MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, November 7, 2006

Mayor Smisek called the meeting to order at 3:01 p.m.

1. ROLL CALL:

Present: Councilmembers Downey, Monroe, Tanaka and 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. Marlys Simmons provided the invocation. Coronado High School NJROTC presented the colors and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: Approval of the minutes of the Regular Meeting of October 17, 2006. The reading of the minutes in their entirety was unanimously waived.

MSUC **(Tanaka/Downey) moved that the City Council approve the minutes of the Regular Meeting of October 17, 2006, a copy having been provided Council prior to the meeting, as submitted.**

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

4. CEREMONIAL PRESENTATIONS:

4a. Presentation of Recreation Department Thanksgiving Poster Coloring Contest Winners. Mayor Smisek, Councilmember Downey, representing the Coronado Junior Women's Club, and the City Council presented the awards to the poster contest winners.

Kindergarten and First Grade:
First Place Ashley Kekeisen
Second Place Genette Deel
Third Place Catelyn Millar

Second and Third Grades:
First Place Emily Cross
Second Place Hannah Stone
Third Place Savannah Welch

Fourth and Fifth Grades:
First Place Katie Brooks
Second Place Gabrielle Hadzicki
Third Place Christopher Teran

4b. Proclamation: "United Way Campaign Period." Mayor Smisek presented the proclamation to the City's United Way representative, Fire Chief Kim Raddatz, and United Way representatives Vicki Barns and Kristen Fisher.

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

Mayor Smisek recused himself from voting on Item 11b stating that he was ineligible due to real property interests.

MSUC **(Tanaka/Tierney) moved that the City Council approve the Consent Calendar Items 5a through 5g with the addition of Items 11b – Consideration of Request from Councilmember Tierney to Install a Dog Wash at the North Beach Dog Run Area and 11c – Consideration of the City of Coronado's Policy on the Secondary Treatment/Waiver for the Point Loma Wastewater Treatment Plant.**

AYES: Downey, Monroe, Tanaka and Tierney and Smisek
NAYS: None
ABSENT: None
DISQUALIFIED: Smisek, on Item 11b.

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. 10054093 thru 10054570 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. **Resolution of the City Council Restating the Declaration that Volunteer Workers are Deemed Employees for the Purpose of Receiving Workers' Compensation Benefits.** The proposed revision would delete the reference to the State Compensation Insurance Fund making no reference to any insurer. The purpose of the original resolution, the proposed revisions, and the legislation authorizing such resolutions is twofold: (1) it provides protection to volunteers injured "on the job" by allowing them to receive medical and other benefits, and (2) it allows public entities to protect themselves by limiting damages payable to a volunteer worker injured "on the job" to statutory maximums for disability caused by the injury. Without the limitations under the workers' compensation system, he/she would be able to file a third party claim and litigate in court without any such limitations on compensation. Third party claims allow for non-economic damages, such as "pain and suffering," and "emotional distress," and economic damages, such as "lost income," "loss of future earning capacity," etc. **The City Council approved A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO DECLARING VOLUNTEER WORKERS TO BE DEEMED EMPLOYEES FOR THE PURPOSES OF RECEIVING WORKERS' COMPENSATION BENEFITS. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8183.**

5d. **Approval and Acceptance of the Sidewalk and Pedestrian Ramp Replacement and Block 171 Alley Resurfacing FY 2005/06 Project.** The City Council awarded a contract to Koch-Armstrong General Engineering, Inc. on May 19, 2006 and construction began on June 12, 2006. The project was completed in accordance with the project plans and specifications on October 13, 2006. **The City Council accepted this project and directed the City Clerk to file a Notice of Completion.**

5e. **Approval and Acceptance of the Bahama Pump Station Repair Project.** NEWest Construction Company, Inc. was issued a Notice to Proceed on July 31, 2006. The project was completed in accordance with the project plans and specifications on September 12, 2006. **The City Council accepted the Bahama Pump Station Repair project and directed the City Clerk to file a Notice of Completion.**

5f. **Appointment to Fill One Vacancy on the Coronado Street Tree Committee.** Commissioner Jeanne Fox served one full term and indicated that she is unable to serve for a second term. Only one application to serve on the Committee was received from Nancy P. Carlin. **The City Council appointed Nancy P. Carlin to the Coronado Street Tree Committee to a three-year term due to expire October 31, 2009.**

5g. **Request from the Coronado Chamber of Commerce to Allow for Free Parking in all Commercial Zones from Monday, December 11, 2006 through Tuesday, December 26, 2006.** The Coronado Chamber of Commerce submitted a letter dated October, 30, 2006, requesting free parking in all commercial zones for the holiday period from Monday, December 11, 2006 through Tuesday, December 26, 2006. **The City Council approved the request.**

5h. Award of Contract for the Transbay Sanitary Sewer Force Main Project.

