



California

ITEM NO. 3

CITY OF OCEANSIDE

MAYOR AND COUNCIL WORKSHOP

NOVEMBER 13, 2013

ADJOURNED MEETING 2:00 PM COUNCIL CHAMBERS

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

Mayor

Jim Wood

Deputy Mayor

Jerry Kern

Councilmembers

Jack Feller
Esther Sanchez
Gary Felien

City Clerk

Zack Beck

Treasurer

Gary Ernst

City Manager

Peter Weiss

City Attorney

John Mullen

The adjourned meeting of the Oceanside City Council was called to order at 2:03 PM, Wednesday, November 13, 2013.

2:00 PM - ROLL CALL

Present were Mayor Wood, Deputy Mayor Kern and Councilmembers Sanchez, Feller and Felien. Also present were City Manager Weiss, City Attorney Mullen and City Clerk Beck, who led the Pledge of Allegiance.

WORKSHOP ITEMS:

1. Presentation of proposed Airport Master Plan Process

DOUG EDDOW, Real Estate Manager, stated staff is here to present the Master Plan process that we're undertaking at the Oceanside Municipal Airport. The FAA (Federal Aviation Association) requires the Master Plan to be updated periodically before development can occur at the airport. That was last done in 1995, so we're in the process of updating the Master Plan.

The City, as the property owner, is the underlying sponsor. We got a grant through the FAA in order to pay for the Master Plan process. The Master Plan process is initiated by the tenant at the airport, Airport Property Ventures (APV), who hired AECOM as a consultant to prepare the Master Plan. That was done through a lengthy RFP (Request for Proposals) process.

JOHN DRISCOLL, Airport Property Ventures, stated we sent out an RFP under the guidelines and requirements of the FAA. We got 5 or 6 responses and went through a selection process with background checks. The result was that we selected AECOM,

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who has a huge background nationally and internationally. The group that we hired has a big practice in general aviation airports.

We're in the early phases of this. In the next phase we'll undertake working with the City, the community and the airport tenants to come up with a plan and layout of what kinds of hangars and activities we should have, i.e. maintenance activities and hangars or any other number of aviation-related activities. There will be a proposed layout. The demand will ultimately determine what kind of aviation sources are provided, but the traditional types will be available.

ANDREW STANLON, Project Manager, AECOM, has been doing airport planning for over 14 years. He has been focused in Southern California general aviation airports. He has completed over 90 projects, and most of those have been for general aviation airports. He's worked at some of the neighboring airports. Each airport is unique, and Oceanside is no exception. We enjoy the new challenges at every airport.

According to FAA Order 5100.38B, an airport Master Plan represents sponsor-approved actions to be accomplished for phased development of the airport. The sponsor in this case is the City, so it's your road map on how to develop the airport. The Master Plan focuses on aviation uses first, which is what the FAA is most concerned about. This project was started in March of this year, and we're anticipating completion of the Master Plan in June of 2014. The last Master Plan was adopted in 1994-95. There have been many changes, not only to the airport, but also in the industry; hence the need for the update. Typically, the FAA likes to see an update every 5-10 years. However, they've relaxed that a bit by saying as there are significant changes at an airport, then they would need to look at a full Master Plan.

This project is sponsored by the City and is largely funded by an FAA grant. It's being performed by a consultant team. At the end of the project, we'll have a new Airport Master Plan to guide the development of the airport for the next 20 years.

Since this is an FAA-funded project, there are guidelines that we're following. First is the data gathering phase of the project. As part of the process, we inventory the airport, look at how many facilities there are and the conditions of the facilities.

We also sent out, as part of the project, a base aircraft owner's survey. We received about a 35% response rate. We also talked with the individual fixed-base operators at the airport to learn more about their operations and what their goals are for the airport.

The next step after the inventory is looking at the forecast of aviation demand. As a general aviation airport, that's primarily looking at based aircraft and operations. Once we understand what the demand is, we can calculate what the requirements are to accommodate that level of demand. We can then compare it with what's available at the facility today and develop a list of needs for the airport.

With that list, we can start finding alternatives on how to accommodate the demand at the airport. We work through, refine and ultimately come up with a recommended concept for the airport. That will be further detailed, including a list of improvements and the funding plan associated with it. Ultimately, a final report will be prepared, along with a set of plans for the airport layout, financing, associated drawings, etc.

The Technical Advisory Committee (TAC) is comprised of City, FAA and APV staff. The role of the committee is to guide and direct us throughout the process. We provide draft information to the committee for their review and input.

A computer graphic was used to show open houses that are available to all members of the public. As part of an open house, we extended an invitation to the Citizens for a Better Oceanside (CBO) and the Oceanside Airport Association (OAA),

neither of whom was able to attend. We're anticipating another open house in late January or early February.

Once we have the final document, we need to get FAA's approval for the Airport Layout Plan. Also important is running this past Caltrans. There is a need for federal and local environmental studies. Once the California Environmental Quality Act (CEQA) work is done for the Master Plan, then the Master Plan, along with the CEQA documentation, can be presented to Council for adoption.

The existing airport facilities include one runway about 2,700 feet long and 75 feet wide, with edge lights enabling nighttime operations and helping in periods of lower visibility. There are runway and identifier lights on the eastern end that also help during periods of lower visibility and nighttime operations for the pilots to identify the end. There is a full parallel taxiway to the south of the runway that provides access to all of the facilities on the south side of the airport. There are instrument Global Positioning System (GPS) approaches to both runway ends. This is used primarily during lower visibility conditions to help provide a prescribed route to the runway. There is a terminal/administrative building about mid-field on the south side of the airport. There are some hangars and tie-downs on the south side of the airport. There is an aviation fuel dispensing facility with 2 underground tanks near the terminal building and a tenant at the airport that provides major power repairs.

Some of the key issues we're looking at as part of this are listed on a computer graphic. However, the list primarily focuses on the FAA design standards that we're looking at, which include runway/taxiway separation, since they're too close to each other. Associated with that, the hold line is too close to the runway. There are objects within certain safety zones, such as the runway safety area, runway object-free area and obstacle-free zone. There are non-standard markings on the runway and land-use compatibility challenges with the runway protection zones. As a result of a recent project to shorten the runway, there's an aligned taxiway on the westerly end, which is not recommended by the FAA.

Recently, the FAA provided some additional guidance on taxiway entrances to the runway with respect to location and angle, and there are some differences to that at the airport. The Threshold Siting Surface is the surface used to identify the landing point, and there are some trees that need to be trimmed there. Also, the main road penetrates that surface.

The last item on the list is the indirect access straight from the apron area onto the runway, which could potentially cause confusion for some pilots.

Regarding aviation demand forecasts, the 2 metrics of aviation demand are take-offs and landings, which are common for a general aviation airport to look at for based aircraft and operations. We presented this forecast information on August 14th to the TAC, and it was available at the open house. During the TAC meeting, there were some issues and concerns raised that we were understating demand. Therefore, we've now forecasted it based on new conditions that have occurred since December of 2012 to reflect new based aircraft tenants and construction of the new hangars, which are also bringing in new tenants. As a result, the forecast has increased a little for based aircraft and operations.

A computer graphic showed the based aircraft forecast projection. Historically, the based aircraft peaked in the early 2000's with 81 based aircraft at the airport. We've developed a range of forecasts with the low growth consistent with FAA's forecast for the airport, as well as the medium and high growth. In terms of numbers, the high growth is about 107 based aircraft; medium growth is 90 and low growth is the same as today at about 72.

The forecaster developed the information we provided in August based on a competitive market area, looking at nearby airports such as Palomar, French Valley,

Fallbrook and Montgomery Field in Ramona. He also looked at market shares that Oceanside has historically captured in this market area and adjusted the market share going forward. Historically, the airport has captured about 4.4% of the market area. The low was 3.8%, and the high was 4.8%.

When we presented the information in August to the TAC, they felt the growth rates were okay but that we had a bad starting point. Once we adjusted the starting point to the current level of based aircraft, we kept the growth rates the same. The medium growth is about a 1% annual increase in based aircraft. The high growth represents about a 1.8% increase in based aircraft. That would equal 7% of the market share for the high growth and also 5% for the medium growth. Both of those are higher than the historical average for the airport.

In 1977, the City passed a resolution eliminating the number of based aircraft at the airport to 250. As part of this study, not only are we showing what the facility requirements are for the selected medium growth forecasts, we're also reflecting what the requirements would be at the maximum condition. This gives Council and staff a lot of decision-making capability.

It's a similar chart for the operations. We're showing a bump in the short-term years to reflect the recent increases in traffic that we've seen primarily with Tsunami Skydive coming in and having success at the airport. The operations are forecast by looking at a ratio of the number of operations per based aircraft over time. For each scenario we had a different number of based aircraft.

For operations, high growth represents about 33,000 operations in the year 2035 and about 310 operations for based aircraft. Medium growth is 24,000 with about 270 operations for based aircraft. Low growth is about 16,000 operations annually and about 220 operations for based aircraft.

Looking at the FAA guidelines, their rule of thumb is about 250 based aircraft for a non-towered airport. We're well within that range and feel comfortable with that forecast. The City resolution does not restrict or place a limit on operations. If the based aircraft maximum is reached, we would expect the same level as historically, which is around 75,000.

Facility requirements refer to the airfield approaches, navigational aids, visual aids, etc. Some of the facility requirements are identified as strengthening and rehabilitation of pavement, primarily in the apron areas; providing some runway shoulders; and installing mandatory FAA signs that are not present on the airfield to comply with FAA design standards. The airport has been around for over 50 years, and over time the design standards have continually evolved and changed. We're going to comply with those standards the best we can within the facility.

Other facility requirements deal more with the parking of aircraft, apron areas, terminal buildings, hangars and auto parking. We show there is a requirement for 2,000 square feet per terminal building, versus about 2,400 square feet present today for the terminal building. The City resolution sets the maximum at 250 based aircraft, so it would be 3,200 square feet required. The terminal is one of the original buildings and is nearing the end of its useful life. It's in need of either major renovation or replacement. About half of the terminal building is presently leased out to the tenant. While there is 2,400 square feet of terminal building available, not all of it is presently being used for general aviation.

Transient tie-downs are people visiting the airport, looking for a place to park. We show a need of 7 in the year 2035. There are 6 at the airport right now. There are 37 individual hangar spaces available and rentable. We identify a need for 20 more in the year 2035. The conventional hangar of about 1,600 square feet would be a larger hangar that could accommodate multiple aircraft, or it could be comprised of individual hangars, depending on demand.

Parking is another situation where the numbers don't quite add up to what exists. We used the rule of thumb that is commonly applied at general aviation airports, which assumes that people will be parking their car on their tie-down or in their hangar when they're out flying. The unique situation here is the skydiving activity, and the amount of traffic it's generating. While it shows a need of zero at this point, we'll be adding some additional parking to accommodate that unique operation.

Right now you have two 10,000-gallon underground storage tanks for fuel. We're projecting a need for 7,000 gallons of capacity and a 30-day reserve. There is no need for additional storage tanks for the aviation gas. In contrast, there are no Jet A storage tanks available at the airport, and there is a need of about 8,000 gallons in the year 2035.

Fixed based operator space, or Special Aviation Service Operator (SASO), presently has about 1/2 acre of land dedicated to it broken up around the airport. For an airport of this size, 2 acres is more appropriate. There is a need for an additional 1.5 acres to be dedicated for those uses.

Presently, a storage container is being used for airport maintenance. As more equipment is required to maintain the airport (tractors, sweepers, etc.), there is going to be a need to increase the space to accommodate those items.

There is a floodplain area to accommodate overflow from the river, and that area cannot be developed. As a result, there is an area that is cut-off from the airport. That lends to justifying with the FAA the release of that land from aviation only uses. That way, it could be used for non-aviation uses that could hopefully generate revenue and help sustain the airport.

The terminal building has good placement. It's a good entry point to the airport and has good access to Highway 76. That is where the terminal building should be.

On the southwest corner, there are presently tie-downs. There is insufficient room between the taxiway and the fence to do much else, so tie-downs are a good fit there.

On the north side of the airport, there is a weather sensor. As part of that, there's a buffer that needs to be accounted for. You can't have any buildings within 500 feet. If you have anything closer, you start to affect the wind readings of that sensor, and it will provide inaccurate reports to the pilots. We need to consider that as part of our process in laying out facilities.

On the south side, the H hangars need to be removed. We need to decide if it makes sense to put them in the same configuration or maybe twist them so they're perpendicular to the runway.

The next steps are refinement of the facilities within the areas identified; identifying a recommended development concept for the airport; preparing an airport layout plan/drawing and associated drawings with it, which will include a list of improvements required to implement the recommended plan shown on the airport layout plan; creating a funding plan for the improvements; and preparing the draft final report and airport layout plan drawing set. At that point, we would be meeting again with the TAC. We'll share draft information with them all along, but will have a formal meeting at that time and have our last open house. We're projecting that for late January or early February.

We will be submitting the draft documents to the FAA for review and approval. During that time, we'll meet again with the CBO and the Pilot's Association. We'll incorporate all of their feedback into a final report and begin the process of

documenting the environmental requirements. After the environmental is done, it will be presented to Council for approval.

Public input

DIANE STRADER, 1400 Marquette, is not against having an airport in Oceanside, but would like to have the pilots be responsible. Most of them are. We've identified 4 airplanes over and over again that have been a problem. She has concerns about bringing in more planes and pilots.

In terms of the plan, she suggested meeting with the Eastside Neighborhood Association (ENA), since we are greatly impacted by the planes that fly over us. The mobile home residents that live around the airport should also have some input.

She's concerned with the timing of this input for the citizens because it occurs after they already submit a draft to the FAA. It seems they would want that input before they submit it to the FAA.

She asked if environmental documentation includes noise as an environmental impact. Are they going to check the noise levels in our area as it relates to more airplanes potentially flying out of the airport?

She's not against the airport. She just wants pilots to be responsible.

TIM BROOM, 1429 Papin Street, works with the ENA and has generated over 100 written complaints that still have not been responded to. He looked over the information, and the only issue he has to bring up is noise. He didn't see anything about noise mitigation. This is an ongoing problem for a few neighborhoods. Sometimes after we've complained, it will get better for a few weeks, but then it's back to the way it was. It's basically a handful of pilots. The majority of the pilots who use the airport are good neighbors. We are not looking to close the airport; we're just asking the pilots to be good neighbors.

JIMMY KNOTT, 127 Sherri Lane, stated there have been some reports in the past by SANDAG and the Regional Airport Authority. How have those been integrated into any Master Plan? To become a fully functional and safe airport, we need to obtain the land where the drive-in theater was. How are they addressing the flood plain or emergency air vehicle use? He'd like to see a visioning process for the future of the airport. He urged Council to ask questions about this.

JOAN BRUBAKER, 1606 Hackamore Road, is delighted to hear about getting the new hangars next to the highway. Some of them are in a terrible state. She's delighted to see the airport looking forward and hopes it succeeds. A restaurant in the airport would be a great idea.

GORDON NESBITT, 4437 Mission Avenue, is President of the Oceanside Airport Association, which has just short of 1,000 members. All of them want to have a vibrant local airport. The Airport Association's Vision Statement was developed in 2007. Our association strongly believes that the City needs to provide this or a similar Vision Statement along with associated development goals and timelines to members of the TAC. FAA guidelines for the development of Master Plans are clear that the sponsor's vision is a key element in planning airport development. Further, those FAA guidelines point out that requirements mandated by such a vision statement will impact the growth of the airport. Breaking it down into development goals should then be a simple matter. Numerous examples of these exist in APV's 2007 proposal presentation to the City and again in the current development agreement with the City. Additionally, the Airport Association has frequently disseminated our suggestions in this area over the last 6 years.

Arriving at the Oceanside Airport should be a signature experience for out-of-

town visitors. A bike ride to the beach, a sunset biplane ride or simply having lunch while watching airplanes land will leave strong positive memories of time spent in Oceanside by our visitors. Amenities like observation decks, a small airport café and a living museum will create an environment that is inviting to City visitors and community members.

There are many successful airports in Southern California, and they have busy restaurants, provide amenities for the flying and non-flying public and welcome the aviation interests of their communities. Visit one of these on a weekend, and you will see how their development has created an excitement about the airport that has permeated their community and draws frequent visitors.

He hopes Council will consider the suggestion to provide visionary guidance to the TAC because this plan is important and will provide our roadmap to our future airport.

Public input concluded

DEPUTY MAYOR KERN agrees with a lot of the speakers. Not only has AECOM not consulted the public, they haven't even consulted the tenants. If you go back to their computer graphic about next steps, nowhere does it say they contacted the tenants. Hopefully, when they did Gillespie and Cable airports they didn't ignore the tenants or the public. He's afraid that we're developing a Master Plan in a vacuum. It's not going to be a good one unless we get everyone involved: the neighborhoods, the tenants and the Airport Association.

