MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, May 2, 2006

Mayor Smisek called the meeting to order at 3:01 p.m.

1. ROLL CALL:

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

Absent: None

Also Present: City Manager Mark Ochenduszko
City Attorney Morgan Foley
City Clerk Linda Hascup

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

3. MINUTES: The minutes of the Regular Meeting of April 18, 2006, 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 (Tanaka/Monroe) moved that the City Council approve the minutes of the Regular Meeting of April 18, 2006, as submitted.

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Peace Officers' Memorial Day – May 10, 2006. Mayor Smisek presented a proclamation to the Director of Police Services and to representatives from the Police Services Department.

5. <u>CONSENT CALENDAR:</u> The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5d.

MSUC (Downey/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5d.

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

5a. <u>Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda.</u> The City Council waived the reading of the full text and approved the reading of the title only.

5b. <u>Approval of Warrants.</u> The City Council ratified payment of warrants Nos. 10050348 thru 10050639 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. <u>Award of Contract to West Coast Netting, Incorporated to Raise the Existing Driving Range Fence to 60 Feet in Height and Replace the Netting on the Fence Next to the Cart Barn Which is Approximately 140 Feet Long and 30 Feet in Height.</u> The project would raise a total of approximately 550 feet of fencing from its current 30-foot height to a height of 60 feet. The estimated cost for the project was $100,000.00. In response to the published request for bids, three qualified bids were received.

Judge Netting, Inc.	$112,431.00
West Coast Netting, Inc.	$ 90,000.00
Atlas Fencing Company	$192,832.50

The City Council awarded the contract to West Coast Netting, Inc. in the amount of $90,000.

5d. <u>Adoption of a Resolution of the City of Coronado, California, Updating Regulations for Candidates for Elective Office Pertaining to Candidate Statements Submitted to the Voters in an Election to be Held on Tuesday, November 7, 2006, and Each Municipal Election Conducted Thereafter.</u> The City of Coronado resolution regarding candidate statement regulations has not been updated since 1992 and refers to the old California Elections Code section, and does not reflect the current language translation requirements for San Diego County. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2006, AND EACH MUNICIPAL ELECTION THEREAFTER. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8142.**

6. ORAL COMMUNICATIONS:

a. **Steve Bruce, 540 I Avenue,** urged the audience to support the efforts to stop the violence going on in Darfur, Sudan.
b. **Ella Croshier, 25 Blue Anchor,** commented regarding the regulations contained in the Cays Specific Plan and said she would like it rescinded.

Mayor Smisek provided some background information on the Cays development. The Cays came into effect because of the existence of a specific plan.

Councilmember Monroe commented that the City Manager and Tony Pena are going to be invited to speak to the Cays homeowners at the CCHOA meeting next month to answer any questions about the Specific Plan.

c. **Debbie Seracini, Coronado Visitor Center Manager,** provided the monthly report on activities at the Visitors Center.
d. **Fred Eckert, 675 I Avenue,** spoke regarding the proposed ordinance restricting the parking of recreational vehicles in Coronado that was introduced at a previous meeting. He asked that the Council reconsider the changes that are proposed.
e. **City Manager Mark Ochenduszko** provided more information about the upcoming public workshop of the subcommittee that will be open to interested citizens.
f. **Bruce Johnson, 765 Coronado Avenue,** spoke regarding the Oversized Vehicle Ordinance and read a letter for the record. He asked that the Council consider who the new regulation will affect.
g. **Linda Rahn, Director of Recreation,** presented a commemorative book that her husband, Ted Rahn, an amateur photographer, produced as a gift to the City and the Historical Association. It is a pictoral book of the opening of the Community Center.
h. **Mayor Smisek** thanked Linda and Ted Rahn for the gift.
i. **Councilmember Tanaka** commented on the motor home issue. He said the City could have done a better job of notifying the public and is happy there will be more opportunity for the people to participate. He would like staff to find out from the City Attorney if the City has the authority to make its changes in light of Section 21 of the Vehicle Code, and especially to look at the 20' limitation.
j. **Councilmember Monroe** provided more information about the Cays Specific Plan and advised that it is available on the City's web pages.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS:

8a. Request for Approval of a One-Lot Tentative Parcel Map for Development of 4 Condominium Units for 990-1000 Tenth Street in the R-3 (Multiple Family Residential)

Zone. (PC 3-06 Robell, Kevin). Tony Pena, Director of Community Development, provided a summary of the staff report.

Mayor Smisek asked a question regarding the timing of construction and applying for a subdivision map. Mr. Pena explained that the construction permits are independent of the subdivision map and that one does not necessarily have to precede the other.

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

MSUC **(Monroe/Tanaka) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A ONE LOT TENTATIVE PARCEL MAP FOR DEVELOPMENT OF FOUR CONDOMINIUM UNITS FOR LOTS 7 & 8, BLOCK 16, MAP 376 CBSI, ADDRESSED AS 990-1000 TENTH STREET, CORONADO, CA. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8141.**

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

8b. Public Hearing to Adopt a Negative Declaration for the Construction of the Glorietta Bay Marina, Marina Building and Promenade Redevelopment Project (PC 5-06 & IS 1-06; City of Coronado). Tony Pena, Director of Community Development, provided a summary of the process used to develop the recommendation and outlined the staff report. He said that several opportunities were provided for public comment and only one neighboring citizen raised a concern regarding construction noise and requested advance warning of certain portions of the project. Mr. Pena advised that there would be a five-day advance notice. To mitigate the reduced parking in the parking lot adjacent to the marina it would be helpful to re-institute the diagonal parking that was used during construction of the City Hall and the Community Center project.

Mayor Smisek opened the public hearing.

Lorraine Duro, 1649 Glorietta Boulevard, requested that Coronado 14 Condos be notified in advance of the pile driving portions of the project. She hoped that it could be done earlier in advance than five days.

The public hearing was closed.

Councilmember Downey commented that the modifications and changes in the errata and all the additional work in completing the negative declaration were a great improvement. It is a well researched and documented Negative Declaration. She had the same question that Planning Commissioner Toni Gaylord raised about whether charters will be allowed and whether that will

affect parking. She understands this is being addressed and no decision has been made at this time.

MSUC **(Downey/Tanaka) moved that the City Council: 1) Incorporate the Attachments "H" and "J" Errata Sheets and the Attachment "I" revisions respectively into the Attachment "B" Environmental Check List and its Exhibits 2 and 1; and incorporate these revisions and the new Exhibit 5 into the Negative Declaration, and then 2) Adopt the Negative Declaration of Environmental Impact for the project by adopting the Attachment "E" Resolution 8140.**

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

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

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

11. CITY COUNCIL BUSINESS:

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

Councilmember Monroe attended a meeting of the Tunnel Action Team regarding planning for congestion relief, the Commissioners' Dinner, meetings of the SANDAG Transportation Committee where he learned that Coronado has the lowest major crime rate in San Diego County, the SANDAG Board, the Borders Committee, the Coronado Flower Show, and a Metropolitan Transit System Board meeting. He represented the City at a Coronado Cays Homeowners meeting, attended the Arbor Day celebration, gave a talk with Clair Spielberger of MTS to the American Public Transit Association National Meeting of Transit, and attended a South County Economic Development Council meeting.

Councilmember Tanaka attended the Commissioners' Dinner, the premier of the Playhouse's new play, "The Odd Couple", chaired a Fire Dispatch meeting and attended the opening of the new restaurant at the Hotel Del Coronado, Ocean 1600.

Councilmember Tierney attended a reception for the members of the Japanese contingent who are visiting to look at the homeporting of a nuclear carrier in Yokosuka, Japan, a MetroTAC meeting which is the technical portion of the Metro Wastewater JPA, the League of California Cities dinner in Poway, the Coronado Flower Show, several audit meetings for Wastewater JPA, an ad hoc finance meeting regarding Metro governance, and a reunion of the Saigon Mission Association in Richmond, Virginia.

Councilmember Downey attended the Commissioners' Dinner with Mayor Smisek and Council members Tanaka and Monroe. She thanked PAWS for their community involvement. She attended the Coronado Flower Show, the opening night of the Playhouse production of "The Odd Couple". Ms. Downey also attended some meetings on behalf of the Imperial Irrigation District working with SDG&E and she is looking forward to the day when Council can vote to approve by resolution a new energy proposal to get clean, renewable energy into San Diego.

Mayor Smisek gave a State of the City address to the Coronado Republican Women's Club and another at meetings of the Navy League and the Military Officers' Association of America. He attended the last (hopefully) R4IP meeting, the Commissioners' Dinner, the Coronado Flower Show, the Library Book Sale, Motorcars on MainStreet, and a meeting of the South Bay Mayors in Chula Vista. He also attended the Coronado Historical Association's monthly board meeting, met with Liza Butler regarding the Silver Strand, attended the Arbor Day planting where they planted an African Plum at Seventh and Orange and met with representatives of the Coronado Chamber of Commerce and MainStreet.

11b. <u>Approval of a Memorandum of Agreement to Implement the Agreement for Cooperation Between the Coronado Unified School District, City of Coronado, and the Community Development Agency of the City of Coronado.</u>

At 4:30 p.m., the CDA meeting was called to order jointly with the City Council to hear City Council Item 11b and CDA Item 5a.

City Manager Mark Ochenduszko summarized the staff report. With the end of the CDA debt issuance deadline in November 2005 the CDA was hit with a major milestone which required it to make some decisions and determinations related to project eligibility and the funding allocation for the School District and for the City over the next 30 years of the Redevelopment Agency's life. To do this it was important to remain consistent with the existing redevelopment plan and Agreement for Cooperation between the City, the CDA and the School District. Not only was it important, it was lawfully required to do this. These groups entered into a process that focused on these goals. Meetings towards this end began in September 2005. Eight such meetings were held. The action before Council is to approve a Memorandum of Agreement that interprets the Agreement for Cooperation between the City, the School District and the Redevelopment Agency and meets the previously mentioned goals. Specifically, the Memorandum of Understanding continues the 2/3-1/3 split of redevelopment funds between the School District and the City until $23.3 million is provided to the District for the District's projects. Once that $23.3 million is achieved, all net increment will come to the City and the 2/3 allocation coming to the City will be used to pay back the City loan. Once that loan is repaid, the Agreement then allows for the District again to participate in the Redevelopment Agency. The other benefit to this Memorandum of Agreement is that it defines project eligibility for the District for which the $23.3 million may be used. Mr. Ochenduszko added that the MOA was developed to accelerate, in every way the City has available to it and consistent with the Agreement for Cooperation, the $23.3 million for the District. One of the wonderful things about this MOA that has been developed is that it serves as a debt instrument to allow the receipt of funds after the end of the Agency effectiveness. The date of the end of the Agency effectiveness is 2026, but the Agency continues on until 2036. So, it actually serves as a debt instrument so that the tax increment can grow after the year 2026 and can continue to be

provided to the District and the City to pay for projects that are yet uncompleted. Mr. Ochenduszko thanked the Agency Board for their leadership on this issue and particularly thanked the Agency Chair, Tom Smisek, for his leadership and participation in finding solutions and Agency member Downey who also served on the subcommittee to resolve this and worked very hard to resolve this matter. He also thanked the School Board and School Board President Kathy Vienna and Board member Bill Seager who personally made this a high priority and was committed to the resolution of this matter. The School District Board passed the approval of the MOA the previous evening on a vote of 5-0. With approval of the CDA and City Council, staff will proceed with having the MOA signed and put into effect. He informed the gathering that there were some minor modifications requested by the School District after the agenda was printed and these changes were provided to the Council and Agency for this hearing.

Mayor Smisek thanked School Board member Bill Seager and Dave Blumenthal for their participation in the effort to come to agreement. He mentioned people who were involved as participants in this process: Kathy Vienna, Julie Grazian, Marilyn Wheeler, Sue Coyle, Scott Buxbaum, Dave McKuen, Sean Haggerty, Pam Willis, Mark Ochenduszko, and Carrie Downey.

Bill Seager, CUSD representative, reported that the School Board voted 5-0 to enter into this agreement the previous evening. It is not a perfect document from either side's perspective, but there needs to be compromise and cooperation and trust between the two sides in order for this to work. He gave the City Council credit for their support in other areas as well. The School Board asked him to thank the City Council, the CDA, and staff for all the hard work on this. The Board has requested that there be a meeting as soon as possible schedule a 3-3-4-4-5 meeting for funding of the projects. Mr. Seager announced that he would be able to attend the next meeting.

Councilmember Tierney pointed out the many hours that now retired Pam Willis into this project and he wanted to thank her for her efforts.

MSUC **(Downey/Tanaka) moved that the City Council approve the MOU with the modifications proposed by the School District**

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

11c. **Approval of the Location of a Temporary Animal Care Facility During Design and Construction of a New Animal Care Facility.** Paul Crook, Director of Police Services, provided the staff report. He advised that demolition of the current Animal Care Facility is scheduled for August 2006. The City Council directed staff to review the potential of locating a temporary animal care facility within the City limits on March 21, 2006. This temporary facility is to be used during the design and construction phase of the permanent animal care facility. Staff considered four options: 1) convert space in the Police Department's basement; 2) place trailers at a temporary site; 3) temporarily house animals at a local veterinarian; and 4) utilize one of two potential locations at the Public Services facility yard. After review of the advantages and disadvantages of each potential temporary site, it was determined that the conversion of a portion of the basement in the Police Department appears to

be the most viable plan on a temporary basis. Staff does not recommend that the Police Department be utilized as a permanent location for the new facility.

Mayor Smisek invited public comment.

Louise Shirey, 828 Guadalupe Avenue, spoke on behalf of PAWS. She said that PAWS is disappointed in the temporary location but is willing to work with the City. She provided a list of requests for the City Council regarding making the site more habitable for the animals.

John Nyquist, 685 Margarita Avenue, read a report from his dog, Chevy.

Ruth Gellman, 80 Port of Spain, asked if the City Council had ever thought of rating itself. She provided some further thoughts on the subject of the choices of locations for temporary and permanent shelters.

Lorraine Duro, 1649 Glorietta Boulevard, spoke against using any green space for an animal shelter.

Dottie McSwain, 707 Orange Avenue, wants it put in stone that the police station location will be used for no longer than absolutely necessary.

Councilmember Monroe commented that action has come about because the City Council revisited the previous action to send the animals off island. He advised that the Council has been strongly supportive of keeping animal care as part of the City of Coronado's full services.

MSUC (Monroe/Tierney) moved that the City Council:

1. **Accept the staff suggestion to locate the temporary Animal Care Facility in the basement area of the Police Department,**
2. **Appropriate $30,000 from the General Fund for the construction of necessary walls, HVAC, and other amenities required to allow for the proper care and housing of animals in the Police Department's possession, as well as provide for acceptable working conditions for staff, and**
3. **Determine that the basement of the Police Department is unsatisfactory for a permanent facility and direct staff not to consider this location for a permanent facility.**

Councilmember Tanaka said that he does not support putting the animals in the basement long term. He appreciates that PAWS was willing to work with the Council on a temporary solution and that they are being patient. He said he didn't appreciate the 70 to 100 phone calls and emails he received but, they did make a difference. Mr. Tanaka also announced that the ad hoc committee would meet the following Thursday and is developing the criteria sheet for the permanent facility location. This should be coming back to the Council the first meeting in June.

Councilmember Downey advised that she has learned a couple of things through this process. One reason it is so important to PAWS that the animals be kept on island was to facilitate their adoption process. That is why she reconsidered the previous vote. She thanked PAWS for all of their efforts. She thinks the police department is the best place temporarily because it can be

quickly accomplished so the City can start work on the permanent facility sooner rather than later. Any of the other locations would have required additional time.

Councilmember Tierney was initially not supportive of having a temporary facility in the police station and asked to have the City Manager give some timeline information on the permanent facility.

City Manager Mark Ochenduszko provided a rough construction timeline and said the completion of the new facility is predicated on certain facts. If the temporary facility is occupied in August, within two years of being in the temporary facility the new facility should be constructed. It will take three months for an environmental review – staff is anticipating a Negative Declaration. It will take two months for a schematic design. Staff is assuming that the city will be able to get through the approval process, both with those who have an interest in providing a shelter for animals and those who have an interest in its impact on their neighborhood. Construction should take 10 months.

Mr. Tierney hoped the information Mr. Ochenduszko provided helps the people who are interested. He said he will be riding herd to make sure it happens because it has taken too long already. He wanted the public to be kept informed and said the City hasn't been as open as he thought it should be. He admitted he has made some mistakes. He voted for the off island shelter area. Mr. Tierney voiced his support for the motion to place the temporary shelter under the Police Station. He warned that if there were any consideration to make this the permanent location he would put together an initiative against it. He urged the public to keep the City Council's feet to the fire.

Mayor Smisek commented that the initial concept that came from staff was to have the temporary facility located in the police station basement. It was only after very strenuous objections from one Council member that the recommendation changed to take the temporary facility off island.

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

12. CITY ATTORNEY: No report.

13. COMMUNICATIONS - WRITTEN: None.

The City Council recessed to Closed Session at 4:45 p.m.

14. CLOSED SESSION:

14a. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
POTENTIAL LITIGATION
AUTHORITY: Government Code Section 54956.9(b)(3)(C)

NAME OF CASE: Claim for Damages (City Claim No. 06-013)
Claimant: Rolena Jones
CIRCUMSTANCE: Application for Leave to Present Late Claim

The City Council reconvened at 4:55 p.m.

The City Attorney reported that on Item 14a, by vote, the City Council unanimously decided to deny the claimant's request to file a late torte claim.

MSUC **(Monroe/Tanaka) moved that the City Council deny the claimant's request to file a late torte claim.**

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

15. **ADJOURNMENT:** The meeting was adjourned at 4:56 p.m.

Approved:

_____
Tom Smisek, Mayor
City of Coronado

Attest:

_____
Linda K. Hascup
City Clerk