City Attorney Morgan Foley explained that this project went out to bid and that bids were received the previous week. The apparent low bidder's bid was reviewed and was recommended for approval. Since the recommendation came to the City Council there was a bid protest received from the only other bidder on the project. That protest is on the grounds that the low bidder made an exception to its bid which was contrary to the bid documents. Staff has reviewed the exception, which was a statement that the bidder reserved the right to drill or bore below the Bay at a greater depth than what was originally in the bid documents. It was simply a reservation of rights. Staff determined that there was no material advantage to that exception – it didn't qualify as an exception that should invalidate the bid. It should be disregarded. Subsequent to that, the bidder submitted a letter clarifying that the exception was consistent with what the first addendum to the bid documents provided. Under those circumstances, staff recommends that the City Council considers the protest, disallow the protest, and award the bid to the low bidder, Michels Corporation, in the amount of $7,430,935.40. The City Council should also make a finding that there was no material advantage in the bidding process for that exception.

MSUC **(Tierney/Tanaka) moved that the City Council award the bid to the low bidder, Michels Corporation, in the amount of $7,430,935.40. The City Council made a finding that there was no material advantage in the bidding process for that exception. The City Council approved a construction budget of $8,500,000 and authorized a transfer of $500,000 from the Wastewater Enterprise Fund into the project account #510781-9855-03401.**

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

6. ORAL COMMUNICATIONS:

a. Wayne Strickland, 854 A Avenue, retired 32 year Coronado firefighter, provided an example of a fire in Coronado where the firefighters only had a 24' ladder on the engine and couldn't reach the roof and had to wait while a ladder came from another city. The house was totaled and had to be torn down. He said the City still only has a 24' ladder. He also mentioned two ambulance calls that came in the previous week, one for a broken light call and the other, a cardiac arrest that had to wait for an off island agency to provide transport and was pronounced DOA. He stated that the City needs a second ambulance and an aerial ladder or telesquirt now. He requested that these items be on the City Council agenda in the near future.

b. Elvira Moore, 620 Margarita Avenue, who works in the health care industry, said she realizes that transport time is extremely important. She was surprised to learn that the Cays does not have a real ambulance but rather a confined rescue rig. She understands that it is money saving to have that confined rescue rig and that since the City doesn't have reciprocity with the South Bay ambulances it is a good excuse to back out of such

an agreement. She thought that this and the need for a higher ladder should be looked at. She urged and encouraged the City Council to have this on a future agenda.

c. Councilmember Tanaka reported on two items that came up at a Shores Association meeting. Mr. Tanaka suggested that a Council member be assigned to be responsible for attending homeowners' meetings there with some frequency. The other point was that a number of people are running red lights in front of the Shores. They would like to see photo enforcement.

d. Councilmember Downey thanked community members who got the word out about the Pancake Dinner at the Fire Station to help the Esperanza firefighters. She also thanked the Marriott, the Hotel Del and Starbucks for their donations.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS:

8a. Public Hearing: Approval of a Resolution for a One-Lot Tentative Parcel Map to Allow for Condominium Ownership of 2 Residential Units at 500 D Avenue in the R-3 (Multiple-Family Residential) Zone (PC 15-06 Thomas Owen). Tony Pena, Director of Community Development, explained that the Planning Commission's recommendation is approval of the map.

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

MSUC **(Monroe/Tanaka) moved that the City Council adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING A ONE LOT TENTATIVE PARCEL MAP FOR DEVELOPMENT OF TWO CONDIMINIUM UNITS FOR A PORTION OF LOTS 16 & 17, BLOCK 107, MAP 376 CBSI, ADDRESSED AS 500 D AVENUE, CORONADO, CALIFORNIA. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8184.**

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. There was no report.

11. CITY COUNCIL BUSINESS:

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

Councilmember Downey attended the UCLA Global Warming Summit at the request of SANDAG, the USD Modern Grid Initiative Summit, the Firefighter's Pancake Breakfast, the Harvest Hoedown, the Coronado Schools Foundation Dinner, met with Superintendent Sue Coyle, and attended the Lions Club White Cane Drive.

Councilmember Tierney attended League of California Cities hosted by Escondido, the Chamber of Commerce Sundowner, the Police Station Volunteers' Barbecue, the Stockdale Memorial Dedication at the Library, the Senior Affordable housing ground breaking, the Coronado Schools Foundation dinner, a Metro Wastewater Commission JPA meeting, the dedication of the portal at the Library, and the Esperanza Pancake Breakfast Fundraiser.

