MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, October 17, 2006

Mayor Smisek called the meeting to order at 3:05 p.m.

1. ROLL CALL:

Present: Councilmembers Downey, Monroe, Tanaka and 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. Floyd Ross provided the invocation and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: Approval of the minutes of the Regular Meeting of October 3, 2006. The reading of the minutes in their entirety was unanimously waived.

MSUC **(Monroe/Tanaka) moved that the City Council approve the minutes of the Regular Meeting of October 3, 2006, a copy having been provided Council prior to the meeting, as submitted.**

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

4. CEREMONIAL PRESENTATIONS: None.

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

Councilmembers Downey and Tierney abstained from the vote on Item 5f as they were ineligible to vote due to conflict of real property interest.

Councilmember Monroe said he would not request to remove Item 5f from consent but requested a clarification of the definition of "site".

Tony Pena, Director of Community Development, explained that a site is a parcel owned by a corporation or individual. It could include more than one lot, for example. A site would be available for development of one or more professional offices subject to the discretion of the City Council. Mr. Monroe clarified that there could be two professional offices on a site.

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

AYES: Downey, Monroe, Tanaka and Tierney and Smisek
NAYS: None
ABSENT: None
ABSTAINING: Downey and Tierney, on Item 5f

5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda. 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. 10053798 thru 10054092 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

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

5d. Consideration of Establishment of the Major Special Events Calendar for the Year 2007. The City of Coronado's Special Events Policy states that the City Council is to consider all major special event applications at a Council meeting in October and establish a final calendar of no more than eight (8) major events, with up to three (3) bridge events being considered as one major event, for the following year. There are eight (8) major events before the City Council for approval, with one (1) bridge run counting as one major event.

All major event applicants and known interested parties were notified to submit a letter of intent to be considered at this Council meeting. The following letters of intent were received:

TRADITIONAL EVENTS	DATE	TYPE OF EVENT
Annual Flower Show/ Motorcars on MainStreet	Saturday, April 28 and Sunday, April 29, 2007	Traditional Event
Coronado Promenade Sunday Concerts in Spreckels Park	Each Sunday during summer months May 27 to September 9, 2007	Traditional Event
Fourth of July Celebration	Wednesday, July 4, 2007	Traditional Event
Chamber Holiday Open House & Parade	Friday, December 7, 2007	Traditional Event
NON-TRADITIONAL EVENTS:		
Naval Base Coronado Bridge Run/Walk	Sunday, May 20, 2007	Bridge Run/Walk
Superfrog Triathlon	Saturday, September 22, 2007	Triathlon on NAB and Silver Strand Highway
Art Walk	Sunday, September 30, 2007	Art Walk
Silver Strand Half Marathon	Sunday, November 18, 2007	Run/Walk on Silver Strand Highway

The City Council took the following action:

1) **Approved four (4) traditional events:**
   - **The Flower Show and Library Book Sale combined with Motorcars on MainStreet**
   - **Coronado Promenade Sunday Concerts in Spreckels Park**
   - **Fourth of July Celebration**
   - **Chamber of Commerce Holiday Open House**
2) **Approved one (1) bridge event, considered as one major special event:**
   - **MWR Naval Base Coronado Bridge Run/Walk (Sunday, May 20, 2007)**
3) **Approved the request for Naval Special Warfare SUPERFROG Triathlon on Saturday, September 22, 2007**
4) **Approved the request of the Coronado Historical Association to hold the second annual Coronado Art Walk on Sunday, September 30, 2007**
5) **Approve the request for the Silver Strand Half Marathon on Sunday, November 18, 2007.**
6) **Approved the request to *consider at a later date* an application from Rady's Children's Hospital to hold a 5K bridge walk to benefit Rady Children's Hospital-San Diego on October 14 or October 21, 2007. A completed application has not been submitted to the City so this event is not subject to approval at this time.**
7) **Directed that all events reimburse the City for all services and personnel costs except Flower Show/Motorcars on MainStreet, Fourth of July Celebration, Art Walk and Holiday Open House.**

5e. Resolution Appropriating Funds to the Community Development Revolving Fund and Authorizing the Disbursement of Such Funds to the Community Development Agency of the City of Coronado (CDA) for Redevelopment of the Glorietta Bay Marina, Secured by Revenues from the Marina and Leasehold Property. The loan has been structured similar to previous loans with the CDA, as a line of credit to the Agency not to exceed $6,200,000. The loan is to be repaid within 15 years and provides flexibility for early repayment. It is secured by the revenues generated by the leasehold property, which includes the marina slip rents, charters operations, boat rentals, and the restaurant rent. A duplicate resolution was approved by the CDA on this same date. **The City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, APPROPRIATING FUNDS TO COMMUNITY DEVELOPMENT REVOLVING FUND AND AUTHORIZING THE DISBURSEMENT OF SUCH FUNDS TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF CORONADO. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8181.**

