

**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, November 18, 2003, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:08 p.m.

1. ROLL CALL:

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

Absent: None

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

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

3. MINUTES: The minutes of the Regular Meeting of November 4, 2003, and the Special Meeting of November 5, 2003, 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 November 4, 2003, and the Special Meeting of November 5, 2003, as submitted

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Coronado Police Department Day. Mayor Smisek presented the proclamation commending police personnel who assisted in apprehending two individuals engaged in the criminal activity at the Coronado Cays on October 24, 2003.

4b. Presentation of Recreation Department Thanksgiving Poster Coloring Contest
Winners. Stacy Berman, Recreation Program Supervisor, introduced the item and acknowledged the 159 entries. The prizes were generously donated by the Junior Women's Club. Mayor Smisek and Council presented awards to the winners of the Turkey Coloring Contest. The winners were as follows:

<u>Name</u>	<u>Division</u>	<u>Place</u>
Rebecca Yim	4 th & 5 th	First
Lindsay Klaire Kiernan	4 th & 5 th	Second
Steven Patrick Mansueto	4 th & 5 th	Third
Simone Gillberg	2 nd & 3 rd	First
Scott Adam Smith	2 nd & 3 rd	Second
Kara Keyes	2 nd & 3 rd	Third
Hailie Woods	K & 1 st	First
Luis Perez	K & 1 st	Second
Jesse Laird	K & 1 st	Third

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5d, and Items 10b, 11c, 11d, 13a and 13b.

MSUC (Schmidt/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5d, and Items 10b – Recommendation from the Traffic Operations Committee Regarding Temporary Parking Restrictions on the East Side of the 600 Block of D Avenue Due to Phase II Library Construction, 11c – Approval and Acceptance of the Coronado Cays Emergency Exit Gate Construction Contract, 11d – Approval of Holiday Time Off for Employees Consistent with Prior Years, 13a – Consideration of Request to Name the Timing System and Scoreboard at the New Municipal Pool in the Memory of Commander William Earley and 13b – Request from the Chamber of Commerce to Allow for Free Parking in All Commercial Zones from Monday, December 15, 2003 Through Saturday, December 27, 2003

Councilmember Schmidt commented on Item 13b. She requested that the Chamber of Commerce place signs on the parking meters indicating that the free parking is a gift from the City.

Councilmember Monroe commented on Item 5d. He wants to ensure that the Opticom System is used for emergency purposes only.

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. 10032691 thru 10032749, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Approval of First Amendment to the Agreement with San Diego Harbor Excursion for Modification to Commuter Ferry Schedule to Accommodate Shift Change at Naval Aviation Depot. The City received a communication from the Naval Base Coronado Rideshare Coordinator requesting an adjustment to the commuter ferry schedule to accommodate a change in the Naval Aviation Depot shift schedule. San Diego Harbor Excursion has agreed to accommodate the adjustment in the ferry schedule at no additional charge to the City. The new schedule will commence December 1, 2003 and the Naval Base Coronado Rideshare Coordinator and NAVAIR Depot will provide publicity and distribution of the new schedule. **The City Council approved the First Amendment to the Agreement with San Diego Harbor Excursion to modify the commuter ferry schedule to accommodate a morning shift change at the Naval Aviation Depot.**

5d. Approval and Acceptance of the Opticom Emergency Vehicle Preemption System. The 3M Opticom Priority Control System processes a traffic control signal green light for the authorized vehicle and red lights for all other vehicles approaching the intersection. Eight fire vehicles, ten police vehicles and four police motorcycles have been outfitted with emitters.

J & J, Inc. was issued a Notice to Proceed on September 15, 2003. The project was completed in accordance with the project plans and specifications on October 23, 2003. The installation of the emitters for three lifeguard vehicles has been postponed until a final decision is made on the possible acquisition of new lifeguard vehicles. A portion of the project budget will be held in reserve to pay for the installation of the emitters under a future purchase order after the acquisition of the new vehicles. **The City Council accepted the Opticom Emergency Vehicle Preemption System project and directed the City Clerk to file a Notice of Completion.**

6. ORAL COMMUNICATIONS:

a. Dismas Ableman, Division Chief, Fire Department, announced that on November 25th at 10 a.m. there will be a test of the emergency warning sirens in the community. The test will be of longer duration than the previous test and all tones will be tested.

b. Mayor Smisek announced that the San Diego County Grand Jury is seeking applications for the 2004-2005 Grand Jury. The recruitment period is from now to mid-January.

7. **CITY MANAGER:**

7a. **Update on Council Directed Actions and Citizen Inquiries.** There was no report.

8. **PUBLIC HEARINGS:**

8a. **Public Hearing: Review of Initial Study as Required Under the Coronado CEQA Guidelines and Determination to Prepare a Negative Declaration, Focused Environmental Impact Report, or Full EIR for the Removal of Semi-Diversers Located at A Avenue at Pomona Avenue and at B and C Avenues at Third Street.** City Manager Mark Ochenduszko disqualified himself on this issue as he has a conflict of interest with the ownership of a previous home near the area. He stepped down from the dais and left Council Chambers. The Assistant City Manager, Pam Willis, took the City Manager seat at the dais.

Tony Pena, Director of Community Development, began by saying that the City has received the Initial Study from Parsons Brinkerhoff for this project. The study covered 16 environmental factors included on page 27 of the staff report. The initial study concludes that there were three environmental areas of concern. These would have potential significant impact based upon the findings. These are air quality, noise and transportation/traffic. Staff is recommending that an EIR in the form of a Focused EIR that would emphasize these areas be appropriate based on the City's CEQA guidelines and the State requirements. The Initial Study is fairly detailed. All that needs to exist for an initial study is an adequate project description and a basic discussion of potential impacts. It is to flush out primary concerns that might need additional processing

Mayor Smisek asked for a brief description of what a Focused EIR would actually entail in this specific case. How will the City benefit by going that route?

Mr. Pena responded that a Focused EIR provides information and additional analysis. The other significant part is that the process is established by State law. The process requires distribution of material to the public and a requirement of the City to respond to comments that come in during the public review period. The EIR process also allows the City to define that there is general public benefit to the project even though some impacts may not be mitigable. It allows the City to adopt a statement of overriding considerations and to approve the project with outstanding potential adverse impacts. That process is the only way to approve a project that has those impacts. The Negative Declaration process does not allow for that. That is why staff is recommending that Council go through the additional procedure of an EIR.

Councilmember Monroe asked for a definition of the project area. He hopes that the answer is the City of Coronado rather than just three streets there because he thinks that was one of the issues that were brought up before. When the barriers were up Council never looked at what would happen at D and E, the intersections at Orange and Third and Fourth.

