

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Police Facility – Emergency Operations Center
700 Orange Avenue
Coronado, CA 92118
Tuesday, August 3, 2004, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:00 p.m.

1. ROLL CALL:

Present: Councilmembers Monroe, Schmidt, Tanaka, Tierney
and Mayor Smisek

Absent: None

Also Present: City Manager Mark Ochendusko
City Attorney Morgan Foley
City Clerk Diane Shea

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Marlys Simmons gave the invocation and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: The minutes of the Special Meeting of July 6, 2004 at 2:15 p.m., and the Regular Meeting of July 6, 2004, copies having been provided Council prior to the meeting, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

MSUC (Schmidt/Tanaka) moved that the City Council approve the minutes of the Special Meeting of July 6, 2004 at 2:15 p.m., and the Regular Meeting of July 6, 2004, as submitted

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Shakespeare Festival Month at the Coronado Playhouse. Mayor Smisek presented the proclamation to Coronado Playhouse representatives Joanne Scott, Renee Gonala and Keith Anderson.

5. **CONSENT CALENDAR:** The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5h, 5j and 5k.

Mayor Smisek removed Item 5i for discussion and a project bidder removed 5l from the consent calendar.

MSUC (Monroe/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5h, 5j and 5k

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

5a. **Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda.** The City Council waives the reading of the full text of every ordinance contained in this agenda and approves the reading of the ordinance title only. **The City Council waived the reading of the full text and approved the reading of the title only.**

5b. **Approval of Warrants.** The City Council ratified payment of warrants Nos. 10037293 thru 10037700, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. **Filing of the Quarterly Treasurer's Report on Investments with the City of Coronado City council for the Quarter Ending June 31, 2004.** The City Council examined the quarterly Report on Investments and ordered it filed.

5d. **Request for Approval of a Clock to be Donated by the Coronado Rotary Club and Installed by the City in Coronado Rotary Park near the Intersection of Orange Avenue, Isabella Avenue, and Park Place.** The Rotary Club is proposing to donate and install a free-standing "Two-Dial E Howard Post Clock Replica" at Coronado Rotary Park in recognition of the upcoming 100 year anniversary of Rotary International. **The City Council accepted the donation and approved of the clock being located in Coronado Rotary Park with the condition that the clock be located approximately 15 feet from the Orange and Isabella Avenue curbs at the intersection of 4 concrete expansion joints and that, if possible, a gold Coronado Crown be added to the top of both sides of the clock as recommended by the Design Review Commission.**

5e. **Annual Review and Approval of the City of Coronado Investment Policy.** The California Government Code, Section 53646 requires the treasurer to annually render to the legislative body a statement of investment policy. There were no proposed changes to the investment policy. **The City Council approved the investment policy.**

5f. Designation of Voting Delegate for the League of California Cities Annual Conference on September 17 through September 19, 2004. The League of California Cities Annual Conference is scheduled for September 17 – 19, 2004 in Long Beach. One important aspect of the annual conference is the Annual Business Meeting where membership takes action on conference resolutions. Annual conference resolutions guide cities and the League in efforts to improve the quality, responsiveness and vitality of local government.

Councilmember Frank Tierney is the City Council appointed representative attending the League of California Cities – San Diego Division meetings. He will be attending the League Conference September 17-19, 2004 and has requested to be appointed as the voting delegate. No alternate representative need be appointed as no other council members will be attending the conference. **The City Council appointed Councilmember Frank Tierney as the voting delegate at the Annual Business Meeting.**

5g. Consideration of Reappointment of an Incumbent to a Second Term on the Library Board of Trustees. Library Board Trustee Susan Keith was first appointed to the Board on October 3, 2000 to a full term which will expire August 31, 2004. She is eligible for reappointment and has requested that the City Council consider her reappointment to a second term. **The City Council reappointed Susan Keith to the Library Board of Trustees to a term to expire August 31, 2007.**

5h. Consideration of Adoption of an Ordinance of the City of Coronado Extending the Time Limit of the Effectiveness of the Community Development Plan and Extending the Time Limit for Payment of Indebtedness and Receipt of Taxes Under the Community Development Plan for the Community Development Project. UP FOR ADOPTION. This ordinance was introduced at a City Council meeting of July 6, 2004.

A public notice and summary of the proposed ordinance was published in the *Coronado Eagle Journal* on July 14 and 28, 2004, noticing that the City Council would consider adoption of the ordinance at the August 3, 2004 City Council meeting. A copy of the notice was also posted at City Hall, the Library, and the Police Department posting board. **The City Council adopted an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO EXTENDING THE TIME LIMIT OF THE EFFECTIVENESS OF THE COMMUNITY DEVELOPMENT PLAN AND EXTENDING THE TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF TAXES UNDER THE COMMUNITY DEVELOPMENT PLAN FOR THE COMMUNITY DEVELOPMENT PROJECT.** The Ordinance, having been placed on **FIRST READING** on July 6, 2004, was read by title, the reading in its entirety unanimously waived and adopted by Council as **ORDINANCE NO. 1963.**

5i. Recommendation for the Contracting of a Commuter Pass-Through Study on State Route 75 and the Appropriation of Funds. This item was removed from the Consent Calendar by Mayor Smisek. He explained that his concern is that it is an expensive project for a one day look at license plates going up and down the Strand to determine where people live. The contention is that, since the tolls have been removed and congestion on I-5 southbound near National City is causing people to divert and come over the Bridge, heading south through the City

of Coronado. This would be a one day snapshot of looking at these license plates in both directions, tracing them back to their city of origin to determine where they live. His concern is that it takes \$35,000 to do that and it is one day and there could be an abnormality in traffic on that day. Mayor Smisek feels that it would be helpful to find out how many people are going up and down the Strand, not where they live. Looking at past history of travel on the Strand would be sufficient to be able to determine if Coronado is getting more and more traffic using the Strand without having to go quite to this extent.

Councilmember Monroe echoed Mayor Smisek's concerns about a one day study. He has been involved with performance measurement over the last 16 years. There isn't a good way to pick a single day and say that it is a representative day. There are anomalies. There are counters on the Strand. There are counters that count traffic every day coming over the Bridge. He is supportive of Mayor Smisek's comments.

Councilmember Schmidt is also supportive of Mayor Smisek's comments. This isn't something that is going to accomplish anything in a one day period.

Councilmember Tierney would like to put the idea out that there be a methodology so that when the freeway backs up on I-5, with the counters that are already in place, that if the City sees an additional increase in traffic that would lead the City to believe that it does get additional traffic. That could be done relatively easily and could be done in the reverse manner, too. A one time study is not going to give a statistical process that can be relied on.

Councilmember Tanaka thinks the information that could be gathered through this study could be useful, but agrees that it isn't \$35,000 useful. He thinks there would be some way to get this data and not spend \$35,000 on it.

Council consensus was to remove this item from the agenda.

5j. Consideration of Adoption of an Ordinance of the City of Coronado, California, Amending Chapter 86.70.060 of Chapter 86.70 of the Coronado Municipal Code Concerning Those Projects and Uses Requiring a Coastal Development Permit from the City; Amending Chapter IV of the Orange Avenue Corridor Specific Plan Concerning Commercial Uses Allowed with a Minor Special Use Permit, Coastal Permit Requirements for Certain Commercial Uses, and Parking Standards for Commercial Uses; and Amending Section 88.02.010 of Title 88 Regarding the Orange Avenue Corridor Specific Plan. UP FOR ADOPTION. This ordinance was introduced at a public hearing at the City Council meeting of July 6, 2004.

A public notice and summary of the proposed ordinance was published in the *Coronado Eagle Journal* on July 14, 2004, noticing that the City Council would consider adoption of the ordinance at the August 3, 2004 City Council meeting. **THE CITY COUNCIL ADOPTED AN ORDINANCE OF THE CITY OF CORONADO AMENDING SECTION 86.70.060 OF CHAPTER 86.70 OF THE CORONADO MUNICIPAL CODE CONCERNING THOSE PROJECTS AND USES REQUIRING A COASTAL DEVELOPMENT PERMIT FROM THE CITY; AMENDING CHAPTER IV OF THE ORANGE AVENUE CORRIDOR SPECIFIC PLAN CONCERNING COMMERCIAL USES ALLOWED WITH A MINOR SPECIAL USE**

PERMIT, COASTAL PERMIT REQUIREMENTS FOR CERTAIN COMMERCIAL USES, AND PARKING STANDARDS FOR COMMERCIAL USES; AND AMENDING SECTION 88.02.010 OF TITLE 88 REGARDING THE ORANGE AVENUE CORRIDOR SPECIFIC PLAN. The Ordinance, having been placed on **FIRST READING** on July 6, 2004, was read by Title, the reading in its entirety unanimously waived and adopted by Council as **ORDINANCE NO. 1962.**

5k. Status Report and Request for Additional Appropriation for the Library Expansion and Renovation Project Resulting Primarily from Unforeseen Conditions in the Renovation of the Existing Structures. The project is in its second phase. The addition was built during Phase I and took twelve months. Early in Phase II the existing building revealed its age when 122 roof joists were discovered to be cracked or broken and in need of immediate attention. Additionally, the following conditions were encountered: asbestos and lead-based paint was discovered; there was deteriorated stucco on the 1906 Spreckels Building; the existing rooftop air conditioning units needed to be replaced; structural weaknesses were found in the skylight of the Spreckels building; and soils in the old patios were unacceptable as base for the new flooring and had to be removed and replaced. The removal of contaminated materials and the repairs have extended the construction schedule almost three months, resulting in increased costs for construction, contractor overhead and delays, consultant work to design repairs and extended periods for contract administration.

Approximately 82% of the construction has been completed. The original eighteen-month construction schedule was aggressive for completion by this month. The repairs will now extend the date of completion to late October or the middle of November 2004. Material shortages are being experienced by many construction projects and may have an additional impact on schedules. **The City Council reviewed the updated cost projection and authorized a budget increase of \$150,000.**

5l. Award of Contract for the Glorietta Boulevard Sewer Improvements and Golf Course Restrooms Project and Appropriation of Additional Construction Funds. This item was removed from the Consent Calendar at the request of an unsuccessful bidder.

Ed Walton, Principal Engineer, Engineering and Project Development Department said the project was advertised in June, 2004. Bids were open in July and had three (3) bidders: Elkin Construction \$550,000; HMS \$589,000; and Zondiros \$590,000. All of the bids were above the construction estimate, so staff is asking for an additional appropriation so the project can continue to be built. Staff has analyzed the low bidder, Elkin Construction and would like to award the bid to them in the amount of \$549,689.70. A protest letter was received by HMS regarding the pre-manufactured restroom company. Staff has been working with the City Attorney and State Department of Housing to clarify the protest points, and found the contractor and sub-contractors to be in compliance.

Dave Arthurs, Project Manager, HMS Construction, stated they are the lowest responsible bidder because the apparent low bidder offered an unlicensed subcontractor to perform the restroom buildings. In numerous discussions with the Department of Housing, when a coach or mobile home is purchased from the manufacturer, it must be purchased by a dealer. The apparent low bidder was

Restroom Solutions with a manufacturer of H.K. Hunter. You must buy the product from a license dealer in the State of California that is licensed to sell that specific product. The other issue is the manufacturer must also be licensed in the State of California and in this case, H.K. Hunter is not a true name of the sub-contractor. The true name is Ned Shield Company and is located in Kentucky. The supplied quote on the bid was listed with a temporary permit with an expiration date of July 14, 2004. This project bid on July 15, 2004, so the permit had already expired. The other issue was the dealer or owner was not licensed to do business in the State of California according to the Department of Housing. As of today, the Department of Housing had a conversation with the City Attorney's Office and Engineering Department, and they have stated they are pursuing the H. K. Hunter and Ned Shield Company under legal actions. Mr. Arthurs stated HMS is fully in compliance and qualified with current contract laws and licenses, and stated they meet the lowest bidder qualifications for the project.

City Attorney Morgan Foley stated he has been working with the Engineering Department regarding the project and they have reviewed the documents provided by the apparent low bidder, Elkin Contractor and Ned Shield Company, as well as the bid protest by HMS. The circumstances are such that Elkin Contracting is the lowest responsive bidder. The coach restrooms custom manufacturer is in fact an out of state manufacturer. They had a valid license as of the date of the bid. They also had a temporary license and a second license, which validated the expired license. They were listed as a subcontractor, and there was a clerical error in the listing because the bidder referenced "2" and "4" as the bid items for them, and actually that was a mistake that they explained and the City Attorney feels confident that the information is accurate. They should be listed as subcontractor for 17, to Elkin Contracting, not 2 and 4. The staff has worked with the Department of Housing and has been notified that all of the licenses have been obtained and no requirement for a dealer license with Restroom Solutions Inc. and that is not a sub-contractor that Elkin Contractor is working with. The recommendation is to award the contract to Elkin Contracting, and disallow the bid protest from HMS. The clerical error was made in the listing of subcontractor, and consent to a substitution of subcontractor by changing the listing of Hunter-Ned Shield for bid item 17 and reflecting notes subcontractor for bid items 2 and 4.

MSUC (Tierney/Monroe) moved that the City Council award a contract to Elken Contracting, Inc. in the amount of \$549,689.70 for construction of the Glorietta Boulevard Sewer Improvements and Golf Course Restrooms project. The City Council also appropriated additional funds in the amount of \$54,050 from the Golf Course Enterprise Fund (520-520020) and \$69,000 from the Wastewater Fund (510781) and transfer it to C.I.P. project account #520020-9853-03301

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

6. ORAL COMMUNICATIONS:

- a. **Brad Willis, 757 C Avenue**, addressed Item 11G about an all way stop sign at 6th and Cabrillo. He has a 6 year old son who attended Village Kindergarten, which is right in front of this intersection, last year. Mr. Willis discovered that there were many times during the peak hours that children were taken to school and were picked up that their

lives were in danger. He has had 40+ parents sign a petition who have all told stories of near accidents. There are also letters from the Superintendent of Schools, the Principal and all the teachers at that school requesting that the stop signs be put in at that intersection. It is up to the parents, adults and elected officials of the City to protect the precious lives of the City's children in every way possible.

- b. **Gary Vauss, Las Vegas and 1830 Avenida del Mundo #609**, objects to the Police Department giving a ticket for a pedestrian violation at Orange and 10th. He and other citizens daily see things that indicate a need for more police presence. This shows a pick and choose way to enforce law which will cause people to lose respect for the other laws.
- c. **John Orlowski, 421 D Avenue**, explained that the California Constitution requires voter approval before any low rent housing project, before its development, construction, acquisition by a state or local public agency. The City's continued acquisition and development of low rent housing projects demonstrates Council's blatant and brazen disregard for the constitution and the law. He asks Council to comply with its oath of office to protect and defend the constitution and again asks Council to rescind its acquisition and development of low rent housing project and suspend any further acquisition and development until the City receives voter approval as mandated by the constitution and the law.
- d. **Councilmember Tierney** commented that Mr. Orlowski has come before the City Council on numerous occasions. He has recited the very same thing over and over. The City Attorney has graciously put together a package. The Assistant City Manager, Pam Willis, has given this gentleman every opportunity to read what the law says. The City is on solid ground here. Mr. Tierney is tired of coming to these meetings and going over this again and again. Out of courtesy to the public, the City Council and other members, he asked this gentleman to resolve this issue in other means without bringing it before Council and grandstanding.
- e. **City Attorney Morgan Foley** stated that these same comments and questions have been raised by Mr. Orlowski many times in the past. The City's Special Counsel has responded to him in writing. While he obviously disagrees with the position of the City or the Agency with respect to the application of Article 34 to the City's housing projects, past indications will remain the same today as they have in the past. Once again, for Mr. Orlowski's benefit, the state legislature has adopted laws to clarify ambiguities in Article 34, including Health and Safety Code Section 37001. Subdivision f of that section excludes the voter approval requirements of Article 34 in development that involves rehabilitation, construction, improvement, or addition to, or replacement of dwelling units occupied by lower income households, as defined by state law. The projects currently undertaken by the Agency meet this exception to the voter approval requirements of Article 34, and therefore, no vote to approve these actions taken in the past is required. If Mr. Orlowski has any specific concerns it would be appreciated if he would address them to the City Attorney's office.
- f. **Amy Conrad, Public Relations Director, Coronado Visitor Center**, commented that the Visitor Center has respectfully submitted its end of year report to the Mayor and City Council. Highlights from the past fiscal year report include over 50,000 walk in visitors, the Visitor Center website receives more than 5,000 hits on average per month. The City of Coronado was featured in a large article in the Travel section of the *Los Angeles Times* on Sunday, July 25th.

- g. Toni Gaylord, Coronado MainStreet**, reminded Council and the community that Saturday is the Coronado Garden Party. It is the 16th Annual and is the fundraiser to raise money to keep the gardens in the median maintained. It is from 5 to 8 p.m. at 1127 F Avenue. Tickets are available at the MainStreet office.
- h. Councilmember Monroe** announced that the Residents' Association is having a forum this Thursday night on the Historical Resource Ordinance. He also commented that the Planning Commission heard an application for a Minor Special Use Permit (MSUP) and approved it. This is the Specific Plan coming to life. It was an MSUP for a grocery store and required the MSUP because of the size of the establishment.

7. CITY MANAGER:

7a. Update on Council Directed Actions and Citizen Inquiries. City Manager Mark Ochenduszko provided a brief report on the SR 75/282 geotechnical investigation survey that will be conducted over the next few weeks.

Jim Benson, Director of Engineering and Project Development, explained that the objective of the subsurface geotechnical investigation is to test the composition of the soil, the water and the geological formations that are under the City down to 130' or so, determine the approximate location of the Coronado fault, to group information that was neglected from the assessment of the previous study that was done as part of the feasibility study that was done two to three years ago and to make an informed decision, from the project standpoint, on the SR75-282 Transportation Corridor Project. Mr. Benson explained the work that would be done and the impact to the surrounding area. Work will begin in mid to late August for 3 to four weeks. Residents in the surrounding area will be notified in writing and announcements will be in the local newspaper.

8. PUBLIC HEARINGS:

8a. Public Hearing: Introduction of Ordinance Amending Chapters 86.08 and 86.10 of Title 86 of the Municipal Code Addressing the Forms of Ownership Permitted for Single Family or Duplex Dwellings in the R-1A(E) Subzone and the R-1B Zone (PC 3-04). Tony Pena, Director of Community Development, introduced this item. This is the first reading of an ordinance that was put in by Council direction to not allow multiple types of ownership in the R-1A(E) and R-1B zones.

Mayor Smisek opened the public hearing and seeing no one wishing to speak on the item, the public hearing was closed.

MSUC (Schmidt/Tanaka) moved that the City Council introduced AN ORDINANCE OF THE CITY OF CORONADO FOR THE AMENDMENT OF CHAPTERS 86.08 AND 86.10 OF TITLE 86 OF THE CORONADO MUNICIPAL CODE ADDRESSING THE FORMS OF OWNERSHIP PERMITTED OF SINGLE FAMILY OR DUPLEX DWELLINGS PERMITTED OF SIGNLE FAMILY OR DUPLEX DWELLINGS IN THE R-1A(E) SUBZONE AND R-1B ZONE. The Ordinance was read by Title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

8b. Public Hearing Regarding Community Development Agency Funding of Coronado Unified School District Early Childhood Development Center, District Education Center, Additional High School Improvements, and city of Coronado Beach Public Safety and Restroom Project and Adoption of a Resolution Making Certain Findings in Connection With the Expenditure of Remaining Tax Allocation Bond Proceeds and Tax Increment to Complete the Aforementioned Projects. At the request of Councilmember Schmidt, this item was continued to the City Council meeting of September 7, 2004.

Mayor Smisek explained that he cannot sit on the portion that has to do with the North Beach restroom, even at this level. Councilmember Monroe commented that he supports the request. This Council, like the School Board, are concerned and dedicated to the youth of this town and their education, and at the same time, Council is also charged with keeping the Village a great place to live for the residents. At issue is the elementary center. He thinks it is going to be a great facility and a great addition to the school campus, but there is a parking issue. The City Council sent a letter to the School Board addressing this issue got to the School Board four days past the deadline and when it was mentioned at the School Board meeting it was not addressed. Unless there is something time sensitive about this resolution, he thinks things like the parking issue need to be cleared up before Council can vote on this resolution.

8c. Public Hearing to Adopt a Mitigated Negative Declaration of Environmental Impact for the "Beach Public Safety and Rest Room Project." This item was continued to the City Council meeting of September 7, 2004.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities. No report.

10b. Recommendation from the Historic Resource Commission to the City Council Regarding: The City of Coronado Historic Resource Preservation Program Pertaining to Public Outreach Efforts and Request for Funding; and for Changes to the Mills Act Program Pertaining to Prioritization Methods and Funding. Tony Pena, Director of Community Development, explained that this report is the result of a March 3, 2004 joint meeting Council held with the Historic Resource Commission. There was a lot of discussion about outreach and the Mills Act programs and different ways of providing incentives for programs. There are two recommendations for Council. One is from HRC which emphasizes the public outreach program and requests additional funding into the Mills Act. The staff recommendation difference deals with

Mills Act. It is important for the City Council to look at the long term financial impact for the Mills Act. The recommendation is to increase the cap to \$20,000 annually. The third item, where there is agreement with HRC, is the possibility of looking into grants or low interest loans to possibly augment the Mills Act.

Susan Keith, Historic Resource Commission, 801 Tolita Avenue, expressed thanks to the Council for their support of the historic preservation program in Coronado. She reported on the recent publicity lately mostly in part to the demolition permit process. Ms. Keith received a report from Save Our Heritage Organization and cited visitors' interest in historic preservation.

