

**MINUTES OF A  
REGULAR MEETING OF THE  
CITY COUNCIL OF THE  
CITY OF CORONADO  
Coronado City Hall  
1825 Strand Way  
Coronado, CA 92118  
Tuesday, September 20, 2005, 3:00 p.m.**

Mayor Smisek called the meeting to order at 3:05 p.m.

**1. ROLL CALL:**

**Present:** Councilmembers Downey, Monroe, Tanaka, Tierney  
and Mayor Smisek

**Absent:** None

**Also Present:** Acting City Manager Jim Benson  
City Attorney Morgan Foley  
City Clerk Linda Hascup

**2. INVOCATION AND PLEDGE OF ALLEGIANCE.** Joan Kantor provided the invocation and Mayor Smisek led the Pledge of Allegiance.

**3. MINUTES:** The minutes of the Regular Meeting of September 6, 2005, a copy having been provided Council prior to the meeting were approved as amended.

**MSUC (Downey/Tanaka) moved that the City Council approve the minutes of the Regular Meeting of September 6, 2005, as amended.**

**AYES:** Downey, Monroe, Tanaka, Tierney and Smisek

**NAYS:** None

**ABSENT:** None

4. **CEREMONIAL PRESENTATIONS:** None.

5. **CONSENT CALENDAR:** The City Council approved, adopted and/or accepted as one item of business Consent Agenda Items 5a through 5d with the addition of Item 13a.

**MSUC** (Tanaka/Downey) moved that the City Council approve the Consent Calendar Items 5a through 5d with the addition of Item 13a - Consideration of Request from Councilmember Tierney for City Council to Direct Staff to Study and Evaluate Increasing Affordable Housing In-Lieu Fees

**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 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. 10045917 thru 10046190 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. **Request to Close Sixth Street from Orange Avenue to "E" Avenue, and "D" Avenue from Fifth Street to Seventh Street for the Thirteenth Annual Coronado Fire Department Open House.** The Open House will take place between the hours of 10:00 a.m. and 4:00 p.m. on Sunday, October 2, 2005. Some of the participants will be the Coronado Fire Department, Coronado Police Department, Federal Fire Department, San Diego Fire Department, Chula Vista Fire Department, California Highway Patrol, Coronado Hospital, Emergency Preparedness Personnel, Air Ambulance, Pluggie and more. Fire and Police apparatus will be on display throughout the area. An air ambulance will be on display at the intersection of "D" Avenue and Palm Avenue. **The City Council approved the temporary street closure for the Open House on Sunday, October 2, 2005 from the hours of 9:00 a.m. to 4:00 p.m. The streets affected would be Sixth Street from Orange Avenue to "E" Avenue, and "D" Avenue from Fifth Street to Sixth Street.**

5d. **Adoption of Revised Personnel Authorization and Compensation Plan for Fiscal Year 2005-06 (Salary Resolution).** The revised Resolution includes the modifications to salaries, health benefits, and compensatory time off cap that was approved by the City Council at its September 6 meeting for the AFSCME represented employees. There are no other changes to the Salary Resolution. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO ADOPTING THE REVISED PERSONNEL AUTHORIZATION AND COMPENSATION PLAN FOR FISCAL YEAR 2005-06. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8095.**

**6. ORAL COMMUNICATIONS:**

- a. **Dan McAllister, San Diego County Tax Assessor**, gave a presentation on the new property tax bills and County tax revenue.  
Councilmember Monroe asked about penalties paid and whether penalties are included in refunds if there is a delay. Mr. McAllister responded that they are very conscientious to process the refunds as quickly as possible. Councilmember Tierney asked what percentage of property owners are still under Prop 13. Mr. McAllister explained that Prop 13 affects all homeowners. He didn't know how many of the original owners were still in their homes since the proposition was approved. Councilmember Downey suggested that a glossary of terms on the tax bill would be helpful. Mr. McAllister responded that there will be one next year.
- b. **Engineering & Project Development Jim Benson** introduced Paul Crook as the new Police Chief. Chief Crook introduced three new officers Brian Baker, Ralph Garcia and Aaron Batzger, as well as Mike Lawton, Jesus Ochoa and Laszlo Wacjek.
- c. **Mayor Smisek** announced that Joe LaCorte has returned from New Orleans and has been released by FEMA. The other two Fire Department members who were scheduled to go will not be needed.

The City Council recessed to a Special Meeting at 3:33 p.m.

The Special Meeting recessed to Closed Session at 3:33 p.m.

After calling the Special Meeting back to order, Mayor Smisek reported that no action was required and adjourned the Special Meeting at 4:07 p.m.

The Regular Council meeting reconvened at 4:07 p.m.

**7. CITY MANAGER:**

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

**8. PUBLIC HEARINGS:** None.

**9. ADMINISTRATIVE HEARINGS:** None.

**10. COMMISSION AND COMMITTEE REPORTS:**

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

**11. CITY COUNCIL BUSINESS:**

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

**Councilmember Downey** chaired the first kick off meeting of the Environmental Mitigation Program at SANDAG and met with citizens regarding tennis.