Mr. Pena responded that there are two areas being talked about. The immediate area is outlined on the map contained in the Initial Study and is the actual area of work to be done. Also, in the initial study, it is mentioned that some of those impacts go beyond that immediate area. Obviously impacts west of Orange Avenue are one of them. That would be part of the EIR. In order to establish that potential finding the City has to make on overall balance and overall benefit to the

community and impacts to the community that would necessarily have to be expanded in scope. That is briefly mentioned in the Initial Study. The EIR would expand on the impact area as much as can be foreseen.

Councilmember Tanaka wants to expand on Mr. Monroe's comments. The only reason this has to be studied is because of the effects on those three streets and the counter argument is the effects of those on all the other streets. It is imperative that those numbers be taken and compared against numbers before the diverters. The real quandary the City has is that since the barriers can't be removed the City can't take numbers of what the traffic would be if they were removed, but it can at least compare numbers that the City has now against what they were before the diverters were in. If the focus point is only those intersections that the diverters are on crucial evidence is missing as well as critical data needed to base a future decision on.

Councilmember Schmidt commented that if that is the consideration in the background, then the project location needs to be enlarged because it is not large enough at this point.

Mayor Smisek reviewed what Mr. Pena said. There are two phases to this. One is where the actual diverters are and then to be able to do overriding considerations it would be a pretty big step because Council would be saying that there is an impact by doing this, but for the general good, or some other reason, Council wants to override that. Consequently, as a secondary part of it, the report will have to include how it affects the rest of the traffic flow

Mayor Smisek opened the public hearing.

Dr. Pastor, 356 B Avenue, commented that Shine, Pastor and Connelly were the institutors of the lawsuit that brought about CEQA issue. The suit was partially settled with the proviso that they could reinstitute it if they weren't happy. He read for Council that the findings of Superior Court Judge Wayne Peterson state, "In addition, the court grants petitioners writ regarding Councilmember Tierney's failure to follow proper procedure pursuant to the Government Code and the Political Reform Act. It is undisputed that Councilmember Tierney owns real property investments in the immediate vicinity and adjacent to the impacted areas subject to the Council's decision to remove the semi-diverters. Government Code Section 87103 instructs that a public official has a financial interest in a decision within the meeting of Section 87100 if it is reasonably foreseeable that the decision will have a material financial affect on the official or any of the business entity in which the public official has a direct or indirect investment worth \$2,000 or more or any real property in which the public official has a direct or indirect interest worth \$2,000 or more. Further, if such an interest exists under 86103 then the official must publicly identify the interest, recuse him or herself from voting on or discussing the matter and leave the room during the discussion. Respondents do not assert and there is nothing in the record that Councilmember Tierney made any disclosures regarding his real properties located in the vicinity of the impacted area or the subject semi diverters. Further, real property of which a public official has an economic interest is directly involved in a governmental decision if the real property in which the official has an interest is located within 500 feet of the boundaries of the property which is the subject of the governmental decision or the decision involves improvements in streets on the real property on which the official has an interest. In this case petitioners correctly point out that the subject decision involves improvements to streets on which Mr. Tierney owns real property. Based on the evidence cited in the administrative record, the decision to remove the diverters arguably constitutes an improvement to B Avenue and Orange Avenue where Mr. Tierney owns real property. Since the

interest directly involved in the Council decision there is a presumption that the interest is material. Respondents, the City of Coronado and its attorney, failed to submit any evidence to rebut the presumption accordingly the court grants petitioners writ of mandate and directs petitioners to prepare a statement of decision of writ.” He respectfully requested that Mr. Tierney recuse himself from discussion and vote on this matter.

City Attorney Morgan Foley responded that the excerpt read was from a tentative decision by Judge Peterson and was never the final decision of the court and was never part of a judgment. There is not determination by the Court at this time that Mr. Tierney has had at any point in time a conflict of interest. There was no settlement either. It was actually a judgment that was prepared and a decision that was prepared and the City assumes, approved by the judge, but no one has seen a final judgment yet. In fact, the petitioners withdrew their conflict of interest claim or challenge with Mr. Tierney they did so with the understanding that they could raise it in the future, but there was not settlement of that issue. As far as the City is concerned and the Court is concerned there was no determination even though the court made its tentative decision, the Court declined to affirm that tentative decision and in fact asked the parties to brief that issue. The petitioners decided not to brief the issue and decided to withdraw their claim without prejudice. Mr. Tierney has, for the record, during the course of the litigation, indicated that he does not have a conflict of interest. He believes that his properties, which fall outside the 500-foot radius of the project, are not impacted. He has determined that there is not affect on his property, on the neighborhood where his properties are located.

Mr. Pastor added that he has not received anything but a full decision and he has not signed off on any settlement that would allow that to be done.

Mr. Foley explained, again, that there was no settlement, and that Mr. Pastor should talk to his attorney if he has a question as to what occurred. The petitioners all agreed to withdraw that cause of action so it was never adjudicated or determined. It remains a decision that has yet to be determined.

Mayor Smisek asked if the petitioner is now bringing up the conflict of interest issue again. Council is discussing whether the Focused EIR is going to cover an expanded area or not and the City needs to find out if that impacts this conflict of interest situation. As he heard the discussion going on, it sounds to him like the beneficiaries are Orange Avenue, D Avenue, E Avenue and F Avenue. If those are the beneficiaries, because the determination has been made that CEQA starts with the current condition and not the previous condition. If this is the base line, which is what is causing a hard time because the base line has changed, that maybe there is a different situation that this point. That situation needs to be clarified. Mayor Smisek asked Mr. Foley if he feels that there is something that may have changed and Council needs to go into Closed Session or if Mr. Foley needs to take some time, that needs to be done.

Mr. Foley feels that this is a discussion that Mr. Tierney might have to have with his own attorney and/or discussion with Mr. Foley as to whether he should abstain or disqualify himself from participating in light of the discussion of the expanded impact with the EIR. The purpose of the Focused EIR would be to determine impact beyond A, B and C Avenues between Pomona or Third and Fourth. That is where the issue arises because with a Negative Declaration one cannot get into that kind of analysis. That is what Mr. Pena was describing. The Focused EIR allows the City to get into the further analysis of D, E and F Avenues.

Mayor Smisek reminded everyone that the only action now is over the Focused EIR.

The City Council went into recess at 4:45 p.m.

The City Council was back in session at 5:03 p.m.

Councilmember Tierney has decided to disqualify himself at this point to allow this issue to go forward. This will not impact his decisions to vote on any other issues regarding the diverters or any other matter he sees fit to vote on. In this particular case he will turn this over to the City Attorney.