5f. Second Reading for Adoption of an Ordinance Entitled, "An Ordinance of the City of Coronado, California, Amending Chapter 70.12 of Title 70 to Allow for Pre-Design Meetings with a Design Review Commission Subcommittee; and Amending Chapters 86.04, 86.55, and 86.56 of Title 86 of the Coronado Municipal Code and Chapters V, VII and Appendix I of the Orange Avenue Corridor Specific Plan Regarding Development Standards and Authorized Land Uses for Property in the R-4 (Multiple Family Residential) Zone." This ordinance was introduced at the City Council meeting of October 3, 2006. Per City Council's direction at that meeting, the draft ordinance language was amended to allow for a maximum of three professional office sites within the R-4 zone, in any case, with a Major Special Use Permit. The professional office site could be an existing site with professional or a newly established site provided the total number of professional sites within the R-4 does not exceed three. It could be as part of a combined use development with residential (so long as the office is limited to the first floor of a building) or as a stand-alone development. Sections Seven and Eight were amended to reflect the City Council's direction. **The City Council adopted AN ORDINANCE OF THE CITY OF CORONADO, CALIFORNIA, AMENDING CHAPTER 70.12 OF TITLE 70 TO ALLOW FOR PRE-DESIGN MEETINGS WITH A DESIGN REVIEW COMMISSION SUBCOMMITTEE; AND AMENDING CHAPTERS 86.04, 86.55, AND 86.56 OF TITLE 86 OF THE CORONADO MUNICIPAL CODE AND CHAPTERS V, VII AND APPENDIX I OF THE ORANGE AVENUE CORRIDOR SPECIFIC PLAN REGARDING DEVELOPMENT STANDARDS AND AUTHORIZED LAND USES FOR PROPERTY IN THE R-4 (MULTIPLE FAMILY RESIDENTIAL) ZONE. The Ordinance, having been placed on First Reading on October 3, 2006, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1981.**

5g. Recommendation Regarding a Request from the Coronado Unified School District for an Encroachment Permit to Allow Construction and Maintenance of Hardscape and Landscape Amenities in the City Right-of-Way Adjacent to the High School Property on D Avenue. The City right-of-way for D Avenue extends 16 feet from the face of curb to the CUSD property boundary. CUSD has requested permission to plant 3 queen palm trees enclosed in 6' x 6' tree grates covering 329 square feet, and construct a decorative, colored pigmented concrete sidewalk covering an area of 1,808 square feet.

In response to the request, the Engineering Department reviewed CUSD's history of placing amenities in the City right-of-way in the vicinity of the high school property under consideration. In 1971, the City Council granted permission to CUSD to relocate and plant trees within the City right-of-way adjacent to the athletic fields and the elementary school for preservation of the positive effects of trees on the environment. In addition, the Council agreed at that time that trees in the right-of-way would benefit the neighboring properties by softening their view of the various facilities on CUSD property. Engineering has determined that the proposed encroachment will not adversely affect the City right-of-way nor the neighboring properties.

Administratively, the permit lists insurance requirements, conditions, etc. The Engineering Department prepares the encroachment permit and the conditions of the permit regulate the function of the encroachment.

Typically, the permittee pays the costs of the encroachment permit application; in this case, however, the Engineering Department waived payment of permit fees because CUSD qualifies for such a waiver as a government entity. Otherwise, CUSD bears responsibility for all costs associated with constructing and planting the encroaching items along with paying the costs of maintaining, to the satisfaction of City authorities, the amenities associated with this encroachment. **The City Council authorized the Director of Engineering and Project Development to permit encroachment into the D Avenue right-of-way adjacent to the Coronado High School property for the purposes described in the encroachment permit.**

5h. <u>Approval of a Resolution Authorizing the Receipt of Funds Provided by the "Law Enforcement Terrorism Prevention Program Grant" Through the County of San Diego Office of Emergency Services.</u> The Police Department recommends approval of the resolution for receipt of grant funds for the purchase of a First Responder Tactical Blanket "bomb blanket" which qualifies as an allowable equipment reimbursement on the authorized equipment list under explosive device mitigation and remediation equipment. The equipment has several different critical public safety uses including shielding of the public and officers from gunfire during emergency rescues as well as some ballistic protection during explosive device incidents. **The City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING THE RECEIPT OF FUNDS PROVIDED BY THE FY 2005 "LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT" THROUGH THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8182.**