There is one line in the computer graphic that says an airport Master Plan represents the sponsor's approved actions to be accomplished or phased into the airport. When his colleagues voted for APV, this computer graphic was in their presentation. Every single one of these needs to be incorporated in the Master Plan because that is our vision. We're not going to go backwards on this. We have 14 acres on the north side. He asked how much traffic is on Highway 76.

MR. STANLON responded he doesn't know offhand.

DEPUTY MAYOR KERN stated there are 54,000 cars a day that pass the airport. By 2030, there will be 66,000 cars that pass the airport. You are missing a huge opportunity if you don't start tapping into the traffic that goes by, as far as the development of a restaurant and other amenities that we've talked about. Mr. Stanlon received his email about the open house and how it wasn't aspirational. Oceanside needs to be aspirational. We need to aspire better than this.

Mr. Stanlon said Oceanside will get a market share. Is that based on a marketing plan? He has not seen a marketing plan. If they're using a marketing plan, he'd like to have a copy of it.

MR. STANLON responded it's not based on a marketing plan; it's based on a historical market share for the airport.

DEPUTY MAYOR KERN has a degree in marketing. When you talk about market share, you have a marketing plan, and you try to get people from other airports to come to you. You take away their market share because you have a better product. We need a better product than this. He knows we have until June and these are the first steps, but there is a long way to go before we get to a plan that he will approve.

He saw nothing about the public or the tenant. Mr. Stanlon said they did Gillespie and Cable airports, but did he ignore the tenants at those airports when he developed the Master Plan?

MR. STANLON responded it is a similar process where we had open houses

available.

DEPUTY MAYOR KERN stated it was a simple yes or no question. Did Mr. Stanlon ignore the tenants?

MR. STANLON responded no, we did not ignore the tenants.

DEPUTY MAYOR KERN stated when Mr. Stanlon brings in the flowchart next time, Deputy Mayor Kern wants to see where he met with the tenants. He understands CBO and they have a valid reason to meet with them, but Mr. Stanlon also has a valid reason to meet with the tenants at the airport and not ignore them or lump them in with the public at an open house. They're the ones that are going to pay the freight, tie-downs and hangars. It's their money.

Mr. Stanlon needs to go back and re-evaluate this. Right now, this is horrible. Hopefully, in the next 6-8 months we can come up with something better than this. He thanked Mr. Stanlon for his time and for working on this so far, but there's a lot of work to do.

COUNCILMEMBER SANCHEZ stated Mr. Stanlon indicated there are signs that need to be placed. She asked for some examples of signs that are not included now, but that are mandated by the FAA.

MR. STANLON responded specifically it is the runway hold signs. There should be a red sign next to the hold lines, indicating that they're at a hold line and the runway is in front of them.

COUNCILMEMBER SANCHEZ asked how many signs we are talking about.

MR. STANLON responded there are six taxiways entering the runway, so there would be six signs.

COUNCILMEMBER SANCHEZ stated Mr. Stanlon also mentioned some design changes over time that would have to be incorporated based on FAA requirements. She asked why the design requirements have changed over time. Do they have to do with new safety requirements?

MR. STANLON responded that over time, the FAA has evolved their design standards to accommodate and enhance safety at an airport.

COUNCILMEMBER SANCHEZ asked if the things we need to consider now, in terms of changes to the airport, have to do mostly with safety.

MR. STANLON responded for the ones that were listed, yes.

COUNCILMEMBER SANCHEZ asked if those are the 10 design changes listed.

MR. STANLON responded yes.

COUNCILMEMBER SANCHEZ didn't know he was matching it with what he was talking about with the design requirements. There were some comments about noise. That will be studied during the environmental process. Is that correct?

MR. STANLON responded that would be part of the environmental process.

COUNCILMEMBER SANCHEZ asked how many community meetings he plans on having altogether, including CBO, Eastside Neighborhood Association and the Airport Association.

MR. STANLON responded we have two in our contract, and we've used one

already.

COUNCILMEMBER SANCHEZ asked if it would be possible to add a couple more community meetings. This is a first Master Plan, then there's the environmental process, and then there'll be other changes. Is that right?

MR. STANLON responded there might be some mitigation measures as part of the environmental studies, but the underlying concept would probably not change too much.

COUNCILMEMBER SANCHEZ asked if the request for more opportunities for input would be important prior to approval of the Master Plan, since Mr. Stanlon doesn't anticipate major changes after that. Is that correct?

MR. STANLON responded that would be true.

COUNCILMEMBER SANCHEZ asked if he will be able to incorporate that in his timetable.

MR. STANLON responded yes.

COUNCILMEMBER SANCHEZ asked if he can say how many additional meetings he'll be able to incorporate.

MR. STANLON responded we would need to discuss how many would be requested of us. We understand there are a couple of important users and special local interests here, so we need to discuss with APV and City staff how many meetings that would be and if they would be combined or separate meetings.

COUNCILMEMBER SANCHEZ gets the sense that he'll be happy to meet with the Eastside Neighborhood Association, the tenants and the Airport Association. Will all of this be incorporated into his plan?

MR. STANLON responded the comments provided will be incorporated.

COUNCILMEMBER SANCHEZ asked if he means the additional meetings will be incorporated in the plan.

MR. STANLON responded the feedback we receive from meetings will be incorporated.

COUNCILMEMBER FELIEN hopes that at the end of this process we will have a plan that's a little more visionary. Maybe this is just the first step, but what he sees here is the nuts and bolts of what we have now, with a little fudging around the edges but without really going beyond that. As he sees the airport market, you have the planes that are based there, the planes you want to fly in there, and then you have the general public who doesn't own an airplane but might come to events or activities at the airport. As far as trying to get people to fly here, he's not seeing that in the plan.

He's hoping the Master Plan will involve working with Visit Oceanside, our tourism department, to create reasons for people to come here, to actually create events, such as Antique Airplane Days, etc. There could be some kind of airplane competition of who has the happiest looking airplane or other silly things to get people to want to come. Obviously, it would involve some experimentation, but he never would have thought a Turkey Trot, where you get people to run around on Thanksgiving morning, would get more than five people. Now we're going to have 10,000 people show up to run on Thanksgiving. You never know what's going to take off.

Oceanside is a unique tourist destination. We need to tie in to the pilot community as part of a niche market. In terms of the public, there are people who have

never owned an airplane, but they're driving by Highway 76. If you have a restaurant there or other events/activities, you're going to pull some of them in and have a chance to make some money to support the airport. He wants to look at that market.

As Carlsbad expands and Orange County Airport continues to expand, it seems that we ought to be going after those pilots of small planes who don't want to rub elbows with jets. We can say that we have a nice, calm airport. You don't have to wait in long lines to find a runway, and it's a less intense atmosphere. That would have an appeal to a certain segment of the market that big airports don't.

The other issue that was touched upon is public buy-in. The community of Oceanside needs to see the airport in a positive way. All of us involved in it need to conduct ourselves in such a way that the airport is a partner and not an adversary with members of our community.

The issue of complaints was mentioned. People call, and they don't get a response. He asked if there's any kind of written policy dealing with complaints. Does someone actually talk to the pilot and say they got a complaint about his/her airplane and to make sure it doesn't happen again? How does that work?

MR. DRISCOLL responded we have a Fly Friendly policy. We have maps that we hand out to every pilot, particularly the itinerants, who seem in general to be the biggest problem in terms of misbehaving. There are a couple of noisier aircraft at the airport. When people fly out, the manager at the airport announces to fly the routes. If we can identify the tail number on the aircraft, we will contact them. We've had a number of occasions where we have people being trained to fly, using Oceanside as their training facility. Typically, those are coming out of Palomar Airport. We'll get the number, call the flight school, tell them what's going on and ask them to stop.

We do everything we can. We can't call the pilot while he's in the air and tell him to go fly in another direction. There's always a case where people fly inappropriately because there's a lot of traffic in that area. Where we can, we respond to every complaint. We had a fairly good relationship going with the Eastside group. It was not a concern for a long time, but now they're very concerned. We have spent a lot of time talking with them in trying to figure out what else we can do to make sure that they're not impacted.

The tenants are very good in general. They get it and want to be friendly. They have no interest in being bashed by the community for misbehaving. There may be a few aircraft that are louder flying out of this airport. Maybe on occasion they misbehave, but people know who they are. They let us know, and we talk to them.

COUNCILMEMBER FELIEN wanted to make sure that every effort is made to get the complaint to the pilot.

MR. DRISCOLL stated as we grow and develop this airport in a meaningful way that's fun for everybody, there is going to be more traffic. This means we're going to have to be more vigilant in terms of making sure that the community's interests are covered at the same time the flying public's interests are taken care of.

COUNCILMEMBER FELLER stated a few years ago he and two other Councilmembers stuck their necks out to save this airport. He was under the assumption that we were thinking these rules have to be followed. The biggest complaint was regarding the landing pattern. He asked how high a plane goes when it takes off. Is the pilot supposed to get to a certain height within a certain timeframe?

MR. DRISCOLL responded they're supposed to be at 1,000 feet.

COUNCILMEMBER FELLER asked at what point they have to be at 1,000 feet. Is it by the time they get to the I-5 Freeway?

MR. DRISCOLL responded yes. Some climb fast and some aren't powerful enough to climb as fast. Things were pretty good for a while. Eastside is now more impacted than the other part of the community. The north side has not been a big issue. Some may be impacted by the helicopters. Unfortunately, REACH Air Medical Services has a fairly good sized helicopter. It makes noise, but people are fairly understanding of police, fire and medical helicopter noise. Still, we've had a few more complaints from that.

We have a couple of helicopters that are based there. We've spent a lot of time talking with those folks, and they seem to get it, although it's impacted some different areas. Even around the Mission, where we used to get a number of complaints, we don't get them anymore. The Abbott decided to come down and ask some questions at the open house, so he sent him to Rich Graham to answer those questions. Rich runs Tsunami Skydive.

We still need to work with the Eastside neighborhood; that seems to be the key place. Beyond that, everybody does try hard to behave.

COUNCILMEMBER FELLER asked how many complaints we have gotten.

MR. EDDOW responded those complaints are directed to APV. They handle them directly. There are very few that get to the City, but as soon as we get them we forward them to APV to be resolved.

MR. DRISCOLL responded we've had fourteen complaints in the last quarter. We did get 100 complaints from Eastside, but we haven't gotten any this quarter. 5 or 6 of those are helicopter complaints, and the rest are general aviation.

COUNCILMEMBER FELLER asked if the complaints were from 100 different people.

MR. DRISCOLL responded just Eastside brought those in. They presented them to Council at a public meeting as well. On average, 14 complaints is a little high. Again, because we're able to monitor and track these aircraft, we can seek them out and talk to them.

COUNCILMEMBER FELLER hopes that's what they will do because it's one of the things he was expecting when we took the stand to save the airport. We've got a jewel out there. He concurs with Deputy Mayor Kern on some of the issues about the Master Plan as far as what we asked for initially. Some of those concessions have to be discussed. Mr. Driscoll is saying next steps, but are those before or after the next meetings?

MR. DRISCOLL responded there is nothing more bland and unexciting than the first phase of the Master Plan. It is a bunch of data collection. It's significant, mostly with respect to the FAA, but very little with respect to the real development that's going to occur at the airport. We are no less committed or engaged in making sure that this airport becomes the potential jewel that it can be.

This is a very neat little airport. It's never going to be a zillion planes coming in and out, but as we develop the actual layout of the airport, there's nothing that Deputy Mayor Kern, Mr. Nesbitt or anybody said that we don't embrace. That's what our proposal was all about. Phase 1 does not define the future of this airport, except mostly for purposes of runways, taxiways and things like that. With Phase 2 we will get very engaged with everybody, with respect to what they want to see this airport look like, including what individual Councilmembers recommend.

As this moves along, it will change in the course of the development of the final plan. This is a living document. It's Council's document, not APV's document. Council

will rule this document. It's our job as the contractor to get the right people to do what's required. This says nothing about the great potential we see down the road besides the hangars, restaurants, etc. Everything else we said we were going to do, Council will see in the final plan. We will engage all kinds of people to finally get there.

Councilmember Sanchez asked how many meetings we would have. There were two meetings that were broad meetings, like the one we had at the open house. In Phase 2, we plan to meet a lot with individual groups. The CBO was identified because under the CBO agreement with the City, it's a requirement. We felt that we should put it in there, as opposed to listening to everybody else that's a stakeholder.

We will meet with the tenants, association and the community.

COUNCILMEMBER FELLER appreciates Mr. Driscoll's words. Are the next steps to be completed after the next meetings that Councilmember Sanchez asked about?

MR. DRISCOLL responded the next steps would include those meetings. People would be involved in making the decisions.

COUNCILMEMBER FELLER asked how many people attended the open house on August 14th.

MR. STANLON responded 25 people signed the sign-in sheet.

COUNCILMEMBER FELLER stated Oceanside Airport Association's vision doesn't have any discussion of a flight school, but they've asked us about it. He asked Mr. Driscoll if that's something he's going to hear about.

MR. DRISCOLL didn't bring the letters with him. As he recalls, one of the letters we received from the FAA stated it could no longer enforce certain elements of the agreement, and flight schools was one of those. We've talked with each of the flight schools at Palomar and haven't seen anything. We have a flight club, in which some of the pilots are based at the airport.

We've had a proposal from one individual recently. He has given us some drawings and is interested in putting together a flight school. Mr. Driscoll doesn't see anything wrong with it. We would be interested in a flight school. It brings life and training to the airport. Councilmember Felien asked what about Palomar? Palomar, in some respects, would like to chase away a lot of their general aviation activities so they can include more commercial and jet traffic. A marketing plan will be developed in terms of how we do this. However, as you look around this whole area, it's a big potential for Oceanside to accommodate all of those people who were moved into tie-downs a number of years ago.

Even though the demand statistics are mandated in a certain way as to how they come by them, we have to overcome that. The high growth number is 87, even though general aviation activity has gone down nationwide since the economic crisis. It's a little slower all over the place, but we need to really be aggressive in trying to fill as much as we can. We're not putting money into this airport so that we can get ten more people over here. It's not going to make money for us, and it's not going to benefit the City.

A flight school will have a meaningful influence on our activity at the airport.

COUNCILMEMBER FELLER stated the Airport Association and the tenants are certainly just as important as CBO and Eastside neighborhood. When we call these meetings with the public, it's the same 6-12 people. He hopes they have some way to reach out to the public.

MAYOR WOOD stated this airport used to be on Oceanside Boulevard many

years ago. It moved over to this location in 1976. We can't extend the runway because it's landlocked. Between the drive-in and the river, it can't be any longer. The reason we went to an outside business to take over the airport was because Oceanside was in the hole with the money. The airport wasn't making money for the City.

The issue back then was what to do with this valuable piece of property on Highway 76 that was not paying for itself. The City also got tired of answering the complaints about the noise. The worst help we got from anybody was from the FAA. We gave them the airplane tail numbers, and they didn't cooperate with us. We went outside to have somebody make it into the jewel it's supposed to be, to make money and to keep the neighbors from calling us all the time. They took over all of the complaints.

It's a good airport. Carlsbad would like to get all of the general aviation out and go with commercial jets, etc. They're going to push them out to other airports like ours. The problem with the land lock is that when you see the design, there's not a whole lot of space. The north side has a little. However, some of it's a flood area, and we'd have to take water out to a pond.

The people who took over the airport have been tied up for a long time in litigation with the FAA, Deutsche Aerospace and Oceanside. There's not much they could do while litigation was going on. Now they're finally getting started in moving forward on the airport.

He went to the open house. There weren't that many people there, but people from everywhere in the neighborhoods were telling staff what they thought should be done or had noise complaints. It was an open meeting. People openly addressed the staff about their concerns. He told the group that he gets complaints every day about noise from the airport, but it's only one airplane - the skydiving plane. It's a big airplane that gets up fast, goes high and flies over all of the mobile home parks. He told them his only complaint is the skydiving plane because the motor is loud.

If skydiving is going to be a recreational sport there, that's the airport's decision to make. The people at the public meeting also shared their concerns, so the airport staff knew where the complaints were coming from. The touch-and-go pilots that come into the airport cause the most complaints because they fly over the mountains on the north side. When you look down at the airport, it looks like you're at 1,000 feet, but over the houses you're probably at 200 feet. He doesn't know how to address that. The airport experts will have to address it.

It's not a bad airport. It's going forward and we're going to have nice things there. When you drive down Highway 76, it's somewhat of an eyesore. A couple of the old hangars look like they're ready to be burned down. It would be nice to make it look better for the very busy highway.

There has to be some other draw for that location in the future. We've had a few years of the economy going downhill, and they're no different than anybody else. Nobody wanted to build anything until the economy leveled out or started turning up. He agrees that they need to deal with all of the parties involved: the Airport Association, CBO, Eastside, etc. He knew they were going to have other meetings, but not many people showed up. They need to get more people to show up and talk about their complaints. Once we get through that, we'll see an airport that's going to improve.

