

August 20, 2014

Joint Meeting Minutes
Council, HDB, CDC and OPFA

City Manager Jepsen and Assistant City Attorney Hamilton.

Assistant City Attorney Hamilton titled the following items to be heard in Closed Session: Items 1 and 1.1A.

[Closed Session and recess were held from 2:03 PM to 4:01 PM]

CITY COUNCIL, HDB, CDC AND OPFA 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 (OFA, Unrepresented); no reportable action

AGENDA ADDENDUM

1.1 CONFERENCE WITH REAL ESTATE NEGOTIATOR

A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Property: Approximate 450 acre El Corazon (APN 162-082-06, 08, 09, & 51); Negotiating Parties: City of Oceanside, International Swimming Hall of Fame, and Sudberry Development, Inc.; Negotiator for the City: Douglas Eddow, Real Estate Manager; Under Negotiations: Price and terms for lease and/or sale of real property

Council voted 4-0, Wood absent, to not extend the negotiation agreement with International Swimming Hall of Fame and to let the agreement expire September 8, 2014.

Changes to the agenda

CITY CLERK BECK announced that Public Hearing Item 29 and Item 32 have been removed from the agenda by staff and will be rescheduled for September 10th.

4:00 PM – ROLL CALL

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

CONSENT CALENDAR ITEMS [Items 2-14]

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 14 has been removed from the Consent Calendar for discussion by a member of the public.

MAYOR WOOD pulled Item 10 for discussion by Council.

The following Consent Calendar items were submitted for approval:

2. City Council/Harbor/CDC/OPFA: Acceptance of Joint Minutes of the Small Craft Harbor District Board of Directors, Community Development Commission, City Council, and Oceanside Public Financing Authority of the August 7, 2013, 2:00 p.m. Regular Meeting
3. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)
4. City Council: Approval of plans and specifications for the Oceanside Municipal Airport [Perimeter] Fence Project; and authorization for the City Engineer to call for bids
5. City Council: Approval of a purchase order in the amount of \$100,000 to VideoRay LLC of Pottstown, Pennsylvania, for the purchase of a Remote Operated Underwater Vehicle for the Police Department; and authorization for the Financial Services Director, or designee, to execute the purchase order
6. City Council: Approval of Amendment 1 [**Document No. 14-D0492-1**] in the amount of \$62,500 for a three year period plus a Consumer Price Index increase in years two and three to the Professional Services Agreement with HdL Coren & Cone for property tax management services; and authorization for the City Manager to execute the amendment
7. City Council: Approval of Amendment 1 [**Document No. 14-D0493-1**] in the amount of \$89,760 to the Professional Services Agreement with Civic Solutions Inc. extending the term of the agreement through June 30, 2015, for contract planning services; and authorization for the City Manager to execute the amendment
8. City Council: Approval of Amendment 1 [**Document No. 14-D0494-1**] in the amount of \$44,880 to the Professional Services Agreement with William Ramsey extending the term of the agreement through June 30, 2015, for contract planning services; and authorization for the City Manager to execute the amendment
9. City Council: Approval of a five-year Lease Agreement [**Document No. 14-D0495-1**] with Mental Health Systems for minimum total revenue of \$7,200 per year for use and occupation of the premises at Libby Lake Resource Center exclusively for the purpose of providing support groups and counseling for active duty service personnel, recently separated combat veterans and their family members, and/or other related services, programs and activities to the general public; and authorization for the City Manager to execute the agreement
10. **Removed from the Consent Calendar for discussion – Council**
11. City Council: Approval of a two-year Professional Services Agreement [**Document No. 14-D0497-1**] with PowerClean of Escondido in the amount of \$175,070 for pressure washing services at various locations throughout the City; and authorization for the City Manager to execute the agreement
12. City Council: Adoption of **Resolution No. 14-R0498-1**, "...approving funds from the Grant Assistance Program administered by the Department of Alcoholic Beverage Control", accepting \$49,561 in grant funds from the State of California Department of Alcoholic Beverage Control (ABC), awarded to the City for reducing alcohol-related crime; approval to appropriate the funds to the Police Department; approval of the grant budget; and authorization for the City Manager, or designee, to execute all grant documents [**Document No. 14-D0499-1**]

13. City Council: Adoption of **Resolution No. 14-R0500-1**, "...authorizing acceptance of \$54,591 of the Edward Byrne Memorial Justice Assistance Grant of 2014", awarded to the City for gang and violent crime suppression; approval to appropriate the funds to the Police Department for gang and violent crime suppression details; approval of the grant budget; and authorization for the City Manager, or designee, to execute all grant documents [**Document No. 14-D0501-1**]
14. **Removed from the Consent Calendar for discussion – Public**

DEPUTY MAYOR SANCHEZ moved approval of the balance of the Consent Calendar [Items 2-9, and 11-13].

COUNCILMEMBER KERN seconded the motion.

Motion was approved 5-0.

Items removed from Consent Calendar for discussion

10. **City Council: Approval of a Professional Services Agreement with Washburn Grove Management of Hemet in an amount not to exceed \$249,550 for Phase I and Phase II re-mowing of the San Luis Rey River for flood protection; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

MAYOR WOOD stated we're going to have a workshop on this item later this month. However, he talked to staff and the Army Corps of Engineers the other day. This is something that the City has been following for many years. He's been dealing with it for at least twelve years. It's about the weeds, bushes and trees growing in the flood control channel. The big issue for the public is that, until we get at least a 100-year flood control project from the Army Corps of Engineers, your flood insurance doesn't go down.

This is one more step. We're trying to deal with the Army Corps of Engineers on this particular item. It's costing the citizens and everybody else more money, and we don't seem to be moving forward after fourteen years. He explained to the Army Corps of Engineers that we can't get to the point of mowing three portions of the flood control channel in order to get the insurance deduction for flood control insurance.

The City is going to be paying almost \$300,000 to mow these areas. It's the citizens' tax money. Down the road, when people get their rate increases, their flood insurance will go down a little, but they'll be putting that money back into their taxes to pay for the mowing and upkeep of the flood control channel. He told the Army Corps of Engineers that he was not happy about this. He told them that, after waiting 12-14 years, maybe we should go to federal court and let somebody else decide how to handle this.

We're voting on this per staff's recommendation. It gets us one step closer to being able to get the decrease in flood insurance for all of the people who live around the channel. Council has talked about it, but this is something that keeps coming back. We once had to give 80 acres of mitigated land to the Army Corps of Engineers to be able to mow one-sixth of the strip of the river. This was getting ridiculous. It was costing the citizens of Oceanside more effort and time. In order to make up for what they want, the taxes will be equal to what citizens will be saving. It's frustrating.

We've gone back to Washington D.C. almost every year to address this issue. There is a workshop on this item down the road. That would be a good time for anybody from the public with an issue regarding the flood control channel and their

flood insurance to speak. There are a lot more details that most people don't know about. It's pretty complicated. He's frustrated with fighting this for twelve years as the Mayor and getting nowhere.

He's had a lot of contact with the City Manager, Deputy City Manager, staff, insurance, etc. He wasn't going to vote in favor of this item, but if it gets people closer to saving some money, he will support it this one last time.

DEPUTY MAYOR SANCHEZ moved [approval of a Professional Services Agreement **[Document No. 14-D0496-1]** with Washburn Grove Management of Hemet in an amount not to exceed \$249,550 for Phase I and Phase II re-mowing of the San Luis Rey River for flood protection; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents].

COUNCILMEMBER FELLER seconded the motion.

COUNCILMEMBER FELIEN stated the Mayor summed it up pretty well. One thing that happens far too often is that our City is actually being punished because we tried to do the environmentally-friendly thing. When the flood control channel was built, rather than just making it all concrete, we tried having a sand bottom, which allows the water to percolate and become part of the water table. It accomplishes the flood control objectives and is more environmentally friendly than a concrete channel.

Because one bird built a nest, we're now punished for trying to be environmentally friendly. It's a case where the state and federal governments are not cooperating with the City to meet the flood control objectives our residents need while trying to also be environmentally friendly in a reasonable manner that will neither harm the bird population nor represent any other threat.

He agrees with the Mayor. It's absurd the way our City is being treated.

Motion was approved 5-0.

14. **City Council: Adoption of a resolution accepting the relinquishment of segments of State Highway right of way within State Route 76 from the State of California acting through the California Department of Transportation (Caltrans); and waiving the City's right to receive 90 day notice of Caltrans' intention to relinquish highway right of way**

RUBEN DURAN, Senior Property Agent, is here to support the adoption of a resolution to accept the relinquishment of State Highway right-of-way from the California Department of Transportation (Caltrans), to waive the 90-day noticing requirement of the Street and Highway Code, and for this action to be taken by Caltrans. Caltrans had acquired City right-of-way for its State Route 76 widening project. Now they have determined that three segments of State Highway right-of-way are no longer needed for the State Highway system. They are requesting that the City accept this so that they can convey them back.

Public input

JOAN BRUBAKER, 1606 Hackamore Road, stated when Jeffries Ranch Road was shut down, it was to facilitate the construction of the highway. She labored with the Fire Department for many hours because she wanted a second way out. There are 5,000 people in there with one exit. They promised her that there would be a gate with a key, that someone in command would have that key and that there would be an access road to exit the area.

Looking at the example on the internet, it appears that there are a couple of

areas that they intend to make equestrian and bike trails. They were going to make improvements, but the only improvements she sees is that a lot of the weeds have been taken away, as well as a portable toilet. When they put in the equestrian and bike trails, how are they going to have an access road in the same area?

We've been short-changed a second time. Not only did we lose our exit, but we're also losing our access road.

Public input concluded

MAYOR WOOD stated this has been a complicated issue. He and Deputy Mayor Sanchez were on Council when staff said they were going to have a secondary outlet. That changed, and now we're at this point. He asked staff to address this for the speaker.

DAVID DIPIERRO, City Traffic Engineer, responded we've been working with Caltrans on this property relinquishment. This is part of the landscape design and construction project that they're moving into now. As part of that construction project, they plan on building the non-motorized multi-use trail. It's basically from Melrose Drive to Jeffries Ranch Road along the south side of Highway 76.

MAYOR WOOD asked if Mr. DiPierro remembers the exit that the speaker was talking about.

MR. DIPIERRO responded there is an emergency exit. There are bollards at the end of Jeffries Ranch Road. If there is an emergency, that's the second access to get out. Obviously, the bollards would need to be removed. That was part of the design for the Highway 76 widening.

MAYOR WOOD hopes they get the second exit one way or the other. We heard that from Caltrans before, but they didn't follow through. He's sure that's why the speaker is asking.

DEPUTY MAYOR SANCHEZ stated Caltrans gave several reasons for not allowing us to do this. They had authority over this. It would make it easier for us to do whatever we think we can once it's relinquished to us. She **moved** approval of [adoption of **Resolution No. 14-R0502-1**, "...authorizing the acceptance of Caltrans relinquishment of properties located within State Route 76 between Melrose Drive and Jeffries Ranch Road, in the City of Oceanside", from the State of California acting through the California Department of Transportation (Caltrans); and waiving the City's right to receive 90-day notice of Caltrans' intention to relinquish highway right of way].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

CLOSED SESSION REPORT

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

ASSISTANT CITY ATTORNEY HAMILTON reported on the items discussed in Closed Session: See items 1 and 1.1A above.

GENERAL ITEMS

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

15. **City Council: Adoption of a resolution approving and implementing the Memorandum of Understanding between the City and the Oceanside Police Officers Association-Non Sworn (OPOA-NS) effective August 20, 2014 through June 30, 2016**

PAT NUNEZ, Human Resources Director, stated the item before Council is the Memorandum of Understanding with the civilian part of the Police Officers Association. It includes the lifeguards, lieutenant, sergeant, dispatch staff, field evidence technicians, call takers, records technicians and community service officers.

This contract has a two-year term. The key economic issues are special salary increases for some of the classifications to bring their salary to the median. Those are detailed in the staff report. It also provides for a taxable, non-PERSable stipend in varying amounts by classification. Those are also detailed in the staff report. It provides for an increase in bilingual pay equal to that given to the other bargaining units. The increase in life and accidental death and dismemberment (AD&D) insurance also equals what's given to the other groups. There is an increase in the uniform allowance for the communications supervisor, call takers and dispatchers. It adds a uniform allowance for the records technician staff.

The non-economic issues include the elimination of some of the classifications from the represented group, including aquatics specialist, dispatcher I and II, field evidence technician trainee and investigative assistant. It provides for time off for one member of each of the represented classifications to attend a one-day union educational seminar, and provides for part-time, benefitted employees to have an increased cap on their vacation accrual from 200 to 300 hours, which was done for all of the bargaining groups.

The fiscal impacts for the first year total \$284,182. That includes the salary adjustments, bilingual pay increase and uniform allowance adjustment, as well as the PERS costs associated with those PERSable items, the life insurance coverage increase and the stipend. The second year of the contract just has the non-PERSable stipend for those classifications that will receive it.

DEPUTY MAYOR SANCHEZ moved approval of [adoption of **Resolution No. 14-R0503-1**, "...approving and implementing the Memorandum of Understanding [**Document No. 14-D0504-1**] between the City of Oceanside and the Oceanside Police Officers' Association Non-Sworn", effective August 20, 2014 through June 30, 2016].

COUNCILMEMBER FELLER seconded the motion.

Motion was approved 5-0.

16. **City Council: Adoption of a resolution to certify and approve the hiring of Kristy Sing as a part-time hourly extra help consulting assistant, effective September 1, 2014, in an amount not to exceed \$28,435 per year, to fill a critically needed position to provide assistance to the Police Department 9-1-1 Communications Center**

FRANK McCOY, Police Chief, stated we've had a number of dispatchers who have either retired or resigned. We're in a critical state right now. Kristy had retired in June. We could really use her help with answering 911 calls during our peak hours. We would like to bring her back on a part-time basis to fill that need until we can hire more people.

COUNCILMEMBER FELLER sat in with dispatch and learned about the value of quick communication in the field. He encouraged the Chief to keep looking to fill all of

the positions. He **moved** approval of [adoption of **Resolution No. 14-R0505-1**, "...certifying and approving the hiring of Kristy Sing to fill a critically needed position pursuant to Government Code Section 7522.56(f)(1)", as a part-time hourly extra help consulting assistant, effective September 1, 2014, in an amount not to exceed \$28,435 per year, to provide assistance to the Police Department 9-1-1 Communications Center].

DEPUTY MAYOR SANCHEZ seconded the motion.

CHIEF McCOY thanked Council for authorizing two additional positions in dispatch, which is going to be critical for us. It will be a big help for that department.

Motion was approved 5-0.

17. **City Council: Approval of a Property Exchange Agreement with AMB DFS Pacific Coast, LLC, exchanging Parcel 11 for Parcel 26 in the Pacific Coast Business Park; approval of an agreement with Scannell Development Company to provide additional consideration to effectuate the exchange; authorization for the Mayor to execute the agreements; authorization for the City Clerk to accept the grant deed; and authorization for staff to consummate the transaction**

DOUGLAS EDDOW, Real Estate Manager, stated staff is recommending approval of this item. The Property Exchange Agreement with AMB, which has since been acquired by ProLogis, allows for the exchange of City-owned Lot 11 for ProLogis-owned Lot 26 in the Pacific Coast Business Park. This allows ProLogis to put together 39 contiguous acres so that they can sell a piece of property to Scannell Development. Scannell Development intends to build a warehouse distribution facility of approximately 303,000 square feet for Federal Express (FedEx) distribution.

The other item is an agreement to provide an additional consideration payment of \$600,000 from Scannell to the City. This helps to reimburse the City for previous costs incurred for designing Fire Station 8 on Lot 11. It also addresses some future costs as the City looks to design Fire Station 8 on Lot 26. As part of the consideration agreement, FedEx has agreed to conduct a job fair in Oceanside to help fill these jobs. They estimate that 500 new jobs will be created.

Scannell is currently in the process of submitting a development plan to get approvals and entitlements for this project.

COUNCILMEMBER FELLER stated the backup material says that we are reimbursed for any expenses for prior design and for the other piece of property. That's a pretty fair thing to do, besides getting another good piece of property. It's probably a little more accessible to the north/south accesses. He **moved** approval [of a Property Exchange Agreement [**Document No. 14-D0506-1**] with AMB DFS Pacific Coast, LLC, exchanging Parcel 11 for Parcel 26 in the Pacific Coast Business Park; approval of an agreement [**Document No. 14-D0507-1**] with Scannell Development Company to provide additional consideration to effectuate the exchange; authorization for the Mayor to execute the agreements; authorization for the City Clerk to accept the grant deed; and authorization for staff to consummate the transaction].

DEPUTY MAYOR SANCHEZ seconded the motion.

Motion was approved 5-0.

18. **City Council: Introduction of an ordinance amending Section 10.17 (Diagonal Parking) of Article X of the Oceanside Traffic Code to establish back-in (reverse) angle parking; and adoption of a resolution to establish back-in**

(reverse) angle parking on the north side of Mission Avenue between Coast Highway and Clementine Street

TEALA COTTER, Associate Traffic Engineer, stated the long-awaited Mission Avenue one-way couplet project is close to completion. Recently, both lanes going westbound on Mission Avenue between Coast Highway and Clementine Street have been opened. Along with making a portion of Mission Avenue as a one-way street, the City has introduced reverse angle parking, also referred to as back-in angled parking.

The Mission Avenue improvement concept plans, which included reverse angle parking, was approved through the Community Development Commission back in 2010. In 2013, Council approved the plans for the Mission Avenue improvement project, including reverse angle parking. She recommended that Council introduce an ordinance amending the Oceanside Traffic Code to establish reverse angle parking and adopt a resolution to establish reverse angle parking on the north side of Mission Avenue between Coast Highway and Clementine Street.

COUNCILMEMBER FELLER stated since it's already in, this is only a formality. After titling of the ordinance, he **moved** [introduction of an ordinance amending Section 10.17 (Diagonal Parking) of Article X of the Oceanside Traffic Code to establish back-in (reverse) angle parking; and adoption of **Resolution No. 14-R0508-1**, "...establishing certain traffic controls within the City of Oceanside (Back-In (Reverse) Angle Parking)", on the north side of Mission Avenue between Coast Highway and Clementine Street].

COUNCILMEMBER KERN **seconded** the motion.

COUNCILMEMBER FELIEN stated this is one of those issues where we're either going to be hero's or goats, depending on people's experiences with it. He asked if we are making a special effort to get comments, both good and bad, to see how this experiment is going and who the public should call if they have exceptionally strong opinions one way or the other.

DAVID DIPIERRO, City Traffic Engineer, responded we've been receiving comments since the road construction started. People can subscribe to Customer Care through the City to post their comments. We would be more than happy to address them. We've had some comments on the reverse angle parking. Most of it had to do with before these stalls were open. They thought the design was done wrong because of the way the lines were laid out on the street. Since we've opened it, people have realized that we're starting something new. It is cutting edge and much safer than the normal head-in angle parking. As time goes on, people will get used to it. They're going to see that it's just as easy as parallel parking.

COUNCILMEMBER FELIEN asked what other cities currently use reverse angle parking.

MR. DIPIERRO responded there are quite a few. Locally, Solana Beach has done a test site near the post office. The City of San Diego is working on it in the Golden Hill area. It's in the planning stage. Throughout the country, there is Seattle, Washington, D.C., etc. The list goes on and on. In Seattle, if they do any angle parking from here on out, it'll be reverse angle.

COUNCILMEMBER FELIEN asked if they've had it long enough to know if people are happy with it.

MR. DIPIERRO responded yes, from everything we've seen. Otherwise, we wouldn't have gone down this road.

DEPUTY MAYOR SANCHEZ has gotten a lot of complaints about this. When

this first came before Council, she voted against the project. She was hoping that we would not use a one-way street or reverse angle parking. She was more interested in seeing a separated bike path. We got close to doing that, which would have been much better for this. She has tried backing into a spot in a big parking lot, and she can't even get close. It's actually more dangerous. If we make it easier for people to stop so that they can shop, eat or walk by using parallel parking, it is going to get us more activity on Mission Avenue.

She talked to Councilmember Lisa Heebner of Solana Beach, who said that there was a lot of opposition to this by the community. Deputy Mayor Sanchez doesn't think this is good. She would like to see Council set a date in 3 or 6 months to review this and decide whether or not this is something that is really going to work for us.

COUNCILMEMBER KERN stated it is much easier than parallel parking. We did this at the behest of the bicycle community. When you're heading out now, you can actually look up the street to see if bicycles are coming down Mission Avenue. He doesn't mind bringing it back in a year to let it go all the way through summer, see what happens and give everybody a fair shot at looking at this. We can keep track of whatever complaints we have. It'll take some getting used to. He can do it in his pickup truck, which is much easier to do than parallel parking. Most people will get used to it.

COUNCILMEMBER FELLER stated reverse angle parking is still in place around the post office in Solana Beach. There was a project that they thought about having, but they did not complete that project. He asked if the one that they do have is still in place.

MR. DIPIERRO responded as far as he knows, that is true. The City of San Diego is starting a planning process to implement it too.

COUNCILMEMBER FELLER asked if you can parallel park, this is easier. This is not a difficult process. We need to give it some time.

MAYOR WOOD was against this at the beginning. He was also against the one-way street. However, he would join in to make this unanimous to change the downtown area to a walkable and bicycle-friendly community. He's going to go along with the understanding that if we get any more complaints we'll have to bring it back.

The first complaint that he received was that the City had painted the lines wrong on the ground. Obviously, they weren't following the scene downtown and that it was going to be back-in angle parking. We'll see how it goes.

Motion was approved 4-1, Sanchez no.

19. **CDC: Authorization to award a contract in the amount of \$1,451,880 to Hal Hays Construction Inc., of Riverside, for the Beach Restroom Project Phase I; approval of Amendment 1 in the amount of \$257,010 to the Professional Services Agreement with RRM Design Group for architectural and engineering design support, construction survey and geotechnical services for the project; approval of a Professional Services Agreement with Construction Testing & Engineering, Inc. of Escondido in the amount of \$118,054 for construction inspection and special inspection services for the project; approval of a Professional Services Agreement with Dudek of San Marcos in the amount of \$169,900 for construction management for the project; and authorization for the City Manager to execute the agreements upon receipt of all supporting documents**

NATHAN MERTZ, CIP Manager II, stated tonight's item is an award of a

contract for two beach restrooms and two remodels in the beach area. Back in 2010, as a product of a waterfront master plan conducted by the redevelopment agency, one of the components that received a lot of community consensus was redoing the beach restrooms on the waterfront. Tonight's item is the end result of one of those priorities.

We will be redeveloping the restrooms at The Strand at Breakwater Way and Sportfisher Drive, as well as remodeling the restrooms at the Pier and at Wisconsin Street. In 2010, this went through a community process. The members of the community who were present at those meetings selected a contemporary design for the restrooms to be placed on the beach. This design will be at Sportfisher Drive and also at Breakwater Way.

The other goal with these restrooms was to maximize fixture count within the square footage of the existing buildings. Right now, there are four water closets and one urinal at Breakwater Way. The new restroom will have fourteen water closets within the same square footage. At Sportfisher Drive, there are five water closets and one urinal in the existing bathrooms. The new restroom will also have fourteen water closets. The mid-pier restrooms will have the same fixture count, but will have new tile, fixtures, partitions and paint. At Wisconsin Street there are three water closets and one urinal. We will get five water closets and one urinal out of that interior improvement. The Tyson Street Park restrooms will be addressed at a future date.

The construction project itself will start at the beginning of October or late September. We have a 160-day working contract. That puts us at a year from now when these four facilities will be open for the public to use.

COUNCILMEMBER KERN complimented Mr. Mertz on his work on the Mission Avenue project. As the project manager, he kept it on track, and it turned out great. He has confidence that Mr. Mertz will carry this project forward and get it done on time and on budget. He **moved** approval of [authorization to award a contract **[Document No. 14-D0509-3]** in the amount of \$1,451,880 to Hal Hays Construction Inc., of Riverside, for the Beach Restroom Project Phase I; approval of Amendment 1 **[Document No. 14-D0510-3]** in the amount of \$257,010 to the Professional Services Agreement with RRM Design Group for architectural and engineering design support, construction survey and geotechnical services for the project; approval of a Professional Services Agreement **[Document No. 14-D0511-3]** with Construction Testing & Engineering, Inc. of Escondido in the amount of \$118,054 for construction inspection and special inspection services for the project; approval of a Professional Services Agreement **[Document No. 14-D0512-3]** with Dudek of San Marcos in the amount of \$169,900 for construction management for the project; and authorization for the City Manager to execute the agreements upon receipt of all supporting documents].

This is one of those projects that we didn't have the money for until we sold the mobile home park. He had directed Council to take the money from the mobile home park sale and put it towards the beach restrooms because that's what the community wanted. Hopefully, a year from now we'll have a ribbon-cutting.

COUNCILMEMBER FELLER **seconded** the motion. We're going to end up with no bathrooms in a couple of places. He asked what the plan is for that. Will they get portables?

MR. MERTZ responded during busy holiday weekends, we already place portable units along the beach areas. With the closure of the restrooms, primarily during the winter and spring months, we'll have portable toilets to accommodate the emergency situation.

COUNCILMEMBER FELLER asked if they worked out some proportions. He knows there are a lot of people who go in there. One of the things that they have is

hand washing. He suggested having that.

MR. MERTZ responded we'll have all of those facilities accommodated as part of the project.

COUNCILMEMBER FELLER is curious to know how they're getting five water closets in the Wisconsin Street bathrooms.

MR. MERTZ responded we flip-flopped the men's and women's side, which allows us some extra square footage in the interior. We also put the sinks on the outside of the building. The hand washing component will be on the outside.

COUNCILMEMBER FELLER looks forward to the ribbon-cutting.

Motion was approved 5-0.

20. **City Council: Authorization to award a contract in an amount not to exceed \$4,441,825 to Canyon Springs Enterprises dba RSH Construction Services of Hemet, for construction of the Fire Mountain and Guajome No. 1 Reservoir Repairs Project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents**

JASON DAFFORN, Water Utilities Division Manager, is requesting an award of a construction contract for the Fire Mountain and Guajome No. 1 project. The Water Department has twelve reservoirs located in nine different locations throughout the City. Two of our oldest reservoirs, Fire Mountain and Guajome No. 1, were constructed in 1956 and 1962 respectively. These reservoirs were constructed to the seismic standards that were approved in 1962 and 1956.

Since that time, new seismic regulations require that these reservoirs receive seismic upgrades. Some of the improvements consist of new reinforced connections between the walls, footings and roofs, along with new pre-stressed cables, miscellaneous cosmetic repairs, site improvements and repairs to the surrounding fences and sites.

On June 25th, Council approved plans and specifications, and authorized the City engineer to call for bids. Two bids were received on July 29th. Staff evaluated the bids. The lowest responsive bidder, submitted by Canyon Springs Enterprises, was in the amount of \$4,441,825. Our engineers estimate was \$4,400,000. As a general comparison to these numbers, the construction cost of new reservoirs is roughly in the range of \$8,000,000-\$10,000,000. That does not include the cost of the demolition of the existing reservoir, which would add another \$2,000,000, taking the total up to about \$10,000,000-\$12,000,000.

Therefore, this rehabilitation project costs about 35-40% of what new construction would be. This will add about 30 years of service to the reservoirs. Staff recommends that Council award this construction contract.

DEPUTY MAYOR SANCHEZ stated there were two bidders that responded. The other bid was over \$1,000,000 more. She asked Mr. Dafforn why the other bid was so much more. Do we feel really comfortable with this bid? Mr. Dafforn had indicated that our own estimate was \$4,000,000. One bid came in at around that amount, but the other one came in at \$1,000,000 more.

MR. DAFFORN responded this work is extremely specialized. There are very few companies that bid this type of work. Most of them use the same subcontractors because it is so specialized. From the information we get through the industry, when one contractor is busy, the other one seems to have more competitive pricing. We feel

very comfortable with the pricing. We contacted all of their references and got good references from everybody that has used them. We feel confident in their ability to construct the project.

DEPUTY MAYOR SANCHEZ asked if he anticipates that the contractor with the lower bid is going to try to do a change order because of additional perceived costs.

MR. DAFFORN responded all contractors intend to try that. However, our plans and specifications are really good for this project. We should be able to keep our costs within the budget that we have for the project.

DEPUTY MAYOR SANCHEZ moved approval of [authorization to award a contract **[Document No. 14-D0513-1]** in an amount not to exceed \$4,441,825 to Canyon Springs Enterprises dba RSH Construction Services of Hemet, for construction of the Fire Mountain and Guajome No. 1 Reservoir Repairs Project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents].

COUNCILMEMBER KERN seconded the motion. He asked if they are doing the reservoirs simultaneously or consecutively. How do we account for water pressure and water flow when these reservoirs are out of service?

MR. DAFFORN responded the construction and outage will be occurring at the same time. The main reason is because of the specialized piece of equipment that they bring in to add new wrapping around the tanks. The contractor gets a better price when they do one tank and then move right to the next one. As far as the ability of our staff to manipulate the system and provide for appropriate pressures, we have run scenarios and worked very closely with our operations staff. We're in good shape to make sure that residents are not affected.

COUNCILMEMBER KERN stated that obviously in the wintertime we have a lower water demand. He asked if that is when they're planning to do this.

MR. DAFFORN responded yes. The first outage is scheduled for October 1st. We're moving very quickly to get the contractor out there to take advantage of the winter months when we have low demand.

COUNCILMEMBER KERN stated his only concern about October is that's when the Santa Ana winds come. We have fire issues in October. Hopefully, they'll work with the Fire Department to find out what the forecast is for October before we start taking water tanks out of service.

MAYOR WOOD asked if they'll be giving notification to the two prominent neighborhoods about the construction noise.

MR. DAFFORN responded this weekend we have outreach scheduled in both neighborhoods. We've contacted them with mailers. We've gotten some responses from that. On the same day, we'll have community outreach at one reservoir in the morning and the other reservoir in the afternoon. It's very similar to what we did on the Myers-Tait project. It works very well with the local residents.

MAYOR WOOD thanked Mr. Dafforn and his staff. It's important. Water is our gold.

Motion was approved 5-0.

[Recess was held from 4:50 PM to 5:01 PM]

INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Brandon Adkins, OPD Explorer

PROCLAMATIONS AND PRESENTATIONS –

Off agenda – Mayor’s Welcome of new Brigadier General Edward D. Banta at Camp Pendleton

Presentation – Employee Service Awards

Presentation – Oceanside Police Department Explorer Awards

Presentation – Mayor’s Business Member Spotlight

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

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

PAM CHAMBERS, 1922 South Freeman Street, thanked Council for their commitment and service. She has lived in Oceanside for over 30 years with her three sons and retired Marine husband. They were talking about Harbor Days and all of the fun they’ve had at the different events over the years. Everyone does their part. For over 30 years, she has served on committees. Councilmember Kern has been the head of many committees. She has seen him at all events doing all things well before he was a Councilmember. This is true of Councilmember Feller as well, whether it’s coaching Little League, school events, etc. The list goes on and on.

She thanked Councilmembers Kern and Feller for their service to the community outside the City Council.

JOAN BRUBAKER, 1606 Hackamore Road, stated at the last Council meeting, a person addressed Council regarding interactions between Council and the building association people. Some changes were made to the Building Department. The Building Department was asked to have several meetings. When it was first assembled, the public assumed that they were able to attend because it was an open meeting. People weren’t happy about the presence of the Councilmembers there and a few of the building association people who were on the committee. They did allow the public to stay. However, there was no reporter and no publication of the meeting happening.

The meetings were held to change a few of the conditions that Oceanside had been using. One main change was the density of building. Another change was the placement of affordable housing. At that time, the builders were allowed to put in \$10,000 for each affordable unit that they built. Councilmember Kern asked for it to be dropped to \$1,000 per unit, and it was adopted. She wondered how they could get 1,400 units, which Councilmember Kern claimed he could produce. Maybe she misunderstood what he meant.

She applauded the City for having 432 units of various affordable housing that have either been purchased or refurbished. 180 units are in the process of being built. She hasn’t seen the 1,400 units yet, but they may occur.

NICK RICE, 133 Sherri Lane, thanked Council for their service and for shepherding our City into what we all hope it will become. He lives in a mobile village on Coast Highway. Morse Street and Oceanside Boulevard are our parallel streets. We have the benefit of a beautiful creek called Loma Alta Creek. There was flooding there

in 1997. We had a meeting at the mobile village with one of the fire department representatives about tsunamis. This was very proactive. We live in a tsunami zone. We also have fires and floods.

What about the flood channel that has been built? It's nice, but it's full of debris. He wrote letters and emails to the assistant engineer. She responded by telling him that there was no obstruction in the channel. He thought that was odd. It's actually an island of dirt with foliage growing out of it. His concern is that if we have rains like we did in 1997, the citizens and businesses are going to be in grievous danger. He would appreciate Council looking at that.

He got another email from another employee of the engineering department echoing the same thing, that there's no debris. If he saw any shopping carts, bicycles, etc., he was to send a photo. He has invited them numerous times to come down so that he could personally give them a tour. They chose not to. He's just asking for help.

His other concern is the omission of the Buccaneer Beach bathrooms from what Council just voted on. He lives in that area. The other day, his grandson said that the bathrooms look "ghetto," and they do. The people subcontracted to clean them are completely derelict in their duty. They do not clean them. You would not want your wife or daughter going in there. It's not a good place.

The building structure is falling down on the people who lease it to run the Buccaneer Restaurant. He would appreciate if Council could look at adding the Buccaneer Beach restroom reconstruction. We're talking about a very small bathroom, but it's in one of the gems of all of the beaches we have in this City. He knows that staff will take a look at it and possibly do an add-on there.

Someone mentioned the bicycle community as far as Mission Avenue. He asked to have the police department come to Coast Highway. When 30-40 riders come on the weekends and don't stop at the crosswalks, they're violating the law. They need to be given a few tickets, to protect the residents of the City.

FAYE SCHULTZ has been a resident of Oceanside for over fourteen years. She is the President of Saving Pets One at a Time (SPOT) Rescue. We're a local rescue group that saves dogs and cats from shelters. We've been a group for about four and a half years. We've saved over 1,700 animals that otherwise would have died.

People have been talking about Oceanside Puppy store and the puppy mills. We've been shown images of how cruel and inhumane it is. She agrees with all of that. However, today she is talking about the burden that it is to the City financially and also image-wise. There has been a loss of revenue to the City because of Oceanside Puppy store. She ran a successful business in Oceanside for twelve years. When all of this came out about Oceanside Puppy, she wrote a letter saying that we don't want to stop supporting Oceanside, but we will. She pulled her business from Oceanside and moved it to another town that has an ordinance that will not allow the selling of dogs and cats from stores. This was a loss of City revenue.

People say it's their right to have a legal business in Oceanside. It brings in revenue at any cost. She remembers living here when there was a strip club downtown. We paid generously to move them out because it was not the image that we wanted for our town. She agrees with that. It was the right move. If you look at downtown now, it's awesome. It's a town that we should be very proud of. It's progressive, not digressive.

One puppy was two months old when he was purchased from Oceanside Puppy. At five months old he was dumped at our shelter. The problem with Oceanside Puppy is that their dogs end up becoming our burden. We are the tax paying citizens who have

to house, feed and take care of these animals at our local shelters. This dog was slated to be killed. We would have had to pay for that cost too if it wasn't for SPOT Rescue. SPOT Rescue had to pay for three eye operations and a herniated umbilical cord that needed to be fixed. There are multiple other issues.

We get calls on our hotline all the time from Marine families who have been given discounts and financial planning from Oceanside Puppy, yet they can't afford the payments. They call, begging us to take over their payments. The burden lies with the citizens. Those dogs will end up in a shelter. Owner Mr. Salinas gets the revenue, and we get the burden. It's time for Council to do what the citizens elected them to do. Please support us. Don't let this type of business be in Oceanside. This is not the image that we want. It's not where we want our taxpayer revenue to go.

ROSEMARY HUTZLEY owns property in the City, but does not reside in Oceanside. She complimented Council for the fabulous way that it has rebuilt Oceanside. Instead of a drive-through place, they've made it a destination place. Aside from that, she wants to speak about her experience with Oceanside Puppy. She's not a protester, but is in favor of what the protesters are doing at Oceanside Puppy. She purchased a dog from a puppy store that came from a puppy mill. The dog had horrible heart problems. It died early and cost her an enumerable amount of money to take care of the problem.

As for her personal experience with Oceanside Puppy, she has been to the protests about five times in the last year. She almost got hit by their glass door when it swung open. Another time, one of the workers came out and was using profanity, saying things that were extremely discourteous and rude to one of the protesters. Another time, one of the workers actually challenged one of the protesters to a fight. She doesn't go there anymore simply because the last time she went there, somebody tried to run her down when she was walking across the lot.

She doesn't understand why this business is allowed to carry on with their appalling behaviors and promoting abuse to animals by purchasing puppy mill dogs. All of the progressive cities along the coastline, from San Diego all the way to Orange County, have ordinances against puppy mill dogs being sold in puppy stores.

She is also curious about the strip mall that Oceanside Puppy is in. There are hardly ever any cars in it. A lot of the storefronts are vacant. If she sees picketing or people standing in front of stores with a beef against them, she doesn't shop there. She will never go to that shopping center again because of the levels of intimidation that business used to get the protesters to leave.

She hopes that Council will reconsider its decision and have another vote on this. The City is beautiful.

LESLIE DAVIES, 2015 Winchester, stated Oceanside Puppy is bad for our City. It not only costs taxpayers money, but owner Mr. Salinas is not buying his puppies from local breeders. Instead, he is purchasing puppies from Goodman, Missouri, which happens to be the puppy mill capital of the United States. Since there is no legal definition of what constitutes a puppy mill, Mr. Salinas can claim that his puppies are not from mills. However, we all know that they are in fact from puppy mills. When the breeding facility is so large that they need to be regulated by the United States Department of Agriculture (USDA), any reasonable person would conclude that it's a puppy mill.

When your product falls under the jurisdiction of livestock, you are a puppy mill. When the USDA says that the length of the body, plus six inches, is acceptable living space for our companion animals, you are a puppy mill. Mr. Salinas says that he only deals with the USDA-regulated breeders that have indirect violations. Laura Lee Thomas

is one of the breeders. Mr. Salinas is very proud of this breeder. She has 773 dogs and 302 puppies on her property. This is a puppy mill. Christy Yates is another breeder that Mr. Salinas uses. She has been cited for indirect violations, such as multiple dogs housed together, where only one dog has enough space to sit, stand, lie down and turn around freely.

She showed some of the indirect violations of the breeders that Mr. Salinas uses and is so proud of. These are all indirect violations. However, Mr. Salinas has admitted several times that he's very proud to deal with these breeders. She has an entire notebook filled with pictures of kennel cards taken from inside Mr. Salinas' store, along with the USDA inspection reports.

We elect our officials to help protect our local consumers from bad business practices. There is an election in November. When we go to the polls, we will remember who voted to allow this store into our City.

DAVID TERRELL, 276 North El Camino Real, stated some Councilmembers like outsourcing. Outsourcing means that a City function is not responsible to the citizens anymore. You still need to pay a fair wage for a fair days' work, which includes pensions, so we don't save anything. Citizens will also have to pay executive fees on top of the salaries. We have the best police force, fire department and ambulance service in the county. Some Councilmembers would like to outsource these departments. They also wanted to outsource our library.

He is an Oceanside resident who votes. He'll be voting for Chuck Lowery and Dana Corso.

SHEILA KADAH, 5160 Avenida De La Plata, stated every good job creates ten other jobs. She lived in Portland, Oregon. They saved jobs. They try to do everything they can not to outsource jobs. She is for that. It works.

Millions of dollars have been spent on studies for the Melrose extension. The Planning Commission said that it was not good to do it. Why would they spend over \$2,000,000 on studies for an extension that is only going to save less than three seconds? They're also going to take away four properties. One of them is a horse ranch. It's going to obliterate that. We're supposed to save jobs and businesses. Why would they do that and get rid of a business?

People are worried about how their kids are going to get to school because of the Melrose extension. Jeffries Ranch Road is closed. To reopen it will cost a million dollars. That's just throwing money away. She wants leaders to save money and jobs.

The City outsourced the water bills. It's a mess. She's had nothing but trouble with her water bills. Councilmember Kern says that we pay the firefighters in our area more than any other city in San Diego. That's not true. We're number eight or ten. We need to have leaders who care about money, keeping jobs and the people of Oceanside. People say that Oceanside is doing well, but Oceanside isn't doing well because between 40-60% of the people in Oceanside have income that is below self-sufficiency. They don't have enough money for their basic needs. In many areas it's 60%.

We need people in office who want to bring back jobs. Vote for Dana Corso and Chuck Lowery.

SUSE SHROYER, 276 North El Camino Real, stated that, because Oceanside is on the coast of Southern California, it is in high demand for developers, especially developers of hotels. Almost no city on this coast allows hotels to be built anymore. The demand for hotels is going up daily. Fiscally responsible leaders of a coastal California city only need to pick the highest offer. They may need to wait a few months,

but there will always be a higher offer.

Despite this, Oceanside has chosen to do a fiscally irresponsible thing and pay \$17,000,000 for a hotel. The developer only needs to pay \$3,000,000. The City doesn't even get a piece of the profits for the investment.

The City passed a law to take away her home and most of the manufactured homes in the City and give them to out-of-town developers. They tried to give the library away to an out-of-town corporation. They tried to give away the police force and fire department to non-residents of Oceanside.

The City Council was elected to represent the citizens of Oceanside. However, they are representing the out-of-town business interests. It is the citizens of Oceanside who will vote them out. She is voting for Chuck Lowery and Dana Corso to represent Oceanside on the City Council.

ERIN RILEY-CARRASCO, 1845 Downs Street, is a lifelong resident of Oceanside. She has a 25-year business called Dance Unlimited located on Oceanside Boulevard. She has over 400 families at her studio. We participate in many events throughout the year, such as Oceanside Harbor Days, Art Day, etc. She felt compelled to speak to give a voice to the issue of the Oceanside Puppy store and puppy mills. She finds it utterly disappointing and shocking that, in her City, half of our Councilmembers would be in favor of promoting cruelty to animals by supporting a puppy mill store.

The majority of dogs and cats sold at Mr. Salinas' puppy store are mass-produced at profit-driven breeding facilities, shipped in large semi-trucks, and then snuck in by Mr. Salinas and his employees. She showed a cease and desist letter from an adjoining business that she does business with. When speaking with this business owner one day, he was complaining to her about the large semi-trucks that routinely drop off the under-age puppies at night. Most of them are not even at the eight-week age that the government requires. If Oceanside Puppy store is an above-board, animal-loving pet store, why would they sneak in the animals through secret back door windows, and park their semi-trucks at the adjoining shopping center?

She implored Council to make this a City with responsible businesses that demonstrate compassion, forward thinking and the humane treatment of animals and citizens. She is the owner of a rescue dog from a puppy mill. She's had it for eight years. This dog was so traumatized from the puppy mill that it took almost three years to get her to where she is a happy and healthy dog today. She's not asking Council to close the store, but to support small businesses by mandating that this puppy store procure their puppies from humane sources, like local rescue agencies and breed-specific rescue groups.

There are millions of animals getting put to sleep each year. Our City does not need to be known for this kind of suffering.

MARIA RUSSELL, 1323 Lemon Street, is a thirteen-year resident of the Eastside neighborhood. Since the economy collapsed in 2008, many folks are still struggling. She sees an increase in our City's homelessness, including people with mental illness, drug addiction, and those who are veterans.

Her family lives close to a canyon. We see makeshift tents that people live in. Recently, she and her husband encountered a sport utility vehicle (SUV) that was parked for several days in front of the canyon. It turned out to be a couple from Wisconsin who became homeless during the downturn. We gave them water, some protein bars and the least of possible resources. They were grateful, and they moved on.

Oceanside Police Department (OPD) is in the process of hiring two police officers

to act as social workers to redirect some of these folks into appropriate agencies. Two officers sounds like a little band-aid on a big problem. The real problem is the short-sightedness of Councilmembers Kern and Felien, who feel that closing homeless shelters and soup kitchens is being a good taxpayer advocate, while subsidies for developers for hotel development is okay.

She urged everybody to exercise their vote and elect Councilmembers who are going to work for all residents, not just a few select developers.

DIANA SUNDE, 1335 Lemon Street, has been a resident of the Eastside neighborhood for three years. Her mother was an Oceanside resident for over 30 years. She is well aware of what has gone on in Oceanside for several years. She wants to address the injustice of the outrageous changes in the rules and regulations to the community services that help our homeless and our needy. It hits her personally because she stands in the line for her 85-year old parents and her 75-year old aunt. The changes that have been made this year have been astronomically ridiculous.

Her parents make a very small income. Even the food that she buys for them is not enough. What Councilmembers Kern and Felien have failed to realize is that these soup kitchens and food boxes are not just for the homeless or the sick. They are for people who have worked their whole lives to live in a decent state. She is appalled at what's being done to the local resources for these people. She knows who she is not voting for in this coming election.

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.

28. **City Council: Adoption of a resolution to adjust fees for new meters and their installation; adjust fees for utility services related to door tags and automated phone notification of delinquencies, after hours service calls, reinstatement of services, broken locks, broken angle stops, illegal use of spacers, customer requested meter exams, Industrial Waste permits and Fats, Oils, and Grease (FOG) permits; establish a fee for the inspection of sewer laterals; and direction to staff to implement the changes**
- A) Mayor opens public hearing – hearing was opened.
 - B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence – Mayor Wood, Deputy Mayor Sanchez and Councilmembers Kern, Feller and Felien reported contact with staff.
 - C) City Clerk presents correspondence and/or petitions – none.
 - D) Testimony, beginning with:

CARI DALE, Water Utilities Director, is before Council to discuss proposed new water meter and utility service fee adjustments. The adjustments for new water meters and other utility services would allow for the full recovery of costs for labor, parts, vehicles and services associated with providing the service. The fees do not exceed the City's cost to provide the service, and affect only those customers receiving the service. All fees presented follow a cost-of-service methodology.

As for the new water meter and installation fees, these fees were last updated in December of 2012. The fees before Council today include the cost of the meters, as well as the installation labor. The fees impact customers who are buying into the system. The current fees do not adequately reflect the cost of providing the services. A computer graphic was used to show a table of the current fees, as well as the proposed fees and any increases or decreases on any of the fees. Two of the larger meters have fees that are going down. That is due to a change in the manufacturer that is being used by the Water Department. There is a reduced cost for those larger meters.

She also has the new utility service fees. They are mostly updates to the existing fees. As with the meter fees, these fees were last updated in December of 2012. Most of these fees impact customers who are delinquent in paying their bills, starting a new service, transferring service or causing damage to City equipment. A computer graphic was used to show a table of the current and proposed utility service fees and the increases or decreases in the fees.

There is one new utility service fee, which is the encroachment fee, or sewer lateral inspection fee. This is a new fee when a homeowner needs to assess the City's sewer while performing repairs to a City lateral. She was before Council several months ago discussing ordinance changes to allow homeowners to do the repairs. That fee is set at \$50. With the adjustment in the fees, there are adjustments in the annual revenues. Our estimate based on last years' projected numbers for these services is \$178,000 in additional revenue, which covers the cost of providing the service.

In summary, the proposed updated fees recover the cost of the services being provided. New meter and installation cost increases impact only those buying into the system. The average customer that pays his/her bill on time will not be affected.

Public input

JIMMY KNOTT, 127 Sherri Lane, is Vice-Chairman of the Utilities Commission. He complimented staff on their due diligence in bringing this issue before the Commission. We have heard it and questioned a number of different issues. What Council has is the result of that. One issue that has been brought up is the idea of including an inflationary index in the future. He doesn't know how Council would feel about that, but it is something that we could consider in the future.

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

COUNCILMEMBER KERN moved approval of [adoption of **Resolution No. 14-R0514-1**, "...adopting fees for new water meter equipment and installation and utility services and equipment provided by the City", adjust fees for utility services related to door tags and automated phone notification of delinquencies, after hours service calls, reinstatement of services, broken locks, broken angle stops, illegal use of spacers, customer requested meter exams, Industrial Waste permits and Fats, Oils, and Grease (FOG) permits; establish a fee for the inspection of sewer laterals; and direction to staff to implement the changes].

He asked if a customer requests an infield meter exam for \$150 and the department goes out there and finds that our meter is defective, is that money refunded to them?

MS. DALE believes that it is. We get about two requests a year. Typically, when a customer requests one of those types of tests, it doesn't turn out that way. It's usually recording slow.

COUNCILMEMBER KERN stated that's fine. He just wanted to make sure that the public is aware. He doesn't want them not to report it because of the \$150 fee. If someone really suspects that something is wrong with their meter, it's going to cost if it's not the City's fault, but if they are vindicated, they will get their money back.

DEPUTY MAYOR SANCHEZ seconded the motion.

Motion was approved 4-0, Feller absent.

29. **[City Council: Adoption of a resolution approving the issuance, sale and**

delivery of Multifamily Housing Revenue Bonds by the City in an amount not to exceed \$20,000,000 to finance the development of Mission Cove Seniors Apartments

- A) Mayor opens public hearing
- B) Mayor requests disclosure of Councilmember and constituent contacts and correspondence
- C) City Clerk present correspondence and/or petitions
- D) Testimony, beginning with David L. Manley, Neighborhood Services Division Manager
- E) Recommendation – adopt the resolution]

This item was removed from the agenda by staff and will be re-noticed.

MAYOR AND/OR COUNCILMEMBER ITEMS

30. Request by Mayor Wood to make appointments to or motions for removal from some or all of the City's Advisory Groups

With the Council's concurrence, the following appointments are now being made:

	<u>Term Expires</u>
<u>ARTS COMMISSION</u>	
Reappoint Angela McDowell as regular	7/1/2017
<u>ECONOMIC DEVELOPMENT COMMISSION</u>	
Reappoint Jim Schroder as regular	9/26/2017
<u>HISTORICAL PRESERVATION ADVISORY COMMISSION</u>	
Reappoint Andrew Guatelli as regular: Member at large	7/1/2017
Appoint Jean Keller as regular: Member at large (replacing Greg Root)	7/1/2017
<u>HOUSING COMMISSION</u>	
Reappoint Inez Williams as regular	7/1/2017
Appoint Millicent Palaferri as regular (replacing David Baily)	7/1/2017
Appoint Rafe Edward Trickey, Jr. as regular (replacing Allison James)	7/1/2016
<u>MANUFACTURED HOME FAIR PARACTICES COMMISSION</u>	
Reappoint Mary Lou Elliott as regular	8/22/2017
Reappoint Rita Koor as regular	8/22/2017
<u>PARKS AND RECREATION COMMISSION</u>	
Reappoint Jerry Anderson as regular	7/1/2017
Reappoint Margaret Malik as regular	7/1/2017

August 20, 2014

Joint Meeting Minutes
Council, HDB, CDC and OPFA

Move Michael Simmons from Alternate I to regular (replacing Peter Whitley)	7/1/2017
Appoint Richard Blankinship as Alternate I	7/1/2015
Appoint Marc Herman to Alternate II	7/1/2015

POLICE AND FIRE COMMISSION

Reappoint Gwen Sanders as regular	8/1/2017
Move Joseph Travers from Alternate I to regular (replacing Jim Provenza)	8/1/2017
Move Sean Sargeant from Alternate II to Alternate I	8/1/2016
Appoint Paul McQuigg to Alternate II	8/1/2016

MAYOR WOOD presented this one week in advance to all of the Councilmembers. He went through it and made his recommendations.

COUNCILMEMBER KERN requested to separate the Utilities Commission vote. He **moved** approval [of the balance of the appointments to the City's Advisory Groups].

DEPUTY MAYOR SANCHEZ seconded the motion.

Motion was approved 4-0, Feller absent.

UTILITIES COMMISSION

Move Wayne Daigle from Alternate I to Regular (replacing Jimmy Knott)	7/1/2016
--	----------

COUNCILMEMBER KERN cannot support the appointment of the Utilities Commission. He's going to vote no.

MAYOR WOOD stated Mr. Knott was put on some of these commissions because he had a lot of contact and support by the senior community. He doesn't appear to have that anymore. Mayor Wood has been asked not to put him on. He asked if Councilmember Kern is also saying no to the person replacing Mr. Knott.

COUNCILMEMBER KERN responded no. He would like to leave Mr. Daigle at Alternate I. He wants to leave it the way it is.

MAYOR WOOD stated that'll have to come back again.

COUNCILMEMBER KERN asked if Deputy Mayor Sanchez is seconding the Mayor's motion for the appointment.

DEPUTY MAYOR SANCHEZ responded no.

COUNCILMEMBER KERN stated there is no motion. We'll bring it back at a later date.

CITY MANAGER ITEMS

31. **City Council: Quarterly Budget Update**

JAMES RILEY, Financial Services Director, presented the Financial Status Report for the year ending June 30, 2014. The focus of this presentation will be on the General Fund. The report that Council received in their packets is for informational purposes only. The actual year-to-date numbers in the packets are unaudited numbers. They don't include all of the year-end accruals. However, the final audited financial statements will be available in December of 2014. The information presented to Council does show where we are to-date before we actually have those final accruals.

A computer graphic was used to show a summary of the General Fund activity for the year ending June 30, 2014. We're looking at a comparison between what the adopted budget was for 2013-14 and what the amended budget was, as well as the change in the budget. When you look at the revenues, they increased approximately \$5,000,000 over the adopted budget. Most of this is due to increases in property taxes, sales taxes, transient occupancy taxes (TOT), ambulance billing and charges for services.

On the expenditure side, there was an increase of \$2,700,000 over the adopted budget. This was due primarily to two issues: continuing appropriations from the prior year, and an adjustment made during the second quarter for worker's comp claims. As this money was allocated, Police, Fire and Development Services were the departments that were primarily affected.

CITY MANAGER JEPSEN reiterated that these numbers aren't final. There are still some outstanding encumbrances that may change, but it won't change a lot. Is that correct?

MR. RILEY responded that's correct.

CITY MANAGER JEPSEN stated some of the reserves is money saved that was surplus from last year and that we committed to this year's budget for one-time expenditures. He asked if that's reflected in those numbers.

MR. RILEY responded it is reflected in those numbers.

CITY COUNCIL REPORTS

21. **Mayor Jim Wood**

MAYOR WOOD announced that her mother passed away last Saturday. She was a lovely woman who was known by many people in town. He thanked everyone who called and sent cards, flowers and plants.

22. **Deputy Mayor Esther Sanchez** – no report

23. **Councilmember Gary Felien**

COUNCILMEMBER FELIEN attended the Association of Latino Merchants event; the Eagle Scout ceremony for Ted Hunter; the Concert in the Park event; the opening day ceremony for the Soccer Club of Oceanside; and the Mission Cove groundbreaking ceremony. He also attended the League of Cities meeting at the San Diego Gas and Electric (SDG&E) Energy Innovation Center. They have model homes, kitchens and businesses. They give ideas on how to save energy and lower utility bills. He encouraged any citizen who is considering a major renovation or is interested in getting ideas to save energy to visit the facility.

He attended two receptions at the Oceanside Museum of Art: one for Pat Bates, the new Senator, and the other for Tim Moran, the new CEO of the Tri-City Medical Center.

24. **Councilmember Jack Feller**

COUNCILMEMBER FELLER expressed condolences to Mayor Wood for the passing of his mother. He requested to close the meeting in her memory. He announced the Hotel California Salute to the Eagles tribute band performance on August 24th at the Pier and the Ivey Ranch Western Hoedown on September 9th.

25. **Councilmember Jerome Kern**

COUNCILMEMBER KERN attended the opening day ceremony for the Soccer Club of Oceanside; the library book sale; the Mission Cove groundbreaking ceremony; and the two receptions at the Oceanside Museum of Art.

During the off-agenda items, some speakers talked about Councilmembers not supporting the homeless. He and his wife have supported Brother Benno's thrift store for 25 years. To have uninformed people come before Council and accuse him of not supporting the homeless is wrong. He expects those people to come back with an apology.

He requested to close the meeting in honor of Mayor Wood's mother.

21. **Mayor Jim Wood - Continued**

MAYOR WOOD stated his mother would not want that, but he thanked Councilmember Kern for the thought. He asked for an update on the street overlay project.

GABOR PAKOZDI, Associate Engineer, is the project manager for the annual overlay project. The contractor and several subcontractors have been working on the annual overlay for over a month. The project has reached the stage in which they will need to do the work at night. This nighttime work is necessary due to the heavy traffic impact on major arterial streets. Since some of the work is inherently noise-producing, we realize that this is an inconvenience to nearby residents. The contractor has been notifying the impacted residents by mail flyers and door hangers.

For traffic safety reasons, we've placed traffic signals and flashing red lights in the affected intersections. This is also an inconvenience, but a necessary one for the safety of the workers and the public. We are currently working on El Camino Real, North River Road and Melrose Drive. The next location will be Oceanside Boulevard. We are paving El Camino Real from Via Las Rosas to Fire Mountain Drive. Where the paving is done, we are still painting striping and cutting the traffic groups.

On North River Road, we are paving from North River Circle to Stallion Drive. The section at North River Circle is where the developer for the transit station finished the paving work. We are picking it up from there and paving all the way past Stallion Drive. This will be nighttime work. We have notified the residents in the adjacent areas. We try to be good neighbors as much as possible with this work. On Melrose Drive, we are paving from North Santa Fe Avenue to Sagewood Drive.

The work that has not begun yet is Oceanside Boulevard from College Boulevard to Ord Way. The adjacent residents are being notified. Due to the heavy traffic at this location, we have no choice but to do the work at night. This is not unusual. Many other cities do nighttime paving.

COUNCILMEMBER KERN asked what the start and finish times will be each day.

MR. PAKOZDI responded at nighttime, they will start at 8:00 PM and will work until 5:30 AM.

COUNCILMEMBER FELLER has constantly brought up the intersection at El Camino Real and Vista Way. At some point we have to fix that. You need a front-end wheel alignment after driving across it.

MR. PAKOZDI responded right now we are negotiating a change order with the current contractor to possibly include that with this job. If that doesn't work out within the timeframe that this contract will allow, we will put it in the next batch of paving overlay jobs we're going to do, which will be within this fiscal year.

COUNCILMEMBER FELLER asked if the paving at Oceanside Boulevard and College Boulevard has to wait until they're finished with the undergrounding.

MR. PAKOZDI responded yes. We are aware of the SDG&E project that is going on. At this point, we are not going to pave the intersection itself. We are staying out of the way of SDG&E.

MAYOR WOOD stated the public believes that we pave those streets, then dig them up the next month for a pipe, and then just patch them.

CITY MANAGER JEPSEN appreciates that engineering staff is doing this work. It's important. He knows we have an organized method for picking locations. If people have areas that they want to make staff aware of, they can call. He asked, in case some people backed up against the arterial streets are not watching, do we notify them? Is there a number that they can call?

MR. PAKOZDI responded yes. A computer graphic was used to show a list of contact numbers for the project manager, City staff and inspector, as well as a website with additional information about the overlay project.

MAYOR WOOD suggested that people call Customer Care during the daytime if they have a complaint on potholes, graffiti, traffic issues, etc.

COUNCILMEMBER FELLER added people can leave messages with Customer Care at night too.

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.

32. **[Adoption of an ordinance of the City of Oceanside amending Chapter 37 of the Oceanside City Code by Deleting Subsection 37.102(d) and adding Article VIII, Recycled Water (Introduced 8/6/2014, 5-0)]**

This item was removed from the agenda by staff.

August 20, 2014

Joint Meeting Minutes
Council, HDB, CDC and OPFA

ADJOURNMENT

MAYOR WOOD adjourned this joint meeting of the Oceanside City Council, Community Development Commission, Small Craft Harbor District Board of Directors and Oceanside Public Finance Authority at 6:52 PM on August 20, 2014 to a workshop at 2:00 PM on Wednesday, August 27, 2014. [The next regular meeting is scheduled for 2:00 PM on Wednesday, September 10, 2014].

ACCEPTED BY COUNCIL/HDB/CDC/OPFA:

Zack Beck
City Clerk, City of Oceanside



California

CITY OF OCEANSIDE

MAYOR AND COUNCIL WORKSHOP

AUGUST 27, 2014

ADJOURNED MEETING 2:00 PM COUNCIL CHAMBERS

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

Mayor

Jim Wood

Deputy Mayor

Esther Sanchez

Councilmembers

Jack Feller
Jerry Kern
Gary Felien

City Clerk

Zack Beck

Treasurer

Gary Ernst

City Manager

Steve Jepsen

City Attorney

John Mullen

The adjourned meeting of the Oceanside City Council was called to order at 2:00 PM, Wednesday, August 27, 2014.

2:00 PM - ROLL CALL

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

WORKSHOP ITEMS:

- 1. Update on the San Luis Rey Flood Control Project and Approval of the Declaration of Restrictive Covenants Required for Mitigation**

MICHELLE SKAGGS LAWRENCE, Deputy City Manager, stated we have two things that we would like to accomplish with Council this afternoon. First is to give Council an updated status report on where we actually are with the flood control project. We have the Army Corps of Engineers here today to help us with that. Second is an action item. Staff is going to be recommending that Council adopt the Restrictive Covenants for the restricted lands as a result of the project.

DAVID VAN DORPE, Deputy District Engineer, U.S. Army Corps of Engineers, is here to help people learn about the San Luis Rey Flood Control Project. The project was first authorized in 1970. It was reauthorized in 1988 and then again in 1996 for a cost increase. Essentially this is a flood control project that provides flood protection for the City. It is 7.2 miles long, from College Boulevard to the ocean. Although the project was authorized in 1970, the Corps of Engineers wasn't actually funded to do any study or design on the project until the late 1970's and early 1980's. In 1987, we had a design report that was transmitted to Congress for authorization. We were able to start

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

construction in 1990. Construction continued throughout the 1990's during a couple of very large storm events on the river.

In 2000, the final construction of the levee was complete. However, between the start and stop of construction, there was critical habitat designated along the river, which precluded us from having a viable operations and maintenance (O&M) plan. We had to go back to consultations with the United States Fish and Wildlife Service. It took seven years for the City, the Army Corps of Engineers and the agencies to come to an agreement on what that operation plan was going to look like. As a result of that operation plan, we had to also come up with a revised final plan. It didn't affect the levee, but it did affect the vegetation growing inside the levee.

Since that time, we've been working on the revised plan. In 2007, flows on the river had dropped to about 40,000 cubic feet per second, which is equivalent to the storm frequency of a once-in-65-years event, or 65-year flood. This was the dilemma in 2000. Part of the plan involved how to address the laws for the species, while at the same time taking care of the flood conveyance. When the project was originally authorized, it was for a flood conveyance of 89,000 cubic feet per second, which equates to a once-in-270-years event. However, we updated our hydrology in 2008. Even though it says a once-in-270-years event, even if the channel was built today and cleared from levee to levee, it would actually be a once-in-190-year event. This is because there have been major storm events since the original design in 1987.

The worst condition we had was in 2005 after our emergency mowing, and in 2006 in the first phases of mowing. We are now at an 80-year level of protection. The goal is to get up to the 100-year level of protection with our final third phase of mowing. The discharge rate is 71,200 cubic feet per second. The mowing plan is to start at College Boulevard going downstream to the ocean, going laterally through the channel to phase out certain areas of riparian forest, and to keep that area mowed down. A computer graphic was used to show a cross-section of the channel. It shows what areas are to be mowed and what areas of vegetation are to remain. We've completed Phases 1 and 2. We are now hoping to mow the first part of Phase 3. Phase 3 has two areas of mowing that are going to be staggered over time. There is a 5-year wait period between those mowing rotations. We'll get the first mowing done this year, and then the final mowing five years from now.

As for mitigation, we're working with all of the different resource agencies on this project about getting to the mowing this year. From his point of view, the relationships are probably better now than they have ever been. There was a time when it was very difficult to even talk to each other on the phone because it was an intense negotiation during our consultations.

There are a lot of permit requirements. One of the most important permit requirements is that we have a designated mitigation area for the habitat. At the time that we drew up the plan in 2007 and had the report approved, that plan called for 343 acres within the channel to be set aside. Another way to have done that was to have tried to find a plan to buy offsite mitigation. However, that would have been much more costly. We would have probably had to buy private land, as opposed to using land already available in the channel.

A computer graphic was used to show what the mowing of Phase 1 looked like. The riparian forest had large trees that had been growing for 10-20 years, creating a very thick forest. At the end of Phase 1 mowing, everything was mowed to the ground in that particular area. That's about what we expect the channel to look like on an annual basis for Phase 1. The picture of Phase 2 mowing shows the equipment used to mow Phase 2.

As for next steps, this summer we've been doing surveys of the population of birds. We have the results of that. Our environmental staff has met in the past couple of weeks. Our goal is to get to mowing Phase 3, Rotation 1 next month. Five years

after that will be the second rotation. During that time, we'll have all of the sediment removed so that we can get to levee certification and turnover.

There are several environmental commitments that we have. The Restrictive Covenants were a requirement. We were supposed to have these in place before we got to Phase 2 mowing. However, in working with the agencies at the time, they were very satisfied with our progress on the project. They allowed us to get to Phase 2 mowing, even though we didn't have the final Restrictive Covenants in place. However, this year we know it's not the same situation in that those Restrictive Requirements are required for us to get to Phase 3.

As for the timeline, we'll be mowing this fall. In five years, we will complete the final phase of mowing. We also want to complete the sediment removal by 2020. We had a side-channel mitigation area called Whelan Lake. We were able to get some of the sand out of the river at that point. There is a lot of sand in the river that will either naturally wash downstream or will perhaps be mechanically moved downstream so that we can ensure that we have the right size channel to get all of the water through. Sometimes sand dunes form. The vegetation that had been in the channel all of those years was holding a lot of that sand in place. We expect a lot of that material to start to move when we get rain again.

After that, we'll have the levee certified. The City can then proceed with the Federal Emergency Management Agency (FEMA) certification process in order to get the flood plain remapped and get people out of that flood plain. There are about 3,000 properties that have flood insurance right now. We're all frustrated at the length of time that this project has taken. The Army Corps of Engineers, City, homeowners and resource agencies would like to see this completed and to get these people out of the flood plain. They're the ones bearing the brunt of this right now. We want to do right by the people of Oceanside.

With levee turnover, we want to make sure that the Corps of Engineers turns over sound levee structures to the City. We will be doing levee inspections. If there are any repairs associated with that, we'll cover it as part of the project costs to complete those repairs and turn it over. One of the issues we've had with other levees in California involves a lawsuit from the State of California. It has to do with trees on levees. We're making sure that the vegetation in this channel is not going to have that same kind of issue. We'll have levees that can be inspected and that are of sound quality.

The current total project cost is \$105,000,000, of which the City and government have contributed about \$99,000,000. Most of those are sunk costs. The City contributed about \$20,000,000 towards the lands. The cost share is 75% from the federal government and 25% from the City. The majority of the City's contribution has been the lands that it has already provided for the project. There is a small amount of funds that still needs to be provided by the federal government, plus the matching 5% cash needed by the City to complete the project. The outstanding balance for the federal government is about \$2,000,000.

The remaining federal share is \$2,300,000. The City's matching fund is \$470,000. The annual O&M costs were estimated to be a lot higher when we did the post-authorization report. It's about \$600,000 a year, annualized. One of the constraints on the project is that Congress authorized the project for a certain dollar amount. The Corps of Engineers is only allowed to exceed that dollar amount by 20%, including inflation. We call it the 902 limit. We cannot go above that without having to go back to Congress for reauthorization. We've worked very diligently and have been very fiscally prudent to make sure that we're wisely spending these dollars and staying below that 902 limit. It's always been a constraint on the project. Right now, the total project cost is estimated at \$105,000,000, including all of our sunk costs. The 902 limit is \$110,000,000. There is less than 5% wiggle room. We're keeping a very close eye on that.

In talking about the obligations of the City from here on out, there is a mowing cost associated with annually mowing the Phase 1 and Phase 2 area. Part of this project is to work with the agencies to figure out how we can reduce our O&M costs. Our hydraulic engineers are coming out here next week because we want to make sure that a one-year annual mowing is really required. If they're comfortable with coming in every other year, that could be a significant savings for the City in the long-term. The problem is that we don't want the vegetation to grow and become an obstruction to our flood conveyance. We have to make sure that we're making sound engineering judgements, but there is the potential for cost savings on this and some of the other measures.

There are several permits associated with the project. Those permits will proceed into the future during the O&M phase. That is part of the project cost for covering the mitigation requirements up through the year 2020, at which time some of these items will either fall off or become the responsibility of the City. We're keeping an eye on certain items to make sure they're not a significant risk to our project scope, budget or timeline. For example, with the levee inspections, we want to make sure the levees are sound. If there are repairs, we want to cover it, but we also want to make sure that it's at the cheapest price possible. We're also making sure our mitigation requirements are the absolute minimum that we have to do, yet comply with all applicable laws.

What happens if we don't mow this year for one or more conditions? No one wants to have this project draw out another year. It would take us working very closely with the agencies to figure out how we could try to keep this project on schedule. However, from the project's point of view, it's another \$800,000 a year expense on the project that we would not want to have to absorb. Finishing the project on time in 2020 is critical to us.

DEPUTY CITY MANAGER SKAGGS LAWRENCE stated staff is recommending that Council approve the Declaration of Restrictive Covenants for the mitigation lands related to the San Luis Rey Flood Control Project. The purpose of a restrictive covenant is to provide for mitigation for the loss of habitat and species. We are required under this document to keep the property in a natural condition, and to preserve and protect the restricted area. We are also responsible for all long-term maintenance and management in perpetuity.

The Restrictive Covenants are actually a requirement of the approval documents, ie: the permits. We've known that we had to do this Restrictive Covenant for quite some time. It's not a surprise for those of us who work closely on the project. The restricted area covers just shy of 298 acres. As Mr. Van Dorpe mentioned, the approval of the Restrictive Covenant is necessary for us to move forward with Phase 3. That's important because Phase 3 gets us to the 100-year level of flood protection, plus the certifications of the levees gives the City the opportunity to petition FEMA to change their maps and hopefully reduce or eliminate the insurance requirements for the people who live in the flood plain.

This document is strictly between the City and the California Department of Fish and Wildlife, not the Army Corps of Engineers. It's the Department of Fish and Wildlife that actually enforces the document. There are a lot of City responsibilities that we take on with this Restrictive Covenant. In fact, we take on all of the responsibilities. We must manage the restricted property in accordance with all of the approval documents. That means all of the permits. That means we have to repair and restore any damage to the restricted area, remove trash and debris, install appropriate signage, conduct the annual environmental monitoring, eradicate invasive species, and obtain all of the necessary permits for future flood control activities.

The Restrictive Covenant does allow us to maintain all of the infrastructure within the restricted area. The document also precludes us from doing a number of things.

There is no commercial, industrial or residential use allowed. There is no farming, hunting, fishing or camping allowed. Mr. Van Dorpe went over the City estimated costs of the mowing for phases 1-3. We would never be mowing all three phases in one year. To give an order of magnitude cost, it's about \$270,000. Long-term, once we're past 2040, when the Corps of Engineers is out of the picture, we have an order of magnitude number of about \$600,000 for ongoing costs. That's just an estimate at this point.

Staff recommends that Council approve the Declaration of Restrictive Covenants for the San Luis Rey River in order to further the flood control project. This is a large project. It takes a lot of people to help us on the staff side. We couldn't have done it without them.

Public input

JIMMY KNOTT, 127 Sherri Lane, stated a couple of issues came to mind while the presentation was being given that he wants the Army Corps to address. One issue is the potential effect of the withdrawal of water for City use or for farmers to use. The second issue is rehabilitating the river to accommodate the steelhead trout. That may necessitate potentially reconfiguring the river to accommodate the trout if the City is ordered to do such.

Public input concluded

COUNCILMEMBER FELLER asked what goes away if you have a 200-year flood or fire. He's sure our fire chief knows how to do a controlled burn. If something happened in the river and he lined up fire trucks on both sides, what would happen? Would we have to replant? That's what he saw in Ms. Skaggs Lawrence's presentation. He knows what's going to happen if we have a 200-year flood. It'll be billions of dollars in damage from flooding in our community.

MS. SKAGGS LAWRENCE responded if we had a large fire in the river, we would be obligated, not only by our Subarea Plan, but also the Restrictive Covenant, to consult with the resource agencies to come up with a mitigation plan which would have to be mutually agreed upon. Depending on the extent of the damage, we would have to assess the situation.

COUNCILMEMBER FELLER asked if that is a round-about way of saying we'd have to replant the river so that the wildlife can live there.

MS. SKAGGS LAWRENCE responded not necessarily. It doesn't mean that we would be obligated to do so.

COUNCILMEMBER FELLER asked if the floods in 1993 and 1999 were 100-year or 150-year floods.

MR. VAN DORPE responded they were nowhere close to 100-year floods. He would guess that they were between 20,000-30,000 cubic feet per second, which puts them at less than a 50-year flood. We could research that and get back to Council, but they were not rare storms.

COUNCILMEMBER FELLER would like to know that because of the water that ran all the way out to Mission Avenue. We didn't have the levee then. He worked in that water up to his chest. He's disappointed that it took so long. In the staff report, it mentions the environmental needs of the river, but nowhere does it mention the needs of the people. In this particular restricted property, it would need to stay in a natural condition. There's nothing natural about that river at this point. People used to sail up that river. It has been channeled in.

He has no blame whatsoever for the Army Corps of Engineers. He knows from firsthand experience that they like to build things. Unfortunately, they get caught up

with the bureaucrats on the environmental-side who absolutely put birds and every tree ahead of human life. That totally discourages him.

He's going to support this. He just can't believe that birds that flourish everywhere are endangered in this seven-mile portion of the river. There's so much habitat out there. It doesn't affect the lives of the people in Oceanside and the millions of dollars they have paid and will continue to pay until the environmental side gets their act together.

He **moved** [approval of the Declaration of Restrictive Covenants (**Document No. 14-D0519-1**) required for mitigation].

DEPUTY MAYOR SANCHEZ seconded the motion.

COUNCILMEMBER KERN asked Ms. Skaggs Lawrence to address Mr. Knott's questions about the fish.

RAINA FULTON, Project Manager, responded there was the one sighting that was reported, but not fully documented. The resource agencies have not brought that forward as something that has to be consulted on, addressed, mitigated for or anything at this point in time. If there was another substantiated sighting, then we would have to address it, but we're not there yet.

COUNCILMEMBER KERN stated one of the restrictions is no camping. We have a lot of homeless people camping there now. He asked if we're going to be responsible to make sure that they don't camp there. How would the enforcement work? What happens if we don't stay on top of that?

MS. SKAGGS LAWRENCE responded we do have a responsibility to keep the river free of trash and debris as much as possible based on our availability of funds. A lot of that is created by our homeless population. We are doing frequent encampment details to meet our obligations.

COUNCILMEMBER KERN referred to the computer graphic showing the current mowing plan. He is concerned about the unmitigated strip. One of the things that we have to do on an ongoing basis is maintain the levees. The trees in the levees are a problem. He doesn't know if we can change that plan right now, but he would suggest having the area next to the levee mowed so that we can maintain it in a better position, and have the unmitigated strip somewhere else. Otherwise, if we have trees growing into the levee, we're going to be creating a problem down the line.

He doesn't know if we can make that adjustment, but in the long run the City would be better served by having that area open. He asked Mr. Van Dorpe to address the issue.

MR. VAN DORPE responded this plan was developed in 2007. The Army Corps did have guidance on levees that came after that in the Water Resources Development Act of 2007. A policy was written a couple of years after that in the wake of hurricanes Katrina and Rita. That is something we can look at. It's something that we would want to do after mowing Rotation 1. We could work with the agencies on how to address the levee vegetation issues. It's definitely our goal to make sure that the levees that are turned over are sound engineering-wise and are maintainable.

There are some areas of the unmaintained strip where it's actually not next to a leveed segment. It's next to high ground, so we don't have that same problem. It's something that we can definitely look into after Rotation 1.

COUNCILMEMBER KERN stated since we're going to have to maintain them, it's the idea of getting them maintainable. Right now, we're in the thirtieth year of a three-year project. This project will never be completed. It'll be a project that's

managed. It'll be ongoing management from now on, forever.

The only benefit to our residents is the flood insurance. At what point will that go away? He asked who makes the determination that the people who have to pay flood insurance will no longer have to pay it. As a Council, we represent those people. That's what they want to know.

MS. SKAGGS LAWRENCE responded we have to get to that 100-year level of flood protection. On the current schedule, we're hoping that we can start the process with FEMA in 2020. That's not a great number, but it's the number. We have to get to a 100-year level of flood protection, and the levees need to be certified. Those are the first two big things that we need to achieve. Then the City applies to FEMA for flood insurance relief, and they process that review.

COUNCILMEMBER KERN asked if the levee certification can be done beforehand, or do we have to wait until we get to 71,200 cubic feet per second before they're certified. Who certifies the levees?

MR. VAN DORPE responded FEMA certifies the levees. The Army Corps will do an inspection of our levees before we turn them over to make sure that they meet our engineering requirements. FEMA is doing it for the flood insurance program. We're already starting that process because we're getting this river up to the requirements that we need to get it to. A big part of the levee certification is that all of the necessary physical work is done. Then there is the processing of all of the documentation to coincide with that. For now, it's making sure that we have all of the right documentation in place that will help the City to submit its letter of map revisions for FEMA.

DEPUTY MAYOR SANCHEZ stated this is a project where public safety was the number one goal in terms of the flooding and the public safety protection of our homes. This has been a long partnership. For the most part, we have benefitted from what has been put in by the Army Corps. It's the timing that has been off. It took twenty years between authorization and the beginning of the project. A lot of things have changed, with technology, etc.

The San Luis Rey River is phenomenal. It's one of a kind. Watersheds like this are disappearing in California. We're both the lucky and unlucky stewards of this phenomenal resource. Because they're not everywhere, the issue is funding. How can we spread the preservation costs of something as important as this? How can we regionalize those costs? As a society, we have accepted our obligations. It just happens to be in Oceanside.

This is a beautiful resource that we can be very proud of. She thanked the Army Corps for working with us. Our biggest concerns have to do with ensuring that we're able to maintain our infrastructure. We are very concerned about our bridges. That is one of the things we were worried about being taken away with a major flood.

We're in a drought now. This is a perfect time to finish this project. It looks like a long time, but from having been an extremely difficult and huge public safety issue, we're almost there. We're here to ensure that Oceanside continues to keep the citizens and the infrastructure protected, and that we maintain this balance. If we don't have a balance, we don't have this wonderful community that we live in.

She supports this Declaration of Restrictive Covenants. Our community is very supportive of this.

COUNCILMEMBER FELIEN feels that we have a partnership in the same way that a hostage has a partnership with a kidnapper: you don't have much say in the process, and a gun is held to your head. He asked if Congress had approved a concrete channel back in 1970, would we be here today?

MR. VAN DORPE responded the City of Los Angeles is paying a billion dollars to have a riparian forest.

COUNCILMEMBER FELIEN asked if that's by choice.

MR. VAN DORPE responded they're seeking to have something like what Oceanside has, where you have the ability to have an ecosystem within an urban environment with recreational opportunity. Back in 1970, the preferred option was the levee system. It didn't have as much to do with environmental issues as with what the best cost solution was to solve an engineering problem. Over time, as laws, requirements and the ground has changed, we've learned a lot about what it takes to develop and run these kinds of projects.

Flood control requirements across the nation are very different. We don't treat the arid southwest as we do the Mississippi Valley or Virginia. Having the requirements in Southern California for a concrete-lined channel versus a natural sediment-lined channel was based on the economics of the time.

COUNCILMEMBER FELIEN stated for environmental reasons he prefers to have the sediment channel, but he feels that we're having sand kicked in our face. He heard the word sand mentioned in Mr. Van Dorpe's presentation. Sand does have a certain interest in our City. Mr. Van Dorpe was commenting on the sand being naturally washed down downstream. He asked if we have any ability to accelerate that process, scoop up some of the sand and bring it to the beach.

MR. VAN DORPE responded City staff has looked at that. In looking at the project, there is aggradation of sand in some areas. We want to do some mechanical sediment removal. Finding a disposal area is part of that process. We'll be working with the City to make sure that we find the best place to put the sand. If it's compatible with the beach and meets all of the requirements of those who regulate sand placement, then we'll be able to put it on the beach. That would be a win-win situation.

COUNCILMEMBER FELIEN asked since the idea is to have the water flow into the ocean, do we have any ability to take sand that's on or near the beach at the mouth of the river and move it to a different part of the beach.

MR. VAN DORPE responded not specifically as part of this project because it's not seen as an impediment to a large flow of water. If you had a large enough storm, it's going to breach the sandbar that's out there. However, in other lagoons across Southern California, agencies have breached those lagoons to let the water out. Sometimes there have been flood events where it was necessary to get an emergency permit from the Army Corps of Engineers. In other cases, it was planned out to have an open lagoon entrance. The City has the ability to do that, but it is not part of the scope of this project.

MAYOR WOOD agrees with everybody else. The Army Corps of Engineers has been helpful over the years. Their problem is similar to ours. When you go to Congress to get money like we have over the last six years, it's impossible. They need money like we do to finish all of their projects, and they haven't had it.

He wants the public, press and other people to understand his concerns. We represent all of the citizens of Oceanside, not just the people who need flood insurance. He's concerned that the cost savings for those people with flood insurance will be made up by the cost of the City doing all of the necessary things that are in this covenant regarding the flood control channel. It costs \$600,000 a year.

This is a win-lose situation. We're trying to do the best we can for Oceanside residents on these issues. He's been involved with this for at least twelve years, and the City even longer. We've gone back to Washington, D.C. every year to talk to Congress,

the Senate and the Army Corps of Engineers. It may be because we were in the middle of a financial crunch nationally most of the time.

It has cost the City and all of the citizen taxpayers a lot of money for the flood control channel. It's beautiful, and it's something we probably need. More importantly, we take most of our water out of it from underground desalinization. We get about 20% of that water. We'd like to get to 50%. He still doesn't know the impact of taking underground water out of the flood control channel in the future. We've done two mowings, and the Army Corps has to do a third. He asked what the chances are of the Army Corps finishing the third mowing.

MR. VAN DORPE responded we're committed to getting to 100%.

MAYOR WOOD is concerned that it's not going to happen. The citizens are going to be paying for the upkeep of the flood control channel for years. He's concerned that the citizens not paying for flood insurance are going to be paying a lot of money to get this to a point where we can get flood insurance from FEMA. He understands the concerns of those people, as well as those who have flood control issues and flood insurance. He's also concerned about our water source being underground at that particular location, along with concerns about the Gregory Canyon Landfill, which the Army Corps is involved with.

If we don't fix this, a large flood will take those trees and bushes downstream and take out our bridges, which would cut off half of our City. It would also make it hard for the military to get to work. The debris would go down to the ocean and into our harbor. The Restrictive Covenant is a way to address moving forward. A lot of people want to move forward with this. It would help the people with flood insurance.

He asked what the possibility is of making this a federal flood control channel in which they took it over, with no cost to our City.

MR. VAN DORPE responded the Water Resources Development Act of 1986 created the cost sharing and the non-federal responsibility for the operation and maintenance of projects that were authorized under that law. In order to counter that and have federal responsibility for operation and maintenance, it would have to be a legislative change, either specifically for this project or generally for projects that would meet certain conditions. That would have to be written into law, which is typically done for the Corps of Engineers under the Water Resources Development Act.

MAYOR WOOD asked if this has ever been done for something similar.

MR. VAN DORPE is not aware of any projects where we have assumed operation and maintenance responsibilities in recent years. There was one project in the 1990's where legislative language was used to do it.

MAYOR WOOD represents the citizens. This is a big cost on a yearly basis. We've had some tough years over the last six years. Every time we go back to Washington, D.C. to address this, it costs us more money in land mitigation, cleanup, etc. The environmental aspect has been the problem. He doesn't want to take over control of this with the Restrictive Covenants, but would like to take it over to get relief from the flood insurance.

We had a nightmare trying to get the federal and state wildlife services to give us permits to mow. It cost a lot of time and money to do that, along with the mitigation. He's afraid that if we get the Restrictive Covenants and take this over, we'll be in a yearly battle with the state and federal wildlife people to get permits just to mow, let alone taking out some of the big debris. We'd be taking over the responsibility for the upkeep. We would also have to fence it off to keep people out. That would be an added cost to us.

He wants to public to understand that this particular flood control channel has cost a lot in taxpayer money, and it's going to continue to be that way. The savings we might get out of it for flood insurance is going to be easily taken up by the cost of the flood control channel. That is our decision to make. He is uncomfortable with the Restrictive Covenant as it sits right now, even though he's been told by everybody to go forward to get the flood insurance coverage. We only seem to be concerned about the flood insurance and not the costs involved.

He's not trying to push this on the Army Corps. This was originally going to be a 200-plus year flood control channel. We'll be lucky to get it up to a 100-year channel. He's concerned because he has seen some rains in the past where the channel was a raging river that almost took out one of our bridges. He's worried about that, as well as the debris ending up in the harbor. He asked the Deputy City Manager to explain this. He wants the public to understand his concerns about the future and what we're paying for.

DEPUTY CITY MANAGER LAWRENCE responded the Restrictive Covenant has a safety valve in it. If for some reason we are unable to secure all of the necessary permits for mowing, we can seek judicial relief.

Motion was approved 4-1, Wood no.

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

ADJOURNMENT:

MAYOR WOOD adjourned this meeting to Wednesday, September 10, 2014 at 2:00 PM. This adjourned meeting of the Oceanside City Council was adjourned at 2:57 PM, Wednesday, August 27, 2014.

ACCEPTED BY COUNCIL:

Zack Beck
City Clerk, City of Oceanside