

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Police Facility – Emergency Operations Center
700 Orange Avenue
Coronado, CA 92118
Tuesday, April 20, 2004, 3:00 p.m.**

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

1. ROLL CALL:

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

Absent: None

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Marilyn Schaefer gave the invocation and Mayor Smisek led the invocation.

3. MINUTES: The minutes of the Regular Meeting of April 6, 2004, 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/Schmidt) moved that the City Council approve the minutes of the Regular Meeting of April 6, 2004, as submitted

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Captain David R. Landon Day. Mayor Smisek presented the Proclamation to Captain David Landon. Mayor Smisek commented that the City will not be losing Captain Landon. He will remain with the Navy in Coronado and will be living in Coronado. His

family is an integral part of the community. Captain Landon has handled his responsibilities as a true gentleman and a true Naval Officer. He has protected the Navy in all respects and done them justice, but he has also understood the City's needs and has worked cooperatively and as a joint partner in Coronado.

Captain Landon commented that the greatest satisfaction he has had in his position is the relationship, both professional and personal, that he has been able to develop with the Mayor, the City Council, City Manager and City staff. He appreciates the tremendous amount of support he has received for the Navy. Both sides have always worked hard to reach accommodations on all the hard points and in being able to do that, both Naval Base Coronado and the City of Coronado have been made a better place to live. Captain Landon presented Mayor Smisek with plaque of a piece of the Strand fencing.

4b. Proclamation: Officer Stephen Wall Day. Mayor Smisek presented the Proclamation to Officer Stephen Wall. Mayor Smisek commented that Officer Wall's service has been above and beyond the call of duty. He recently returned from the war in Iraq where he developed the policies and procedures for the new Iraqi police force.

Officer Wall thanked Council and the City administration for the support shown to him during this time. He thanked the Army as well.

Robert Hutton, Director of Police Services, thanked Officer Wall. He then introduced Officer Wall's wife, Jan Wall, and read a statement she prepared thanking the City for its support for their family during Steve's 13 month deployment in Iraq.

Russell Park, Army Reserve Ambassador for California, thanked Officer Wall and his wife for everything they have done.

The City Council went into recess for a cake reception for Captain Landon and Officer Wall at 3:17 p.m.

The City Council reconvened at 3:42 p.m.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a, b, c, and e, and Items 11c, and 11e. Item 5d was pulled from the Consent Calendar for discussion on costs.

MSUC (Tierney/Monroe) moved that the City Council approve the Consent Calendar Items 5a through 5e, and Items 11c – Consideration of Granting a Ten-Foot-Wide Utility Easement Along the Northerly Property Line of Sunset Park to Facilitate Undergrounding of Utilities on Portions of Ocean Drive, Alder Street and Coronado Avenue and 11e – Consideration of City Council Meeting Schedule for July and August 2004

Mayor Smisek disqualified himself from voting on Item 11c due to the location of his residence being near the project area.

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek
NAYS: None
ABSENT: Smisek, on Item 11c

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. 10035400 thru 10035662, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

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

5d. Recommendation from the Traffic Operations Committee Regarding the Installation of a Marked Crosswalk at the “Five Points” Intersection of Glorietta Boulevard, Pomona Avenue and Tenth Street as Part of an Amendment to the Suggested Safe Routes to School Program. (This item was removed from Consent Calendar for discussion on costs.) Due to budget constraints, the Coronado Unified School District discontinued bus service for students living south of the Village at the beginning of the 2003-2004 school year (bus service was reestablished as of December 5, 2003). This action resulted in many students walking or biking the Silver Strand bike path to get to and from school each day. Parents of the affected students raised concerns to the school district superintendent, Dr. Marilyn Wheeler, that there was no suggested Safe Routes to School (SR2S) for students living south of the Village. Dr. Wheeler contacted the Engineering Department to assist in developing an amendment to the existing suggested SR2S program.

A committee was formed to investigate the suggested safe route and consisted of representatives from CUSD, Engineering and Police Departments and a parent organization. The committee met several times and identified a suggested safe route for pedestrians/bicyclists traveling south of the Village. The suggested safe route is from the Five Points intersection to Tenth Street to A Avenue to the existing suggested safe route at Sixth Street.

The five points intersection, due to its unique geometry, is in need of pedestrian crossing route identification. The crosswalks on the north end of the intersection are currently marked across Pomona Avenue (north) and Glorietta Boulevard, but unmarked on the south end. This causes confusion to some southbound pedestrians who tend to cross at mid-intersection; this was observed on at least two occasions during a field visit. The installation of marked crosswalks on the south end of the intersection will reaffirm the preferred crossing route for northbound pedestrians exiting

from the bike path and will provide an obvious route designation for students served by the amended suggested SR2S program.

Councilmember Tanaka feels that the City should pay the full \$650 cost to pay for the installation of marked crosswalks and sign rather than sharing the cost equally the Coronado Unified School District.

City Manager Mark Ochendusko explained that the idea is to create a specific route to the school from that area of town and it would, in relation to SR2S, still remain the City's recommendation, given the number of students that are crossing there.

MSUC (Tanaka/Smisek) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL SUPPORTING THE INSTALLATION OF MARKED CROSSWALKS AT THE "FIVE-POINTS" INTERSECTION OF GLORIETTA BOULEVARD, POMONA AVENUE AND TENTH STREET. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7983; and further moved that the City pay the full \$650 cost to have the marked crosswalks and sign installed.

AYES: Monroe, Schmidt, Tanaka, Tierney and Smisek

NAYS: None

ABSENT: None

5e. Consideration of Award of the Slurry Seal Pavement Maintenance FY03-04 Project. Each year the City slurry seals approximately one-sixth of the City's streets in an effort to prolong the useful life of the existing asphalt. This year's project includes:

Antigua Court	Bahama Bend
Catspaw Cape	The Inlet
Blue Anchor Cay Road	Buccaneer Way
Spinnaker Way	Admiralty Cross
Green Turtle Road	The Point
Sandpiper Strand	Sixpence Way
Ginger Tree Lane	Half Moon Bend
Jamaica Village Road	Kingston Court
Coronado Cays Boulevard	Grand Caribe Causeway
Mardi Gras Road	Aruba Bend
Bridgetown Bend	Port Royale Road
St. Christopher Lane	St. Kitt's Way
Tobago Way	Port of Spain
Trinidad Bend	Half Penny Lane

The engineer's estimate for the project was \$115,000. Seven bids were submitted and opened on March 31, 2004 and the ranged from \$102,246.95 to \$138,107.25. There was a bid discrepancy in the tabulation of three of the contractors' bid proposal. As allowed under the contract

specifications, the unit prices for line items of work take precedent over tabulated sums in cases of discrepancy. The bid discrepancy did not change which firm was the lowest responsive bidder.

The City Council awarded a construction contract in the amount of \$102,246.05 to Bond Blacktop, Inc. for the Slurry Seal Pavement Maintenance FY 03-04 project with \$12,750 (rounded) for contingency, inspection and testing.

6. ORAL COMMUNICATIONS:

- a. **Page Harrington, Coronado Historical Association**, reported that CHA staff participated in the Coronado Flower Show where they had a booth representing CHA and the Visitor Center. CHA staff also met with the *Coronado Eagle and Journal* staff and gave them information as well as a tour of the research facility. Between April 1st and April 15th, 2072 visitors came to the Visitor Center and the Visitor Center volunteers gave more than 100 hours.
- b. **Toni Gaylord, Coronado MainStreet**, commented that President George W. Bush proclaimed this week National Volunteer Work. His theme this year is “Volunteer to Inspire” not just to inspire the people for whom you are volunteering but to inspire people with whom you volunteer. Ms. Gaylord thinks that this weekend in Coronado is the epitome of everything he wants people to do.
- c. **Councilmember Tierney**, expressed concerns he heard about complaints of Flower Show judging. He also would like to see the City, if at all possible, include the military housing areas in the City handouts.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS: None.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

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

11. CITY COUNCIL BUSINESS:

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

Councilmember Tierney went to Petco Park with Supervisor Cox for the initiative signature gathering. He also attended the Flower Show activities and thanked the Association for their work. He also acknowledged MainStreet and Captain Crook for their great job on the MotorCars event.

Councilmember Monroe attended a meeting of the Tunnel Action Team; will go with Mayor Smisek to carry the banner for the City back to Washington tomorrow; attended two SANDAG meetings (Transportation and Board); an MTS Board meeting; the League of California Cities dinner in Lemon Grove; with Liza Butler and Glen Schmidt of Schmidt Design Group who hosted a meeting with State Park group regarding the State park fence and entrance; and attended a SANDAG Borders Committee meeting.

Councilmember Tanaka attended the Flower Show where an excellent job was done by all, went to Motorcars on MainStreet, attended the opening game of the Padres. The water taxi worked out well. Mr. Tanaka also attended a meeting of the San Diego Bay Committee.

Councilmember Schmidt attended a Naval Complexes meeting and a Sewer Metro and Water meeting.

Mayor Smisek met the new Commanding Officer of Naval Base Coronado, Captain Tim Alexander; attended a Library Board meeting; the Flower Show, Motorcars on MainStreet, and the Book Fair events; the Naval Complexes meeting where truck traffic routes and hazardous waste routes were discussed; commented on the compromise solution for fencing behind the Country Club Estate area to mask industrial side of NASNI; met with the Hospital Board members on items that will be coming to Council regarding the future of the hospital.

11b. Final Approval of the Marble Column Design for the James Hubbell Fountain in the Linear Park of the Glorietta Bay Civic Center and Promenade. Tony Pena, Director of Community Development, began by saying that Council approved the overall design for this art piece, except for the marble column, on September 16, 2003. Today, along with the marble column, are some quotations for Council's review that are to be engraved on the art piece. These can be acted on separately or together. The Public Art Sub-Committee has been very involved with this project. Procedurally, it has been reviewed by everyone except the City's Design Review Commission. Mr. Hubbell is comfortable with the project as it stands today and Public Art is recommending approval.

Mayor Smisek commented that he does not feel that this is acceptable for a community center. He would like the project to go before Design Review with the thought that this is a community center of children and families that are going to be frequenting this and he is not sure that a sculpture of a semi nude woman is appropriate. He would like to see this reevaluated and sent to Design Review. Coronado is a relatively conservative town. Coronado is a non-controversial city. He cannot support this design.

Councilmember Tierney mentioned that all art engenders controversy. He feels that some are reading things into this. This is a piece of art. This community is not as conservative as a lot of people believe. This community is very diverse. He thinks that this piece of art is worthy and he does not see anything offensive.

Councilmember Monroe is interested in what some of the others have to say in the audience.

Councilmember Schmidt is a big admirer of Mr. Hubbell. She is hesitant because of the sculpture. There are people in this community who care a lot. There could be some controversy on this item and it may be offensive to some. She supports having Design Review look at this sculpture. This is an area where many children will view this art.

A. Weisal, 811 Pomona Avenue, sculptor, spoke in support of this project. Coronado is so lucky to have an art piece by Mr. Hubbell. This is something Coronado can call its own. There is nothing offensive, but he sees it as an uplifting, beautiful and positive part of this project, and a big asset to the City. He urged Council to find that this is a good thing for the City.

Doug St. Dennis, 710 Adella, agrees with A. Weisal 100%. There is nothing at all offensive about this column. It is abstract and evokes many images of the sea, one of them being, perhaps the form of a human female figure, but it doesn't jump right out at you. The material is carved white marble. The drawing shows every little nook and cranny in dark because that is where it will be carved. Nothing Jim Hubbell has ever done has been offensive in any way. The human figure has been a part of art as long as there has been art. If one starts picking away at an artist's work and changing things it will break the artist's heart and spirit. She urged Council to open their minds and approve it as it is.

Bob Kipperman, 1421 Sixth, feels that Coronado is very fortunate to have Mr. Hubbell doing a sculpture for the City. He asked Mayor Smisek if he would take his children to Balboa Park to see the museums there or to the Sistine Chapel. One percent of the community is offended at many things. Will a decision be made based on 1% of the population?

Mona Wilson, 61 Half Moon Bend, spoke against the sculpture. Mr. Hubbell is a fabulous artist. She loved the overall concept in the beginning. But now that she has seen the column she is so disappointed because she thinks it is sort of nebulous. She doesn't think it adds a thing to the sculpture over all. She doesn't want to take it apart or redesign it, but she thinks it is inappropriate.

Courtney McGowan, Public Art Subcommittee, agrees that the City is very lucky to have a well known sculptor create this for Coronado. It is abstract. When seen as white marble, it will not come across as it does on paper. This will be a draw in the community. Those who appreciate art and art history will be pleased.

Sue McNary, 151 Carob Way, is an artist who has worked with people and communities. She would like Council to consider that an artist such as Mr. Hubbell is known the world over and well loved. Give them the respect that they deserve. They are creative. Art is controversial.

Blossom Sanger, 545 First Street, thinks that it is very important to realize that one is not seeing the three dimensional sculpture. The flat version is an unfair means by which to judge the sweeping aspect of the sculpture. She can't imagine having ever seen anything done by Mr. Hubbell that is offensive. He is well known and a superb sculptor. The City should grab this opportunity.

Linda Stanton, 855 C Avenue, urged Council to accept this wonderful sculpture. She thinks it completes the piece. It is organic. The whole art piece is meant to be enjoyed many times and in many different environments in the same place. This is something that, because it is so simple and so complex, people will see something different in it every time the site is visited and the sculpture is seen. Please accept this. Coronado and the City Hall building will be better off with it.

Councilmember Tanaka admitted that when he first took a look at it he didn't find anything provocative about it. Upon further examination he understands why some may think so. He thinks it is important to take this particular piece of art and to look at it in the broader context. The white marble will not be as clear as the drawing depicts. The idea is that Mr. Hubbell wants this part of the artwork to be mysterious or elusive or a little enigmatic. When that is considered and it is looked at in its whole he really doesn't think it is provocative. He thinks it does what it is supposed to do. He thinks the community will accept it. He is not opposed to review by Design Review but realistically, he thinks they will accept it and send it back. Councilmember Tanaka supports the project as it is.

Councilmember Monroe extended his sympathies to Mr. Hubbell for the devastation to his home from the fires. He appreciated the theory of life Mr. Hubbell explained on a KPBS interview recently. There is something offensive to some. If it is all white marble, Mr. Monroe thinks it will be good. He appreciates the comments of the other people. Mr. Monroe sees no reason to send it to Design Review. He will vote in favor of the project.

MSC (Tanaka/Monroe) moved that the City Council approve the design of the marble column as designed by James Hubbell and the adoption of the engraved quotes

Jim Hubbell, sculptor, began by saying that it was his mistake to draw the sculpture the way he did. In white marble the forms will almost disappear. Without the column, it wouldn't work with the shell portion of the artwork. It has a number of layers. The column is central to the piece. The column is the human portion of it. He would be very sad if this sculpture is changed.

Ms. Schmidt admires Mr. Hubbell and his work very much. She can count votes, but she does not want a split vote.

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

11c. Consideration of Granting a Ten-Foot-Wide Utility Easement Along the Northerly Property Line of Sunset Park to Facilitate Undergrounding of Utilities on Portions of Ocean Drive, Alder Street and Coronado Avenue. Under SDG&E's Rule 20B, the utility will replace its existing overhead electric facilities with underground electric facilities along public streets and roads or other locations mutually agreed upon when the applicant (John O'Brien) meets certain conditions.

The granting of a ten-foot utility easement along the northerly property line of Sunset Park will facilitate the proposed 20B conversion. The eight affected property owners have all agreed to have their private property converted to underground service. The conversion will eliminate approximately four utility poles, three stub poles and guy wire anchors, and replace three wooden pole street lights with SDG&E standard exposed aggregate concrete street lights. **Under Consent, the City Council granted a ten-foot-wide easement along the northerly property line of Sunset**

Park and authorized the City Manager to sign the easement document, with the following conditions:

- **All existing services that are currently supplied from the overhead lines will be converted to underground service at no cost to the City. This includes, but is not limited to the irrigation system, controller, weather station and the payphone near the cul-de-sac on Ocean Boulevard.**
- **At no cost to the City, Sunset Park shall be restored to its current condition, including repairs to all sprinklers and irrigation lines (the City does not have as-builts of the existing lines), restoration of turf and, to the extent practicable, removal of all vaults, transformers, etc., which are undesirable in a park setting.**
- **Coordinate with the City during installation to minimize impact to park activities during construction.**
- **That SDG&E add the following indemnification language to the easement document:**

In consideration for the easement granted herein, Grantee, its successors and assigns, and each of them, hereby covenant and agree to indemnify and hold harmless the City of Coronado and its elected and appointed officers, officials, employees, agents, volunteers, successors and assigns (the "Indemnities"), from and against any and all claims, demands, defense costs, liability or consequential damages of any kind or nature (the "Claims") arising directly or indirectly out of the negligent or willful acts or omissions of Grantee, its directors, employees, agents, successors and assigns, in the use of the easement granted herein, whether active or passive, save and except the sole active negligence or sole willful misconduct of the Indemnities, or any of them. This indemnification and hold harmless obligation shall survive the termination of the easement granted herein, but shall only apply to Claims arising out of an occurrence during the term of this easement.

Mayor Smisek disqualified himself from consideration and voting on this item due to a conflict of interest in that his residence is near the project area.

11d. Authorization to Provide Funds for Glorietta Bay Master Plan Project Budget to Cover Contract Costs Associated with the Project. The City Council awarded a contract to PCL Construction on January 20, 2004. The bid award was for \$28,298,425 which, together with other components of the project, was greater than the amount of the previously approved budget by \$2,731,739. Staff indicated that they would evaluate the budget and return at a later meeting with a recommendation on how to fund the additional costs.

The following chart displays the revised sources and uses of the project budget:

<u>Phase 1A and 1B previously contracted</u>	<u>Current contract amount</u>	<u>Approved budget</u>	<u>Variance</u>
City Hall, Community Center, Pool Replace, Linear Park, SR 75 Bikeway (w/o FF&E)			
<i>Confirmed contract cost</i>	29,890,357	27,439,518	(2,450,839)

<u>Cost Items that are not yet bid</u>	<u>Current estimate</u>	<u>Approved budget</u>	<u>Variance</u>
Community Center FF&E	514,945	303,018	(211,927)
City Hall FF&E	499,163	383,822	(115,341)
Boathouse & Clubroom, incl FF&E	616,438	662,806	46,368
Yacht Club Promenade	2,530,000	2,530,000	-
Subtotal	34,050,903	31,319,164	(280,900)

<u>Funding Sources</u>	<u>Funds Available</u>	<u>Approved Budget</u>	<u>Variance</u>
General Fund	269,808	269,808	-
CDA (including bond proceeds)	20,743,933	20,743,933	-
Port District	9,931,025	9,931,025	-
State Grants	306,000	224,398	81,602
TDA Bikeway Funds	-	150,000	(150,000)
Subtotal	31,250,766	31,319,164	(68,398)

Total Appropriation Request	\$2,800,137
Additional Funds available from State Grants	81,602
Total Additional CDA Contribution	2,718,535

Currently, sufficient funds have been appropriated to cover the PCL contract. The balance of funds will be needed when the City awards the contract for the furniture, fixtures and equipment, the Boathouse/Clubroom phase, and the Yacht Club Promenade. By that time, the City expects to know the balance of CDA tax increment available for City projects and the expected proceeds from the next CDA bond issue. Analysis of these CDA resources will determine whether a loan from the General Fund is needed. There will be sufficient general funds available if a loan is necessary. The CDA will need to take a separate action to authorize the additional funding to the project at the time it approves its FY 2004-05 budget. **Under Consent, the City Council approved the proposed plan for funding \$2.8 million of project costs. The City Council directed that the FY 2004-05 Capital Improvement Program reflect the approved funding plan.**

11e. Consideration of City Council Meeting Schedule for July and August 2004.

The regular City Council meeting dates during the summer months are July 6, July 20, August 3, and August 17. In the past, the City Council has canceled one or two of their regularly scheduled Council meetings in July and August due to summer and vacation plans. **Under Consent, the City Council canceled the City Council meetings of July 20 and August 17, 2004.**

12. CITY ATTORNEY: No report.

13. **COMMUNICATIONS - WRITTEN:** None.

14. **CLOSED SESSION:**

14a. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
One potential case – Bryan Case.

The City Council adjourned into Closed Session at 4:33 p.m.

The City Council adjourned from closed session at 5:08 p.m. and the Mayor reported that there was no action taken.

15. **ADJOURNMENT:** The meeting was adjourned at 5:09 p.m.

Approved:

Tom Smisek, Mayor

Attest:

L. Diane Shea, CMC
City Clerk