

**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, December 2, 2003, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:12 p.m.

1. ROLL CALL:

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

Absent: None

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: The minutes of the Regular Meeting of November 18, 2003, 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. Councilmember Tanaka gave the City Clerk minor corrections to the minutes.

MSUC (Schmidt/Tanaka) moved that the City Council approve the minutes of the Regular Meeting of November 18, 2003, as corrected

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Michael J. Hardisty Day. Mayor Smisek presented the proclamation to Mr. & Mrs. Hardisty honoring Mr. Hardisty's service to the Hotel del Coronado and the community.

4b. Presentation to the City of Coronado by Michael Hardisty and the Hotel del Coronado. Michael Hardisty made a presentation to the City on behalf of Phil Stukin, Linda Landres and team. He presented a Sue McNary painting of the Hotel Del Coronado Windsor Lawn.

Mayor Smisek announced the addition of **Item 14b** as an urgency item.

5. CONSENT CALENDAR: The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5c, and Items 11b and 11c.

MSUC (Tanaka/Schmidt) moved that the City Council approve the Consent Calendar Items 5a through 5c, and Items 11b – Request from San Diego Unified Port District to Approve a Resolution Opposing the Transfer of Two Parcels Adjacent to San Diego International Airport to San Diego County Regional Airport Authority and 11c – Authorization to Enter into Negotiations with Ron Yarbrough DBA Ronald M. Yarbrough, P.G.A. for Extension of Existing Agreement for Golf Professional Services

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

5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda. The City Council waives the reading of the full text of every ordinance contained in this agenda and approves the reading of the ordinance title only. **The City Council waived the reading of the full text and approved the reading of the title only.**

5b. Approval of Warrants. The City Council ratified payment of warrants numbers 10032750 thru 10033005, as audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Renewal of Contract with the PMA Group for Federal Legislative Advocacy Related to State Route 75/282 Tunnel Project and Transbay Wastewater Project.

The PMA Group has performed legislative advocacy for the City at the federal level since 2002. PMA is meeting with City Council in early December in preparation for the 2004 legislative session

to identify and refine both the short-term and long-term objectives for support and funding of the SR 75/282 Tunnel Project, Transbay Wastewater Project and other projects as identified.

The most critical long-term objective is to position the Tunnel Project into the 2004 Transportation Authorization bill. All other short-term objectives support the long-term objective. The primary short-term objective is to ensure release of the FY2004 federal appropriations. The City will use these grants to leverage additional matching funds from other potential sources. Other 2004 objectives include continued liaison and coordination with U.S. Navy Headquarters, Department of Defense and the Transportation Department. Continued coordination with Congressional committee staff and members is critical to laying the groundwork for inclusion in the Transportation Authorization Bill. In addition, The PMA Group is available to assist the City on other federal issues as they arise, including continued pursuit of funding for the tranbay wastewater system.

The agreement includes the goals and objectives suggested by The PMA Group as the 2004 scope of work for lobbying the SR 75/282 Tunnel Project and Transbay Wastewater Project. **City Council approved the contract with The PMA Group, authorized the City Manager to execute the contract documents, and appropriated \$32,500 from the Sewer Fund account #510781-8065 for this purpose.**

6. ORAL COMMUNICATIONS:

- a. **Michelle Predko, Coronado Historical Association**, announced various holiday activities at the Coronado Historical Association. She also announced that she is leaving CHA to take a position with Westfield Shopping Centers as their Senior Marketing Director for UTC and Plaza Camino Real. She thanked various people for their help and support throughout her tenure.
- b. **Bruce Muirhead, 437 Pomona**, complained that shrubbery is growing into the right-of-way on City sidewalks and asked for City enforcement. He also complained of the sidewalks being repaired improperly.
- c. **Karen Finch, Chamber of Commerce Executive Director**, invited everyone to attend Friday's Coronado Open House and Parade.
- d. **Linda Rahn, Director of Recreation Services**, invited everyone to Breakfast with Santa on December 13th at the Fire Department.
- e. **John Traylor, Director of Fire Services**, announced the Annual Santa Program with Rotary Club.
- f. **Toni Gaylord, Coronado MainStreet**, announced the sale of the Coronado computer screen saver.
- g. **Mayor Smisek** introduced Nancy Burt as the City's state lobbyist.

- h. Councilmember Schmidt** commented that she didn't hear the emergency sirens test in the downtown area. Chief Traylor explained the evaluation steps taken at the conclusion of the last siren test.
- i. Councilmember Monroe** didn't hear the sirens well in the Cays either. He commented on MainStreet's newsletter and Ms. Gaylord's article about tourism. This affirms greatly what has been done with the Specific Plan. He also commented on the Airport Authority letter in response to Mayor Smisek's response letter. Mr. Monroe also announced that it seems as if there is a new parking yard for Caltrans maintenance trucks in the parking lot at the entrance to the City. He would like to see that changed.
- j. Councilmember Tierney** noted that the Little Club, 100 block of Orange Avenue, puts on a Thanksgiving Day dinner each year, free of charge to anyone who comes in, particularly to the needy and to those who are alone.

7. CITY MANAGER:

- 7a. Update on Council Directed Actions and Citizen Inquiries.** There was no report.

8. PUBLIC HEARINGS: None.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities. Port Commissioner Robert Spane thanked the Council for passing the resolution on today's agenda opposing the transfer of two parcels to the Airport Authority. Admiral Spane announced that the Port Public Art Program was reviewed at the Port meeting and it appears that Coronado does not have its fair share of the public art projects funded by the Port. The Glorietta Linear Park is great place for public art. He also announced that Port Commission Peter Q. Davis was elected chairman of the Port for 2004, and Admiral Spane was elected secretary. The Port presented the City Council with complimentary tickets to the Holiday Bowl to be passed out into the Coronado school system. Commissioner Spane identified Councilmember Tanaka as the likely Councilmember to take on that task.

11. CITY COUNCIL BUSINESS:

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

Councilmember Tierney had no report.

Councilmember Monroe attended the SANDAG Board meeting where he learned about a special committee that will look at which projects would go forward if the region will extend the TransNet sales tax. The tunnel project is in that list of projects for a \$25 million commitment on behalf of the region for construction funds. He also attended an MTDB Board meeting.

Councilmember Tanaka had no report.

Councilmember Schmidt attended the Visitor Center/CHA Board meeting and a special meeting with Nancy Burt, the legislative advocate.

Mayor Smisek attended the groundbreaking for the new parking structure at the Convention Center near where the new Hilton will be built. It is 2000 parking spaces and will mainly be for the Convention Center, Gaslamp and the new baseball stadium. He also found out that there is a very strong possibility that there will be a dedicated ferry going from Coronado to either the Spinnaker Hotel or someplace in that area for ball games. Mayor Smisek also attended the South Bay Mayors meeting where fire problems and the Port land parcel were discussed. He met with MainStreet and the Chamber and the Legislative Annual Meeting with Nancy Burt.

11b. Request from San Diego Unified Port District to Approve a Resolution Opposing the Transfer of Two Parcels Adjacent to San Diego International Airport to San Diego County Regional Airport Authority (SDCRAA). The San Diego County Regional Airport Authority was created by State legislation in 2001. This legislation separated the operation and long term planning of the airport from the San Diego Unified Port District and SANDAG and transferred these functions to the new agency. At the time, a “final financial settlement” was reached, as required by the legislation, transferring certain assets owned by the Port District to the Airport Authority. As part of this settlement, the Port leases airport operations areas including the runways, terminals, taxiways, parking, and other operational areas to SDCRAA for the token sum of \$1.00 per year.

Two sizable parcels that adjoin the airport, the Teledyne Ryan (44 acres) and General Dynamics (67 acres) properties, were not transferred as part of the settlement. The Port currently leases the General Dynamics parcel to SDCRAA based on a 66 year lease. The rate for this lease will be at market level in 2005. The Port District has offered to lease the Teledyne Ryan site to the SDCRAA, but the airport authority has declined. The SDCRAA, at its meeting on October 2, 2003 approved a motion to obtain “full control and complete jurisdiction” over the two sites.

The two parcels in question are an important part of the assets owned by the Port District. Together, the two will raise on the order of \$1 billion of lease income over the 66-year period from these properties. The Port District provides capital improvements and maintains and operates State tidelands in the member cities. The Port also provides a reimbursement to its member cities for public safety services provided on Port land. Any loss of its income-generating assets will have an impact on the Port’s ability to operate at current levels. **Under consent, the City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO OPPOSING THE TRANSFER OF TWO PARCELS ADJACENT TO SAN DIEGO INTERNATIONAL AIRPORT TO SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7967.**

11c. Authorization to Enter into Negotiations with Ron Yarbrough DBA Ronald M. Yarbrough, P.G.A. for Extension of Existing Agreement for Golf Professional Services. On October 15, 1996, the City and Ron Yarbrough executed the current Agreement for Golf Professional Services and Letter of Understanding which became effective on July 1, 1996. The First Amendment extended the term of the current Agreement to January 31, 2004, while leaving intact the terms and conditions in full force and effect.

Section 2.03.a of the Agreement required the Concessionaire to request an extension within 180 days prior to the Agreement's expiration (i.e., on or before August 4, 2003). On October 14, 2003, a formal letter was received from the Concessionaire, 110 days before the Agreement's expiration. Both parties are then required to reach Agreement on revisions to the terms and conditions of the existing Agreement no later than 120 days before the Agreement's expiration, or October 3, 2003.

Ronald M. Yarbrough, P.G.A., has agreed to waive a portion of the 120-day requirement by reducing it to 30 days, and is requesting the City agree to do the same. Because the 30th day prior to termination falls on a legal holiday, staff recommends that the negotiation period be further extended to 20 days prior to termination (i.e. January 2, 2004). The amendment has been signed by the Concessionaire indicating its agreement to a proposed extension. **Under Consent, the City Council (1) authorized the City Manager to negotiate revised terms and conditions for an extended five-year Agreement, and present the new terms and conditions to Council for approval and (2) authorized the City Manager to execute the amendment to modify Section 2.03.b of the existing Agreement specifying 120-day advance notice to twenty-nine days thereby allowing the City and Concessionaire to conclude negotiations on revised terms and/or conditions of existing Agreement.**

11d. Consideration of Contract Award for the Glorietta Bay Master Plan Project, Phase I-B, Construction of the City Hall, Community Center, Pools, Parks and Site Improvements.

Mayor Smisek announced that item 14b, a closed session item relating to the Glorietta Bay Master Plan Project, is being added to the agenda as an urgency item. See item 14b for added wording and vote to approve addition to the agenda. The Mayor announced the Council would recess into closed session and did so at 3:53 p.m.

The City Council was back in session at 4:23 p.m. with all Council members present.

Jim Benson, Director of Engineering and Project Development, explained that based on discussion during closed session, staff has a recommended action for Council.

Ian Gill, Highland Partnership, objected to the rebid process. His firm solicited over 1000 subcontractor and listed thirty-three. He urged Council to stay with the original bid.

David Gardner, Highland Partnership, commented that the project was bid properly and that it is unfair to stop the process. He urged Council to go forward with this bid process.

MSUC (Schmidt/Smisek) moved that the City Council, on the basis of bid amounts exceeding the project budget and in light of threats of litigation as discussed in closed session, directed that all bids be rejected for Phase 1B of the Glorietta Bay Master Plan. Staff is directed to re-bid the project with the following provisions: revise Lithocrete as a specified concrete material re-bid as an add alternative and drop the Myrtha pool as an add alternate. Staff is further directed to make any other revisions to the bid documents as needed to clarify ambiguities revealed in this original bidding process.

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

11e. Approval of the Recommendation of the Tennis Professional Selection Committee to Award the Contract for Tennis Professional Services. This item has been continued to a future Council meeting at the request of staff.

11f. Adoption of Resolution Approving the CalPERS Industrial (Service-Connected) Disability Retirement for Former Coronado Fire Division Chief Dennis Johnson. (Closed Session Item 14a to be heard prior to action on this item). The City Council went into Closed Session on item 14a, a related item, prior to this item being heard.

MSUC (Monroe/Tanaka) moved that the City Council approve the disability retirement and adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO DETERMINING THE INDUSTRIAL DISABILITY RETIREMENT OF DENNIS JOHNSON. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7968.

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

12. CITY ATTORNEY: None.

13. COMMUNICATIONS - WRITTEN: None.

14. CLOSED SESSION: The City Council recessed into closed session at 3:53 p.m. prior to hearing items 11d and 11f. The City Council returned into open session at 4:23 p.m. with all Councilmembers present and reported that there was no reportable action on items 14a and 14b. Thereafter, the City Council heard item 11d and 11f, with actions as noted under each item.

**14a. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

AUTHORITY: Gov. Code §54956.9(a)
NAME OF THE CASE: Johnson vs. City of Coronado

No reportable action.

Mayor Smisek announced the addition of **Item 14b** as an urgency item. City Attorney Morgan Foley read the item:

**14b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION GOV CODE 54956.9(B)**

Significant exposure to litigation pursuant to Subdivision (b) of Government Code §54956.9

Two (2) potential cases

In accordance with California Government Code Section 54956.9(b)(3)(B), the facts and circumstances giving rise to this closed session, which are known to potential plaintiffs, are that the City, as the potential end user of a patented product in the construction of Phase 1 B of the Glorietta Bay Master Plan Project, may participate in activities that result in the infringement of various U.S. patents, or result in a preliminary injunction in the prosecution of the project.

MSUC (Monroe/Tanaka) moved that the City Council add this item to the agenda with the finding that the need for the item arose after the posting of the agenda and action is necessary prior to the next council meeting

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

No reportable action.

15. ADJOURNMENT: The meeting was adjourned at 4:28 p.m.

Approved:

Tom Smisek, Mayor

Attest:

L. Diane Shea, CMC
City Clerk