Ms. Keith explained, in response to a request from Councilmember Schmidt about public outreach, that they have been trying to get more articles in the newspaper, would like to "piggy back" with the City's newsletter and to get on the Coronado website. Council asked HRC for a list of the most historic homes in Coronado. Using Sourcepoint and other resources, HRC is developing the list. Once that list is refined, HRC would like to come up with its own criteria as to how HRC will rate those houses. Eventually, Council has said that it would like to use that list for demolition permit processes, rather than just the 75 years. The list will probably be approximately 200 homes. They would like to continue the historic preservation plaques program. The video that HRC has been working on about the park system (the Commission feels that there are many resources the City has control over that should also be deemed historic) is still underway.

Councilmember Tierney commented that there are buildings in town that are likely to slip through that are historical. One is the Cherokee Lodge that is in a residential area and is historical. There are others. Ms. Keith responded by saying that the Cherokee Lodge has already been covered because it is in a residential zone. At one recent Council meeting, Councilmember Monroe expressed his strong desire to have HRC look at commercial. Commercial is not covered by the ordinance that was passed.

Mr. Monroe commented that there is often a reference to how much this costs the City, but prefers the language that this is what the City has chosen to invest in historic preservation. He is wondering if there shouldn't be another chart that indicates what the expected increase in property tax would be from the other units at that same time. To only put the historic investment alone, without putting it in relation to growth of other areas, like property tax, seems to be the wrong focus.

Ms. Keith agreed and said the Director of Administrative Services and the City Manager have come up with several suggestions about historic home revolving loans and grants. The Commission loves that idea, but if it is a choice between that and monies for the Mills Act, they would rather have monies for the Mills Act. Not every home should be eligible for the Mills Act. Just because it is historic is not a guarantee that it will receive approval for the Mills Act. There are owners who have no desire to come in. They don't want to get into the ten year agreement between the homeowner and the City. She does not think the City needs to think of every house as a potential Mills Act applicant. By giving the Commission more responsibility in looking at those applications could provide the City with a rating of applications.

Ms. Schmidt asked if Council could break this down and do the outreach as one motion, etc.

Mayor Smisek responded to comments by Ms. Keith and Councilmember Monroe, that the City and the CDA take the total hit on the Mills Act. If one sells their property at double the price and the

property tax goes up double, the state and county do well and get all their share of that. The City portion would go up double, but the total percentage of the Mills Act comes out of the City's share, not the State's or the County's. Mayor Smisek used the Black property as an example. Right after the Mills Act, they sold the property. The City was hit with \$63,300 per year that it has to pay that was lost in revenue. It doesn't make any difference if there is more property tax. What matters is the bottom line. This is all General Fund money. As was seen during budget hearings, the City is currently going towards the years of surpluses being over. The City should not saddle the future with an increasing debt ward that it can't get out from under. He asked that Council be prudent with this. His personal feeling is, like with the Black property, that a reasonable cap be kept on projects throughout the year and if some special project comes in during the year that it be evaluated separately in the recommendation for historic. The City's burden increases dramatically each time it resold. He has already asked the question about putting a caveat about the sale of the property within three years and a loss of Mills Act, but the answer was no. He likes the idea of the outreach program. He would like to see Council keep the cap at a very reasonable level. He thinks \$20,000 is too much and maybe \$5,000 isn't enough.

Councilmember Tierney agrees with Mayor. It is the unknown that is out there that is the problem. He doesn't have a problem with \$5,000 and could even stretch it to \$10,000. He, too, feels that \$20,000, at this point, is pushing it a little bit. He dearly loves this project.

Councilmember Tanaka feels that the most important thing in understanding the dollar value is to consider all the pieces. To refer to this year's cap as \$5,000 or \$20,000 doesn't do justice to what is really happening. At the end of FY 2005 the annual subtotal is already up to \$91,000. He thinks that the cap should be increased, but not up to \$20,000, but rather \$10,000.

Page Harrington, Coronado Historical Association, 1100 Orange Avenue, stated that the members of the CHA Board of Directors and staff were at the joint meeting in March. They really appreciated the way that Council and HRC were working together which shows a commitment from both groups as to how much they want to preserve the community that exists. In the last few months, HRC has seen an increase in the amount of people who are interested in designating their homes. They are interested in designating their homes for the pride factor, not necessarily just the Mills Act. CHA does stand behind the HRC and support their request for an increase in the City's investment so that the past can be saved

Dave Gillingham, 649 Pomona Avenue, has been very interested in this process. He is vehemently opposed to the demolition ordinance that the City passed and will work towards fixing that. At the same time he is very much in support of historic preservation. Right now, with the exception of the Black residence, the total cost of the Mills Act for this year is \$28,000. At the same time, the City Council has said that historic preservation is an emergency requirement; that the demolition of old houses has to be stopped; and something has to be done to force historic preservation. The City has put the burden of historic preservation on the individual property owners. The problem with the Mills Act is that the City doesn't know what it is going to cost down the line. That seems to be a good reason to have someone propose legislation to change that. Right now there is an over 55 tax exemption where property taxes move forward with property owner. Perhaps something similar could be put in place at the State level, since they are Mills Act homes, the taxes are not adjusted to the sales price. He believes that if the City is really in support of the Mills Act, and it should be, that there are unlimited Mills Act funds. He supports additional incentives such as grants and loans and the publicity should be increased greatly.

Bill Speer, 600 Glorietta Boulevard, is the owner of a historic designated home in Coronado and wants to support Council's consideration for an increase in the cap. When he bought his home in 1995 the offer that came in behind them was \$15,000 less and was from a potential purchaser who intended to demolish the house. They participated in this designation process with the Mills Act because they were interested in preserving the home and preserving it for the future, not for the tax benefit, which was a little bit of gravy.

MSUC (Schmidt/Monroe) moved that the City Council increase the cap to \$10,000 with the understanding that if there is a special case or special issue it will be looked at outside of that cap

MSUC (Schmidt/Monroe) moved that the City Council approve the Public Outreach efforts and appropriate the funding request of \$5,000

Councilmember Tanaka commented on a previous speaker's remarks. If the Black house is excluded, the City is at \$28,500 a year. The annual total jumps up to \$91,000 when the Black house is added. The staff report on page 140 says that there are currently 12 Mills Act applications that have been approved. There are 12 houses that are in the program and there are 12 homes that are off the books for the City in that when they turn over, the City won't collect on those tax increases. When the City talks about an annual cap of \$10,000 a year, that \$10,000 probably runs anywhere from 3 to 5 homes and each year those are homes that are frozen out and that the City won't be able to collect increases on. The Black house is a great example of how much can be lost down the road in terms of revenue. With respect to the public outreach, he feels that the historic preservation newsletter would be the most effective thing the HRC could do. He is a little suspicious that \$5,000 won't cover all the expenses. As far as the City quarterly newsletter, it is full and perhaps it could be made a little bit bigger overall. He thinks the website is going to be used more and more as well. On a final note, Mr. Tanaka thinks that it is very important that the wording be clear to the HRC that the \$10,000 is their budget to manage.

Mr. Monroe appreciates Mr. Tanaka's language with respect to when a property turns over, there are property tax increases that the City won't be collecting. The cost to the City is in the designation. The homeowner gets the property taxes reduced to a certain amount. In future years, if the property turns over, the City doesn't pay anything – the Black turnover didn't cost the City a thing. There are property taxes the City won't be collecting.

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

11. CITY COUNCIL BUSINESS:

11a. Council Reports on Inter-Agency Committee and Board Assignments.

Councilmember Schmidt attended meetings of RSIP and MainStreet.