The biggest landowner next to the airport is Deutsche Aerospace, and that was sold. Another company owns it, and Deutsche wants to leave. Can't the FAA or somebody else with federal grants buy out that land? That is a very big space on the north side. Most of Deutsche is a park for the company. It's a big piece of land that the company is looking at leaving. It's probably the third biggest employer in the area. On the other hand, they don't like being boxed in either.

We have a lot of possibilities for the airport, the land and what can be done about the noise. The noise we get now is never anybody from that airport; it's people coming in from the outside who don't know the landing patterns. It needs to be addressed by getting all of the parties involved together, including the City, neighborhoods and all of the airport associations. He was told at the meeting that they planned on doing that in stages.

It's going in a good direction, although a little slowly. It's been slow because of the economy. He doesn't want to beat up these people who drove up from Los Angeles. He wishes for the best. He had his doubts about the airport because he thought it was more valuable for something else other than an airport. We found out that's not going to happen. When the FAA said that, he changed his mind and said let's go forward and make it the best it can be. There are nice people there that do a lot of good things for the community.

[Mayor Wood left the meeting at 3:22 PM. Deputy Mayor Kern chaired the meeting in his place.]

COUNCILMEMBER SANCHEZ thanked Mr. Driscoll for acknowledging they received about 100 complaints from the Eastside Neighborhood Association. She attends the meetings and was aware of the complaints for the last couple of years. Mr. Driscoll stated that most of the people causing the problems are not based at the airport. Is that correct?

MR. DRISCOLL stated that's true.

COUNCILMEMBER SANCHEZ asked if, in terms of complaints about planes not flying the required flight pattern, are some based at the airport, i.e., they're paying rent at the airport and are causing the complaints?

MR. DRISCOLL responded occasionally, yes.

COUNCILMEMBER SANCHEZ asked if they have some control over that when they talk to the pilots. If they don't comply with the rules of the airport, can the pilot be kicked out of the airport?

MR. DRISCOLL responded no. The FAA sent a letter saying we could not do that.

COUNCILMEMBER SANCHEZ asked if they can terminate a lease based on violating the rules.

MR. DRISCOLL responded there aren't specific rules adopted because the FAA won't allow that. What they have done nationally is to create what they call a Fly Friendly Program, which is basically what we've put in place. It involves advising every pilot and tenant what the recommended routes are. We have to refer to them as recommended routes. We've drawn those routes and identified areas on our map that are noise-sensitive. We've blocked those out. Eastside is one of them. That came as a result of our meetings with them. Churches are another noise-sensitive area.

The FAA will not allow us to fine or dismiss a tenant. The reason for that, in the FAA's view, is that we as an airport are not flying that airplane. Sometimes that airplane has to go someplace that none of us would like it to go, given the traffic, weather, etc. We have tracked these pilots. Sometimes we've seen that they've turned early. Other times when we've had a complaint and tracked them, they haven't turned early.

It's always going to be there. We're trying to get everybody to behave properly. We've had a number of meetings with Tsunami Skydive. They do have a fairly large plane. When it's fully-loaded and it takes off, it does make more noise than the other aircraft even if it's following the flight path. It does get up higher quicker than the other planes.

COUNCILMEMBER SANCHEZ asked about the rule of flying less than 1,000 feet? There are some low-flying planes, and she's seen them. Those are definitely breaking the rules. There may be a reason, like the weather or something, that they don't fly the flight pattern. Perhaps it's something out of necessity, but there is no necessity to fly lower than 1,000 feet.

MR. DRISCOLL responded if we know that plane is an aircraft that's based at our airport, we deal with it. If we have an N-number, we can find out where that airplane is located.

COUNCILMEMBER SANCHEZ asked of the offenders, specifically those that fly under 1,000 feet, are any of those based at the airport?

MR. DRISCOLL responded some probably are, but we wouldn't get a noise complaint in most cases. Sometimes they could be at 1,000 feet and still be noisy enough to create a problem, or they could at 900 or 800 feet. It's the movement that's hard to tackle.

COUNCILMEMBER SANCHEZ asked the City Attorney if he understands the question.

CITY ATTORNEY MULLEN understands the question. Mr. Driscoll is right. The FAA has sent several letters over the years outlining objections to certain of the operational restrictions in the CBO settlement agreement, but they're always couched in vague and ambiguous language. For example, they'll say that the arbitrary enforcement of one of the operational restrictions could theoretically violate one of the grant assurances.

We've never had a very specific case other than a letter he recalls in December of 2011, where they said three people were denied use of the airport. He responded to them, disputing two of the three. One was correct, but we did offer that third person a lease at the airport and rectified that situation.

The question that Mr. Driscoll posed to the FAA was could we fine individuals who violate certain of the restrictions? The answer came back no, but that doesn't preclude us from terminating the lease if there was a violation of an FAA requirement. If there's a federal requirement that's being violated and could be proven, he assumes we would have the power to terminate that lease, subject to an appropriate process.

COUNCILMEMBER SANCHEZ stated that's right, it's due process of course. If a pilot has received a complaint and has been talked to, but they continue to fly under 1,000 feet several times, you do have the authority to terminate the lease. Is that correct?

CITY ATTORNEY MULLEN doesn't know the specific examples. All he's suggesting is that the FAA has taken issue with certain of the operational restrictions in the CBO agreement. They haven't opined what kind of rights a tenant would have if the tenant is violating federal law or regulations. That may be one particular avenue that the APV would have against a tenant. He's just offering that as a possibility. They would take issue if we were to terminate a lease based solely upon those operational restrictions in the CBO agreement.

COUNCILMEMBER SANCHEZ stated the 1,000 feet is a safety issue, not just noise. When you start seeing planes at 300 feet, it can be a constant problem with certain pilots. They're saying that for the most part pilots are good neighbors, but there are a handful of pilots that are not. She's hearing from the City Attorney that if they are violating the 1,000 foot rule, it's a FAA violation.

CITY ATTORNEY MULLEN stated just to be clear, he doesn't know of any

1,000 foot rule. He's just saying if there was a proven violation of federal regulations that may be one avenue. He doesn't know what the rule is with regards to altitude.

COUNCILMEMBER SANCHEZ asked is there a 1,000 foot rule?

MR. DRISCOLL responded that's also part of what we call the Fly Friendly Program. There is no absolute rule over where you have to be over people's houses as you fly out. Unfortunately, like every place, if you're at the bottom or the top of the hill makes the difference.

COUNCILMEMBER SANCHEZ stated Eastside is kind of flat with no hills.

MR. DRISCOLL clarified but it's still up above, so that by the time the aircraft gets down the gorge and then up, they're still up there. It's generally more when they make a quick left turn that they are very close. They may be at 200 or 300 feet then.

This is a difficult issue. We haven't had a complaint where somebody is consistently flying over someone's house at 200 feet. We've had people who have suggested pilots are at a certain height, which is hard to measure, but we will take a look at it.

COUNCILMEMBER SANCHEZ stated there's an app for that. You can tell how far up somebody is.

MR. DRISCOLL stated we use that, but the FAA has said that you cannot use that for purposes of disciplining. At a meeting we had with them, they said that the app can be used to track people, but you can't use it as a punishment tool. We need to keep working with the FAA and Eastside to see what we can do.

COUNCILMEMBER SANCHEZ stated Mr. Broom mentioned over 100 complaints that he made on behalf of the neighborhood.

MR. BROOM responded we've actually written them out, scanned them and submitted them to APV.

COUNCILMEMBER SANCHEZ asked if he has copies of those.

MR. BROOM responded he does.

COUNCILMEMBER SANCHEZ stated Mr. Broom had mentioned that he had not gotten a response from some of them.

MR. BROOM responded in the beginning we were getting responses. At the end they said they couldn't do anything because their hands were tied with the FAA, which is interesting because when he spoke to the FAA he was getting different responses from them. One of the responses he did get from the FAA was that they were under the impression that aircraft that were using tie-down space could be fined or their leases cancelled as punishment for flying low over the neighborhood. Why aren't they following that?

COUNCILMEMBER SANCHEZ remembers the discussion about that. It would keep most people following the rules. This is an interesting response she's getting today. She asked if his main comment was about the 100 complaints.

MR. BROOM responded that's correct; the 100 complaints in the low flyover area. The last written complaint that he filed was a near-miss that happened over the neighborhood regarding Tsunami Skydive and an itinerant general aviation small aircraft that was based in Illinois. It was not familiar with our airspace and was coming in on a departure way. It left a very interesting radar signature, as you can imagine.

COUNCILMEMBER SANCHEZ asked if the average was 14-15 complaints in the last quarter.

MR. BROOM is not aware of those.

MR. DRISCOLL clarified that didn't include the earlier complaints.

MR. BROOM stated we're actually holding our complaints now. We're getting about 20-30 complaints on average per week.

COUNCILMEMBER SANCHEZ recommended that he not hold on to them.

MR. BROOM asked if she's saying that APV is under the impression that since they're not getting complaints, there's no problem.

COUNCILMEMBER SANCHEZ responded that's correct. That's what she's hearing.

MR. BROOM stated that's not what's going on.

COUNCILMEMBER SANCHEZ recommended that he continue to forward those complaints to the operator.

DEPUTY MAYOR KERN stated Mr. Driscoll mentioned a marketing plan. When will that be done?

MR. DRISCOLL responded the marketing plan will be done once we complete the Master Plan. He asked if Deputy Mayor Kern is talking about marketing for aviation and the airport.

DEPUTY MAYOR KERN responded yes.

MR. DRISCOLL responded there are two pieces to it. One is a marketing plan to start doing events at the airport. The other one is marketing the airport with fliers, etc. We will have that done along with the Master Plan itself.

DEPUTY MAYOR KERN stated the question was when.

MR. DRISCOLL responded the Master Plan is supposed to be done in June, so we'll have it completed then.

DEPUTY MAYOR KERN asked if the marketing plan will be done in conjunction with the Master Plan.

MR. DRISCOLL responded yes.

DEPUTY MAYOR KERN stated there was a comment made about this being Council's document. He asked Mr. Eddow who AECOM is contracted with to do this Master Plan.

MR. EDDOW responded AECOM is contracted with APV for this contract.

DEPUTY MAYOR KERN wanted to make that clear. This is not a City-driven plan. Otherwise, it probably would have been done differently. As far as data-driven outcomes, he's done water master plans with other groups. The data is only as good as your base assumptions. If you do not have the right assumptions, you will not have the good data. He wants people to really evaluate that.

Councilmember Felien alluded to Palomar's expansion. Deputy Mayor Kern had lunch yesterday with Supervisor Horne, who is pushing to go forward with that. He

doesn't know how far Supervisor Horne is going to get, but that's something that will have to be factored into the data. Some of these other airports want to shed general aviation. Palomar Airport is one, and John Wayne Airport is another that would like to see the general aviation users leave. There should be marketing, not only within this County, but also in southern Orange County.

He met somebody the other day in Laguna Beach who has an aircraft at John Wayne Airport and lives in San Clemente. Deputy Mayor Kern suggested that he bring the aircraft down here. It's easier to get from San Clemente to Oceanside than from Oceanside to John Wayne Airport.

It's the idea of managed expectations. He apologized for coming across harsh. This is a jewel that we really need to deal with.

LYDIA KENNARD, APV, wanted to clarify whose plan this is because it's very important. APV is the airport manager. As part of our responsibility under the contract, we are to facilitate the administrative components of the FAA process. The City remains the sponsor, and this is the City's Master Plan, not APV's. APV happens to be a stakeholder, as many of the people here today are, but it is not our plan.

DEPUTY MAYOR KERN thanked Ms. Kennard for clearing that up. He was a little confused on how the contracts came together. Staff has more than enough direction to go forward. He asked Mr. Eddow if he had any other questions.

MR. EDDOW responded we have specific direction on how we need to move forward with the other members of the public and what issues we need to address. When we come back to Council with the next version of the Master Plan, it will have a lot more detail to it.

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

ADJOURNMENT:

DEPUTY MAYOR KERN adjourned this meeting to Wednesday, November 20, 2013, at 2:00 PM. This adjourned meeting of the Oceanside City Council was adjourned at 3:03 PM, Wednesday, November 13, 2013.

ACCEPTED BY COUNCIL:

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

November 20, 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**
Steve Jepsen

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:01 PM, November 20, 2013.

2:00 PM - ROLL CALL

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

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

November 20, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Trobaugh, City Manager Jepsen and City Attorney Mullen.

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

[Closed Session and recess were held from 2:02 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 (OPOA, OPMA); no reportable action

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

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

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

No closed session was held

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

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

Item discussed and 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 Jepsen and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-10]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC/OPFA instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC/OPFA or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

CITY CLERK BECK announced Item 10 has been removed from the agenda by staff and will be taken up by Council on December 4, 2013.

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 September 19, 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 a purchase order in the amount of \$137,880 to Essco Pumps & Controls of Los Angeles for a replacement submersible dry pit pump for the Mission Avenue Lift Station; and authorization for the Financial Services Director, or designee, to execute the purchase order
6. City Council: Approval of a purchase order in the amount of \$259,414 to Wonderware West of Houston, TX, for the purchase of Supervisory Control and Data Acquisition (SCADA) software and licenses; and authorization for the Financial Services Director, or designee, to execute the purchase order
7. City Council: Approval of Amendment 1 [**Document No. 13-D0732-1**] in an amount not to exceed \$8,000 to the professional services agreement with Michael Blazenski to serve as Interim Finance Director; and authorization for the City Manager to execute the amendment
8. City Council: Acceptance of improvements completed by California Skateparks of Upland for the Alex Road Skatepark project; and authorization for the City Clerk to file the Notice of Completion [**Document No. 13-D0733-1**] with the San Diego County Recorder
9. City Council: Ratification of the emergency repairs completed by C.E. Wilson Corporation of Spring Valley at the Guajome Reservoir; and authorization for the Finance Services Director, or designee, to pay an invoice in the amount of \$62,016 for the repairs
10. [City Council: Approval of a deferred improvement agreement and parcel map for 1869 Avocado Road Subdivision, a 3-lot subdivision located at 1869 Avocado Road; and authorization for the City Clerk to record the deferred improvement agreement and parcel map with the San Diego County Recorder]

Removed from the agenda by staff

COUNCILMEMBER SANCHEZ moved approval of the balance of the Consent Calendar [Items 3-9].

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS

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

11. **City Council: Acceptance of petitions submitted by hotels within the City to renew the Tourism Marketing District; certification that there are sufficient petitions from lodging businesses which will pay more than fifty percent of the assessment; and adoption of a resolution of intention to renew the Oceanside Tourism Marketing District for a ten-year period beginning on April 1, 2015, through March 31, 2025**

TRACEY BOHLEN, Economic Development Manager, stated that for the Tourism Marketing District (TMD) to be renewed, more than 50% of the hotels and vacation rentals in Oceanside that pay Transient Occupancy Tax (TOT) need to petition the City to renew the district. The petitions received by Council represent 84% of the hotels and vacation rentals that paid TOT in Fiscal Year 2012-2013, which was verified by the Financial Services Department. Council is being asked to accept the petitions and adopt a resolution of intention to renew the district.

The State allows the creation of a special district within the boundaries of Oceanside to create a hotel marketing area. The City must be petitioned by the industry to create this district. The City was first petitioned in 2009, and the first Oceanside TMD was established in April of 2010 for a five-year period, which will end in March of 2015. The current TMD assesses hotels with more than 30 rooms and all vacation rentals. Currently, the industry pays a 1.5% fee at the same time and in the same manner as the TOT is paid to the City. The City passes the TMD funding to the Visit Oceanside group, which is a tourism marketing organization run by the hotel and vacation rental industry. The City receives a \$10,000 annual fee for administering the program.

The renewal process for the district consists of three Council meetings. Tonight we have the resolution of intention to renew the TMD. Tomorrow, as part of this process, a summary of the Management District Plan will be mailed to about 500 hotels and vacation rentals that paid TOT in Fiscal Year 2012-2013. The hotels and vacation rentals will have until February 19th to protest the renewal of the TMD to Council, at which time the renewal will occur if a majority protest is not heard.

The TMD renewal has a few changes from the original. First, the industry self-assesses at the 1.5% rate. That will not change; however, it will include all hotels and vacation rentals that currently pay TOT. The term of the renewal will be for a 10-year period, starting April 1, 2015, and going until March 31, 2025. The administrative fee has also been changed from a flat \$10,000 fee to a percentage rate of 1.6%, which will at least equal or be more than the \$10,000 that is currently received. The funds for this Tourism Marketing District will be used to market Oceanside as a tourist destination. The specific activities that Visit Oceanside will undertake as part of the Marketing Plan are outlined in the Management District Plan that is part of the staff report presented. They will also be available at the City Clerk's office for review.

Staff is recommending that Council accept the petitions, equaling 84% of the TOT rate-payers in Oceanside, and adopt the resolution of intention to renew the Tourism Marketing District.

Public input

LARRY BARRY, 3973 Brown Street, stated there's a lot of bad press in Oceanside. We just had a murder. He travels all over the State and is amazed that people always hear the negative things about Oceanside. It's incumbent upon our Council, the Police Department and the citizens of Oceanside to squeeze out the gangs. There is nothing worse than having bad press due to gang violence in our City. If we're going to ask people to come here and spend their hard-earned money, we should give them a safe environment and there should be less bad press.