City Attorney Morgan Foley explained that Mr. Tierney is, in essence, going to disqualify himself pending a determination by the FPPC. He made a decision not to participate tonight but reserves a right to dispute a future decision. The decision tonight is whether to proceed with a Mitigated Negative Declaration, a Focused EIR or full EIR on the project. At some point in the future there will be decisions that need to be made. In the meantime, Mr. Tierney will be obtaining an advice letter from the FPPC and take all the steps necessary that Council policies have previously approved to obtain some sort of an appraisal or, if necessary, a consultant's report, present that to the FPPC and by the time the next issue on this project comes up he will hopefully have a decision that will allow him to participate or not participate in the future. Mr. Tierney stepped down from the dais and left the Council Chambers.

Mayor Smisek reopened the public hearing for public comment.

Bob Frances, 332 D Avenue, commented that he really can't believe we are back here again in this state of affairs. He doesn't know why a CEQA specialist attorney has never been hired on to advise the City Council and to defend the suit. He hopes it is not a question of money because now there is a \$200,000 price tag to get this EIR done. This is not an efficient way to run a government. He understands it has been a difficult issue, but once a decision has been made, it is incumbent upon the City Council and City Attorney to do everything necessary to implement the decision and pursue it vigorously. He urged Council to please take the steps to go about this in an organized, orderly, yet rapid fashion. He urges Council members, whether they were on one side of the vote or another, to please recognize that and do everything possible to implement the decision. The people spoke through their represented officials.

Story Vogel, D Avenue, condemned Mr. Pastor, Ms. Connelly and Mr. Shine for the money they have cost this City and trouble for peace of mind without any regard to the rest of the town. A decision was made by the City Council in an unprofessional fashion. Two of the City Council members sitting on Council today, when it came time to rectify their error, were sued by three citizens to protect themselves. He was so personally offended he ran for office. Council has to respond to a judge's decision that the base line is the existing barriers that were put up illegally. He publicly apologizes to his neighbors and everyone in this town that he didn't sue the City. He asked Council to vote on a focused EIR and when the fast tracking process is done, he asks that even if Council finds environmental implications, which there will be because these folks will have traffic on their streets that was there for 75 years, that Council give a statement of overriding consideration that the impacts to the rest of the town from these barriers is such that it overrides any potential impacts to these three streets having further traffic. He would like to get those barriers down.

Carol Pastor, 356 B Avenue, commented that they did not do this without any thought to the matter. They were concerned about the safety of what was happening that the traffic was getting worse from the people who go to IB, from the people who go to the Cays, and the short cut is down those streets where the children wouldn't even play in the front until the barriers went up. They filed suit because the barriers were being taken down without further thought of what should be done until this came. The CEQA was not done earlier, when it should have been, which goes back long before Mayor Smisek or any of you sat on this Council. It will now get done, one way or the other. She doesn't care what Story Vogel thinks. They will see this through.

Mayor Smisek closed the public hearing.

Councilmember Tanaka thanked the speakers for their passion. Regardless of where people fall on this issue, everyone is impacted. He is playing the hand he was dealt. He thinks a lot of mistakes have been made on this issue. He thinks the first commenters bring up the simple frustration residents feel at knowing the Council has taken a vote, knowing that there is a majority out there who want the diverters down. He said to the City's critics that the City is doing everything possible to enforce that decision. This is another step in that road of getting resolution of this conflict. He supports the staff recommendation for a Focused EIR because everyone wants resolution on this issue and everyone agrees on that. The City needs to take every precaution necessary to make sure that whatever decision is reached is bullet proof. It disturbs him that the City could get sued every step of the way because people disagree with the City Council. That is no way to run a city, also for people to sue whenever they disagree with Council's decisions. He is disappointed at the way all of this has gone. He does believe that the City has made some mistakes in the past.

Councilmember Monroe warned the people at SANDAG that Coronado may be making history of the future changes they may want to make in their cities with respect to street closures, street openings, a new street, etc. Looking at what the City is going through to take down the three barriers that were up for a trial period is amazing. He disagreed with one speaker who said that all of this Council has not aggressively pursued this matter. Mr. Monroe has been in both open session and closed session with both Ms. Schmidt and Mayor Smisek who voted against taking the barriers down and he informed everyone that there has never been any hesitancy on the part of any member of this Council, since that vote was taken, to proceed. He complimented both Ms. Schmidt and Mayor Smisek for the faith they have shown in the decision that was taken.

Mayor Smisek asked at one time about the possibility of a trial period of taking the barriers down to see what would happen and to put a limited time frame in so that there could be accurate counts and find out what is really going on. It was brought back to him that the City doesn't seem to do well on limited trial periods. He also would like to make sure the record reflects that there was a vote by the old Council taken after the trial period, that did state that this was the permanent solution. It was the new Council that decided to reverse that decision. It wasn't that it had remained just a trial. It had been incorporated and then reversed. With that said, Mayor Smisek will support the focused EIR.

MSUC (Monroe/Schmidt) moved that the City Council direct that a Focused Environmental Impact Report be prepared emphasizing Traffic, Air Quality and Noise Impacts as contained in the Initial Study (IS 2-03) as per Article 10, Section 15143 of CEQA Guidelines and authorized the

**Assistant City Manager to enter any contracts necessary to obtain the
EIR as expeditiously as possible**

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

8b. Public Hearing to Review Requests for Historic Preservation (Mills Act) Agreements for Properties Addressed as 1236, 1241, and 757 Alameda Boulevard, 520 B Avenue, 801 Tolita Avenue, 1111 Loma Avenue, 765 C Avenue, and 550 B Avenue and Determination Which Agreements to Authorize in Accordance with the Fiscal Cap Established by the City Council for the Program. Tony Pena, Director of Community Development, introduced this item.

Leslie Suelter, Director of Administrative Services, reviewed some of the fiscal impacts that staff has identified with regard to the potential losses associated with property taxes in this program. The City has always been a very healthy city, financially, and Coronado has enjoyed strong revenue growth in the past several years. However, the City is entering a phase in its financial condition that is a little different than in the past five or six years. The City is seeing General Fund decreases in revenues. This year the City projected a loss of about \$2 million in General Fund revenue compared to last year. The City is also projecting expenditures to exceed the City's revenues in General Funds within the next five years. She reviewed the City's current fiscal situation including an anticipated Vehicle License Fee revenue loss of \$1.4 million, income loss due to reduction in the City's portfolio because of payments on City projects and loss of revenue due to current interest rate environment. These are issues that staff has concerns about. On the expenditure side, as conservative as the City has been in containing costs that are discretionary, the City is experiencing cost growth in areas that the City does not have as much control, primarily in costs of health benefits, worker compensation insurance costs and in retirement. The City is also beginning to absorb costs that had previously been funded from gas tax and TransNet. Ms. Suelter went on to address what losses the City will sustain in property tax from these properties that have entered into the Mills Act. The City cannot predict is if the property sells and the potential gain that the City would have had if they had not been in the Mills Act. When one buys a house they pay property taxes based on the assessed valuation at the time of sale. That becomes the property tax, essentially, in perpetuity, until it sells. Under the Mills Act, the property stays in the Mills Act even after it sells. All things being equal, if the properties don't sell, staff anticipates an impact, if the City continues with the program to the cap, the City will see approximately \$375,000 of revenue loss over ten years, not including the Black property. Staff has looked at that property separately. Staff wanted Council to have all that information when it considered the future growth of this program.

