

**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, January 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. Mitchell Lindemann gave the invocation and Mayor Smisek led the Pledge of Allegiance.

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

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Helen Johnson Day. Mayor Smisek presented the proclamation along with the City Council, Library Board members, and Christian Esquevin, Director of Library Services to Helen Johnson.

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

MSUC (Schmidt/Tanaka) moved that the City Council approve the Consent Calendar Items 5a through 5d, and Items 11b – Initial Consideration of Draft Regional Comprehensive Plan, 11d – Authorization to Develop an Ordinance Amending Title 20, Chapter 20.40, of the Municipal Code Regarding Paratransit Vehicles to Address Electric Low-Speed Vehicles and 11f – Request for Authorization to Apply for Grant Funds Distributed by the California Office of Traffic Safety, 11g – Consideration of Re-Appointment of Two Incumbents to the Coronado Parks and Recreation Board

Councilmember Monroe commented on Item 11d. He hopes that the City moves toward electric vehicles in Coronado.

City Attorney Morgan Foley added that by definition in the Vehicle Code, these low-speed vehicles are electric. That is what will be dealt with in the Ordinance.

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 Nos. 10033755 thru 10033953, 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. **Approval of the Revisions to the City of Coronado Legislative Policy Guidelines.** At the Special Meeting of the City Council on December 2, 2003, City Council and staff received a briefing from the City’s Sacramento Legislative Advocate, Nancy Burt. As a result of that briefing, the City Council and staff made the following recommendations for revisions and additions to the City’s Legislative Policy Guidelines:

1. Modified the INTRODUCTION to clarify the role of the guidelines and effectively reflect the purpose of the guidelines.

2. Item I. LOCAL GOVERNMENT FINANCE expanded Section C-5 and Section C-6 to support cost recovery legislation to state properties as well as military properties.
3. Item IV. TRANSPORTATION AND PUBLIC WORKS
 - a. Changed Section A-8 to clarify the City's support of 25 miles per hour maximum speed limit.
 - b. Added Sections A-9 and A-10 to support funding for the tunnel project.
 - c. Added Section D-2 to support the use of design build for capital project delivery.
 - d. Added Section D-3 to support funding for the transbay wastewater system.
 - e. Added Section D-4 to support the opportunity to secure and utilize reclaimed water.
4. Item V. RESOURCES AND ENVIRONMENT
 - a. Added Section H-3 to support funding for alternative fuel vehicles.
 - b. Added Section K-2, K-3, and K-4 regarding local control of land uses.
5. Added Item VIII. CITY-NAVY RELATIONS.

The City Council accepted the proposed revised Policy Guidelines and adopted the document as the City of Coronado Legislative Policy Guidelines.

6. ORAL COMMUNICATIONS:

- a. **Kirk Henry, 1101 First Street**, wanted to bring Council's attention to the San Diego Bay dredging project scheduled for September '04 until February '05; a 24-hour a day project per the EIS. He would like the City to ask the Corps of Engineers to use the quiet equipment when they are within 350' of shore at night.
- b. **Greg Paquette, 655 India Street**, addressed Item 11d. He thanked Council for moving forward with this. He also commented that the DMV code does not define an LSV as either electric or gas powered. It could be either one. In regards to what happened over at MTDB, someone could have a diesel powered or propane powered vehicle.

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.** No report.

11. CITY COUNCIL BUSINESS:

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

Councilmember Tierney attended the Port Commission luncheon and the San Diego Division of League of California Cities meeting.