6. <u>ORAL COMMUNICATIONS:</u>

a. Brandon Matey, 1014 A Avenue, spoke against the idea that Coronado should have an average fire department. He feels that the safety of Coronado residents is being severely neglected and that the City Council has no desire to attract and hire and retain the best possible public safety personnel for Coronado. No one on the City Council or in the community is in Coronado because they strive to be average – they strive to be the best. The Hotel Del is not average. The Navy SEALS are not average. So why should the City maintain average service to the community? He asked why the City's civil

servants are among the lowest paid, the Fire Department's equipment is out of date and in poor operational condition, or why there is a single ambulance for approximately 30,000 permanent residents and thousands of tourists. He questioned how effective the mutual aid with other cities is. How long will it take them to arrive? When it comes time to decide on new contracts for the City's civil servants, the City Council should think of whom it wants to attract – long term, well trained professionals who will dedicate their careers and lives to the City of Coronado and its residents. When it is time to purchase vital equipment needed for the safety and protection of the City's residents and guests, make the right choice and keep Coronado safe.

b. Wayne Strickland, 854 A Avenue, retired 32 year Coronado firefighter, said that there is not an ambulance at the Cays – only a red box. The fire engine that looks like a telesquirt is not. The ladder portion of the truck is not working. Coronado only has 24' ladders which won't reach the windows of a three story building. It will not reach the roofs. There is a telequirt at the Cays that needs to be fixed or replaced. The City needs a 100' aerial ladder, staffed. When he was a Coronado firefighter they had a 100' aerial ladder and a telesquirt that worked. It was used for fires at The Landing and The Shores. If the City doesn't have the equipment, it can't put out the fires or save the lives. To bring in outside equipment takes at least 18 minutes. The City Council needs to do whatever it takes.

c. Darren Young, Coronado firefighter/paramedic, spoke in response to comments made by the City Manager at a previous City Council meeting about firefighters' questions about the adequacy of the mutual aid agreements, staffing, and whether or not the firefighters have followed the proper chain of command prior to going to the public with their campaign. He said that they did go through the proper channels and got nowhere. They have gone through their Chief; they have gone to the City Council; they have gone to the City Manager. He said that now the firefighters are forced to take their off-duty time to bring these issues to the public. They are now trying to educate the public on issues that impact their safety, their lives and that of their loved ones. It is out of their sense of duty to the citizens of Coronado that they are sworn to protect that they are compelled to educate everyone on the current sad state of affairs that goes on in the City of Coronado and to hopefully correct some of the deliberate misinformation that is being spread by some of the people about the City's current capabilities. The staffing of the Coronado Fire Department ahs continued to slip by number and by capabilities of equipment over the last few years. The City no longer has the truck company that people hear about in Coronado and are merely saying that the City has the ability to have one. He asserted that Coronado needs to correct the current capabilities in equipment and personnel.

d. Jim Blinn, Fire Captain at Coronado Fire Department, said he has been with the Coronado Fire Department for 32 years and he has seen the paramedic and Opticom programs come in during his career, even though Coronado was the last City in the County to do so. The City's population, density, and traffic have increased, as has the height of the buildings. He has seen the deterioration of Coronado's capabilities and he

wanted to make the point that the citizens deserve more staffing and apparatus, as they used to have.

e. Councilmember Downey commented that she is retired from the Navy after nine years but she does what she does because she respects and honors the people she works with and she knows how hard they work as government employees. She doesn't believe that the people who are here are not high caliber people. Everyone in the Fire and Police Departments and City staff work for Coronado because they do their best and they like what they do. That doesn't mean that she doesn't think that there is work to be done on wages or equipment but this concerns her each time it is talked about because it sounds like the current people are being maligned. She doesn't think this is right. She thanked the City for the work done on the Chili Cookoff and complimented City staff for their excellent work.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS: None.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

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

10b. Consideration of Recommendation from the Seventh and D Open Space Committee to Restore the Lawn Bowling Green. Linda Rahn, Director of Recreation Services, spoke representing the Lawn Bowling Committee which began their discussion in 2004 on what should be done with the prior lawn bowling green after the construction of the Library expansion. She said that the original lawn bowling green was built in 1935. It was originally located on the opposite corner of Spreckels Park West before moving to its current location at the corner of 7th and D and has served many lawn bowlers over the decades.

Ms. Rahn introduced the members of the committee. She reported that in May of 2005 they recommended to the City Council that the space should be returned to a park setting associate with the Senior Center and have space for active use such as lawn bowling, bocci ball, croquet – a multi purpose space. At that time there was a perceived lack of interest in lawn bowling in the community. The failing condition of the previous green and the expense to maintain that green were big concerns. The bowlers actually didn't bowl there because of the condition of the green and the perceived information was that lawn bowling was a dying sport.

At the May 3, 2005 City Council meeting when the committee made the recommendation to replace this area with a park, there were a number of citizens who testified that they wanted the green restored and were very concerned because they thought there had been a commitment to that purpose. City Council asked the committee to reexamine this issue see if there was a way to fit a smaller lawn bowling green into the area along with the proposal for a park space. The committee met four times between May 2005 and June 2006. In June 2006 the committee came to an agreement that a lawn bowling green should go back at that site.

The committee discussed several areas, with much input from citizens who attended meetings, and email exchanges. First they explored the concept of a small, single lane bowling green along with the multi use lawn area of the park that was originally proposed. Second, an establishment of sufficient public interest to support a single specific use lawn bowling green on the property. Additionally, the expense of maintenance and management of a lawn bowling green and then the history of the lawn bowling green site itself.

The single lane use was discussed with the committee and with the citizens interested in lawn bowling. It was made apparent very quickly that what the lawn bowlers in this community want is a tournament caliber, sanctioned green that meets the specifications to have competitive play. They want to bring visitors into the community to play on the bowling green. A single lane wasn't going to work because you can only go in one direction – it would always be the same – there couldn't be pairs or additional teams out there at the same time. What they want is a standard green of 122' x 122' feet. Unfortunately, the area in question is exactly that. So, incorporating a green in to a new park space was not going to work for the people who are truly interested in lawn bowling in the community. One of the concerns also was what would be done on this space if there is a lawn bowling green in. Can bocce be played or croquet? The folks who expressed their interest to the community were very dedicated to seeing that a full size, sanctioned green wanted it dedicated to lawn bowling as the previous green in that location had been. Playing bocce on the green would put dents on the surface. The next item was how much interest there is in the community for a single use recreation facility. Why wasn't there more interest at the time the lawn bowling green became a lay down yard? Where had everyone gone? The information that was shared with the committee was that the condition of the previous green was not up to par. They didn't want to play on it because there could not be a regulation game at that site. The attendance and participation dwindled. The lawn bowlers, when questioned about the interest, rallied and revitalized the lawn bowling club in Coronado. They now have 68 members, each paying dues of $150, showing interest and support that they wanted lawn bowling restored. The committee has also confirmed that there are 42 active lawn bowling clubs throughout California that participate in reciprocal tournaments and competitive play.

The citizens will tell you that the lawn bowling green was always there and always appreciated. It was part of Coronado. They wanted it to continue. They agreed that it could be used as the lay down yard, but they always understood that it would be returned to a lawn bowling green and restored to a condition that would be conducive to lawn bowling and competitive play. The cultural significance of a game that can be played by all ages simultaneously is important to consider.

The maintenance and operations were a big concern. It previously costed the City a lot of money and it wasn't keeping the green up to par. How much would it take to maintain the green at the level being asked for. Research shows, through the other clubs in California, that natural greens

were approximately costing $23,000 a year to maintain. Artificial greens could be maintained for about $500 per year. The committee then looked at the pros and cons of an artificial green. With the technology for artificial turf these days, the bowlers have indicated that they would really like an artificial green as opposed to a natural green. It bowls better, it is easier to maintain. The quality is consistent. It is much less expensive to maintain and the Club members could do the maintenance themselves. It requires a piece of equipment that Ms. Rahn likened to a zamboni, but is much smaller. It brushes and vacuums and cleans the greens. It can be pushed or a ride on model. It has also been shown that artificial greens can be maintained for approximately 90% less than a natural green. Artificial greens are currently lasting 10 years or greater. There are many that have been in operation for 15 years or more and are still going strong.

The estimated cost of the installation of an artificial green is between $250,000 to $390,000, which includes design, construction and all materials. Currently there is an amount included in the Capital Improvement Program of $140,000. If a green were to be approved, there would need to be an additional allocation of funds at a future date. It is recommended that, if a green is approved, that this go to a bid process so that staff can thoroughly research what it would really cost.

The recommendation from the committee includes restoring the lawn bowling green with a synthetic turf meeting tournament size and playing quality specifications; a recommended manufacturer, ABS Surfaces, is recommended due to the quality and longevity of the surfaces they provide; replacing the storage facility or the lawn bowling shed currently at the shed; shade structures and spectator or player benches or seating; and, the Coronado Lawn Bowling Club would be tasked with the responsibility of managing the daily operation and activities of the lawn bowling green as well as the performing of routine maintenance, including financial responsibility for these services. This would be done through membership dues in the Lawn Bowling Club. The City would be responsible for the cost of water, utilities, maintenance of the surrounding landscape and the initial purchase of the synthetic brushing equipment. The brushing equipment is estimated at $6,000. The ongoing maintenance would not be any different than it is now for maintaining the area in its current state. The costs are all anticipated costs at this point. The concept of operation by the Lawn Bowling Club that has been discussed and presented is an option that requires no additional funding from the City. The details of this would still need to be worked out. In any event, the bowling green would be open to the public. Any fees associated with playing on the green would be approved by the City and reviewed annually as are other situations such as this.

Mayor Smisek asked about the green being open to the public. Would it be available for any other purpose other than lawn bowling? Ms. Rahn explained that the proposal is for single use dedicated to lawn bowling.

Councilmember Monroe asked if the Senior Center is in support of the project as proposed. Ms. Rahn responded that the Senior Center is very much in support. Ms. Sorrels was the president and she and the current president are very much in agreement and would work hand in hand with staff on this. The lawn bowling members would also be members of the Senior Center. It is very beneficial to have a lot of cooperation on a project such as this.

Councilmember Tierney asked if this turf is different than the type used on football fields since there are several types of synthetic turf. Ms. Rahn explained that this is more close and fine. It is different from golf or football turf. Mr. Tierney was concerned that as with the old lawn there were many high school students who would gravitate to the area with the likelihood of damage. Ms. Rahn's thought was that no matter what the City does there is always the potential that students will be on the green. It would need to be fenced and marked for single use. It can be addressed through design and operation.

Councilmember Downey said she has been expectantly waiting for lawn bowling to come back to Coronado. She heartily concurs that people with physical limitations can participate in lawn bowling or bocce. She stated that she would support dedicated use. She asked if the original lawn bowling site was 122' x 122'. Ms. Rahn responded that it was. Ms. Downey would like to look into whether bocce and croquet could be used without damaging the surface. She would hate to see those uses not allowed. It is hard enough to find flat ground to play bocce without being run over. Ms. Rahn would like to support recreation uses for all levels.

Mayor Smisek asked how many people present in the audience were present in support of the lawn bowling. Many hands went up. He asked how many people were against. No hands went up. Mayor Smisek said that he would ask the City Council to consider adding to the motion the idea of monitoring the use of the lawn bowling green to make sure it is well used. The City may want to incorporate other uses if that can be done without damaging the turf if it is apparent that there are long periods of no use.

Mr. Monroe said he would support that as long as it includes "without damage."

Mr. Tanaka agreed with Mayor Smisek's statements. The caveat he would add is to initially make it lawn bowling only. He wants to give it a full chance. If it isn't fully used, then the City can pursue other opportunities. Mr. Tanaka also commented on Mr. Tierney's comments regarding the High School. He said the way the new school is built is to keep the students inside instead of having them go out. The area where the students tend to smoke now is where they can't be seen. He mentioned the new ordinance prohibiting smoking in parks and pointed out that the Police Station is next door.

Bill Hiscock commented that many of the lawn bowlers were not present. The membership totaled 68 when he arrived and he has since received two more to make it 70.

Ms. Downey appreciates the comments made about waiting to see how much this is used, but she wondered if someone is going to have to be a member of the lawn bowling club to be able to use the green. Mr. Hiscock explained that it will be open to the public. The way this works in every lawn bowling club in the country is that the club manages the green; they have balls available; they have people available; they give free lessons to new people. If the new people continue to bowl and come back and continue to like it, then they are asked to be a member of the club. The members of the club do all the work – they lock the place up, they clean it, they supervise it, subject to the City and Recreation Department.

MSUC **(Downey/Tierney) moved that the City Council approve the recommendation as amended so that the use of the lawn bowling green would be evaluated in six months to see if it is being fully**

utilized or whether it would be appropriate to introduce other activities that would not damage the bowling surface.

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

11. CITY COUNCIL BUSINESS:

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

Councilmember Monroe attended a SANDAG Transportation Committee meeting where they discussed raising the toll on the FASTRAC lanes, co-chaired with Julie Myer-Wright and Marty Cox (the head economist for SANDAG) of SANDAG a meeting of the Economic Prosperity Committee where every four years they study the economic prosperity and quality of life issues in San Diego County. He attended and MTS board meeting, the AIRPAC reception for the SpeedFest, and represented the ASAP 21 Board at the SDEDC meeting. He attended a meeting with staff and PAWS where they discussed the earthquake fault information as it pertains to the construction of the new animal care facility. He attended an American Public Transit Association meeting in San Jose.