Mayor Smisek asked what percentage of property taxes the City actually gets returned to it. Ms. Suelter explained that between 20 and 30% goes to the General Fund. Another 20% or so goes to the Community Development Agency, which is used to retire bonds that are paying for various improvements in the City.

Councilmember Monroe looks at the figures Ms. Suelter described as losses sustained by the City in a different way. He looks at them as the investment this Council will make in historic preservation.

The City needs to do that in balance. The roads need to be paved; sewers need to be working. He looks at this as another investment, rather than as a loss.

Jon Ryan, 716 Margarita, Planning Commission designee to the Historic Resource Commission, commented that the HRC believes that historic preservation is a very important element to the City of Coronado and a very important investment in driving overall property values up. Council should look at this as an investment or a component of the City's overall property values. As a realtor he can tell Council that many buyers will come to Coronado and report that they want to live in the village charm. There are about 100 or so properties that would qualify. That is less than 1 1/2% of the City's entire housing stock. The City's exposure is very low. The big driver here is property value. Looking at Imperial Beach, Pacific Beach and other beach communities around Coronado, Coronado is twice as valuable in overall property value. A lot of that ambiance and village charm is driven by the City's preservation and good stewardship. The City's property receipts are up about 45% since 1999. Single family alone is up almost \$.5 billion. Certainly the City only receives a portion of that money, but the HRC's contention is that the City should be a component of and be hooked to the property value that historic drives. This is an investment. These buildings must be maintained in order to maintain the City's overall property value.

Mr. Monroe commented about a discussion among some realtors in town who are recommending to clients that they not apply for the Mills designation. There is some question in their minds as to whether it helps property values, the town in general. He inquired of the Board of Realtors position.

Mr. Ryan is a realtor member, but the Board of Realtors is an appointed group and they vote and make policy. There are several opinions just among Board members and certainly there is a wide-ranging opinion among realtors as to the value of things. The development community would want to scrape properties and build. The value of the village comes from the charm. It starts with the Del and moves itself up Loma Avenue and down Ocean. That is what everyone remembers about Coronado. That is what people want to be a part of. So, from an investment standpoint, the more preservation there is, the better.

Mayor Smisek opened the public hearing.

Nancy Splinter, 1027 G Avenue, is before Council to politely protest Mills Act consideration of the first house on the list – 1236 Alameda. When she and her husband first toured this home at the Designer Showcase in 2001 they had to agree with what the neighbors had told them – the renovation is neither historically accurate nor period appropriate. The developer attempted, apparently for resale purposes, to make the side of the house into the front house, a wrap around loggia with a second story roof deck was added, the interior central grand staircase was removed, the kitchen was enlarged and a new garage was added to the now front of the house. She cited Municipal Code Chapter 70.20 regarding restoration. 1236 Alameda has been modernized. This house was completely remodeled before the Mills Act application was brought forward. Contrary to the Historic Resource Preservation Mills Act Agreement procedure, these improvements were done without public, Commission or Council input. This house is now up for the Mills Act after the house has been “remuddled” and sold to a new buyer. This house is not at risk. The property tax savings will not go into restoring this already completed remodel. This house certainly does deserve to be a Coronado Historic landmark with a Coronado Historic Association plaque and a historic resource in the City. This is a poor example of how the Mills Act should work. If this is approved it will set a dangerous precedent for every developer on the Island – buy an historic home,

remodel to increase the resale value and convince potential buyers that the house is Mills Act worthy. If this house is granted the Mills Act, the property tax reduction will not assist in the restoration and rehabilitation of this already completed remodel. The saved taxes will also not be going into the City coffers. Lastly, not only does the City lose the \$16,000 yearly income with the other seven deserving historic houses on the list today may be made to wait up to three years for property tax relief for their much needed improvements. It is her and her husband's opinion that 1236 Alameda does not meet the purpose, the criteria or the spirit of the Mills Act and should be denied that status.

Susan Keith, 801 Tolita Avenue, addressed Council as a citizen although she serves on the Historic Resource Commission but she stepped down whenever this issue came forth and did not speak on it or read any of the minutes concerning this item. She agrees that historic preservation is an investment that this City needs to come forth and spend some money on. These homes are important to save and add to the quality of our lives. The City needs to give incentives to the owners through money, offering historic building codes, and reduce parking requirements if they would come forth and put their homes up for designation. If this is approved today for her house she will save \$300/year. It is not a major amount of money but she is putting her money where her mouth is because she and her family feel it is important. She encourages Council to approve the recommendation today that has come forth from Historic Resource Commission and hopes that they come forth to Council with many, many more recommendations in the future.

Mayor Smisek closed the public hearing.

Mayor Smisek asked questions of Ms. Suelter. He asked about Ms. Keith's reference to the \$300/year figure. Ms. Suelter explained that the different figures on the spreadsheet are intended to reflect the impacts to the City of Coronado. She understands that Ms. Keith's savings will be closer to \$600/year.

Mr. Monroe is very concerned with what Ms. Splinter said to Council today. Ms. Splinter, essentially, brought the Mills Act to Coronado. After reviewing the notes he couldn't find 1236 Alameda to see what the Historic Preservation Committee did with that.

Councilmember Tanaka was on the Commission when that was approved. He recalled that it was remodeled prior to the designation and that they submitted that project once it had been remodeled. He remembers that the Commission did have a discussion about whether the remodeling was true preservation. He believes that it was the sentiment of the Commission at the time that even though they had remodeled and changed the side to the front, etc. it was the Commission's feeling that if that is what it takes to save an historic home; they would give it the designation. So, it is a remodeled property and isn't necessarily in danger of being knocked down.