Two years ago the Mayor and Police Chief were saying that crime was the lowest it had been in 30 years. In the last year or two, we've had eight murders in Oceanside. Most of those murders were kids under 20 years old. Let's clean up our house so that we can attract people, they can feel safe when they come here and they don't have to hear that Oceanside is a bad place.

Public input concluded

DEPUTY MAYOR KERN stated this is what the Marketing District does; it

markets Oceanside and generates good press.

LESLEE GAUL, CEO of Visit Oceanside, stated since the district was formed, we have generated over \$1,100,000 in positive press for Oceanside. That is free press we've generated. The visitor comments and what they're saying when they come here is very positive. Sometimes in Oceanside we're our own worst enemy. They have very positive things to say about the City, and she encouraged people to read their records on that. She is proud of the positive press they've generated. It would not have been generated if it wasn't for the existence of Visit Oceanside.

DEPUTY MAYOR KERN stated Mr. Barry is right about the problem, but we have a lot of good press too. The people who live here see all of the problems on a day-to-day basis, but the visitors who come in see the positive. They see the pier and the hotels. His experience in talking to visitors at certain locations has been very positive. We're here to collect the money to generate the press, bring more visitors in and have that positive image of Oceanside.

He **moved** approval [of certification that there are sufficient petitions from lodging businesses which will pay more than fifty percent of the assessment and adoption of **Resolution No. 13-R0734-1**, "...declaring its intention to renew the Oceanside Tourism Marketing District (OTMD) and fixing the time and place of a public meeting and a public hearing thereon and giving notice thereof"], for a ten-year period beginning on April 1, 2015, through March 31, 2025.

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER SANCHEZ stated this is something that came up at a time when we were talking about ways to get revenue to the City and into the General Fund. One of the things we had talked about was increasing the TOT. Council decided that this looked like a good plan. We understood that instead of seeing the 1.5% increase in TOT go to the General Fund, it would go to this very specific district. It has been a good investment. There are a lot of wonderful activities going on. She asked if Oceanside will be getting an Iron Girl.

MS. GAUL responded we'll possibly have an Iron Girl in December of 2014.

COUNCILMEMBER SANCHEZ stated we're becoming a sports mecca. Oceanside is showing everybody what we can do. She's had the privilege of meeting some of the folks who are getting to know Oceanside. They're saying the weather is great here, and they never thought this would be a great place for an activity like this.

It's been a wonderful investment for the City. It comes back to us tenfold. Even though we're not getting the funds into the General Fund to save for other programs, this would be the one that is really helping us to make Oceanside a better City. She supports the motion.

COUNCILMEMBER FELLER stated it might be a good thing for the newspapers to get some of the positive emails. If we can get more outreach to the general community, they'll understand what a great place this City is.

MAYOR WOOD stated the Police Department is also involved with this group. They are there for the issues that Mr. Barry was talking about. We are concerned about these issues and have somebody from the Police Department assigned to address those concerns.

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.

22. **City Council: Adoption of an ordinance amending Articles 4a and 12 of the Downtown Zoning Amendment (RZA12-00001 REVISION); incorporating suggested modifications as proposed by the California Coastal Commission (Introduced on November 6, 2013, 5-0)**

After titling of the ordinance, **COUNCILMEMBER SANCHEZ moved** adoption [of **Ordinance No. 13-OR0735-1**, "...amending Articles 4A and 12 of the Downtown Zoning Ordinance, (RZA12-00001 REVISION) incorporating suggested modifications as proposed by the California Coastal Commission (City of Oceanside – Applicant) (RZA12-00001 REVISION)"].

DEPUTY MAYOR KERN seconded the motion.

Motion was approved 5-0.

23. **City Council: Adoption of an ordinance amending Chapter 29 of the City Code by establishing wastewater user rate increases; and adoption of an ordinance amending Chapter 37 of the City Code by establishing water user rate and external water provider charge increases (Introduced on November 6, 2013, 4-1, Sanchez-no)**

After titling of the ordinance, **DEPUTY MAYOR KERN moved** adoption [of **Ordinance No. 13-OR0736-1**, "...amending Oceanside City Code, Chapter 29, establishing Sewer user rate increases"].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-1, Sanchez – no.

CITY ATTORNEY MULLEN stated we had two ordinances on the agenda, one for water and one for sewer. We only did the adoption with regard to the sewer.

After titling of the ordinance, **DEPUTY MAYOR KERN moved** adoption [of **Ordinance No. 13-OR0737-1**, "...amending Oceanside City Code, Chapter 37, establishing water user rate and external water provider charge increases"].

MAYOR WOOD seconded the motion.

Motion was approved 4-1, Sanchez – no.

CITY COUNCIL REPORTS

12. **Mayor Jim Wood**

MAYOR WOOD announced the annual Oceanside Turkey Trot on November 28th on Main Street; the annual Hanukkah memorial lighting event on November 27th at City Hall; and the annual Christmas tree lighting event on December 5th in front of the Regal Theater. He mentioned the 72nd anniversary of the Civil Air Patrol in Oceanside.

13. **Deputy Mayor Jerome Kern**

DEPUTY MAYOR KERN attended the Friends of the Library book sale last weekend. He announced the next book sale will be in February. He also announced the Holiday Home Tour for the Friends of the Library on December 15th. He and the Mayor attended the dedication of the pumps at the reverse osmosis plant in the valley. It's important that we start generating our own water supply, considering we just got notification from the State Department of Water and Resources that the water contract for California's allocation is going to be 5% this year.

He attended the Water Reuse Conference last week in Newport Beach, which was about how we can reuse, reclaim and recycle water more efficiently. He also attended the Veterans ceremony at the Veterans Association of North County and the groundbreaking ceremony of El Corazon.

14. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN recognized the award winners for the North County Philanthropy Council's 2013 Volunteers of the Year awards. They were Joan Parro of the Veterans Association of North County, Kevin Stotmeister from the Tri-City Hospital Foundation, George Brown from the Oceanside Charitable Foundation, Michelle Bray-Davis from KOCT, and Michael Klein of the Oceanside Boys and Girls Club. Colleen O'Hara was the recipient of the Robert Krejci Standards of Excellence award.

He attended the Eagle Scout ceremony at Latter-Day Saints Church on Mesa Drive, where four Eagle Scouts were given an award. He also attended the Veterans Memorial Dedication at MiraCosta College on November 8th. The memorial was designed by the student body.

15. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the Marine Corps Birthday Celebration at Camp Pendleton, the Vista Invitational Field Tournament for the marching bands, and the groundbreaking ceremony at El Corazon, which should be operational by the end of July, 2014.

He also announced that long-time Oceanside resident, Ruth Duby, passed away. Her celebration of life service will be on November 22nd at the Elks Lodge. Ida Bowditch, one of the founders of KOCT, also passed away. He requested a moment of silence at the close of the Council meeting. He announced the retirement of City employee, Jane Cincarelli.

16. **Councilmember Esther Sanchez**

COUNCILMEMBER SANCHEZ attended a Coastal Commission meeting to speak on items on behalf of the City. The items involved changes proposed by Coastal staff and making the changes consistent with our Local Coastal Plan and Land Use Plan. One item had to do with densities, and the other involved signs. The items were approved unanimously. She spoke at a student conference at MiraCosta College. The main speaker was Jaime Figueroa, who works with the City through the Vista Community Clinic REACH program at Libby Lake. He has been a role model for our youth. She also spoke to students at Palomar College.

She attended the Utilities Commission meetings to get updates on our water levels. Although this is the second consecutive dry year in California and the Colorado River basin, the Metropolitan Water District is prepared to meet the 2014 demands, without allocations, due to storage reserves and continued low demands. She also received materials regarding the recycled water uses allowed in California.

CLOSED SESSION REPORT

17. Closed Session report by City Attorney

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

COUNCILMEMBER FELLER asked for an update on the problem on North River Road.

PETER WEISS, Consulting Assistant, responded they have not yet determined the actual source of the problem, but will be working around the clock to get it resolved. Hopefully, they'll have a formal update for Council within the next few hours.

COUNCILMEMBER FELLER asked if people are still out of water.

MR. WEISS responded there are twelve residences.

MAYOR WOOD asked if the main highway on North River Road is shut down.

MR. WEISS responded they are allowing some traffic through, but it's very limited. Local access is being provided.

[Recess was held from 4:38 PM to 5:00 PM]

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Soccer team members

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Honoring the Generous Volunteer Work by the Church of Jesus Christ of Latter-day Saints

Presentation – Mayor's Business Member Spotlight

Proclamation – America Recycles Day in Oceanside

Presentation – Mayor's Youth Sport's Recognition and Appreciation Award

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

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

LARRY BARRY, 3973 Brown Street, stated the Water District has two 50,000,000 gallon tanks at Peacock Hills and Temple Heights for our water supply. They are going through a renovation and cleaning. He noticed a lot of water running down the street and thought that was a waste of money. He talked to some people there, and they said over 100,000 gallons of it was waste water. He knows people who would buy that water for a minimal fee and use it for landscape, grading, etc. It's a waste that they purify this water, then dump it in the sewer and out to the ocean.

5:00 P.M. – PUBLIC HEARING ITEMS

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

19. **City Council: Introduction of an ordinance for Zone Amendment (ZA13-00007) amending Articles 41 and 43 of the Oceanside Zoning Ordinance for a third 24-month automatic time extension for Development Plans, Conditional Use Permits, Variances, and Regular Coastal Permits**

- A) Mayor opens Public Hearing – hearing was opened.
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Kern and Councilmembers Sanchez, Feller and Felien reported contact with staff.
- C) City Clerk presents correspondence and/or petitions – none.

MEGAN CROOKS, Senior Management Analyst, asked Council to adopt an ordinance for a Zone Amendment that would revise time extension procedures in our Zoning Ordinance. It would allow for time extensions for permits and maps that were approved on or before January 1, 2000, and were not yet expired on or before July 15, 2013. We're also asking that any unexpired discretionary permits that were approved concurrently with those maps are also allotted that same time extension for them to move forward.

There were three previous bills that allowed for time extensions. The first bill, Senate Bill (SB) 1185, allowed for a one-year extension and local discretion of an additional year, which Oceanside allowed. Assembly Bill (AB) 33 allowed an additional two-year extension, and AB 208 allowed for a second two-year extension. Today, we're asking for the City to adopt the AB 116 automatic two-year time extension, which in total provides an eight-year time extension to any of these maps that have been on hold.

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

DEPUTY MAYOR KERN moved introduction [of an ordinance of the City Council of the City of Oceanside, "...for Zone Amendment (ZA13-00007) amending Articles 41 and 43 of the Oceanside Zoning Ordinance to allow automatic time extensions for discretionary permits other than tentative maps that are valid on the date this ordinance becomes effective"], for a third 24-month automatic time extension for Development Plans, Conditional Use Permits, Variances, and Regular Coastal Permits.

COUNCILMEMBER FELLER seconded the motion. Development and progress for the City went through a tough time during those years. They're slowly getting out of this, and we should do everything we can. This is one good thing we can do to help them.

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

MAYOR AND/OR COUNCILMEMBER ITEMS

- 20. **Request by Mayor Wood for annual review and appointment of Councilmembers to Boards, Commissions, Committees, and Deputy Mayor for 2014.**

2014 Council Nominations

City/Harbor/CDC Boards, Commissions and Committees

City/Harbor/CDC Advisory Group	Liaison
Arts Commission	Feller
Economic Development Commission	Wood
Harbor & Beaches Advisory Committee	Kern
Historical Preservation Advisory Commission	Felien
Housing Commission	Sanchez

Library Board of Trustees	Wood
Manufactured Home Fair Practices Commission	Wood
Parks & Recreation Commission	Feller
Police & Fire Commission	Kern
Utilities Commission	Sanchez

2014 – Deputy Mayor	Sanchez
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Regional Boards and Committees	Primary	Alternate I	Alternate II
Buena Vista Lagoon JPC	Sanchez, Kern	-	-
City/OUSD/VUSD Committee	Sanchez, Kern	-	-
League of California Cities – Executive Committee	Felien Feller	Feller Felien	-
League of California Cities – Legislative Delegates (voting)	Wood	Sanchez	Felien
North County Dispatch – JPA/Fire	Wood	Feller	-
SANDAG – Board	Feller	Felien	Kern
SANDAG – Shoreline Preservation Committee	Sanchez	Kern	-
North County Transit District – Board	Felien	Feller	-
Washington, DC Appropriation Visit – Legislative Delegates	Wood	Sanchez	

MAYOR WOOD stated these are the same assignments as last time. There were some requests, but they would complicate issues with Councilmembers, so he left it as is. He **moved** approval for the appointment of Councilmembers to Boards, Commissions, Committees, and Deputy Mayor for 2014.

DEPUTY MAYOR KERN seconded the motion. He had requested to be on the Utilities Commission and the Water Authority. He wanted to make sure that the Mayor got his request.

COUNCILMEMBER SANCHEZ stated the Mayor should be making the appointments and be our representative at SANDAG (San Diego Association of Governments) as the Mayor of the City. He received the highest number of votes in the history of the City. The changes that were made last year were not acceptable by Oceanside residents. She feels strongly about the Mayor maintaining the position he was elected to. Stripping him of appointments and Mayoral duties was completely wrong, and we should change that.

MAYOR WOOD doesn't agree with it either, but it's easier to keep it as we have it right now. He's been taken off all of his positions; however, because he had conflicts regarding this, he'll leave it as it was last year.

COUNCILMEMBER FELLER requested changing the primary and alternate assignments for Councilmember Felien and himself on the League of California Cities, making Councilmember Felien the primary.

MAYOR WOOD accepted the request. He **modified his motion** to allow Councilmembers Feller and Felien to switch their alternate and primary assignments on the League of California Cities - Executive Committee.

COUNCILMEMBER FELIEN had a pleasant conversation with the Mayor, per the process they have to go through, to make one last attempt regarding his interest in the Economic Development Commission because it fits his background. He wants the public to know that he's not neglecting these assignments. He's interested in serving where he can.

Motion was approved 5-0.

21. **Request by Councilmember Sanchez to direct staff to modify the City zoning ordinance to include the retail sale of alcoholic beverages as a regulated use under Section 3602 if such establishment is located within 1,000 feet from any residential district or any parcel of land which contains any one or more of the following specific land uses:**
- 1. Public or private school;**
 - 2. Park, playground or public beach;**
 - 3. Church or other similar religious facility; and**
 - 4. Child care or preschool facility**

COUNCILMEMBER SANCHEZ stated this is a result of having received a number of communications from the public letting her know that there was going to be the sale of alcoholic beverages within 1,000 feet from the high school. She recalls several times that Council had discussed potential projects at Mission Square, including a convention center. The issue of the sale of alcoholic beverages has always come up as something that Council did not want to have so close to the high school. With a regulated use like a liquor store, it would have given enough notice to Council and the public to be given the opportunity to be heard.

Unfortunately, she came upon the notion that there was going to be a Walmart where the Office Depot had been for many years by driving onsite and noticing a staging area, with fencing going up and another pad for a store or restaurant very close to Panda Express. She contacted staff and asked what was going on. It has passed through several hands several times over the last few years.

She heard there was not going to be another pad; it was going to be a Walmart. She was very surprised because we already have three Walmarts in Oceanside. This should have gone through some kind of community process. We do have a grocery store in the neighborhood, but she was given a further description that it was going to be a neighborhood Walmart. This was by way of a memo we received. It took several days for staff to find out what was really going on. There were some people in Planning who knew what was going on, but others did not.

We ended up getting a memo that said it is going to be a neighborhood Walmart. It's a new model for Walmart that is going to also sell food. That's how it was described to her by staff. It was not until she received all of the communications from the public that she realized it was going to be a grocery store selling alcoholic beverages, including hard alcohol, beer, wine, etc. She was shocked because this is a neighborhood that is especially challenged. It has the highest saturation of liquor sales already, has one of the highest crime rates, and is right across the street from the high school.

One of the issues for the neighborhood is alcohol abuse. We have spent hundreds of thousands of dollars addressing this issue over the years. It did not make sense that we were not notified. She was able to find out from ABC (Alcohol and Beverage Control) that we had been notified through the City Clerk's office, the Police Department and Planning, but somehow that didn't get filtered to the public at large.

There was supposedly a sign put up there, but because it's not visible from the street, the public had no notice until after the close of the period. The school district didn't even know. The Principal was sent a letter during the summer when school was out and didn't get the message. They just recently got it about two weeks ago.

She is trying to figure out how we can avoid this again. First, we have to work on our noticing. She's been talking to the City Clerk's office about establishing a new policy for advising the public, since they are the ones who get those notices. The City Clerk is willing to have a new policy for notification. There's also the sense that this should have gone to Council. We did have a community meeting with the Police Chief, where there were several neighborhoods and non-profit organizations represented. A member of the school board was also there.

We're talking about a problem within our community, which is alcohol abuse by our youth. She suggested looking at our Zoning Ordinance to include the retail sale of alcoholic beverages if the store is located within 1,000 feet of a school, park, church or the beach. That way the whole community would know and have a chance to speak.

ERICA LEARY, Program Manager, North Coastal Prevention Coalition, hopes to convince Council that increasing local control over alcohol sales goes a long way in preventing alcohol-related problems. The ABC encourages cities up and down the State to institute a Conditional Use Permit process so that some of the conditions that local cities want to impose can be implemented to deal with local problems. The ABC has strict guidelines and can get hamstrung in what they can implement on licenses.

She is the Program Manager for the North Coastal Prevention Coalition, which is fiscally managed by the Vista Community Clinic. She's been in this role for eighteen years. For all of those years, alcohol has always been the number one drug of abuse by teens. There are a lot of different factors that influence that, from parenting to family roles, genetic influences, peer pressure, youth personalities, etc. There are a lot of different factors, but the importance of local community conditions that impact those factors shouldn't be forgotten or ignored. As our leaders, Council and the Police Department impose the policies that set how alcohol is available in our communities. That can go a long way in either preventing those problems or exasperating them.

She gave Council a fact sheet from a group called Alcohol Justice. They've compiled research from across the nation. Study after study finds that alcohol outlet density, which is the amount of alcohol availability in communities, is very strongly correlated with alcohol-related problems. One study found that alcohol density is the single greatest predictor of violent crime in neighborhoods. One particular neighborhood has a crime-rate 388% higher than the City average.

Another study found that Hispanic youth who live farther from alcohol retailers are less likely to drink. Decreasing the distance to retailers is significantly associated with an increase in alcohol consumption, even when controlling for social and environmental factors.

A computer graphic was used to show the location being considered and Oceanside High School, which is about 500 feet across the street. Another computer graphic was used to show that west of I-5 currently has four alcohol businesses. Across I-5 there are six alcohol businesses in close proximity along Mission Avenue. For this area, ABC's formula would allow for two licenses, and there are already four. This is what they call an over-concentrated area. It's also a high-crime area. They look at anything over 120% higher than the City average. This is 388% higher than the City average.

Unfortunately, this is going to bring a lot more cheap alcohol. Walmart is increasing their role in the alcohol market. Target and Walmart have recently gotten into the alcohol retail business. Walmart is looking to make great gains in that by not marking up their alcohol prices. A study found that the profit on a 36-pack of Coors

Light was only 0.6%. We're going to see a lot more cheap, large packs of alcohol available right in this neighborhood.

We're not here specifically about Walmart, but more the fact that the public was not aware of this issue and didn't have a chance to voice their concerns. Also, the importance of increasing local control, so that, if a city wanted to set conditions such as limiting where alcohol is displayed in the store or keeping beer in locked coolers, it has the authority to do that if it has the proper policies in place. Oceanside's current policies don't permit the City to add any additional conditions on Walmart that would impact their store marketing of where they keep their alcohol.

What's necessary to grant a liquor license for off-sale consumption is a determination of public convenience or necessity, if it's high-crime or undue concentration. In Oceanside, that's handled through the Police Department. There could be more public input in that process. What did they base their determination on to conclude that the public needed the convenience and access to more cheap alcohol? If the Police Department had determined that public convenience or necessity was not met, then the applicant could not move any further with ABC.

The State ABC code also addresses the proximity to schools. It states that they could deny a license within 600 feet of a school, but that often doesn't happen. People are made to try to prove how that will impact public welfare and morals, but a lot of the latest research demonstrates that it will impact public health and safety. However, at this point it's not clear that ABC would deny the license.

There is a lot of opportunity within city government to influence the retail availability of alcohol to prevent future problems. The proposal by Councilmember Sanchez is a good first step. We also may want to look at the public convenience or necessity determination processes. There are cities across the State that have numerous regulations in place, so that they can get a handle on how alcohol is sold and marketed in their communities.

Public input

DONNA MCGINTY, 2405 Mesa Drive, is very familiar with Eastside and the downtown area that this establishment is being placed in. It's about time that Red & White Market and Pappy's Market had some competition with the grocery stores. We've needed a good grocery store in that area for a long time. The people who live along the beach and in North and South Oceanside are certainly interested in having that market there.

The parental control when children are coming into a grocery store is lacking. They need to control their own children. They need to know where their children are and keep them close, not wandering throughout the store or running up and down the aisles. She's happy to see Walmart come, but Eastside is not a place she would want to let her children run around loose at night, with so many alcohol opportunities in such a short span of area. It really is dangerous for the families. That needs to be considered, as opposed to the potential alcohol sales by Walmart.

She likes the Walmart stores. They're good quality, and they bring things we need to this community. They're also bringing good sales tax revenue. The footage limit shouldn't be changed to accommodate people who don't want liquor in the neighborhood. It isn't fair to the store and to the people who will go there, spend money and bring sales tax into this community.

MARIA RUSSELL, 1323 Lemon Street, is President of the Eastside Neighborhood Association and a 12-year resident of Oceanside. We have failed our children by letting a corporation like Walmart come into Mission Square to sell alcohol. This store is located 500 feet from Oceanside High School. We have saturated our local neighborhoods with alcohol establishments and our City with Walmart stores. What kind

of message are we sending to the surrounding cities? It sounds like we are a second-rate City instead of the wonderful, diverse City we really are.

We would like Council to move forward with Councilmember Sanchez's proposal to direct staff to modify the City ordinance to include the retail sale of alcohol beverages to be 1,000 feet from public or private schools, parks, playgrounds, public beaches, churches or similar religious facilities, and childcare or preschool facilities.

NELDA BRINDLEY, 1329 Dubuque Street, is a member of the Eastside Neighborhood Association. Every one of us shares a commonality - we love our children. We want what's best for them and we want them to be happy. The idea of selling liquor at that Walmart would be a tsunami waiting to happen.

She speaks from personal experience. Six months ago a young man passed out on the sidewalk in front of her house. She could not revive him, so she called the police and paramedics. They were finally able to revive him, and she heard him say he'd had too much to drink. They took him to the hospital in the ambulance. She doesn't know what happened to that young man. Like so many of our children, he is nameless. Nameless or not, he belongs to her and to all of us.

She hopes Council strongly considers stopping the sale of alcohol at that Walmart, for our children, our community and ultimately our country.

TIM BROOM, 1429 Papin Street, is a member of the Eastside Neighborhood Association. We live in a great City. We've got the beach and bike trails, and the Eastside neighborhood is a great place too. He's convinced from talking to the police that there was no ill or malice when they reviewed the ABC application for Walmart. They get swamped with applications, and he thinks they were looking at a supermarket application.

He doesn't care if a Walmart or a K-Mart or any store moves in there. The only problem he has is the selling of alcohol so close to a high school. You can regulate it all you want, putting in restrictions, moving the alcohol to the back of the store, using safety caps, etc., but kids are still going to come in and recruit adults in the parking lot to buy alcohol for them. Kids are going to go in and see if they can get away with putting a can of beer in their backpack and walking out. It's just the way kids are; we've all been through that ourselves.

There is absolutely nothing wrong with moving in a Walmart. We could have ten Walmarts; he doesn't care. It would be convenient for the people from the Eastside and Townsite to go there and purchase food, but he doesn't think that selling alcohol there is a good idea.

If they sell alcohol in that store, we're really opening the door. There's a 99 cent store, a Chinese restaurant, and an Italian restaurant there, and none of those stores are selling alcohol. If we let Walmart sell alcohol, we've just opened the door to granting the 99 Cent Store a liquor license as well. He would like Council to consider that.

SAMUEL BRISENO-JIMENEZ, youth, is a member of the North Coastal Prevention Youth Coalition and a student at El Camino High School. At first he joined the North Coastal Prevention Youth Coalition to interact with his peers. After attending many meetings, he realized that it was more than that. It was to improve the community and prevent people from engaging in the use of illegal substances, such as drugs and alcohol.

Alcohol is the most abused drug by teens. 30% of eleventh-graders in Oceanside report drinking in the past month. 79% say that alcohol is easy to get. We are doing our part to help prevent under-age drinking, but we need Council to do its part also.

ALEXIS ORELLANA, youth, is also a member of the North Coastal Prevention Youth Coalition and a student at El Camino High School. The Walmart Neighborhood Market is being located right across from Oceanside High School. According to research studies, alcohol is the greatest predictor of violent crime in neighborhoods. Adding a business that sells alcohol is not going to help reduce under-age drinking or alcohol-related problems.

A student can go off campus, go to the Walmart and buy beer, then easily hide it in their backpack and bring it on campus, exposing it to the rest of the students. It can also increase shoplifting. When she goes to Walmart there's usually only one person standing at the door. Sometimes there isn't, so it's easy to run away.

JESÚS MANZANO, youth, is representing the North Coastal Prevention Youth Coalition. We are a group working toward the reduction of drugs and other illegal substances, such as alcohol, marijuana and other drugs in the community. Oceanside has been cheated in this situation. The citizens were not entirely aware of the plans to build a Walmart near a school. It is incorrect to make an abrupt decision because we need to inform more citizens.

He's been to other City workshops, such as one that involved SANDAG and transportation. He saw a group of people from all corners of the City coming together to discuss that. We should have other workshops or community forums such as those, to inform citizens about Walmart's intention to sell alcohol near a school. It would only set a bad example and perpetuate the already faulty social-cultural perspective of this area.

It's premature to make a decision right now. We should involve the community more so people can voice their opinions before Council makes a decision.

DAVID NYDEGGER, 928 North Coast Highway, is President and CEO of the Oceanside Chamber of Commerce. He thanked the North Coastal Prevention folks. They do great work. In no way would he ever want to support teenage drinking or drug/alcohol abuse. The Chamber was the proud winner of an award from the North Coastal Prevention Youth Coalition for what we did at Harbor Days. However, there's an area that we're not addressing, and that's the business community in Oceanside.

He's opposed to this ordinance for several reasons. First, if the 1,000-foot level were in place, we could no longer have restaurants like 333, ZigZag Pizza, Harney Sushi, That Boy Good, etc. All of those establishments are within that 1,000-foot radius, which means they would not be able to sell alcohol. They could get a Conditional Use Permit (CUP), which they would probably get, but it would delay that process. It would be like buying a home and starting to pay your mortgage during closing, but then being told you can't move in because you still have to go through the permitting process.

When Elm Glazer, the founder of Mission Square Shopping Center, built the center in the mid-fifties, Thrifty Drug Store was there, and they sold alcohol right across the street from Oceanside/Carlsbad Junior College. Vons was also there for a long time, and they sold alcohol. Now we're going down a road that he and the business community are very concerned about. Alcohol is taxable. It would be an additional tax for our City, which we desperately need. This is not the time for us to start trying to isolate and break out one business from another.

CECI HAAS, 2026 San Remo Drive, is a business owner in Oceanside and is on the Board of the Oceanside Chamber of Commerce. She's also the intake coordinator for a men's alcohol and recovery program. She has been counseling families for six years. Children get alcohol mainly from their parents. They do not get it from a grocery store. They have to show an ID to purchase alcohol in a grocery store and would not be allowed to get it. If they're trying to convince somebody in the parking lot to do that, it's pretty well regulated, and that grocery store would have its liquor license taken

away.

She is very much opposed to this for business. It will affect our businesses in Oceanside in a very difficult way. It's already hard to get a business open and to maintain it. If we put this kind of restriction on it, it will cause us to lose a lot of business. That's an empty building that Walmart is going to take over. It's going to add jobs and a lot of benefits to our neighborhood.

LARRY BARRY, 3973 Brown Street, is opposed to any kind of ordinance that would restrict this. This is anti-Walmart people trying to fuel the fire. They hate Walmart, although it's one of the most successful companies in the United States, if not the world. He takes issue with the speaker who said Hispanics have a 388% higher crime-rate due to alcohol. That sounds racist. We're talking about a store that's going to be selling everything from diapers to medicine, food, etc. at a good price. He owns two units at North Coast Village. This would be a great supermarket for our area.

We're talking about two aisles, not a whole store. It's not like they're telling kids to come in and get alcohol. He agrees with the previous speaker that this is about the parents and peer pressure. He thinks it's great to see young people standing up. He encouraged them to be the positive peer pressure to the young people in their own neighborhoods, so they can stop the alcohol abuse. It's peer pressure, not a store selling alcohol.

We need the tax dollars. They're going to hire over 60 people for this store. It's going to fill another vacant storefront in our City. One of the things that having a Walmart there will do is bring other stores. We're going to see an increase of other businesses coming there because they're an anchor store. We're going to see the betterment of that site.

Public input concluded

COUNCILMEMBER SANCHEZ stated what is before Council today is not to stop the current Walmart. The Walmart is going in. They did not have to get any special permits to come in. She thought she made that clear. It's not to stop grocery stores. As to the question about bringing additional sales tax, there's no sales tax on food items.

This ordinance would not apply to restaurants. This is very narrowly tailored to the issue of selling alcohol for consumption offsite and to try to address the issue of alcoholism among youth. You have a very high rate of it happening in this neighborhood, with a high crime rate and a high saturation of liquor sales already. It's also close to a school.

It's about making a retail establishment that is across the street from a high school go through one extra step, so that the community is fully aware of what's going on and have a chance to speak on it. That is something we owe the community. She appreciates the comments by those who did not think this is a good idea, but none of the people who spoke against this reside in the neighborhood or have to deal with this issue of alcoholism in this community. This is a problem that has been happening for decades. Both City and community resources have been used. Hundreds of thousands of dollars have been spent to address this issue.

You've got kids who are willing to stand up and speak against the sale of alcohol because they know what happens to their peers. When school lets out, you see droves of kids going across the street. Unfortunately, a lot of the gang activity, stabbings and shootings happen in this shopping center. We know through experience that when you have something like this right across the street from a high school, there will be easy access for these kids. They can easily get somebody to buy a case of beer or steal it. She was a public defender and knows that doing a beer run and stealing a case of beer is something that happens a lot. She's concerned about the kids who don't get caught,

but also the kids that get others to buy the beer.

One of the pieces of information we received is that this store is having a campaign to try to be the biggest distributor of beer at a mark-up of 0.6%. That makes a can of beer cost less than \$0.50. That means there's going to be more alcohol in this neighborhood. When you have more alcohol at parties and family gatherings, with parents buying cases of beer, you know what's going to happen.

Ms. Leary was challenged about a statistic she gave. Councilmember Sanchez didn't hear it as particularly racist. She asked Ms. Leary to repeat what that statistic was.

MS. LEARY thinks the speaker combined two different statistics. One was that the crime rate in that area is 388% higher than the City average. That statistic she got from ABC through the Police Department. On a different computer graphic she shared a research study that dealt with outlet density and neighborhoods. This research study was specific about Hispanic neighborhoods and youth. It concluded that those who live farther from alcohol retailers are less likely to drink, and those who live closer to retailers have an increase in alcohol consumption. That research study is cited at the bottom of the computer graphic. She also gave the speaker a handout, so he can look it up.

COUNCILMEMBER SANCHEZ stated 30% of our teens reported drinking alcohol in the past month, and 75% said they could easily get it. What she asked Council to consider is something that is narrowly tailored to address the issue at hand so this does not happen again if there is another attempt by a business that is a retailer of alcoholic beverages to come in across the street from a school, where youth hang out.

This modification is actually language from our Zoning Ordinance that talks about regulated uses, so this would apply to a liquor store. She made sure that it was narrowly tailored so it would not include a restaurant. It would be just within these areas of concern involving our youth. It would give the public a chance to speak on this issue. As much money as we spend combating these issues, we want to give our kids a chance to live an alcohol and drug-free life.

She **moved** to direct staff to modify the City Zoning Ordinance to include the retail sale of alcoholic beverages as a regulated use under Section 3602 if such establishment is located within 1,000 feet from any residential district or any parcel of land which contains any one or more of the following specific land uses: 1. Public or private school; 2. Park, playground or public beach; 3. Church or other similar religious facility; and, 4. Child care or preschool facility.

MAYOR WOOD seconded the motion.

COUNCILMEMBER FELIEN stated we have a lot of discussion about Walmart, yet it's not relevant to what we're debating tonight. He asked where Walmart is in the permit process.

GEORGE BUELL, Development Services Director, responded Walmart was approved through a ministerial process through plan check. The ABC license for the sale of alcohol was also approved ministerially.

COUNCILMEMBER FELIEN stated so that's water under the bridge, and Walmart is being built. The good of this project far outweighs any negative downside. Having a grocery store in a neighborhood that has wanted one for a long time is a tremendous boost. We had this debate when he first came on the Council, dealing with neighborhood activists that are concerned about not getting proper notification on projects. He supports anyone who wants to be notified. He thought staff had created a permanent list so that anyone on it would be notified about any project that took place in the City, regardless of how close they were. He asked if that list still exists. Are we

sending it out?

MR. BUELL responded we have the means by which residents or anybody can be notified of projects that are underway in the City through the City's website. That would include when meetings are scheduled, such as a developers conference, Planning Commission hearing, Council hearing, etc.

COUNCILMEMBER FELIEN asked Councilmember Sanchez where she feels the breakdown occurred. He's totally supportive of making sure we have a system so that people will be notified before the fact. It doesn't do any good to hear about something after the fact. He thought we had successfully addressed this issue, so he would be interested in hearing where the breakdown may be taking place or what might need to be fixed.

MR. BUELL responded because this was a ministerial application, meaning that it's approved by staff without going to the Planning Commission or into any hearing, there is no notification required for a ministerial permit issued by the City. With respect to the ABC license, as Councilmember Sanchez mentioned, they are required to put a notice in the window, but that is not a process the City is involved with. That's through the State Department of Alcoholic Beverage Control.

COUNCILMEMBER FELIEN stated the issue of the list doesn't apply to this process, so it's not relevant to that. He asked if any kind of ordinance like this were to be adopted, how much time would be added to go through the CUP process for someone to open a liquor store, grocery store or any establishment that would be affected by this ordinance.

MR. BUELL responded this would not apply to liquor stores. Liquor stores are already regulated through the regulated use section of the Zoning Ordinance. As he understands it, Councilmember Sanchez intends for this to apply very narrowly to the retail sale of alcoholic beverages. Previously, he understood this to be more broadly defined and would apply to restaurants, but that does not appear to be the case.

With respect to Councilmember Felien's question, if a stand-alone grocery store desired to sell alcoholic beverages, that would take about a three month-plus period of time.

COUNCILMEMBER FELIEN asked since we ruled out liquor stores, is it only going to apply to grocery stores, convenience stores, gas stations and establishments like that?

MR. BUELL responded convenience stores already require a Conditional Use Permit. This would be narrowly defined. We would work with the language, but as he's hearing Councilmember Sanchez speak, his understanding is that this would apply to grocery stores that desire to sell alcohol.

COUNCILMEMBER FELIEN is not convinced that grocery stores are the big problem, since all of these other businesses seem to be exempt already. As he recalls from the map, there seemed to be ten locations already selling liquor. He asked the Police Chief, in dealing with the Police Department's experience with under-age drinking, does he find that the source of the alcohol that under-age drinkers acquire is more from straw buyers, fake ID's, theft, or taking it from the home?

FRANK McCOY, Police Chief, responded that would be a hard question to answer off-the-cuff. All of those encompass alcohol issues in our community. A vast majority of the alcohol does come from the home. As Councilmember Sanchez indicated, we do have thefts that occur in our local businesses. Whether it's grocery stores, liquor stores or gas stations that sell alcohol, they do what's called beer runs, where they grab a six-pack or twelve-pack of beer and run out the door.

COUNCILMEMBER FELIEN stated we have a problem in terms of under-age drinking that we all acknowledge, but this is a solution that isn't really going to solve the underlying problem that we're trying to address. It seems more of a feel-good response to a problem that hasn't even occurred yet, as it relates to a new Walmart. The issue of alcohol thefts applies to any grocery store. He has four grocery stores in his neighborhood. Each has two or three aisles of alcohol and liquor. He's sure they have their share of thefts or people buying it and passing it on to underage people, but overall his neighborhood is fine.

We need to keep in mind that correlation is not causation, as far as the statistics used in dealing with the crime in neighborhoods that face specific challenges. Maybe it's not the presence of liquor stores, but the absence of grocery stores. It's the other businesses that have left, and the high-priced liquor stores are the only ones there. Bringing back grocery stores is going to be a positive step without adding to a problem. There are plenty of establishments where alcohol is already accessible to either people old enough to legally purchase it and abuse it or people who are not legally old enough to purchase it, but who still acquire it and abuse it anyway.

He doesn't see the need to move forward with this ordinance.

DEPUTY MAYOR KERN doesn't think it's a good idea to add grocery stores to regulated uses. The process worked here. By right, there was a grocery store there before. It streamlines the process, which we were trying to do all along. Adding 3-4 months is optimistic. It depends on the schedule. If you can't get it scheduled for the Planning Commission, it might get delayed another three weeks or a month. From there, it goes to Council and may take another three weeks to a month, so you're looking at possibly a six-month delay just to open a grocery store.

This is a solution in the desperate search for a problem. It doesn't solve the Walmart problem. He understands that some people are anti-Walmart. If you were actually against having alcohol close to high schools, then how come nobody spoke against the Earthgrown Market going across the street from Ocean Shores High School? It was a grocery store going across the street from a high school, yet no one said a word. Everybody was okay with that. He bets if this was an Earthgrown Market or Trader Joes going in, there wouldn't be a word about that either. The real reason is because it's a Walmart.

We do work on alcohol problems. We have a social host ordinance that we enforce. If you go to a party and the parents provide alcohol to teenagers and the police show up, those parents are going to be held accountable for those teenagers. That's been enforced for about five or six years, so we are working on that problem. It's not a problem that we need to solve with this ordinance. Making grocery stores a regulated use is not a good way to go.

This Walmart brings 65 jobs to the neighborhood. He helped facilitate Walmart using the Veteran's Association of North County (VANC) as their hiring center, which is right across from the neighborhood. People in the neighborhood could walk across the street to the VANC building and apply for a job at Walmart. They've done a very good job there. They have all of the computers set up if you want to apply. It's at the old police station on Mission Avenue. Walmart is looking for 65 people to work there. That's the one thing they try to do is to hire locally. It will be a benefit to the neighborhood.

What's happening now is the backpedaling of what he said in print and what he really meant it to be, according to Councilmember Sanchez. The big pushback was the letter from the San Diego County Restaurant Association. Like Mr. Nydegger said, all of these other restaurants are being established next to residential districts, not high schools. It didn't say anything about high schools. It said 1,000 feet from any residential district, but that's where they build them all. This is not a good ordinance, and it's poorly written.

He can't support this ordinance and doesn't think any Councilmember should. We need to encourage businesses to come to Oceanside. We need to have streamlined processes, surety in the system and not add regulated uses when other cities don't have grocery stores with regulated uses. He can't support this and doesn't see going down this road. It's trying to solve a problem that you can't solve with this ordinance. Walmart already has their permits. This has been a total waste of time.

COUNCILMEMBER FELLER asked what the City required from Walmart for this particular application. Did we put terms on it, such as location of merchandise, security with closed-circuit television, etc.?

TOM AGUIGUI, Police Captain, responded unfortunately ABC does not regulate the location of the alcohol inside the stores. It's out of their regulation purview. However, he has met with store staff. Currently with the working conditions, we protest every alcohol license that is submitted by ABC to us. We automatically protest it, review it and submit recommendations regarding conditions. Some of those recommended conditions include the time to sell the alcohol, security guards, type of liquor, advertisements, etc.

He also met with store management within the last week. They expressed their willingness to work with the community and the Police Department in doing some things that are outside of the alcohol license process. They're willing to lock up high-end alcohol. They have a system in place, so that when a customer wants to retrieve alcohol they have to pull a tag, and it has to be recovered by an associate. They are going to put sensor caps on all of the other alcohol on display, have video surveillance cameras and state-of-the-art cash registers, to monitor processes during the regulated and non-regulated hours of alcohol sales. They're also going to institute measures to secure the aisles during the non-regulated hours, so that no one can go down those aisles during the hours they're not supposed to sell alcohol.

They are working with us, as far as the placement of the alcohol. It's isolated to the rear of the store on approximately 400 square feet of a 30,000 square foot building. They are very proactive and willing to work with the police. They also have an interest in arranging a community meeting to hear the concerns of all of the residents in that local neighborhood.

COUNCILMEMBER FELLER stated that is what he really wanted to hear. There was a market/liquor store on the corner of Horne and Bush Street that was well within 1,000 feet. They were probably not as diligent about the securing of the alcohol. They're not in business anymore, so this is definitely a great improvement. He hopes it softens the blow for those that are not interested.

He knew about this in the early summer and talked about it freely with a number of people. He remembers when Council was talking about the CityMark blocks. Even Councilmember Sanchez said that we needed a grocery store on one of those blocks, much like the one in San Diego where there's a Ralphs grocery store under a twelve-story residential unit.

What we're trying to do here isn't going to be a positive way to go about this. He knows that alcohol has been the most abused substance for a lot longer than the last 12-15 years. It probably goes back for decades as the most abused substance. What this ordinance is looking for is a way for government to be the baby-sitter, when in fact the only way we've failed our children is by not being responsible parents. The parents who contribute to this are probably more to blame than any store that sells alcohol. He doesn't have any alcohol in his house and hasn't for the last 31 years. He has instilled this with his children, grandchildren and great-grandchild. Ms. Leary is a great champion for children in dealing with drugs, alcohol and all of the abuses that go on.

This is not a business-friendly way to go about solving the problem. He hopes

there's another solution. Parents have to take responsibility for raising children; it's not the City's responsibility. We should be providing the services necessary to the City, but being a baby-sitter over what kids and teenagers do is not our job. As Captain Aguigui said, they've worked out a great process at this store. He assumes they will continue to work this out in any future stores.

He's not interested in being the solution for parents not taking responsibility. He acknowledged the young people here from El Camino High School. They deserve all of the credit for coming forward against those who ask them to participate in drinking, drugs, etc. He hopes they keep up the good work.

MAYOR WOOD had seconded the motion for discussion because not only do we need to hear about this, but also the people here and at home. There are some very good points that Councilmember Sanchez brought up, as well as the other people who spoke. There's no doubt that there is a problem needing to be addressed.

He has over 30 years in law enforcement in Oceanside. With alcohol and drugs, there's crime. Most of the crimes are connected to those two substances. No city that he knows of has come up with a solution to fix it. We have band-aid approaches on different issues that we put out there every so often. They sound good and look good, but don't seem to work. It doesn't work because there's big money in alcohol sales and illegal drugs. It's all about money. It's not going away because of the money.

Councilmember Sanchez has a big heart and compassion, not only for the whole City, but also for the neighborhoods. That is a high-crime area, as she explained. He seconded the motion to let her and other people give their reasons, pro or con. It's important because deep down inside there is a problem that needs to be addressed. He doesn't have the answer. Councilmember Sanchez hit the tip of the ice berg on what should probably be done. He doesn't want to see this die down the road. The City and other people need to come together with a solution that will help. This was a shot at trying to make it harder to get alcohol at cheaper prices. He agrees. People buy alcohol at the cheapest place, and Walmart will be that place.

The other side of this is that we've always wanted a really nice supermarket downtown. The businesses that left did so mainly because of shoplifting problems. He wanted something there to benefit the downtown area for the tourism, condos, etc. that we see all year round. In particular, Center Street and the Eastside will probably get better prices on groceries and other items, and that's wonderful. It just turned out to be a Walmart.

Councilmember Sanchez' write-up was not trying to stop Walmart; it was the sale of cheap alcohol. He appreciates the kids and others who showed up to talk about it. Whatever happens with the vote, Councilmember Sanchez was on the right track in trying to come up with a solution.

This shouldn't disappear if it doesn't pass. Maybe staff and other community members here tonight will talk more about how to address it. We see this with cigarettes and illegal drugs like marijuana, etc. It does impact our society and our youth. In all of the years he was in law enforcement, generally all of the crime was connected to drinking and drugs to some extent. It still is. We also see a lot of shootings in Oceanside with the gang-related youths. He doesn't know if any city has come up with an answer for that. It's not like we gave up; we just haven't found a solution. Some of it's the law and the ability to enforce it.

This was a good topic. It was good to address neighborhood safety in the community as a whole. How do we fan this out to a community near parks, churches and other events? That's the part that needs to be addressed later on.

This was not a waste of time, as was mentioned. Councilmember Sanchez was concerned about public safety, our youth in the community, and her neighborhood in

particular, just like anyone would if it was their neighborhood.

COUNCILMEMBER SANCHEZ was approached by the community. Eastside, Crown Heights, Joan Brown from OCNA (Oceanside Coastal Neighborhood Association) and others were shocked that this was happening. It was not so much about Walmart. We shouldn't have focused on that as much as the fact that there would be the large-scale sale of alcoholic beverages across the street from a high school, which we haven't had for many years and has been good for us.

She doesn't know why this was misinterpreted as being over-encompassing. She spoke with the City Attorney's office to make sure that she was as narrowly focused as possible, so that we could only address the immediate problem. We also met with the Police Chief and Captain Aguigui and were able to talk about increasing the number of conditions. She's glad to hear that some of them are included because we were trying to figure out how we could stop this from happening.

In her neighborhood, alcoholism was rampant. She couldn't even go to the park because the winos were all hanging out. It is still a problem. We're focusing on this neighborhood because of this particular store. She's sure they came in here looking at the market, thinking this is the community that we're going to be selling to, but alcoholism crosses socio-economic lines. This is a very difficult problem that we have to deal with in this community. The focus is our kids. When you become an adult, you make the decision to be an alcoholic and ruin your life that way. With kids it's different; it's the peer pressure of being told to do things like drinking a can of beer in one shot. We've all been young. She's been around it and knows what the problems are. Things have not really changed that much.

She thanked Councilmember Feller for mentioning notification. She spoke to Peter Weiss, Consulting Assistant, last week about knowing Council was noticed by ABC through the Planning Department, City Clerk's office and the Police Department. She asked him if there is a way for this notification to go to Council at the very least. Mr. Weiss was completely unaware that there was alcohol sales there or that the City was being notified at all. The City Attorney didn't know either. Mr. Weiss told her that if we are receiving notification via one of our departments, like the Planning Department, it is an easy thing for them to send that notice to Council. She assumes that's going to be done. She doesn't know if some things will not be followed up on, going from one City Manager to another. She asked Mr. Jepsen if this is something he will be following up on.

STEVE JEPSEN, City Manager, responded his experience has been different in that he's used to notifying all Councilmembers when a liquor license is requested. He recommended that we make it a practice to give a heads-up to the appropriate staff, including the City Manager's office, City Attorney's office and Council, so that if there are any questions we can address them in a timely manner.

COUNCILMEMBER SANCHEZ had a conversation with Mr. Weiss about his not being notified, even by the Planning Department. She asked if he had determined the notification.

PETER WEISS, Consulting Assistant, responded yes we do get noticed. The City Clerk's office has already taken the initiative. Any new filings for ABC licenses are going to be forwarded to the entire Council from the City Clerk's office.

CITY CLERK BECK stated that is correct.

COUNCILMEMBER SANCHEZ asked if the burden is going to be on the City Clerk, not the Planning Department.

MR. WEISS responded the City Clerk gets the initial notices, so they will be forwarding them.

COUNCILMEMBER SANCHEZ was told by Melinda Lyon, the director from ABC, that she sent out three notices; one to Planning, one to the Police department and one to the City Clerk's office.

CITY CLERK BECK responded that is correct. It goes to those three departments from ABC. When we receive it in the City Clerk's office, we'll be sure to forward it to Council.

COUNCILMEMBER SANCHEZ stated the City Manager's office has authority over the Planning Department and Police Department, but the City Clerk's office is separate in a way. She would like to make sure that we are notified within the City Manager's office.

The community got together to say this is at least a first step towards ensuring that the public at large knows when things like this come into a community, so they have a chance to protest it and go to ABC, Council, etc. As narrowly tailored as this modification was, this is good for Oceanside. She urged a yes vote.

COUNCILMEMBER FELLER suggested that the children get their parents involved too.

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

ADJOURNMENT

After a moment of silence for Ida Bowditch, who passed away, **MAYOR WOOD** adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 6:57 PM on November 20, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, December 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

DECEMBER 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**
Esther Sanchez

**Councilmembers
HDB Directors
CDC Commissioners
OPFA Directors**
Gary Felien
Jack Feller
Jerome Kern

**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**
Steve Jepsen

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

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

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

The regular and joint meeting of the Oceanside City Council (Council), Small Craft Harbor District Board of Directors (HDB), Community Development Commission (CDC) and Oceanside Public Finance Authority (OPFA) was called to order by Mayor Wood at 2:00 PM, December 4, 2013.

2:00 PM - ROLL CALL

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

December 4, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Mayor Sanchez was absent. Also present were City Clerk Beck, City Manager Jepsen and City Attorney Mullen.

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

[Closed Session and recess were held from 2:01 PM to 4:00 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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

Item discussed (OPOA, OPMA); no reportable action

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

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

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

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

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

Items discussed; no reportable action

4:00 PM – ROLL CALL

MAYOR WOOD reconvened the meeting at 4:00 PM. Present were Mayor Wood and Councilmembers Kern, Felien and Feller. Deputy Mayor Sanchez was absent due to illness. Also present were City Clerk Beck, City Manager Jepsen and City Attorney Mullen.

CONSENT CALENDAR ITEMS [Items 3-10]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC/OPFA instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC/OPFA or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

CITY CLERK BECK announced that Item 9 has been removed from the agenda by staff.

