12. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended the ceremony for the naming of the Mission Bridge in honor of Dr. Martin Luther King, Jr. She announced the Oceanside Senior Expo at the Civic Center on October 10th; the Pride at the Beach event sponsored by North County LGBTQ (Lesbian, Gay, Bisexual, Transgender and Questioning Community) Resource Center on October 12th; the annual St. Francis pet blessing at the Old Mission San Luis Rey on October 5th; the St. Mary School annual luau on October 12th; and an evening of jazz and art at the Brooks Theatre, also on October 12th.

[Recess was held from 4:30 PM to 5:00 PM]

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Alexa Morgan

PROCLAMATIONS AND PRESENTATIONS –

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

Proclamation – Fire Prevention Week

Presentations were made

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

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

KATHY KINANE, 2987 Highland Drive, Carlsbad, is the Race Director of the 8th Annual Pacific Marine Credit Union Oceanside Turkey Trot. She's also the Executive Director of the Move Your Feet Before You Eat Foundation. This year it will be the largest one-day running event in all of North County. We will be limiting the attendance this year to 10,000 runners and walkers. Right now we're tracking at about 38% ahead of last year.

We had runners from 43 states and 440 cities last year. 2,200 runners came from outside of North County. Over the past seven years we've raised over \$140,000.

NADINE SCOTT stated last week Deputy Mayor Kern dumped seven good volunteers off the Integrated Waste Commission for private reasons, never proving to the public or anyone else that it was rational, logical, warranted or would incur cost savings. Deputy Mayor Kern made an incorrect statement to Council last week, impugning her integrity. He said that she requested that he fire everyone during a meeting she had with him. She is correcting that and any impression it may have left

on Council, the public and staff.

She is an attorney, an officer of the Court. She holds herself to the highest level of integrity and honesty, and she never said those words. She has worked with many throughout the years and has the utmost respect for Council and staff. In recent years with budget cuts, Council and staff have all performed admirably and provided even higher levels of service to the public, particularly Police and Fire. Many have seen or will see benefits erode due to the votes of Deputy Mayor Kern. She has always supported staff and will continue to do so. She supported staff during attempts at outsourcing jobs and strongly supports having adequate, well trained public safety staff in our City to keep it safe and a good place to live, invest and visit.

Please take Deputy Mayor Kern's statement for what it was. It was a political statement and nothing more than an attempt to denigrate her integrity and truthfulness. She does not take this behavior lightly. She will always be available to staff for whatever support they may need, as staff has been there for her. She thanked staff for being there for residents and businesses in Oceanside.

Last week she was present with Council and saw that Deputy Mayor Kern and Councilmembers Felien and Feller could not understand what a puppy-mill was, even after seeing graphic pictures that were time-stamped in 2012. She hopes this matter will come back and that Council will have a change of heart and be more humane. If we can't be humane to our animals, then what humanity do we have left?

JOAN BRUBAKER, 1606 Hackamore Road, stated apparently due to budget conditions with the Fire Department, one ambulance will be deactivated one night per week and rotated through the different stations. She can't understand how a \$65,000 over-budget situation is so damning for the Fire Department, when at the last Council meeting Council obligated the City for \$10,600,000 and a loan for new light fixtures. Granted, we need those lights, but Council had the previous loan paid off for the same purpose. That was about \$240,000 per year. This time Council has obligated itself for a loan payment of more than \$230,000, twice per year. This means that Council is not deficient in getting money for a project that they really think we need.

If there are people in a tragedy that need the Fire Department or a senior citizen who needs a ride to the hospital, Council may be sorry that they spent so much on streetlights and shorted the Fire Department. This is unconscionable. If Council intends to demobilize one station each night of the week, that is telling citizens that Council cares less about their welfare than about the streetlights.

JIMMY KNOTT, 127 Sherri Lane, congratulated the Utilities Department Green Team. They won third place in the Nail n' Sail competition. Tom Dempsey's family wanted him to convey their thanks to Council. They appreciated the kind words and the dedication of the moment of silence in tribute to Tom.

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.

15. **City Council: Adoption of a resolution amending the Parks & Recreation Master Fee Schedule to include new fees for Field Permit applications and adjusting fees for the Aquatic Programs**
 - 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 Councilmember Feller reported contact with staff only. Councilmembers Felien and Sanchez reported no contact.
 - C) City Clerk presents correspondence and/or petitions – none.

D) Testimony, beginning with:

EILEEN TURK, Neighborhood Services Division Manager, wanted to let the public know that starting Monday, October 7th, the swimming pool at Brooks Street will be closed for improvements. All of the swimming operations will move to the Marshall Street pool between now and Thanksgiving.

Regarding the fees, there are several recommended minor changes. One is an athletic field application fee of \$30 per application. That does not pertain to members of the Oceanside Athletic Federation, which is all of our youth groups that play on our fields on an annual basis. For our pool rental fees, one is \$20 per hour for lifeguards when people are renting the pool for a pool party. It's a fee to help recover the costs for staffing. There's a new boot camp at the swimming pool where you can get fit by exercising on the deck and in the swimming pool. It's \$5 per session. That is a new recommended fee. There are also a number of aquatic fees in which you can get a pool pass for certain months. That way people can be more flexible with their schedule and what their needs are for swimming. There's a lap-swim pass, a 4-month lap-swim pass and an unlimited pass. This is helping to bring our fees in alignment with our current structure of giving the public more choices.

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

DEPUTY MAYOR KERN moved adoption of **Resolution No. 13-R0655-1**, "...approving amendments to Parks & Recreation Master Fee Schedule," to include new fees for Field Permit applications and adjusting fees for the Aquatic Programs.

COUNCILMEMBER SANCHEZ seconded the motion.

COUNCILMEMBER FELLER stated you'll have to close the dog park at Marshall Street Park during that time because there'll be more people there. There won't be any room for all of the people that are using that as a dog park.

It looks like we're charging mostly adults and large groups in this package. The swim programs for adults are more than what we would normally charge for a child program. We need to consider that for adult soccer and softball, etc. Kids are a different deal. The next time the department comes forward with fee increases it can't be the same thing.

Motion was approved 5-0.

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 5:35 PM on October 2, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, October 16, 2013].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside