MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, April 4, 2006

Mayor Smisek called the meeting to order at 3:19 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, Christ Episcopal Church, provided the invocation and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: The minutes of the Regular Meeting of March 21, 2006, 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 **(Downey/Monroe) moved that the City Council approve the minutes of the Regular Meeting of March 21, 2006, as submitted.**

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

4. CEREMONIAL PRESENTATIONS:

4a. Presentation of Historic Preservation Plaques to Property Owners with Historically Designated Structures. Gerry MacCartee and Susan Keith, representing the Historic Resource Commission, presented the plaques to homeowners:

Steven and Charlene Rose, 1704 Visalia Row
Ms. Ana Lucia Pennoyer, 1710 Visalia Row
Matt & Deni Herron, 1718 Visalia Row
Trant Manor LLC, 1401 Ynez Place
Mrs. Celia Rennie, 300 Ninth Street
Shaw Wagener & Deborah Heitz (Violet Wagener), 1156 Isabella Avenue
Phillip & Joannie Hunsaker, 1306 Sixth Street
Dennis & Holly Nappen, 1033 Adella Avenue
Gary Solomon & Irene Castaldo, 975 B Avenue
Wes & Charlotte Harris, 575 A Avenue
Coronado Library Spreckels Building, 640 Orange Avenue
Tom & Evie Meadows, 738 B Avenue
Gerald & Clarice Laughlin, 600 A Avenue
Mark & Apua Garbutt, 576 E Avenue
David & Carol Warren, 566 B Avenue
Mr. Marc Zimmerman, 1111 Flora Avenue
William & Susan Piper, 930 I Avenue
Mr. & Mrs. Montalbano, 541 Ocean Boulevard
Scott Helmers & Robin Wood, 744 B Avenue
Ken Storum, 561 C Avenue
James Treadwell, 824 E Avenue

4b. Proclamation: National Telecommunicator Week. Mayor Smisek presented the proclamation to Police Chief Paul Crook who recognized Dispatchers Oceana Trujillo, Michelle Wheeler, Barbara Starr, Tina Trainor, and Division Commander Mike Lawton.

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

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

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 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. 10049649 thru 10050071 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 Opticom Emergency Vehicle Preemption System Tenth Street Modification. The EM Opticom Priority Control System is widely used in San Diego County. The use of the system countywide provides interoperability when responding to other jurisdictions under mutual aid agreements. The Opticom System consists of a vehicle-mounted emitter, a detector mounted adjacent to the traffic signal and a phase selector and software installed in the signal control cabinet. The system processes a green light for the authorized vehicle and red lights for all other vehicles approaching the intersection. Eight fire vehicles, ten police vehicles and four police motorcycles have been outfitted with emitters. Upon completion of installation of the original Opticom system, Coronado emergency service personnel noted problems with activation of the system when traveling northbound on Orange Avenue at Tenth Street. Engineering staff, with the assistance of the original Opticom installers, J & J, Inc., studied the problem and determined that traffic backup prohibited northbound emergency vehicles from activating the system due to the curvature of Orange Avenue and the subsequent loss of the line-of-sight window necessary for activation of the Opticom receiver at Tenth Street. Staff proceeded with design of a permanent modification to the Opticom system at Tenth Street. This modification consisted of installing a new utility pole with Opticom receiver, transmitter and control box in the parking meter median of the 1000 block of Isabella Avenue. This new Opticom receiving point allows emergency vehicles to activate the Tenth Street Opticom system from a point significantly south of the Tenth Street intersection. A contract price of $5,535.20 was negotiated with J & J, Inc. to provide, install and test the equipment necessary to complete the system modifications.

J & J, Inc. was issued a Notice to Proceed on March 6, 2006. The project was completed in accordance with the project plans and specifications on March 31, 2006. **The city council accepted the Opticom Emergency Vehicle Preemption System Tenth Street Modification project and directed the City Clerk to file a Notice of Completion.**

5d. Adoption of a Resolution Supporting the Sexual Predator Punishment and Control Act of 2006 Also Known as Jessica's Law. Sex offenders have a dramatically higher recidivism rate for their crimes than other violent felons and the relocating of sexual offenders into any community, including Coronado, is a real concern.

Jessica's Law creates tougher mandatory sentencing of child molesters, requires mandatory Global Positioning System (GPS) tracking for registered sex offenders, and allows local governments to create additional Predator-Free Zones to keep registered offenders from living near places where children congregate. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO SUPPORTING THE SEXUAL PREDATOR PUNISHMENT AND CONTROL ACT OF 2006, ALSO KNOWN AS JESSICA'S LAW. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8135.**

5e. Report on the Status of the Glorietta Bay Civic Center and Promenade Request for Additional Funding. The Phase 1-B general construction contract was let for $25.9 million dollars. The City experienced $3.8 million in change orders to the original general

contract over the life of the project. The major factors contributing to these changes were electrical and structural additions or modifications. These post-construction items were necessary modifications that became apparent only *after* the buildings were completed and occupied. For example, a number of modifications, totaling approximately $50,000 in cost, were needed to mitigate the unanticipated noise generated by the buildings' mechanical equipment. Other post-construction items include light attenuation and audiovisual improvements. At this time the project is essentially complete. A total of $700,000 is needed to close out the project which includes a modest contingency of $38,000 to cover any remaining unforeseen costs as well as contract expenses. A summary of the additional funding requested is:

Construction Expenses Beyond Budget	$532,921
Other Post-Construction Items	129,349
Contingency	37,730
Funding Necessary to Complete Project	$700,000

The City Council received the report and authorized $700,000 of additional funding to complete Phase 1-B and to provide other post-construction costs.

6. ORAL COMMUNICATIONS:

a. **Louise Shirey, 825 Guadalupe, PAWS member,** spoke about the location for the animal control facility.
b. **Bill Hiscock, 416 Glorietta Boulevard, Lawn Bowling Association,** spoke against the use of the lawn bowling green for an animal control facility.
c. **Janice Szumowski, 946 D Avenue,** asked for resolution of the location of the permanent and temporary animal care facilities.
d. **Joe Ditler, Executive Director, Coronado Historical Association,** provided the monthly report for the Visitor Center from March.
e. **Ginny Weeks, 1527 First Street,** commented on parking problems on First Street.
f. **John Orlowski, 421 D Avenue,** read a written statement regarding affordable housing and the City's responsibilities. He added that the animal care facility should not be built on the lawn bowling green.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS:

8a. Public Hearing to Adopt Resolutions Approving the 2007 Through 2011 Regional Transportation Improvement Program of Projects (RTIP) and TransNet Program of Projects. Jim Benson, Director of Engineering and Project Development, explained that this public hearing is a required format for the periodic updates to the Regional Transportation Improvement Program (RTIP). It is also part of the TransNet, the regional sales tax, requirements to update that program as well. The Council is considering the 2007-2011 fiscal year programs that SANDAG is updating currently. It is very similar to what the City has

done in the past and is consistent with the existing and updated CIP program that will be presented to the Council later this year.

Mayor Smisek opened the public hearing and seeing no one wishing to speak, the public hearing was closed.

Councilmember Tierney said he would make the motion to approve this item but he would not be supporting the staff report item designated "Attachment A, MPO ID: COR05, SR 75 North Island Access Tunnel." He disapproved of the use of funds for this project and referred to his previous stand on the issue.

MSUC **(Downey/Tanaka) moved that the City Council adopt A RESOLUTION OF THE CITY OF CORONADO ADOPTING THE 2007 THROUGH 2011 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM OF PROJECTS (RTIP) and A RESOLUTION OF THE CITY OF CORONADO ADOPTING THE *TRANSNET* LOCAL STREET AND ROAD PROGRAM OF PROJECTS FOR FISCAL YEARS 2007 THROUGH 2011. The Resolutions were read by Title, the reading in their entirety unanimously waived and adopted by Council as RESOLUTION NO. 8133 and RESOLUTION NO. 8134.**

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

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities. Port Commissioner Robert Spane announced that the Symphony on the Bay schedule was approved for the summer. As the concerts always result in noise complaints, this year there will be a noise hotline number to call – 619 686-6570. He advised that Coronado will be the recipient of a public art project, an urban tree provided by the NASCO Pipefitters, to be located on the Ferry Landing property. He informed the City Council that the Transbay sewer pipe project will be on the Port's agenda next month, as will be the Glorietta Boulevard project for $85,000.

11. CITY COUNCIL BUSINESS:

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

Councilmember Downey said she filled in for Mayor Smisek at the Miss Coronado pageant, attended the groundbreaking at Trant Manor and the CSF Telethon, and met with the School District, Mayor Smisek and the City Manager. She attended a briefing from representatives from

the literacy foundation who are taping service members reading books to their children, and the Junior Women's Club Diamonds and Dice fundraiser at the Nautilus Room.

Councilmember Tierney attended the School Foundation fundraiser, the CSF Telethon, a South County EDC meeting with Mr. Monroe, and was in Los Angeles as the League Representative to the Taxation Committee. As the Metro Wastewater representative he has also been assigned to the Public Utilities Advisory Committee. As part of that, he was asked to join the Audit Committee that is working with the PUAC to look at some audit items pertaining to wastewater management.

Councilmember Tanaka spent three days at Sacred Heart to participate in their reaccredidation process, attended the CSF Telethon, the Military Ball, two CIP subcommittee meetings regarding the Marina building, and chaired an HCFA fire dispatch meeting. He said he acted as Mayor Pro-tem for the 1906 Lodge ground breaking and to welcome a company to town that was staying at the Hotel Del. He also attended the South Bay Mayors meeting, and met with Bill Hiscock of the Lawn Bowling Society.

Councilmember Monroe reported on a Metropolitan Transit System Board meeting where the Comprehensive Operational Analysis was passed, attendance at a Coronado Cays Homeowners' Association meeting, a SANDAG Board meeting, a Borders Committee meeting, the 1906 Lodge groundbreaking, the CSF Telethon, the Bi-National meeting of the SCEDC with Councilmember Tierney, and a meeting of the SCEDC.

Mayor Smisek reported that he had met with the School Board subcommittee with Councilmember Downey, Bill Seeger, Kathy Vienna, Scott Buxbaum and Sue Coyle. Dave Blumenthal facilitated the meeting and the City Manager was the main presenter. He met with Tom Stickel and attended a meeting where the Airport Commission Chair, Joe Craver, made a presentation about the airport selection process at the University Club and discussed primarily military options. He attended the CIP subcommittee meetings with Councilmember Tanaka on the Marina building, the MainStreet Board meeting, and a meeting with the Chamber representatives Karen Finch, Phil Hammett and Dave Gillingham.

11b. <u>San Diego Association of Governments' (SANDAG) Presentation on the Draft "Smart Growth Concept Map."</u> Ed Kleeman, Senior Planner, Engineering and Project Development, provided the introduction on this item. In July 2004, the SANDAG Board of Directors adopted the Regional Comprehensive Plan (RCP) for the San Diego region. That plan has focused on ways of addressing expected growth in the region and trying to focus it in existing urban areas. To do this, SANDAG is trying to encourage Smart Growth. He introduced Caroleena Gregor of SANDAG to describe the program.

Caroleena Gregor, SANDAG, Senior Regional Planner, gave a PowerPoint presentation to Council and the public. She provided background information on Smart Growth and explained how SANDAG hopes to implement the plan going forward. She encouraged the Council and the public to attend one of the upcoming workshops in their sub region.

Councilmember Downey highly encouraged everyone who is interested in finding out about this in the other communities to get involved.

Councilmember Tierney thinks the plan and concepts are outstanding. He is worried about some of Sacramento's people in the State legislature who are coming up with plans of their own that could severely impact the regional plans. He hopes that SANDAG is keeping track of this.

Councilmember Monroe said it's important to note that because Coronado has Smart Growth areas, it is eligible to compete for funds for some of the projects. In Sacramento they have just released the 'report' on SANDAG. The Office of Legislative Affairs was tasked, after two years, to see how the consolidation went, how SANDAG is working and how it is working with MTS and North County transit. There is an undercurrent of that report that says that SANDAG doesn't have enough authority to make regional decisions. He encouraged staff to study this report and perhaps come back to brief the Council. SANDAG has a lot of things it wants to do, but they have to be consensus building.

Ms. Gregor added that this is a policy issue. When the consolidation began the regional form of governance was an issue that was addressed. The consensus that they came to in the region and the bill that was passed represents the fact that the local city council and mayor are the basis for the SANDAG Board of Directors. One of the commitments in moving forward with that legislation was that they would produce a Regional Comprehensive Plan and that the body would then be able to implement that plan.

The City Council received the report.

11c. <u>Consideration of the Oversized and Non-Motorized Vehicle Working Group's Recommendation and Introduction of an Ordinance of the City of Coronado to Amend Sections 56.01.030, 56.30.200 and 56.30.210 of the Coronado Municipal Code Regarding Parking Penalties and Parking Restrictions of Oversized and Non-Motorized Vehicles (Including Recreational Vehicles).</u> Director of Police Services Paul Crook introduced Miles Harvey and Jeff Allison, members of the committee, and provided an overview of the recommendation.

Councilmember Tanaka asked Mr. Harvey about classes of motor homes, referring to a previous Council meeting. He asked if the twenty foot length is enough. Mr. Harvey responded that he thinks that anything beyond twenty feet will be a pretty good sized motor home that could be impacted by this ordinance.

Libby Buchanan, 401 Seventh Street, went over some of the requirements. She believes that 24 hours is not enough time to load and unload a motor home. She said could agree to anything over 72 hours. She wants a permit to park her RV in front of her own house. A Class B is more like a large van. A Class C looks like a van with a hood over the top of them. Those run from 18 to 31 feet. To be punished because of the people who shuffle their motor homes around is not fair.

Mr. Tanaka commented that he would be willing to suggest that both permits go to 48 hours. That would give the people twice as much time and it would keep the permits consistent.

MSUC (Tanaka/Downey) moved that the City Council introduced AN ORDINANCE OF THE CITY OF CORONADO AMENDING

CHAPTER 56.01 AND 56.30 OF TITLE 56 OF THE CORONADO MUNICIPAL CODE ADDRESSING VIOLATION PENALTIES AND PARKING RESTRICTIONS OF OVERSIZED AND NON-MOTORIZED VEHICLES. The Ordinance was read by Title, the reading in its entirety unanimously waived and placed by the City Council on FIRST READING. The only change is that both permits go to a 48 hour time period.

Councilmember Monroe responded to the speaker's comment that she parks the motor home in front of her house. He said that degrades the entire street and it impacts everyone else who lives on the block. He commended the committee for working this so hard.

Councilmember Tierney said he appreciated that staff culled out the commercial portion of the ordinance because it was confusing.

Mayor Smisek read the title of the ordinance being introduced.

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

11d. Approval of the General Concepts for the Agreement for Tennis Professional Services Between the City of Coronado and Philip D. Hopkins. Mark Ochenduszko, City Manager, provided background information on this item. In September the City Council considered the performance of the tennis professional and received input from the public and also an evaluation from a Committee established by the City Council to provide that evaluation. After hearing that input from the Committee and the testimony of the community, the City Council directed the City Manager to come back with a contract for tennis services with Phil Hopkins that reflected that he would be the head tennis professional in the City, that he would be the face of tennis in Coronado and that he not provide maintenance services of the tennis facilities in Coronado. Linda Rahn, Director of Recreation, and Mr. Ochenduszko met with Mr. Hopkins to put together some concepts for providing tennis professional services in the future. The staff report identifies these concepts. If the Council approves of the concepts, staff will then seek Council direction in moving forward to put together an agreement that would finalize this. Since that time there has been further discussion at the request of Councilmember Monroe, both with Mr. Monroe and Mr. Hopkins and with members of the Coronado Tennis Association (CTA) who asked for some modifications to that agreement. As late as 1:30 this afternoon, in telephone conversations with Mr. Hopkins, some further modifications were made and placed on the dais in front of each Council member. Those would amend the recommendations made in the staff report. He believes that the parties have arrived at a very delicate middle ground to continue to move forward with tennis services.

Linda Rahn, Director of Recreation, provided the key components of how the proposal looks now with the amendments included. The head professional will be Phil Hopkins. Mr. Hopkins will retain 100% of the gross tennis center revenues. The head pro will coordinate the work of other tennis professionals who will work with him as independent contractors. These tennis pros will meet predetermined qualifications and requirements, including things like USPTA or

USPTR ratings, insurance, background checks and so forth. The tennis pros will be selected by a committee of the head pro and the Director of Recreation or a designee. The head pro will be permitted to retain his current assistant pro tennis staff. The head pro will pay tennis pros 75% of the revenue from private and group lesson fees. 25% will be retained to defray the costs associated with the operation of the Pro Shop and other services. All prequalified tennis pros may be permitted to teach at the Tennis Center courts, as well as outlying City courts. The CTA will have pros of their own selection that will work for the CTA. These will be independent contractors that the Tennis Association contracts with. The CTA will be authorized to select one or more tennis pros to provide lessons to CTA members only. These pros will not be in the employ of Phil Hopkins and may provide lessons for as many as 20 hours a week. Phil Hopkins will not receive a portion of the income of these tennis pros. The CTA pros will have priority use of Court 8. They will be limited to teaching lessons on that court only. The CTA pros will charge the same rates as Phil Hopkins. They may not charge rates that are higher or lower. The head pro may employ individuals as required to staff and operate the Pro Shop or otherwise assist the head pro in providing tennis services. All such employees must be hired according to state and federal employment law and practices including FLSA regulations. All volunteers, employees, independent contractors providing any service or assistance to the head pro or the city must be screened and cleared prior to commencing work or providing service. The CTA pros will also have to meet these same background clearance requirements. A pro working as an independent contractor must have a current City of Coronado business license and provide evidence of liability insurance, listing the City and the head pro as additional insured. Also, the head pro as well as the CTA will need to provide to the City a copy of the contract between themselves and independent contractors. The head pro will also provide evidence of Worker's Compensation insurance and the filing of state and federal withholding taxes for all employees. Programs will be determined cooperatively between the head pro, the Director of Recreation or designee, and an assigned member of the CTA. The Director of Recreation will assign responsibilities for program implementation. The CTA may continue to organize and coordinate leagues, tournaments, social events and clinics. The CTA tennis program will not be the City's tennis program and will not be promoted by the City. The CTA will be responsible for promoting their programs. Scheduling will be done by the Recreation Services department. That includes programs, group and private lessons, tournaments, leagues, events, etc. The Recreation Department will be responsible for posting the court use. Scheduling will allow for a minimum of one court at each location to remain open for drop in use by the public. The exception to that is if there is a special event or a tournament that is posted in advance. The head professional will have priority use of one court at all times at the Coronado Tennis Center. The head professional will also have one court designated at the Cays courts for use by the assistant pros of the head professional. The CTA will have priority use of Court 8 at the Tennis Center. Court 8 is one of the lighted courts. The head pro will have the same use that he currently has at the courts for afternoons, summer clinics, workshops and lessons. The CTA also has quite a bit of use for leagues and clinics. That use will be maintained as it is. The scheduling wizard will work out all of those schedule and programs as they exist and grow. The Recreation Department will be responsible for the maintenance and custodial servicing of the courts and the Tennis Center. The Recreation Department will open and close the restrooms at the Tennis Center. A maximum for resident private lessons has been set at $50/hour. Nonresident private lessons are capped at $60/hour. That is as it exists now. The head pro will be responsible for the operations of the Pro Shop. The Shop will be open a minimum of 35 hours per week, including a minimum of 4 hours on Saturday and Sunday through the winter months and a minimum of 50 hours per week during summer months. The posted hours of the shop will be adhered to. The shop will be staffed

always with at least one person, separate from the pro teaching on the courts whenever it is opened for business. At such time as the Tennis Center building is replaced or refurbished the City will assess the feasibility of a larger shop space and a separate tennis office and whether the Pro Shop, other than racquet services, should be a separate concession from the services provided by the head pro. An accounting system will be set up per specifications established by the Director of Administrative Services. The recommended term of this agreement is for five years and would include a 90-day, no cause termination by either party. Staff expects it could have a contract in place to begin June 1.

Ms. Rahn reviewed the amendments that were made as of 1:30 pm this afternoon. There is no percentage pay back to the City. Phil Hopkins will retain all revenues that are generated at the Tennis Center. The CTA is authorized to select one or more tennis pros that will provide lessons to CTA members only. This pro will not be in the employ of Phil Hopkins and may provide lessons for as many as 20 hours per week. Phil Hopkins will not receive a percentage of the income from these pros employed by the CTA. The CTA will have priority use of Court 8 and the pro selected by the CTA will be limited to using this court for lessons. The CTA tennis pros will charge the same rates as Phil Hopkins. Phil Hopkins may maintain his current schedule of programs and the court use that has currently been allocated to him. The CTA tennis program will not be the City's tennis program and will not be promoted by the City. Phil Hopkins will be permitted to retain his current assistant pro tennis staff. The CTA will not be participating in the selection of the assistant pros selected by the tennis pro and the Recreation Director.

Mayor Smisek commented that it was an outstanding effort to come to this agreement.

Councilmember Tierney referred to page 96 of the agenda packet, the first paragraph. He said he would feel more comfortable if the float was a step down deduction over a short period of time such as eight months or a year so that the City would have that money up front in its own coffers and this amount would not be deducted from any final payment that occurs if the agreement with Mr. Hopkins is terminated.

Ms. Rahn explained that, initially, when the concepts were set up as shown in the staff report, Mr. Hopkins was going to be responsible for collecting all of the money, paying all of the pros. Mr. Hopkins was going to be depositing all funds to the City and the City would be returning Mr. Hopkins percentage to him. This was set up so that he would have enough flow to support his expenditures while he got started with this because it is very different from the contract that has been in existence.

Mr. Tierney said he would like to have that amount deducted over a specific period of time. The $10,000 should not be left to be deducted from any final payment. His understanding is that the money should come back after a reasonable amount of time instead of letting this thing go out five years.

City Manager Mark Ochenduszko explained that staff initially anticipated that Mr. Hopkins would forward all the money to the City and that the money would come back to him. That created a cash flow problem for him. Staff also anticipated that the City would be receiving 10% of all income that was received. With this most recent modification that deal has changed and those details have not been worked out. He suggested to Council that they develop an

understanding of whether they agree with the concepts that have been prepared and let staff work out the fine details such as this one as these changes have been carried forward into a contract.

Councilmember Downey asked if Mr. Hopkins has agreed to these changes.

Mr. Hopkins voiced his approval from the audience.

Councilmember Monroe expressed his appreciation for everyone who has worked so hard. The City Manager, Linda Rahn, Phil Hopkins and the leadership of the CTA have worked very hard on this. He is hopeful for a new day of cooperation ahead.

Mary Jane Clements, 745 J Avenue, appreciates all the hard work that has gone into this. The CTA was very suspicious of the process, but will go with this because they want to be cooperative and they think they can exist in a parallel world. There will be some CTA members who are very distressed and suspicious of the actions that have taken place over the years.

Nils Sandberg, 1770 Avenida del Mundo, asked if there was an idea of how much the revenue is from the Pro Shop. He asked about the length of the contract being five years. He suggested that it could be up to five years to give the pro time to demonstrate how well this works. He hopes that there are enough checks and balances in place so that at the end of a period of time it will be pretty evident how well the management function is doing.

Mr. Ochenduszko responded by saying that he is not sure at this time about the income from the Pro Shop. Staff anticipates that there will be enhancements to the Pro Shop as a result of this agreement and that more money will be generated by the Pro Shop. The Pro Shop will essentially be a retail business that will be operated by Phil Hopkins and provide a source of income as well as an opportunity for those who participate in tennis to be able to use and take advantage of the things that are available to them while they are at the tennis courts and need them immediately. The five year term is an appropriate period, particularly at a minimum, because of the commitment needed to make the program work. And he pointed out that there is an at-will clause.

Deni Herron, 1718 Visalia Row, is impressed with the work that was done to come up with a solution.

Councilmember Tanaka said he is happy with an agreement both groups can accept. He mentioned that there had been some previous dispute about whether or not the funds were being handled in a way that was to the City's liking, in terms of the accounting system. He wanted to be on the record as saying that he sees this as the City's responsibility as much as Mr. Hopkins to make sure that there is communication as to what kind of accounting system is required and what the deficiencies are. One of the flaws in the last contract was that the City waited until the end of the contract to point out what Mr. Hopkins was doing wrong. There is an obligation on the City to make sure that if there are deficiencies that they be addressed immediately. He also agreed with the City Manager that a five year term is appropriate.

MSUC **(Tanaka/Monroe) moved that the City Council approve the general concepts for the Agreement for Tennis Professional Services between the City and Philip Hopkins for tennis services, direct staff to develop**

the Agreement for Services, and authorized the City Manager to execute the Agreement once the details are finalized, so long as the final Agreement complies with the concepts approved by the City Council.

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

11e. Consideration of the Coronado Tunnel Commission's Recommendation to Add a New Alternative Incorporating the Navy's Proposed Tunnel Portal Concept for Analysis and Further Refinement of Existing Alternatives in the State Route 75/282 Transportation Corridor Project Report and Environmental Document (PR/ED). Councilmember Tierney said he wants the public to be aware of what is going on. This is a rather significant change to be made to the approach to the tunnel and where it is going to be located, which is a complete flip flop from what it was before.

Jim Benson, Director of Engineering and Project Development, provided a briefing. There have been some discussions this spring with the Navy on enhancing and enlarging their participation in this project. One of the concerns that the Navy representatives have expressed is the new world that we all live in after 9/11 regarding anti terrorism and force protection. It is a major concern as this project moves forward. There have been a number of discussions and there are some proposed modifications to the Project Report and Environmental Documents that are now approximately halfway through the four-plus year process. Over the past six weeks these have gone through the Tunnel Commission in two different meetings. There have been extensive discussions with the Navy in terms of content. What came out of that was a proposal to incorporate a new tunnel alternative with the Navy's proposed restricted access at the east porthole, by the Bridge, as well as a refined west porthole that recognized that there would be security down on the east end. This would not do away with the other projects; it is a modified alternative. The obligation under an environment document and a project review is to look at all alternatives. Alternative 5b is not that significant in terms of engineering, but it is more the way the program is implemented and the security aspect for the Navy. Mr. Benson showed a slide depicting Alternative 4, the twin tunnel cut and cover. There is an improved west porthole currently being worked on by the Project Development team. There is a Third Street Gate interface concept that is in preparation for how the tunnel interfaces with the Navy Base and the revised security requirements at the Base that is being worked on. Alternative 5b would be a twin bore tunnel, but with restricted access. Parsons Brinkerhoff has determined, in very preliminary engineering studies, that there is sufficient room to do the majority of the security processing without backing up onto the Bridge. Caltrans has done initial reviews and based on the cursory looks they think it is absolutely worth pursuing and, as a consequence, agrees with putting this in as a 5b alternative. It does have some implications in terms of financing, as described in the staff report. Mr. Benson reviewed how this would change the interface with the Base.

Staff's suggestion is to authorize and direct staff to prepare a new Notice of Preparation and Notice of Intent for the Environmental Document, to authorize the City Manager, as necessary, to open discussions with the Navy regarding modifications to the interagency Memorandum of

Agreement to facilitate the Navy's role and participation in the PR/ED. This 5b alternative requires even more participation with the Navy than before.

Mr. Benson added that Brian Pearson, the Project Manager from Parsons Brinkerhoff, is available to Council for any questions they may have.

Mayor Smisek commented that the last alternative was suggested by the Navy. This was also proposed in Washington, DC to the both he Assistant Secretary for Facilities, Buddy Penn, and Undersecretary of the Navy, Dino Aviles. They have given Mayor Smisek their assurances that they will work with Coronado on this because security is their number one concern. The good news from the follow on that has gone on by both Parsons Brinkerhoff and Caltrans show that there are venues for being able to set this up without the big problem Caltrans had in the past of cars stacking up on the Bridge. It is very encouraging and is probably the least expensive option the City has looked at as far as a tunnel is concerned. And the City has the vowed participation of the Navy, which is critically important for any type of a project the City has. This is a long shot because it is expensive. All of these options are expensive, but since there isn't really any other option available to resolve this traffic problem, Mayor Smisek said it is something that the citizens of Coronado voted overwhelmingly to have the City pursue, and the Council will continue to do that until it is built, or there is a fatal flaw that emerges out of the environmental study.

Councilmember Monroe talked about the involvement of the citizens. The citizens voted 83% to do something about the traffic problem and they identified the major traffic problem as the transient traffic that came through from the Bridge to the Naval Base. Over 70% of the citizens supported the idea of pursuing a tunnel. Now it is even more technically feasible than it was six months ago.

Councilmember Tierney stated that he thinks this project is bizarre. It is going to, without a doubt, back up traffic on a three lane bridge. It is backed up now. It will continue to be backed up as people try to sort out whether they are going into a tunnel or down the road. The Navy is going to have even more problems because, not only are they going to have to process people underground, but they are going to have to do the surface road, too. The Navy will have to come up with some funds to support this project. His understanding is that the federal government doesn't have monies available for this project. There are only two sources the City could go to get some more money. The State is broke. The citizens of Coronado could be hit with revenue bonds, property tax adjustments or some other revenue enhancement programs, but none of those will sustain this project. This is a project that the Navy is really not keen about. Politicians from Coronado have not only inferred that this has the Navy's blessing, when in point of fact there is no paperwork, nothing from the Secretary of Defense, the Secretary of the Navy, or anyone that suggests that they support this project. He doesn't want the public to be sucked up into this vacuum because they voted and supposedly said this is where they said they want to go. He stated that his responsibility as an elected official is to sort this out and make sure that the City is not idly spending theirs and others' monies and lead them further into this trap that will snap closed.

Mayor Smisek explained that Mr. Tierney was not aware of a very recent receipt of a letter from Buddy Penn that states that he will continue to support Coronado in this effort and in looking at all alternatives to help with the transportation issue at North Island.

Councilmember Tanaka responded to Mr. Tierney's comments. He said that everyone knows that Mr. Tierney opposes the tunnel. Mr. Tanaka wants to respect and be sensitive to that but he doesn't think Mr. Tierney is being sensitive to the majority or to the rest of Council who are obviously in favor of the tunnel, and their concerns about moving forward on a project that is complicated. The Mayor has produced paperwork in the past. He doesn't think it is a secret that there are some assurances from the Navy. There are still things to be worked on. Mr. Tanaka said he will continue to try to be sensitive to Mr. Tierney's differences on this but he can only hope that Mr. Tierney will be sensitive in return.