**Councilmember Tierney** attended County District Attorney Bonnie Dumanis' informative luncheon, the SANDAG Transportation workshop, the Hotel Del Coronado's ribbon cutting for the North Beach facilities, and Chief Crook's swearing in ceremony.

**Councilmember Tanaka** attended the ground breaking ceremony at the Hotel Del.

**Councilmember Monroe** reported on meetings of the Tennis Advisory Committee, a meeting of the Metropolitan Transit System, the Hotel Del ground breaking, the San Diego City Council meeting for a discussion regarding the Bikeway, a meeting of the Tunnel Action Team, a meeting of the SANDAG Transportation Committee, a Navy Complexes meeting and a meeting regarding the new lights at the Library tennis courts.

**Mayor Smisek** attended a meeting with the City Manager and Captain Tim Alexander regarding the tunnel project, District Attorney Bonnie Dumanis' lunch for City Attorney's and Mayors, a Golf Course Committee meeting, two R-4 Committee meetings, a Design Review Commission meeting where they reviewed the Senior Affordable Housing Project, a Navy Complexes meeting, a CHA & Visitors Center meeting, the Ribbon Cutting for the Hotel Del North Beach project, and Chief Crook's swearing in.

**11b. Approval of the Recommendation of the Tennis Advisory Committee Regarding the Renewal of the Contract for Tennis Professional Services and Reorganization of the Tennis Program.** Linda Rahn, Director of Recreation Services, provided the staff report on this item. She explained that the City is seeking approval of the recommendation of the Tennis Advisory Committee for a reorganization of the tennis program in order to better serve the needs of the entire Coronado tennis community. This includes a recommendation to not renew the agreement for Tennis Professional Manager Services with the current contractor as a manager, but to retain the current contractor as a teaching pro and to place the management of tennis services with the Recreation Services Department.

Ms. Rahn provided a summary of the staff report. She explained that the Contractor has provided a consistent program of tennis instruction and private lesson to the public as has been attested to by many individuals. There is a satisfaction level among students who have taken lessons and who testify that he is a good teaching tennis pro and he knows tennis. However, the Tennis Advisory committee has found that he has not satisfactorily provided a program to satisfy the entire tennis community nor managed tennis services effectively.

The Advisory Committee recommends the reorganization of tennis program under the Recreation Services Department, including facility maintenance, facility staffing and scheduling, custodial services, program development, management of play, and collection of program and lesson fees. They recommend that tennis instruction be provided by multiple USTA pros, working as independent contractors sharing a percentage of revenues with the City. The pros

would have advance assignment of court time to teach private as well as group lessons. The cost to the City will be very similar to current costs. Any additional costs will be absorbed within the Recreation Services Department budget as well as with any offsetting revenue. The recommendation provides the opportunity to enhance and improve the management and delivery of tennis services and programs to Coronado citizens, create stronger accountability and management practices, and retain the opportunity for the current Contractor to continue serving the community as a teaching professional.

Mark Andrews, 520 A Avenue, spoke in favor of maintaining Phil Hopkins as the manager and pro at the Tennis Center. He said he has known Mr. Hopkins for about four years. During that time his wife and son have taken lessons from Mr. Hopkins. In addition to being a good pro, Mr. Andrews thinks he does a good job of managing the Center. They buy all of their tennis equipment from Mr. Hopkins at a great price on everything.

Andy Kosan, 1141 Isabella Avenue, said he would like everyone to realize that the Contractor being spoken about is a person with a name, Phil Hopkins. He has known Mr. Hopkins since 1994. He and his children have taken lessons from Mr. Hopkins. Mr. Kosan is not a member of the CTA (Coronado Tennis Association), a group he believes doesn't represent the entire Coronado tennis community. He said he would like to see the documentation showing that Mr. Hopkins hadn't done what he was supposed to do. He thinks there are lots of things to be considered, not the least of which is that Mr. Hopkins has been a part of, and cares about, the community. He thinks the Tennis Committee's recommendation should be reconsidered.

Kevin Mulvey, 920 8<sup>th</sup> Street, said he agrees with everything Mr. Kosan said. He said Mr. Hopkins is doing a good job and he supports him. Mr. Mulvey said his children had been to all the tennis lessons in Coronado for two years and didn't learn anything; it was babysitting with a tennis racquet. Then they went with Mr. Hopkins and his professionals and are doing very well. Mr. Mulvey said he has personally coached soccer for three years, baseball for three years, has umpired for four years, and has seen the good and bad of the coaches. He thinks Mr. Hopkins is doing a great job and he doesn't see anything wrong with the tennis facility. It would be a shame to take a Coronado resident like that and not let him continue doing a good job. He warned that having multiple captains of a ship is not too good; there should be just one.