Councilmember Tanaka chaired a Fire Dispatch meeting, attended the Coronado Schools Foundation gala and the ceremony at Crown City Antiques and Tea Room.

Councilmember Monroe represented the City at the SANDAG Board meeting and the Metropolitan Transit System Board meeting, attended the SANDAG Transportation meeting, the Stockdale Memorial Dedication, the Police Volunteer thank you barbeque, the Senior Housing groundbreaking, and attended a meeting with Police Department staff at police headquarters where the National Director of MADD spoke expressing his support for their actions against drunk drivers. He attended a South County Economic Development Council meeting and met with School District Superintendent Sue Coyle.

Mayor Smisek met with School Superintendent Sue Coyle, attended a South Bay Mayors meeting, the Stockdale Memorial Tribute Dedication, a Library Board meeting, the Children's Portal dedication, the Senior Affordable Housing ribbon cutting, a meeting with the Tunnel Commission Working Group strategy briefing, attended the Coronado Cays Homeowners' meeting with Fire Chief Raddatz, a "No on Proposition A" meeting, the ribbon cutting at Crown City Antiques and Tea Room, the MainStreet Board meeting, and the monthly Chamber of Commerce president's meeting.

11b. Consideration of Request from Councilmember Tierney to Install a Dog Wash at the North Beach Dog Run Area. Approximately eight years ago, while staff was re-establishing the signage and boundaries for the North Beach dog run area; staff examined the possibility of installing a dog wash within the dog run area. An irrigation line was installed in that vicinity as part of an irrigation upgrade for Sunset Park west; however, there was no sewer line in that area to facilitate the disposal of wash water. Approximately two years ago, as part of the City's storm water diversion project, a sewer line was installed in the vicinity of the dog run

area to allow for the cleaning of the storm drain line which runs to North Beach. Recently, Councilmember Tierney requested that the City evaluate the feasibility of installing a dog was at the North Beach dog run area. This can be more easily accomplished now, since there are sewer and water lines in the area. In order to move forward with the installation, Coastal Commission approval may be necessary. With the new North Beach restroom being built, there is concern about dogs in the restroom/shower area; therefore, it makes sense to examine the option of installing a wash area by the North Beach dog run. It is envisioned that the installation could be completed in-house for a reasonable amount of money. **Under Consent, the City Council authorized staff to seek Coastal Commission approval to install a dog wash at the North Beach dog run area.**

11c. Consideration of the City of Coronado's Policy on Secondary Treatment/Waiver for the Point Loma Wastewater Treatment Plant. At its October 17, 2006 meeting, Alan Langworthy, City of San Diego, gave a presentation to the City Council on the history and issues surrounding the secondary treatment/waiver process at the Point Loma Wastewater Treatment Plant.

Coronado's sewage is transported to the City of San Diego's Metropolitan Wastewater System, and ultimately ends up at the Point Loma Wastewater Treatment Plant. At the plant the wastewater is treated to a level termed "advanced primary treatment" before it is discharged 4.5 miles offshore in more than 320 feet of water. The City of San Diego has been successful in the past in receiving "waivers" to the requirement to go to the secondary treatment due to the fact that it is generally agreed that the "advanced primary" treated water discharged from the plant is not impacting the ocean and marine environment. The current waiver expires in June of 2008. Work on the renewal process needs to start soon, but San Diego first has to decide on what course of action to take. **Under Consent, the City Council encouraged the City of San Diego to apply for a waiver of the secondary treatment plant requirement, while also recommending that the City of San Diego work with the Participating Agencies in the City of San Diego's Metropolitan Wastewater System towards implementing secondary treatment or other alternative technologies to meet the requirements of the Clean Water Act (CWA) and the Ocean Pollution Reduction Act (OPRA), and issued a letter to the City of San Diego in support of these efforts.**

12. CITY ATTORNEY: No report.

13. COMMUNICATIONS - WRITTEN: None.

The City Council recessed to Closed Session at 3:45 p.m.

14. CLOSED SESSION:

14a. CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL POTENTIAL LITIGATION
AUTHORITY: Government Code Section 54956.9(b)(3)(C)
NAME OF CASE: Claim for Damages (City Claim No. 06-022)

Claimant: Robert Giannecchini

At 3:55 p.m. the City Council resumed the regular meeting and the City Attorney announced that direction was given to the City's risk manager regarding the claim.

15. <u>ADJOURNMENT:</u> The meeting was adjourned at 3:56 p.m.

Approved: November 21, 2006

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Tom Smisek, Mayor
City of Coronado

Attest:

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Linda K. Hascup
City Clerk