Councilmember Monroe attended a Tunnel Team meeting where actions and strategies to continue moving the tunnel project forward were discussed; met with Mayor Mark Lewis of El Cajon and Mayor Corky Smith of San Marcos at which they gave their full support for the tunnel project; attended the SANDAG Policy meeting where the TransNet expenditure plan was discussed; attended the USS Midway welcoming ceremony; a meeting of the South Bay representatives to SANDAG where he became a voting member on the Transportation Committee and was assigned as an alternate to the Borders Committee; attended the Imperial Beach City Council meeting and gave a brief on all the work that has been done on the Strand over the past 10 years, at which they approved the \$330,000 to the Bike Spur project; went to a Metropolitan Transit System meeting where there was one important agenda item about a request for designation of the railroad track that goes through National City and Chula Vista; went to a SANDAG Transportation Committee meeting; attended an I-15 Corridor meeting; met with Steve Padilla, Chula Vista Mayor and Port Commissioner Rocky Spane about the Port plans for the Chula Vista Bayfront; and, attended the Martin Luther King Breakfast in San Diego.

Councilmember Tanaka attended two Library Board meetings and the Ramos Martinez mural unveiling in the Library.

Councilmember Schmidt reported on a meeting of the Residential Standards Committee – a public workshop will be held on February 18th; attended a meeting of the Metro Water Board; attended the Ramos Martinez function at the Library; and met with Mr. Monroe and two members of the School District at a subcommittee meeting.

Mayor Smisek attended the Library Board meeting mentioned by Mr. Tanaka, attended the Martin Luther King service at North Island, met with the City Manager, Assistant City Manager and the Coronado Hospital Foundation Board Members and Marsha Hall this morning to discuss the future of the hospital in Coronado. He also attended the MIDWAY dedication.

11b. Initial Consideration of Draft Regional Comprehensive Plan. In early 2002, the SANDAG Board of Directors called for the preparation of a Regional Comprehensive Plan. The RCP is intended to encourage and facilitate the County, and the cities within the County, to jointly address such long term regional planning issues. A major emphasis of the RCP is to better link transportation and land use planning in the region. SANDAG's traffic and transit planning and funding influence are proposed to be used as incentives for local land use decisions that would favor future "smart growth" supportive decisions. The Planning Commission is the logical body to assist the Council in the ongoing review of this document. **Under Consent, the City Council requested that the Planning Commission review the draft Regional Comprehensive Plan document and provide initial comments back to the Council by February.**

11c. Approval of a Resolution Supporting a Statewide Ballot Initiative to Require Voter Approval Before the State Government May Take Local Tax Funds. Andrew Potter, Management Analyst, City Manager's Office, provided background on this item. Over the years, the State government has taken back millions of local tax dollars, used by local governments to fund central services. As a result of these take aways, the League of California Cities, through its political action committee, is sponsoring a ballot initiative entitled the "Local Taxpayers and Public Safety Protection Act." The purpose of this measure would require a two-thirds vote in legislature and approval by a majority of the electorate for any reductions to local government revenues based on January 1, 2003 levels. Secondly, this measure clarifies the state's duty to reimburse in a timely way for a new mandated program or higher level of service, protecting local governments from end cost shifts. It allows local governments to opt out of certain non-workplace safety and fully procedural rights mandated if the state fails to pay in a timely way. For Coronado, this would mean protecting considerable revenue sources for the City. For example, it would require voter approval before the state could make changes to ongoing revenue shifts such as the Educational Revenue Augmentation Fund, commonly known as ERAF. In fiscal year '04/05 the Governor has proposed an additional ERAF shift, requiring Coronado to transfer a total of \$2.36 million to the ERAF fund. In addition to the \$2.36 million, the CDA would be required to transfer \$428,000 to ERAF. Officially, the League of California Cities needs close to 600,000 signatures to qualify the measure for the November 2004 ballot. The League is asking California cities to pass resolutions supporting the ballot issue. He introduced Catherine Hill, League of California Cities San Diego Regional Representative.

Ms. Hill added that they have two other strong partners in this initiative effort – the California State Association of Counties, CSAC, and California Special District Association, CSDA. Additionally, recently they have received the endorsement of the California Professional Firefighters and organizations representing 65,000 city employees throughout the state. There is a \$1.3 billion ERAF proposal this year in addition to the many ongoing years of ERAF shifts that cities have endured. This would put a stop to it. What would have to take place first is that the measure would have to go to a vote of the people and the people would then decide if they would like to keep the money in their local coffers for public safety, police and fire services, libraries and services that they use on a daily basis.

Ms. Hill added that this will not raise any taxes. The measure is to put a floor at the amount of funding that local governments receive now. It would not take any future monies away from the state, but it would not allow the state to take future monies away from local government coffers. The state would still have responsibility, as Coronado does, year after year, to balance their budget but they would have to do so without coming to the local governments, to property tax, sales and use tax and VLF to balance their budget. The legislature would actually have to put a measure through their process that would require a two-thirds vote of the legislature and then it would go on the March or November ballot.

MSUC (Monroe/Tierney) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO, CALIFORNIA SUPPORTING A STATEWIDE BALLOT INITIATIVE TO REQUIRE VOTER APPROVAL BEFORE THE STATE GOVERNMENT MAY TAKE LOCAL TAX FUNDS. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 7970.

Councilmember Monroe commented that the words “structural reform” are often heard. This doesn’t do that, but it does say to keep state hands out of local pockets. There is another initiative working its way through that really is structural reform to how the state does business. He hopes Council will be able to receive a brief on this.

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

11d. Authorization to Develop an Ordinance Amending Title 20, Chapter 20.40, of the Municipal Code Regarding Paratransit Vehicles to Address Electric Low-Speed Vehicles.

Recent technological developments have resulted in various new types of DMV-approved vehicles, including electric-powered low-speed vehicles (LSVs). Because of the hybrid nature of LSVs and the relative newness of this technology, local public agencies have been required to review their existing regulations to address this emerging industry.

The Vehicle Code describes an LSV as “a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface.” In addition to running solely on electricity, LSVs typically are equipped with a 3-point seat belt system and are powered by a 72-volt, 4-horsepower motor that can run for up to 8 hours. Each vehicle has an occupancy limit of four persons, including the diver.

During the past months, the City has been approached by two entrepreneurs proposing to operate LSVs transporting passengers in and about the City’s limits. These companies plan to offer their services to tourists, local residents, and working individuals.

While LSVs presently fall under the existing jurisdictional parameters of the City’s Municipal Code Chapter 20.40, Paratransit Vehicles, their uniqueness warrants different treatment than taxicabs, which are the more typical paratransit vehicles. Related to the issue of whether to consider LSVs as a paratransit vehicle in Coronado, is whether to adjust the total number of permits made available and issued to paratransit vehicles. Currently, the number of permits available is limited and is based on a set formula. **Under Consent, the City Council authorized staff to prepare and submit an Ordinance amending Title 20, Chapter 20.40, of the Municipal Code regulating electric low-speed vehicles operating as paratransit vehicles within the City of Coronado.**

11e. Approval of the Recommendation of the Tennis Professional Selection Committee to Award the Contract for Tennis Professional Services.

Ed Lohlein, Tennis Selection Committee member, introduced the rest of the members of the Committee – Val Jones, Robbin Adair, Pat McMahon, Scott Huth, Linda Rahn and himself. He explained that meetings of the committee began in September in response to the August 2003 end of the current contract. Several meetings were spent in actually creating a new agreement that is different from the old agreement. The new agreement is a result of the study that was done by committee in 2001 and developed into what are known as the Coronado Tennis Guidelines. These spell out how people would like to see the future of tennis in Coronado. As a result their first task was to rewrite the

contract and describe the scope of services. The next step was to incorporate that into an actual Request for Proposals. That went out to approximately 36 requestees after being advertised. They considered four of the responses to be suitable. The next step was to interview those people, which was done in November. Mr. Lohlein reviewed some of the guidelines. The new contract has an expanded scope of looking for some responsibilities for tennis operations, called the Pro Manager rather than just the Tennis Pro, because that person will be assuming custodial upkeep, scheduling supervision coordination programs at each of the City's tennis facilities and now is going to be providing management fee to compensate for the time expenses for the management portion of the job, rather than just the income from the Tennis Shop and teaching fees. Previously the City had taken care of the maintenance of the surfaces of the courts by an agreement with an outside contractor to do that and now this is actually going to be taken into the Tennis Pro Manager's purview. They conducted interviews. The scope of the interviews were to evaluate candidates in the areas of program development and promotion, public and human relations, personal qualifications and education, teaching methods and knowledge, business administration and merchandising, facility management and maintenance, professional reputation, experience, overall ability and willingness to provide high quality tennis services to the community, reasonable consideration to the City, overall cost and financial impact. Following that process, the committee has nominated Bill Hethcoat for that position.