Jan Rawlings, 569 E Avenue, spoke for herself and her husband John. She gave the history of her family playing and learning from Mr. Hopkins. She said that Mr. Hopkins is a Coronado treasure. His skills and credentials as a teacher and tennis pro make him the perfect leader for the Coronado Tennis Center. His commitment to the community is long standing, and his positive influence on her family is the reason she says that Phil Hopkins should remain at the head of the Coronado Tennis Center.

Kevin Corcoran, 11 Ocean Court, said he has been a member of the CTA for two years and is one of those members who feels that Mr. Hopkins has been a phenomenal advocate for tennis in Coronado. He said he has had a lot of experience with tennis programs and commented that Mr. Hopkins is a great guy and the best pro he and his family has ever experienced. He finds it pretty interesting to hear it said that Mr. Hopkins has not lived up to the satisfaction of the tennis community when the study says that 82% of the people are thrilled with the way he is doing things. The study says that 93% of the people would recommend the Coronado tennis courts and

programs to their friends. Mr. Hopkins is a long time member of the community. He encouraged the City to re-sign Mr. Hopkins.

David Axelson, 234 B Avenue, said he is proud to say he is a friend of Mr. Hopkins and his wife, Paulette. He commented that one of the allegations was that Mr. Hopkins' hasn't publicized the tennis programs. Mr. Axelson explained that he has written a column in the *Coronado Eagle Journal* for the last eight years, called "Nado Natterings", and can attest that Mr. Hopkins has frequently asked him to include information about tennis clinics for kids. He said his son learned to play from Mr. Hopkins and has participated in the tennis program for several years with the result that he lettered for four years. He urged the City Council to retain Mr. Hopkins as both the Coronado tennis professional and the manager of the facility.

Ethel Kosan, 1141 Isabella Avenue, said she was in agreement with the speakers before her. She would recommend the renewal of Mr. Hopkins' contract as pro and manager of the Coronado Tennis Center. She thinks he runs a quality organization and manages a good mix of both recreational and private programs geared to players of all levels. His employees are talented, enthusiastic, responsive, and dedicated. She asked the Council to consider that it is very important to an overall tennis program to have a dedicated tennis professional instead of a number of professionals who would split the profit and not be able to make a full time living.

Donnie Corcoran, 11 Ocean Court, said she plays tennis three to five times a week and has never had any confusion as to court management. The schedule is always posted on the board. The nets are always in good shape. The courts are usually clean unless there was a rain the night before and are in as good shape as any public or private courts. She urged the City Council to re-sign Mr. Hopkins as manager and pro for Coronado tennis.

Deni Herron, 1718 Visalia Row, said that the survey she saw showed an 82.4% rating. That many people in Coronado being happy is almost unheard of. She said one of the allegations was that Mr. Hopkins had a time conflict. She pointed out that he teaches tennis as an adjunct professor at San Diego City College about twelve hours a week. However, his classes are over by 7:40 a.m. weekdays, and by 9:40 a.m. Fridays. She said the issue is an emotional one. After the City Council previously decided to retain Mr. Hopkins, a Tennis Association member made rash statements to Ms. Herron that Mr. Hopkins wouldn't be back this year. She questioned the impossible requirement in the contract that Mr. Hopkins cannot own a home in Coronado. She said that every person who had spoken so far, including CTA members, were very happy with how things are being run. For the last twelve years Mr. Hopkins has done the same thing that he has been doing and hasn't lost one receipt. If there were issues with his accounting it could have been brought up at any time and he could have been asked for an accounting.

City Attorney Morgan Foley explained that the contract provides that the Contractor shall not be disqualified, under the Political Reform Act, from performing his or her services. It is a typical contract provision. In this case, Mr. Hopkins is not to acquire property that would create a conflict. It does not prohibit him from owning property anywhere in Coronado as long as he doesn't purchase property in a manner that would disqualify him from performing his work or create a disqualification of the Political Reform Act. It is required by State Law to have City contractors abide by those terms.

Linda Williams, 660 Balboa, spoke on behalf of Mr. Hopkins. She has never had an issue with reserving a court. She is very impressed that he is available for lessons. She goes three days a week at 8 a.m. and hangs out until Noon or 1 p.m. and Mr. Hopkins is usually still there. Other pros have other jobs; they don't just rely on being a pro to survive. She thinks he is a very hard worker and he's there when people need him. She hopes he gets to stay.

Molly Erskine, 1135 Isabella Avenue, said she is a resident of Coronado and she, her husband, and six of her children have had lessons from Mr. Hopkins. It has been an enjoyable experience. The courts were clean. They got the times they needed. He was very consistent. He made it fun for them. She has a seventh child she would love to have taken lessons with Mr. Hopkins. She really likes the small town feeling Mr. Hopkins gives them.

