



MEETING AGENDA

December 17, 2014

**OCEANSIDE CITY COUNCIL,
HARBOR DISTRICT BOARD OF DIRECTORS (HDB),
COMMUNITY DEVELOPMENT COMMISSION (CDC), and
OCEANSIDE PUBLIC FINANCING AUTHORITY (OPFA)
REGULAR BUSINESS**

**Mayor
HDB President
CDC Chair
OPFA Chair**

Jim Wood

**Deputy Mayor
HDB Vice President
CDC Vice Chair
OPFA Vice Chair**

Chuck Lowery

**Councilmembers
HDB Directors
CDC Commissioners
OPFA Directors**

Jack Feller
Jerome M. Kern
Esther Sanchez

**City Clerk
HDB Secretary
CDC Secretary
OPFA Secretary**

Zack Beck

Treasurer

Gary Ernst

CITY CLERK'S ACTION MINUTES

2:00 P.M. – ROLL CALL – All present

CITY COUNCIL, HDB, CDC, 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 (OPOA); no reportable action

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

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

- i. [Allred v. City of Oceanside
Superior Court Case No. 37-2014-00029987-CU-PO-NCNC]

No closed session held

- ii. San Diegan for Open Government v. City et al.
Superior Court Case No. 37-2014-00039463-CU-WM-NC

Item discussed; no reportable action

- iii. City of El Centro et al. v David Lanier et al.
Superior Court Case No. 37-2014-0003824-CU-WM-CTL

Council voted 3-2, Kern and Feller – no, to withdraw from the appeal

4:00 P.M. – ROLL CALL – All present

CONSENT CALENDAR ITEMS [Items 3-7, 9, 12-15]

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 Request to Speak form prior to the commencement of this agenda item.

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)

Approved 5-0

4. City Council: Approval of an increase in an amount not to exceed \$50,000 to a previously approved purchase order originally issued in the amount of \$50,000 to All Star Fire Equipment Inc. for the purchase of personal protective equipment (PPE), materials and supplies for the Fire Department, revising the total purchase order amount to \$100,000; and authorization for the Financial Services Director, or designee, to revise the purchase order amount

Approved 5-0

5. City Council: Approval of Amendment 1 in the amount of \$100,000 to the Professional Services Agreement with PdM Consulting, Inc. for as-needed Water Utilities Capital Improvement Program project and construction management services; and authorization for the City Manager to execute the amendment

Document No. 14-D0746-1

Approved 5-0

6. City Council: Approval of Amendment 1 in the amount of \$100,000 to the Professional Services Agreement with Infrastructure Engineering Corporation for on-call Water Utilities Capital Improvement Program water and wastewater engineering and technical services; and authorization for the City Manager to execute the amendment

Document No. 14-D0747-1

Approved 5-0

7. City Council: Approval of Amendment 2 in an amount not to exceed \$115,000 to the Master Banking Services Agreement with Union Bank N.A. of California, extending the term of the agreement for one year to December 17, 2015, for City banking services; and authorization for the City Manager to execute the amendment

Document No. 14-D0748-1

Approved 5-0

8. **Removed from the Consent Calendar for discussion – Council**

City Council: Approval to accept \$499,905 in grant funds from the County of San Diego Vector Habitat Remediation Program awarded to the City for the Loma Alta Slough Project; approval to appropriate these funds to the Vector Habitat Remediation account, and authorization for the City Manager to execute the grant agreement and all associated grant documents

Document No. 14-D0749-1

Approved 5-0

9. City Council/Harbor: Approval to accept \$47,500 in grant funds from CalRecycle, administered by The Bay Foundation, awarded to the City for the construction of a vessel bilge pump out facility and for implementation of the Absorbent Pad Exchange Program [to allow boaters to properly dispose of their saturated absorbent pads]; approval to appropriate these funds to the Harbor Division; and authorization for the City Manager, or designee, to execute the grant documents

Document No. 14-D0750-1

Document No. 14-D0751-2

Approved 5-0

10. **Removed from the Consent Calendar for discussion – Council**
City Council: Adoption of a resolution approving the Final Mitigated Negative Declaration for the [Loma Alta] North Avenue Channel Protection Project to control channel erosion; and approval of the future project for the repair and restoration of degraded banks along a portion of Loma Alta Creek adjacent to North Avenue
Resolution No. 14-R0752-1
Approved 5-0
11. **Removed from the Consent Calendar for discussion – Council**
City Council: Adoption of a resolution overturning Planning Commission Resolution No. 2014-P24 and denying the project related to Tentative Tract Map (T14-00001), Development Plan (D13-00012), and Regular Coastal Permit (RC13-00016) for the construction of two additional condominium units on a newly created third floor of an existing four-unit condominium complex at 809 South Pacific Street – Applicant: Strands End Limited, LLC
Resolution No. 14-R0753-1
Approved 3-2 (Kern, Feller – No)
12. City Council: Adoption of a resolution approving and implementing a revised salary range for the classification of Records Manager; and authorization for the City Manager to update the salary schedule
Resolution No. 14-R0754-1
Approved 5-0
13. City Council: Authorization to award a contract in an amount not to exceed \$370,600 to Pacific Winds Building, Inc. of Irvine for the construction of the Harbor Lift Station No. 4 Rehabilitation Project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents
Document No. 14-D0755-1
Approved 5-0
14. City Council: Authorization to award a contract in an amount not to exceed \$214,780 to Synagro-WWT, Inc. of Baltimore, Maryland, for the San Luis Rey Water Reclamation Facility Digester No. 4 Cleaning Project; and authorization for the City Manager to execute the agreement upon receipt of all supporting documents
Document No. 14-D0756-1
Approved 5-0
15. City Council: Acceptance of the Treasurer's Report for the quarter ended September 30, 2014
Approved 5-0

GENERAL ITEMS

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

16. City Council: **(1)** Authorization to award a contract in an amount not to exceed \$1,460,000 to Stanek Constructors, Inc. of Escondido for construction of the San Luis Rey Water Reclamation Facility-Major Upgrade Project; **(2)** approval of a Professional Services Agreement with Dudek of Encinitas in an amount not to exceed \$36,463 for engineering support services during construction; and authorization for the City Manager to execute the agreements upon receipt of all supporting documents
- A) Report by Jason Dafforn, Interim Water Utilities Director
 - B) Discussion
 - C) Recommendation – award the contract and approve the agreement
- (1) Document No. 14-D0757-1**
(2) Document No. 14-D0758-1
Approved 5-0
17. City Council: Adoption of a resolution declaring a Temporary Shelter Crisis retroactively from December 1, 2014, through April 15, 2015, and suspending the zoning ordinance requirement to allow public facilities and churches to shelter up to 50 homeless persons without obtaining a conditional use permit; and direction to staff to make requisite zoning text amendments to accommodate the winter shelter program on a permanent basis so that annual approval, such as this action, will not be necessary
- A) Report by Margery Pierce, Director of Neighborhood Services
 - B) Discussion
 - C) Recommendation – adopt the resolution
- Resolution No. 14-R0759-1**
Approved 5-0
18. [City Council: Consideration to create a Communications Specialist classification and authorize the City Manager to amend the Salary Schedule and allocate funding for the creation of the position
- A) Report by Pat Nunez, Human Resources Director
 - B) Discussion
 - C) Recommendation – provide direction to staff]
- Removed from the agenda by staff**
19. City Council: Consideration of a proposal for the City and the Villages of Rancho Del Oro (RDO) Association to share the cost of street light pole replacement in the RDO area with an estimated cost of \$830,250 to the City and \$648,000 to RDO
- A) Report by Steven R. Jepsen, City Manager
 - B) Discussion
 - C) Recommendation – approve the proposal
- Approved 5-0**