Councilmember Tanaka asked if Mr. Lohlein has any misgivings about the process and if he thinks there are other ways that are just as plausible. Mr. Lohlein was very much impressed with the committee's desire to be totally and completely fair.

Mayor Smisek expressed his gratitude to the committee.

Jennie Portelli, Glorietta Boulevard, President of Coronado Tennis Association, thanked the Selection Committee for their hard work. The CTA fully supports their decision to recommend Mr. Hethcoat.

Don Hanson, formerly of Coronado, has three children who played tennis for Robbin Adair at the High School, two of his sons have been a Head Professional at the Hotel del. He is a Master Professional, one of the original 18 Master Professionals of the United States Professional Tennis Association and currently serves as the Director of Certification and Classification for the California Division of the United States Professional Tennis Association. He has known Phil Hopkins for many years. Mr. Adair has commented that he has sent him so many prepared players over the ten year period it is amazing. He implores the City to retain this man.

Caitlin Lemei, Coronado, has known Mr. Hopkins for over ten years as her tennis coach and the father of her best friend as a youth soccer coach. She thinks it would be a tragedy to see Mr. Hopkins displaced after years of dedicated service to Coronado's youth and adult tennis players.

Laurie Hardy, 517 A Avenue, commented that her son has played tennis off and on for years with Phil Hopkins and Danny Bean, their instructors. She feels he is such a tremendous asset to the community. She thinks it would be a shame, as a community member, not to support him.

Margaret Richardson, 435 G Avenue, fully supports the unanimous decision by the Selection Committee to award the contract for tennis services in Coronado to Mr. Bill Hethcoat. She has read

his proposal, which is available in the Library in the City Council agenda. Please approve his selection for tennis services for Coronado.

Kevin Loby, 839 Adella Avenue, has two children currently with the Coronado Tennis Association. He thinks they have done a great job. Phil is a community member and he lives here. He supports Mr. Hopkins.

Stan Douglas, 1530 Pendleton Road, commented that one of the best attributes he has found in Coronado is its homestlye lifestyle. It is a home environment that allows people to raise their children in an environment that is very positive and very creative and one of the reasons it is able to do so is Phil Hopkins. His youngest son has been involved in tennis about 8 months now. He strongly encourages Council to retain Mr. Hopkins as the tennis professional in Coronado.

Mary Jane Clements, 745 J Avenue, has been involved with tennis for a long time. She supports the choice of the Selection Committee for the position of tennis professional in Coronado. They have worked hard to be fair. They have put in many more hours than anyone thought they would have to in order to reach this unanimous decision. She was on the tennis committee that tried to come up with new, fresh ideas for how to make tennis better in Coronado. They had Mr. Hopkins come and give his opinions. He was extremely negative and told them none of this would work in Coronado. She submitted a letter signed by over 90 tennis community members and residents saying that they would like to see a change at the tennis center. She thinks it is time for something different

David Axelson, 234 B Avenue, thinks Mr. Hopkins has worked hard at this for 10 years and has taught hundreds of kids how to play tennis in this town. He has exposed a lot more kids to tennis through the summer camps and programs that he provides in the summer. He would like to see him get the opportunity to retain his position.

Deni Herron, 1718 Visalia Row, concurred with Mr. Axelson's comments about ten years of good will. Her daughter is 17 and played on the Tennis team for the City for four years; she played for ten years for Phil. Phil has put a lot of kids through the program. He has a lot of kids at the High School level and she thinks Mr. Adair can attest to the fact that there are more kids playing than ever before and a lot of them have come through Phil's program. This is a community where it should be supporting the community people.