Councilmember Tanaka attended the CHA opening of a new exhibit on Marilyn Monroe, the CIP subcommittee meeting regarding the sequencing of some City projects, a Chamber Board briefing and the state mandated ethics training.

Councilmember Tierney attended a Metro JPA Wastewater meeting, the Hospital Foundation's thank you to donors, the AIRPAC Open House prior to the SpeedFest car race, attended and presented a proclamation at the Annual Contract Cities meeting, attended a barbeque at the Golf Course of the Coronado Floral Association, attended a recognition event put on by the Red Cross where they honored several police officers from around the county including Coronado's Officers Kline and McPherson as local heroes. He attended the PUAC Advisory meeting representing the Wastewater Management Commission and attended the SANDAG Policy meeting in Councilmember Monroe's absence.

Councilmember Downey attended the SANDAG Shoreline Preservation subcommittee meeting, the SANDAG Regional Planning Committee meeting and ethics training. She chaired the SANDAG Environmental Committee meeting as well.

Mayor Smisek attended the Hospital Thank You reception, toured the hospital with a group from the Plane Tree Organization convention, attended a reception at Admiral Zortman's prior to the North Island SpeedFest, attended with Councilmember Tanaka a CIP subcommittee meeting concerning the priority of projects, attended the Golf Course Advisory Committee meeting, ethics training, and met with the Chamber of Commerce for a Q&A session at breakfast.

11b. Presentation by Alan Langworthy, City of San Diego Metropolitan Wastewater: Secondary Treatment at Pt. Loma Wastewater Treatment Plant. Scott Huth,

Director of Public Services, explained that this is a two part item before the City Council. The first part is a presentation by Alan Langworthy, Deputy Director for Metropolitan Wastewater Department in San Diego. The second part will come in November when the City Council is asked for a policy decision on what approach should be taken dealing with the issue of the waiver and the secondary treatment at Pt. Loma.

Alan Langworthy, Metropolitan Wastewater, gave an overview of the issue surrounding San Diego's secondary treatment at the Pt. Loma Wastewater Treatment Plant. The plant began operation in 1963 and it was originally constructed as a primary treatment plant. It discharged 2 ½ miles off shore to a depth of 220'. It was converted in 1986 to advanced primary treatment, which is a higher level of treatment. In 1993 the discharge point was moved to 4 ½ miles offshore and 320' deep. It is the backbone of the Metro system. There are 240 million gallons per day of permitted capacity at that facility which equates to over 80% of the entire capacity for the Metro system. Pt. Loma also currently operates under what has commonly become known as a waiver in secondary treatment. That is the current issue.

Approximately 9 years after Pt. Loma went into operation, the federal government passed a very sweeping piece of legislation that became known as the Clean Water Act. That was in 1972. The Clean Water Act, among many other things, established a secondary treatment standard for all discharges to the waters of the United States. It defined this secondary treatment by regulating only three substances in the discharge from the treatment plants, pH, total suspended solids and BOD which is a measure of the organic matter in the wastewater. This was and still is a technology based standard that did not consider any site specific considerations. It was the same standard for the discharge into a river, a stream, a lake, or an open coastal environment. As the implementation of this was occurring, the ocean discharges throughout the country began to express a concern that the secondary treatment standards may not be necessary to protect the environment in their particular case. Congress listened to those concerns and, in 1977, added Section 301h to the Clean Water Act. This allowed a modification to the secondary standards for pH, suspended solids and BOD in the discharge permits of ocean dischargers who could demonstrate that, by making such a modification there would result in no damage to the ocean. These modified permits commonly became known as waivers. At one time there were well over 100 of those in the United States.

All the other discharge requirements in a modified permit, or waiver, are the same as they would be in a full secondary permit. Issues like controlling industrial inputs to the sewage system, toxic substances, bacteria and viruses are the same in the modified permit as they would be in a full secondary permit. Pt. Loma has been in 100% compliance with its modified permit.

Ocean dischargers, with these modified permits, must comply with Section 301h of the Clean Water Act. However, in Pt. Loma's case, its modified permit is unique because it is also regulated by the provisions of the Ocean Pollution Reduction Act of 1994. OPRA contains specific requirements that are not found in any other waiver that are applied to San Diego and specifically to Pt. Loma. Mr. Langworthy went on to point out the additional requirements that come from OPRA.