Councilmember Tanaka reported on a distinguished Navy visitor, a HCFA Fire Dispatch meeting and the USS MIDWAY.

Councilmember Monroe attended the Port meeting at the Loews regarding the proposed development at Grand Caribe Isle, two MTDB meetings, had lunch with Senator Jim Mills and Greg Cox on the Bayshore Bikeway, met with the Tunnel Action Team, attended SANDAG Board and Transportation meetings and a meeting on traffic closures policy. He commented that the South County Economic Development Council ASAP 21 is a group forming to put the airport elsewhere and it is interested in NASNI, USS MIDWAY, and the Monterrey League of California Cities meeting.

Councilmember Tierney attended the League Dinner in Vista, watched the arrival of the German frigate, commented on USS RONALD REAGAN coming into port, attended the Gala Dinner on USS MIDWAY, Monterrey League of California Cities, Councilmembers Academy and commented on state legislative issues.

Mayor Smisek attended the Port meeting, the Library Board meeting, gave a Proclamation at USS RONALD REAGAN, attended the South Bay Mayors Meeting, the Coldstone Creamery Make-A-Wish function, met with Pete Hedley, met with the City Manager and Admiral Bettencourt; and met with representatives from MainStreet and the Chamber of Commerce.

11b. Consideration of Request from Mayor Smisek for Reconsideration of Design for the Lifeguard Tower. Mayor Smisek explained that once a motion has been acted upon, a member of the majority side can bring it back for review and Council votes on whether it wants to review it.

Mayor Smisek explained that during the City Council meeting of July 6, 2004, Council discussed the possibility of forming a committee to tweak the design of the proposed Lifeguard Tower. He is asking for reconsideration due to the fact that one of the City's citizens, Mrs. Jean Gazzo, submitted a design to the City Manager for his review. After meeting with her and explaining the timeline and budget concerns, she submitted a new design that adjusted the original plan. The City Manager reviewed this plan with the architect and during the Director's report at Design Review, commissioners commented favorably on the new design. In order to stay within budget, on time and yet provide a more aesthetically pleasing design, Mayor Smisek is asking that Council accept this alternate proposal.

MSUC (Schmidt/Tanaka) moved the reconsideration

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

Councilmember Monroe thinks that the City Attorney ought to look at Council procedures on this. It was a substitute motion before. He and Mr. Tanaka were not on the prevailing side of that. However, all five were on the prevailing side of the final motion.

Mr. Tanaka added that since there was a 5-0 vote on the design of the Lifeguard Tower and the substitute motion was really about whether or not to form a subcommittee, he thinks any member could have brought reconsideration because everyone was on the prevailing side of the motion about the tower itself.

11c. Review of the Proposed Revised Exterior Lifeguard Tower Design and Authorization to Proceed with Final Design. City Manager Mark Ochendusko introduced this item. After careful consideration, Council approved the design that was presented before Council at its last meeting. A resident of the community, Jean Gazzo, worked very hard to come up with an alternate design that would be more acceptable, aesthetically, to the community. She provided two designs and communicated with him about those designs. He expressed concerns that they were not within the existing footprint and wouldn't meet the City's objectives. As a result of that conversation, she came back with another design that was operating significantly within the footprint the Council approved, used similar materials and would allow for the City to continue to provide for the functions that are so important in the Lifeguard Tower. After seeing that design and seeing that the project would remain on time and it would not have a significant impact on the budget, Mr. Ochendusko met with Bill Cecil, Jim Benson and the architect to see whether or not it would work. In the meantime, Ms. Gazzo met with her neighbors and he was told that the design was widely accepted by those who particularly have an interest in it. The design was presented during the Director's Report to the Design Review Commission and, although they couldn't take action, it was widely accepted by the DRC. Before Council today is an opportunity today to obtain a win/win both in meeting the functional requirements and in improving the aesthetics without losing time on the budget and without changing the design substantially without changing the footprint.

Bill Cecil, Capital Projects Manager, Engineering and Project Development Department, explained the number of changes. The intent of the plan was to try to give the appearance of the Tower a narrow profile. In doing so, the plan went from a square plan to an octagon. The architect has been working on this since last week and is trying to put scale to it and then put the functions of the plan into the exterior design, working backwards. One suggestion staff would make is that there are still some organizational issues being worked on in order to make the observation work as it did formerly in the square plan. In trying to stay within the 14'8" dimension of an octagon there are some concerns. As the corners are truncated, one narrows the shortness of the actual work areas and square footage is lost. One of the things that was being done in the original plan was to get a stair in this that would be an improvement over the straight ladder that existed in the previous building. Staff is asking to be allowed to work with the architect and perhaps enlarge this octagon space slightly so that the functions can remain as planned. Generally, the plan will reflect the exterior intent, which is to have an octagon shape of a tower, to steepen the pitch of the roof over the tower so that it has a longer profile. Pennants were suggested for the Lifeguard Tower, however

pennants confuse people going to the beach because the lifeguards use them to notify beachgoers as to the types of conditions that exist. In lieu of a pennant, what is proposed is some type of decorative wind vane so that there is still the same intent of having the extended roof profile with a decorative element on top. Mr. Cecil showed Council two elevations for this proposal. One has, on the lower roof, a pitched roof that resembles the tower roof and the second is a curved roof which helps to lower the building down. Staff would like Council's input as to which of those two designs is preferred. There are stainless steel cables as were in the previous design. There is sloped glass to cut down on reflections and there is a much higher pitch, with battens, to emphasize the various corners of the roof and to break up the roof plane itself. One issue that was brought up at Design Review was that solar cells, which were proposed to be put on the roof, become a little more difficult to accomplish, but staff will do what it can to accommodate them in this profile. The second design is one that more closely resembles the sketch that Design Review saw and has the same roof. The difference is that the lower roof has the steeper pitch and is a hidden roof. The materials are the same as proposed with one exception – the block for the building should more closely resemble sand than the previously shown sample.

Councilmember Schmidt approves of both and will support Council consensus.

Councilmember Tanaka began by saying how much better both of these look compared to the last one. He thinks both are attractive and has a slight preference to the rounded look more. It reminds him more of a lighthouse.

Councilmember Monroe agrees that both are great. He has a concern that Design Review only saw one and didn't see the rounded roof. They are the people who do the design for this town. He thinks that when the City sends things to Design Review and then they get to Council with a recommendation that is changed, it violates the process. He will approve either one and thinks that there should be an emergency meeting of Design Review and have them pick which one they want.

Councilmember Tierney prefers the rounded movement in the one design. He did want to see in place something that was brought to him by a constituent – a clock that would face south.

Dixie McCarthy, 625 Ocean Boulevard, is interested in being supportive of Jean Gazzo's design. She thought the pitch on the top would go with the pitch on the bottom, visually, and the color would pull it all together. She asked if the berms were going to be there.

Mr. Cecil commented that Ms. Gazzo's sketches included berming the side of the building with sand. Her sketches didn't accommodate doors. There were many discussions about prevailing winds and sand and the result was not to include the berms against the building. Ms. McCarthy explained that the berms were not to come right next to the building, but rather out from the building and would look very attractive from both the Boulevard and the beach. She reiterated her support for Ms. Gazzo's design.

Michelle Gierken, attorney for Bob and Lori Michaels, property owners at 901 and 911 Ocean Boulevard. Her comments were more directed towards the architect who designed the plans. She understands that they are requesting somewhat of a deviation from the footprint with respect from Ocean Boulevard. She would like to know how much they are talking about.