Discussion continued about this issue. Staff recommendation does not have that property as recommended for the Mills Act. Mayor Smisek reminded Council that they can discuss any particular address in the agenda item. The Historic Resource Commission recommends the properties in the staff recommendation. Mr. Monroe is concerned that no action on 1236 Alameda would leave it in line for future consideration. Mr. Tanaka agrees with Ms. Splinter that it is not particularly deserving of Mills money because it does not have the same upkeep costs that an older house would. Mr. Monroe recommends that 1236 Alameda be taken out and sent back to the Commission for a second look for Mills Act qualification.

Mr. Tierney commented on this particular location. It was a completely different building by the time it was finished. In trying to stay with the concept of the Mills Act he agrees that it should be looked at again and some sort of ground rules should be set.

Mayor Smisek understands that the Historic Resource Commission has their guidelines according to the rules of the Mills Act. They make their determination and then that is a recommendation to Council. Council can accept their recommendation, reject their recommendation or modify their recommendation. If the preponderance of the Council is not pleased with 1236 Alameda, he doesn't know if it is appropriate to just send it back. Council can say it doesn't like it or just say that it is not willing to fund it and that it can be reviewed in the future. Mr. Monroe asked if Ms. Splinter appeared before Historic Resources when this property was considered.

Mayor Smisek reopened the public hearing.

Karen Moore, 520 B Avenue, owns a home that was on the list for funding and now is not. She is interested in talking about what should happen in general about historic preservation. They have spent a lot of time and effort and funds to restore their home at 520 B Avenue and bring it back to the character of the neighborhood. It was built in 1927. Preserving a historic home is much more expensive than clearing a lot and building a new home. There has to be an incentive for restoring historic properties. The housing stock that is historically and architecturally significant that exists now is disappearing rapidly and it is not a renewable resource. She and her husband see it more as a quality of life issue for Coronado and it is a very important issue because it is also a planning issue and a zoning issue, too. Things like character of neighborhood, density, lot coverage, parking and noise are all affected by tearing down old houses and building giant mansions way too big for their lots. Please consider their comments when the issue of funding for historic preservation is brought to Council in the future.

Dr. Pastor, 356 B Avenue, had 1015 Ocean historically preserved when they lived there. He knows the Bakers and has been in that house hundreds of times. That house is not the same house in any way, shape or form. It is completely different. It is his opinion that this house is not deserving of that designation. He is speaking of 1236 Alameda, the Baker House.

Mayor Smisek closed the public hearing.

Councilmember Tanaka thinks it is clear that the City definitely supports historic preservation. The City does support the Mills Act and the process it has and the program it has. But, he thinks it is important to consider other sets of numbers. He has to admit that when he read through the minutes and some of the position paper of the Historic Resource Commission he thinks that maybe some of the recommendations are being made on a different set of numbers than the City uses to build a budget. Some of the numbers are really important. One of the greatest responsibilities any Council member has is making sure that the City is in the black, not in the red, and that Council does not sabotage or undermine future income streams. Some of the things he would want the HRC to consider before giving a budget recommendation is that, prior to the state budget crisis, there was a \$4.4 million budget surplus. This year it is projected at \$1.2 million. When Council considers how much to budget to a program like the Mills one they look at it in terms of how much money there is left over and where this priority sits with others. He was very displeased when he read, in the position paper, numbers that say that the valuation of residential properties has increased from

\$1.16 billion to \$1.69 billion. It is not fair to the City of Coronado to site that sort of number when the reality is that the City of Coronado collects approximately \$8 million a year from its property tax. When the City is talking about Mills Act contracts that is talking about reducing the amount of property tax the City collects to pay all of its bills. This is staggering, especially when looking at 1236 Alameda. The current assessment is \$3.2 million. The current tax, 1% of that, is \$32,000. He thinks the City needs to be very prudent about how, when and how many of these contracts it gives out. Every time a home is added into the Mills Act program, that home is out and the City doesn't have access to property tax increases on that home. He thinks it is important that when people judge the City and its program that they also judge the fact that this is a conservative City when dealing with dollars. Mr. Tanaka supports the staff recommendation and modest increases in the Mills contract budget.

Councilmember Schmidt agrees with Mr. Tanaka. She has always been the budget monger. She feels very strongly about the fact that the City has the Mills Act and historic preservation. She loves the old homes and what people do in this community. However, she feels that Council has to consider the City's infrastructure and other things that go on that affect the City and make a difference. There have to be some other incentives that could be figured out. She would like Council to know how many homes are being talked about. She does agree with Mr. Tanaka that Council has to consider all the resources the City needs to supply with its budget and one cannot be overloaded against another.

Mayor Smisek pointed out that with the 75-year designator, each year some homes are going to be added into the potential inventory as time goes on. He thinks the other thing is the analogy is trying to build a case around the financial well being of the City of Coronado. Property taxes can only go up 2% per year if one doesn't sell the house and yet the value of the home can jump 20, 25 or 30% in a year. It is tough to make that valuation until there is actually a sale that occurs. Mr. Tanaka has pointed out that when there is a Mills Act sale. He agrees that when the City put together the initial caps was that not everybody who qualified would be able to jump in and get their property designated. It was supposed to go over a period of time and that is why the cap is increased every year. If the City wants to look at the potential of accelerating it because of some terrific benefit the City has received from revenue, that could be talked about as a separate agenda item of tying the percentage increase in the caps and some percentage increase of revenue over expenses in the City or revenue to the General Fund or to the CDA. This was discussed when it was first started and Mayor Smisek has been pleased that the City has been able to stay within the bounds with the special case of 1015 Ocean. He would like to see the City do that. 520 B will still be on the list and be available next year or the following year. He thinks the current system is working and he would like to continue with it.

Councilmember Monroe was impressed with the pictures of the houses that the City is preserving. They really add a lot to the village. There are a lot of homes in this list of 100 or 150 that have been in the same family for a number of years and are paying very little property tax. For them it is really almost a better to scrape and rebuild than to even think about the historic designation because it is not that big a gain. He wanted to recognize that there is sort of an issue out there with some of the older homes that have been in the same family. The Mills Act doesn't attract them and they could be lost. He is confused as to what to do with 1236 Alameda. If Council wants to take it off the list, he would vote for that, but he would be more comfortable to send it back to HRC.

MSUC (Monroe/Tanaka) moved that the City Council recognize the previously authorized Mills Act for 1015 Ocean Boulevard as a special exemption to the annual and cumulative cap established for the program, and authorized agreements for 1241 Alameda Boulevard, 757 Alameda Boulevard, 801 Tolita Avenue, and 1111 Loma Avenue that would fall below the fiscal cap remaining for this year

Councilmember Tierney is really worried about the legal definition under the Mills Act and having houses that do not reflect what they were before. He wonders whether Council should get the City Attorney to review the definition of what the Mills Act is trying to do and what it says it is supposed to do and then look at the directions given to the HRC to find out whether the City is in compliance with it. He has a feeling that the Mills Act wasn't designed to take into consideration and support the funding that is taking place for other buildings that are really true historical buildings who have kept their face, grounds, etc. in the same venue that they were originally in. He thinks this is an opportunity to tighten restrictions and if they are tightened in that direction he thinks there might be fewer applicants. If they aren't tightened there will be more applicants. He would like to have the City Manager ask the City Attorney to review the definitions to see whether they are Mills Act compliant.

Mr. Tanaka feels that Mr. Tierney brings up some excellent points about not just the Mills Act but also the interaction between Council and the HRC. One of the things he recalls about his time on the Commission was that, with the Mills Act in particular, the Commission had very little purview to make recommendations to Council. The exclusive grounds were on a list of conditions. What the Commission really does not have the purview to do, as it is currently written, is to give recommendations. They can't really give Council their opinion as to whether or not this is a worthy applicant for the Mills contract or not. That puts Council in a tough position because it looks to Council, when they read a staff report like this, that the HRC signed off on it. 1236 Alameda is a perfect example of the loop hole in the system. It was worthy of historic designation, but a Commission might decide it is not worthy of the Mills contract. The City has no system in place to ask the HRC for its opinion. If the City only has \$5,000 to spend in a year there is no system to ask for a priority list from the HRC. He thinks it is vitally important for this issue that the HRC be given the ability to give Council a recommendation and a simple set of criteria.

Mayor Smisek feels that the City Manager can come back to Council with a suggestion as an agenda item of whether there should be a workshop with the Historical Resource Commission or whether there is some other tack the Council should take.

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

8c. Public Hearing and Adoption of Resolution Revising Charges for Advanced Life Support (ALS) and Basic Life Support (BLS) Ambulance Services and Related Charges.

Alan Nowakowski, Division Chief, Fire Department, made the presentation on this item. This item is staff's recommendation to revise ambulance rates to the average in San Diego County for those agencies that differentiate between residents and non-residents. The last revision was in June 2001.

Since that time Coronado has fallen significantly below the average in the County for ambulance rates. During that time service has expanded and associated costs have gone up. He pointed out to Council that 74% of the ambulance bills are covered by Medicare or by insurance. The remaining 26% are private pay but only 6% are billed to residents of the City. The City is in a position to collect these revenues and staff recommends adoption of the recommendation as stated.

Mayor Smisek feels the increases are too big at one time. He understands cost recovery and that the City may be below the average. He thinks that Coronado's own particular situation needs to be looked at. He would like to see something more structured over time adopted. There could be something like 10% increases for two years and then have an escalator built in.

Council discussion continued with questions to Division Chief Nowakowski and Director of Fire Services John Traylor on Medicare profiles, collection rates, private payments, previous BLS and ALS costs, private transporters and billings.

Mayor Smisek said that public safety is probably number one in the City's responsibility to the public. In the past, before the jump was done from the \$150, the \$150 was basically covered by Medicare. Now there is a gap between Medicare and what the City is charging. It is getting bigger and bigger. He is getting nervous about that. He doesn't want someone not to call an ambulance because they are afraid to have to pay \$400 or \$300 out of their pocket or something like that. If the City goes ahead and tones it down a little bit and work it in over time, that way the City can get some data and see what the results are. Will the same amount of usage exist? Will the recovery rate continue at 86%? He feels very concerned about this. Coronado taxpayers pay a lot of money. The City is very fortunate to have a balanced budget in the City and he just doesn't want to start piling on fees. He would like Council to consider the possibility of staggering the increase and then an evaluation of perhaps a 5% increase. He would like to see Coronado below the rest of the area on cost recovery because he thinks Coronado can afford this.

Mr. Tanaka asked if the treat and release vehicle is a large amount or a small fraction of what the total funds the City covers. Chief Nowakowski thinks that it is going to be a small amount because the intuitive sense he has about that is that the number of patients who actually have significant injuries will not receive treatment and wish to walk away. At the same time, the City does lose money because when some patients are treated in the field and then refuse transport, the City receives no money, but medications and personnel are provided nonetheless.

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

Mr. Tanaka is sensitive to Mayor Smisek's point and is also proud that the City of Coronado keeps its costs low, but he doesn't feel that the parking meter analogy isn't the same. The one thing he is sensitive to on this particular issue is the City of Coronado is fronting all the infrastructure costs. The staff report mentions that in 2002, at a cost of \$132,000, the City purchased a new ambulance and replacement is scheduled for every four years on average. This is talking about big dollars. He completely agrees with Mayor Smisek when he says that public safety is the number one priority. The compromise he would offer is to have an increase of \$100 on both ALS and BLS and he feels it is probably unwise to set a fixed percentage.

Mayor Smisek proposed a BLS resident fee of \$435, non-resident \$545. ALS would be resident \$540 and non-resident \$650 and accept the other numbers from the recommendation. Mr. Tanaka could accept those figures. He thinks this will always be reviewed and he likes the idea of being a little less expensive than the other cities but he doesn't like the idea of the City crunching all the money.

Mayor Smisek would like to see data taken to see what the recovery rate is, financially, and come back next year with that information. Chief Nowakowski commented that the problem that the Department has with gaining statistics about this is that the insurance company typically receives billings or responses to their billings later on. It is always a rolling amount. They were hoping that a six-month period would give most of the statistics, up to date as possible. It always is going to be catching up, even a year and a year and a half later because people are late in paying bills or insurance companies take time to adjudicate claims. Mayor Smisek proposed an additional 5% bump on July 1st. The treat and release would be \$150 for both resident and non-resident.

MSUC (Smisek/Schmidt) moved that the City Council approve revised charges for Advanced Life Support (ALS) and Basic Life Support (BLS) ambulance services and related charges to be as follows:

	<u>Resident</u>	<u>Non-Resident</u>
Basic Life Support Services (BLS)	\$435.00	\$545.00
Advanced Life Support Services (ALS)	\$540.00	\$650.00
Treat & Release	\$150.00	\$150.00
Oxygen	\$63.00	
Mileage	\$15.00/loaded mile	
Supplies	cost	

And approved a 5% increase July 1, 2004.

The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO REVISING CHARGES FOR ADVANCED LIFE SUPPORT (ALS) AND BASIC LIFE SUPPORT (BLS) AMBULANCE SERVICES AND RELATED CHANGES. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7963.

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

9. ADMINISTRATIVE HEARINGS: None.

COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities. There was no report.