San Diego's first waiver was approved in 1995 for the Pt. Loma facility. Because discharge permits are renewed every five years, so the waiver must be rejustified every five years. Opposition to the renewal of the waiver in 2000 resulted in lengthy appeals and surfaced many

issues with further renewals. The city applied for a renewal in 2000. At that time, San Diego and the EPA and the environmental groups all disagreed about the conditions of OPRA and its specific conditions. EPA and San Diego agreed to permit language that basically tabled that issue for the present. The RWQCB approved the waiver but included a permit modification lowering suspended solids emissions as requested by environmental groups during the public process. The California Coastal Commission denied the waiver during its hearing. This brought on a series of appeals. San Diego appealed to the State Water Resources Control Board who took action that overturned the regional board and the Coastal Commission. After that action, the EPA then authorized the waiver and it was officially renewed in September 2002. Subsequent to the EPA approval, the environmental groups continued to oppose the waiver and they cited several things in their opposition. First, they felt that there was an inadequacy of the ocean monitoring program to really detect negative impacts on the ocean. They also expressed concerns about the city's beneficial reuse of the OPRA requirement of the 45 million gallons per day of water reclamation capacity. They also expressed concerns about the permitted mass emissions for total suspended solids. That began a series of appeals. Cross appeals were filed with the Environmental Appeals Board. They were filed by both San Diego and the environmental groups and these appeals centered on how OPRA applied to the waiver and on the State Board's reversal of the regional board.

At this same time the local environmental groups wanted a coalition called the Bay Council. This brought forward a coordinated position by the environmental community. San Diego and the Bay Council began talks about future waivers and the resolution of all the appeals that were being filed. As a result of these negotiations, all of the appeals were dropped in an agreement where San Diego would; 1) work with Scripps Institute of Oceanography on independent and public review of the ocean monitoring program. That study has been completed and the recommendations are being implemented. That is a joint effort between the City of San Diego, Scripps, the Bay Council, the EPA and the RWQCB. Another condition was that San Diego conduct a comprehensive study of potential uses of reclaimed water, including indirect, portable reuse. That study is complete and is awaiting further action by the San Diego City Council. The environmental groups asked that a pilot test of biological aerated filtration (BAF) be conducted as a more cost effective means of upgrading Pt. Loma. That test is complete and it was successful.

What is next? The waiver expires on June 15, 2008. The statute requires that a renewal application is required by December 18, 2007 so work on the renewal application needs to start early in 2007, depending on what would be included. The time is now that San Diego needs to make a decision on what course of action it needs to take.

Councilmember Tanaka asked whose bill it was in 1994 that put San Diego under these OPRA waiver requirements.

Mr. Langworthy responded by saying that San Diego had applied for waivers in 1979, right after Congress acted in 1977. They were tentatively approved and tentatively denied and lots of things happened in the early '80s with that. In 1986 the San Diego City Council was faced with a decision as to whether to continue to pursue that waiver course or just commit to building a secondary treatment. They informed the EPA by letter that they were no longer interested in any waivers. When the facilities studies were done a few years later on what it would cost to put in a secondary, it was $2.5 billion and the city council determined that it was too expensive. They

then sought another waiver. Those additional conditions were considered to be the price San Diego had to pay to 'get back in the waiver program'.

The alternatives available to San Diego are fairly simple. One is to reapply for a waiver. The past history on the recent renewal gives a lot of information of what that reapplication would be like. Or it can negotiate a consent decree to implement secondary treatment within a specific timeframe. A third option could be a combination of these two which would mean applying for a waiver so that San Diego stays on the record as having a valid waiver application while negotiations would go on at the same time.

The factors that need to be considered in making a decision as to what to do and that might tend to make one think that pursuing the waiver might not be the way to go. The Coastal Commission denied the waiver last time and it took an appeals process to overturn that. The Regional Board lowered the mass emission limit and it took an appeals process to overturn that. The State Water Resources Control Board, who took the actions of overruling the Coastal Commission and the Regional Board, at the conclusion of their hearings, stated strongly that San Diego should not expect to receive waivers forever. Another issue is that the State Board is considering aligning California's standards for ocean discharge with the federal secondary standards. If that happens that will kill all waivers in the state of California. The environmental groups have indicated that they are going to oppose future waivers. They are not on board with waivers in the future. San Diego is likely to be the last large waiver holder in the United States by 2008 and the only one in California. Another factor is that choosing to implement secondary could facilitate getting grants and loans. Also, OPRA could be interpreted to mean that the present waiver requires a reduction in mass emissions. This is one of the areas where San Diego and EPA and the environmental groups have a disagreement that was tabled during the last renewal process. If this interpretation were to bear fruit it would mean that Pt. Loma would exceed its discharge limits by 2018. In essence, it would mean that San Diego would have to be at secondary by 2018.

