

**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, July 6, 2004, 3:00 p.m.**

(Items were heard out of order and not in the sequence as listed on the agenda).

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:** \*Councilmember Tanaka left the meeting at 5:10 p.m. and is shown  
as absent on those items heard after his departure.

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Chuck Howe gave the invocation  
and Mayor Smisek led the Pledge of Allegiance.

**3. MINUTES:** The minutes of the Regular Meeting of June 15, 2004, a copy 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 Regular Meeting of June 15, 2004, as submitted**

**AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek**

**NAYS: None**

**ABSENT: None**

**4. CEREMONIAL PRESENTATIONS:** None.

**5. CONSENT CALENDAR:** The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5n, Item 10b, 11h and 11i.

**MSUC** (Monroe/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5n, and Items 10b – Recommendation from the Traffic Operations Committee Regarding the Installation of an In-Pavement Flashing Crosswalk, 11h – Consideration of Amendment to City Manager Employment Agreement and 11i – Consideration of Amendment to Retainer Agreement for City Attorney Services

**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. 10036762 thru 10037292, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

**5c. Update on Capital Improvement Program Projects – Informational Item.** The City Council accepted the report.

**5d. Award of Contract for the Coronado Fire Department Headquarters Emergency System Upgrade.** The existing emergency generator system at the Fire Department Headquarters requires significant upgrade. The existing 20 KW generator is undersized and no longer meets National Air Quality Standards. The installation of a new 60 KW generator presents a cost effective solution and an opportunity to “re-wire” the building’s connection to the emergency power system.

The project was advertised for bidding beginning June 2, 2004 and bids were publicly opened on June 16, 2004 with the following results:

BIDDER	BASE BID	ADDITIVE #3	TOTAL
Rancho Santa Fe Technology-MCS, Inc.	\$65,255.88	\$15,330.00	\$81,585.88
Sadler Electric, Inc.	\$80,800.00	\$18,300.00	\$99,100.00
Saturn Electric, Inc.	\$96,770.00	\$18,000.00	\$114,770.00

Staff evaluated Rancho Santa Fe Technology-MCS, Inc.'s bid package, insurance, bonding and construction references and determined the contractor to be "responsive." Contracting laws allow the City to award the contract to the lowest responsive bidder, in this case, Rancho Santa Fe Technology-MCS, Inc. **The City Council awarded a contract to Rancho Santa Fe Technology-MCS, Inc. in the amount of \$81,585.88 for the construction of emergency system upgrades at the Fire Department Headquarters.**

**5e. Filing of the Quarterly Treasurer's Report on Investments with the City of Coronado City Council for the Quarter Ending March 31, 2004.** This report covers three month period January 1, 2004 through March 31, 2004. **The City Council examined the quarterly Report on Investments and ordered it filed.**

**5f. Consideration of Recommendation from the Tunnel Commission to Fill a Vacancy on the Tunnel Commission.** Tunnel Commissioner Betsy Gill submitted her resignation. The Tunnel Commission discussed the issue of a replacement Commissioner at their meetings of April, May and June.

The Chair of the Tunnel Commission recommends the appointment of Lou Smith to fill the current Commission vacancy. **The City Council appointed Lou Smith, RADM USN Retired, to fill the vacancy on the Tunnel Commission as recommended by the Tunnel Commission.**

**5g. Consideration of Reappointment of Two Incumbents to a Second Term and Appointment of One Individual to Fill a Vacancy on the Design Review Commission.** Member Doug St. Denis has served on term on the Design Review Commission due to expire on July 31, 2004. Member Bob Kipperman was first appointed to the Commission on November 16, 1999 to fill an unexpired term. He was then reappointed less than two (2) years later on July 17, 2004, to his first full term which expires July 31, 2004. Commissioner Walsh is finishing up his first term and has respectfully submitted his resignation effective at his term completion of July 31, 2004. Both incumbents are eligible for reappointment to a three-year term to expire July 31, 2007.

A vacancy has occurred with the resignation of Commissioner Walsh. This vacancy was advertised in the Coronado Eagle Journal on June 15 and 22, 2004 and notices were posted at City Hall and the Library. Pursuant to Municipal Code Section 2.46.020C, this seat must be filled by a professional in some field of design, including but not limited to architecture, landscaping, interior design, or graphic design.

One application to fill the vacancy and was submitted by Jane Frances Reed, present at the meeting.

**The City Council reappointed Doug St. Denis and Bob Kipperman to the Design Review Commission to terms to expire July 31, 2007; and the City Council appointed Jane Frances Reed to the Design Review Commission to a term to expire July 31, 2007.**

**5h. Approval of Second Amendment to Lease Agreement Between Coronado Unified School District and City of Coronado for the Construction, Maintenance, and Operation of Lighted Tennis Courts at the Coronado High School.** At its May 20, 2003 meeting, the City Council approved an amendment to the existing Lease Agreement for the tennis courts at Coronado High School to suspend use of the site beginning in June 2003 and authorizing CUSD to place relocatable classrooms on the tennis courts until June 25, 2004, when the High School construction was scheduled to be completed.

Construction continues on the High School renovations, delaying completion of the project. The District has requested a second amendment to the Lease Agreement to continue suspended use of two high school tennis courts and extending the period of exclusive District use of the public tennis courts located in the Coronado Cays.

The second amendment to the lease would allow continued temporary placement of relocatable classrooms on two tennis courts from June 25, 2004 through March 31, 2005, with full restoration of the courts thereafter, to be completed no later than May 1, 2005. The amendment provides for the extension of the original term of the Agreement for the period the courts are not available for community use. In addition, as stated in Section 2 of the Second Amendment, the City is activating the twenty-five year extension allowed by Section 14 of the original Agreement.

Also in May 2003 the District was unable to reach a satisfactory agreement with various private facilities to accommodate High School tennis court needs and has requested continued exclusive use of City courts for student tennis teams during the Construction Period. This amendment extends the exclusive school use of five courts at the Coronado Cays between 2:30 and 6:00 p.m. on weekdays from August 23, 2004 through November 19, 2004 and from February 14, 2005 through March 31, 2005. Community use of the two remaining courts at the High School site will continue during the Construction period as described in the original Agreement.

The Coronado Tennis Association has expressed concerns that the extension of the agreement will continue to be an inconvenience. The Association has requested that the City continue to monitor the progress of the District's project to ensure that the courts are replaced no later than July 1, 2005. **The City Council approved the Second Amendment to the Lease Agreement allowing the continued placement of temporary relocatable classrooms on two tennis courts and temporary school use of Cays tennis courts until March 31, 2005.**

**5i. Adoption of Personnel Authorization and Compensation Plan for Fiscal Year 2004-05 (Salary Resolution).** The Personnel Authorization and Compensation Plan documents the approved pay ranges, benefits and terms and conditions of employment and documents the number of authorized positions. It is presented to the City Council at the beginning of each fiscal year.

The Salary Resolution adjusts salaries and benefits consistent with existing Memoranda of Understanding (MOU) between the City and employees represented by the Coronado Firefighters' Association (CFA) and the Coronado Police Officers' Association (CPOA), and the approved salary and benefits for self-represented employees. The changes are effective with the pay period that began on June 26, 2004.

There are no changes in salaries for AFSCME members as the MOU between the City and this group expired on June 25, 2004, and negotiations have not concluded for a successor MOU. In the absence of a successor MOU, the compensation, terms and conditions of the existing contract carry forward.

The number of positions has changed to reflect the previously approved reduction of Dispatch/Records Assistants from 8.5 to eight and the addition of three fulltime Office Specialist positions in the Police Department to support the Dispatcher and Records functions.

Other less significant technical changes are included in the Salary Resolution. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO ADOPTING PERSONNEL AUTHORIZATION AND COMPENSATION PLAN FISCAL YEAR 2004-05. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8004.**

**5j. Approval and Acceptance of the Ocean Boulevard Sewer Main and Storm Drain Diverters Project.** The project consisted of the installation of 11 dry weather diversion structures. Each structure will deflect dry weather nuisance flows and the heavily contaminated "first flush" stormwater flows into the sanitary sewer system where it is eventually processed as wastewater. The project also included the installation of approximately 2200 lineal feet of new sewer main along Ocean Boulevard and the construction of three access ports at the lowest portion of the siphon on the existing 24", 42" and 54" stormwater pipelines at North Beach.

Council awarded a contract for this work to BRH-Garver, Inc., on February 18, 2003 and they were issued a Notice to Proceed on March 17, 2003. The project was completed in accordance with the plans and specifications on June 29, 2004. As part of the contract provisions, BRH-Garver, Inc. must warranty the work for a period of twelve months. **The City Council accepted the project and directed the City Clerk to file a Notice of Completion.**

**5k. Adoption of Resolution Providing for Golf Course Fee Adjustments, Effective July 15, 2004; Approval of Pre-Payment of Outstanding 1996 Golf Course Revenue Bond Obligations; and Approval of Deferral of FY 2003/04 Indirect Costs Payment to the General Fund.** During the past fiscal years, the net operating revenue for the golf course has been shrinking due to flat revenues and increasing operating and maintenance costs. The last time golf course fees were adjusted was in June 1993.

In FY 2003-04, expenditures have exceeded revenue. Also, the Golf Course is not currently meeting a requirement of the 1996 Golf Course Revenue Bonds to yield net revenues equal to 130% of the required annual debt service installment payment. Over the past several months, staff has done an evaluation of the golf course operations and rate structure and completed a comparative analysis to other municipal and privately operated public courses. Subsequently, staff prepared a number of alternative strategies to correct the funding deficiencies and presented these to the Golf Course Subcommittee for feedback.

Over the past weeks, staff evaluated several alternatives to correct the prevailing funding deficiencies affecting the golf course. From these alternatives, three were selected and presented to the Golf Course Advisory Committee on June 22, 2004 as follows: Alternative 1 - Effective July 2004, increase all rates by 25% across-the-board; Alternative 2 - Effective July 2004, increase all rates by 25%, and 3% annually over the next five years thereafter; and Alternative 3 - Effective July 2004, restrict weekend and holiday tee-times for Unlimited Family and Single ticket holders to Men's and Women's Club Tournaments. Increase all rates by 25%. For next five-year period thereafter, increase rates for ticket holders by 10%. Increase weekend tee-time intervals from 7/8 minute intervals to 9 minutes.

The Golf Course Advisory Committee unanimously supported staff's recommendation to adopt Alternative No. 1. This alternative maintains the existing rate structure while meeting the financial needs of the golf course operations and ensuring the golf course remains affordable to the general public.

Staff also recommended prepaying the balance of the 1996 Golf Course Revenue Bonds because the interest rate on the bonds is greater than the City's investment earnings, and removes additional complications for setting golf rates.

To pay off the remaining balance and interest, the City will pay approximately \$494,000. This one-time expenditure will impact the ending fund balance of the Golf Course Enterprise Fund for FY 2004/05, reducing it from a projected \$1,363,000 to \$869,000. However, the fund balance is expected to be restored within four years with the elimination of scheduled bond principal and interest payments and adopted of the proposed 25% rate increase.

Prepayment of the bonds will eliminate the aforementioned bond covenant required of the City for FY 2004-05 and all subsequent years. However, it does not forgive the requirement for the year ending June 30, 2004. Therefore, staff is further proposing that the indirect charges to the Golf Enterprise Fund from the General Fund be deferred one year. The indirect charges are for administration charges borne by the General Fund in support of the Golf Enterprise Fund. The indirect charges for FY 2003-04 will be paid from increased revenue generated in FY 2004-05.

With a one-time 25% across-the-board increase in golf rates, Alternative No. 1 will generate approximately \$450,000 each year culminating in over \$2 million of additional revenue over the next five-year period. With the 25% increase, the new general play green fees will remain one of the lowest in San Diego County.

**The City Council approved Alternative No. 1 to adjust the current golf course fees. The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO ESTABLISHING FEES, POLICIES AND PROCEDURES FOR THE CORONADO MUNICIPAL GOLF COURSE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8005. The City Council also authorized the City Manager to notify the Bond Trustee and Bond Counsel by no later than July 15, 2004, of the City's intent to prepay the outstanding principal and interest on September 1, 2004. The City Council authorized the City Manager to defer payment of the FY 2003/04 indirect costs from the Golf Course Enterprise Fund until FY 2004-05.**

**5l. Approval of a One Year Contract Extension with Wittman Enterprises, LLC for Ambulance Billing Services for the City of Coronado and Authorize the City Manager to Enter into Any and All Contracts Required to Maintain Delivery of Ambulance Billing Services.** Wittman Enterprises, LLC has provided ambulance billing services for the City of Coronado since 2001. The term of this Agreement is for two (2) years ending June 30, 2003. At City's sole discretion, it may extend the term of this Agreement by a maximum of two (2) one (1) year extensions. In 2003 the City extended the agreement for one year to June 30, 2004.

A one year contract extension for ambulance billing services for the City of Coronado is justified based upon satisfactory service provided to the City of Coronado by Wittman. **The City Council approved the one year contract extension with Wittman Enterprises, LLC for ambulance billing services for the City of Coronado and authorized the City Manager to enter into any and all contracts required to maintain delivery of ambulance billing services.**

**5m. Approval of an Amended Contract with Southwest Strategies, LLC to Provide Media-Related Services and Authorize the City Manager to Execute the Contract.** In March 2002 the City issued a Request for Proposals (RFP) for professional services in the design, production and distribution of a City-wide newsletter and media-related services. The City selected Southwest Strategies, LLC to provide the services.

Since the initial agreement with Southwest Strategies, LLC, the firm has provided exceptional media-related and public relations services and has worked well with staff to present information to the community.

Each year, Southwest Strategies, LLC provides a scope of services and an annual budget that is reviewed and approved by the City and incorporated into the agreement as an amendment. The revised agreement modified language that allows Southwest Strategies, LLC to provide a budget and work plan each fiscal year. The budget and work plan would be approved by the City Manager, through the adoption of the City's fiscal year operating budget. This modification would eliminate the added duty of amending the contract each year. **The City Council approved the amended contract to Southwest Strategies, LLC to provide City newsletter and media-related services and authorized the City Manager to execute the contract.**

**5n. Approval of Ordinance 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 Agency.** The State required redevelopment agencies to pay into the Educational Revenue Augmentation Fund (ERAF) last fiscal year to help relieve the State's budget imbalance. The Legislature adopted SB 1045 allowing agencies that made ERAF payments in FY 03/04 to extend the life of their plans by one year. As the legislative body that enacted the Agency, the City Council has the authority to adopt the Ordinance effectuating the extension of the time limits.

CDA paid \$428,623 of its tax increment revenue into the ERAF in FY 03/04. The time limit for the effectiveness of Coronado's CDA is currently November 19, 2025 and the deadline for the repayment of Agency indebtedness is November 19, 2035. Enactment of the recommended

Ordinance would extend these deadlines to 2026 and 2036, respectively. The additional year allows more time for tax increment to be available to CDA to complete its Plan and repay debt incurred by the Agency. This action does not affect the CDA debt issuance deadline or any other provisions of the adopted Community Development Plan. **The City Council introduced 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 was read by Title, the reading in its entirety unanimously waived and placed by Council on FIRST READING. The City Council directed the City Clerk to post and publish the Ordinance as required by redevelopment law.**

**6. ORAL COMMUNICATIONS:**

- a. **Captain Archie Kelly**, USN Retired, commented on “Sleepless in Coronado.” Residents of the Shores, the Hotel Del and Ocean Boulevard have recently suffered an increase in late night helicopter noise along the surfline. As an experienced civilian helicopter test pilot and flight instructor, he has been amazed at the Navy’s lack of noise abatement procedures, procedures commonly exercised in every civilian airport in the country; procedures that would not interfere with training or life safety. He has witnessed the local problem since 1975 when his group of retired pilots was finally able to convince a rare sympathetic admiral to stop the needless over flying of Coronado Cays. He knows from experience that the Mayor and City Manager and the special citizen committee have made valiant attempts to improve the situation. They have succeeded for brief periods of time during the past decade. However, currently previous agreements to eliminate the nighttime practice approaches along the offset to Runway 29 have been ignored. He proposes that the City should insist on new noise abatement approaches well to seaward of the Strand and that both the civilian and DoD approach plates should be modified to reflect this increased emphasis on noise abatement. This will eliminate the offset approach to Runway 29 for all acceptable visibility approaches. The only hope in getting this kind of improvement is to find another angel at the top of the command chain. Coronado should be working with the Fleet Command staffs, who unless told otherwise, must assume that there is no problem.
- b. **Jeff Allison, 1057 Ocean Boulevard**, complained about travel trailers and motor homes parking on Ocean Boulevard overnight. He provided Council with photographs. Ocean Boulevard should not be an RV park. It has been getting progressively worse. He asked Council to have someone look into the problem. Vehicles, undefined, can be parked perfectly legally for 72 hours. There is nothing that says they can be slept in or lived in during that period of time which is what is going on. He is afraid that with the doubling of the fee at the Strand State Beach (\$13/night to \$26/night) will encourage people to try and park somewhere else.
- c. **Amy Conrad, Coronado Visitor Center, 1100 Orange Avenue**, provided the information of the activities of the Visitor Center for June. Staff worked with the *San Diego Union Tribune* reporter for an included article about the “Keep it in Coronado” preservation program.

- d. **Jim Benson, Director of Engineering and Project Development**, announced that as part of the SR 75/282 transportation corridor project, there will be geotechnical investigations taking place in mid to late August. This is part of the obligation under the environmental requirements.
- e. **Frank Spitzer, 705 B Avenue**, thanked the City for painting the skid marks on the guard rail on the Coronado sign at 3<sup>rd</sup> and 4<sup>th</sup>.

7. **CITY MANAGER:**

- 7a. **Update on Council Directed Actions and Citizen Inquiries.** No report.

8. **PUBLIC HEARINGS:**

8a. **Public Hearing:**

**(1) Adoption of an Ordinance Amending Chapter 86.70.060 of Chapter 86.70 of the Municipal Code Concerning Those Projects and or Uses Requiring a Coastal Development Permit from the City; Amending Chapter IV of the Orange Avenue Corridor Specific Plan Concerning (A) Commercial Uses Allowed with a Minor Special Use Permit, (B) Coastal Permit Requirements for Certain Commercial Uses, and (C) Parking Standards for Commercial Uses; and Amending Section 88.02.010 of Title 88 Regarding the Orange Avenue Corridor Specific Plan;**

**(2) Adoption of a Resolution Amending the Coronado Local Coastal Program Land Use Policies Concerning Shoreline Access and Locating and Planning New Development and Amending the Adopted Action Program Concerning Shoreline Access and Recreation and Visitor Serving Facilities, and Requesting California Coastal Commission Certification of Said Amendments;**

**(3) Adoption of a Resolution Requesting California Coastal Commission Certification of Amendments to the Coronado Local Coastal Program Implementation Ordinance in Chapter 86.70 Concerning the Types of Projects Requiring a Coastal Development Permit from the City;**

**(4) Adoption of a Resolution Requesting California Coastal Commission Certification of Amendments to the Coronado Local Coastal Program Implementation Ordinance Concerning Uses Allowed by Issuance of a Minor Special Use Permit; and**

**(5) Adoption of a Resolution Amending the Coronado Local Coastal Program Land Use Plan Action Program I-8 and Implementation Ordinance Concerning Parking Standards for Commercial Uses and Requesting California Coastal Commission Certification of Said Amendments (PC 15-03 CITY OF CORONADO).**

Councilmember Tierney disqualified himself from this item because he owns property near the project area. Mr. Tierney left the dais.

Tony Pena, Director of Community Development, explained that these are conditions placed on the Orange Avenue Corridor Specific Plan by the California Coastal Commission. He implored Council to look closely at this. It represents a lot of work with Coastal staff to try to get this on board. Councilmember Monroe has also been very instrumental in helping with this.

Mayor Smisek opened the public hearing. He explained that the City went through a process to develop a special Specific Plan for the Downtown Corridor. Building heights were set and parking standards were established. It was voted on by the City of Coronado and passed and then went on to Coastal Commission.

Toni Gaylord, MainStreet, commented that this was before Planning Commission and was explained in great detail and was passed unanimously.

Mayor Smisek closed the public hearing.

**MSUC (Schmidt/Monroe) moved that the City Council adopt 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 was read by Title, the reading in its entirety unanimously waived and placed by City Council on FIRST READING. The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, TO AMEND THE CORONADO LOCAL COASTAL PROGRAM LAND USE PLAN POLICIES CONCERNING SHORELINE ACCESS AND LOCATING AND PLANNING NEW DEVELOPMENT; AND TO AMEND THE ADOPTED ACTION PROGRAM CONCERNING LOCAL SHORELINE ACCESS AND RECREATION AND VISITOR SERVING FACILITIES, AND TO REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENTS. The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, REQUESTING COASTAL COMMISSION CERTIFICATION OF AMENDMENTS TO THE CORONADO LOCAL COASTAL PROGRAM IMPLEMENTATION ORDINANCE IN CHAPTER 86.70 CONCERNING THE TYPES OF PROJECTS REQUIRING A COASTAL DEVELOPMENT PERMIT FROM THE CITY. The City**

**Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COROANDO, CALIFORNIA, REQUESTING COASTAL COMMISSION CERTIFICATION OF AMENDMENTS TO THE CORONADO LOCAL COASTAL PROGRAM IMPLEMENTATION ORDINANCE CONCERNING USES ALLOWED BY ISSUANCE OF A MINOR SPECIAL USE PERMIT. The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, TO AMEND THE CORONADO LOCAL COASTAL PROGRAM LAND USE PLAN ACTION PROGRAM I-8 AND IMPLENTATION ORDINANCE CONCERNING PARKING STANDARDS FOR COMMERCIAL USES IN THE C ZONE, AND TO REQUEST CALIFORNIA COASTAL COMMISSION CERTIFICATION OF SAID AMENDMENTS. The Resolutions were read by title, the reading in their entirety unanimously waived and adopted by Council as RESOLUTION NO. 8006, RESOLUTION NO. 8007, RESOLUTION NO. 8008, and RESOLUTION NO. 8009, respectively.**

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

**8b. Consideration of Initial Study Documents and Determination Whether to Proceed by Negative Declaration or Environmental Impact Report for the Construction of the Central Beach Lifeguard Tower and the North Beach Public Rest Room (IS 1-04, City of Coronado).** Mayor Smisek commented that this item will be divided into two categories because he will not be able to vote on the North Beach restrooms due to its close proximity of his home to the project. He disqualified himself from that portion of the discussion and vote.

Tony Pena, Director of Community Development, began by saying that staff has prepared an initial study for Council consideration. Staff is recommending that Council direct that a Mitigated Negative Declaration be prepared for the Lifeguard Tower. The only mitigation that staff sees as necessary with this project is primarily during the construction phase due to noise and other impacts to surrounding properties.

Mayor Smisek opened the public hearing.

Michele Gierke, attorney for Bob and Laurie Michaels who reside at 901 and 911 Ocean Boulevard, commented that with respect to the Initial Study, believes that the Initial Study contains information regarding the central facilities, the lifeguard facilities building, which has been tabled until another time until which there can be more public workshops to look at the location and design of that building. All of that information is incorporated in the Initial Study and her recommendation to the City, on behalf of her clients, is that the City wait on doing any sort of environmental review until the issue of the central lifeguard facilities building is resolved as far as location, size, etc. Right now the language in the Initial Study that references it is too remote and speculative. She understands that it is foreseeable that the building will be placed on the beach somewhere at some point, but at this point it is too remove to consider it as part of a project description. In the event

that the City feels it needs to proceed forward with the initial study, they ask and believe that it is necessary to do a full EIR because of the significant unmitigable impacts due to the aesthetics of the building that will be proposed as far as the bulk, the size and the location.

Diana Dugan, 619 Ocean Boulevard, commented that all in Coronado think of the beach as the jewel of Coronado. The issue of a unique beach and how it looks is inextricably involved with environment. One of the questions she has is one regarding process and how it is going forward, separating out design and environmental. The second thing is that Coronado does have wonderful sand dunes and a beautiful potential vista there. Her questions are about the sand dunes and the aesthetics of the beach overall as opposed to a specific building.

Mayor Smisek closed the public hearing. As far as the division on the lifeguard tower and the North Beach restrooms, that is strictly so that Mayor Smisek can vote on one or the other. He can't vote on one, but would like to vote on the other one. That does not impact the initial study at all. The initial study will be one that takes care of both items. The other item about the support facility will be a separate initial study and will be separately handled, environmentally, from the others. The overall look will be incorporated in both of those studies. The idea is to keep one of these projects rolling while the other is being worked on.

**MSUC (Schmidt/Tanaka) moved that the City Council direct that a Mitigated Negative Declaration be prepared for the Central Beach Lifeguard Tower**

City Attorney Morgan Foley commented, at the request of Councilmember Monroe, about the recommendation from the attorney during public comment. Those comments referenced the third building that was originally part of this project as not being part of this initial study. She was explaining to Council that the courts frown on piecemealing of projects to avoid environmental studies and reports. As Mayor Smisek indicated, the third project has been placed on hold. It is acknowledged by staff in the initial study because it should be acknowledged because it always was planned as part of this. It will have its own environmental review at a later date. It will be subject to another initial study. Because it is being referenced in the document, it will be referenced and handled by a future environmental document. Staff chose to recommend that Council go forward with the initial study environmental documents on the other two buildings.

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

Mayor Smisek disqualified himself from the second part of this item relating to North Beach due to the location of his residence near the project site, and left the dais.

Mayor Pro Tem Monroe explained that this is the second part of Item 8b dealing with the North Beach public restrooms.

Tony Pena, Director of Community Development, provided the staff report for this item. Staff has prepared the Initial Study and are making a recommendation to City Council that a Mitigated Negative Declaration be prepared for the North Beach restrooms as described in the staff report. That mitigation is being directed primarily towards the construction phase.

Mayor Pro Tem Monroe opened the public hearing. Seeing no one wishing to speak on the item, the public hearing was closed.

**MSUC (Schmidt/Tanaka) moved that the City Council direct that a Mitigated Negative Declaration be prepared on the North Beach Restrooms**

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

Mayor Smisek returned to the dais at the conclusion of this item.

**9. ADMINISTRATIVE HEARINGS: None.**

**10. COMMISSION AND COMMITTEE REPORTS:**

**10a. Report from the Port Commissioner Concerning Port Activities.** Port Commissioner Robert Spane explained that the Port has had a workshop about the 10<sup>th</sup> Avenue Terminal and whether or not the Port would entertain alternate uses. The commissioners voted unanimously to keep the 10<sup>th</sup> Avenue Terminal as is. Admiral Spane addressed Caribe Isle. Mayor Smisek wrote a letter to the Port about South Caribe, which is a mitigation area, trying to find out exactly where it stands. The answer to that is that it is in a mitigation category. The Port has been unable to sell the idea that it could be a mitigation bank. It has to be used against a specific project. The specific project hasn't been figured out yet and it may be years before that happens. There has been some study work funded that will be done to actually make it into a mitigation eel grass areas. That probably won't get done until or unless there is a project to put it against. For North Caribe Isle there has been a project put officially into the Port for consideration for a hotel. There was a stakeholders meeting, at which some of City staff were present, and tomorrow there will be an outreach program in Coronado at the Loews which starts at 5 p.m. for the public to come and voice their opinions. This item will be discussed at the Port Commissioners meeting of August 24 to be held in Coronado.

Councilmember Monroe commented that the letter sent back to the Port on project indicated that the proposal violates the Port's own requirement about height, i.e. a four-story proposal with a two-story requirement. If the Port were to change that, would there be a public process for that change? How would that occur? Right now the project violates the Port's own rules.

Admiral Spane explained that part of the process at the Port is to evaluate the project in accordance with the lease requirements.

**10b. Recommendation from the Traffic Operations Committee Regarding the Installation of an In-Pavement Flashing Crosswalk.** In an effort to improve pedestrian safety, municipalities are implementing a combination of engineering and technology in the form of crosswalks embedded with light emitting diodes (LEDs). Upon activation of the crosswalk by a pedestrian push button, the LEDs begin to flash at a regulated rate that can be seen by drivers up to 1500 feet away (depending on background lighting conditions). At least three cities in San Diego County have installed these IPF crosswalks; they include Solana Beach, San Marcos and National City.

The Engineering Department has consulted with the Police Department and has tentatively identified several intersections where this type of crosswalk could be implemented. These locations were discussed at the June 24 meeting of the Traffic Operations Committee (TOC). The TOC recommended installation at Ocean Boulevard and Isabella Avenue. One constraint of the proposed system that must be considered is that the curb-to-curb width of the proposed location should not exceed 48 feet. **Under Consent, the City Council approved the installation of an IPF crosswalk at Ocean Boulevard and Isabella Avenue, with the understanding that the crosswalk may be removed if it is determined that pedestrian safety is not being improved. The City Council appropriated \$4,970 to account number 215635-9070 from Bridge Tolls Fund Balance 215 to be used to install the IPF crosswalk.**

**11. CITY COUNCIL BUSINESS:**

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

**Councilmember Schmidt** reported on a meeting she attended with Mayor Smisek to discuss the performance evaluation for the City Manager and City Attorney, attended a Water Board meeting and two RSIP meetings.

**Councilmember Monroe** attended a meeting of the Tunnel Action Team to continue that process, had an interesting meeting with Patty Schmidt, Ann McCall and a developer about a project that he wanted to develop at the corner of 6<sup>th</sup> and Orange. He wanted to know if Council really meant what it said in the Specific Plan because of some of the restrictions placed on the developers. He attended a SANDAG Board meeting, a SANDAG Transportation meeting, three different meetings of the South County Economic Development Council to include one with Mayor Smisek and the City Manager to express the City's unhappiness with the fact that they are on this board, ASOP-21, designed to support an airport selection wherever it may be. Coronado does not support the airport selection wherever it may be, particularly North Island. He also met with Dave Udell and Pam Willis to talk about potential CDA projects on affordable housing and attended the Fourth of July celebrations in Coronado.

**Councilmember Tierney** represented the League of California Cities for the area in Sacramento at the Revenue and Taxation meeting, met with the Coronado Cays Homeowners Association and attended the Fire Department Spaghetti Dinner and the Fourth of July celebrations.

**Mayor Smisek** reported on a Golf Course Subcommittee meeting, met with Juan Vargas to give a tunnel presentation and discuss the airport. As an after action, he met with the Hospital representatives Bill Thompson and Marsha Hall to discuss the next step as far as developing the paperwork to make the \$500,000 available for this year and then will make a long-range plan to bring that back to Council. He welcomed small business pros group to the Marriott. Mayor Smisek met with Admiral Spane to discuss the procedures and how to make the presentation to the people of Coronado about the new Grand Caribe Hotel Medical Spa that is being proposed for Grand Caribe Isle. He presented a proclamation for Naval Aviation people at their 85<sup>th</sup> anniversary. The South Bay mayors met in Imperial Beach. He met with the City Manager and City Attorney for their review. He met with the Chief of Staff of George Plescia, the assemblyman from North County, to talk about common strategy on the airport issue, attended a South County EDC meeting and met with the Chamber of Commerce to discuss Council agenda items.

**11b. Appeal by City Manager of Design Review Commission Direction to Pursue a Redesign of the New Lifeguard Tower.** Jim Benson, Director of Engineering and Project Development, introduced this item by saying that staff, the Council and the public have been working since 2001 to reach consensus on what new beach facilities to build and where. As a part of that, there was a plan to reconstruct the upper two floors of the old tower. A structural engineer came to examine the tower and condemned the structure. Coronado has been without a lifeguard tower since February 2002. Over the last two and a half years staff has developed and presented repeatedly modified plans for the facilities. On June 1<sup>st</sup> the culmination of that was that Council approved schematic plans for the lifeguard tower and the North Beach restrooms. More study was directed for both the location and size of the lifeguard support facility. The tower and restrooms were taken to Design Review as part of the City process on June 23<sup>rd</sup>. The restroom was approved as submitted but the tower was continued with the direction to consider the discussion that had taken place at that Design Review meeting regarding the exterior design of the tower, including the hardscape, and come back with some preliminary view of a new concept without changing the size. Mr. Benson and the City Manager decided that staff does not have the authority to do that because it would entail a significant additional outlay of money for both the design efforts by the architect that are above and beyond what has already been authorized. Staff felt it had clear direction from Council and there was a good consensus from the public on what the lifeguard tower was to look like and its size, etc. Staff felt it would be appropriate to come back to Council to confirm its direction. Mr. Benson pointed out that there is some sentiment from the public that they have really been rethinking this and have some ideas that some of the functions that were originally out in the lifeguard tower that were moved back on the beach and put in the support facility, might in fact be better out in the tower.

Mayor Smisek pointed out that there have been three pieces of correspondence on this item that are not in the Council package. One is from Lisa Hines, one from Natasha and Tom Worthington and the third from Linda Kauffman and George Walsh, both Design Review Commissioners.

George Walsh, 857 F Avenue, Design Review Commission, explained the position of the Commission. Mr. Walsh began by saying that they want to help and do appreciate all the good work that has gone into this project. The Commission was not flippant in its suggestions regarding this facility. The site is unique. There is a beautiful panorama from Point Loma down to the headlands of Mexico. This is the only vertical element, manmade, with any permanence, that is on the whole stretch. It is important that it be designed well. The site simply is used for fun and

honest recreation. When the Commission saw this design it didn't say fun, lightheartedness, gaiety or do anything to promote the recreational ambiance that the site has. This is an exceptional site for public art. The Commission doesn't mean to be negative, but they really feel that this should be gay and lighthearted of design. Imagination should come into play. The present looks dull and dingy.

Mayor Smisek thanked Commissioner Walsh for his service to the City on Design Review.

Lisa Hines, 1125 Isabella Avenue, supports the recommendation of Design Review to go back for another try at design. The beach and lifeguard tower should be a landmark for Coronado so that it adds to the beauty of the City. Personally, she doesn't like the design but she also thinks that the professionals on Design Review are there for a purpose. They have strongly and unanimously said that this should be looked at again and that is what the committee exists for. She asked Council to listen to Design Review and take their advice.

Mona Wilson, 60 Half Moon Bend, Design Review Commission, thinks that what happened last week was really a surprise. She thinks it is a matter of process as much as anything. Design Review is wondering whether it is operating collaboratively with Council and the City, understanding budget and time constraints, or is Design Review merely to be just a "fly by," where Council sends the design by the Commission after it is all done. That is very expensive for the City. That is also why it troubles the Commission so much to disagree with a design from the City. She recalled that it also happened on the City Hall's Glorietta Bay project. The advice came a little late and the good ideas were not able to be incorporated. She asked that in the future, if this is going to continue, Council should consider how it uses Design Review. The "fly by" process isn't working. She also commented on her feelings from the meeting on the tower. The very good architect wasn't doing what he was supposed to do. It is a lifeguard tower. It is about life saving. Specifically, the copper roof is terribly heavy, the dark gray glass is very dark and doesn't blend in with anything.

Molly Erskine, 1135 Isabella, also requested Council take more time to design the tower.

Lori Michaels, 901 Ocean Boulevard, agrees with the previous speakers. She has been led to believe that everyone has been in tune to this process since 2001 and that these plans have been made available to everyone. She first learned about this in March of this year and have seen two sets of drawings in various stages. Her big concern, where she lives, is about the structure to be put on the 900 block of Ocean Boulevard, the lifeguard garage. She understands that this has been postponed. Also, she really doesn't think that they have had the time to really digest the designs. Mr. Benson referred to her group that has some ideas about putting some functions back into the lifeguard tower. The dressing rooms and showers for the lifeguards and the first aid station are some of those functions. The symmetry of the building is not anything that they are real excited about. There was better symmetry, from a design point, in the original tower configuration. She agrees that the dark glass would not be good. She thinks there are some brick and rock designs put into the existing design Council is being asked to approve. From a pure aesthetic point of view it should be something one can look past, not something that makes you stop. If everyone puts their heads together there might be something that is more agreeable to everyone.

Diana Dugan, 619 Ocean Boulevard, commented that everyone in the room is very appreciative of the very hard work that has gone into this process and the needs that have to be taken into account – the cost, the timetable, etc. She sees the volunteer time and the newly appointed member of the Design Commission and a process that the City Council has set up. She just happened to go to the

meeting two weeks ago and was flabbergasted to find that this was the first time that the City's own appointed Design Review Commission had even had a chance to really have input. This process has not taken advantage of what the Council itself has put into process. She agrees with many of the comments and most of the comments that have been made by others. She has no illusions that this is for safety. Safety is not incompatible with something the City can be proud of. Even though it does sound overly dramatic, those who described this as looking like a prison tower were not off the mark. She would like people to look at the plans, without critiquing any specific thing, and decide if this is something that Coronado can be proud of that reflects the joy and pride everyone has in the community and something that can be both utilitarian and in keeping with the community.

Mr. Benson commented that staff heard periodically about trying to make this more transparent. The challenge of making it transparent is the conditions under which it is placed out in the elements. The current tower was hit really hard with waves which resulted in the damage to that tower. The Coastal Commission asked why it has to be so far out on the beach. The lifeguards guarded two million people last year over the course of 2003. Over this last weekend, on the peak day, they guarded 30,000 people in one day. They need as good a coverage and as good a views out of that tower as they can get. The idea of the dark glass in particular came out of the lifeguards. It was not aesthetic, but rather functional for decreasing the glare so that the lifeguards can have the best visibility of that beach. At times they are the only ones there. There are not people up and down the beach. The people up on that third floor, with binoculars, looking at that entire beach, are the only point of safety for people who are out there in sometimes winter surge. That is the functionality behind the dark glass. The other comment people made was about getting it up on stilts. One of the challenges here is the public access to the first aid area on the first level. The City needs something that is at sand level where one walks into the facility to get the services of the first aid that is there. It is very difficult to get that up in the air because there would be stairs or a pathway that is very long. That would end up being more intrusive. The challenge that the architects and staff and everyone faced is in fact getting a very functional first aid facility that supports the lifeguard staff in providing the service to the public. The other functional area that is in there, and there have been discussions about how to make it bigger, smaller, is the stairs. The decision was to keep the stairs on the inside so that they are protected, so that they are not wet for someone slipping on them as they are going up and down the stairs and that they meet current codes in terms of someone with access, not ADA access, but it does have to be safe in terms of modern building codes and accessibility to the third story.

Councilmember Tierney asked if any consideration was given to what these people have said about bringing up the brickwork like Caltrans does where they have mosaic tiles that would show the beach, boats or something like that.

Mr. Benson responded that he heard from the public was a consensus to make it as inconspicuous as possible, which is difficult given its size, and make it blend. That is where the color scheme and those materials came from. The color of the slip base block is as close as possible to the colors of the beach. There are some functional items there that are a little darker. One of the ones Mr. Tierney specifically asked for was the photovoltaics. The technology is getting there, unfortunately there are very limited choices – either black or black/blue, but it is very functional in terms of being able to get power out there and to generate one's own power off of the roof.

Mr. Tierney reiterated that he was asking about tiles on the walls themselves as was done across the street.

Mr. Benson commented that direction could be given to the architect to put something more colorful with designs in it but that was not the direction that was given to date. It could be done, but staff would have to look at whether the impact is substantial and would stand the test of time, being out there on the beach. One of the things that the structure and all public structures get is the exposure to people who will try to damage it. If shingles get put up there will be damage and ongoing maintenance as a consequence.

Councilmember Tanaka asked how many public hearings there were to discuss just these issues – color, aesthetics, etc. Mr. Benson responded that there were several public workshops where the overwhelming consensus was to make it inconspicuous.

Councilmember Schmidt commented that year after year the City has had to pile sandbags around the tower. This is being designed so that there will not be a need for sandbags all winter long. A couple of weeks ago at a Council meeting Ms. Schmidt was very interested in hearing a man who spoke and suggested taking the rocks down because they just aren't pretty. He felt that people could see all the way to the ocean if the rocks were taken out. Those who haven't been in Coronado for a while won't realize that storms do come that bring the surf over the rocks onto Ocean Boulevard and the palm trees all die from the sand, wind and salt. The last time was about 15 years ago and it will happen again. The City is trying to build something that is serviceable and not objectionable and not anything more than a service building.

Mayor Smisek is hearing different ideas. Some want it to have more in it. Others are saying to make it smaller and airier looking. It has to be sturdy enough. It has to be located in the right position because of the view that it has of both ends of the beach. It is not easy to try to figure out how to make a tower pretty or attractive. If there had been a slam dunk idea that covered all of these needs, that would be easy. Professional architects were hired who have designed lifeguard towers to do this for the City. Design Review was the first time there were any objections from citizens. Up until then the citizens had been on board with the tower and most of the emphasis was on the auxiliary building. Mayor Smisek would be willing to take another look if he felt it would come up with something different and might be something that would fulfill all the requirements it needs to fulfill and be a large order of magnitude more attractive, but he isn't sure that would happen.

Mr. Monroe reiterated that when City Hall was done Council learned about the Design Review process. Council had looked at the charts a number of times and made decisions and told people to go back and do specific things. Then Design Review looked at the project after all that. He would like the City to work on that process and either have a joint workshop where an issue like this will be looked at. There are a couple of suggestions about moving rooms back and forth. It is hard to make the public process work. Workshops have been held. People have been asked to come. Design Review members could come to the workshops, too. Now when push comes to shove, this is crunch time. He wouldn't mind getting the people who are optimistic about a solution that could be agreed to in a short period of time in a room together. He would like the City Manager to tell everyone if there is a least tern problem with construction. Increased costs have been mentioned. A total redesign means starting again.

City Manager Mark Ochendusko explained that there is not an environmental issue with the current location and with the footprint of the building. He thinks that if the building is expanded out on the beach the more possibilities there are for seeing objections from the Coastal Commission.

They have already expressed great concern over expanding that building over anything other than minimum. The biggest concerns that relate to time and money are both the fact that the City is this far along in design and have spent the money that has been spent already. It is also important to try to have that building built by June 2005 so that it is ready to service the public come next summer. He reiterated that the reason for the split faced block was to find a decorative look to the facility yet choose a color that blended with the beach which was consistent with the public input received. Also, the split faced block was something that could hold up to extreme elements that batter that building occasionally.

Mr. Monroe is personally conflicted because of the personalities involved that he would really like to see be part of the acceptance of this process rather than jam it down.

Mr. Tanaka shares Mr. Monroe's reservations. He thanked Design Review because he feels they did do their job. He thinks Ms. Wilson is right that Design Review should have been able to review the project earlier in the process. Right now a lot of the argument is that a lot of time and money has already been invested. In many senses he feels that Council acted as Design Review. If the decision is to ignore the Design Review decision, it is not out of lack of respect. He admits that he has never been really excited with how that structure looks, but he also has to say that a very important point that needs to be considered is that there was an expansion in terms of making the lifeguard tower a lifeguard tower and a first aid station. That first aid station is what drives some of the uglier features of that building. He thinks it is important to all the Council members that the capability to service people on the beach who have first aid problems exist. It is a given that the City needs to build a structure that can handle the 100 year storm and the obvious adverse weather it will face. He thinks that if one factors the first aid station that everyone decided was necessary with the durability that is needed, that is why it has the look it has. He thinks Mr. Monroe brings up an honest suggestion that the architect could take another crack at it, but also Mayor Smisek is probably astute when he says that it could be tried again and will likely lead to something very similar. This Council is the one that made the design decisions and needs to be willing to stick by them or ask for another crack at the aesthetics.

Ms. Schmidt commented that most of these towers look alike up and down the state of California. They are built for functionality and serviceability. The lifeguards, Fire Chief, Engineering Department, and City Manager all felt that the City was doing the very best that it could possibly do with a lifeguard tower. She thinks the City is fortunate that there aren't three lifeguard towers.

**MS (Schmidt/Tierney) moved that the City Council direct staff to proceed with full design of the Lifeguard Tower in accordance with the schematic design presented and approved by Council on June 1, 2004**

Mr. Tierney understands that there are people who would like to see a piece of art work out there, but he is driven by the position that the City is there with a mission. Vehicles need to be available. A first aid station needs to be available. Accessibility needs to be direct for the staff. Staff has gone through this over and over again in terms of what is needed inside of that building. The City has gone out to the public. He agreed with Mr. Tanaka's comment that if the City went out again it would receive even more suggestions. The important thing is to stay the mark. There is now a building that will provide the functions that the lifeguard people and Fire Department need to minimize the City's liability. He is not really excited about everything that is into this building, but he realizes that it is driven by function. That is the important thing.

Mr. Monroe thinks that there are just certain people involved in the process and it is such a shame to move ahead with such an important part of Coronado without a very strong consensus. His suggestion is to form a committee with two Council members, two from Design Review, staff and a couple of the residents, perhaps Ms. Michaels and Ms. Dugan, to perhaps meet two or three times before the next meeting to come back with the kind of “tweaking” that would make it acceptable and better to the people involved. Council could lay down some parameters.

**M (Monroe/Tanaka) moved the substitution motion that the City Council form a committee of two residents, two Design Review members, two City Council members to work with City staff and complete the work in three weeks to come back before the August 3<sup>rd</sup> Council meeting**

Mayor Smisek’s only problem comes from the use of the word “tweak”. That is what he thought would be the final outcome. Some small things could be done. To really be worthy of going through a remodel would mean to change it dramatically and he doesn’t think that could be done within the given time frame and budget. He is not going to be very supportive of that motion.

Mr. Tierney agrees with Mayor Smisek. The City is going to end up with a massive problem schedule wise and budget wise.

**AYES: Monroe, Tanaka**  
**NAYS: Tierney, Schmidt and Smisek**

**The substitute motion fails.**

**The vote was called for the original motion.**

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

Original motion passed, unanimously carried.

**11c. Certification to the City Council of the Results of the Examination and Verification of Signatures on an Initiative Petition Requesting the Removal of Semi-Diverters Located on A, B and C Avenues at Their Intersections with Pomona Avenue and Third Street; and Adoption of a Resolution Placing the Issue as a Ballot Measure on the November 2, 2004 General Municipal Election Ballot; OR Council Referral of the Initiative to Staff for Analysis and Impact Report.** Diane Shea, City Clerk, reported that a citizens’ initiative requiring the removal of the semi-diverters at A, B and C was circulated in the community and signatures gathered from citizens. The signed petitions were filed in the City Clerk’s office on June 21<sup>st</sup>. The petitions were submitted to the Registrar of Voters to verify the sufficiency of the signatures. The petitions did contain the sufficient number of signatures to qualify for the ballot. Now that the Registrar of Voters has verified the signatures, it is before the City Council to accept the City Clerk’s verification of the signatures and then to take action on placing the initiative on the ballot or submitting the item to staff for a report on fiscal impact, its effect on the internal consistency of the General Plan or any other matters.

Mayor Smisek explained that normally the City Council would have three options. One is for the City Council to vote on the issue and make an ordinance at that time, another is to place it on the ballot and the third is to refer it to staff for review within a 30 day period. The next City Council meeting will be August 3<sup>rd</sup>. The requirement to have this on the ballot for the General Election is August 6<sup>th</sup>. Because of CEQA, the environmental review, Council is unable to take the first option and vote for this and make it an ordinance by the City Council. That does not get the City around the CEQA issue. There is kind of a quirk in the system in that a citizens' petition that is voted on by the public overrides the environmental review process and takes precedence. Council is therefore down to two options.

City Attorney Morgan Foley added that the CEQA laws apply to any public project or any project that is being considered by the public agency. If the Council were to take this action as it did in the past, it would require that the City comply with CEQA. That is what the City is doing based on the Judge's ruling in the Connelly lawsuit. A citizens' initiative or a matter presented to the voters even by Council allows that to be taken out of CEQA because the definition of project does not include matters that are submitted to a vote of the electorate by citizens. By simply agreeing with petitioners, as is the right of the Elections Code, to adopt the ordinance, the Council would then create a project, essentially. In his opinion, the better approach and the legal approach, is to remove that option out of the Elections Code provisions and go to the second and third options which are to place the matter on the ballot for a vote, which does not create a project under CEQA, or simply refer it back to the departments for comments. Then after those comments are reviewed then Council still has the obligation to place it on the ballot at the next meeting.

Story Vogel, 350 D Avenue, is a proponent of both these initiatives. His view is that this should be sent to the voters. He appreciates Council's prerogative and decision. Many folks in town have seen the livability of Coronado deteriorate tremendously. Much of this is outside the people's control, but there are also things that can be done here in town. One is the removal of the barriers. Some people may say that it is in litigation now and ask why there should be an initiative on it. There is the possibility, depending on who is on Council next time, Council could decide, in its wisdom, to leave the barriers up after the EIR is up. Many people in town felt like the voters should express what they want done.

Councilmember Tanaka feels it is prudent to have the City Attorney and the City Manager's offices review both of the initiatives on the agenda. It is important to him that Council does its duty. If it meets all criteria, which it seems it does, it is important that it make it to the ballot and that it not be a Special Election. He thinks it is more than prudent to have staff review this.

**MSUC (Tanaka/Schmidt) moved that the City Council accept the City Clerk's Certification of the results of the Registrar of Voters' verification of signatures on the initiative petitions and refer the proposed initiative to any City department for a report on its fiscal impact, its effect on the internal consistency of the General Plan or on any other matters and present the report to the City Council within 30 days.**

Councilmember Tierney asked both the City Manager and City Attorney if they are familiar with this initiative and do they see, from their perspective, reason to move this forward to staff for the 30 days, or is it relatively clear what will happen.

City Manager Mark Ochendusko thinks it would be helpful to the City Council and to the public for staff to review this and to provide a study and an analysis back to Council. Such an analysis could be informative to the Council and the public about some of the imperative information associated with either of these initiatives.

City Attorney Morgan Foley agrees with Mr. Ochendusko. He thinks it is important to provide the public with as much information as possible prior to placing that on the ballot.

Councilmember Schmidt hopes that on the one initiative, the A, B and C and the sign at D, staff will look at that and will know whether the City has any options with the fact that the Judge has told the City it cannot take them down until the later study has been concluded. She thinks that would have to be a consideration that will have to be looked at.

Councilmember Monroe understands Mr. Vogel's idea about the next election and thinks that is really part of the answer. He would like to study or at least have information as to how this initiative plays with the Judge and the Judge's rulings. Should this initiative pass, who takes precedence and how does that play out.

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

**11d. Certification to the City Council of the Results of the Examination and Verification of Signatures on an Initiative Petition Amending 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; and Adoption of a Resolution Placing the Issue as a Ballot Measure on the November 2, 2004 General Municipal Election Ballot; OR Council Referral of the Initiative to Staff for Analysis and Impact Report.** Diane Shea, City Clerk, introduced this item. This initiative petition relates to establishing access to Glorietta Boulevard from 4<sup>th</sup> Street and the toll plaza for traffic from Coronado Bridge. The petitions were filed in the City Clerk's office on June 22<sup>nd</sup>, sent to the Registrar of Voters where the signatures were verified. It does qualify for the November ballot. It is for the City Council to make a determination, much like the previous item, to either adopt the Resolution to submit the ordinance to the voters or refer the proposed initiative to staff for a report.

Story Vogel, 350 D Avenue, said this problem has existed for 30 years. Studies over time have shown that there should be access to Glorietta from the Bridge, given the traffic that is knotting up Orange Avenue and the problems that the business community is having and the general inability to go anywhere. Again, the voters should be able to say what they would like to do. The initiative specifically does three things. One it changes the classification in the Circulation Element of Glorietta Boulevard such as D or B to an intermediate arterial classification. The second thing it does is it directs the City Council to cooperate with Caltrans. As we all know from the last initiative, we cannot open Glorietta Boulevard. In order to make it accessible from the Bridge it would have to be Caltrans agreeing to it. The citizens who signed this initiative are after finalizing a point of view of the people who live in Coronado as to what they want done. This directs Council to cooperate with Caltrans to make that happen. In order to make it happen there will be an EIR and

all sorts of things that are required to change traffic. The City has a vote on whether they want the City Council to say to Caltrans that this is wanted and to start working on it. This does not make that happen overnight. It does only address the issue of directing Council, on behalf of the citizens, to cooperate with Caltrans to make this happen.

Councilmember Schmidt said she is concerned about how it would be engineered and the cost of engineering it and who would have to pay the costs. She doesn't think Caltrans has the money to pay for it. She would like to have the costs explored and how it will be done.

**MSUC (Schmidt/Tanaka) moved that the City Council accept the City Clerk's Certification of the results of the Registrar of Voters' verification of signatures on the initiative petitions and refer the proposed initiative to any City department for a report on its fiscal impact, its effect on the internal consistency of the General Plan or on any other matters and present the report to the City Council within 30 days.**

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

**11e. 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.** This item was continued to a future agenda.

**11f. Review and Comment on a Draft Initial Study and Mitigated Negative Declaration for a Coronado Unified School District Proposed Early Childhood Development Center/District Education Center.** Tony Pena, Director of Community Development, began by saying that staff has reviewed the documents prepared by the School District regarding their proposed Early Childhood Development Education Center. The staff report is fairly brief, however, staff has done a little more research in the areas of parking. Initially, staff felt that the School District did a fairly good job of rationalizing their parking needs for that particular location. If one compares, however, the proposal with the zoning standards (even though the School District exempted itself from zoning standards) the City would look at the fact that they have accounted for the employees, but they did not account for the floor area of the Center itself. If one considers the Educational Center as being a typical business or professional office center that has a standard of one parking space for 500 square feet of floor area, they didn't use that standard. Applying that standard they would be 16 spaces short, based on zoning. They also did not use the assembly room standard for the board meeting area. He understands they would accommodate up to 75 people there. The assembly room standard is one space for every 50 square feet or one space for every 5 fixed seats. Staff doesn't know whether the seats are going to be fixed or not. In short, if Council wants to argue a case that they need additional parking it is available there to argue that point.

Councilmember Monroe asked about the seats and whether fixed that would mean an additional 15 spaces. Mr. Pena responded that he was correct in his assessment of that scenario.

Councilmember Schmidt asked if the City is now using a 500' notification area or if it is still 300'. Mr. Pena responded that the City uses 300'. The School District did notification in the paper, posted a notice on the property and he believes they sent notices within a two block area of the site. Ms. Schmidt asked if the District knows whether they noticed within 300'.

Linda Visnick, Assistant Superintendent, Coronado School District, responded that the District met its requirements of the CEQA guidelines, with the posting in the newspaper as well as posting at the site. The District did a complimentary delivery of notification to the homes within that area extended two blocks.

Councilmember Tierney asked where the District proposes or getting the 19 spaces they are currently planning. Ms. Visnick responded that they are on the east side of the District Office site. They also are looking at moving the District Office closer to the Village Kindergarten facility which will add additional spots over on that same side. They will be able to double up the parking spaces there. The School Board is looking at some other areas for the Village Kindergarten, although the plan identified that they weren't required to mitigate that problem. The District does feel that it needs to look at the parking issues for both parents and school site members.

Mr. Tierney asked if, when talking about the District Offices, Ms. Visnick is talking about the offices over on 6<sup>th</sup> Street. She responded that they are at 5<sup>th</sup> and D. She added that at the current Village Kindergarten site, they are looking to build a new facility on the west side of that piece of land. After the Kindergarten is completed they will tear down where it is existing and that is where the District Office will be built.

Councilmember Tanaka asked for the square footage of the District Office building.

Ms. Visnick added that she has a meeting set up at the end of this month with Dave Johnson and the City Engineering office to go over some plans and ideas that the District has about parking and circulation.

Mr. Tierney asked the City Manager if Council has an obligation, because of housing in the area, or could the City notify more extensively the homeowners in that area to six or seven or eight blocks. He doesn't feel that two blocks is sufficient considering the size of the facility and what the impact is going to be, parking wise. Many homeowners are not even aware of what is going on here.

City Manager Mark Ochendusko explained that this is the City's review and comment on the District's Draft Initial Study and the City doesn't have a responsibility to notify those around the area, but the City could make that request of the School District or direct that of staff, however, it is not the City's responsibility. The City is a respondent in this circumstance.

Councilmember Schmidt is concerned about the parking situation. She understands and has received two phone calls recently about the problem that the people are having on Sixth and Alameda extending down almost to Cabrillo with the Navy people who are coming in and parking and the buses that are coming in to pick up those people to take them on Base. People are concerned about that because it is becoming a problem to everybody. That is a consideration that

needs to be looked at. With only 19 spaces allotted for a 7,000+ square foot building that will not be enough parking to absorb all of the uses that will exist at that site.

Councilmember Monroe referred to a table in the appendix that Linscott Law and Greenspan did on page 5.15-3. It indicates that on 6<sup>th</sup> Avenue there are within 20 cars going into Country Club as there are going east towards the Village coming down Alameda. It just seems to him that there have to be a lot more cars in a day going towards the Village than going into Country Club.

Ms. Visnick will have the District consultants respond to that inquiry.

Mr. Monroe agrees with Ms. Schmidt's comments about parking. He commented that this looks like a great facility for Coronado. He is concerned about parking. The proposal is essentially 30 spaces short. That would be the only part that he recommend be in Council's letter going back. He is enthusiastic about what the District is trying to build here. He would support a bond issue. He would support a bond issue to include underground parking. Otherwise this will place upon the neighborhood a really significant problem. Somehow if a solution can be figured out to adequate parking for a great facility he would be happy to be a strong supporter of that.

**MSUC (Monroe/Tierney) moved that the City Council send a letter to the School District that highlights the parking deficit in accordance with City regulations and encourage them to work further to meet that requirement**

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

**11g. Consideration of Adoption of an Ordinance of the City of Coronado, California, Repealing Ordinance No. 1960, Adding Chapter 70.22 to Title 70 of the Municipal Code Regarding the City's Demolition Permit Process for Residential Structures Seventy-Five (75) Years or Older and Amending Section 70.20.050 of Chapter 70.20 Regarding Demolition Permits. UP FOR ADOPTION.** Mayor Smisek returned to Council chambers.

Tony Pena, Director of Community Development, provided the staff report for this item. This is the final step in adopting this ordinance which will be somewhat of a placeholder until the Historic Preservation program is refined. This mirrors what has been before Council over the past couple of months.

Jean Gazzo, 1265 Alameda, read a letter to Council. A copy of the letter is entered into the record and its content is summarized here. Everyone in Coronado, as she does, wants to maintain the City's historical heritage. Her family has lived in the same residence here for over 60 years., It is her hope that the goal to preserve historic heritage can be achieved with due to the property rights of those who own residences characterized as historic resources. Coronado now has a voluntary Historic Resource Act. The demolition permit ordinance currently imposes no special conditions on the issuance of demolition permits for historic resources. But the proposed Ordinance amendment changes the requirement for the issuance of demolition permits for historic resources and it is mandatory. It requires, not requests, property owners whose property is deemed an historic

resource comply with City imposed mandates concerning the maintenance, alteration or demolition of their property. Under Coronado law as it stands today, a property owner with a structure on multiple building lots may secure a building demolition permit as a ministerial act. You apply, you get a fee, you get it. The proposed amendment to the Demolition Ordinance would change the decision to issue a demolition permit for a historic resource to a discretionary act subject to review of a City committee and provisions of the California Environmental Quality Act. If the City finds the applicant failed to satisfy the mandates of the Ordinance, the City can deny the property owner the right to demolish his structure. She reviewed several Court of Appeals case decisions and referred to the United States Supreme Court opinion on this issue. She urges Council to modify this proposed ordinance so that valuable property rights in which all Coronado residents now enjoy are not taken from a few residents for the benefit of the majority. The few Coronado property owners who have an historic resource sited on multiple building lots, which under current zoning laws could be developed for their family, should not be deprived of those rights for the perceived benefit of the majority. Such an action would be constitutionally and statutorily impermissible and subject the City to great financial harm for inverse condemnation and spot zoning. This proposed ordinance would destroy the rights of owners of residences sighted on multiple building lots in Coronado that have been in the City for over 100 years. She suggests that Section 70 etc. of the proposed amendment to the City code can be amended to provide, after the last clause, a new clause that states, "when a property owner has demonstrated that the property cannot be used for the highest and best use possible prior to the enactment of this ordinance." The slight change can ameliorate any claims that the City's proposed ordinance has irrevocably taken away valuable property rights of an owner to use his property in a manner possible before the ordinance was enacted.