Mr. Cecil responded that it is difficult to say at this point. One of the suggestions they have talked about is not making the building wider necessarily, but perhaps stretching the octagon in the north/south direction. The reason for this is to try to get more space behind the chairs in the observation area. Therefore, it probably wouldn't have any impact on the view.

Ms. Gierken followed up by requesting that public notice be given to all residents in the area once the final design is brought and then allow those individuals to come before Council. The notice provided for today's meeting was somewhat misleading as to what is really being considered.

Mr. Cecil added that Coastal Commission will be viewing this and it will be noticed to the residents when they are viewing this project. He also commented that the roof suggested by Ms. Gazzo was to be a dark blue, almost black roof, which fits with the solar cells. Her intent was to take a copper roof and stain it in such a way that it became this very dark blue color. Staff believes that it can work with that color, using the solar cells, and the two may just blend together.

MSUC (Tierney/Tanaka) moved that the City Council approve the new design with the rounded roof version

Mr. Tanaka commented that this Council has taken the lead in giving the architect direction. He appreciates Mr. Monroe's comments about involving Design Review more and he respects their opinion, however, Council needs to take responsibility for the fact that it has been making those decisions. Council needs to move forward with this.

Engineering will review the possibility of clocks.

AYES: Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None
ABSTAIN: Monroe

11d. Review of Staff Analysis of the Impacts of the Citizens' Initiative Regarding the Removal of the Traffic Semi-Diverters Located on A, B and C Avenues at Their Intersections with Pomona Avenue and Third Street; and Adoption of a Resolution to Submit the Ordinance for the November 2, 2004 Election Ballot. City Attorney Morgan Foley provided the staff report on this item. Council direction was to ask for staff input on impacts the initiative. The Elections Code direction is to provide a break down of fiscal impacts, environmental impacts, traffic, air and legal impacts. Staff has analyzed the impacts as being very nominal fiscally because of prior action already appropriated. Staff's estimate was that it would cost \$110,000 to remove the semi-diverters. There would be an indeterminable amount of air impacts based on the change in traffic, but would likely return to those levels that occurred prior to the installation of the semi diverters, as would the noise impacts following removal of the semi diverters. The traffic impacts are those that have been discussed in the past – generally, reduction of traffic and improvement of traffic conditions west of C Avenue and an increase of left turn traffic along A, B and C Avenues between 3rd and 4th. There would likely to be an increase in violations of left turn violations on A, B and C. The initiative would allow the reinstatement of the hourly restrictions on left turns off of 3rd onto A, B and C. The acceptable service levels presently existing would be maintained longer. The final impact is the legal effect. This really relates to the judgment that was obtained in the

Connelly v. City of Coronado case where the court directed that the City, before the City initiates any kind of removal of the semi-diverters, to conduct an appropriate CEQA analysis. That is being performed at the present. Under California law, the initiative measure can circumvent the CEQA process, but at this point the initiative measure is a little bit complicated because it doesn't directly mandate the removal of the semi diverters, so it may be that if Council takes the implication from the initiative that was passed and proceeds to remove, there may be further litigation to challenge that action, because it may not be a true mandate under the initiative process. It is unclear at this point what legal impacts this might have. Staff thinks that the City could still take the action to remove the semi-diverters, but can't control whether further analysis by a judge over this initiative would support that decision. Council also has the obligation to take action at this time. Typically under the initiative process, Council is given the option to adopt the measure that has been proposed by the initiative after the signatures have been validated or place it on the ballot. Under the circumstances, Council could not simply take the action because then it would have to go through CEQA again. He thinks that the only action available to Council now is to place the matter on the ballot and adopt the resolution to do so.

Councilmember Tanaka questioned the proposed wording for the ballot. Has this language been analyzed?

Mr. Foley responded that the partial analysis is not to promote or to discourage the initiative. The trouble that staff had in reviewing this initiative is that there does not appear to be anything in the proposed initiative that simply states that the City Council shall remove. It did say that the petitioners demand that they be removed and that Council is directed to cooperate. That is why that type of language is used in the question. Mr. Tanaka understands that a city council can't be required by initiative. The initiative itself has to take that action and then it can be carried out. He is worried that the wording is flawed. To say cooperate and coordinate rather than saying outright that the diverters are to be removed is confusing.

Councilmember Monroe said when he looks at the initiative he sees words like "We demand that they be removed forthwith" and "Approval and cooperation is needed to implement the mandate of this initiative." He thinks it is clear that this initiative is asking to take the barriers down. Mr. Tanaka agreed that is the intent. He is not sure that the wording matches the intent.

Mr. Foley agrees with what Mr. Tanaka is saying. The language could be more clear or could have been more clearly drafted in the initiative. The first paragraph A seems to be more argument as to reasons why they are signing the petition. Paragraph C is the only other section in the initiative that seems to give any direction or mandate and that is to cooperate and coordinate. It was not entirely clear what could happen. The intent of the circulators of the petition was to take from the Council the discretion to remove this and put it in the hands of the voters, but the language itself isn't as clear as that intent. Mr. Tanaka added that the City Council is already cooperating and coordinating. The City Council has a court order it is required to follow. The beauty of the initiative would have been if it had taken the action in lieu of the Council, rather than directing Council to do it. Council is already cooperating and doing everything the law allows the City to do, but the City can't violate the court order. The whole reason he would love to support an initiative like this is if it had simply said, "mandate the removal of the diverters forthwith." That would have gone around Council and around CEQA.

Councilmember Tierney reads Exhibit A as very clear. "We demand that they be removed forthwith." It states that the intent of this initiative is to remove it. The City Council decision to erect these was in direct violation of the City's General Plan Circulation Element, etc. He thinks it is as clear as it gets. He is not going to quibble over the details. He recommends that Council go forward with this. Put it up to the voters and move on through the issues as they come forth. Council has no other choice but to do that.

MS (Tierney/Tanaka) moved that the City Council move forward on this and submit the ordinance without alternation to the voters at the next regular election on November 2, 2004

Story Vogel, 350 D Avenue, proponent of the initiative, thinks that the initiative couldn't be clearer. It says, "We demand they be removed forthwith." It tells why they should be removed. They direct Council to cooperate. That is different than telling Council what day to take down the barriers, what truck to put them in and how to move them from the site. He is sure that Mr. Pastor, Mr. Connolly and Mr. Shine, who cost the City \$200,000 in enforcing the law suit alleging that the City violated CEQA, will file a law suit that cost them \$24,000 to \$27,000 to date. All he can say is that almost 1,900 citizens of the City of Coronado signed this petition and it is fairly clear what they want done.

Mayor Smisek asked if Mr. Vogel was satisfied with the wording of the potential ballot question. He is not satisfied and discussion continued about the need for the wording to be that way.

Discussion continued on the ballot wording. Mr. Foley added that this is for the Council to approve. If the majority of Council members is not comfortable with that language and would prefer something more direct and thinks that the initiative itself calls for that, by all means, make the change now and adopt the resolution to send it with a different language.