Using the BAF technology that was piloted as part of the settlement at Pt. Loma would result in a cost of about $700 million in capital costs and $300 million in O&M costs to convert Pt. Loma to secondary if the city can acquire additional land north of the plant that the Navy currently occupies. Without the Navy land the capital costs would rise to about $1 billion and the annual O&M costs would increase to about $40 million. Some of the environmentalists and regulators may even oppose the use of that Navy land because of a sensitive habitat. Other factors that may speak on the side of supporting another waiver is that the City of San Diego has invested $1.5 billion since 1992 to upgrade and expand the wastewater treatment and ocean disposal system. The extended outfall reduces impacts to the ocean. The OPRA waiver reduces impacts to the ocean beyond a normal 301h waiver. The current ocean monitoring program shows no indication that operating Pt. Loma at advanced primary is now or will in the future have a negative effect on the ocean environment and the new more comprehensive ocean monitoring program provides additional means of identifying potential impacts and they are working with the Bay Council and Scripps and the regulators on implementing that program. Pt. Loma, with its modified permit, has demonstrated 100% compliance with all permit requirements and the industrial source control program keeps the toxic out of the wastewater is highly effective.

Mr. Langworthy added one final piece on the factors. It deals with alternatives for treatment upgrades at Pt. Loma. This is important because the state of the art of wastewater treatment is

constantly changing. One big change occurred very recently. Previous planning facility efforts for upgrading Pt. Loma were predicated on the use of a process called activated sludge. That is what is traditionally used in the United States. Because of the very restrictive location out at Pt. Loma the cost to implement activated sludge, while preserving the full capacity of the treatment plant, is estimated to be $2.5 billion and for the last decade that is the number the planners have used. That would also require the acquisition of land north of the plant as well as construction of additional treatment plants at other locations.

The BAF technology has matured over the last decade and is being implemented worldwide. That is now considered a viable option at Pt. Loma. The pilot study concluded that it is a viable option and it also concluded that the entire 240 mgd could be built out of Pt. Loma with additional land north of the plant, the Navy land, at a cost of about $700 million. There is now another technology that is emerging that is called moving bed bioreactor. The potential exists that it could provide the entire 240 mgd of secondary treatment within the boundaries of the current plant and at less cost than BAF.

Councilmember Tierney showed the public an example of the plastic used in the MBBR technology. He also asked Mr. Langworthy to provide an appreciation of just how much wastewater comes from the military side in the San Diego area. Mr. Langworthy responded by saying that they are the largest user by far, but he doesn't have more specific information on that.

The City Council received the report.

11c. <u>Consideration of City Council Meeting Schedule for December 2006.</u> Mayor Smisek explained that the normal schedule would be for two meetings in December – one on December 5th and one on December 19th. Normally if there is a scheduled meeting close to December 25th the City Council cancels that meeting. The December 5th meeting will be the swearing in of the new or returning Council members. The second December 19th meeting is normally when the councilmembers make their board and committee assignments for the next two years, but that could slide to the first meeting in January.

Councilmember Downey advised that she would have been travelling on December 19 but had changed her reservations and would now be available.

The City Council agreed by consensus to have the regularly scheduled meetings in December.

12. <u>CITY ATTORNEY:</u> No report.

13. <u>COMMUNICATIONS - WRITTEN:</u> None.

The City Council recessed to Closed Session at 4:49 p.m.

At 5:10 p.m. Councilmember Monroe and City Manager Mark Ochenduszko left the closed session so that the City Council could take up matter 14b as they are both disqualified from participating in making any decisions since they both own property in the Coronado Cays.

At 5:17 p.m. Councilmember Monroe and City Manager Mark Ochenduszko returned and Mayor Smisek and Councilmember Downey left the closed session so that the City Council could take up Item 14a, as they both (along with Councilmember Tierney) own property within the R1-B zone and are disqualified from participating in making decisions on this matter. (Note: Councilmember Tierney participated under the rule of "legally required participation.")

14. CLOSED SESSION:

14a. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
AUTHORITY: Government Code Section 54956.9(a)
NAME OF CASE: City of Coronado v. Linda Hascup, Mikel Haas, et al.

14b. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION
AUTHORITY: Government Code Section 54956.9(a)
NAME OF CASE: Coronado Cays Homeowners Association v. City of Coronado
Case No. GIC 872917

14c. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9
Two (2) potential cases

At 5:43 p.m. the City Council adjourned back to the regular meeting and the City Attorney announced that no action had been taken with respect to Item 14a, 14b and 14c.

15. ADJOURNMENT: The meeting was adjourned at 5:45 p.m.

Approved:

_____
Tom Smisek, Mayor
City of Coronado

Attest:

_____
Linda K. Hascup
City Clerk