Jane Harwood, 1720 Avenida del Mundo, has had positive experiences at these tennis courts. She was supportive of Mr. Hopkins operations at the tennis courts.

Tom Lancaster, 936 J Avenue, has had a good experience with assistant Danny and supports Phil Hopkins. He has daughters in the junior program. He has taken lessons from Phil. He is a good instructor and very low key. As far as the selection process, he thinks there is a good program here. Perhaps new guidelines to work within will help improve the situation.

Mayor Smisek commented that he did not support this process. He has been through this as both a Councilmember and as Mayor in several cases. He is supportive of incumbents. He felt so strong about the incumbent reappointments that when he became mayor he changed the process on how reappointments are made. He is very prejudiced towards community members. The testimony he has heard and the letters and phone calls he has received point to families that are pleased that their children are getting outstanding instruction. Good coaches sometimes have tough reputations. He

feels that the main objections he has heard to the incumbent in this case have been in the area of personality with some people. He is going to be going against the committee's recommendation. He doesn't know Mr. Hethcoat – this has nothing to do with being against him. Mayor Smisek's feeling is that if there is an incumbent who is doing a good job, unless there something really bad being done, especially if they are a resident of Coronado raising their family here, they should be supported. When he hears all the good things he hears from people he respects, he has to go with that. Council will conduct voting as usual.

Councilmember Tanaka commented that this has been a very difficult item for him. The people who are complaining about the tennis pro are not his students. As a teacher, that is a concern for him. All the people who are supporting Mr. Hopkins are people who have first hand accounts and are pleased with the job he has done. There has not been a single dissenter from within. He thinks it would be erroneous to say that there are no problems. For him it boils down to Mr. Hopkins has done a terrific job teaching kids, but he is not willing to make a judgment on his administrative skills. The reason he has a quandary is because clearly the contract for the tennis pro has been changed and the administrative side is being emphasized more. However, any time a member is elected to Council they are being elected to protect the city, its charm and the small town feel. He doesn't have any doubt that Mr. Hopkins has helped with that. The people who have been critical of Mr. Hopkins have all come from the same band of CTA leadership, who are entitled to their opinion and their opinion matters to him. He is comfortable setting aside the committee's recommendation, not because they didn't do a good job, in fact, they did an incredible job in very difficult circumstances. One of the reasons for the RFP was to see who would apply for this job and would the City be wowed. There were only four qualified applicants. One to two were nearly disqualified. He is not confident that this process will make tennis in Coronado better or worse. He feels he has to weigh his vote on the side of the benefit of doubt for Mr. Hopkins. The reason he is willing to do that is because he has been working here and he was not really ever given any formal notice that the city was displeased with his service. Obviously the RFP was an indicator of that and thinks that if Mr. Hopkins is retained it needs to be very clear that more is expected of him when it comes to dealing with CTA and the City. The one area where he would have no tolerance for is the tennis pro being rude to staff. He would only support a one year contract extension. The tennis pro works for the Rec Department and the Rec Director. If City staff is not pleased with the services of the tennis pro, then he is not pleased. The reason he is willing to give Mr. Hopkins the benefit of the doubt is because he doesn't know that the City has really gone down this road and said that it was unhappy with his service. This is the second chance. He does a great job teaching tennis to kids, but the administrative side needs to improve. CTA and Mr. Hopkins need to settle their disputes like adults.

Councilmember Schmidt doesn't know Mr. Hopkins. They have never met. The Committee has done a fabulous job. She received lots of letters and lots of phone calls from people that she admires tremendously; people who are substantial citizens. They all have spoken so highly of Mr. Hopkins. She will also be supporting him and giving him an extension on his contract.