MSUC (Tierney/Tanaka) moved that the City Council change the wording on the ballot language to "Shall the ordinance directing the City to remove the traffic semi-diverters located on A, B and C Avenues at their intersections with Pomona Avenue and Third Street be adopted?" and adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2004, FOR THE SUBMISSION OF A PROPOSED ORDINANCE REGARDING THE REMOVAL OF TRAFFIC SEMI-DIVERTERS LOCATED AT A, B AND C AVENUES AT THEIR INTERSECTIONS WITH POMONA AVENUE AND THIRD STREET. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8011

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

11e. Review of Staff Analysis of the Impacts of the Citizens' Initiative to Amend the Circulation Element of the General Plan to Establish Access to Glorietta Boulevard from Fourth Street and the Toll Plaza for Traffic from the Coronado Bridge; and Adoption of a Resolution to Submit the Issue for the November 2, 2004 Election Ballot. City Attorney Morgan Foley provided the staff report on this item. The fiscal impacts of a change to the General Plan would be rather nominal. The implementation of it, however, would have substantial costs and expenses to the City, particularly when there is no knowledge of specifics of what could occur following the adoption of the initiative. With respect to traffic impacts, there will be an increase of traffic on Glorietta and other streets by encouraging cutting through. The air quality impacts are indeterminable but will likely result in some change. This should be considered at the time of implementing the measure. The EIR would probably need to be adopted in implementing the General Plan amendment. The fact that CEQA would not apply to this ballot measure does not mean that it would not apply to future actions to implement this. Noise quality is the same as air quality. It is not known at this point, but it would need to be considered in the environmental document implementing the measure. For construction impacts, there are not enough fully known specifics at this time. There certainly would be detours of traffic required during periods of construction to implement this General Plan amendment. The General Plan would be impacted by creating a new classification of intermediate arterial. That is not a designation that is recognized in the industry so it is a little difficult for staff to analyze what this means. The measure describes it as a stretch of street that connects it to a state highway. There are also omissions in the measure with respect to the availability of cross traffic at Glorietta Boulevard as it intersects with the Bridge. That would have to be addressed by Council should the measure be adopted. From the legal perspective, there is no procedure for this type of arterial and it would only apply to a limited stretch of roadway. It doesn't direct any more specific action other than to authorize Council, again, to cooperate with Caltrans and other agencies having jurisdiction over SR 75/282.

Councilmember Monroe suggested that there should be an addition of "access to Glorietta Boulevard southbound." There is already access to Glorietta Boulevard northbound. This addition should be made to the yes/no language for the ballot.

Mr. Foley doesn't think that wording necessarily applies, but if Council thinks it is important in the question then it can be added.

Mr. Monroe attempted to clarify his position. He is suggesting that there is access to Glorietta Boulevard from that area and to be clear it needs to say that this ballot is about Glorietta Boulevard southbound.

Story Vogel, 350 D Avenue, thinks that 4th and the toll plaza excludes 3rd. He is not averse to adding the word southbound. They originally played with 3rd, 4th Street and the toll plaza. If one is on 4th Street they can turn right and access Glorietta Boulevard. The case law is fairly clear that one can amend the Circulation Element of the General Plan by initiative and that one can create another classification of the street because there will be additional traffic. He added that the initiative does just what it says – changes the classification and directs Council to cooperate with Caltrans. At the Council's initiative, once this moves along, they can, at their decision, put a street like on First Street in front of the homes on Glorietta. This initiative only directs Council to cooperate to have access from the toll plaza to Glorietta southbound.

Ed Walton, Principal Engineer, clarified by saying that 4th Street, from the toll plaza to Pomona, is a two way street with traffic traveling in an east and westbound direction. On that section of 4th Street there is two-way traffic.

Mayor Smisek explained that another question is whether when one is going from Coronado over the Bridge, do they want to add the ability to turn left on Glorietta towards the Hospital.

Barbara DeMichele, 1156 Glorietta Boulevard, feels there are a lot of questions there this doesn't address. She would like to see the wording include, because they talk about the introduction of a new level of street, that the primary purpose of this new description is to connect highways. The primary purpose of the intermediate arterials is to serve as a connector in Coronado between two highways. That is not clear in the wording that is presently in the resolution.

Mr. Foley again commented that the purpose of the question is to present the issue that is proposed by the initiative, not to reiterate the entire initiative process. The voters have had a chance to get a copy of the initiative. The City is limited to 75 words in the question. The City is also limited in objectivity as well.

Mr. Vogel does not object to accessing southbound from 4th Street. The wording is correct. The addition of southbound should make it absolutely clear.

Council discussion continued about the term intermediate arterial and the proper ballot wording. Mr. Foley added that the staff analysis shows that there is a disconnect because there is a portion of Glorietta that doesn't stretch all the way to the Strand. It might be misleading to imply that there is a stretch of highway that goes from highway to highway.

MS (Tanaka/Schmidt) moved that the word southbound be added after the second Glorietta Boulevard reference

City Manager Mark Ochendusko read a new proposed ballot measure text.

Councilmember Tanaka withdrew his motion. Council discussion continued and agreed upon the City Manager's proposed wording.

MSUC (Monroe/Schmidt) moved that the City Council receive the impact report, change the wording of the ballot question to "Shall the ordinance requiring the amendment of the City of Coronado General Plan to establish access to southbound Glorietta Boulevard from Fourth Street and the Coronado Bridge toll plaza from state highway (the bridge) to state highway (Silver Strand Boulevard) be adopted?" and adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2004, FOR THE SUBMISSION OF A PROPOSED ORDINANCE RELATING TO AMENDING THE CIRCULATION ELEMENT OF THE CITY OF CORONADO GENERAL PLAN TO ESTABLISH ACCESS TO GLORIETTA

BOULEVARD FROM FOURTH STREET AND THE TOLL PLAZA FOR TRAFFIC FROM THE CORONADO BRIDGE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8010.

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

11f. Consideration of Resolutions Providing for the Filing of Rebuttal Arguments for City Measures Submitted at the General Municipal Election of November 2, 2004 and Setting Priorities for Filing Written Arguments on City Ballot Measures with Direction to the City Attorney to Prepare an Impartial Analysis on One or Both of the Ballot Measures Submitted for the November 2, 2004 Election. Diane Shea, City Clerk, provided the staff report on this item. This is the next step in the election process for the two ballot measures. The first resolution provides for the filing of rebuttal arguments on both of the measures to be submitted at the election. The second resolution pertains to the semi-diverters ballot measure, and this is where the Council can designate which council members are authorized to write the written arguments in favor of or opposing the ballot measure. This resolution further gives direction to the City Attorney to prepare an impartial analysis on the measure. This impartial analyst will be submitted to the Registrar of Voters and included in the voter's packet sample ballot. Resolution three is similar to resolution two, except that it pertains to the Glorietta Boulevard ballot measure.

Councilmember Monroe said the Council's position, although it was a split vote, is that the barriers are coming down, so the way this is worded, it seems unusual that there would be one councilmember go out and write a rebuttal argument against that. He understands that a committee has been formed, and asked the City Attorney if the DeMicheles write the rebuttal arguments?

Morgan Foley, City Attorney stated the resolution is to actually give authority to one or all five councilmembers to sign a ballot measure for or against either of these measures. If Council does not authorize it through a resolution, there is no authority for a councilmember to sign arguments for or against a measure in their capacity. It could be done as an individual, but not as a councilperson.

Council discussion ensued as to the proper way to appoint a Councilmember to write or sign in favor of or opposing a measure.

The City Council discussed whether to allow rebuttal arguments as outlined in the first resolution. The City Attorney clarified that there is no requirement to allow rebuttal, but if it is decided to have rebuttal arguments, the City Council must adopt the resolution. Council consensus was not to adopt the resolution to allow rebuttal arguments. No formal motion was made.