Tom Lancaster, 936 J Avenue, spoke in support of Mr. Hopkins. He said he plays at the City courts a lot. As far as facilities, it seems like they are in good shape. He did say that they might need more of a budget as far as resurfacing the Library courts. The nets and back drops are all new. The City courts at Glorietta have just been resurfaced. Cleanliness is probably most people's problem. People leave cans and debris on the courts; it is everyone's responsibility to clean up after themselves. Regarding the programs, he guesses it could be better for the children or adults as far as having tournaments, etc. He doesn't know if there is a lot of interest for a lot of tournaments right now. He doesn't know if that should be under the Red Department or if the pro should be setting that up. The idea of multiple pros is a bad idea. If there are going to be a number of people down there instructing it is going to be hard for there to be any continuity. Mr. Hopkins is available at just about any time. He thinks Mr. Hopkins does a great job.

Mary Jane Clements, 745 J Avenue, said she has listened to Mr. Hopkins' supporters try to make the issue personal when it isn't. She said she likes Mr. Hopkins as a person, but she thinks that there is nothing wrong with having the City taking back the maintenance or having a variety of pros. There is no question that he knows how to teach tennis. The question is the whole list of things he agreed to do and has not done. Nothing has changed in his 12 years of being here. She said the USTA players have done their best to cooperate with Mr. Hopkins, but he has shown no interest in the leagues. Ms. Clements said she hasn't had the same experience as Ms. Corcoran regarding scheduling courts. She has had to get up at 5:30 or 6 a.m. for the last two years to schedule USTA league matches so that she doesn't have to ask social players to move for a scheduled match. She displayed a sign that was written on the back of a scrap of paper as evidence of the type of signs Mr. Hopkins posted. She disputed the comments that Mr. Hopkins is there all the time. She said when she is there for League Captain Days the place is locked up. A lot of times the bathrooms are not opened by 8:30 a.m. Ms. Clements said her understanding is that staff's recommendation will allow Mr. Hopkins to continue teaching his students with very little interruption in doing so. By allowing other pros to come in, the people who are not interested in Mr. Hopkins can enjoy lessons from other pros without having to drive over the bridge. She thinks the Council needs to stick with the issues and facts at hand, not emotions, and support the recommendation from the Tennis Advisory Committee.

Rob Moore, 751 Coronado Avenue, advised he was disappointed in January 2004 when the first Tennis Advisory Committee made a recommendation to Council to give the pro an eighteen month extension, but decided it might give Mr. Hopkins time to regroup, reenergize, and reassess the tennis program. However, Mr. Miller said he could attest to the lack of attention and poor conditions, i.e. the lack of court cleanliness, delayed replacement of torn nets, broken center

strap anchors, and inordinate delays in reporting and replacing burned out lights. One night, a player slipped and fell on the sand and dirt during league play. Two night league matches had to be postponed due to inoperative lights at City courts. A visiting team captain emailed the Recreation Director regarding unsafe court conditions and threatened to take the issue to the regional coordinator of San Diego World Team Tennis Association to have all the home matches moved unless conditions were remedied. Mr. Moore said he had personally sent some 30 emails to Mr. Hopkins regarding correcting deficiencies, and knows of many other emails sent by his teammates. In March, Mr. Hopkins had assured Mr. Moore that he would work with the school district and school principals to mitigate court issues, but to this date he has not heard of any resolution. Mr. Moore summarized that his personal opinion is that there has been little value added to Coronado tennis since the contract was extended. The court conditions have continued to deteriorate and response time to correct problems has taken days, if not weeks, to correct. He remains disappointed with the services provided by Mr. Hopkins.

Nils Sandberg, 152 F Avenue, said he is a member of the Coronado Park and Recreation Board. He commented that it is interesting to observe how the City facilities are being utilized. Tennis in Coronado is a unique situation. There seems to be no question as to the current tennis pro's ability to instruct all age levels, but it seems there is a lack of management to meet the terms of the contract. This is where he thinks the Council can look at the situation as not a personal situation but as a business one. According to the staff proposal the tennis pro would have the opportunity to continue teaching, there will potentially be better management of the public facilities, and the ability to serve the greater good of the citizens of Coronado. Having been a tennis player for a long time and a member of a number of private clubs, he has been able to observe how a private facility runs and how a pro in that environment operates. He thinks that the City should not lose sight of the fact that this is a public facility open to all residents, irrespective of their membership in an association or national tennis association. He advised that the Council consider the Committee's recommendations for the greater good of the community.

Jennie Portelli, 814 Glorietta Boulevard, President of the Coronado Tennis Association, member of the Tennis Advisory Committee, reminded everyone that a year ago there were 175 signatures on a petition requesting a change in tennis services. When she was on the Park and Recreation Commission she received a petition from 125 members of the community saying that they would like to change the tennis services. This is not reflective of Mr. Hopkins as a person. She thinks he does a fine job teaching private lessons. But from what she is hearing, and from what she knows the Council has heard from emails and phone calls, people would like to have a choice of tennis pros; and they would like to have a different system of maintenance and management of the courts. She provided a letter from the Tennis Association's Board of Directors that she requested be a part of the record. The Board was unanimously in favor of the City staff report. She would like to see everyone come together and have win/win situation. She said she certainly hopes that the Council will listen to everyone who spoke, phones, and who sent emails.

Phil Hopkins commented that he appreciates what everyone has done and the amount of time that has been put into trying to make this decision. He asked that the Council look at the public survey that took a month and a half to do. The committee set up that evaluation tool and the results surpassed what they were looking for. He said he sees some shortcomings. According to his contract he was supposed to have monthly meetings with the Director of Recreation but that hasn't been done for the last fourteen months. If he was deficient, it would have been nice to find out then instead of just last week. He said he has never had an annual review. He was never

brought in to talk with the Advisory Committee put together to determine whether he was doing his job or what needed to be done, and was asked only to respond to several pages of questions. Mr. Hopkins said he really feels slighted. He is a person who has spent a lot of time with the community trying to do things. He addressed the sign Ms. Clements exhibited. He said if someone goes over to the tennis center they will find the signs there are professionally done. He usually receives notice of when the matches are going to occur two or three days before. He said he is not getting that information from Ms. Portelli early enough. They found a way to do it, but she seems hesitant in letting him know what the schedule is ahead of time because people aren't CTA members and they haven't paid their fee and she doesn't want him to reserve courts for them. If he has the time he can prepare proper signs, but if he finds out at the last minute he may have to hand scribble it. He admitted he used to do it that way, but he doesn't do it that way anymore. He found Mr. Moore's comments interesting. In the first email he complained about the maintenance of the courts, but in the first six months of the eighteen month contract it was Mr. Moore's contract. Mr. Hopkins said he did have a meeting with the principals. They sat down with Ms. Rahn and came upon a solution. They did do the work to get the school to help clean out the courts. Also, those last emails Mr. Moore referred to contained statements to the effect that Mr. Hopkins has been doing a good job and that he knows it is not about Mr. Hopkins but rather the City and other things as to why those things aren't being done. He has copies of those emails. He hopes the City Council will give him their support so that he can continue teaching in Coronado. He said to do it with 3 or 4 pros would be a mess. Regarding the accounting he would love to do whatever the City wants to do. He said he set up the books twelve years ago and has followed the same system since then and had been accepted by the City. Everything has been open to anyone who wanted to see it. Mr. Hopkins said he doesn't have a conflict with his other job. He would like to remain in Coronado as the tennis pro, but not as one of three or four pros.

Mayor Smisek explained the terms of the contract and the review clause. He thought the Tennis Advisory Committee would not only look at the pro's conformance with the contract, but also the adequacy of the contract because it was a first time for the City to use this type of an expanded contract. Some of the changes were increased management responsibilities, accounting practices, and reporting regularly to the Director of Recreation. The specifics of the accounting practices weren't spelled out but were to be similar to those used by City departments. Having the pro be responsible for teaching and maintenance was an attempt to have one person to go to. The Tennis Advisory Committee's approach of using questionnaires and surveys provided information on contract conformance and gauged satisfaction with the tennis program in the community. He thinks they did a very thorough job in both of those areas. Mayor Smisek said he likes to approach this type of review by adding up the "goods and others". On the "other" side is the fact that the monthly meeting arrangement was never truly formalized. Those monthly meetings would have been a venue to take immediate corrective action if there were any problems. It is a good management practice to give the opportunity for an evaluation. Regarding accounting practices, Mayor Smisek mentioned the contract reporting forms he was familiar with from his time as a defense contractor. He suggested that this is an idea the City could look at to improve the process. If the forms weren't completed and submitted satisfactorily it would be an indication of a problem. Mr. Hopkins had been using his prior system for several years before the new contract terms. During that time frame, there were no reports of any problems with the records or indication that his system had not been satisfactory. Either the City did not do its job properly to impress upon him the necessary changes or maybe during the review the City was a little too stringent. Fairness of a contract is something he thinks the City really needs to look at.

Mayor Smisek instructed that utilizing additional City staff to oversee tennis programs and operations would be significantly more costly to the City, perhaps \$30,000 over what it is currently costing by contracting with Mr. Hopkins. He explained that his computations included staff hourly pay rates plus with associated benefits such as pension, health care, etc. In his evaluation, it leads him to believe that the City either had a steal with this contract and grossly underpaid the contractor to do all of these things, or the expectations were too high based on the cost of staffing to handle the same duties. He thinks that, inadvertently, the Tennis Advisory Committee has done a great job of analyzing the contract, even though that wasn't their intent. They have come up to demonstrate that the City is underpaying by about \$30,000, assuming the City would use a similar system internally. This is a normal thing that goes on anytime one is going to do out-sourcing versus in-sourcing. On the "good" side is the high satisfaction by most folks. Mayor Smisek said he can't go along with the idea that this isn't personal and that the City can't be emotional. Issues of this type are often emotional. He understands from the people who talked today, from the survey, and from his own personal interface with individuals, that satisfaction is very high in the community. There doesn't seem to be a dispute that Mr. Hopkins is a highly qualified teacher. The comments from a year and a half ago showed the he has quite a strong reputation among tennis pros throughout the United States.

Mayor Smisek said the question now is where to go from here. The City always strives to go for a win/win situation and there are some options. The Council could accept the Tennis Advisory Committee's recommendation; they could down scope the contract to make the tasking fit the numbers to make it more reasonable; or add money to it to pay for the expectations the City has for performance on this contract. He thinks the City needs to give further thought into how to split the responsibilities if that is the decision. The Mayor said he is in full agreement with the idea that multiple instructors with no one in charge of them, except that they would report directly to the Director of Recreation, is not a good thing. Coronado's reputation would suffer from that type of situation. He thinks there should be a head pro who would hire other people to work with him. He hopes the Council will remember the comments that were made that Mr. Hopkins is a valued member of the community. This is a man's job and his lifestyle. It is not something that people can be black and white and dry about. He knows from past discussions that there is emotion. It is personal. He hopes that the Council will come up with a satisfactory solution that will keep tennis strong in Coronado; tennis for everyone as mentioned by one of the speakers. This is a recreational tennis program for all of Coronado, not just for one select group.

Councilmember Monroe began by saying that this was a difficult situation because he seldom publicly disagrees with Mayor Smisek on issues but he served on the Tennis Advisory Committee and even though they really tried to find for a win/win for everyone that was not the answer. While it has been acknowledged that Mr. Hopkins is a great tennis instructor to a lot of people, the committee unanimously agreed that there were deficiencies against the contract in program management, in court maintenance, and in promoting the tennis program in Coronado. Literally, Mr. Hopkins, in his proposal, said that he was going to 13 things to promote tennis in Coronado and has not done or has done very little of 12 of those 13 things. The survey has been mentioned a lot, but that was only one of many criteria. This is the second advisory committee that has looked at the performance of the tennis pro. Eighteen months ago the recommendation was to hire a different pro. Mr. Monroe said it is unbelievable that after hearing the staff report which cites specific examples of contract deficiencies it could result in anything other than accepting the staff recommendation. Mr. Monroe disclosed his disappointment with Mr. Hopkins' responses to questions posed by the Advisory Committee. He felt they were excuses,

evasive, and blaming of others. He referred to a saying, "You can't manage a person you can't fire." As he sees it, if the staff recommendation is not upheld, that will be the case with the tennis professional. Mr. Monroe said that the second alternative in the staff report makes that very point. It reads, "Renew the agreement for the Tennis Professional/Manager Services with Mr. Phil Hopkins for a period of 3 years. If this alternative is selected, the recommendation is to remove the performance review and review Committee clauses." That recommendation was submitted by City staff essentially because they are very familiar with the situation. To him it speaks volumes, but he is willing to participate in dialogue to see where the City can go. Mr. Hopkins laid down the gauntlet at the end of his talk by saying take him or he is leaving.

Councilmember Tanaka said there is a lot about this issue that concerns him. It was his mistake to put too much faith in the contract when it came before the Council the last time. What he found enticing about the contract was that the City was going to put Mr. Hopkins in charge of all these things, but he ended up being made the middle man. Even though it is fair to ask Mr. Hopkins to do what is in this contract, Mr. Tanaka wouldn't hire a tennis pro to this contract again. He could see how some people are unhappy with the performance, but maintenance shouldn't have been included. The City's Public Services is very efficient and when something needs to be done it is done almost immediately. Mr. Tanaka also feels that it was completely unsatisfactory to include the management fee in the contract. A year ago he didn't grasp that the management fee was basically the City outsourcing \$36,000 worth of work to Mr. Hopkins; work that doesn't fall under his idea of what a tennis pro should be. To him, the City bears some of the blame for these concerns. He thinks there probably is some blame on Mr. Hopkins' side as well. He thinks there is probably some tennis programming that Mr. Hopkins isn't pursuing. Mr. Monroe was right to point out that Mr. Hopkins isn't quick to ever say mea culpa.

Mr. Tanaka said he would be interested in looking at an entirely new contract that focuses exclusively on Mr. Hopkins' role as a teaching pro. He would rather see Mr. Hopkins retained as the head teaching pro because everyone has testified that he is an excellent teacher of tennis. Court maintenance should be put under Public Services. Also the tennis programming could be moved under Recreation. He thinks very highly of Linda Rahn and thinks that if some of that authority is moved to her it would be well done. He thinks the City should treasure Mr. Hopkins and name him the head teaching pro and do everything it can to facilitate the practice he has already built. He trusts Linda Rahn to hire one or two pros to meet a constituency that Mr. Hopkins isn't serving. Lastly, Mr. Tanaka addressed the dollar amount. He thinks Mr. Hopkins looks at the management fee as sort of a base salary. He thinks that the City looks at it as an outsourcing fee. He wants to settle once and for all what the City is paying him and what it expects of him as a teaching pro.

Councilmember Tierney indicated that he supports staff's recommendations due to Mr. Hopkins' failure to meet the terms of the contract. The last time this came before the Council a process was set up to resolve the issues and find middle ground. That middle was never reached because it wasn't there. The unanimous recommendation of the previous committee was to hire a new pro and another person to take care of the facilities. There is now a different Council but the same problem. He foresees that the Council will continue to have the same problem over and over again with this particular individual. It was negotiated on what he felt was fair. In return he put in his suggestions. As a former contracts manager he assured everyone that no one forced this gentleman to sign a contract. Now the case is being made that it is the City's fault.

Mr. Tierney said he wouldn't dispute Mr. Hopkins' ability as a teaching pro, but he mentioned the other contract requirements that were not met, such as promoting tennis in Coronado, cooperating with the Coronado Tennis Association, coordination and management of play, maintenance, and record keeping. He said it was unacceptable that an audit trail found that there were no receipts for particular periods. Mr. Tierney said he won't go down this road again. He voted to oppose the contract the last time the Council discussed the subject. Compromise only works when there is a benefit to the community. He sees no benefit with this. As to whether he can be a good pro under the existing staff recommendation, he certainly can if he wants the job. That is Mr. Hopkins' choice. He foresees no problem with Mr. Hopkins earning a decent living and still be able to do what he obviously does best which is teach. As an administrator running a company he is not good at all. Mr. Tierney was right the first time – the City should have stuck to its guns. Friendship and loyalty do not belong in the contracting business.

Councilmember Downey said she spent the better part of five days on this. She met with Mr. Hopkins because she wanted to talk to him to see if she could understand why there is such a dichotomy. She said that the public comments in this meeting were overwhelmingly in support of Mr. Hopkins. The phone calls, emails, and letters she received were the other way. It is almost a dead heat. She did a thorough investigation. She reviewed the staff report and went through the contract. She has asked questions of everyone and found there is no middle ground. The only workable option in the staff report is Alternative 3. If Council found that Mr. Hopkins is in default of the contract because he hasn't complied, give him 30 days to cure. That is what the City should have done originally. The City could list what it was it wanted. She disagrees with Mr. Tanaka that the contract wasn't sufficient, but maybe the City should have been more detailed in what it wanted. One of the things she asked everyone who called her was what they wanted him to do. It was interesting; people couldn't tell her what they wanted. But she finally heard the right answer. "Promoting tennis such that everyone feels like they are in it together." She gave the example of a business owner that does an excellent job promoting his karate business. Ms. Downey said she looked at several different scenarios that would be a win/win situation. She told Mr. Hopkins that it would seem to her to be financially better to him if the City took away the maintenance, etc. and leave coaching to him. Unfortunately, Mr. Hopkins informed her that a person can't make a living just giving lessons. They have to be managing other people and managing programs to make a living. That also gets back to why he signed the contract. The money isn't being made in maintenance. It is in his cut of what he gets from the other pros who work for him. If you do the math, he is making about \$140,000. She doesn't know that it is her place to tell people they can't sign a contract because it isn't fair to you. They make that independent decision. She doesn't have a problem with what the City asked him to do and what the City offered to pay him. Today, she thinks the contract was fair but she doesn't think it was complied with. She also said she didn't think it could be cured in 30 days, and the Council is leaning towards terminating the contract. Ms. Downey thinks that Mr. Hopkins brings an amazing teaching ability. She is impressed that so many people came to the Council meeting to speak on his behalf. She would like to find a way to make that work and to keep Mr. Hopkins. The City wants him in the community.

Mayor Smisek said it sounds as if the Council is moving in the direction of having Recreation take over most of the management and Public Services taking over the maintenance. The compromise would be the head pro versus multiple pro situation. Maybe the City Manager and Ms. Rahn could sit down with Mr. Hopkins and discuss the idea of a head pro concept and to work with the possibility of having a couple of other pros of stature to work with him who bring

the other side of tennis. If that was done and it would work out that it was appropriate financially and it works out for the City, and Mr. Hopkins can remain the face of tennis for Coronado. There were some discussions about handling the finances similarly to how it is done at the Golf Course.

**M (Tierney) moved the staff recommendation.**

Mr. Monroe asked that Mr. Tierney amend the motion to fit in what Mayor Smisek is talking about. He suggested that the Council accept staff recommendations 1 and 3 only.

Mr. Tierney said he doesn't want to waffle again. What the city would have is a situation where there will be the current pro directing or coordinating the other pros beneath, but Mr. Tierney is not sure that this particular individual can operate and function fairly with all the other pros. It is to his advantage, to a certain extent, to maneuver to take over, and he is afraid that this will cause even more problems. Whereas, if the City opens it up to a competitive process the people will choose the pro that gives them the best advice, the best conditioning, and the best service.

Mr. Monroe brought up the Golf Course situation. The Golf Pro, Ron Yarborough, has a staff of pros. There could be opportunities to bring in high caliber tennis pros. He has been told that other pros really don't like the terms and conditions and treatment that Mr. Hopkins gives them but with the City Manager sitting down with a head pro, if that is where the City is headed, it could work. He has supported all along doing something to retain Mr. Hopkins in what he does well. Staff would come back to the Council and if the Council didn't like it, they could institute #2 to give the notice and buy out. That would put Mr. Hopkins on a month-to-month basis to see what they come up with.

Mr. Tierney stated he would like to see some a time frame as to when Council receives some feedback from the City Manager as to whether this is workable. He said he would go along with the amended motion if there is some sort of schedule that is reasonable such as within the next 60 or 90 days that could be targeted.

Mr. Monroe asked the City Attorney what the situation is in terms of month-to-month with the current contract, which has expired.

Mr. Foley explained that the contract has yet to be extended at the request of the professional. The City could treat it as a month-to-month and compensate Mr. Hopkins based on the contract as it is still in effect. Technically, until the contract is terminated, it is still an ongoing obligation on the part of the City and Mr. Hopkins. If Council is talking about a month-to-month type of program the City would continue on and defer the termination for convenience. He believes that if Council, if it isn't going to extend it, it has to be terminated one way or the other.

Mr. Tierney thinks that 90 days would be fair. 60 would be better, but 90 would be fair.

Mayor Smisek pointed out that the Acting City Manager is nodding his head.

Mr. Monroe asked if the City can, in the notification of termination for convenience, can the City give a date that is 60 days out. The extension is not being granted. It will be terminated for

convenience in 60 days and Council directs the City Manager to work out an operational agreement for tennis in Coronado and bring it back to Council.

Ms. Downey said she prefers that. Council understands that it isn't going to keep the current contract the way it is.

Mayor Smisek said he can agree with that only under the premise that the City Council will take action prior to that date.

**MSUC (Tierney/Monroe) moved that the City Council approve the recommendation of the Tennis Advisory Committee to: 1) Deny the Contractor's request for extension of the Agreement for Tennis Professional/Manager Services; 2) Direct the City Manager to give notice of termination for convenience within 90 days and initiate the "buy out" procedures under the Agreement; and 3) Authorize the City Manager to develop an operational and staffing procedure for Coronado Tennis Programs**

Mr. Tanaka pointed out that the most important part of the recommendation is item 3. The Mayor's comments that the City Manager, Recreation Department head, and Mr. Hopkins get together to talk about what can be done to see if there is an out that fits everyone is the direction he wants to make sure staff hears loud and clear. The reason the Council is pulling out the alternative method section in item 3 is because they want to see if there is a chance of saving the situation because of Mr. Hopkins's reputation as an excellent teaching professional. He is putting his faith in the City Manager and the Director of Recreation that they can work something out and it is certainly his hope that Mr. Hopkins will be part of that trio to find a contract that all three can agree on.

Mr. Monroe said he wouldn't make it a requirement, but he hopes that those three people would also talk to the CTA Board and keep them involved. There were some great speakers who supported Mr. Hopkins and maybe one or two of those people could be involved. He doesn't want a formal committee again, but they know who is working on this. The City Manager schedules appointments with people. They can come in and share their ideas.

Ms. Downey agrees with Mr. Tanaka that item 3 is the important part of the recommendation. She wants to put a renewed emphasis on "operational." The one thing that everyone could point to that they were concerned wasn't being done right is the scheduling of the courts and trying to work with the leagues. She would like to see that as part of the recommendation. It is not just the professionals; it is how the program is run. The way the Golf Course does this is amazing. She would like staff to come back with some of those recommendations.

Mr. Tanaka said that Ms. Downey has his concurrence on that point.

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

Mayor Smisek thanked everyone for coming and giving their valuable time to participate. It was very difficult for everyone. This is the hardest part of this job.

12. **CITY ATTORNEY:** No report.

13. **COMMUNICATIONS - WRITTEN:**

13a. **Consideration of Request from Councilmember Tierney for City Council to Direct Staff to Study and Evaluate Increasing Affordable Housing In-Lieu Fees.** Under Consent, the City Council directed staff to evaluate increasing affordable housing in-lieu fees.

14. **CLOSED SESSION:**

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

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9

One (1) potential case

The closed session item was cancelled and heard on the Special Meeting agenda.

15. **ADJOURNMENT:** The meeting was adjourned at 6:06 p.m.

Approved:

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Tom Smisek  
Chair

Attest:

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Linda K. Hascup  
City Clerk