Councilmember Tierney feels that the City has had one of the finest groups of individuals who are well rounded to evaluate these candidates. The committee's feeling was that there was one person who unanimously fit the cloth for this particular job. He has always felt that when the City goes to the trouble of putting together a committee to evaluate and go more deeply than personal friendships that Council should support these citizen committees. He feels very strongly that the committee evaluated these people not only in relationship to whether they were good tennis pros in

terms of teaching, but they also looked at the financial angle that will be responsible with monies to the City. The candidate that was selected had the best proposed annual management fee, had the best proposed merchandise revenue share for the City and had one of the best proposed non-merchandise revenue share to the City. From a financial standpoint and from the point of putting together a committee that was asked to delve deeply into this, he feels that this City Council has a responsibility to support these committees. He will be voting for their selection. This is the only responsible way to go at it. He thinks there is a tendency for this Council and many other councils before this to look at these particular avenues of financial situations as a popularity contest. He does not support popularity contests for these positions. He looks at them from the integrity portion of it, the financial portion of and various other items he is privy to which he cannot necessarily share with the public. In this case, the committee not only did a good job, they did a great job. For this City Council to turn down their recommendation means that the City will have less and less interest in providing services such as these.

Councilmember Monroe thanked the Committee for all its hard work. He plays tennis on these courts three times a week. This is not just a discussion of individual lessons for hundreds of people. The CTA has asked for a long time to talk about the tennis program in Coronado. He thinks it can be better. The Saturday morning team tennis that he has played in for the last eight years is the result of CTA and CTA members making that a great league. He has talked to a lot of people at the courts. He is confused by the sign at the courts that direct people who have problems with the lights to call Public Services. He has never understood why anyone at the tennis courts have to call maintenance to get the courts in good shape. He has had that conversation with Phil Hopkins for the last five years, to include net straps, net heights, condition of nets as well as lights on the courts. It has been an issue with him that the pro the City has does not take any responsibility for the maintenance of the courts that is presented to the public. He is sorry that the committee went to so much work.

Mayor Smisek directed the Clerk to read the names of the candidates, and the voting would be similar to that done by "Schmidt method" where councilmembers can vote affirmatively for as many candidates as desired.

The City Clerk read the names of the candidates and recorded the votes as follows:

First Round:

Bill Hethcoat	Tanaka, Monroe, Tierney
Phil Hopkins	Smisek, Tanaka, Schmidt
Dan Tarpley	no votes

Second Round:

Bill Hethcoat	Tierney, Monroe
Phil Hopkins	Monroe, Smisek, Tanaka, Schmidt

MSUC (Smisek/Tanaka) moved that the City Council reappoint Phil Hopkins as the Tennis Professional and directed the City Manager to negotiate details of an Agreement for Services with a term of one and a half years, with an option for a three year extension depending on quality of services and return to Council for final approval at that time.

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

11f. Request for Authorization to Apply for Grant Funds Distributed by the California Office of Traffic Safety. The California Office of Traffic Safety distributes federal funding apportioned to California under the National Highway Safety Act and Transportation Equity Act for the 21st Century (TEA-21). OTS grants are designed to address traffic safety priority areas that include program areas established under the act. Grants may be for assistance in mitigating traffic safety program deficiencies, expansion of an ongoing activity, or development of a new program. Grant funding cannot replace existing program expenditures, nor can traffic safety funds be used for program maintenance, research, rehabilitation, or construction.

The Engineering Department, in partnership with Police Services, is seeking to obtain grant funding to enhance the City's vehicle collision reporting and analysis capabilities. Funding may also be available for hardware necessary to produce hard copy maps and run the database software.

The goal of the improved collision reporting software will be to establish a database link between the Engineering and Police Departments to ensure the sharing of timely and accurate data and to improve the way in which we identify and analyze critical traffic safety issues. **Under Consent, the City Council authorized the Engineering Department to apply for grant funding intended to enhance the City's ability to report and analyze traffic collisions through the use of specialized database software.**

11g. Consideration of Re-Appointment of Two Incumbents to the Coronado Parks and Recreation Board. Member Robert Breglio was appointed to the Board on October 3, 2000 to fill an unexpired term which expired four months later on January 31, 2001. He was then appointed to his first full term which will expire January 31, 2004. He is eligible for reappointment and has indicated he is interested in Council considering his reappointment. Board Member Nancy McCoy-Blair was appointed on February 5, 2002 to fill an unexpired term with that term ending on January 31, 2004. She is eligible for reappointment and has requested Council consider her reappointment to the Board. **Under Consent, the City Council appointed Robert Breglio and Nancy McCoy-Blair to the Coronado Parks and Recreation Board for terms to expire January 31, 2007.**

11h. 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.