As to the ballot measure related to the semi-diverters, Councilmember Tanaka expressed his desire to be named as the authorized City Councilmember to write and/or sign an argument in favor of this ballot measure and Councilmember Schmidt offered to write and/or sign an argument opposing the measure. No objections voiced.

As to the resolution pertaining to the amendment to the General Plan, Councilmember Tierney expressed his desire to be named as the authorized City Councilmember to write and/or sign an argument in favor of this ballot measure and Councilmembers Monroe, Schmidt and Tanaka as well as Mayor Smisek offered to write and/or sign an argument opposing the measure. No objections voiced.

MSUC (Schmidt/Tanaka) moved that no rebuttal arguments will be accepted for filing or inclusion into the ballot information; and

further moved that the City Council authorize Councilmember Tanaka to write and/or sign arguments in favor of the ballot measure and authorized Councilmember Patty Schmidt to write and/or sign arguments opposing the ballot measure and adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE RELATING TO THE REMOVAL OF THE SEMI-DIVERTERS LOCATED ON A, B AND C AVENUES AT THEIR INTERSECTIONS WITH POMONA AVENUE AND THIRD STREET, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8012; and

MSUC further moved that the City Council authorize Councilmember Tierney to write and/or sign an argument in favor of the ballot measure and authorized Councilmembers Monroe, Schmidt, Tanaka and Mayor Smisek to write and/or sign an argument opposing the ballot measure and adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE RELATING AMENDMENT OF THE GENERAL PLAN TO ESTABLISH ACCESS TO GLORIETTA BOULEVARD FROM FOURTH STREET AND THE TOLL PLAZA FOR TRAFFIC FROM THE CORONADO BRIDGE, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8013.

**AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None**

11g. Consideration of a Request to Install an All-Way Stop Intersection at Sixth Street and Cabrillo Avenue. Ed Walton, Principal Engineer, Engineering and Project Development Department, introduced this item. The Engineering Department reviewed the request of Brad Willis regarding the city warrants, against volume, accidents, and visibility and special conditions. Sixth Street is a low volume street with an ADP of less than 1200. There were no accidents within the last 12 months, has good visibility, and no physical geometric special conditions that would warrant reducing our criteria for evaluation.

After analyzing this, it was found not to meet the warrants and did not qualify for a stop sign on Sixth Street, making this an all-ways stop. This was taken to the Traffic Operations Committee (TOC), who heard all the issues, heard the proponents and the opponents of the stop sign. Discussion centered mainly on the School District redoing the school, moving the elementary function down towards the cul-de-sac on Coronado Avenue. When the move takes place, the entrance to the school will change, making the request invalid or unnecessary. Also, consideration was made of putting a stop sign there, would prompt people to use the crosswalks to cross into the entrance. While it may stop vehicles, it would not necessarily keep parents and children crossing at mid-block. The TOC voted against the installation of the stop signs on Sixth Street. Also, correspondence has been received from the School District supporting the idea, as well, as signed petitions and letters from residents.

Councilmember Monroe stated that at the first TOC hearing, the staff came in said it didn't meet the warrants and recommended that not be installed. At the second TOC hearing, the staff looked at the request for the school and the letters received, and indicated because the school exists there, there may be special circumstances that in fact warrant stop signs

Edith Flynn, 601 Cabrillo, 601 Cabrillo, opposes the stop signs. The signs won't solve the safety issues. The parents park and jaywalk across the street. There are many illegal U-turns. There is not a drop-off area for children or any way of controlling the traffic that is causing the problems.

Roy Mantz, 600 Cabrillo, opposes the stop signs. He sent a letter the 21st of June to the TOC, and a letter to the Council on June 28th with alternatives regarding the stop signs. This intersection is being impacted two percent of all of the hours in the calendar year. That's only 180 hours of the 8000 hours in the calendar year. The other 98 percent of the time, the intersection is quiet. The permanent stop lines would impede the normal ingress and egress of traffic by the residents of this area. In the letter dated the 28th, he suggested the correct solution to the problem, is that the City and School need to be more responsible, as well as the parents dropping off the children. He suggested the traffic enforcing traffic and parking regulations; the school district should initiative a curbside drop off zone and crossing guard system; and parents should obey the traffic and parking laws.

George Johnson, 610 Country Club Lane, commented that the stop signs don't matter. People treat stop signs as yield signs. Twenty new stop signs have been installed since the Middle School was built. He also read a statement from a neighbor who cited safety issues related to illegal or unsafe vehicle movement and parking violations.

Mayor Smisek suggested that someone talk to the Village School and Sacred Heart, because they have been taking care of this problem for years. What it will take is one teacher and a bunch of kids for a drop off zone and you've got it covered. He stated at Sacred Heart, the principal will stand outside with the cones to protect his kids and act like a police officer. Everyone must come through and drop off the kids and the flow keeps moving safely. Stated he is not familiar with Village Elementary.

Councilmember Schmidt stated that Sacred Heart handles their situation well with everyone helping to control the situation. She feels a temporary solution would be to add police enforcement around the Sixth Street area, and adding a crossing guard during the two periods of high traffic. She also

suggested that the School adds a drop off in the plans prior to building the new school. She stated the School District is not doing anything to help with the problem and stop signs are not the answer.

Councilmember Tanaka agreed with Mrs. Schmidt regarding the police enforcement and adding the drop off solution in the future building plans. He stated the crossing guards need to be placed where needed since the City is paying for it. He also stated their needs to be cones, and possibly a 15 mile per hour sign (when schools in session) and help with the enforcement. He stated the TOC and School District needs to be involved as well.

Councilmember Tierney supports the TOC and their decision.

Councilmember Monroe thanked the residents for coming to the Council meeting. He stated he encouraged Mr. Willis to go to the TOC and suggested he could be appealed to City Council. He also stated he is the last person that would like to see stop signs go in. His concerns are the safety issues at this corner and it needs to be fixed. He suggested a fold down stop sign to be used during school hours. He used the No Left Turn between 2pm-5pm, as an example. He also suggested flashing yellow pedestrian lights during school hours.

MSUC (Smisek/Schmidt) moved that the City Council uphold the Traffic Operations Committee recommendation not to install the stop signs and directed staff to interact with the School District with safety measures

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: None

12. **CITY ATTORNEY:** No report.

13. **COMMUNICATIONS - WRITTEN:** None

14. **CLOSED SESSION:**

At 7:05 p.m., the City Council recessed into closed session.

At 7:55 p.m., the City Council returned to open session and made the following reports:

14a. CLOSED SESSION: CONFERENCE WITH LABOR NEGOTIATORS
AUTHORITY: Gove. Code §54957.6
CITY NEGOTIATORS: Mark Ochenduszko, City Manager; Pamela Willis, Assistant City Manager; Leslie Suelter, Director of Administrative Services
EMPLOYEE ORGANIZATIONS: American Federation of State, County and Municipal Employees (AFSCME) Local 127.

The City Council reported it gave direction to the labor negotiators.

**14b. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

AUTHORITY: Gov. Code §54956.9a

NAME OF CASE: Vasquez vs. City of Coronado

This item was not discussed in closed session. Nothing to report.

15. ADJOURNMENT: The meeting was adjourned at 7:58 p.m.

Approved:

Tom Smisek, Mayor

Attest:

L. Diane Shea, CMC
City Clerk