

**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 18, 2005**

Mayor Smisek called the meeting to order at 3:02 p.m.

1. ROLL CALL:

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

Absent: None

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

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

3. MINUTES: The minutes of the Regular Meeting of October 4, 2005, a copy having been provided Council prior to the meeting, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

MSUC (Tanaka/Monroe) moved that the City Council approve the minutes of the Regular Meeting of October 4, 2005, as submitted.

AYES: Downey, Monroe, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

4. CEREMONIAL PRESENTATIONS: None.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5f with the exception of Item 5d and with the addition of Items 11b, 11c, 11d, and 11e.

MSUC (Downey/Monroe) moved that the City Council approve the Consent Calendar Items 5a through 5f with the exception of Item 5d and the addition of Items 11b – Annual Review and Approval of the City of Coronado Investment Policy, 11c – Recommendation from the Traffic Operations Committee Regarding the Installation of 25 MPH Speed Limit Signs in the Central Business District, 11d – Approval of Agreement Modifications with Ron Yarbrough DBA Ronald M. Yarbrough, P.G.A. for Services as Golf Professional and 11e – Authorization for Director of Administrative Services to Issue a Permit to Coronado Island Grocery Co., Inc. (DBA Boney’s Bayside Market) for Use of City Property for Commercial Activity.

AYES: Downey, Monroe, 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. 10046483 thru 10046801 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Approval and Acceptance of the Sixth Street Emergency Sewer Main Repair Project. BRH Garver-West was issued a Notice to Proceed on August 15, 2005. The project was completed in accordance with the project plans and specifications on September 20, 2005. **The City Council accepted the Sixth Street Emergency Sewer Plan Repair Project and directed the City Clerk to file a Notice of Completion.**

5d. Approval and Acceptance of the First and Alameda Storage Facility Wall Construction Project.

Jim Hurrell, 303 Fourth Street, commented on parking and traffic concerns in the neighborhood due to construction projects and the proximity of the two gates to the Navy Base. He said the neighbors shouldn’t have to contend with additional commercial vehicles coming in and out of the neighborhood. It would be nice if the storage facility could be moved to a commercial area or where the Engineering Department trailers were previously located. Mayor Smisek responded that the agenda item is for approval of work that has already been done. If there were to be any change in location of public storage facilities it would be up for discussion as a separate agenda item.

Councilmember Downey clarified that this project was to build a nicer looking wall to replace a chain link fence the neighbors had complained about; not construction of any new facility.

MSUC (Monroe/Tanaka) moved that the City Council accept the First and Alameda Storage Facility Wall Construction project and directed the City Clerk to file a Notice of Completion.

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

5e. Consideration of Establishment of the Major Special Events Calendar for the Year 2006. The City Council took the following actions:

- 1) **Approved four (4) traditional events:**
 - The combined Flower Show, Library Book Sale and Motorcars on MainStreet
 - Coronado Promenade Sunday Concerts in Spreckels Park
 - Fourth of July Celebration
 - Chamber of Commerce Holiday Open House
- 2) **Approved two (2) bridge events, considered as one major special event:**
 - MWR Naval Base Coronado Bridge Run/Walk (Sunday, May 21), and “Dare to Soar the Bridge” 8K Run/Walk (Sunday, October 8). The Liberty Run/Walk, traditionally held in April, was cancelled in 2005 due to lack of sponsorship and staff has been notified that sponsorship was not obtained for a 2006 event.
- 3) **Approved the request of the United Warrior Survivor Foundation (UWSF) to hold its fourth annual “Coronado Honors Our Heroes Block Party” to be held on Saturday, August 19, 2006.**
- 4) **Approved the request for Naval Special Warfare SUPERFROG Triathlon on Saturday, September 16, 2006.**
- 5) **Approve the request for the Silver Strand Half Marathon on Sunday, November 19, 2006.**
- 6) **Direct that all events reimburse the City for all services and personnel costs except Flower Show, Fourth of July Celebration and Holiday Open House.**

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

6. ORAL COMMUNICATIONS:

- a. **Page Harrington, Coronado Historical Association**, voiced her and the entire Historical Association Board of Directors support of the 1906 Lodge (Trant Manor) item to follow on the agenda. She said it is a wonderful project and thinks this is the right time for the City to move forward with it. It signals that the community is ready for historic preservation.

- b. **Ginger Raaka, Visitor Center and Coronado Historical Association**, presented the monthly report from the Historical Association and Visitor Center.
- c. **Tony Gaylord, Coronado MainStreet, 1013 Park Place**, announced the annual Downtown Goes Ghostly event from 3:30 to 5:30 p.m. on Halloween, October 31.
- d. **Larry Kelly, Founder and Director of the San Diego Singles Tennis Club**, offered his services to help promote tennis in Coronado.
- e. **Dick Scharff, 1310 Fourth Street**, gave an update on the effect of the 25 mph speed on 3rd and 4th Streets. He said the noise is noticeably diminished. He heard from a motorcycle patrolman who said that a lot more people are observing the 25 mph speed than were observing the 35 mph limit. He gave Councilmember Tierney credit for his comment that the reduced speed would increase safety.
- f. **Jeff Sweet, 1412 Tenth Street**, followed up by asking if the Council has the power to adjust how far from the bridge the 25 mph speed ends and the 50 mph begins. He said it should start a block sooner so that cars don't have to accelerate on the hill as they climb the bridge exiting town. It wastes a lot of fuel and puts out a lot of pollutants.
- g. **Councilmember Downey** said she had heard several people make the same comment. People were very happy with the reduced speed on 3rd Street, but have noticed that the cars are queuing up on 4th Street. They are close together and then as they all of a sudden speed up there is some concern about traffic accidents.
- h. **Councilmember Tierney** corrected that he intended to use the term "decreased safety" but his comment was printed as "increased safety." There is a correction in the newspaper. He said the lowered speed will actually decrease safety in the residential zones. He also pointed out that there is a new law that during rainy season (any time windshield wipers are necessary) drivers are to turn on their headlights. He also warned parents that if their children are wearing helmets without fastening them they will not be protected.
- i. **Mayor Smisek** announced that the rebroadcast schedule of City Council meetings by Time Warner has changed to the Wednesdays immediately following the Tuesday meetings instead of Thursdays. The time is the same - 5p.m. This was to accommodate the broadcast of School Board meetings on Thursdays.

7. **CITY MANAGER:**

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

8. **PUBLIC HEARINGS:**

8a. **Introduction of an Ordinance of the City of Coronado to Amend Sections 56.01.030, 56.30.190, 56.30.200 and 56.30.210 of the Coronado Municipal Code Regarding Parking Restrictions of Commercial, Non-Commercial (Including Recreational Vehicles) and Non-Motorized Vehicles.** Director of Police Services Paul Crook briefed the staff report. He explained that at the last City Council meeting the Council continued this item for further amendment prior to first reading. A section was requested to be added to introduce a permit program that would allow residents to park noncommercial, oversized vehicles in front of their homes for a period of 48 hours, similar to an ordinance in effect in the City of Del Mar. The amendments before the City Council will increase the current fine from \$18 to \$75; will add a provision to authorize the towing of a violator's vehicle; will take away the exemption for

residents who use their oversized vehicles on a daily basis to go to and from work; and, will add the permit program. Such permit program would allow residents to obtain a permit to park their oversized vehicle up to six times a year for up to 48 hours each time. In addition, it is proposed to include "state highways" in the areas of restriction, which would require approval by Caltrans. It is recommended that the second reading of the ordinance be postponed until Caltrans approval is obtained.

Mayor Smisek commented that he would want to be cautious about making changes without looking at all the ramifications throughout the community. Changing the length of time for parking these vehicles from 72 hours to 3 hours is quite dramatic. He has never been in favor of making further restrictions in the commercial zone because this would virtually eliminate parking in the Limited Commercial zone. The service businesses are being driven out of the community. He would question disallowing the exemption for a person who uses their vehicle to go to work as well. In essence anyone who parks over 3 hours is in trouble. A permit program would only allow someone to park vehicles in front of their house a maximum of 12 days a year. He thinks these restrictions go too far and he would like more input on whether there is that big of a problem. The whole thing started with some complaints about recreational vehicle users visiting during holidays. They parked in front of houses and bothered some of the neighbors. The City has now posted the existing regulations at both entrances to the City so that the 72-hour parking limit can be enforced. Not enough time has gone by to see if that takes care of the problem. Mayor Smisek said he has only received one complaint phone call from a citizen. There has been some testimony, but it seems to have been centered about non-enforcement of the current rules.

Councilmember Monroe concurred with Mayor Smisek that the City may have gone a little too far. The problem the City is trying to solve is that it doesn't want to see RVs parked on the residential streets on a regular basis. He has gotten calls and has discussed a few issues with the police department. Some people try to skirt the rule by moving their RVs every 72 hours – to the next block or in front of someone else's house, which isn't a good solution. The RSIP program took care of the problem of parking RVs or boats in front yards. Reducing the time limit to 3 hours is probably too short a time. The addition that surprised him was to not allow people to stay in the RV on the street. Also that the ordinance would apply to all City streets.

Councilmember Tierney said he has no problem with these vehicles parking in commercial areas. He understands that parking down by the Little League field is not a problem. The problem he wanted to address and has received numerous phone calls on is RVs parking on residential streets and skirting the law by moving the vehicles a little bit every so often. This is turning some neighborhoods into junk lots. When San Diego institutes their ordinance, Coronado will see even more of this. The community is for its residents. For people to come in, live in their campers, and use City services is not exactly conducive to residential streets. There is also the situation where cables are going over the sidewalks. At night in poorly lit areas those cables can be tripped over and the City has a definite liability. The owners of these vehicles should park them in an area that is intended for this use and not use Coronado as their parking lot. They are not hotel rooms on wheels in Coronado. Mr. Tierney mentioned some rental parking areas nearby for parking campers, trailers, RVs and boats.

Councilmember Downey commented on Mr. Tierney's statement regarding cables. She thought this was already against the City's ordinances. She would like to see what would happen when

the existing ordinances are enforced. Chief Crook confirmed that there is a code section regarding the cables.

Councilmember Tanaka said his view is that it isn't good public policy to allow boats and RVs to park on public streets. He wishes people were evolved to the point where everyone could respect their neighbors or could make agreements within their own neighborhoods. The reality is that there are people who abuse the system and the people look to the City for the rules and policies. He thinks it happens more often with boats that some people think it's a game to move them around when they are complained about. There are people who own RVs who don't abuse their privileges and have worked out a situation that works for them and their neighborhood. He is sensitive to the deal that was made by a past City Council for the trucks to park behind Bradley Field. He would like to do whatever he can to support a compromise that would keep some of those old deals alive, but as a matter of policy, he doesn't think it is a good idea to have RVs parked on City streets. He acknowledged that there are exceptions to that rule. He agrees with Mayor Smisek that 3 hours is probably too short a period of time. It might make more sense to go to a 24 hour restriction uniformly. He said he would like to hear from the public.

Mayor Smisek opened the public hearing.

Fred Eckert, 675 I Avenue, pointed out that out of 24,000 citizens it seems there are only about 35 to 70 vehicles and boats that might be in this situation, and only 3 to 4 complaints a week to the police. He commented that the issue seems to be based on aesthetics. He allowed that he has an RV that is not very aesthetically pleasing. He has moves it when someone has asked him to and there isn't any problem. Two times he moved it when he was issued a warning. He said he and his family try to use the RV a couple of times a week. He was somewhat offended by the suggestion that if he can own a motor home he should be able to afford storage. It would cost about \$100 a month if there is availability. He said there is a six month waiting list at North Island. He would get rid of it rather than store it. He commented that the existing 72-hour rule isn't enforced. Is a tougher restriction really needed? If the problem was based on public safety or public health issues that would be different, but if this ruling is made based on aesthetics what is next? Could they decide in the future to not allow cars over 10 years old? What about landscaping in the City's right-of-way that isn't pleasing to some citizens? He said he counted 15 motor homes today in about ¾ of the City. There were nine trailers and boats which pose a greater problem because they can't be driven away at a moment's notice. He thought the laws in place already could be enforced to find out what the results will be before making a very restrictive law.

Bruce Johnson, 760 Balboa Avenue, explained the different types of recreational vehicles and said it is a totally different situation if you are talking about a small recreational vehicle or very large motor home. He was concerned with the current rules because 18 feet in length includes many type of passenger cars these days - Suburbans, Excursions, full size passenger vans and pick-up trucks, etc. He admitted that he has an RV that he bought because of his children. His kids use his RV all the time. They have sleepovers there. He didn't know that was breaking the law. He is fortunate that he lives in an area where his RV doesn't bother anyone and he doesn't run cords across the sidewalk. He moves his RV all the time because he feels it is the right thing to do. If he had to park it somewhere else he would probably sell it because it just wouldn't be practical and he wouldn't get as much use from it. He thought the Council should consider the different situations before making any decisions.

Councilmember Downey asked Mr. Johnson if his is a typical RV. Mr. Johnson provided information on the 3 classes of RVs that range from the smallest Class B's that are usually 18 or 19 feet long, to the Class A vehicles that can go to 30 or 40 feet or longer.

Dick Scharff, 1310 Fourth Street, said he thought an amendment should be looked at a little more closely and perhaps refined somewhat, but it should include state highways because in Coronado those are also residential streets. He applauds the family values of RVs and boats, but he asks that there be some consideration of where they are parked and to think about the neighbors.

Jim Hurrell, 303 Fourth Street, said he is the owner of a 40-foot blue and white motor home. He has yet to complain about people putting their bags of dog droppings on his windows, breaking his windshield wiper blades, and spray painting "Move It" on the side of an \$80 to \$90,000 motor home. And yet some people have nothing better to do than to complain about his motor home blocking the sun on their plants. He said he would park it in front of his own house but he lives on a corner with no parking in front. He disagreed with instituting a 3-hour rule. The 72-hour rule is what has been on the books and it should stay that way. He commented that Coronado does not revolve around a certain group of complaining people. He suggested that these people should look in the paper to some groups who need volunteers so their time goes to something more productive.

Jeff Norton, 555 B Avenue, a contractor in Coronado, said he is a classic example of the service businesses Mayor Smisek had mentioned. He used to have a storage yard at First and C to keep his equipment, but he lost that to new development. Since then he has been bouncing around between garages, mini-storage, trailers, and trucks, trying to handle the logistics of building houses in Coronado. The needs of the commercial customers, their clients, and their vehicles need to be considered as well. He said he is very sensitive to people's requests that he not park in front of their houses with his equipment and not leave his equipment there unnecessarily. He is as irritated by a boat or an RV in front of his house as anybody, but his concern with this is if it is RVs and boats the City is concerned about, then target RVs and boats specifically. He is concerned how changing the rule is going to affect the commercial business operators in town. 3 hours is completely impractical. The 72-hour rule works fine and he agreed that should be enforced. He thought that would likely solve the problem in most places. He has encountered the attitude in Coronado that people think they should be able to park right in front of their house twenty-four hours a day, seven days a week, despite the fact that each home is supposed to have two off-street parking places. If anyone encroaches on that they start to get really irritated and grouchy. He has problems with parking his equipment at the Little League field area because they get broken into and vandalized. That is not a practical solution without increased police patrolling.

Councilmember Monroe asked Mr. Norton about his needs for the duration of each job. Mr. Norton said he leaves a trailer with equipment in it at the job site for the duration of the job. He makes a real effort to put it in front of the job and not in front of someone else's house.

Michelle Wyman, 259 Palm Avenue, said she thinks the City ordinance restricting recreational vehicle parking to 3 hours is unreasonable. She and her husband purchased a 28' RV and use it almost every weekend to take their family to the Silver Strand. They do this because they live at Third and Palm where playing outside is dangerous for 4 and 5-year olds. They are in and out of their motor home on a daily basis preparing for their weekend trips. They also use the motor home as their emergency preparedness kit. In the event of an earthquake, tsunami, or other

disaster, they would have food, shelter, water and electricity. Her 89-year old aunt who lives in town frequently has to use a breathing machine requiring electricity. As the City's CERT team will attest, limited resources will be available to residents in an emergency. It will do no one any good during the limited time available to prepare for an evacuation if it is locked up in a storage facility to which they have no immediate access.

Phil Hammett, 600 Balboa, representing the Coronado Chamber of Commerce, urged the City Council to separate the issue of parking oversized vehicles in the residential areas from that of parking in commercial areas. At the time the Limited Commercial Zone was eliminated City Councilmember Patty Schmidt defended the need for an area to be set aside for commercial vehicle parking within Coronado. She reminded residents of the importance of the service industry and expressed alarm that there would be no place for these businesses to go. It was at that time that the Council agreed to allow parking of commercial vehicles by the Little League field. He asked the Council to recognize the need for 72-hour parking in this area and the need to expand to additional sites in the City in order to allow these businesses to remain local and continue to serve Coronado's residents with much needed services.

Joe Ditler, 1034 Encino Row, disclosed that he has a Class C motor home that he bought for the purpose of taking monthly trips with his family. It is a wonderful part of his family lifestyle. It would be a shame if his family would have to get rid of it due to more restrictions. He was very appreciative of Mr. Johnson's comments and said it would be wonderful if there could be a committee and perhaps have Mr. Johnson participate.

Mayor Smisek closed the public hearing.

Mayor Smisek said he was not ready to make a decision at this time. The measures being proposed seem to be a little extreme. It appears this should go back to the drawing board. Maybe putting together a working group is the right answer. A few issues need to be examined: 1) Is this about residential or about the whole City? 2) There needs to be discussion about RVs that don't belong to residents and are invading the City versus RVs that belong to residents who live here, pay taxes, and are represented by the Council. 3) There are questions about parking in alleys. 4) Are people going to be notified when towing? 5) Is there some kind of a program such as decal parking to identify vehicles that are to be allowed? Mayor Smisek admitted he has a little bit of a problem with non-motorized vehicles. He thinks people should find a place for them unless they are in the commercial use area such as Mr. Norton's trailers.

Councilmember Monroe agreed that the Council should probably move the decision to another day due to the quantity of work there still is to do on this. He agreed with Mr. Tanaka that this is a policy statement and the Council needs to figure out what its policy is going to be. He thought the CERT exemption was a novel idea. His original position was that RVs and boats should not be parked on the City's streets as a general storage place. He takes issue with the idea some residents have that a parking space in front of their home belongs to them, but also with someone who parks their RV in a neighborhood and 15 neighbors are not happy about it. He is open to working for consensus with a team to come back with recommendations. He is very comfortable saying this about the residential area and not the commercial area.

Councilmember Tierney pointed out that when he brought this up it was supposed to be about RVs, boats, and recreational items. Somehow commercial has been inserted into the discussion. He has no problem with leaving commercial alone. He asked if the City could legally separate

out residents from non-residents for preferential treatment in the neighborhood. He suspected that might be problematic.

City Attorney Morgan Foley said he would have to research the distinction between resident versus non-resident to determine whether it is legally enforceable from a due process or an equal protection standpoint.

Councilmember Tierney turned to Mayor Smisek's remark about the alleys. People with little alley houses are not going to want the vehicles parked there either. He said it was his feeling when the discussion began that if one has an RV they shouldn't put it into an area where ability to park or enjoy their property is restricted because one doesn't want to pay \$100 a month to store their vehicle. Most of the storage places offer protection and are secure. He spoke disparagingly of persons who would throw bags of dog refuse and vandalize another person's parked vehicles. He urged the vehicle owners to report anything stolen to the police so they can track it down.

Councilmember Downey said she also agreed with Mayor Smisek that further study is necessary, but what areas are to be studied should be clarified. The question of if there is enough space between a home and the red line in the alley needs to be answered. In some areas there are no alleys, but the driveways are big enough, such as in Country Club. That may need to be looked at as a solution. She would like to make sure that all options are considered for where these vehicles can legally park.

Councilmember Tanaka added that there is still the issue as to what should and shouldn't be parked on the streets. There are several things to consider. One is that more and more homes have two or three cars, and the garages are not being used to park them. It used to be easy to park in front of one's house. More and more it is not. He considered that maybe the rule to allow only 18-foot recreational vehicles is too restrictive, but a 28-foot vehicle takes up two parking spaces on the street. It is still the same issue about whether it is appropriate to park RVs on the street. He said that if Mr. Eckert's count is right the problem is about only 70 vehicles. The people who have spoken are pretty eloquent about how they use their vehicles and, within the confines of their neighborhood it seems they have used them appropriately. They are probably right that there isn't a purpose in restricting them if their neighbors aren't unhappy. He wants to support the local residents. His thought is that for the time being the City could do nothing, but at some point in the future the voters are going to want to change the policy. He doesn't think they are going to be open to RVs in the future. Mr. Tanaka said he hears the most complaints around the 4th of July about out-of-towners. There are people who take advantage of the City's hospitality. He thinks the local RV owners have found ways to make their RV situations work with their neighbors. It makes sense to study this more.

City Manager Mark Ochendusko provided Mayor Smisek with an update on the current law. A lot of the rules are already in place. They just haven't been enforced. He explained that historically, Coronado has used a reactive type of enforcement. The City doesn't proactively go out in search of violations and tow vehicles, etc. Mayor Smisek recommended that the City Manager direct staff to put together a plan for a working group and come back to the Council with the plan.

Mr. Tierney added that he would like to see the \$18 fine increased in the meantime to help keep the problem under control while this is being researched. Mayor Smisek pointed out that \$18 is

the same amount as a parking fine at an expired meter. He thinks the City should take another look at that, too. There should be some uniformity for parking violations.

Council consensus was to continue the item and create a working group.

8b. Public Hearing: Request for Approval of a Special Use Permit (SUP) and Parking Plan for the Historically Designated Property Addressed as 1401 Ynez Place for the Operation of a Boarding House in the Historic Building Along with a New Bungalow Structure with guest Rooms Including a Request to use a Portion of the City Right-of-Way Below Grade for Parking, Mechanical and Elevator Equipment; and Proposed Modifications to the Intersection of A Avenue and Ynez Place and Creation of Two Small "Pocket Parks"; and Installation of Diagonal Parking Along A Avenue. The Property is Located in the R-3 (Multiple Family Residential) Zone (PC 16-05: Trant Manor LLC).

Tony Pena, Director of Community Development, provided a summary of the staff report. He explained that the project has been reviewed favorably by the Historic Resource Commission (HRC) and the Planning Commission. The only issue staff has is with the amount of underground encroachment beyond the curb line into the public right-of-way for parking and non-parking space. He said the Planning Commission didn't seem to be bothered by it. They felt the more parking that is provided the better. The City's Specific Plan Parking Study shows that is one area of town that really needs additional parking. This project would provide an additional three parking spaces that aren't required by the code. Concerning Condition 16, there was a request from the applicant regarding the requirement that they maintain both pocket parks. The applicant feels it would be difficult for them to care for the park that will be located across the street. One suggestion was for the applicant to get the neighbor across the street to agree to a covenant and landscape maintenance agreement, to satisfy the City. Staff has recently received a letter indicating that the neighbor is willing to do that.

Councilmember Monroe asked Mr. Pena to amplify on the Specific Plan Parking Study. There have been two studies performed by Linscott Law and Greenspan that declared that area as saturated. Mr. Pena clarified that the area south of Tenth Street and north of the Hotel Del Coronado is probably the worst area in the City for parking. It is primarily seasonal and it depends on the time of day as well.

Councilmember Tanaka referred to page 83 of the staff report. It says that research shows that the Coronado Plaza was issued an encroachment permit in 1975 for underground parking that extended beyond the curb line and asked if this request is comparable. Mr. Pena responded that this request is much more extensive than either the Coronado Plaza or the California Plaza encroachments. Coronado Plaza had storage and venting and other equipment located in the right-of-way. Also, there was a requirement in the City code that if one does encroach the parking with three spaces that there be three spaces dedicated for public use. This project does not do either. It is different, although there is precedence on the general utilization of the right-of-way.

Susan Gillingham, 649 Pomona Avenue, provided a presentation with her husband David. She explained that the City Council is being asked to consider two components of the project. The first is a Special Use Permit related to the rehabilitation of the historic 1906 building and improvements to the property to allow for additional guestrooms to make it a financially viable enterprise as a boarding house. The project will also involve the creation of two pocket parks.

The second item is the Parking Plan, which includes the creation of a subterranean garage. She revealed that the property owners would be abandoning the grandfathered parking spaces and providing more than enough parking for current standards should the City Council decide to allow them to go forward with their plan. The subterranean parking will be for guests, staff, and deliveries.

Chris Ackerman, 765 C Avenue, continued the presentation and went into some detail on the plans and elevations, the parking ingress and egress and the proposed subterranean parking garage. He showed several elevations of the project.

Ms. Gillingham brought up the topic of the conditions of the SUP. Item 12 calls out Brisbane Box and Chinese Fire trees in the public right-of-way. She asked to defer any decisions on landscaping until they go back to the Historic Resource Commission with a complete landscape plan. They are hoping to put together the right combination of types of trees and shade trees at that time. Councilmember Downey asked where the suggestions for the plantings came from. Ms. Gillingham responded that City Parks staff provided the suggestions.

Ms. Gillingham went on to say that of more concern is Condition #21 where the staff is suggesting a reduced area, just to the curb-line underground, for parking. Another issue was the placement of mechanical areas that are under City property. As a historically designated property trying to reuse as its original boarding house/guest lodge they would like a little relief in these two areas. She advised that they had sent out newsletters to the project's neighbors asking for questions or comments. The only thing they ever heard about was the need for more parking. Eighteen spaces would limit the impact to their neighbors. They want to provide enough parking for the 17 guestrooms and staff that might need to park on the street for a few hours each day. The additional space also allows for a mechanical venting location. This location was chosen because venting under the new pocket park would have the least sound impact on the neighbors. This project brings multiple benefits to the City; the conversion of a very public embarrassment into a landmark property, support for local historic preservation, the addition of two public parks, the creation of the three new on-street public parking spaces, and the street and intersection will be safer. Ms. Gillingham added that they have also begun the process to get national historic designation.

Mayor Smisek asked Mr. Pena to go over the process that will be followed after this meeting. Mr. Pena explained that this is the final review at the City Council level. If the Council approves the Planning Commission recommendation, that will be a final action. Because it is historically designated, the Historic Resource Commission continues to have hands on control of the project in terms of future review of details. Design Review, because of the way the ordinance is structured, does not have authority over the project – HRC has authority over the design and aesthetics of the project. When the applicant wants to have details reviewed such as a landscape plan or a tree planting schedule they will go to HRC. Essentially, this is the point where the project is approved. Mayor Smisek asked about HRC having jurisdiction over design instead of the Design Review Commission. Mr. Pena explained that the thought was that HRC members have a higher level of awareness of how to protect historic resources. When a historic property project is done they are better equipped to take care that additions, landscaping, etc. blend in to augment the historic resource. Mr. Pena added that another reason is that if both HRC and DR reviewed the projects there may be inconsistencies. When the ordinance was adopted it was felt that if the process could be streamlined, all the better.

Mayor Smisek opened the public hearing.

Arthur Jones, 1212 Sixth Street, president of Coronado MainStreet, stated MainStreet has been in favor of this project since it was introduced to them. They see private capital removing blight and putting beauty in its place. That doesn't happen very often in their experience. There are only positive benefits. There is historic preservation, an economic boost to the City, beautification of the area, realignment of the street to make it more useable and safer. Private capital will maintain the private parks. It is hard to see how the City has anything to lose. Some concern is the encroachment of the parking under the street. This is an area where it is not anything new, although because it is larger area that may be a reason to look closely at it. However, it will be an opportunity to get cars off the street and to improve the appearance of the place at no cost to the City. He feels this project has been very carefully engineered and understands that the rights-of-way for utility uses have to be preserved and protected. He is sure that the project developers will make sure that takes place as will the City.

Gerri MacCartee, 846 D Avenue, member of the Historic Resource Commission, said she was speaking as a private citizen. She said this is a historic preservationist's dream. Everyone knows that the City is losing so many structures and character of the village of Coronado. She applauded this group. To try and save things is getting harder and harder due to economic issues. Doing historic restoration is and can be a nightmare and they are doing a fabulous job. This shows that historic preservation can be economically feasible. She urged Council to work with the owners and allow the conditions that are necessary to make the project work. It will be a boon to the City and something everyone will be proud of. She added a little-known fact. She said that Adella Avenue, where the old structure is located was named by one of the founders of Coronado, Hampton Story, after his wife.

Jeff Sweet, 1412 Tenth Street, 1015 A Avenue, trustee of the Sweet Family Trust said he thinks the project is marvelous. However he thinks that to put a berm park in front of the apartments across the street would be a mistake. Instead he felt that a parking island could be built in the middle of the street to allow for three or four more parking spaces.

Debbie Riddle, 21 Antigua Court, co-owner of Lee Mather Company Realtors, said she was speaking on behalf of Mr. Mather who is the adjoining landowner and who is in support. She said her company also manages the property at 1044 Adella. Its owner also has no objections to the plan.

Pam Gould, 1064 Adella Avenue, next to the project, known formerly as Trant Manor, began by joking that Sue Gillingham was right in saying that no one has said they like the old house the way want to keep it that way. Ms. Gould advised that it would be irresponsible not to do what is proposed. She thought the changes to the intersection will make it safer. Currently it is like taking your life into your hands when you try to cross the street. The additional parking spaces are also terrific.

Mayor Smisek closed the public hearing.

Councilmember Tierney thinks it is a great project. The only thing he would like is some reassurance on is whose responsibility it will be to pay for moving utilities around when they are putting in the underground parking. Will the owner be responsible for any additional cost, which would result? Mr. Pena responded that it is a private project in the public right-of-way. The

developers will have to get all the required encroachment permits, easements, pay for all the improvements, hold the City harmless, and maintain all the legal coverages that the City is going to require.

Councilmember Downey said she is in complete support and is willing to make exceptions for this kind of project. One of the things that City asked when it started doing historic preservation and establishing tax incentives was whether there were ways to get private industry to step up. She knows the cottage initiative is going to be predicated on private people who are willing to go the extra mile. Generally she is not comfortable allowing private use of the public right-of-way, but she thinks an exception is warranted in this case. It is small enough that the City is not opening itself up to massive commercial use of public right-of-ways. She explained that the reason she asked about the trees is because when the Council talked about restoring the historic Monterey Apartments there was some landscaping that was historic in nature that has unfortunately been lost although it was supposed to be preserved. She doesn't think the trees at the Lodge are historic, but if HRC is doing the review they are the people who can make sure some historic landscaping is included.

Councilmember Tanaka complimented the Gillinghams, Chris Ackerman, and Russ Prentiss who are the development team. He thinks it is unusual to find developers that honor the spirit of the law rather than just the letter of the law. He agrees with Ms. Downey that he wouldn't ordinarily be comfortable with the right-of-way encroachment, but what he finds refreshing is that they are trying to provide more parking than the law requires. He won't be the Council member who votes against adding more parking. He also shares Mr. Tierney's concern that the City not be liable for whatever might be found under ground. He wants the City to work with the developer, but he wants to see that the City is held harmless. He applauds this project because it is nice to see community members taking care of their community like this.

Councilmember Monroe disclosed that he was in Trant Manor two days after the City shut it down. It was in deplorable condition. He is in total support of the project and has been from Day 1. He doesn't have a problem with the delay in the selection of the trees or with the parking. The three extra parking spaces are in response to the neighbors saying that parking is an issue. He also thinks that the venting is in the right place. It is as far away from the surrounding neighbors as you can get.

MSUC (Monroe/Tierney) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A REQUEST FOR A SPECIAL USE PERMIT AND PARKING PLAN FOR THE OPERATION OF A BOARDING HOUSE INCLUDING A REQUEST TO USE A PORTION OF THE CITY RIGHT-OF-WAY BELOW GRADE FOR PARKING, MECHANICAL AND ELEVATOR EQUIPMENT; AND PROPOSED MODIFICATIONS TO THE INTERSECTION OF A AVENUE AND YNEZ PLACE AND CREATION OF TWO SMALL "POCKET PARKS" FOR THE PROPERTY ADDRESSED AS 1401 YNEZ PLACE AND LOCATED IN THE R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE with findings and conditions as contained in the resolution with the exception of Condition 21, and that future review of the trees in Condition 12 will be carried out by the Historic Resource Commission. The Resolution was read by Title, the reading

**in its entirety unanimously waived and adopted by the City Council as
RESOLUTION NO. 8097.**

Mayor Smisek commended Mr. Gillingham for his other commercial project and working with the City on something the City has been working very hard to do, and now has taken on this project. He included Chris Ackerman who has worked on several historic preservation projects in Coronado and has enjoyed a lot of trust from previous councils. Mayor Smisek said he is looking forward to attending the grand opening.

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

8c. Public Hearing: Consideration of Whether to Amend Chapter 41.10 of the Coronado Municipal Code Regarding Construction Noise Limits. Tony Pena, Director of Community Development, provided an overview of the staff report. He explained that the City Council expressed concern about amending the restriction on construction noise, currently allowed from 7 a.m. to 7 p.m. Monday through Saturday, because of the potentially significant impact on the community. The City Council requested that first an outreach program devised by staff and approved by the City Council be given. In response, staff sent out nearly 600 notices to contractors, architects, and major homeowners associations, etc. to gather adequate input before going to the next step.

Mayor Smisek reminded everyone that the discussion is strictly about the noise issue. There have been some other recommendations associated with construction that will be coming to Council at a later time. This is an information gathering public hearing to find out how the people who will be affected feel about it.

Mayor Smisek opened the public hearing.

Russ Prentiss, 1013 Park Place, said he has worked on the island for about seven years. They have always attempted to be good neighbors. He said the building industry is geared to starting at 7 a.m. and they traditionally work long hours. He asked Council to bear in mind that if the time is altered too much it will affect the cost of construction. He would prefer to retain the 7 a.m. start time.

Phil Hammett, 600 Balboa Avenue, Chamber of Commerce, thanked Mayor Smisek for asking the Chamber to take the lead in gathering input from the business community and the construction industry. It allowed for an evaluation from those individuals who have first hand knowledge of operating under the existing ordinance and the impact they view the proposed changes might have on their industry. He said the Chamber, after having their staff conduct the survey and having their executive committee review the results, supports alternative recommendation #2, that no further action with the ordinance is required. They urge the City to educate the residents on how and to whom a complaint is made. They welcome and encourage enforcement of the existing ordinance. He said it was amazing how few complaints were registered in the last year with the enormous increase in construction. He commended the contractors who balance the task of completing a project on time and giving all possible courtesy to the surrounding neighbors.

Jeff Norton, 555 B Avenue, explained why a change from 7 a.m. to 8 a.m. or quitting at 5 p.m. or not working on Saturdays is a big deal. He gave an example of concrete pouring issues that would be affected by some of the proposed changes. With respect to working Saturdays, the reality is that when trying to keep a project on schedule or deal with weather issues, sometimes there is no choice. He asked Council to seriously consider all of the real impacts this will have and not just the inconvenience to the neighbors. There is some inconvenience, but that is part of the process.

Councilmember Tanaka referred to Mr. Norton's letter and asked what happens when there is a need for a 14-hour pour when the current restrictions only give 12 hours. Mr. Norton explained that this has happened and they work with lights. In those cases he always sends letters to all the adjacent neighbors a week ahead of time so that there are no surprises. Mr. Tanaka thinks that they have to work within some constraints. Mr. Norton responded that he would obviously first try to figure out a way to do the project within the quality and engineering constraints so that it would fit within the normal work day. There are conditions where that is not possible. In those cases he talks to the neighbors and tells the Police Department what he is doing. He has never had a problem with a situation like that. He finds that if he is proactive about contacting people by and large there is not a problem. They know he is concerned and he is not just frivolously out there working. He does other things to mitigate noise for the neighbors. He doesn't allow radios and that kind of thing to where it is not already a boiling pot. Mr. Tanaka asked if that is a relatively unusual circumstance and was told that it is. Based on that fact, he asked if the end time was changed to 6 p.m., if it would that affect most crews most of the time or is it a relatively rare thing? Mr. Norton agreed that it would not affect most crews most of the time. The start time of 7 a.m. is a much more important issue because it an industry standard.

Joe Adamy, with Steigerwald Doherty, building a home at 911 Ocean Boulevard, added some basic realities. He said the suppliers like to deliver at 7 a.m. They are a general contractor and they employ subcontractors. Their subcontractors all start at 7 a.m. The reality to them is if they can't start till 8 a.m. their subs will sit there for an hour and the general contractor will be paying for them or they won't be on the job. If they ask for a delivery in the morning they won't be able to accept it until 8 a.m. Those are some of the basic realities that make them want to keep the 7 a.m. to 7 p.m. schedule

Councilmember Downey asked about the noise permits allowed in the ordinances if there is a special reason to exceed the 12-hour time period. She appreciates that the contractors would notify the neighbors, and asked if they could also apply for the noise permit. Mr. Pena responded that the construction hours are not limited; it is the noise from construction that is limited. It is possible for a contractor to do a pour and be finished at 7 p.m. and then do soft work for another couple of hours without making excessive noise. Noise permits are not issued for private jobs or private parties or anything of that nature. Noise permits are issued for public activities like parades, construction in the right-of-way by a utility company at night, etc. He has never issued a noise permit for a private job. The City controls things at the job site with building inspectors and he wouldn't normally issue a noise permit for a private purpose.

Councilmember Tanaka questioned further on the issuance of noise permits. It says that you can apply to the Noise Control Officer for a noise permit. He didn't see in the ordinance a reference to public or private. If there is Section 41.10.040 that is titled, "Construction Noise Curfew" it is logical that if you are one of those unusual construction circumstances, why wouldn't someone

apply? There is a whole section of the code dedicated to construction noise and everyone admits there are going to be instances where people will exceed what the rule says. That is the whole point for having a Noise Control Officer. He is hearing that it just isn't asked for. If there was a legitimate construction issue, he would assume the Noise Control Officer would consider it. Mr. Pena, who acts as the City's Noise Control Officer, responded that it would be considered, but likely not granted because now the City is a participant in creating excessive noise in a neighborhood when the City would rather try to work within the time frames.

Ms. Downey commented that the Chamber of Commerce recommended the option of keeping the regulations as they are and enforcing them. She thinks that might be an option because the complaints she sees are centered on the fact that the City is not enforcing the existing rules. That might address the concerns of the residents who think the City isn't doing anything proactively.

Story Vogel, 350 D Avenue, referred to 41.10 and read it quickly for the public. He commented that the contractors want a free hand to do what they want to do. It's about making money. He said that what isn't being understood is that people in Coronado live three to five feet away from each other. The request is to limit the hours when these activities can be conducted. If the jobsite has to start at 8 a.m. because those are the City's rules, then that is when they will show up. Some contractors go on forever building a house because that's the way they do business. If the City decides, for the benefit of the residents, that 8 a.m. to 6 p.m. is more congruent with people's going to work and coming home to prepare dinner then that is what the ordinance should reflect. He didn't think the residents were aware of this discussion, even though the City sent out notices to 500 people including the Chamber of Commerce, the plumbing and electrical contractors, architects, realtors, property managers, the Board of Realtors, and there was a notice in the paper as legally required. He implored the Council to consider that this is a period where property is so expensive and there is so much construction going on that the City needs to think about clearly helping the rest of the neighborhood.

Dom Lektorich, 1517 Tenth Street, stated that people still want to be able to build affordable homes in Coronado. Not everybody is rich. There needs to be a time period where subs can be allowed to accomplish things and if that rolls into Saturday and they can finish to get paid, they need to do it. Not everyone is building mansions in Coronado. They are still trying to get by.

Harry Jackman, 618 A Avenue, commented that it is still best for the industry to keep the hours as they are. First deliveries are at 7 a.m. Typically, every sub that comes to town or is from town arrives at 7 a.m. There are traffic issues going through LA and if they have to wait another hour it will take them a couple more hours to get through that traffic. He thinks most everyone sticks to the 7 a.m. to 7 p.m. hours.

Jim Piepenhausen, Perry & Piepenhausen Construction, thinks that if the day is shortened it will prolong these people's agony. Many times Mother Nature dictates the hours that are necessary.

Pamela Fagan, 379 F Avenue, shared what her family has been going through living next to a construction site. For months they have been listening to noise that begins every day at 7 a.m. The noise consists of loud workers shouting back and forth, loud radios, squealing saws, incessant hammering, whining fork lifts, thumping nail guns, banging dumpster doors, and most unbearably, the high pitched buzzing of air compressors. They are also enduring huge clouds of exhaust from trucks, squealing truck gears, back up beepers, nauseating smells from solder and tar, cement droppings on their cars, debris that the workers wash down the gutter, and the

dumpster placed so it right into front of where they used to park on the street. There is constantly a layer of filth inside and outside the house. For weeks their house shook while a huge hole was being dug and then filled in and the ground was pounded. Street parking has been taken up by the huge dumpster and workers who refuse to park on Fourth Street so the residents have to park around the corner. They have also endured nails from nail guns that ricocheted into their pool and patio. The contractor was quite rude when confronted with the problems. Ms. Fagan said she would like to see the hours shortened to 8 a.m. to 5 p.m. so people could have a little bit of their evening in peace. She hopes that the City Council will put residents first and not the contractors.

Bill Lyons, 961 Cabrillo Avenue, addressed the need to start the day at 7 a.m. He said he has been a contractor in town for over 30 years. They start at 7 because the industry starts at 7. If they want a first round concrete pour they need to start at 7, otherwise they don't get it until second round, which is 12 to 1 p.m. in the afternoon. Most houses they can't pour in that amount of time. His people live in town. They rarely work after 3:30. They enjoy getting off at 3:30 in the afternoon to go home to their families. On occasion they have to work later and work until 6 or 7 p.m. but it is quiet. There are no radios. He thinks things should stay the way they are. They don't try deliberately to offend neighbors. They try to be good people and to work with the neighbors. He commented that most of the contractors who were speaking have been in Coronado a long time.

John O'Brien, 1140 Coronado Avenue, said he is a developer in town and new to the game that many of the other speakers have been participating in for quite a while in Coronado. As a developer, the subs he uses are used to getting going at 7 a.m. The suppliers are used to starting at 7 a.m. He thinks that is really important. As Mr. Lyons just mentioned, as the day wears on there are not going to be a lot of people at these construction sites. If there is an area for relief, it is towards the end of the day but certainly not in the beginning of the day.

Mayor Smisek closed the public hearing.

Councilmember Tierney said he is leaning toward keeping things as they are. This has worked for the last 30 years. To him this is not an issue he wants to visit or reconsider. He has had construction next door and behind his home. The early morning hours are needed. 7 a.m. is reasonable. He has never had construction going past 4 p.m. in his neighborhood. It should be left to the fact that the contractors have a duty, if not in the law, a responsibility if they want future business from neighbors and people in the community, and they will police themselves. He doesn't think the government needs to change this. Obviously Council has heard some complaints. People can contact the Noise Officer. He is very capable with a capable staff and can take care of these issues. If nails are flying there should be safety screens to keep that from happening. The City has sufficient strength in the codes right now to get something done. Changing the hours isn't going to fix these problems. He said he would vote for common sense.

Mayor Smisek commented that Council didn't hear from one segment of the population – the do-it-yourselfer. The City needs to ensure that people who work a regular workweek and do projects after when they come home and on weekends are not overly restricted. His would go along with Mr. Tierney and leave it alone at this point. If more enforced is needed, that is fine.

Councilmember Downey thanked Mr. Vogel and Mr. and Mrs. Fagan for bringing up some of the concerns the community has brought to the City's attention. She said she would come down

on the side of leaving the hours as they are, but she is very concerned that the City isn't being as responsive and proactive in enforcement to the people who are calling to report violations. She doesn't think that Mr. Pena is available at 6:30 a.m. to take a noise call. She would like to make sure, whatever the procedures are, that they are publicized and that they are available and followed up on. She suggested that maybe there should be a special link on the website, or just a way to help people know who to call if they have flying nails or a noise complaint at 6:30 a.m. or whatever the issue is. She is not familiar enough with the rules to know how dumpsters are to be placed, knows of nuisance situations with them. There must be a better way to regulate that and enforce where it is appropriate. Her request would be to figure out a better way to communicate a system to the public.

Councilmember Tanaka said that to him it is clear that a resident doesn't have any leverage for a solution if they have a problem. His issue isn't with the construction industry. He is sure that everyone who took the time to come before the Council represents the good construction neighbors. Their businesses are based on good word of mouth, and positive experiences. But not all the construction companies have that opinion, particularly out-of-towners, who have no vested interest in taking care of the community. Mr. Tanaka said his issue in bringing this forward is that he doesn't think the residents have much protection when they have a problem. Mrs. Fagan is a good example of that. Construction sites are a very obvious place for the police, who are the eyes and ears, to be interested, to get involved and not refer it to Community Development. Perhaps with a new police chief, they can work on enforcement. It is time for an institutional shift to being more proactive. He has great sympathy for people who come home after work and don't want to hear an air compressor or a nail gun. He also has empathy for the construction people. He knows that if the City over regulates construction, it affects the residents because they are the ones hiring construction. Councilmember Tanaka said he could agree with keeping 7 a.m. start time. He thinks Saturdays should be available for construction, but it is the one day 7 a.m. might not be appropriate even though he won't make that recommendation. He would recommend changing the end of the day and thinks it wouldn't be unreasonable to end work at 6 p.m. rather than 7 p.m.

Mr. Monroe commented that he is sometimes amazed that the City doesn't have to abide by the same rules as it imposes in its ordinances, as in the situation of a cement pour. It seems to him that the City didn't pour its new pool in 12 hours. He thinks that most times the workers do go home early. He would like to leave the flexibility there. He thinks there are some bad apples among the contractors. He is really sympathetic to the enforcement issue that the City does. He is not sure how to get around that. The Fagans have a horror story. Those things should not happen. He spent time on the 200 block of E Avenue when he received a call from a neighbor about a completely demolished site from the street all the way to the alley and it was left totally unprotected all weekend long. There were nails, sharp edges, broken glass, etc. It took staff four days of working on this to get the contractor to put a fence up to protect the site. It seems to him that when the City knows there has been a violation there ought to be some type of penalty, a fine, or no permit issued. That goes to the enforcement side that he would like to see pursued. He thanked the Chamber for their involvement.

MSC (Monroe/Tierney) moved that the City Council take no action to further regulate the Noise Abatement and Control Ordinance.

Mayor Smisek commented that most of the contractors testified that late afternoon hours are the unusual event. He agreed with Mr. Monroe that it is nice to leave the flexibility. He also agreed

that the problem really is the enforcement of the bad apples. That is where the city is going to have to make a concerted effort to and fix that part of the problem. Limiting the work hours isn't the way to go.

Ms. Downey said she would support that, but she wants to ensure that everyone is in agreement as to what it means. Right now, the hours will remain as they are but as the City will move toward finding ways to better enforce, or keep better records of complaints, so they can respond more effectively. She would like to get some reports on enforcement efforts and whether they are making a difference.

Mr. Tanaka said he would be opposing the motion because the City has heard that there are some people who haven't been protected by the current code. He doesn't want to see a lot of change, but he does want to see a little. Mr. Tanaka agreed with the need for more enforcement.

Mayor Smisek added that sometimes when people think they have found the answer to fix the problem; that might not be the answer. He doesn't think limiting the hours is the answer. The answer is in the enforcement area, in a different reporting concept, getting an education process going, similar to what Mr. Huth has done relative to washing cars. That is the rationale – it is not that the City doesn't want to do anything. He doesn't want to leave the impression that the Council is taking the attitude that it isn't listening to anyone and that it isn't doing anything.

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

9. **ADMINISTRATIVE HEARINGS:** None.

10. **COMMISSION AND COMMITTEE REPORTS:**

10a. Report from the Port Commissioner Concerning Port Activities. Port Commissioner Robert Spane reported on several projects. The cruise ship business is continuing to grow and that will affect Coronado. He recently returned from a trip to Europe for the Port to develop maritime business. As a result of that trip the Port doubled the amount of melons that are coming in to this port, the number of big yachts that are coming in, and all the Bentleys coming into the West Coast are coming into San Diego. The bottom line of the maritime business is that it is growing and there will be more of that in the future. On the real estate side, there was a meeting the previous week with the CCDC about a Joint Powers Agreement and the North Embarcadero. The Port approved the idea, the vision, but didn't fund it. That will be a big issue in the coming year. At the same time the Port approved the design concept for the National City Aquatic Center project which will go forward, however the Port did not fund that either. The budget for '06/'07 will be developed in the spring or winter and those projects will gain funding. The other real estate project of interest to Coronado is Grand Caribe. He is going to Sacramento on Friday to meet with Paul Thayer, the head of the Lands Commission, to talk quietly about why the Grand Caribe strategy is a good idea. There is a Coronado Marina issue coming before the Port. The Linear Park funding and who owns the ground is all solved now.

Mayor Smisek said he understands that at the next City Council meeting on November 1st the City Council will be renominating Admiral Spane for another term. Admiral Spane is in line to be the next Chair. Admiral Spane responded that he would be delighted to accept should he be nominated in absentia as he will be out of town on November 1st. He enjoys helping Coronado in this area.

Councilmember Tanaka commented that there were very loud fireworks last week on a weekday after 9:30 p.m. He phoned the Harbor Police. Their representative was happy that Mr. Tanaka gave his name because the people who call to complain usually do not. He also shared with Mr. Tanaka that some of the fireworks permits aren't granted by the Port but by the Coast Guard. Mr. Tanaka was happy to report that going forward, whenever the Coast Guard gives consent they will also have someone from the City sign off.

Admiral Spane said he gets periodic complaints about the noise but it is a complex issue in that there are various agencies that can approve fireworks. The Port approves the ones that are with the music concerts, Summer Pops, etc. but the loud fireworks in question were done for a convention at the Marriott. It was not controlled by the Port. He reported that it rattled his windows, too.

11. CITY COUNCIL BUSINESS:

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

Councilmember Monroe attended the Air Pac celebration of the Speed Fest, a Tunnel Team meeting, and began a series of meetings with SANDAG Board members and Transportation Committee members to bring them up to date on the tunnel. He has already met with Art Madrid in La Mesa. He attended a meeting at Strand housing to brief the residents about the work proposed outside the fence at the Strand, met with Carrie Smith who introduced him to the new SDG&E representative Ahmaad Solomon, attended an MTS Board meeting and a Blue Ribbon Committee meeting for Comprehensive Operations Analysis for Restructuring Routes, attended a South County EDC meeting, attended a Bayshore Bikeway meeting where there will be a new bikeway document to replace the 1960s version, and attended a visit with Congresswoman Susan Davis who praised Gail Brydges' work.

Councilmember Tanaka reported on an agenda setting meeting for the Fire Dispatch Board, the Coronado Tennis Association Board of Directors meeting, a meeting with Dave and Sue Gillingham about the Lodge project, gave a briefing to the Chamber of Commerce, attended the Coronado Schools Foundation kick-off on their annual gala, "Hollywood Nights", and met with State Controller Steve Westley.

Councilmember Tierney attended the League of California Cities annual convention in San Francisco and voted on behalf of Coronado. He voted on the prevailing side - the vote was a close 135 to 124 - that the League support the Governor's Initiative 76 to control State spending and live within its means. He also attended the Coronado Schools Foundation gathering at the Windsor Cottage, the 15th annual Summit Reception in Tijuana with the South Bay Economic Development Council, the South Bay Economic Development Council meeting at the Convention Center, the California Contract Cities Association meeting, the Public Utilities Commission meeting, and the Junior Womens' Beans and Jeans event.

Councilmember Downey met Ahmaad Solomon from SDG&E, attended the Beans and Jeans Chili Cook-Off, met with the Coronado Tennis Association Board, and chaired the second meeting of the SANDAG Environmental Mitigation Program meeting.

Mayor Smisek met with the City Manager and representatives from the Hospital Board and Hospital Foundation board, attended an Airport Authority Seminar on new technology for transportation support of airports, had a phone conversation with Congresswoman Susan Davis on tunnel funding, attended Vice Admiral Zortman's speed festival gala, updated Admiral Herring on projects, the Golf Course Committee meeting, the ribbon cutting for the soft opening at Boney's Market, a meeting of the South County Economic Development Council, the last pole removal for the Star Park undergrounding, and met with representatives from Coronado Historical Association and the Visitor Center.

Councilmember Monroe added that the City's banquet hall is doing such good business it is booked for all Saturdays but two until October 2006.

11b. Annual Review and Approval of the City of Coronado Investment Policy.

As part of the services provided by PFM Asset Management, LLC, the City's recently retained investment manager; the City receives an annual review of its investment policy together with recommendations for changes and updates to ensure that the policy conforms to current law as well as meets the overall intent of the City's investment guidelines. PFM has provided this review and made several recommendations. These recommendations are discussed in Attachment A followed by a marked copy of the Investment Policy with the proposed language. Staff has reviewed the recommendations carefully and concurs with the proposed changes. The policy was last reviewed and approved by City Council on August 3, 2004. **Under Consent, the City Council approved the revised investment policy.**

11c. Recommendation from the Traffic Operations Committee Regarding the Installation of 25 MPH Speed Limit Signs in the Central Business District. Engineering staff consulted with the Police traffic division and feels that removal of any parking at the subject location would not make the intersection inherently safer. In looking at the primary cause factors of the 16 collisions reported over the last three years (2002-2004) at the subject intersection, five collisions were caused by unsafe speed. For the collision on May 1, 2005, which prompted this issue to come to the TOC, it was reported that an associated factor contributing to the collision was unsafe speed by the northbound vehicle.

The prima facie speed limit in a business district is 25 mph as stated in the Vehicle Code §22352. The Vehicle Code also requires speed limit signs at the boundaries of a CBD. Caltrans has erected 25 mph signs in the median adjacent to the Hotel Del and facing southbound traffic next to the SBC building in the 700 block of Orange Avenue. The City does not post regulatory speed limit signs in areas where prima facie speed limits are in effect. Therefore, there are no signs within the business district indicating a 25 mph speed limit and Caltrans is only required to post speed limit signs at the CBD boundaries. The southbound speed limit on Orange Avenue approaching the business district is 30 mph and the northbound limit is 35 mph; due to the lack of 25 mph limit signs drivers may be unaware of the reduced speed limit within the business district. Installation of additional 25 mph speed limit signs will reinforce to drivers that there is a reduced speed limit on Orange Avenue between Pomona Avenue and Eighth Street; this may help decrease collisions caused by unsafe speed.

It is the Committee’s recommendation that 25 mph speed limit signs be installed at strategic locations within the business district. The Committee also recommended that the City investigate installation of dynamic speed signs. These signs utilize radar technology to obtain the speed at which an approaching vehicle is traveling and display it on a dynamic message board. This is typically placed next to the posted speed limit sign and informs the driver if they are driving within the posted limits. If this type of sign is desired, staff can research their effectiveness and make a recommendation that this become a future Capital Improvement Program project. **Under Consent, the City Council (1) directed staff to work with Caltrans to install additional 25 mph speed limit signs in the business district at strategic locations and (2) directed staff to explore options for future installation of permanent radar speed indicator signs within the business district.**

11d. Approval of Agreement Modifications with Ron Yarbrough DBA Ronald M. Yarbrough, P.G.A. for Services as Golf Professional. In September 2004, the City pre-paid the balance of outstanding 1996 Golf Course Revenue Bonds. The bond pre-payment eliminated the restrictions imposed upon the City with regard to the structuring of the Agreement for Golf Professional Services. Thus, City staff looked at modifying certain superfluous terms and conditions of the Agreement that were revenue neutral. City staff also looked at negotiating new terms and conditions that improved the City’s economic interests. The new Agreement Modifications include:

- Eliminating the categorization of gross revenues (from merchandise and non-merchandise sales) payable to the Golf Professional as either “fixed or variable fees.” *This categorization was rendered moot by the retirement of the 1996 Golf Course Revenue Bonds.*
- Eliminating the provision whereby the City retains 100% of all gross revenues above an annual adjusted revenue cap. The cap will be replaced by the pre-1996 Agreement language whereby the City will receive an uncapped payment of 5% of gross revenues from merchandise sales and 10% of gross revenues from non-merchandise sales, respectively. *It is anticipated this modification will be revenue neutral because the revenue cap was not likely to be reached. The cap also created a disincentive for the Golf Professional to generate revenue.*
- Including a new provision requiring the Golf Professional to pay the possessory interest taxes for that portion of the Golf Course that includes the operations of the Golf Professional. Provided below is a summary table listing the annual gross revenues from merchandise and non-merchandise sales activity prorated between the City and the Golf Professional for the past four fiscal years:

	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05
City of Coronado	\$104,931	\$108,059	\$115,127	\$113,996
Golf Professional	\$1,068,611	\$1,111,277	\$1,177,809	\$1,179,224
Total	\$1,173,543	\$1,219,336	\$1,292,936	\$1,293,220

Under Consent, the City Council approved the Agreement Modifications and authorized the City Manager to execute.

11e. Authorization for Director of Administrative Services to Issue a Permit to Coronado Island grocery Co., Inc. (DBA Boney's Bayside Market) for Use of City Property for Commercial Activity. Because no fence or fixed tables and chairs are involved, no Encroachment Permit is required on this matter. The curb to property line measurement at this location is approximately 19 feet. As with most buildings fronting Orange Avenue, the building was constructed out to the property line. The owner is proposing a temporary dining area consisting of approximately 6 feet by 64 feet (excluding walkway entrance) adjacent to the frontage of the property. **Under Consent, the City Council authorized the Director of Administrative Services to issue the Permit.**

12. CITY ATTORNEY: No report.

13. COMMUNICATIONS - WRITTEN: None.

The City Council recessed into closed session at 6:08 p.m.

14. CLOSED SESSION:

14a. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Section 54956.9:
One potential case.

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

Subdivision (a) of Section 54956.9 of the Government Code
Name of Case: Citizens for Preservation of Coronado Beach v. City of Coronado
San Diego Superior Court Case No. 845202

The City Council reconvened at 7:58 p.m.

The City Attorney reported that no action was taken on either closed session item. Direction was given to legal counsel on items 14a and 14b.

15. ADJOURNMENT: The meeting was adjourned at 8:00 p.m.

Approved:

Tom Smisek, Mayor
City of Coronado

Attest:

Linda K. Hascup
City Clerk