CITY COUNCIL REPORTS

20. Mayor Jim Wood
Economic Development Commission; Housing Commission; SANDAG Board; Buena Vista Lagoon JPC – Alternate; North County Dispatch–JPA/Fire; North County Transit District Board – Alternate; Washington, DC, Appropriation Visit–Legislative Delegate – 2nd Alternate

Commented on items

21. Deputy Mayor Chuck Lowery
Historical Preservation Advisory Commission; Library Board of Trustees; City/OUUSD/VUSD Committee – Alternate; League of California Cities–Legislative Delegates (voting) – Alternate; North County Dispatch–JPA/Fire – Alternate; SANDAG Board – 2nd Alternate; SANDAG Shoreline Preservation Committee – Alternate; North County Transit District Board; Washington, DC, Appropriation Visit–Legislative Delegate – 1st Alternate

Commented on items

22. Councilmember Jack Feller
Arts Commission; Parks and Recreation Commission

Commented on items

23. Councilmember Jerome M. Kern
Police and Fire Commission; League of California Cities – Executive Committee

Commented on items

24. Councilmember Esther Sanchez
Utilities Commission; Harbor and Beaches Advisory Committee; Manufactured Home Fair Practices Commission; Buena Vista Lagoon JPC; City/OUUSD/VUSD Committee; League of California Cities–Legislative Delegates (voting); SANDAG Board – 1st Alternate; SANDAG Shoreline Preservation Committee; San Diego Water Authority; Washington, DC, Appropriation Visit–Legislative Delegate

Commented on items

5:00 P.M. – INVOCATION – Zack Beck

PLEDGE OF ALLEGIANCE – Frank Zimmerman, Director of Coaching, Oceanside Breakers Soccer Club

PROCLAMATIONS AND PRESENTATIONS

Presentation – Employee Service Awards

Presentation – Recognition of Oceanside Breakers Girls Under 9 Soccer Team

Presentation – Mayor's Business Member Spotlight

Presentations were made

CLOSED SESSION REPORT

25. Closed Session report by City Attorney
Report given; see above items

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.

26. Advance written request to reserve time to speak:
A) Ms. Cathy Nykiel regarding the Holiday Markets, and Christmas and New Year's activities
Spoke on issues
B) Ms. Bobbi Thornton regarding mobile pump out service at the Harbor - **Absent**
27. Communications from the public regarding items not on this agenda
1 Speaker

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. CDC: Adoption of a resolution approving Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) for the construction of a 3,750-square foot drive-thru In-N-Out Burger restaurant located at 936 North Coast Highway – Applicant: In-N-Out Burger, A California Corporation
- 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 John Helmer, Contract Planner
 - E) Recommendation – adopt the resolution
- Resolution No. 14-R0760-3**
Approved 5-0

MAYOR AND/OR COUNCILMEMBER ITEMS

None

INTRODUCTION AND ADOPTION OF ORDINANCES

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

29. City Council: Introduction of an ordinance amending Oceanside City Code Section 2.1.65 to make the Deputy Mayor position a mayoral appointment subject to Council confirmation; and adoption of a resolution repealing Council Policy 100-42, deleting it in its entirety

- A) Report by John Mullen, City Attorney
- B) Discussion
- C) Recommendation – introduce the ordinance and adopt the resolution

Introduction of Ordinance

Resolution No. 14-R0761-1

Approved 4-1 (Feller – No)

30. Adoption of an ordinance amending Chapter 40 of the Oceanside City Code (Urban Runoff Management and Discharge Control Ordinance) to reflect changes to the San Diego Regional Water Quality Control Board Permit regarding urban discharge prohibitions (*Introduced 12/3/2014, 5-0*)

Ordinance No. 14-OR0762-1

Approved 5-0

ADJOURNMENT

The next regularly scheduled meeting is at 3:30 p.m. on Wednesday, January 7, 2015

Adjourned at 6:27 P.M.