10b. Recommendation from the Traffic Operations Committee Regarding Temporary Parking Restrictions on the East Side of the 600 Block of D Avenue Due to Phase II Library Construction. The Public Library is located at 640 Orange Avenue. Directly in front of the Library are two handicapped parking spaces and 12-minute green curb parking. The first phase of the Library construction is due to be completed in December. After a period of move-in to the new addition and vacating the existing building, the general contractor will obtain a right-of-way permit from Caltrans to fence off the parking lane and start demolition for Phase II of the renovation. The Orange Avenue parking spaces and limited time parking will be lost to construction for approximately eight months until completion of the project in August 2004. During this phase of construction, the Library will remain open with the collection and reading areas in the new addition. Access to the addition will be up a ramp and through a pair of doors off the service drive on D Avenue. This entry will serve handicapped and ambulatory patrons who use the Library. Accommodation for parking near the entry needs to be made for handicapped patrons. Short-term parking to drop off or pick up materials at the circulation desk is also necessary.

In order to maintain parking for Library patrons it is recommended to establish two temporary handicapped parking spaces and three 12-minute limit spaces and limit the remaining portion of the block to 2-hour parking on the east side of D Avenue. These parking restrictions would be temporary and for approximately eight months during Phase II construction work. Parking will revert to the original condition when the project completes next summer. It is anticipated that the school work will be nearly completed and parking on the west side of D Avenue will also be available. **Under Consent, the City Council approved that the two handicapped parking spaces on Orange Avenue be temporary relocated to D Avenue on either side of the service drive. The City Council also approved that the 12-minute green curb parking on Orange Avenue be relocated to the remainder of the block recommended to be limited to 2-hour parking. These time restrictions (both 2-hour and 12-minute) would be effective from 8:00 a.m. to 4:00 p.m. every day except Sunday and legal holidays.**

The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO TO DESIGNATE A 12-MINUTE GREEN CURB ZONE IN THE 600 BLOCK OF D AVENUE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7964.

The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO TO DESIGNATE A 2-HOUR LIMITED TIME PARKING ZONE IN THE 600 BLOCK OF D AVENUE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7965.

The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO TO DESIGNATE A BLUE CURB ZONE IN FRONT OF THE TEMPORARY LIBRARY ENTRANCE ON D AVENUE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7966.

10. CITY COUNCIL BUSINESS:

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

Councilmember Schmidt attended a Naval Complexes meeting.

Councilmember Tanaka attended the special meeting regarding the Marina and the Coronado Schools Foundation Dinner Auction and a Library Board meeting.

Councilmember Monroe reported on a SANDAG Borders meeting, the Port Meeting regarding North Grand Caribe Road, and returned to Cornell University where he played in the alumni basketball game.

Councilmember Tierney attended the special meeting regarding the Glorietta Bay Marina and docks, the Coronado Schools Foundation Dinner Auction at the Hotel Del, the San Diego Division of the League of California Cities monthly meeting, the Metropolitan Transit Development Board meeting and the Change of Command for USS CORONADO.

Mayor Smisek met with Coronado Cays representatives regarding the relationship with the Cays, met with Chamber of Commerce representatives regarding the tunnel and the Specific Plan, presented the State of the City to the Rotary Club, took the Glorietta Bay Marina tour, attended the Veterans Day celebration at Star Park and the dedication of the new flag pole and attended the Change of Command for USS CORONADO.

11b. Review of Site Selection and Design of the Lifeguard Tower Replacement, Lifeguard Service Building, Beach Maintenance/Public Restroom Building and North Beach Restroom (Beach Facilities Master Plan) and Authorization to Proceed with Final Design.

Bill Cecil, Engineering and Project Development Department, explained that in June staff presented the Beach Facilities Master Plan. Subsequently, they had a number of residents call staff and Council expressing concerns about some of the programs and the location of the proposed facilities. Consequently, staff reviewed the program and locations and are proposing the following changes. The lifeguard tower would be located in essentially the same location as it exists today. The program, however, has been changed to accommodate all of the locker and shower room facilities in that building. All the offices have been removed and are now relocated in the Lifeguard Service Building. The proposed plan is shown on Sheet 2 of Council's packet. The second building is the Lifeguard Service Building shown on Sheet 3 as well as 6 & 7 which show sections of it. Mr. Cecil showed Council a photograph showing the real life section through the site with a lifeguard vehicle and the Central Beach restroom. He continued to describe the site for Council. The building was reduced by 850 square feet. He showed the Beach Maintenance and Restroom building on Sheet 4 located on G Avenue. The following modifications to that building are proposed: the garage for the loader has been eliminated; the restrooms would remain and there will be a small storage area included for the lifeguard equipment. The total square footage of this building has been reduced by approximately 359 square feet. The North Beach restrooms are shown on Sheet 5. They are to be constructed in the same location as proposed but some of the fixtures in the restroom have been eliminated and the building footprint by another 201 square feet. The total square footage of the beach facilities compared to what Council saw in June have been reduced by 1,253 square feet. It is

also proposed to design the buildings over the next several months with the intention of building the buildings at one time in the summer of 2005.

Mayor Smisek complimented Mr. Cecil on a great job. He did receive some of those phone calls. The general feeling was that this is Coronado's beautiful beach sand. It is a jewel not only to Coronado but also to Southern California and the previous plan was going to take valuable sand away from the world and parking trucks on it. The new plan does not obstruct any ocean views. He thinks this is a much better product and he feels much more comfortable.

Councilmember Monroe asked about the current location of the North Beach restrooms. The current location is sort of down slope, below the rocks. Is there a security issue with the roving patrol?

Mr. Cecil explained that the ends of the rocks are on the North side, or to the left. Staff is suggesting that the entry to the restrooms also face that way. When the patrols go through and monitor the field of view is enough that they would be able to see from Sunset Park the front of the restrooms.

Director of Police Services Robert Hutton thinks that the patrol challenge would be the same as the current restrooms. To check that area the patrol car needs to be parked so that the area is walked. That is done to secure the restrooms at night now. He doesn't see a way to minimize visibility and make it patrolable by car.

Councilmember Tanaka asked how often the police actually patrol the beach at night. Chief Hutton explained that there is no set schedule to that other than the securing of the restrooms. It is random, but it the frequency does increase in the summertime. Mr. Tanaka asked Mr. Cecil about the number of fixtures taken out of the North Beach restrooms. Mr. Cecil explained that two fixtures were taken out in both restrooms. Mr. Tanaka commented that he is as pleased as the Mayor is about this. He still supports creating enough infrastructures for the beach lifeguards to do their job and thinks the City is woefully inadequate on beach facilities. He thinks it is really important to do this right the first time. The only area he is a little reluctant is that he doesn't see a big savings in removing the 200 square feet. He would rather err on the side of having a couple of more fixtures in the North Beach restrooms.