Councilmember Tanaka left the Council chambers at 5:10 p.m.

Leslie Budinger, 1241 Alameda Boulevard, commented that the intent of preserving historical homes almost everyone agrees with. However, the devil is in the details of how that is imposed. For this to work, it has to be very thoroughly thought out otherwise it is an invitation to litigation because the City is trampling on the owners' property rights and run the risk of no protection at all. She supports Ms. Gazzo's comments.

Suzanne Ramirez, 449 D Avenue, is very much in favor of preserving the historical resources of the City of Coronado and spoke previously for the ordinance. She is unclear about the urgency ordinance and this ordinance. Her only objection is that it should be 50 years, not 75.

City Attorney Morgan Foley explained, for the public's information, that Council previously adopted an urgency ordinance that went into effect a month or so ago. That ordinance is still in effect. It was not repealed at the last meeting. The first reading of this same ordinance took place at the last meeting. The repeal of the urgency ordinance only occurs when this ordinance becomes effective, which will be in 30 days, if approved today. At that point, the 70.22 that is adopted by the urgency ordinance will go away and this will replace it, which is in fact almost identical to that one. It only had a slight change to it. There was not yet a repeal effective of the urgency ordinance. It is still in place until this ordinance comes into effect.

Susan Keith, Chairman, Historic Resource Commission, explained that they totally support this ordinance. They supported the urgency ordinance, the first reading of this ordinance and are certainly supporting the second reading.

Page Harrington, Executive Director, Coronado Historical Association, commented that they also very much support this and have from the beginning. It is a positive step for the entire community and she thinks the majority of the community does realize that. There were two really good articles in today's *Union Tribune* and she has had numerous phone calls and emails about this today. People from San Diego, people from this community are very excited about how the City is moving forward in historic preservation and what that means to the community. That means that she does know that there are always people who feel differently. She does not believe it is necessarily an issue of property rights versus community rights. She thinks that if it were as easy as having it done voluntarily then it would have already been done. The voluntary ordinance the City has in place and the progress that they have made over the past couple of years has been extraordinary considering that it has only been a three or four year program. She does think this is the next logical step. Sometimes voluntary doesn't work and then the community needs to step in and have the City Council take action. That is essentially what is happening at this point. She thanked Council for their support of this.

Daphne Brown, 326 First Street, thanked Council for supporting this ordinance. This is the right track. She thinks the pain and hysteria will subside and it is the right thing to do. She is glad Council had the courage to do it.

Mayor Smisek reiterated that this is a dynamic situation. There was an urgency ordinance in place. As soon as this one goes into effect the urgency ordinance will be repealed. Then there will be a compilation of a list of homes that will be generated through a cooperative effort with the Historic Resource Commission and City Council. The City has incorporated a methodology where one can get a pre-look at their situation by going to the Historic Resource Commission to find out if you will be designated or ask not to be designated. A study will be done and a review and the HRC will come up with an answer one way or the other. Once the list is determined he believes it will go through a winnowing process and people will always have the option of trying to be removed. The City is trying to initially avoid a catastrophe because that is what generated this whole ordinance and at the same time develop something that will be in the City's stead for the future. The ultimate goal would be that everyone on that list would be a volunteer.

Councilmember Monroe thanked the people who came down and testified on both sides of the issue. It is important. There is an inference that Coronado is leading the pack and creating something no one else has done. He would really like to dispel that. From the work that he has done he sees that Coronado is way behind what other cities have done. Staff has been asked to develop a matrix that will have all the cities in San Diego County as well as Pacific Grove and Carmel and let Council know what they have done with respect to their historic ordinances and how many years it is before it goes into effect. San Diego is 45 years. Coronado tried to get consensus and agreement by many people about 75 years to try to stay balanced in the approach. What are their penalties? What can they do in terms of remodeling? A matrix such as that could take a lot of the mystery out of it because a lot of cities have walked down this path before. He agreed that it is clearly a profound change for Coronado. Last weekend he was back in Chicago attending a conference on regional government. One day they were taken on a tour to see environmentally sensitive things that have happened outside of Chicago. They went into a little town of Napperville. They have a historic district. They have a group of old homes and without the approval of all the people, they created a historic district. One of their members decided to tear their house down and that went to court and a couple of times on appeal and the city was upheld that they had the right to

create that district. He strongly supports the requirement and does think that Coronado should be kept a village.

**MSUC** (Schmidt/Monroe) moved that the City Council adopt AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, REPEALING MUNICIPAL CODE REGARDING THE CITY'S DEMOLITION PERMIT PROCESS FOR RESIDENTIAL STRUCTURES SEVENTY-FIVE (75) YEARS OR OLDER AND AMENDING SECTION 70.20.050 OF CHAPTER 70.20 REGARDING DEMOLITION PERMITS. The Ordinance, having been placed on First Reading on June 15, 2004, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1961.

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

**11h. Consideration of Amendment to City Manager Employment Agreement.** Terms for any amendment to the City Manager Employment Agreement are to be determined by the City Council following the Performance Evaluation of the City Manager. **Under Consent, the City Council authorized the Mayor to execute an amendment to the City Manager Employment Agreement following the Closed Session.**

**11i. Consideration of Amendment to Retainer Agreement for City Attorney Services.** Terms for any amendment to the Retainer Agreement for City Attorney Services are to be determined by the City Council following the Performance Evaluation of the City Attorney. **Under Consent, the City Council authorized the Mayor to execute an amendment to the Retainer Agreement for City Attorney Services following the Closed Session.**

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

**13. COMMUNICATIONS - WRITTEN:**

**13a. Consideration of Request from Coronado Playhouse for an Additional \$34,400 in Fiscal Year 2004-05 Budget.** Mayor Smisek disqualified himself from hearing this item as he owns property in close proximity of the playhouse site.

Mayor Pro Tem Monroe explained that this item is back before Council because there was some confusion over the issue.

Joann Scott, President, Coronado Playhouse Board, 958 I Avenue, began by saying that the Coronado Playhouse has been around for 57 years. She thanked the City for its continuous support. They couldn't afford to go dark. They really appreciate the new theater being built, but they knew it was going to be at least a year that they were going to be dark. They would have lost their

volunteer base - their actors, directors and set building people, many of whom have already gone to other community theaters to work, but they are slowly coming back now. They also would have lost their audience base as well and their subscribers. They felt it was imperative that they found a place to continue putting on shows during the interim. They took a bold step and put up a tent. It is working out very well, but it was very costly. They are asking for City help in supporting them in their programs. The annual budget for their shows is approximately \$124,000. Their request is for \$34,400. They get funding from various sources – the County, corporate sponsors and ticket sales. Last year alone they had 15,000 people come see their shows. They had 600 volunteers which includes all the actors and backstage people, etc. There are 500 Playhouse members and Auxiliary members. Last year, in August, they had a petition showing support for the Playhouse and there were over 2,000 people who signed the petition. She read the petition for Council and the public.

Ashley Gardner, Coronado Playhouse, thinks the pavilion is an incredible space. She has been involved in playhouses and community theater for a long time in San Diego. This is one of the strongest community theaters she has been part of. The City should be proud of the fact that they chose to continue. It really brings a level of dedication that one doesn't get from organizations like the Lambs' Players. She hopes Council will support the Playhouse.

Andy Saby, Coronado Shores, is a supporter of the Coronado Playhouse. His main point is that the City has the Lamb's Players and they do a great job, but the Playhouse provides a different dimension and a different type production than Lambs' Players does. He thinks the Playhouse provides an entry point for a lot of people in the community who have an interest in acting and painting scenery and stage craft. He begs for Council's support.

Councilmember Tanaka admits that this is a lot of money for a temporary facility, but to protect the City's history he will be willing to support the request.

**MSUC (Tanaka/Schmidt) moved that the City Council fund the Coronado Playhouse for an additional \$34,400**

Mr. Tanaka commented that this is only a one year thing, but the Playhouse has done so much to keep its doors open and has such a longstanding history in the community.

Councilmember Tierney thanked all those who came down to support the Playhouse.

Councilmember Monroe echoed those feelings.

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

Mayor Smisek returned to the Council Chambers .

**14. CLOSED SESSION: None**

15. **ADJOURNMENT:** The meeting was adjourned at 5:44 p.m.

Approved:

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Tom Smisek, Mayor

Attest:

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L. Diane Shea, CMC  
City Clerk