Councilmember Downey has never fully addressed her thoughts on this project. When she was elected she said that she thought it was a wise idea to look at this as an option. The voters haven't been asked to pay for this yet. The money and time spent are well worth the effort because this was an option that very well may come to fruition. She was somewhat skeptical as to how the money was going to be raised, but she did think the effort was a worthwhile and doesn't think it is a waste of time or money. The people in Coronado want a solution and this may very well be that solution. Since then she has actually seen a light on the wall that there may even be more motivation to get the Navy to pay for this. She is somewhat anticipating that there will be another carrier in Coronado's future. She is quite confident that, should that be the case, the City will receive a partner to help do this because there is no other way to put that many more people on the island. The City will be very happy at that point that this preliminary work has been done and she thinks the City should proceed it. That is not to say that if it were to come down to it that Coronado had to come up with half or a third that she would vote for that. She has yet to say that the City should pay for anything other than studying this as an option and getting it to the point where the City can go forward. That is her goal. Ms. Downey would like to do all the environmental studies and all the engineering review work. Then when there is a project that is approved and permitted the City can go out and get a participation agreement to figure out how it will be paid for. She thinks that going through the environmental process is a good idea and it is what the citizens want the City Council to do.

MSC **(Monroe/Tanaka) moved that the City Council support the Tunnel Commission's recommendation to direct the City's consultant Parsons Brinkerhoff to:**

a) Incorporate a new tunnel alternative with the Navy's proposed tunnel portal concept, as well as incorporating refined west portal concepts into the two existing tunnel alternatives to better conform to the proposed Third Street Gate plan for analysis in the SR 75/282 PR/ED. For purposes of the PR/ED, these alternative refinements would be:

- **Alternative 4 – Twin-Cell Cut and Cover (refined west portal layout-early daylight option)**
- **Alternative 5A – Twin Bore (refined west portal layout – improved Third Street Gate interface)**
- **Alternative 5B – Twin Bore – Restricted Access (develop new restricted access east portal layout and west portal access directly onto McCain Boulevard at NASNI)**

b) Prepare a new Notice of Preparation and Notice of Intent for the Environmental Document

The City Council also authorized the City Manager, as necessary, to open discussions with the Navy regarding modifications to the interagency Memorandum of Agreement to facilitate the Navy's role and participation in the PR/ED.

John Orlwoski, 421 D Avenue, asked about the toll plaza entrance now and how many lanes will be going into North Island.

Mayor Smisek responded that there will be two lanes in the tunnel and the surface street will still remain available because there is traffic coming up Ocean Boulevard, Orange Avenue, etc. that will be going into the Third Street Gate.

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

12. CITY ATTORNEY: No report.

13. COMMUNICATIONS - WRITTEN:

13a. Presentation by MainStreet Ltd. Of Design for a Median Garden in the 1100 Block of Orange Avenue Donated by the Family of Shirley Muller. Toni Gaylord, Executive Director, Coronado MainStreet, explained that MainStreet has had a garden donated by the family of Shirley Muller who owned and started Bay Books to be constructed across from Bay Books. Shirley was behind the scenes as one of the most generous community volunteers and was a most amazing community supporter. This design of the garden is a walk-through garden in the shape of two open books. It is designed as a walk through because of the popularity of that location for the 4th of July. Ms. Gaylord reviewed the history of MainStreet in Coronado and of the median gardens. She gave credit to Steve Loebling who has designed, pro bono, all of the gardens, and MainStreet Design Committee members Chris Ackerman, Caroline Murray, Marilee Bensian, Polly Jones, Linda Surry, Karen Adams, Eileen Oi, and daughter Rita.

Ms. Gaylord also announced the 15th annual Garden Party on August 5 at Jim Darnell's home.

Councilmember Downey thanked Ms. Gaylord for all the beautiful work on the gardens.

Councilmember Monroe agrees that all the people involved have done such wonderful work. He asked about placement of the bleachers on the Fourth of July. Ms. Gaylord said there isn't a conflict.

Councilmember Tierney asked about the New Zealand Christmas tree that was proposed for the garden. Ms. Gaylord explained that it was disapproved by the donor and will likely be a crepe myrtle which has been very successful in the past.

MSUC (Monroe/Tanaka) moved that the City Council approve the median garden project

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

14. CLOSED SESSION: None.

15. ADJOURNMENT: The meeting was adjourned at 5:34 p.m.

Approved:

_____
Tom Smisek, Mayor
City of Coronado

Attest:

_____
Linda K. Hascup
City Clerk