The City Council recessed into Closed Session on item 14a prior to hearing Item 11h at 4:28 p.m.

The City Council reported back in Session at 4:44 p.m. with no reportable action on the Closed Session item. .

Jim Benson, Director of Engineering and Project Development, explained the project was divided into numerous phases in order to manage the various complexities outside of approvals and

construction sequencing. This is about Phase 1B which includes the City Hall, the Community Center, the Pools and the Linear Park construction. There are other phases that have to merge with that. In October staff presented a 95% design estimate that was over the budget. Council agreed with staff's suggestion to defer until this process was complete to determine the amount of the bids submitted. The Phase 1 bids were received in November. Based on some problems and the budget amount, Council directed the bids be rejected and rebid the project. The rebids closed on January 13th with five bids being submitted by the prequalified contractors. The revised schedule in that Phase 1B calls for completion of the buildings in February '05. To allow maximum flexibility to the Council in selecting either the base bid or the base bid plus the alternative a blind bid process was used.

City Attorney Morgan Foley commented that out of the five bids there have been at least a couple protest letters that have been reviewed by staff. The low bidder, Bidder B, is requesting consent of the Council to withdraw its bid. Under the Public Contracts Code, the bidder has a certain time period within which to withdraw his or her bid and in doing so the public agency can do so and consent to that if the bidder has made certain findings. Those are as follows: a mistake was made and that the bidder gave the public entity notice of the mistake within five days after the opening of the bids. If the mistake made the bid materially different than he or she intended it to be and if the mistake was made in filling out the bid and not due to errant judgment or carelessness. In reviewing the request for withdrawal, staff agrees that Council could make those findings, that they are supported by the statements from the bidder. If Council so chooses, it could consent to withdraw that bid.

MSUC (Schmidt/Monroe) moved that the City Council consent to the request by Bidder B to withdraw its bid

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

Mr. Benson explained that the previous action by Council eliminated the first apparent low bidder, Bidder B, which had the low bid both on the Base Bid and the Base Bid and Additive. Now the low bidder for both becomes Bidder C. The difference between the two bids is essentially \$360,000. At this point it would be appropriate for Council to give specific direction on whether it wants to go with the Base Bid or the Base Bid Additive item, lithocrete.

Mayor Smisek thinks that one of the things to consider is that the project is over budget. If staff recommends that lithocrete isn't necessary then it isn't. If there is some desire by Council members to go with lithocrete, they should speak up.

MSUC (Schmidt/Smisek) moved that the City Council award a contract for the Base Bid

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

Mr. Benson requested that the City Clerk open and reveal the names of the bidders and in particular, the C bidder.

The City Clerk read the names of the bidders:

Contractor A	Soletec Pacific
Contractor B	Swinerton Builders
Contractor C	PCL Construction Services
Contractor D	C. E. Wylie Construction Company
Contractor E	Highland Partnership

Mr. Benson went on to say that the low bid is \$25,250,000 plus the allowances (\$1.9 million for contingencies, \$500,000 for utility company infrastructures) which means the amount is \$2.7 million above the amount approved in the Capital Improvement Project by moving from Bidder B who withdrew to Bidder C. As suggested in the staff report, staff has additional work to do in terms of identifying the specific locations for the additional funds, but Finance and the City Manager are confident those additional funds will be found.

Councilmember Monroe asked about the Yacht Club Promenade for \$2.5 million. He asked if that is Port money. Mr. Benson responded that it is entirely Port money and that is the amount of the Port money available.

City Attorney Morgan Foley suggested that, in making the motion, if Council is considering to award the contract to Bidder C, identified as PCL Construction, that the motion include that Council considers the protests of Bidders E & C and finding irregularities in the bid to be inconsequential or irrelevant in light of the withdrawal of the bid by Bidder B, and in exercising its discretion, award the bid to PCL Construction as the lowest responsive bidder.

MSUC (Schmidt/Tanaka) moved that the City Council considered the protests of Bidders E and C and found irregularities in the bid to be inconsequential or irrelevant in light of the withdrawal of the bid by Bidder B, and in exercising its discretion, awarded the bid to PCL Construction as the lowest responsive bidder

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

11i. Approval of a Cooperative Agreement with Caltrans for Oversight and Quality Assurance for the State Route (SR) 75/282 Tunnel Project Report and Environmental Documents. Councilmember Tierney objected to allowing this item to be approved on the Consent Calendar and requested to ask questions of Mr. Benson. He began by asking about the \$600,000 that will be spread over a three-year period and asked an explanation of the non-federal sources. Mr. Benson explained that clarification from Caltrans is that federal money cannot be used for the intermediary, so that the lion's share of the money for this Project Report and Environmental Documents (PR&ED) is coming from toll revenues. The amount needed is up to \$600,000, depending on the time used by Caltrans engineers. City Manager Mark Ochendusko explained that the money is part of a settlement agreement the City struck with SANDAG over SB 572. That

money was a negotiated settlement for the purposes of this project. It is not likely that this money will be refunded to the City, however, the purpose of this fund was specifically for this type of use. He added that he had a conversation with the Caltrans District Director last week and, based on that conversation, he believes that the cost will be under \$450,000. Mr. Benson added that this will be matching money. This all counts as local match. Mr. Tierney asked for an explanation of a cooperative agreement and how it works with Caltrans. Mr. Benson explained that it spells out the relationship between the City and Caltrans and who does what tasks during the course of the process. This is a voluntary agreement where both agencies know that the process needs to move forward. Both agencies are setting out the relationship that exists over the course of this document. Mr. Tierney still doesn't understand what the cooperation factor is. Mr. Ochendusko explained that the next step is putting together the Project Report and Environmental Documents which the Council has approved because this project likely will be a state highway, Caltrans has to review those materials and make their comments and approve of them. That is what this fee is for. Mr. Benson further explained that Caltrans will be a cooperating agency, just like any other EIS. Coronado will be the lead agency; Caltrans will be a cooperating agency and contributing. They are, like in any other process, a major portion of the review process for the EIS and the EIR. They are a major reviewer on the Project Report and are the point of contact for the Federal Highway Administration. There are several roles that Caltrans fills and that is what this cooperative agreement is intended to clarify. Mr. Tierney asked if Coronado is paying Caltrans to do its job? Would Caltrans have this responsibility regardless and now Coronado is paying them? Mr. Ochendusko responded that the answer is no. Caltrans does not have to do this. Coronado is an applicant, just like a developer would come to the City of Coronado and have to pay the fees that are appropriate for going through the development process. In the same way, the City is doing the same with Caltrans. As they cooperate with the City and review and comment back and take a role in the management process of the environmental documents and the project report.

Mayor Smisek suggested that Mr. Tierney review the agreement in the staff report.

Mr. Tierney thinks these are funds that the public ought to be able to know exactly where these funds are going.

MSC (Monroe/Schmidt) moved that the City Council approve the Cooperative Agreement in concept and authorized the City Manager to negotiate the final terms and execute the agreement. The City Council approved the revised project budget to reflect the Caltrans contract and the appropriation of grant funds for the project

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

12. **CITY ATTORNEY:** None.

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

14. CLOSED SESSION:

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

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
Two (2) potential cases

The City Council recessed into Closed Session on item 14a prior to hearing Item 11h at 4:28 p.m.

The City Council reported back in session at 4:44 p.m. with no reportable action on the Closed Session item.

15. ADJOURNMENT: The meeting was adjourned at 5:05 p.m.

Approved:

Tom Smisek, Mayor

Attest:

L. Diane Shea, CMC
City Clerk