

**MINUTES OF A  
REGULAR MEETING OF THE  
CITY COUNCIL  
OF THE  
CITY OF CORONADO/  
THE CITY OF CORONADO ACTING AS THE SUCCESSOR  
AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY  
OF THE CITY OF CORONADO  
Coronado City Hall  
1825 Strand Way  
Coronado, CA 92118  
Tuesday, March 1, 2016**

**Mayor Tanaka called the Closed Session to order at 3:16 p.m.**

**ANNOUNCEMENT OF CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
AUTHORITY: Government Code Section 54956.9(a), (d)(1)  
NAME OF CASE: Arthur Young v. City of Coronado  
San Diego Superior Court, Case No. 37-2014-00037469-CU-EI-CTL
  
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
AUTHORITY: Government Code Section 54956.9(d)(1)  
NAME OF CASE: City of Coronado v. LAFCO et al.  
Case No. 37-2016-00000183-CU-WM-CTL
  
- 3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
Pursuant to Government Code Section 54956.9(d)(2)  
One (1) potential case  
Facts and circumstances need not be disclosed pursuant to Government Code Section 54956.9(e)(1)
  
- 4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION**  
AUTHORITY: Government Code Section 54956.9(d)(4)  
One (1) potential case
  
- 5. COMMUNICATIONS - ORAL: None.**

**ADJOURN TO CLOSED SESSION 3:18 p.m.**

**The Closed Session reconvened at 3:50 p.m. Mayor Tanaka reported that the Council gave direction to staff.**

**Mayor Tanaka called the regular meeting to order at 4 p.m.**

**1. ROLL CALL:**

**Present:** Councilmembers/Agency Members Bailey, Downey, Sandke, Woiwode and Mayor Tanaka

**Absent:** None

**Also Present:** City Manager/Agency Executive Director Blair King  
City Attorney/Agency Counsel Johanna Canlas  
City Clerk/Agency Secretary Mary Clifford

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Floyd Ross provided the invocation and Mayor Tanaka led the Pledge of Allegiance.

**3. MINUTES:** Approval of the minutes of the Regular Meeting of the City Council/the City Council Acting as the Successor Agency of February 16, 2016.

**MSUC (Downey/Sandke) moved to approve the minutes of the Regular Meeting of the City Council/the City Council Acting as the Successor Agency of February 16, 2016. The minutes were so approved. The reading of the minutes in their entirety was unanimously waived.**

**AYES: Bailey, Downey, Sandke, Woiwode, Tanaka**  
**NAYS: None**  
**ABSTAINING: None**  
**ABSENT: None**

**4. CEREMONIAL PRESENTATIONS:**

**4a. Proclamation: Coronado Woman's Club Day.** Mayor Tanaka presented the proclamation to President Jerry Coziahr, Councilmember Downey and members of the club.

Mayor Tanaka presented a City coin to MainStreet Executive Director Rita Sarich.

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

Councilmember Downey suggested the addition of Items 11b, 11c, 11d, 11e, 11g and 11h.

**MSUC (Bailey/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5j with the addition of Items 11b - Introduction of "An Ordinance of the City Council of the City of**

**Coronado, California, Amending Section 3.60.020 of Chapter 3.60 of Title 3 of the Coronado Municipal Code Regarding Unclaimed Property.”; 11c - Introduction of “An Ordinance of the City Council of the City of Coronado, California Adding Section 56.08.080 to Chapter 56.08 of Title 56 of the Coronado Municipal Code to Authorize the Removal of Bicycles Remaining on Public Property for Over 72 Hours.”; 11d - Consideration of Appointment of Incumbent, Todd Little, to a Second Three-Year Term on the Parks and Recreation Commission; 11e - Consideration of Appointment to Fill One Vacancy on the Transportation Commission; 11g - City Management’s Approach, Principles, Applied Techniques and Timeline for Preparation and Implementation of the FY 2016-17 Financial Plan; and 11h - Review and Acceptance of the 2014 Annual Traffic Report.**

**AYES: Bailey, Downey, Sandke, Woiwode, Tanaka  
NAYS: None  
ABSTAINING: None  
ABSENT: None**

**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. Review and Approve that the Warrants, as Certified by the City/Agency Treasurer, are all Correct and Just, and Conform to the Approved Budget for FY 2015-2016. The City Council approved payment of City warrant Nos. 10111363 thru 10111627 and City of Coronado Acting as the Successor Agency to the Community Development Agency of the City of Coronado warrant No. 90005594. The City Council approved the warrants as certified by the City/Agency Treasurer.**

**5c. Approval of Request from San Diego Worldwide Initiative to Safeguard Humanity (WISH) for the City to Serve as Host of the 2016 Peace and Humanity Day on Friday, August 12. The City Council approved the request.**

**5d. Filing of the Treasurer’s Reports on Investments for the City and the Successor Agency to the Community Development Agency for the City of Coronado for the Quarter Ending December 31, 2015. The City Council examined the quarterly Reports on Investments and ordered them filed.**

**5e. Award of a Professional Engineering Services Contract to Atkins for a Not-to-Exceed Amount of \$52,500 for Phase 1 of the Design of the Wastewater Main Replacement Program. The City Council authorized the City Manager to execute an agreement with Atkins for a not-to-exceed amount of \$52,500 for Phase 1 of the design of the Wastewater Main Replacement Program.**

**5f. Award of a Professional Engineering Services Contract to Atkins for a Not-to-Exceed Amount of \$55,000 for Phase 1 of the Design of the Glorietta Sewer Main Inspection Project. The City Council authorized the City Manager to execute an agreement with Atkins**

for a not-to-exceed amount of \$55,000 to research and complete the first phase of design of the Glorietta Sewer Main Inspection project.

5g. Award of a Professional Engineering Design Services Contract with Psomas for a Not-to-Exceed Amount of \$49,740 for the FY 2015/16 Storm Drain Inlet Improvements Project. The City Council authorized the City Manager to execute an agreement with Psomas for a not-to-exceed amount of \$49,740 for the design of the Fiscal Year 2015/16 Storm Drain Inlet Improvement project.

5h. Approval of a Resolution of the City Council of the City of Coronado Authorizing the Receipt and Appropriation of \$24,197 in Funds Provided by the Fiscal Year 2014-2015 State Homeland Security Program (SHSP) through the County of San Diego. The City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO AUTHORIZING THE RECEIPT AND APPROPRIATION OF \$24,197 IN FUNDS PROVIDED BY THE FY 2015 STATE HOMELAND SECURITY PROGRAM (SHSP) THROUGH THE COUNTY OF SAN DIEGO. The Resolution was read by title, the reading in its entirety unanimously waived and adopted by City Council as RESOLUTION NO. 8788.

5i. Receive the Bicycle Advisory Committee Annual Report for 2015. The City Council accepted the Bicycle Advisory Committee Annual Report for 2015.

5j. Accept the Cultural Arts Commission's Annual Report for 2015 and Work Plan for 2016. The City Council accepted the Cultural Arts Commission's Annual Report for 2015 and Work Plan for 2016.

6. ORAL COMMUNICATIONS:

- a. Tina Pivonka spoke about the revisit of the commercial parking item that will be considered at the next meeting. She thinks there is still a problem. It has improved from where it was before but there still are trucks that block them and there are drivers who are not very pleasant when it happens. She lives in Unit 1. The residents in Unit 2 report that they are blocked at least two times per week trying to get their kids to school and back. They were encouraged to call the police when these things happen. They refrained for a while to give everyone time to adjust to the new system. They just wanted to let the Council know that there still are problems. She encouraged the Council to go by and take a look. They still want the commercial parking removed from that alley.
- b. Carolyn Rogerson thanked Councilmember Bailey for putting together the 2016 Coronado community survey. The survey was made readily available so that everyone had the opportunity to participate in the survey. It was wonderful that three generations of Coronado residents participated in this and gave very logical, thoughtful comments. She believes it would be very helpful if this survey was downloaded and carried by every Coronado Councilmember, commission member, committee member, and anyone else who advises the City. This survey tells, to a great degree, what the people think.
- c. Betty Galbo thanked Carrie Downey and Bill Sandke for coming out so quickly to tour their area. She wonders why El Cordova allowed Miguel's to expand. El

Cordova allowed Miguel's to expand when they knew there was a residential code on the other side. The residents need to sleep and have noise 24/7. Miguel's satisfied the Municipal Code by having six parking spots below the timeshare and valet parking. She heard at the MainStreet meeting that valet parking really doesn't work. This expansion has created many problems for them. She asked that the Council rescind its previous decision and consider the proposals from the residents.

- d. **Michael Schmid** spoke to the Council about leadership. He is looking for leadership from this Council on the Third and Fourth Street traffic issue. We had a calm period for a while when A Avenue was blocked off. For some reason it is not blocked off anymore with the temporary cones. He heard that was because of a complaint. He does not understand why the existing laws aren't being followed just because someone complained. The situation grows ever more intolerable. He does not want another family to suffer a tragedy as his family did. He implores the Council to do everything it can to solve it.
- e. **Councilmember Downey** reported to the public that she attended a Caltrans safety workshop last week to discuss their draft strategic safety plan. They found six strategic areas which are in line with Coronado's observations. She participated in the break-out sessions at the workshop and attended the bicycle workshop and part of the intersections workshop. The Caltrans facilitators were surprised to learn that oftentimes when Coronado or another city asks to do something they are just told no without any justification. The presentation was trying to convince cities that they should approve mechanisms like bulb-outs and other safety mechanisms on our state highways. They are even willing to fund studies to examine specific problems.

7. **CITY MANAGER/EXECUTIVE DIRECTOR:**

7a. **Update on Council Directed Actions and Citizen Inquiries.** None

8. **PUBLIC HEARINGS:** None

9. **ADMINISTRATIVE HEARINGS:** None

10. **COMMISSION AND COMMITTEE REPORTS:** None

11. **CITY COUNCIL BUSINESS:**

11a. **Council Reports on Inter-Agency Committee and Board Assignments.** Mayor Tanaka asked Councilmembers to submit their reports in writing.

11b. **Introduction of "An Ordinance of the City Council of the City of Coronado, California, Amending Section 3.60.020 of Chapter 3.60 of Title 3 of the Coronado Municipal Code Regarding Unclaimed Property."** Under Consent, the City Council introduced AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, ADDING SECTION 3.60.020 TO CHAPTER 3.60 OF TITLE 3 OF THE CORONADO MUNICIPAL CODE REGARDING UNCLAIMED PROPERTY. The Ordinance was read by title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING.

**11c. Introduction of “An Ordinance of the City Council of the City of Coronado, California Adding Section 56.08.080 to Chapter 56.08 of Title 56 of the Coronado Municipal Code to Authorize the Removal of Bicycles Remaining on Public Property for Over 72 Hours.”** Under Consent, the City Council introduced AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA, ADDING SECTION 56.08.080 TO CHAPTER 56.08 OF TITLE 56 OF THE CORONADO MUNICIPAL CODE REGARDING REMOVAL OF BICYCLES REMAINING ON PUBLIC PROPERTY FOR OVER 72 HOURS. The Ordinance was read by title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING.

**11d. Consideration of Appointment of Incumbent, Todd Little, to a Second Three-Year Term on the Parks and Recreation Commission.** Under Consent, the City Council appointed Todd Little to a second three-year term, which will expire on March 31, 2019.

**11e. Consideration of Appointment to Fill One Vacancy on the Transportation Commission.** Under Consent, the City Council appointed Timothy Chelling to serve out the remainder of a term, which will expire February 28, 2018.

**11f. Provide Direction to Staff Regarding Public Right-of-Way Signs to be Considered for Removal.** City Manager Blair King provided an introduction. Director of Public Services & Engineering Cliff Maurer provided the staff report.

Councilmember Downey commented that the only reason we put up tsunami ready signs is because the City had a previous Council member that sought that designation. She asked when those signs went up.

Mr. King responded that the Tsunami Ready program was sponsored by NOAA and it was a vote of the Council to participate in the NOAA program.

Ms. Downey asked about what else the City gets from participating in the NOAA program other than signs.

Mr. King said that the program wants to see if there is a notification system in place. Coronado has one. They want to see if we have emergency protocols in place and then a sign program is something that was appropriate. The context of bringing the signs to the Council is that the signs in Coronado are in place for a particular reason.

Ms. Downey asked if being tsunami ready is an important part of any funding opportunities for the future. That is the only reason she is concerned.

Mr. King knows of no funding available to the City because of that. He believes that we are tsunami ready. It is just a designation from NOAA.

Councilmember Bailey commented that the staff report says the bike route signs are necessary and that they shall be placed at the beginning of each designated bike lane but the MUTCD recommends that signage should be placed at half-mile intervals. He sees that as a recommendation rather than a requirement. For ‘No Parking’ signs, it looks as though sometimes

staff will paint and stencil a curb to alert the public that they are not allowed to park there at least during certain hours. Is that correct?

Mr. Maurer responded that it is.

Ms. Downey stated that you can have a red curb for no parking but she has never seen it painted on a curb that you can only park there for certain hours.

Mr. Maurer clarified that you can restrict the duration of parking on the curb but if it is a time of day, you will have to have a sign.

**Mayor Tanaka invited public comment but none was forthcoming.**

Councilmember Bailey thought the staff report was fairly comprehensive and educational for him. This request came on the heels of the Council's vote on the way finding sign program. He heard from people that they were surprised by that vote as they think we need fewer signs and not more signs. He asked the public for suggestions of signs that should be considered for removal. He highlighted some of the signs that were included in the list of suggestions he received. These suggestions came to him and definitely demonstrated an inconsistent application of our red curb policy, our sign policy and also just an abundance of signs. Based on the staff report, he still sees this as an opportunity to declutter our City streets where possible. Obviously a lot of the signs that are here are here for a reason and we are required to have them but for the signs that we are not actually required to have, he would like staff to work with the TOC in identifying the areas where we can reduce signs or eliminate some of the signs that Mr. Maurer was mentioning earlier in the presentation such as the tsunami warning signs. Perhaps reducing the number of bicycle route signs is possible as well given that you know you are in a bike lane because you are in it and can see it and you don't need a sign to alert you of that every 50 feet. If we aren't required to have one but every half mile, then perhaps we could consider doing that.

Ms. Downey read the report and is trying to understand. If Mr. Maurer had to come up with a number of signs that aren't either actually required by law or required if we want to implement a Coronado Municipal Code, what would that be? It appeared to her there were not that many that were not required in order to enforce certain laws either by the traffic manual or our own City codes.

Mr. Maurer agreed.

Ms. Downey mentioned that there are seven tsunami signs. Other than those seven, how many others, aside from way finding, could we possibly remove?

Mr. Maurer responded that all the warning signs could be removed but to do so would mean taking a legal risk.

Ms. Downey understands that would mean taking a legal risk because if something happens, the City could be sued which is why they are there. She will ask the City Attorney to talk about what happens when we do that. She isn't counting those.

Mr. Maurer believes there are nine total in the list that Mr. Bailey provided but that list wasn't all inclusive so there are probably more than those nine. On the red curb, he would agree that we don't apply red curb consistently and that is a choice.

Ms. Downey has heard Mr. Bailey use two different terms and she thinks they legally have two different meanings. There is a difference between marking a bike lane and marking a bike route. Bike lanes fall under the rules of the Uniform Motor Vehicle Code. A bike route doesn't necessarily. The signs that we are talking about that we could possibly remove because maybe we have too many of them or they are too close to each other are for which ones? Bike lane markings or bike route markings?

Mr. Maurer believes that would be bike route markings.

Mr. Bailey moved on to talk about the permanent parking signs. If you live next to North Island and you have all those signs in front of your property, one of the most common complaints he heard is that people want to maintain the protection of having resident-only parking but they don't necessarily want to see all those signs. If he can sit on a corner and clearly read six signs that all say the same thing, can't this be looked at? Is there a prescribed number of feet these have to be spaced apart?

Mr. Maurer believes Chief Froomin would be the better person to answer that question. Persons aren't necessarily looking at the sign until they see the open parking spot.

Mr. Bailey added that typically there are about three or four signs per block, depending on how long that block is. Is Mr. Maurer saying that we are already at the minimum requirement for the number of signs in those areas?

Mr. Maurer believes that is correct. The City wouldn't have put in any more signs than was absolutely necessary.

Ms. Downey asked the City Attorney to talk about the City wanting to enforce a law and the law says you have to have a marking every so many feet and if you don't have it you can't enforce it.

City Attorney Johanna Canlas agreed and said that is called due process. People need to be noticed as to what laws apply.

Ms. Downey commented that lawyers argue about 'shall' and 'will' but both of those mean you have to do it. That is what the law says and if you don't do it, you are in violation.

Ms. Canlas added that it is mandatory.

Ms. Downey went on to say that if we choose not to follow the mandatory recommendation then, if any accidents happen or if there is any personal property damage or any injuries, what is different for the City if we have chosen to ignore what the Uniform Motor Vehicle Code says.

Ms. Canlas responded that there are two things. There are two prongs in order for the City to actually have a dangerous condition. Usually that would be the allegation against the City. First, whether or not we have noticed that such a condition exists and, if so, what did we do about it. In

this particular case, the reason there is a sign is because we are made aware that there are certain conditions that necessitate certain care. Absent that sign, then there is notice that is being provided to the public of that condition. More likely than not, the City will face some liability based on the condition of the road or the surroundings.

Ms. Downey talked about something like the speed hump sign that was actually on Fifth to warn you that there is something on Pomona. We could move the sign maybe over to Pomona but there still have to be signs in advance of that otherwise we become liable for people messing up their transmission or something.

Ms. Canlas concurred.

Councilmember Woiwode asked if the warning of the speed hump sign is a warning sign rather than a regulatory sign.

Ms. Canlas agreed but said that the City is warning incoming traffic that there will be a speed hump so they should consider slowing down so that they won't have damage to their vehicle.

Mr. Woiwode thinks these warning signs make a lot of sense on a 50 or 60 mph road but they don't make any sense on 25 mph roads. The double arrow thing at the end of a block – how are you going to miss the fact that there is no street going on? Why do we need to put a sign there? If it is to keep lawyers away that is fine but it seems like an awful lot of this is about keeping lawyers away rather than common sense. He finds it frustrating every time we have this discussion because anything that would make sense to him fails the legal aspect.

Mr. Sandke is going to reserve comment as well as he doesn't want to make this take any longer than it has to.

Mayor Tanaka commented that, based on the staff report, he wouldn't touch any of the regulatory signs. He wouldn't touch any of the warning signs. He wouldn't touch any of the guide signs. He wouldn't touch the way finding signs as the City just bought and paid for them. That leaves us tsunami warnings and no vehicle sales. We asked for no vehicle sales because we had a problem with people trying to do their for sale parking so he thinks that is a success story. He voted for the tsunami thing. He didn't like it. He knew that the person requesting it wanted it and it is just as much his fault for agreeing to it then so he will say that he thinks it would be a disservice to the Councilmember who requested it if he immediately voted against it the second she is not here. While he doesn't find much value in the tsunami signs, he blames himself for voting for it in the first place. He was at the ceremony when we accepted NOAA's kudos so he thinks it would be unfair to that Councilmember and disingenuous if he had voted for it earlier and now he is just going to vote against it. He is not going to suggest that we add those signs. He doesn't see any signs that he is ready to get rid of on this list.

Mr. Bailey thinks that the general consensus from the public was to limit the number of signs to the greatest extent possible.

Mr. Woiwode talked about the number of signs on Third heading to North Island and the possibility that there are more signs than should be reasonably expected for drivers to process. Does this, in fact, add to the problem, and is there any metric for that? It seems to him that we do have a

requirement, even from a public safety standpoint, to look at ways to simplify things so that we are giving clear guidance to people and not just putting up signs because each individual one is so required. He is not sure how we progress in that regard other than to make that consideration when the TOC is looking at things. What else is the sign competing with?

Mayor Tanaka hates to say it but the Council took its shot. If there were signs right now that we could vote on, we are prepared for that but the list in front of him has basically limited things down to two sets of signs and he is not going to get rid of those. Also, if you serve on the Council long enough, you know that we all, to some extent, are responsible for a few of these signs. He doesn't want to spend more staff time unless we identify a new set of signs we want them to work on. The path forward is staff has marching orders that if it sees signs that seem superfluous, don't be shy about asking the Council to get rid of them.

Ms. Downey did mention at least two signs that were almost too faded to read and that certainly does not serve any purpose. If staff sees those, they could bring those up for normal replacement.

No action was taken. Direction was given to staff.

**11g. City Management's Approach, Principles, Applied Techniques and Timeline for Preparation and Implementation of the FY 2016-17 Financial Plan. Under Consent, the City Council received the report on the recommended approach and principles for preparing the FY 2016-17 financial plan.**

**11h. Review and Acceptance of the 2014 Annual Traffic Report. Under Consent, the City Council reviewed and accepted the 2014 Annual Traffic Report.**

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

**13. COMMUNICATIONS - WRITTEN:**

**13a. Consideration of Councilmember Bailey's Request to Agendize City Council Discussion to Amend Coronado Municipal Code Chapter 1.84 to Follow Fair Political Practices Commission (FPPC) Guidelines Regarding Forms of Political Contributions. Councilmember Bailey explained his request. This particular request speaks specifically to the forms of political contributions that the FPPC currently allows.**

Mayor Tanaka asked the City Attorney if she believes we are not following guidelines and that we are out of compliance with the FPPC.

City Attorney Johanna Canlas took the opportunity to educate the public and to remind the Council what her office's role is as it relates to Chapter 1.84, Campaign Regulations. Under the Code, her office is to defend and protect the constitutionality of our ordinance in its current form against the City and against the City Council if it is a party. Any violations or allegations of the campaign regulation goes to a special counsel. Under the Muni Code, her role is to protect and actually defend the current provisions in the Muni Code.

Mayor Tanaka asked if she has had to defend this code chapter recently.

Ms. Canlas has not had to defend this code chapter in the last five years that she has been here as the appointed City Attorney.

**Mayor Tanaka invited public comment.**

Harold Myers commented that this would change the requirement that campaign contributions be made only by check. Our campaign ordinance was enacted to prevent special interest groups from having an undue influence on our elections. You might think this would never happen in Coronado but it did in 1992. That is when a Political Action Committee was formed whose goal was to increase tourism and they tried to control our City Council by spending thousands of dollars to get a certain three candidates elected. It wasn't until months after the election that the Committee's financial shenanigans were revealed. That is when we decided we needed to strengthen our local campaign ordinance. This provision allows citizens to follow the money. It provides a clear audit trail of contributions and it prevents the laundering of contributions. Since the ordinance was enacted in 1994, it has proven to be effective. Our campaign ordinance is to be taken as a whole. You can't dismember a portion of it without impacting the rest of the ordinance. This year's campaign has already begun. Over \$12,000 has been raised in contributions. To change the rules now would be unfair to any other candidates that might consider running for election. Campaign financing is not a simple matter and it should not become an election campaign issue. He suggests that these two requests to tinker with our campaign regulations while the campaigns are ongoing be withdrawn until after the election.

Charles Crehore was really surprised to find out that Coronado requires contributions to political campaigns to be made by a personal check. He doesn't even use a checkbook. Everything he does is electronic. It is seriously antiquated. He can't think that there can't be enough safeguards through contributions that are made through PayPal or some other electronic form that would allow full accounting. He doesn't understand the necessity of it and it seems very outdated.

Carolyn Rogerson pays all her bills by check. She is a great fan of the Post Office. This has nothing to do with her personally but much to the chagrin of her son and others in her family that is the way she chooses to do it. She does realize that times have changed and to be inclusionary to a younger population who may or may not choose to seek out a check to make a contribution to anyone, these electronic transfers are leaving a paper trail of sorts. While she chooses not to use electronic transfers as much as possible, she thinks that we should include the younger population in some of these opportunities. We need to move along a little bit and eliminate cash donations where there is no paper trail but it certainly seems that an electronic transfer leaves a paper trail.

Councilmember Bailey thinks one of the speakers brought up some good points. The reasons we actually do have campaign finance laws is to provide traceability so that the public can know where money is coming from and who it is going to. That makes all the sense in the world. What is proposed today doesn't change any of that. It doesn't change the contribution limit. It does not change who the parties are that can actually contribute. It would still be limited to simply individuals just as our ordinance is written today. This item for consideration is not about advantaging one candidate over another. This is simply about clarifying language in our ordinance to allow our constituents the same opportunities to express their first amendment rights that they currently have in every other jurisdiction from the presidency on down to school boards. That is what this is about. Our ordinance, as it is currently written, is ambiguous. We do not define what check means. The FPPC, by following their guidelines, would allow us to define that. He asked

the Council to consider this so we can add some clarification around our ordinance language because he would hate to be in a situation where our constituents are forced to choose between supporting their candidates through a monetary contribution or potentially being in violation of our ambiguously written ordinance. Why would we ever want them to be subject to that question, especially when every other jurisdiction makes it explicitly clear that they also allow the same contribution methods they are allowed by the FPPC?

Councilmember Downey referred to the write up where Mr. Bailey points out six cities that he has determined follow FPPC guidelines. That means they let you use a credit card instead of a check. When he says that they follow the guidelines, is it to the point that they interpret donations may be made by credit card?

Mr. Bailey responded that the FPPC guidelines allow you to make a donation via credit card.

Ms. Downey went on to ask if the other cities that aren't listed in this county all allow credit cards. Are we the only city in San Diego County that doesn't allow credit cards?

Mr. Bailey explained that Coronado is the only jurisdiction he could find within California that does not explicitly allow for credit card contributions.

Ms. Downey asked the City Attorney if that seems consistent with her understanding.

Ms. Canlas has not taken the time to research this issue simply because it is the first of the two-prongs under the Council policy. If directed, she will take a look at it.

Mayor Tanaka is very happy with the ordinance the way it is written. Mr. Myers gave some history behind why the ordinance was written the way it was. He appreciates that. One of the things that is nice about the way the ordinance is written is that it very much provides transparency. Anyone who wants to go to the front of City Hall can look up and see every one of Mr. Bailey's donors. He has been in five different campaigns. In all five he has run his campaign himself and in all five he collected nothing but checks because that is what the ordinance requires. He has never complained in any of those races that he felt that there were people who wanted to support him and couldn't nor has he ever received a complaint from anyone who said he or she would have donated to his campaign but they don't use checks. He has not had a problem with this. What creates transparency is we are required to keep copies of all of those checks. He is not convinced that we have a problem. He also agrees with the timing issue. If we are in the middle of a campaign that may not be the best time for this. In the end, this request comes down to convenience versus transparency. He agrees it would be more convenient to let some people contribute by credit card but he doesn't agree that it would be more transparent. In the years that he has been involved in these campaigns, there are a lot of people who do not understand the rules. It is the candidate's job to know the rules. He doesn't want to make it easier for people to give Coronado candidates money online just by swiping things. A lot of the pain of being a candidate in Coronado is you have to collect a lot of information. You have to collect what the person's occupation is, what their address is and if they don't give you that information up front, you have to go track them down. The value of the homework is the transparency. He doesn't think he wants to move forward with this request. He would be more willing to consider this request if it spelled out what specifically, i.e., if it said we should change our ordinance to allow contributions by credit card. The request was not worded in that way.

Councilmember Sandke did some research and the State of New Jersey does allow credit card transactions as long as the campaign keeps the data. He is extremely swayed by Mr. Meyers' remarks about not having such a change occur in the middle of an election cycle. That is a showstopper for him in terms of acting immediately. He is also swayed, though, by the fact that he made a contribution by credit card to the City Attorney's race in the City of San Diego. The contemporary nature of our financial system is leading us in that direction. He is compelled to make sure that the sanctity of the transparency requirements that were set forth in 1994 would be the same things we would need to hang our hat on as we move forward. He is swayed by the argument that we need to get ourselves into the 21<sup>st</sup> century when it comes to contributions for our campaigns; however, he is not prepared at all to do it today or in the middle of the campaign cycle. He thinks that eventually there is a place for this in our system.

Councilmember Woiwode is not interested in putting on our agenda anything that goes into the engineering of the banking processes or the campaign contribution processes, all of which would take a great deal of time to do right. He doesn't want to see us consider any change to our campaign financing during an election. If the new Council wants to do that next year they will have time to be deliberate about it and look at all the options and look at all the consequences of each of the kinds of decisions we are talking about. He sees no reason to do that now. We all got elected on the basis of the current laws. It works. We shouldn't be changing in the middle of the election.

Mr. Bailey commented that Mayor Tanaka's statements seem to indicate that the public, if we somehow allowed credit card contributions, wouldn't be able to still continue to go to the City Clerk's office and ask to see the contributions report because somehow they would be hidden or wouldn't be as transparent. That is simply not true. Every other jurisdiction allows for credit card contributions and they still have reporting standards similar to what ours are today. That wouldn't change. Those reporting standards would remain intact. The same level of transparency we have today would remain intact. The reason he didn't specify exactly which contribution methods the City should follow is because he didn't want the City to end up in the exact same situation it is today ten years from now. By pegging the City's contribution ordinance to the FPPC, it is automatically updated with guidelines the FPPC deems acceptable. We can all agree that if every other jurisdiction is following them they are probably onto something. At the end of the day, this simply comes down to whether our constituents should be able to make contributions to candidates, exercise their first amendment right, the same way the constituents in every other jurisdiction can. It is a pretty simple answer. Why not? We use credit cards and debit cards and electronic checks for every other type of transaction. It is used widely throughout the rest of the country, widely throughout the rest of the world. Why wouldn't we do this? He can't see how it is a reasonable position not to go through with this but if the Council decides not to update our ordinance to follow the FPPC guidelines, he would ask the Council if it is this Council's intention to limit contributions to personal checks to change the ordinance to make that perfectly clear because right now it is not.

Mayor Tanaka commented that the ordinance says personal checks.

Mr. Bailey corrected that it does not say personal checks. It says 'check'. Our ordinance does not define check although it does define many other terms. When he asked the special prosecutor for a definition of check, she did not provide one. They advised him to consult with an outside attorney. He did so and, under fairly simple interpretation of check, credit cards fall under that, debit cards fall under that, electronic checks fall under that. At what point do we limit this. He is

simply asking for additional language around this so our constituents aren't left wondering whether they are going to be in violation of the law for simply making a contribution as they are allowed to in every other jurisdiction.

Mayor Tanaka said that his argument about credit cards is based on transparency. He isn't saying credit cards are antiquated. He isn't saying people shouldn't use them for commerce. He is saying that people shouldn't use them for Coronado politics. The reason why the rule was crafted about checks and the reason why the ordinance is clear that you cannot accept a check from a company or a corporation but it has to be from a personal account is because you can easily save the evidence. He doesn't agree with Mr. Bailey on the credit card part because it doesn't have an easily trapped piece of evidence and it is more burdensome to come up with things that validate who the person was that donated and how much and that it is done in a way where he doesn't have to take the candidate's word for it. The proof is printed properly and from a source. The evidence is the check. Mr. Bailey has not convinced him that we could as easily capture the evidence of a similar contribution via credit card.

Mr. Bailey thinks that if Mayor Tanaka would allow this item to be considered, he would be able to be easily convinced that it can because if it couldn't then no other jurisdiction would allow it.

Mayor Tanaka disagrees with that because money in Coronado campaigns is not that relevant. It might be at some point in the future but this has never been an issue in the past because Coronado elections are not really decided by who raises the most money. In fact, Mr. Myers has brought up the historical precedent that when people try to abuse power using money they usually lose. This rule was crafted specifically so that it would be clear when people want to throw their money around in Coronado races it will be very clear to tell who it is trying to throw that money around.

Mr. Bailey completely agrees with that; however, this ordinance was not crafted to limit how people can contribute in a way to discriminate against a huge section of our population. Most people his age never use a personal check. People aren't using checks. The reason this ordinance was created was to eliminate cash contributions and to increase transparency. He is not proposing to change any of that. He is simply proposing to allow contributions the same way every other jurisdiction does and to maintain the same amount of transparency we have today so people in his generation can actually contribute. Mr. Bailey asked if anyone on the Council would consider adding language to this ordinance to define 'check' as a personal check. He is just looking for clarification on the language.

Ms. Canlas read Ordinance 1.84.030(a), "It is unlawful to make or receive a monetary campaign contribution in any amount unless the contribution is by check."

Mayor Tanaka asked if there are other provisions that specify what you can and cannot do with regard to monetary contributions or political campaigns.

Ms. Canlas responded that the entire chapter 1.84 outlines the limitation on campaign contributions.

Mayor Tanaka appreciates Mr. Bailey's point of view but he does not believe our code is ambiguous or hard to understand. That's why he believes there haven't been any challenges to it

in many years. His point is granted that there may be a revolt of all the credit card people but he doesn't see them.

There was no vote taken due to lack of support.

**13b. Consideration of Councilmember Bailey's Request to Amend City Council Discussion to Amend Coronado Municipal Code Chapter 1.84.010 to Allow Political Fundraisers in the City of Coronado to Follow Government Code Section 82015.**  
Councilmember Bailey explained his request.

Mayor Tanaka asked the City Attorney to comment on this item.

City Attorney Johanna Canlas doesn't provide campaign advice but in review of the ordinance at issue and FPPC regulations, there are couple of points she wanted to make. It appears that, based on the request that was made, the concern is whether or not the fair market value is going to be part of the \$100 limit in Coronado. Our current ordinance says that our contribution definition falls under the state definition but for the hospitality at which point it is a \$100 limit. If you look at FPPC regulation 18215, it actually states that the fair market value is exclusive of the amount used for the expenses of the fundraising event. That section is consistent with state law that it is up to the amount of \$500, not counting contributions, not triggering the fair market value. Granted, the local ordinance is stricter and she would interpret our ordinance to say that fair market value of the host's costs is not triggering in excess of the \$100. Additionally, there is also another FPPC regulation that may be at play – 18942. Under the general exceptions for gift contribution and home hospitality is not considered a gift. Home hospitality is specifically defined as offering the home to a public official because of a personal relationship and not due to the official's position. If the person who is hosting the event is actually a personal friend that is exempt from the gift regulation and it also doesn't count toward the definition of contribution.

**Mayor Tanaka invited public comment.**

Harold Meyers commented that this regulation works well and it promotes grass roots campaign activity. In a nutshell, it is meant to permit volunteers to hold small, low cost, neighborhood coffees, meet and greets, and fundraisers in their homes. If \$100 or less is spent, the market value of the home is irrelevant and it is not counted as a contribution. The cost limitation is designed to prevent extravagant candidate receptions such as one that was held by a special interest group in 1992. In particular, Coronado has some fabulous mansions that people would pay just to tour. He came across a complete discussion of how this clause operates in an FPPC advice letter known as Olson I-15-065, dated 6/4/2015. A growing number of Coronado's residents are part-time residents. We need to ensure that those of us who are full-time residents and who make the City what it is are properly protected from outside special interest groups. We are a small town with less than 10,000 registered voters. You can walk the precinct. A Council candidate has no need for a large campaign chest. The way to put residents first is to keep the slick, professional, win at any cost campaign consultants out of our local politics.

Councilmember Bailey commented that this is, once again, a matter of clarifying some language in our ordinance. He doesn't like getting down into the weeds on this because he really does believe, as Mr. Meyers' stated, that this is a small town and should remain a small town but he does want to be in compliance with the letter of the law. There are some people he sees in the

audience that he knows are pretty big fans of wine and if they were to host a campaign function for one of us his guess is that we would probably surpass \$100 just in wine. That would trigger a whole bunch of other requirements. No one is proposing changing transparency. No one is proposing to change our campaign finance laws in any other way than to help all of us be compliant with the law. If any one of us has had someone host a function for us, there is a good chance we are already in violation, especially if it was in a multi-million dollar home, especially if there were servers. Why don't we take the opportunity to simply clean up that language? His preference would be to clean up the language so that we can all be assured that we are in compliance with the law.

Mayor Tanaka thinks we have been in compliance with the law. The last time there was a big scandal was the one Mr. Meyers referred to. The rules were tightened then and we haven't had complaints since. He thinks Mr. Bailey is perhaps interpreting the rules a little differently. He doesn't see a problem that needs to be fixed right now.

Councilmember Sandke was comforted by the remarks of the City Attorney. He is really happy that we are taking a small town approach. He is comfortable with the way the regulations are now on this particular issue.

Councilmember Woiwode commented that whether or not \$100 is right is something that can be decided and many other things maybe should be talked about but not now, not during an election.

There was no vote taken due to lack of support.

**13c. Consideration of Councilmember Sandke's Request to Agendize a Discussion to Amend the Coronado Municipal Code to Allow Leashed Dogs in Bay View Park.**  
Councilmember Sandke explained his request.

**Mayor Tanaka invited public comment.**

Michael Schmid really thinks it is time to let leashed dogs into Bay View Park.

Wayne Strickland totally supports this idea.

Mayor Tanaka doesn't see a big red flag to allowing leashed dogs into that particular park but he wanted to point out that, in general, the City of Coronado is pretty consistent about not allowing dogs in parks. As a dog owner, he has his own routines. He walks his dog in Tidelands Park. Tidelands Park does allow for dogs to be walked on a leash on pavement. His only concern with Mr. Sandke's request is it is all well and good to take one neighborhood and say this is what they want and give it to them but we have a lot of parks. He doesn't oppose moving forward with this and he doesn't oppose helping neighborhoods but he would either say that staff needs to, where applicable, give us what all of our parks are doing so that we have a chance to be as consistent as we want to be. Moving forward we can either say this park is unique and different and we will give them a unique set of rules or we may decide that is not appropriate and that maybe the rule is what it is for a reason and that we want to be consistent with other parks. He doesn't mind supporting the request but he thinks there is a bigger picture that needs to be considered along with it.

Mr. Sandke commented that the path he is following should more or less be very familiar to us because Centennial Park received this very same treatment not too long ago.

Mayor Tanaka pointed out that not all parks are created equal. That park is a little different in terms of the amount of paved space it has is limited and the amount of space it has is limited. He has also observed, as a dog owner, that the Council/City set rules and then people interpret them however they want. In any given week, he encounters any number of dogs that are entirely off leash in Tidelands Park. He will never, as a public official, say that should be our standard.

Councilmember Downey is willing to bring it back. She is glad Mr. Sandke got the list of signatures on it because her fear is the reason we went down this road years ago about not having dogs in the park is because the people wanted us to do that. She is willing to look at this. There may be a large number of citizens that want something but almost always there is an equally large number that didn't. If we did it in the past, there must have been a reason.

Councilmember Bailey commented that up until recently this has been an on-leash dog park. People have been taking their dogs there for a very long time although maybe technically in violation of the City laws. We haven't had any incidents there. He thinks it is a no brainer to bring this back.

Councilmember Woiwode had his dog down there a lot of times before he found out it wasn't legal. He is interested in seeing the Council take this up.

MSUC (Sandke/Downey) moved that the City Council grant this request.

AYES:	Bailey, Downey, Sandke, Woiwode, Tanaka
NAYS:	None
ABSTAINING:	None
ABSENT:	None

**13d. Consideration of Councilmember Bailey's Request to Agendize City Council Discussion Concerning Extending the Sidewalk on Ocean Drive to Include the Perimeter of Sunset Park that Borders Ocean Drive.** Councilmember Bailey explained his request.

Councilmember Downey is a big friend of sidewalks. There have been times when she thought there were great places to put them in town and then was reminded that there is a group of people that do not want sidewalks in town. That particular location is used for soccer, Pop Warner, lacrosse, etc. Would the loss of some of that yardage there be a problem for the playing of sports? Since it is a City park, she knows we do work with the school district but can someone tell her if there is any agreement as to holding athletic events there?

Mayor Tanaka asked Mr. Miller if he is aware of any problems that sidewalk would cause.

City Manager pointed out that in terms of the two-step process of the Council that is a question that could be answered in coming back to the Council if the Council wants to pursue this.

Mayor Tanaka asked the question in an off-the-top of his head way.

Roger Miller, Director of Golf and Recreation, understands that the sidewalk may come into play with some of the permitted activities that take place there.

**Mayor Tanaka invited public comment.**

Wayne Strickland walks his dog a lot and there are some streets that don't have sidewalks in the Country Club area and this particular street has a place where the sidewalk just ends and you are on the park. People who are walking their dogs tend to go right across the park. This is a safety thing. It will only take up four feet of space right next to the street. It is a convenience thing. People with mobility issues certainly would appreciate having a place where they can walk to the beach in a safe manner. This should have been done years ago.

Michael Schmid has been in that area with his wheelchair and it is very inconvenient. He really supports the sidewalk there and thinks it should be looked into.

Nancy Strickland also walks her dog there. You go there, you stop, and you have to cross the street. Cars coming around that corner and from Ocean Boulevard make that dangerous.

Mayor Tanaka is willing to consider this request.

Councilmember Downey is very willing to consider it. She asked if staff could talk about this being a lot of area and to provide input on options.

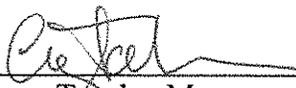
Mr. Bailey asked that staff reach out to the different organizations that use that field.

**MSUC (Bailey/Downey) moved that the City Council approve the request.**

<b>AYES:</b>	<b>Bailey, Downey, Sandke, Woiwode, Tanaka</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSTAINING:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

14. **ADJOURNMENT:** The Mayor adjourned the meeting at 5:49 p.m.

Approved: March 15, 2016

  
\_\_\_\_\_  
Casey Tanaka, Mayor  
City of Coronado

Attest:

  
\_\_\_\_\_  
Mary L. Clifford, CMC  
City Clerk