Mayor Smisek commented that with the new rules of conflict of 500', his home is within 500' of the new North Beach bathroom. He is going to talk about and have separate votes and he will step down on the last vote.

Councilmember Tierney asked where is the loader going to be parked. Mr. Cecil responded that the loader is currently parked at the Public Services yard and it will continue to be parked there. The garage was taken out due to the height of the loader pushing the height of the roof higher than suggested and it is closer to an area of habitat and wetland. The consultant has recommended that the City keep away from that area and by eliminating the loader garage that can be done. Mr. Tierney also asked if the North Beach toilet is going to be sufficient to handle the beach crowd in that area, specifically at night when there are a lot of people down there. What sort of lighting is there going to be? What sort of materials are there going to be in terms of ease of removal? Mr. Tierney sees a lot of action down there at that particular beach along with some of the other areas over by Tidelands. He would like to know how that problem is going to be solved. Mr. Cecil

commented that he proposed that it be constructed in a similar fashion as the one at Central Beach. He thinks they need to be careful of the lighting so that there are not lights spilling over into the residential area, but he thinks the front of the restroom would be lighted so that the path would be fairly well lit. Other than that, they would put in any anti-graffiti material that can be put to the inside of the stalls or walls to minimize graffiti staining the walls on the interior. Mr. Tierney is worried about the men's room and ladies room being kind of small considering the large clientele that use that particular portion of the beach. Mr. Cecil responded that the thinking was that if there are restrooms at G Avenue and at Central Beach this will just be a supplemental restroom. There are more facilities spread throughout the beach. Portable toilets would be brought in for special events.

Mr. Monroe is also concerned with all the activity that goes on in that area and whether that number is sufficient.

City Manager Mark Ochenduszko commented that staff can certainly go back to the previous plan if that is what Council wants, or somewhere in between. Mr. Ochenduszko explained that the thought here was that between Central Beach, the public restrooms being built for the first time at G Avenue and also at North Beach that this would be sufficient. Council raises a very good question first about the activity at Sunset Park and secondly, it is really not a major expense if Council wants to go back to the previous plan for North Beach. Council can direct the modifications that have been made for this plan except for the previous strategy for North Beach.

Mr. Tanaka sees more reasons to go back to the old standard than to stay at this one. He didn't realize that all the Sunset traffic would be directed to that bathroom.

Mr. Ochenduszko commented that a couple of questions have been asked here. He recommends that Council consider the other items and then enter into a discussion about North Beach and take that action separately.

Mike Neal, 676 Glorietta Boulevard, commented that through his experience as a Lifeguard Captain, he noticed that the women's facilities have a higher use than men's facilities.

MSUC (Schmidt/Tanaka) moved that the City Council approve the revised Lifeguard Tower program

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

MSUC (Schmidt/Tanaka) moved that the City Council approve the revised Lifeguard Services Building

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

MSUC (Schmidt/Tanaka) moved that the City Council approve the revised Beach Maintenance Building

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

MSUC (Monroe/Schmidt) moved that the City Council proceed to advance the funding for the Lifeguard Service Building and Beach Maintenance Building, from FY2004-05 to current year and initiate the planning to accomplish the whole job

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

Mayor Smisek disqualified himself on the North Beach restroom issue and stepped down from the dais and left Council Chambers.

MSUC (Schmidt/Monroe) moved that the City Council approve the North Beach restroom with the additions as mentioned and the associated pricing that goes with it, and advance funding fro FY2004-05

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

11c. Approval and Acceptance of the Coronado Cays Emergency Exit Gate Construction Contract. At the July 16, 2003 meeting, Council awarded a construction contract to Tri-Group Construction and Development, Inc. for the installation of an emergency exit gate at the Coronado Cays development. This project provides a second emergency exit to serve the southern portion of the Cays. In the event of an emergency or if the primary exit were to be blocked, the second emergency exit would provide an alternative access for emergency vehicles or residents for the area south of the main entrance. The exit consists of a panel that can be knocked down by an emergency vehicle in the event of an emergency where a southern exit is necessary.

Tri-Group Construction and Development, Inc. was issued a Notice to Proceed on September 2, 2003. The project was substantially complete on September 24, 2003 and inspected on September 25, 2003. The project was completed in accordance with the project plans and specifications by October 31, 2003. **Under Consent, the City Council accepted the Cays Emergency Exit Gate and directed the City Clerk to file a Notice of Completion.**

11d. Approval of Holiday Time Off for Employees Consistent With Prior Years. For a number of years, the City Council has approved additional holiday time off for City employees during the Christmas – New Year’s period. This leave has been granted for use during the month of December, and typically used by employees during the slow period of the last week of the month. Use of this additional leave has been accomplished without interruption of normal City services, although typically the week between December 24 and January 1 is slow and the City operates with a skeleton crew. Police and Fire personnel, as well as employees working a 9/80 schedule, having

spread the time off generally over the month of December to ensure necessary staffing is maintained.

Under Consent, the City Council authorized an additional eight hours leave to City Employees in conjunction with the Christmas or New Year's holiday as in past years.

12. **CITY ATTORNEY:** None.

13. **COMMUNICATIONS - WRITTEN:**

13a. **Consideration of Request to Name the Timing System and Scoreboard at the New Municipal Pool in the Memory of Commander William Earley.** Coronado Masters Swimming Association submitted a letter to the City Council asking consideration to name the timing system and scoreboard at the new municipal pool in memory of Commander William Earley. Mayor Smisek requested that this be an agenda item. **Under Consent, the City Council approved the request.**

13b. **Request from the Coronado Chamber of Commerce to Allow for Free Parking in All Commercial Zones from Monday, December 15, 2003 Through Saturday, December 27, 2003.** The Coronado Chamber of Commerce submitted a letter dated October 23, 2003 requesting free parking in all commercial zones for the week prior to Christmas, beginning Monday, December 15, 2003 through Saturday, December 27, 2003. **Under Consent, the City Council approved the request.**

The City Council adjourned into Closed Session at 6:25 p.m.

14. **CLOSED SESSION:**

a. **CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

AUTHORITY: Gov. Code §54956.9(a)

NAME OF THE CASE: Robert J. Syverson *et al.* v. City of Coronado, *et al.*
San Diego Superior Court Case No. GIC 792745

At 6:40 p.m, the Council returned to open session and announced that there was no reportable action.

15. **ADJOURNMENT:** The meeting was adjourned at 6:41 p.m.

Approved:

Tom Smisek, Mayor

Attest:

L. Diane Shea, CMC, City Clerk