The following Consent Calendar items were submitted for approval:

- 3. City Council/Harbor/CDC/OPFA: City Council/Harbor/CDC/OPFA: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission, City Council, and Oceanside Public Financing Authority of the following meetings:
 - September 26, 2012 2:00 p.m. Adjourned Meeting
 - October 3, 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 Amendment 2 [**Document No. 13-D0746-1**] in the amount of \$98,000 to the professional services agreement with Project Partners, Inc. for contract building inspector services; and authorization for the City Manager to execute the amendment
- 6. City Council: Approval of amendment 3 [**Document No. 13-D0747-1**] to the purchase and sale agreement with R.D. Olson Development, a California corporation, to extend the close of escrow for two years with an additional deposit of \$100,000 applicable to the purchase price, which is to be released to the City upon receipt by the escrow agent, for the purchase of the property located at the northeast corner of Oceanside Boulevard and Rancho Del Oro Drive; and authorization for the City Manager to execute the amendment
- 7. City Council: Approval of a professional services agreement [**Document No. 13-D0748-1**] in the amount of \$96,861 with VRPA Technologies, Inc., of San Diego for completing an engineering study to update the City's Thoroughfare and Traffic Signal Impact Fees; and authorization for the City Manager to execute the agreement
- 8. City Council: Approval of a professional services agreement [**Document No. 13-D0749-1**] with D-Max Engineering of San Diego in the amount of \$80,000 for storm water program assistance; and authorization for the City Manager to execute the agreement
- 9. [City Council: Approval of a deferred improvement agreement and parcel map for 1869 Avocado Road Subdivision, a 3-lot subdivision located at 1869 Avocado Road; and authorization for the City Clerk to record the deferred improvement agreement and parcel map with the San Diego County Recorder (Continued from November 20, 2013)]

Removed from the agenda

- 10. City Council: Adoption of **Resolution No. 13-R0750-1**, "...approving revisions to the Comprehensive Citywide Records Retention Schedule and authorizing its implementation and repealing resolution 08-R0659-1"

COUNCILMEMBER KERN moved approval of the balance of the Consent Calendar [Items 3-8, and 10].

COUNCILMEMBER FELIEN seconded the motion.

Motion was approved 4-0, Deputy Mayor Sanchez absent.

GENERAL ITEMS

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

11. **City Council: Adoption of a resolution to certify and approve the hiring of William Marquis as a part-time hourly extra help consultant assistant, effective January 7, 2014, in an amount not to exceed \$26,000, during the calendar year 2014, to fill a critically needed position to provide assistance to the Property Management Division in completing real property related projects**

DOUGLAS EDDOW, Real Estate Manager, stated the item before Council is a request to adopt a resolution to certify and approve the hiring of William Marquis. Bill has been with the City for over 30 years, mostly with Property Management. He possesses unique knowledge with regard to specific projects that have not yet culminated or closed, the most important being the San Luis Rey River project, which Congress appropriated in the late 1960's and is still not concluded. There are a myriad of documents that need to be reviewed and presented to the Army Corps of Engineers. That's one of the major projects that we need Bill's unique knowledge to help us finish the project.

COUNCILMEMBER KERN asked if we make Mr. Marquis stay until the completion of the project.

MR. EDDOW doesn't know when the project is going to end, but he knows that they still have a lot of work to do in order to have it finalized.

COUNCILMEMBER KERN moved adoption [of **Resolution No. 13-R0751-1**, "...certifying the appointment of William Marquis to fill a critically needed position pursuant to Government Code Section 7522.56(f)(1)"], as a part-time hourly extra help consultant assistant, effective January 7, 2014, in an amount not to exceed \$26,000, during the calendar year 2014.

COUNCILMEMBER FELLER seconded the motion. Mr. Marquis' services have been invaluable over the years. Because he has that history, this is probably an easy solution for the department's short-handedness.

CITY ATTORNEY MULLEN clarified the appointment is not to exceed 960 hours, and it's limited to no more than \$26,000.

Motion was approved 4-0, Deputy Mayor Sanchez absent.

CLOSED SESSION REPORT

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

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

INTRODUCTION AND ADOPTION OF ORDINANCES

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

21. **City Council: Adoption of an ordinance amending Chapter 6, Articles I, II, III, IV, VI, XII, and XIII; and Chapter 11, Article II, of the Oceanside Municipal Code to reflect adoptions of the 2013 Edition of the California Building Standards Codes; Building, Fire, Plumbing, Mechanical, Electrical, Residential, Energy, Historic, and Green Building Codes, with certain local amendments, additions and deletions; and ~~adoption of a resolution of express findings supporting the local amendments~~ (Introduced November 6, 2013, 5-0)**

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption [of **Ordinance No. 13-OR0752-1**, "...amending Chapter 6 and Chapter 11 of the Oceanside City Code by the adoption of the 2013 Editions of the California Administrative Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Historical, and Green Building Codes"], with certain local amendments, additions and deletions; including Chapter 6, Articles I, II, III, IV, VI, XII and Chapter 11, Article II.

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0, Deputy Mayor Sanchez absent.

22. **City Council: Adoption of an ordinance for Zone Amendment (ZA13-00007) amending Articles 41 and 43 of the Oceanside Zoning Ordinance for a third 24-month automatic time extension for Development Plans, Conditional Use Permits, Variances, and Regular Coastal Permits (Introduced November 20, 2013, 5-0)**

After titling of the ordinance, **COUNCILMEMBER KERN** moved adoption [of **Ordinance No. 13-OR0753-1**, "...for Zone Amendment (ZA13-00007) amending Articles 41 and 43 of the Oceanside Zoning Ordinance to allow automatic time extensions for discretionary permits other than tentative maps that are valid on the date this ordinance becomes effective"], for a third 24-month automatic time extension for Development Plans, Conditional Use Permits, Variances, and Regular Coastal Permits (Introduced November 20, 2013, 5-0).

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 4-0, Deputy Mayor Sanchez absent.

CITY COUNCIL REPORTS

12. **Mayor Jim Wood**

MAYOR WOOD announced the Pearl Harbor Remembrance ceremony on December 7th and the Holiday Tree Lighting ceremony on December 5th in front of the Regal Theater.

13. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN mentioned the tremendous success of the Turkey Trot. It's putting Oceanside on the map.

14. **Councilmember Jack Feller**

COUNCILMEMBER FELLER stated the number of people at the Turkey Trot never ceases to amaze him. There were over 6,000 runners/walkers in the 5k race and 2,500 in the first race. There were a lot of people in downtown Oceanside. They got a chance to see what we've done on The Strand and on Pacific Street. These people may end up being residents of Oceanside.

15. **Councilmember Jerome Kern**

COUNCILMEMBER KERN mentioned the Home Holiday Tour, which will be presented later.

16. **Deputy Mayor Esther Sanchez** – absent.

[Recess was held from 4:12 PM to 5:01 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:01 PM. Deputy Mayor Sanchez was absent due to illness. All other Councilmembers were present.

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Youth from the San Luis Rey Band of Mission Indians

PROCLAMATIONS AND PRESENTATIONS –

Proclamation – National American Indian Heritage Month

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

Proclamation – “Educator of the Year” – Christina DeSanto

Presentations were made

MAYOR AND/OR COUNCILMEMBER ITEMS

20. **Request by Councilmember Kern to have Ashley Simpkins from the Friends of the Oceanside Public Library make a presentation regarding the Holiday Home Tour to be held on December 15**

ASHLEY SIMPKINS, Friends of the Oceanside Public Library, stated Friends of the Oceanside Public Library was founded in 1971. We’re a 501(c)3 non-profit organization. We raise more than \$100,000 per year to give to the library in the form of books and materials. We support the children and adult programs, including literacy and summer reading. We just had an American music series that went over really well in the community.

Our biggest fundraiser every year is the Holiday Home Tour and Gift Boutique. This year it will be on December 15th. We have five amazing Oceanside homes. One is directly on the beach and is ultra-modern. Another is a historical villa-style home that is absolutely beautiful. It’s full of antiques and ecological upgrades. These homes run the gamut and are absolutely beautiful.

There will be two bonus stops: the Succulent Garden Café, where you can pick up a free succulent, and the California Surf Museum, where you get free admission for the day. Also that day, we’ll have the Holiday Gift Boutique. You can get gifts for everyone on your list from many local vendors, including decorations, ornaments, jewelry, etc.

We’ll have kids dancing, adults playing acoustical guitars, etc. all day long, as well as food vendors. We’ll also have the silent auction and opportunity drawing. You can win huge prizes, such as a vacation to Hawaii or Lake Tahoe, or a skydiving trip. You can also win small prizes, like gift certificates for the Coaster or local restaurants, or a gift basket.

COUNCILMEMBER KERN stated it’s a great event, and he hopes everybody can come. He has a vested interest, since his wife is the Vice-President of the Friends of

Oceanside Public Library.

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.

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

CATHY NYKIEL, 701 Mission Avenue, MainStreet Oceanside, stated we will be holding markets on all four Thursdays in December and on January 2nd. The day market is from 9:00 AM to 1:00 PM. It's a great place to get fresh produce for all of your holiday makings, as well as fresh wreathes and flowers to decorate your home. The Holiday Gift Market kicks off the holiday season with the Holiday Tree Lighting ceremony, which is December 5th. The Mayor will be coming with Santa on a fire truck. We'll have crafts, food, a slide, a trackless train, carriage rides and other activities before and after the tree is lit.

The Holiday Gift Market is one-stop shopping. We hope to see everyone at the market. We'll have 48 hot food booths, 25 pre-packaged booths, desserts, nuts, sauces and shopping every Thursday night. All of the information is on the MainStreet Oceanside website. One key thing is the Mission Avenue improvement. We send out email newsletters every week concerning upcoming events and information about our monthly meeting, where we get updates from City officials on things going on in the downtown area.

This year Solutions for Change is collecting toys. You can drop off toys at our office at 701 Mission Avenue. She hopes to see everyone at our 7th Annual Tree Lighting, as well as the Boat Parade.

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

MIKHAIL NITELSHPUR, 3200 Production Avenue, stated we all know that human life and public safety is important for everybody. The North County Transit Authority and OTC (Oceanside Tourism Council) are part of Oceanside. The image of the City, not only for its citizens, but across the board in North County and San Diego, is very important. Three days ago, a driver on one of the Breeze buses got out of the bus with a knife and was running after a senior citizen.

The executive director is well-aware of the situation, and Councilmember Felien is a member of the Board. We need to save and protect the lives of disabled senior citizens on the streets of this City. Another driver of a Breeze bus killed an innocent woman. It can happen to our children and grandchildren. The most important issue is the safety of human life.

5:00 P.M. – PUBLIC HEARING ITEMS - 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 5:35 PM on December 4, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, December 18, 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

DECEMBER 18, 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
Esther Sanchez

Councilmembers
HDB Directors
CDC Commissioners
OPFA Directors
Gary Felien
Jack Feller
Jerome Kern

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
Steve Jepsen

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 2:02 PM, December 18, 2013.

2:00 PM - ROLL CALL

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

December 18, 2013

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Mayor Sanchez arrived at 2:07 PM. Also present were Assistant City Clerk Trobaugh, City Manager Jepsen and City Attorney Mullen.

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

[Closed Session and recess were held from 2:04 PM to 4:01 PM]

CITY COUNCIL, HDB, AND CDC CLOSED SESSION ITEMS

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

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

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 (OPOA, OPMA) and direction given; no reportable action

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

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

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

No closed session was held on this item

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

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

Item discussed and direction given; no reportable action

3. CONFERENCE WITH REAL ESTATE NEGOTIATOR (SECTION 54956.8)

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Approximate 1.61 acres at the 300 Block of North Cleveland Street (APN 147-161-11); Negotiating Parties: Successor Agency to the Oceanside Redevelopment Agency, the City of Oceanside, and Lyon Communities; Negotiator for the City: Peter Weiss, Consulting Assistant; Under Negotiations: Price and terms for the purchase of property

Item discussed; no reportable action

4:00 PM – ROLL CALL

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

Changes to the agenda

Consent Calendar Item 14 was removed by staff and continued to January.

CONSENT CALENDAR ITEMS [Items 4-17]

All items listed on the Consent Calendar are considered to be routine matters or formal documents covering previous City Council/HDB/CDC/OPFA instructions. The items listed on the Consent Calendar may be enacted by a single vote. There will be no separate discussion of any Consent Calendar items unless requested by members of the City Council/HDB/CDC/OPFA or the public through submittal of a Request to Speak form prior to the commencement of this agenda item.

The following Consent Calendar items were submitted for approval:

4. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
5. City Council: Approval of a purchase order in an amount not to exceed \$154,690 to Mossy Nissan of Oceanside for six used vehicles for the Special Enforcement Section of the Police Department; and authorization for the Financial Services Director, or designee, to execute the purchase order
6. City Council: Approval of a purchase order in an amount not to exceed \$413,872 to Emergency Vehicle Group of Anaheim for one new and two refurbished ambulances for the Fire Department; and authorization for the Financial Services Director, or designee, to execute the purchase order
7. City Council: Approval of a purchase order in an amount not to exceed \$230,803 to Mar-co Equipment Company of Pomona for one new street sweeper for the Public Works Division; and authorization for the Financial Services Director, or designee, to execute the purchase order
8. City Council: Approval of four purchase orders, one in an amount not to exceed \$619,849 to Downtown Ford of Sacramento for twelve new vehicles; one in an amount not to exceed \$24,671 to Lasher Auto Group of Elk Grove for one new minivan; one in an amount not to exceed \$70,187 to Sonsray Machinery of El Cajon for one new Skip Loader; and one in an amount not to exceed \$14,116 to Felling Trailers of Escondido for one new trailer, for a total of 15 vehicles in the total amount of \$728,823 for the Water Utilities Department; and authorization for the Financial Services Director, or designee, to execute the purchase orders
9. City Council: Approval of Amendment 1 [**Document No. 13-D0768-1**] in an amount not to exceed \$115,000 to the Master Banking Services Agreement with Union Bank N.A. of California, extending the term of the agreement for one year to December 18, 2014, for City banking services; and authorization for the City Manager to execute the amendment
10. City Council: Approval of Amendment 3 [**Document No. 13-D0769-1**] to the Statement of Understanding (SOU) between the City of Oceanside and Camp Pendleton for sewage capacity in the City of Oceanside's ocean outfall, extending the term of the SOU retroactively from November 1, 2013, to October 31, 2015; approve a budget amendment in the amount of \$69,013 to the Sewer Operating Fund; and authorization for the City Manager to execute the amendment
11. City Council: Approval of a professional services agreement [**Document No. 13-D0770-1**] in the amount of \$139,600 with Tetra Tech, Inc., of Oceanside for design services for the Ocean Hills Area Recycled Water Pipeline Project; and authorization for the City Manager to execute the agreement

12. City Council: Approval of a professional services agreement [**Document No. 13-D0771-1**] in the amount of \$447,266 with Carollo Engineers of Oceanside for design services for the Robert A. Weese Filtration Plant Major Plant Improvements Project; and authorization for the City Manager to execute the agreement
13. City Council: Approval of a professional services agreement [**Document No. 13-D0772-1**] in an amount not to exceed \$95,374 with South Coast Heating and Air Conditioning, L.P., of Vista, to replace the existing air conditioning system in the Information Technologies Division server room located at the Civic Center; and authorization for the City Manager to execute the agreement
14. [City Council: Approval of a professional services agreement in the amount of \$75,000 with Keyser Marston Associates, Inc., for financial advisory services of proposed land use and development projects; and authorization for the City Manager to execute the agreement]

Item removed from the agenda by staff

15. City Council: Approval of the Planning Commission's FY 2013-14 Workplan [**Document No. 13-D0773-1**]
16. City Council: Acceptance of the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2013
17. City Council: Acceptance of the Treasurer's Report for the quarter ended September 30, 2013

DEPUTY MAYOR SANCHEZ moved approval of the balance of the Consent Calendar [4-13, and 15-17].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

GENERAL ITEMS – None

CLOSED SESSION REPORT

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

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

MAYOR AND/OR COUNCILMEMBER ITEMS

25. **Request by Councilmember Kern to provide direction to staff to draft an ordinance to prohibit the sale of e-cigarettes to minors and to provide appropriate land use regulations for establishments selling these devices**

COUNCILMEMBER KERN wants to at least start the conversation on this. His first direction is going to be to come back in 90 days. We're not going to try to draft an ordinance from the dais tonight. We're trying to get input from all of the parties involved.

He was walking downtown the other day and saw two 13- or 14-year old kids using e-cigarettes. He knows they're not allowed to be sold to minors, but they're getting them. The e-cigarettes for people that are smokers and trying to quit is a good idea. His problem is that they are a nicotine delivery system. It gets these 12- to 14-

year old kids addicted to nicotine, and eventually they'll probably move on to tobacco.

He doesn't know what Council can do to control this over a period of time. Part of it is the marketing. It glamorizes this product. They come in fruit flavors and different colors. They're basically marketing to kids, and there are some issues with that. He's trying to get input from his colleagues and the public about where we should go with this. Today, we're just kicking off the conversation and directing staff to come back with some ideas on how to control access of this product to young people.

Public input

GENA KNUTSON is a Program Manager at Vista Community Clinic for the Tobacco Control Program. She commended Councilmember Kern on this issue. We've been working in several other cities, and this is definitely a hot topic. Kids are getting e-cigarettes and using them. We are seeing increased rates of this and need to do something about it. The cities we've spoken to are definitely doing something about it. Hopefully, we can help Council to move forward. We have several ideas.

According to the World Health Organization's background paper on e-cigarettes published this month, e-cigarettes are rapidly evolving and being marketed similarly to how cigarettes were in the 1950's and 1960's. The marketing is back on television and radio. There's aggressive placement in convenient stores next to candy and in regular stores next to medications. The youth are rapidly adopting e-cigarettes, which contains traditional tobacco flavor and also candy and fruit flavors such as cherry, peach, chocolate, root beer and cotton candy.

Flavor is an important product characteristic in determining who is attracted to a product and the ability to get started on a product. The 2012 US Surgeon General's report found that flavored tobacco products are disproportionately used by youth and initiators. Also, there is a high level of dual use of e-cigarettes and conventional cigarettes among adults and youth.

E-cigarettes have not been proven to help people quit smoking. A population study showed that e-cigarette use is associated with lower odds of quitting. According to the FDA (Food and Drug Administration), no brand of e-cigarette has been submitted to the FDA for evaluation of their safety. In the near future, the FDA plans to regulate e-cigarettes as tobacco products. Also, the FDA has not approved e-cigarettes as an effective method to help smokers quit.

The World Health Organization's report has several policy recommendations for e-cigarettes. One of them is to prohibit the use of e-cigarettes anywhere that traditional cigarettes are banned. This is a policy option that Council can consider.

DEBBIE KELLEY, Regional Director of the American Lung Association in California, thanked Councilmember Kern for his leadership in this issue and for the opportunity to participate in this important discussion about protecting the youth and the community of Oceanside.

We have a number of concerns about e-cigarettes, e-hookah pens or any device that enables children to breathe toxic substances into their lungs. Nobody knows what's in e-cigarettes or similar products or what the health consequences might be. The industry is moving towards disposable and refillable devices. She bought a starter kit from a bait shop in Carlsbad. The way these products work, there's a battery and a canister you can fill with the e-juice. Most of these flavors are sweet. There are a lot of flavors that are designed for kids. You can have nicotine in the e-juice or not. She has tried both, and they are very irritating.

She's learning so much about this new generation of nicotine delivery systems and whether they contain nicotine or not. One of the things she's learned in talking with

school districts and the police is that they are seeing kids especially using e-hookah pens. They are very similar, but are camouflaged to look like something innocuous. They have video tapes of kids using these e-hookah pens in the classroom. Some of the kids will put hashish oil, alcohol or any substance that can vaporize and help them to get high.

The paraphernalia is completely legal for kids to buy. They don't contain nicotine. It's perfectly legal for vapor sellers to hand out starter kits to kids. That's been happening in other communities around the State. She could take the vial of lemon drop and have the seller add nicotine to it. She could also buy nicotine on the internet. She was shocked to see that there are no regulations about nicotine, even though it's a very toxic substance.

Tobacco retail licensing is a great tool that empowers a community. It puts you in charge of your own destiny. There are other land use options Council can look at, such as whether these shops should allow minors and should they be located close to schools, playgrounds and areas where kids congregate. There is an organization called ChangeLab. The State of California pays those attorneys to assist communities that are looking at any tobacco control ordinance. She hopes Council will take advantage of their services.

A lot of vapor users will say that it's water vapor, but if you rub it on your hands, it's oil. From the Lung Association's point of view, you are breathing in a fine mist of oil, and a lot of it is deposited into your lungs. We don't know what the long-term health effects of something like that might be.

ERICA LEARY, 1000 Vale Terrace, brought some Oceanside Healthy Kids survey data to share. She thanked Councilmember Kern and Council for the opportunity to address this issue and look at strategies we may be able to use to get a handle on it before it gets out of our control. She is the Program Manager of the North Coastal Prevention Coalition and also an Oceanside resident. We work to reduce the harm of alcohol, tobacco, marijuana and other drugs in the cities of Carlsbad, Oceanside and Vista. The youth's use of e-cigarettes is a growing problem and something that we need to address.

It's important to remember that we as a nation took way too long to address tobacco. It has become our nation's leading cause of preventable death and continues to be. Now we have tobacco companies that have purchased the e-cigarette companies. It's fair to say that their target will be to garner new users. This is not simply a product designed for current smokers as a way to help them reduce the harms of tobacco smoke.

We've also learned a lot with the tobacco tax initiative, especially in California with our tobacco control efforts since 1988. There are a lot of effective strategies that can be taken, especially at the local level. Our neighboring cities of Carlsbad and Vista have adopted policies to prohibit e-cigarette use where tobacco smoke is already prohibited.

If you check the websites, you'll see the marketing they have in mind to get Vapor Girls out to the bars, nightclubs and anywhere they can skirt the current regulations. To tighten those regulations up would be a good thing. You also have the tobacco and drug paraphernalia ordinance in Oceanside. Perhaps that could be expanded to include e-cigarettes. That'll get a handle on the number of stores that can open and also prevent minors from accessing them. Her colleague shared that, on numerous occasions, she's seen very young children in the Vapure store in Oceanside with their guardians.

The tobacco retail licensing ordinance has been a very effective tool in many cities to drastically reduce their sales-to-minors rates. That requires stores that sell

tobacco products, including e-cigarettes, to get a license from the City for a nominal, reasonable fee that would fund enforcement and regular operations to curtail youth access.

LORENZO HIGLEY, is the Director of Tobacco Policy and Programs with Communities Against Substance Abuse, a 25-year-old private not-for-profit agency that works on public health issues. He has information about the tobacco retailer licensing ordinance and its effectiveness in El Cajon. We've been working with Council and City staff on that ordinance since 2002. Over that period of time, through Council's adoption of that ordinance, we've been able to reduce illegal sales of tobacco products and paraphernalia to minors in four out of ten stores. It dropped from 40% of the stores making illegal sales to people under the age of eighteen in 2004, to below 1% in 2011. That's a phenomenal rate of success.

The ordinance is enforced on an annual basis. That's the key. You have to have the ordinance and policy in place. As part of that, you have to have annual compliance checks. Those annual compliance checks require participating retailers to support the administration and operation with an annual fee. The success of the policy has been phenomenal. One of the things he loves about tobacco control work is that we have the policy solutions and the data to support their effectiveness.

A computer graphic was used to show the rate of illegal sales reduced over time through the implementation of the ordinance. We started at 40%. As retailers learned how to comply with the ordinance, they put systems in place that were effective. In 2011 we were below 1%. In 2012, unfortunately, we saw an increase. 2.7% of the retailers were selling illegally. However, it's been such a consistent decline and success, that we're very pleased. The Council and community are also very pleased with that outcome.

A computer graphic was used to show a report from students who were eleventh graders at two high schools in El Cajon. It's their self-report on the California Healthy Kids survey that's administered every two years regarding their reports about tobacco products being easy to get over the life of the ordinance. Another computer graphic was used to show a graph reflecting a gradual reduction in student self-reports of use of these products over time, as illegal sales rates have declined.

Additionally, he provided packets to Council with a case study about the tobacco retail licensing ordinance.

DEPUTY MAYOR SANCHEZ thanked Councilmember Kern for bringing this up because it is a very serious issue. We just had a second e-cigarette shop either applying for a license or already in business. She was wondering if we should start thinking in terms of limiting the number of shops devoted to this to 1 per 100,000. Certainly, we should include this as part of our regular uses regarding drugs and drug paraphernalia sales, where minors are not admitted into the part of a store where they sell them. They should either lock it up or somehow include these kinds of restrictions.

She's talked about the land use and including regulations having to do with the sales, but the advertising is the biggest issue here. She doesn't know if we can ban youth-type flavorings in Oceanside, but we can certainly ban advertising, especially in literature that would be going to kids. She's sure we'll end up directing the City Attorney to consider everything we've talked about and bring back some recommendations. Certain things are probably preempted by State law, but it's finding out what cities can do to limit the use of a very dangerous substance. It's not been proven safe for kids and yet here we are, after all of the resources we've put into our community to lessen the number of youths using cigarettes. It's a battle every day. What can we do to better battle this use? There's the model of El Cajon. It's wonderful that we at least have a model.

She started to read the handout and it looks like they began with a tobacco retailer licensing project that set the fees initially at \$511, but then reduced it down to \$185 to get the licensing. In terms of compliance, they began the discussion that it's a program that is at no cost to City taxpayers. They talked about trying to figure out what would be a reasonable amount to charge, but also something that would not end up being a cost to taxpayers. She agrees with that.

It's another compliance issue. Are cops going to be stopping kids who look like they just puffed out some smoke? How are we going to get kids to stop and how are we going to enforce it? It sounds like we need to partner with the school district if this is happening on the school grounds, which she doesn't doubt. She imagines there is even some marijuana use. Kids tend to take risks to see if they won't get caught doing certain things. How can we turn this around? Maybe we can do more positive marketing about how this is not good for our kids and partnering with our schools, teachers, counselors and youth leaders in helping to stop the use of this substance.

She is sure that once the FDA gets this, they will say it's not safe. We now know how putting anything in your lungs ends up. She was in law school when Yul Brynner's commercial came out about the dangers of smoking. How can we get our kids to stop doing something that's bubble gum flavored? They don't think anything bubble gum flavored can be bad, but it is.

She's glad we're discussing this and hopes the City Attorney will be looking at what we can do, while also avoiding being preempted or falling into some unconstitutional issues.

CITY ATTORNEY MULLEN stated Council should know that the Health and Safety Code Section 119405 State law does currently prohibit the sale or furnishing of electronic cigarettes to minors. That statute expressly does not preempt local ordinances. It says, "nothing in this section, or any other law, shall be construed to invalidate any existing ordinance or prohibit the adoption of an ordinance by a city that regulates the distribution of electronic cigarettes in a manner that is more restrictive than this section, to the extent the ordinance is not otherwise prohibited by Federal law." So you can regulate in a manner that is more strict than the State code.

There are a couple of things to consider. Vista and Carlsbad have done ordinances that effectively banned the use of electronic cigarettes in areas where smoking is already prohibited. We have a City Code section that outlines where smoking is prohibited in Oceanside. You could amend that to include e-cigarettes. The other option is that we have a definition of tobacco and drug paraphernalia establishments in the zoning code. That could be amended to include electronic cigarettes. The net effect involves establishments that sell them as a lounge. There are a couple in Oceanside that are furnishing these like a bar, where you can go in, buy them and get them refilled. In the future, those establishments would require use permits as a regulated use.

DEPUTY MAYOR SANCHEZ stated we do have examples of items that are legal, but can be used for an illegal purpose, like Sudafed. We have some examples of the community saying the public safety policy will be stronger towards protecting our kids against such readily accessible items. We have moved towards prohibiting or restricting how these items are sold.

She's looking forward to the City Attorney coming up with things that we can legally consider and be aggressive about.

COUNCILMEMBER FELIEN stated Councilmember Kern's idea is excellent. It's certainly a conversation that's well worth having. He's supportive of going down this road and seeing what we need to do.

COUNCILMEMBER FELLER is most focused on the use of this paraphernalia anywhere that we don't allow smoking already, in public parks, etc. People still smoke in all of our parks, and he doesn't know how you get around that. He's seen people smoking at football games at the high school and in establishments. It's unfair to anybody to be subjected to that smoke. That's the focus he would like to have on this.

He's sure we can include the rules and regulations the school district already has. He knows kids are using these pipes for things other than banana-flavored oil. There are far more than two of those places in the City. There are probably 10-15 stores and maybe more. They're cropping up on every corner.

COUNCILMEMBER KERN suggested that people email their policy suggestions to any Councilmember or directly to the City Attorney or City Manager. The County is going to take this up in February. He asked Council not to bring this back until the first meeting in March. That way, we'll have an idea of what the County is doing, and we can play off of that. He wants to do this the correct way instead of trying to write legislation at the dais.

He wants Council to consider including point-of-sale advertising as part of the ordinance. Councilmember Feller pointed out that we're seeing more and more e-cigarettes. The actual use of these has doubled for teenagers in the last year. The oily liquid is called propylene glycol, which is antifreeze. You're basically smoking antifreeze. The thought of that doesn't sound like a good idea. He asked the City Manager or City Attorney if they had any further questions for direction.

CITY ATTORNEY MULLEN asked if Council wants him to come back at the first meeting in March with an update on what we can do and how we can regulate these issues. Would Council like an introduction of ordinances that evening, or to first preview what our thoughts are and then give direction?

COUNCILMEMBER KERN suggested that the City Attorney come back with the framework of an ordinance. Then we'll have something we can start with.

CITY ATTORNEY MULLEN stated he can share some draft ordinances and perhaps not introduce them that night, but do it at the next meeting if Council is in agreement with the direction.

COUNCILMEMBER KERN responded that would be fine.

CITY MANAGER JEPSEN stated it sounds like there's a lot of experience here in the room. Certainly, best practice would be where we want to be. He's sure there are some things we can learn from those who have gone before us, as to what to do and what didn't work so well, with an eye towards the ability to enforce this at the end of the day.

CITY COUNCIL REPORTS

18. **Mayor Jim Wood**

MAYOR WOOD requested a moment of silence at the close of the Council meeting for two people who passed away recently; Pastor Hammonds from the Friendly Church of God in Christ and Bud Schurmeier from the City's Utilities Commission.

19. **Deputy Mayor Esther Sanchez**

DEPUTY MAYOR SANCHEZ stated we've had four suicides by young teens. We believe it's due to bullying. She hopes Council is going to get together with the school district and come up with a task force to address this very difficult issue. Hearing about one suicide after another of 13-year olds last week was very heartbreaking. At a

time when some of us are enjoying the holidays, there are some very sad people in our City.

She's looking forward to a new year where we can continue to make Oceanside that better place for all of us.

20. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended Congressman Darrell Issa's pancake breakfast, where we raised funds and collected toys for military families. He also attended the Visit Oceanside Christmas party, the Camp Pendleton Christmas party, the Volunteer Appreciation lunch, and the Let's Dance recital hosted by the Parks and Recreation Department.

21. **Councilmember Jack Feller**

COUNCILMEMBER FELLER attended the Pearl Harbor Day remembrance at the Harbor Fishing Pier; the groundbreaking ceremony for the new North County Health Services pediatrics wing on Mesa Drive; and the ribbon cutting ceremony at the School of Nursing Student Healthcare Project at St. Anne's Church.

22. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the Friends of Oceanside Public Library Home Holiday Tour. He mentioned Bud Schurmeier's passing, acknowledging that Bud was an asset to this community for 30 years on the Water Utilities Commission. Tomorrow Councilmember Kern will be at the Graves House, aka "Top Gun" House, helping to rebuild the porches with Bruce Coons from the Save Our Heritage organization and John Daley from the Oceanside Historical Society.

MAYOR WOOD asked the City Manager and City Attorney if they had anything to add to this end-of-year Council meeting.

CITY MANAGER JEPSEN is thankful to be back. There are a lot of good things taking place in Oceanside that Council should be proud of.

CITY ATTORNEY MULLEN wished everyone happy holidays.

[Recess was held from 4:47 PM to 5:02 PM]

5:00 – ROLL CALL

Mayor Wood reconvened the meeting at 5:02 PM. All Councilmembers were present.

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Oceanside All-Star Soccer Club members

PROCLAMATIONS AND PRESENTATIONS –

Presentation – Mayor's Business Member Spotlight
Presentation – Mayor's Youth Sports Recognition and Appreciation Award
Presentation – Employee Service Awards
Presentation – 2013 SUN Project

Presentations were made

[Mayor Wood left the meeting at 5:44 PM. Deputy Mayor Sanchez chaired the meeting in his place.]

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**

JAMES RICHARD NOEL received two illegal camping tickets on the San Luis Rey River. He looked it up and found that he was legally camping on the river. From the waterline to the common ordinary waterline, he was legally camping. The United States Supreme Court says so. The City owns the land, but only holds it in a legal, common trust. The City doesn't even have jurisdiction over it; the California State Lands Commission holds jurisdiction over the land.

The City blocked all access to that river by putting a fence on one end and rocks on the other end. The California Supreme Court ruled that you must provide access, according to the People vs. Younger case of Eldorado County. He will continue to exercise his rights to camp there.

5:00 P.M. – PUBLIC HEARING ITEMS - None

INTRODUCTION AND ADOPTION OF ORDINANCES - None

ADJOURNMENT

After a moment of silence for Pastor Hammonds and Bud Schurmeier, who passed away, **DEPUTY MAYOR SANCHEZ** 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 5:52 PM on December 18, 2013. [The next regular meeting is scheduled for 2:00 PM on Wednesday, January 8, 2014].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside