

**MINUTES OF A
REGULAR MEETING OF THE
CITY COUNCIL OF THE
CITY OF CORONADO
Coronado City Hall
1825 Strand Way
Coronado, CA 92118
Tuesday, February 20, 2007**

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

1. ROLL CALL:

Present: Councilmembers Downey, Monroe, Ovrom, Tanaka and
Mayor Smisek

Absent: None

Also Present: City Manager Mark Ochendusko
City Attorney Morgan Foley
City Clerk Linda Hascup

2. INVOCATION AND PLEDGE OF ALLEGIANCE. Ann Rebuffatee, layperson from St. Paul's Methodist Church, provided the invocation and Mayor Smisek led the Pledge of Allegiance.

3. MINUTES: Approval of the minutes of the Regular Meeting of February 6, 2007, were approved as submitted. The reading of the minutes in their entirety was unanimously waived.

MSUC (Monroe/Tanaka) moved that the City Council approve the minutes of the Regular Meeting of February 6, 2007, a copy having been provided Council prior to the meeting, as submitted.

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

4. CEREMONIAL PRESENTATIONS:

4a. Proclamation: Toni Gaylord Day. Mayor Smisek presented the proclamation to Toni Gaylord, Executive Director of Coronado MainStreet, Ltd.

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

Councilmember Downey commented on Item 5e. She will support the recommendation but she would like to have the true use of the boat launch parking lot during daylight hours be looked at this summer. It might be possible to do limited, 15-minute parking during the day for passenger vehicles, especially because it is the drop off and loading zone for kids going to “Camp Coronado.”

Councilmember Monroe commented on Item 5d. He introduced Mrs. Davidson, the school nurse, and thanked her for her work over the years.

MSUC (Tanaka/Monroe) moved that the City Council approve the Consent Calendar Items 5a through 5f with the addition of Items 11c – Review of the Fiscal Year 2006-07 Budget at Mid-Year and Approval of Recommended Adjustments and 11d – Authorization to Dispose of Surplus Property, Unclaimed Property, and Property Confiscated by the Police Department Using Auction Services and Contracted Auction Service Providers.

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

5a. Approval of Reading by Title and Waiver of Reading in Full of Ordinances on this Agenda. The City Council waived the reading of the full text and approved the reading of the title only.

5b. Approval of Warrants. The City Council ratified payment of warrants Nos. 10056116 thru 10056369 audited and approved by the Audit Committee, provided there are sufficient funds on hand. **The City Council approved the warrants.**

5c. Filing of the Quarterly Treasurer’s Report on Investments with the City of Coronado City Council for the Quarter Ending December 2006. This report is for the three-month period October 1, 2006 through December 31, 2006 respectively. Attached is the summary page that identifies all investments including those not under management with PFM Asset Management LLC (PFM). These include Local Agency Investment Fund (LAIF), Union Bank, and California Asset Management Program (CAMP) funds. This report also highlights the year to date interest earned relative to budget. For the quarter ending December 31, 2006, the City’s investment portfolio has earned \$1,468,457.70 in investment earnings compared to an annual budget of \$1,514,800.00. The portfolio earnings have exceeded budget by 47%, which reflects the longer duration of the portfolio and the rise in interest rates.

Also included is a quarterly Investment Performance Review prepared by the City's investment manager, PFM. The review contains two sections: the first section is a market update discussing the market, interest rate trends, the economy, etc.; the second section is the specific review of the City's portfolio investment results year to date. There is also a discussion of the strategy that City and PFM staff has used in setting up the portfolio structure and a comparison to several benchmarks that are consistent with the City's investment strategy. **The City Council examined the quarterly Report on Investments and ordered it filed.**

5d. Recommendation from the Traffic Operations Committee Regarding a Request for a Reserved Parking Space for the School District Nurse in the 600 Block of D Avenue. The California Vehicle Code, section 22507, states "(b) An ordinance or resolution adopted under this section may also authorize preferential parking permits for members of organizations, professions, or other designated groups, including, but not limited to, school personnel, to park on specified streets if the local authority determines that the use of the permits will not adversely affect parking conditions for residents and merchants in the area." This Vehicle Code section allows the City Council to authorize a reserved parking space for school personnel, including the school nurse. The school had looked at providing a reserved parking space on-site as the preferred option, but due to the nearest available parking spaces being quite a distance from the nurse's office, no on-site parking was found to accommodate her needs. It is recommended that a reserved parking space be provided in the 600 block of D Avenue which should be operative only during normal school operating times, Monday through Friday, 7:00 a.m. to 4:00 p.m. The curb adjacent to the reserved space shall be painted green and a sign erected stating "Reserved Parking – School Nurse, Monday-Friday, 7:00 a.m.-4:00 p.m." **The City Council adopted A RESOLUTION ESTABLISHING A 20-FOOT RESERVED PARKING SPACE IN THE 600 BLOCK OF D AVENUE FOR THE CORONADO UNIFIED SCHOOL DISTRICT NURSE. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8199.**

5e. Recommendation from the Traffic Operations Committee Regarding a Request to Accommodate Passenger Vehicle Parking at the Public Boat Launch Parking Lot. In 1970 and again in 1986 the City accepted funding grants from the Department of Boating and Waterways to make improvements to the public boat launch. Staff investigation of the funding agreements with the Department did not uncover any specific restrictions on the type of vehicles or users of the launch facility. The agreements only referenced that the facilities shall be open and available for the enjoyment of the public. In the evening hours, the Community Center has many activities which attract many users. Although the installation of perpendicular parking along Strand Way has increased the number of parking spaces, there has been interest in allowing passenger vehicles without boat trailers to use the boat launch parking lot which is underutilized in the evening hours. Since the funding agreements with the Department of Boating and Waterways state that the facility shall be open and available for the enjoyment of the public and there is a need to accommodate more parking in the evening hours around the Community Center, the Traffic Operations Committee recommends that the City Council amend the prohibition of parking for vehicles without boat trailers and that passenger vehicles without trailers only be allowed to park in the lot during non-daylight hours so that they don't impact parking for vehicles with boat trailers during the day. **The City Council adopted A RESOLUTION MODIFYING REGULATIONS FOR THE BOAT RAMP PARKING LOT. The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8198.**

5f. Approval of a Resolution Authorizing the Receipt of Funds Provided by the “Law Enforcement Terrorism Prevention Program Grant” Through the County of San Diego Office of Emergency Services. The Police Department recommends purchase of a digital video surveillance system which qualifies as an allowable equipment reimbursement to enhance protection of critical infrastructure/key resources. The equipment will provide the capability to detect, prevent, and mitigate deliberate efforts to destroy or incapacitate the City’s critical infrastructure and key resources. **The City Council adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CORONADO APPROVING THE RECEIPT AND APPROPRIATION OF FUNDS PROVIDED BY THE FY 2006 “LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT” THROUGH THE COUNTY OF SAN DIEGO OFFICE OF EMERGENCY SERVICES.** The Resolution was read by Title, the reading in its entirety unanimously waived and adopted by Council as RESOLUTION NO. 8200.

6. ORAL COMMUNICATIONS:

- a. **Margaret Quackenbush, 440 Pomona Avenue,** spoke regarding her recommendation at a City Council meeting and lack of a response. She asked the City Council to give a reason why her idea is not under consideration. Ms. Quackenbush made further comments about the traffic on Pomona. There are over 2,000 cars a day in that three hour period.
Mayor Smisek advised Ms. Quackenbush that the City Council cannot respond to oral communications.
- b. **Jonathan Hardy, with Senator Denise Ducheny’s office at 637 3rd Street, Chula Vista,** introduced Victoria Ikerd-Schreiter who is taking over for him in representing Coronado with the Senator’s office.
- c. **Councilmember Monroe** noted that when he was away over the weekend he was able to get online and download the agenda packet. He thanked Councilmember Downey for pushing the idea and staff for carrying it out. He was able to work with constituents from afar. It is a new day.
- d. **City Manager Mark Ochendusko** thanked Councilmember Downey for the suggestion and City Clerk Linda Hascup for coordinating the effort to make the agenda available online.

7. CITY MANAGER:

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

8. PUBLIC HEARINGS:

8a. Public Hearing: Second Reading for Adoption of An Ordinance of the City of Coronado, California, Amending Subdivision A of Section 20.30.050 of Chapter 20.30 of Title 20 of the Coronado Municipal Code Regarding Special Events.

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

MSUC (Downey/Tanaka) moved that the City Council adopted AN ORDINANCE OF THE CITY OF CORONADO AMENDING SUBDIVISION A OF SECTION 20.30.050 OF CHAPTER 20.30 OF TITLE 20 OF THE CORONADO MUNICIPAL CODE REGARDING SPECIAL EVENTS. The Ordinance, having been placed on First Reading on February 6, 2007, was read by Title, the reading in its entirety unanimously waived and adopted by Council as ORDINANCE NO. 1986.

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

8b. Introduction of “An Ordinance of the City of Coronado, California, Amending Subsection C of Section 90.10.100 of the Coronado Municipal Code Regarding the Coronado Cays Specific Plan Special Side Yard Setback Requirements for the Village Residence” in Port Royale Village in the Coronado Cays (PC 20-06 City of Coronado).

City Manager Mark Ochenduszko recused himself from this item due to conflict of interest. His home is located within 500 feet of the area being discussed.

Assistant City Manager Jim Benson took his place at the dais.

Councilmember Monroe commented for the record that, although he lives in the Cays, this particular item is solely for Port Royale Village. His home is more than 500 feet away from Port Royale Village. He chose not to recuse himself.

Director of Community Development Tony Pena provided the staff report. He said that this item was first heard by the Planning Commission on November 28, 2006. At that time it was a more complicated request for an amendment to the Cays Specific Plan by the CCHOA (Coronado Cays Homeowners Association). Since that time the CCHOA has submitted a letter removing two of the requested amendments. At this time the City Council is dealing only with changes to the language that would affect the Egret model of the Port Royale Village. The previous language applied to all four villages and there was widespread notice provided at that time. Even though the request has been amended, staff sent out another notice indicating those portions that were withdrawn as well as the portion remaining dealing solely with the Egret model. This proposal would allow for some modest expansion capabilities and setback changes. Staff is supportive of the request. Representatives of the CCHOA are prepared to make a more detailed presentation to the City Council. He added that he had received communication from Councilmember Monroe suggesting some language clarification.

Councilmember Monroe asked Mr. Pena to comment on the issue of whether the Village voted on this, whether there was a quorum, or did the Cays Board even need the Village do an advisory vote? He wanted to make it clear that this document is specifically related to the Cays and not a City or Village document.

Mr. Pena commented that this question came up during the Planning Commission hearing. There was some confusion as to the procedural steps the City takes to amend a Specific Plan. The California legal requirement to amend a Specific Plan is to hold a minimum of one public hearing in front of the Planning Commission and a minimum of two public hearings before the City Council. Along with that, there are notification requirements. Generally speaking, that requires notification in the local newspaper at least ten days prior to each hearing. For amendments that are very localized, it requires notification to each property owner. In this case, staff notified all property owners in all four villages that were originally affected as well as 500' around the perimeter of those properties, and published notification in the newspapers. With the withdrawal of two of the three amendments, staff still notified all four villages, indicating those sections that were withdrawn by the CCHOA and the language that was withdrawn as well as clarifying the third amendment that is still in process, having to do with the expansion of the Egret model. That was all done in accordance with the Government Code. The matter of CCHOA outreach responsibilities for amending this specific plan will be addressed in detail by the CCHOA. The City does not get involved with the HOA's process as far as CC&R's and other state law requirements for an amendment are concerned. It is up to them to inform the City Council as to what laws pertain to their governing board and how they followed those laws. He added only the hearings are required to amend the Specific Plan. A direct vote is not required.

Mr. Tanaka referred to the legal opinion opposing the change written by Frank Tobin and asked for clarification from either the City Attorney or the Counsel for the Cays. One of Mr. Tobin's assertions is that the Board of the Cays HOA has no authority to change the Cays Specific Plan or to petition the City for such a change; that it is an issue for homeowners. Mr. Tobin's presumption is that the CCHOA only has authority to act for common areas. Because this is a land use question he would like to hear a legal opinion from the City Attorney.

Tony Orfilla, 14 Buccaneer Way, CCHOA President, presented the official position of the CCHOA in support of the application for a change to the Cays Specific Plan affecting the Egret model houses. The genesis for this requested plan change was a petition presented to the Board of Directors by 22 homeowners requesting action on Egret models, of which there are 45 in Port Royale Village. He said the CCHOA followed all the procedures, Association rules, and City rules currently in effect in arriving at their recommendation. The procedures that the CCHOA followed included first getting approval of the AECC (Architectural and Environmental Standards Committee) and then approval of the CCHOA Board of Directors. Before the Board voted on the matter, it decided to obtain an advisory vote from Port Royale Village. Even though advisory votes are not normally sought, the Board decided to conduct such a vote in the interest of fairness and openness to all parties. All parties agreed to conduct the vote and to abide by its results. Mr. Foley, an advocate, and Mr. Milliotti, an opponent, worked together to develop the questionnaire and it was mailed, as a secret ballot, to all owners in Port Royale Village. Owners were given 35 days to respond. The ballots were opened at an open, noticed meeting at Port Royale Village and 109 ballots, representing 73% of the homeowners in Port Royale were counted. The result was that 55% of the homeowners voted in favor of the change to the plan. As a result the Board of Directors of CCHOA voted unanimously to approve the change to the Specific Plan and directed the General Manager, Larry Peterson, to submit a resolution for the change to the City. This was done on August 11, 2006. It is this change that the City Council is being asked to approve today. He asked that the City Council support the position and effort of the Board of Directors of the CCHOA and approve the change to the plan that they are requesting.

Kevin Foley, 17 St. Christopher's Lane, Port Royale, explained the changes recommended in the amendment to the Cays Specific Plan. The petition requests a change in the Cays Specific Plan as it applies to the special side yard setback of the Egret model in Port Royale Village from the current setback of 10' to 6'. There are 122 single family detached houses in Port Royale Village. All three models are two story and have three bedrooms. The Shearwater model is approximately 2400 sq. ft. The Egret model is approximately 2100 sq. ft. The Gannet model is approximately 1900 sq. ft. The Village residents section of the Cays Specific Plan states that if a resident utilizes a zero property line on one side, then on the opposite side (designated as the special side yard) there must be a minimum setback of 10' from the adjoining property. Using the zero property line allows one side wall of the residence to sit directly on the property line. This wall is exclusive to the residents and is not a shared wall with the adjoining property. To ensure privacy, the Cays Specific Plan and Cays rules require that no doors or windows be constructed on this wall. The intent of the petition before the City Council is to address the architectural disparity that exists between the three models of homes in Port Royale Village. Whereas the Shearwater model sits 66' on the zero property line and the Gannet model sits 54' of the zero property line, the Egret model uses only 25' of the zero property line. The Egret is a split foyer design and it requires a stairway situated in the front of the residence. In order to allow room for the stairway, the garage section of the residence was moved away from the zero property line side towards the special side yard. The garage wall currently lies 6' from the adjoining residence on the special side yard side. The front of the Egret sits 20' from the adjacent residence on one side and 6' on the special side yard, the opposite side. Changing this special side yard setback from 10' to 6' would accommodate an Egret homeowner who would want to add a second story addition directly over the garage, utilizing the existing wall that is in place at the 6' line. A second story would face the blank stucco wall of the adjoining residence.

Bud Webb, 17 The Point, indicated that he was available to answer any questions.

John Epps, legal counsel for the CCHOA, explained that the CCHOA, in their governing documents, does not have any authority to amend or change the Specific Plan. That is solely vested with the City Council. The CCHOA's authority is limited to its governing documents. In its CC&R's there are certain requirements where the CCHOA is required to seek a homeowner vote. For instance, if they amend the CC&R's or they increase assessments over 20% of the previous years' assessments they would need to seek a homeowners' vote. In this case, the CCHOA took an advisory vote to get a feel for what the community wanted. It is neither binding on Port Royale or the CCHOA or the City Council. The CCHOA can make recommendations to the City Council.

Mr. Tanaka asked about the contention that the CCHOA does not have the standing to make this request as charged by Mr. Tobin. Mr. Epps does not believe that it is the Council's concern whether or not the corporation had authority to make the request. That would be between the corporation and its members. He referred to Mr. Tobin's letter on page 136 of the agenda which supports the fact that CCHOA Board of Directors has General Powers. The letter states that the bylaws give the CCHOA the authority to conduct, manage, and control the affairs and business of the CCHOA and maintain the facilities of the Coronado Cays. As is true in most community homeowner associations, the Board is given General Powers to advocate, or support, or do whatever they need to do, for the betterment of the community. The exception to that would be, often times they cannot spend association money on such issues as political issues. Clearly, the CCHOA has the authority to represent its members in this matter.

Councilmember Tanaka asked the City Attorney to share his view on this issue.

City Attorney Morgan Foley said he agrees with Mr. Epps' analysis. The CCHOA is a corporate body. They speak on behalf of that body through their board of directors. He would leave it to them to determine with their members whether or not they are abiding by their own bylaws. The City looks at this just as it would a request from any other person and processes it as such.

Mayor Smisek opened the public hearing.

Don Croshier, 25 Blue Anchor Cay Road, owner of 29 Aruba Bend, opposes the rule change request. He offered a number of reasons for his opposition and his belief that this request is not appropriate.

Beverly Dyer, 93 Trinidad Bend, said she understands that the CCHOA does not have the approval of the members of the people who live there to change anything about the houses. Any changes have to be approved by all of the Cays owners. She also thinks the decision to allow the zero foot setback was strange. If 10' is cut back to 6' this will create even more problems.

Harry Coates, 52 Half Moon Bend, stated that he is an original resident of the Cays. The Coronado Cays is a planned community. Many of the residents are not familiar with the background and original intent of the builder. New residents now wish to add second stories to their properties at the expense of the older residents who have been there a long time. The CCHOA is made up of every property owner and not just the homeowners Board, some of whom have stated publicly that they wish to add a second story to their property. It is his understanding that the majority of all of the members of the CCHOA have voted not to change the Specific Plan. Yet the Board is trying to revise it in spite of the efforts of the majority. He urged the City Council to vote no.

Lisa Brent, 15 St. Christopher Lane, and a neighbor of the Foleys, commented that she doesn't hear the Foleys and the Foleys never hear her child. The only thing that matters is not whether people have lived in the Cays since they were built, but the fact that people are homeowners in the Cays.

Tracy Stickel, 50 Blue Anchor Cay, and owner of #2 Bridgetown Bend, an Egret model, went to the AECC (Architectural and Environmental Standards Committee) to attempt to change and improve their home. The AECC acts on their behalf and told them certain things they could not do in their remodel and expansion. She feels that not only have they expanded well, they have impacted the neighborhood better, they have increased value, and they have increased their experience in the Cays which is to enjoy a lovely home, not one that hasn't been changed since the beginning. She also knows that AECC represents them when it comes to privacy, view corridor, and light issues, and expansion on privacy. In her investigation she has learned regarding the expansion that is requested for the Egret model, that in every case where there is a home next to the zero lot line wall that home is not allowed under any circumstance to ever have a window. Therefore, light, privacy, and noise concerns (because those walls are firewalls) don't come into play in this single expansion of this unit. She said that even though her family is not asking to make that kind of expansion now they might want to some day so is interested in the Foley's choice now. It is her understanding that this expansion would have no impact as it pertains to light, privacy, view corridor, or noise.

Lou Miliotti, Ella Croshier, and Dr. Vern Frye pooled their individual 3 minute allotments so that Mr. Miliotti could provide a PowerPoint presentation. His feeling is that the proper notification was not given for what is being voted on. The notification to the Port Royale homeowners did not make any reference to adding a second floor and asked if this item will proceed without that proper notification. He would like to see this meeting held in abeyance, and have the proper notification go out that addresses both moving over 4' and the second story addition to the Egret model. He stated that the Specific Plan does not give protection from overbuilding. There are no FAR standards. What it says is that the ground floor or the foundation of the home cannot cover more than 55% of lot area. That means that on a 4000 sq. ft. lot about 2200 is on the first floor and 2200 on the second floor, or homes of over 4,000 sq. ft. That is the current limitation. The Egret model is a little over 2000 sq. ft. The City Municipal Code, for a 4,000 or 4,600 sq. ft. lot (which is the range of lots in the Cays), the maximum square foot a house can be is 2300 or 2500 sq. ft. If the City Council approves the change before it, the unit goes from 2,000 to 3,000 sq. ft. which equates to a FAR of 78% for a 4,000 sq. ft. lot and 68% for a 4,600 sq. ft. lot, well above what is authorized in the City. There is no controlling FAR. The 55% lot coverage promotes building, not restricts it.

The second stories that are allowed can go to 35' instead of 27' in the Village. This does affect neighbors with a loss of privacy, air and light. He does not believe the City should allow this amendment to pass because it is beyond the Municipal Code. He asked if the Cays should be considered with a lesser quality of life than the other communities in Coronado. The Specific Plan that came in to effect in 2001 provides that second stories are not allowed. The Cays General Manager wrote a letter to Port Royale homeowners supporting the Foley change. He said in that letter that although second story changes are prohibited, they are routinely approved by the AECC. In fact, 20 were approved. Mr. Miliotti showed an example of such an approved change and how it adversely affected the neighbor.

He moved on to discuss the issue of the quorum. The only place a quorum is addressed is in California Senate Bill 61 the Senate passed to provide homeowners with directions on how to elect directors and attendance at annual meetings, which requires a quorum. Quorum is not mentioned in the CC&Rs at all. Another question has been raised as to what constitutes a passing vote. The only possible answer is 51% of all Cays homeowners, not just Port Royale homeowners. A vote has never been taken in the Cays that would allow each village to be considered separately. General Manager Larry Peterson has confirmed this fact. The vote taken represents 4.85% of the total homeowners in support of this major change. He said he is simply asking the City Council to treat the Cays the same way it would treat any other homeowners in the Village. In the past there have been committees to conduct studies before changes have been made to zoning restrictions. He doesn't see that this is an emergency and said it should be done properly.

Jack Shriver, Director of Port Royale Village, stated that he originally supported the amendment since the HOA Board vote; however, since receiving many oppositional comments from his constituents he has changed his mind. The main reason is that the appearance of the village could be significantly changed, which could be detrimental to the Port Royale Village common interest development. Having privacy, specific distances between homes, ambience, quietness, and tranquility altered is not acceptable. If this request is approved, the original Egret model footprint will be adversely affected. By changing Mr. Foley's house setback there may not be significant affect to his current neighbors, but if similar changes were made throughout Port

Royale Village, the privacy, views, peacefulness which is present today in those adjoining houses could be severely impacted. Once approved, the changes to this Municipal Code could be used as a baseline for revising other village designs, thereby adversely changing the planned community design throughout the Cays. He recommends that the City Council vote no on this as was done by the Planning Commission.

Ray Saez, 33 St. Christopher's Lane, said he moved to Port Royale in 1991 because it was a planned community. He and his wife like the rules and regulations of a planned community. He respects Mr. Foley and feels that he is a good neighbor and a good man and that respect should be afforded to everyone. But, as the CCHOA has acknowledged, they have violated the homeowners' rights by approving unauthorized additions. Granted, some of them are invasive, and some of them are not so invasive. He asked if this supposed to be looked at on a case by case basis, or if this is about addressing the overall village in question. He feels it should be done on the whole. He would like to keep it planned and to continue to follow the rules as written in the CC&Rs and in the Specific Plan. He asked that the Council reject this request and honor their rights as citizens and homeowners of the Coronado Cays planned community.

Doug Metz, 14 St. Christopher's Lane, Egret model owner, and past president of CCHOA, explained that the Egret model is disadvantaged at the present time. Over 20 second-story additions have been authorized by the Board of Directors in Port Royale village since it was built in 1989/1990. None have been authorized to date for the Egret model. The reason is primarily because of that offset and the requirement to put in separate footings, etc. It makes so much sense to allow second stories for the Egret model. He lives next door to a 65' stucco wall which is 10' away from his bedroom and patio area, but 22' of that 65' is the within 6' of that blank, bare, windowless, door less wall. It would not be offensive to him to see the extension of the garage line to put in maybe a hallway upstairs. It is not cost effective to add 4' to the Egret model. There has to be a reason to do it. In reality, this change permits what other homeowners have done properly. He pointed out that the picture Mr. Miliotti showed was of a Gannet model second story, not an Egret model. In 2001, the Board of Directors of the Cays, after extensive public notice, and publication of all aspects of a proposed draft of the Specific Plan, voted, on several occasions, to send that forward to the City. At that time Larry Peterson, the current General Manager, was president of the Board and Councilmember Monroe was on the Board. It was a collaborative effort. That is the key to the relationship between the City, City Council and the Coronado Cays planned development. The City Council deferred to the wishes of the Board on matters of designs, and in turn, the Cays has always respected the City as an enforcement agent. This is a test today as to whether there will be a continuation of that collaborative effort. The Board, speaking on behalf of the Cays, unanimously petitioned and is the applicant for this particular change. He urges the City Council to go forward and approve this.

Gloria Ortega, Trinidad Village, stated that she has no wish to increase the size of her house because she doesn't want to intrude on her neighbors. That is exactly what this does. She agrees that there was not proper notice of exactly what was going to happen. She objects to the change.

Bob Kennedy, 68 Port of Spain, Trinidad Village, commented that the Cays is not running amuck. There are committees in place, a board in place, rules in place. Nothing is done very quickly. This is a very planned, long term effort. He has personally been involved in keeping track of this for several years. His home is one of the homes that involves the special side yard. The flurry over second story additions isn't across the board. No one in the Cays wants to build a second story on the zero lot line. There is talk and there has been approval over many, many

years of second stories being built with proper setbacks that have been put out to the planned community and approved. There are well over 50 such cases. This is nothing unusual in terms of the second story issue. This is a matter of one model in one village that has some disparity and that this would allow for some equal position in terms of square footage. The 55% lot coverage restriction still applies. If a home is expanded, there still has to remain 800 sq. ft. in the backyard. Any such application has to go through the Architectural Control Committee. There is no bootleg construction going on in the Cays. The amendment is within reason.

Susan Picayune, 44 Half Moon Bend, Jamaica Village, is very worried that this will open a door to the expansion of second stories in the other villages. She lives next door to a single home that has, on two occasions, tried to put a second story on. That single story home is only 10' from the back wall. It is a 3 bedroom, 2 bath house, just like hers that is two story. It would have projected 18' out beyond hers. It would have cut her view, cut down on her sunlight and her privacy. She is very worried that this will change the complete look of the Cays by allowing these second story additions. The key word is planned community. People had an opportunity to buy in different areas if they wanted to custom build their homes. She knew what she bought when they bought it. That is her main concern.

Mrs. Sarguetti, Jamaica Village, agrees with Ms. Picayune. Will this open a can of worms for Jamaica Village? Will this open the door for the rest of the villages? She urges the City Council to think very carefully about this. She asked the City Council not to approve this amendment. It will be a matter of months before the other villages proceed in a similar way.

Lara Saez, 33 St. Christopher's Lane, also wrote a letter, is concerned with two things she has heard here and things that have happened in the past. There have been remodels that have been approved that do not comply with the guidelines set forth. There have been a lot of them. She thinks it has come to the point where people are looking around the Cays and are wondering how these expansions have taken place. This is a planned community. Mr. Metz commented that, in the past, there was not such a big hullabaloo when the CCHOA wanted to do business with the City Council and that there was a collaborative relationship and that the City Council allowed the CCHOA Board to make Cays decisions. In a perfect world, of course the HOA would be representing all of the homeowners. She and her husband never got involved. They don't want the community to change. They would hope that the Board and AECC would approve only according to the guidelines set forth that include air, light, space and privacy. They should be able to trust their Board. She is now afraid that she has to keep an eye on the Board because they have approved additions that have been illegal. She hopes that the City Council will not approve this proposal and that the Cays will remain a planned community.

Mayor Smisek closed the public hearing.

Councilmember Downey asked if, at this point, according to the ordinance in front of the City Council, the second story is allowed currently on all the models, but the only thing that would be different is whether or not, on the Egret model, it could go out into the special side yard.

Architectural Committee Chair Bud Webb agreed that is true and has been since 1968 when the Special Use Permit was set forth. There was a controversy brought up in 2001 which had some confusing language and staff was trying to clarify that language in a past attempt. With respect to the additions that have been made that are being called illegal, the Committee does not issue building permits. Only the City can do that. He can guarantee that the City has not issued 50

illegal building permits. The Architectural Committee takes into consideration things such as light and air that the planning people do not. The picture that was shown would never be allowed. There is nothing in the City's zoning ordinances that says that a second story addition can't be built or that a family room can't be added to. There is nothing in the Specific Plan about that either. There are no restrictions imposed by the City – they impose those restrictions as a Board.

A member of the audience asked if a specific slide could be shown. Mayor Smisek requested that a discussion of that type not take place. If there is a dispute about an interpretation the City Council will try to weed that out.

Councilmember Tanaka referred to a phrase used by Mr. Metz. His comment was that the Egret model is disadvantaged. The issue comes down to that point. He referred to page 69 of the agenda packet. Mr. Foley pointed out that the zero lot line is only 20' on the Egret model. On the Gannet model and the Shearwater model there is quite a bit of frontage along that zero setback. This means that the Egret is disadvantaged because it uses a very small percentage or fraction of what the others do. For that reason he completely understands why the request is being made to encroach into the other side. Part of the reason for the logic of that request is that in making a change or an addition, that would probably be the most cost effective way to do so. Another thing Mr. Foley pointed out is in a remodel one has to consider where the load bearing walls are. For him, the real question comes down to whether or not the City Council has an obligation to get involved into a model that is disadvantaged. He believes there is some validity to the planned community comment. But the Egret model is clearly not preferable to the Shearwater or Gannet in terms of square footage and how many people you can put in it. He thinks it is a bad policy idea, in general, to move into that 10' side yard setback. He appreciates the disadvantages of the Egret model and he appreciates the position of the CCHOA Board, but, as a policy matter, there is a reason that it is 10'. He referred, again, to pages 71 and 72, Mr. Foley's proposed renovation. He said the renovation makes a lot of sense. The garage is already into the 10' setback. Mr. Foley is proposing to build on top of that 6'. That is the amount of encroachment into the side yard that he could support. Much of the rules that already govern this model, govern it around existing walls. Page 72 shows all of the areas that can already be expanded into. The area he is willing to give a little in is the area above the garage, but he is not willing to give into the rest of that setback. He thinks it is important to maintain the 10', especially when there is a zero lot line on the other side. He is also troubled by how this has come to the City Council. The Cays is a planned community and this should be done through the CC&Rs. There is nothing illegal with what is going on here but it is an end run around protections that really protect the minority. People who live with HOAs depend on their CC&Rs to protect them. It is not an accident that 50% +1 is required to make changes in a planned community.

Councilmember Ovrom began by saying that he has friends on both sides of this issue. It seems to him that this issue boils down to governance. There is a democracy that exists at the Cays. The governance there has gone through a process and has reached a conclusion for at least one village and only one village. He hears trepidation about that from people who live in other villages. Somehow the City Council is being thrown into the discussion as to how the CCHOA Board of Directors works and whether or not that is good for the homeowners or good for the City. He suggests that it really doesn't have anything to do with the City Council and it only has to do with the homeowners. It is the responsibility of the homeowners to get involved and stay involved. He listened to this discussion at the HOA meeting and didn't hear any dissidence at

the Board level. There were no more than one or two in the audience who were against this. He is troubled that the City Council is being placed in a position to be the arbitrator between the homeowners and the Cays' various boards.

Councilmember Monroe reminded everyone of a situation about 5 years ago when there were a number of people from the Shores who were unhappy with the leadership in their building and they wanted the Council to get involved to straighten things out. The City Council suggested that they return to the Shores and work things out with the leadership. There is a part of that with what is before the City Council today. There is a lot of unhappiness with what the Board did and the AECC did, but the reality is that what they did was legal and what they did was right, so the leadership of the Cays came to the City Council with an issue. There was no need for an advisory vote of the village. The Cays Board could have come forward to the City just with a vote of the Board. He thinks the Board has extended itself in getting the advisory vote. He mentioned that when the Cays was formed it was done so with an SUP which was the guiding document of the Cays. A couple of things happened in the Cays that caused the leadership to come to the City requesting enforcement but the City was not able to do so because this was an SUP and not an ordinance. With Larry Peterson, Tracy Stickel and others on the Board it was discovered that a Specific Plan would be a document that could be created that had the force of ordinance. The City took on quite an obligation to enforce the SUP and, except for one small area, the SUP was transferred into the Specific Plan. A few minor changes were made to clean up language that might have been confusing. This was done to better partner with the City on the enforcement of how things are done in the Cays. He is a strong supporter of that action. A number of things have been said about the AECC. The Cays is a planned community and the AECC is tasked with ensuring that plans that come before that body protect privacy and light and noise and view. That is not written in the City ordinance. A few years ago, there was an AECC that said that if the City will permit it, they will allow it. That is a Cays issue. That is a Cays issue between the Board and the AECC and the residents. That is not a City Council issue. The AECC can be more restrictive than the ordinance in terms of what it will permit. It was indicated that each village should not be considered separately. In fact, for the last five years, the Cays policy has been for the villages to be considered separately. When he was the Director of Bahama Village, people there developed a set of additional rules for Bahama Village. In the Cays Rule Book there are separate sections for each individual village that wants them to be there.

M (Monroe) moved that the City Council support the staff recommendation with the addition of the words, "...except for the Egret model."

Mr. Monroe still sees, in that second paragraph on Attachment A, that there is confusing language about the zero setback and first floor reference. He asked if something needs to be reconciled with that language.

Mr. Pena responded by saying that there is a general development standard of allowing two stories in 35'. In order to not allow expansions within certain parameters such as setbacks and structural coverage, language has to be added to specifically say that something is not allowed. In this case, it is saying that a second story cannot be put on the zero setback. In dealing with the Egret model, this would be allowed. Mr. Monroe asked if this says that the second story cannot be expanded on other models if they have a zero lot line?

Peter Fait, Associate Planner, explained that the paragraph in question was never intended to prohibit second stories. It simply was added with the last amendment to say that, if there is a home with a zero setback on one side and an addition is requested, the portion of the addition that is designated for the zero property line is limited only to the first floor and only within that rectangle area of the existing house. A second story could still be done, but the second story setback would have to come in to the normal setback of 5'. That is what is shown on pages 71 and 72.

Mr. Monroe found that explanation very helpful. He has no problem with that policy. He still thinks that it is important to add 'except for the Egret model' because this would allow the Egret model to have a second story on the zero lot line above the garage.

Mayor Smisek said he thinks this is where the problem exists. He understands that this is the rationale behind how the homeowners were noticed. This was not about a new ability to build on the second story. That is already provided for in the Code. This was only about setbacks. This is a confusing issue though. There are a few ways to remedy the situation. He made a few suggestions for the sake of discussion. The first would be to discuss the information received today, get a general feeling of the Council as to what direction it wants to go in and if it wants to try to accommodate this situation, that the item be continued with a renotification that would clarify this specific paragraph. He thinks this paragraph should be rewritten to make it explicitly clear on what Mr. Fait said and get the okay of the HOA that they are in favor and make that as part of the modification to the Specific Plan. He reminded people that the planned community and the Specific Plan for the Cays is a completely different animal than the R-1 zone in the City. A planned community has very specialized rules such as design review which are not done on single family homes in the Village. In principal he does not agree with the idea of trying to expand these homes too large. He is nervous about no FAR. The commercial area of Coronado has been without an FAR forever. The FARs for multi family homes are completely different than they are for residential. Each of these zones has to be handled separately and that is why the Coronado Cays Specific Plan has to be treated differently than the rest of the City's residential zones. Also, each village does have separate rules, or the ability to have separate rules, and can be treated separately rather than as a whole where all rules are the same. He understands everyone's concern, but he agrees with Mr. Monroe that the procedures that have been used are proper. Some of this language has ambiguities and there have been attempts to clear this up to avoid this type of situation. Advisory votes are bad ideas. The intention of the advisory vote, in this case, was well intentioned, but people misunderstand what they are intended to do. Mayor Smisek asked if the Council would first address whether or not it wants to proceed with this, or if there are objections to the whole concept; and then if the Council wants to proceed, would the Council entertain the idea of getting some clarification, going back to the HOA, and then have it represented.

Mr. Monroe said he has a problem the minute the City moves into clarification beyond the Egret model in Port Royale. He would be disqualified. There are other things that the CCHOA wanted to clear up and staff worked with them and decided to keep this one to Port Royale and the Egret model. That is what is before the City Council today. He thinks that there is a second wave that will come. This particular language about the second floor could be cleared up to incorporate what Mr. Fait said at a future date. That is a second step. He thinks that the City Council could take action on this today. He would like to see the City Council proceed with this part of it, knowing that the other things will come forth with a second wave. This particular

chapter affects four villages. That is why it is so important to him that the City keep with Port Royale and the Egret model.

Mayor Smisek agreed and said he thinks that the City Council can direct staff, through the City Manager, that any kind of building permit would reflect the interpretation by Mr. Fait, with the proviso that the City Council would then see a follow up to clarify at least that paragraph. If the City Council can be assured that is how it will be handled in the building permit department, and that is all legal, then he could be supportive of voting on that today.

Mr. Tanaka agreed with Mr. Monroe that this needs to be only about the Egret model. He also agrees with Mayor Smisek that the paragraph in question is anything but clear and it needs to be wordsmithed better. Whichever way the Council swings, that needs to be cleared up. Obviously there are people who feel strongly on both sides of this and so the clearer the City is and the more time that is taken to do this properly, the better.

Ms. Downey stated that she has spent three weeks, starting with reading the original SUP, the revised plan in 2001, and every document she could find. She couldn't answer that question to her satisfaction. She has to assume that there are many other people equally confused. With that, she agrees that, if the City Council can make the clarifications as discussed, she is comfortable with that. She is not sure why the City Council has to vote today as opposed to sending it back for the clarification. It has taken 8 months to get this far – why can't they take a little more time to fix that and allow for more notice to go out so there isn't any doubt as to exactly what is being discussed and ensure this is done properly

Mayor Smisek indicated that he didn't have a problem with that.

Mr. Ovrom agreed that the wording needs to be changed on this. It would probably be helpful to continue the item. He doesn't see an absolute matter of urgency as long as the people understand that this is where the City is going. He would be bothered if, when this came back, the same people would be saying the same thing again. The City Council needs to make it clear that they are making this decision, if it is doing so.

Mayor Smisek added that whenever there is a public hearing, and it is continued, the public hearing would be reopened one more time. The City Council is supposed to be receptive to the comments that come in with the renotification because there may be different objections or there may be objections withdrawn. The purest way to do this is to continue it and do the clarification.

City Attorney Morgan Foley explained that the City Council would have to come back for a second reading or a continued public hearing on this matter. The City doesn't normally give notice on a continued public hearing, but it could certainly do so with any changes reflected on what the staff hears today. It is not a matter that needs to go back to the Planning Commission because they had this full discussion before them as well and they considered these things. After the conclusion of this public hearing, at that later meeting, then the City can introduce the ordinance as modified and have a second reading fourteen days later.

Mr. Monroe reminded that the paragraph needs to be clarified in all four villages.

Mayor Smisek doesn't understand why, if this discussion is about this paragraph, on this page that Mr. Monroe wouldn't be able to participate on this item.

Mr. Monroe explained that this chapter is for all four villages but until this point the changes have been limited to the Egret model in Port Royale village. Once this paragraph is cleared up and Mr. Fait's interpretation is incorporated then it will be cleared up for all four villages.

Mr. Foley suggested that, if the Council wants to simply limit the clarification to the Egret model so that Mr. Monroe does not have a conflict, subsequent to that clarification it can come back for all four villages.

Discussion continued as to what this clarification covers and whether or not is appropriate for Mr. Monroe to participate in these discussions.

Mr. Pena agreed that this has been the root of the discussion for a couple of years. The CCHOA originally requested clarification of this language with a proposed clarification wording. Because of that, and it does apply to the four villages, when the clarification originally went out it was seen by some residents as a new standard rather than as a clarification of what exists. Thus it triggered several different viewpoints. That is one reason why the HOA decided to drop that from the request this time around. It is staff's opinion that it would require notification of all the villages of this language that applies to all four villages. The last notification was sent out to the four villages within 500'. That would be the same notification that would be done again.

Mayor Smisek thinks this should be fixed and brought back the right way. It will be clearer and will eliminate confusion.

Mr. Tanaka pointed out that page 62 shows the intent. The intent is to create an exception for the Egret model. Attachment A doesn't spell out only Port Royale and Egret model. The objective is to deal with the Egret model. The problem arises because this is taken from a Specific Plan that applies to multiple villages. For four of the Council members, there is no problem.

Ms. Downey asked again if staff and the CCHOA agree that regulations say, right now, that a second floor addition can be done. She is comfortable with continuing this, sending it back to staff to be fixed but she wants to be sure that no one disagrees that the City isn't changing that. She doesn't want people to think that the City is now going to allow second stories where they previously did not.

Mr. Budd spoke for the CCHOA and explained that Ms. Downey is correct. When the CCHOA tasked them, as a committee, to try to clear up the language they looked at paragraph C which was placed in 2001 at the behest of a few Port Royale owners who had trouble with the zero lot line.

Mr. Monroe added that second story additions are not allowed throughout the Cays. First story, waterfront homes, at least in Bahama and he thinks the other villages, cannot have a second story. There is a part of this paragraph that is very important and that is not even being talked about. It is the part that says, "only within the rectangular area formed by the projection of the outermost exterior walls." That limits what you can do. The Cays are getting to the point where people are going to begin tearing down homes and building new ones. Those people are going to be restricted by that phrase of the original rectangle.

Mr. Ovrom requested clarification on the language that is being discussed, and when he received it he feels that the only language being discussed is about the Egret model. He does not believe Mr. Monroe has a problem.

Mr. Foley said he understands Mr. Monroe's concern and he has the same concern. If the language is changed and isn't clearly changed only to the Egret model, then it would be applied to the other models and the other villages. If the City Council would like clarification only for the Egret model, that can be done and brought back. If the City Council wants clarification that would address everyone's, staff could bring that back and Mr. Monroe would likely have a conflict at that point.

Mr. Monroe said he had a feeling of where the Council is going with this and is supportive of the continuance to clear this up.

Mr. Monroe withdrew his motion.

MSUC (Downey/Ovrom) moved that the City Council continue this item with direction to staff as discussed

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

City Manager Mark Ochendusko returned to the dais.

9. ADMINISTRATIVE HEARINGS: None.

10. COMMISSION AND COMMITTEE REPORTS:

10a. Report from the Port Commissioner Concerning Port Activities.

11. CITY COUNCIL BUSINESS:

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

Councilmember Downey attended a League of California Cities meeting where it was confirmed that a new Coastal Issues Group would be formed. Mayor Smisek asked her to sit on that subgroup. She advised that since that meeting she has learned that the organization Cal Coast addresses similar issues as the League Coastal Issues Group intends to cover. This will be sorted out over the next few weeks. She also attended a Special Meeting at SANDAG with the resource agencies. The Environmental Mitigation Committee she chairs for SANDAG is trying to get an agreement between Fish & Wildlife, Fish & Game, Caltrans, and all the resource agencies and environmental interest groups as to how to spend the money that TransNet is setting aside for mitigation. Ms. Downey also attended, for Mr. Monroe, the MTS meeting and the fundraiser for Camp Wamp.

Councilmember Ovrom reported on a meeting of the San Diego Military Advisory Group, a meeting of the Metro Wastewater JPA, a meeting of the Tunnel Commission, a meeting of the Public Utilities Advisory Council, visited Greg Cox with the City Manager for a presentation on traffic mitigation, attended a School Board meeting, the groundbreaking for the pool, and met with Brian Bilbray regarding funding for the docks, etc.

Councilmember Tanaka briefed the Chamber board on issues facing the City, attended the pool groundbreaking, met with Kevin Foley on the CCHOA issue, and with Lou Miliotti on the same issue.

Councilmember Monroe attended the Full Access Coordinated Transportation monthly board meeting which is an assignment from SANDAG, and introduced Ms. Downey to the MTS Board.

Mayor Smisek met with the Tunnel Action Committee in preparation for his visit to Washington, D. C. in March, a Library Board meeting, and the pool groundbreaking.

11b. Consideration of Appointment to Fill One Vacancy on the Coronado Parks and Recreation Commission. Mayor Smisek explained the process used for voting. The two applicants for the vacancy were Raymond Guy Zeller and Stephen Abrantes.

After two rounds the votes were tied at three votes for each applicant.

MSUC (Smisek/Tanaka) moved that the City Council appoint Raymond Guy Zeller to the Parks and Recreation Commission for a term to expire January 31, 2010.

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

11c. Review of the Fiscal Year 2006-07 Budget at Mid-Year and Approval of Recommended Adjustments. As in prior mid-year reviews, this report reflects a conservative analysis of revenues and expenditures for the current fiscal year. Attachments to the staff report identify the revised Sources and Uses for the General Fund, the revised budget summary for all funds, and a more detailed discussion of the changes to revenues and expenditures in each fund. **Under Consent, the City Council approved the recommended adjustments to the General Fund budget. The City Council approved the recommended adjustments to the following funds: Insurance, Fund 110; Other Transportation, Fund 217; Supplemental Law Enforcement, Fund 231; Library Funds, Funds 250, 251, 723, 724, 725 and 726; Federal Grants, Fund 240; Affordable Housing, Fund 265; and, Storm Drain, Fund 530. The City Council also approved the shift of \$250,000 of TransNet funds from the capital project "Street, Curb, and Gutter Improvements" to fund a FY 2006-07 Slurry Seal project, resulting in no net change to the TransNet budget.**

11d. Authorization to Dispose of Surplus Property, Unclaimed Property, and Property Confiscated by the Police Department Using Auction Services and Contracted Auction Service Providers.

While the City's Municipal Code 3.64.050, Disposal of Surplus Property, allows the City Manager some latitude in disposing of surplus property at its fair market value if it is worth less than \$1,000, or to sell at noticed auction if its worth is greater than \$1,000, this staff report is meant to memorialize with the Council the expansion of previous auction procedures to include the use of Internet auction services and contracted auction service providers. Returns to the City on auctioned surplus, unclaimed and confiscated property have not been high, and there are, at times, significant labor costs associated with moving items destined for auction to the auction site, running the auction, and disposing of those items which do not sell. For a percentage of the sale price, Internet auction services and contracted auction services will provide various services, including pick up of the items to be auctioned, safety checks of the vehicles, and disposal of un-auctioned items, while typically generating more revenue for surplus, unclaimed and confiscated property. Using Internet service providers and contracted auction service providers will help reduce labor costs, and will potentially generate more revenue, as the Internet auction will reach many more interested bidders than the locally-held auctions. **Under Consent, the City Council authorized staff to dispose of surplus property, unclaimed property and property confiscated by the Police Department using Internet auction services and contracted service providers.**

11e. Authorization to Expand the Infrastructure Memorial/Recognition Donation Program. Scott Huth, Director of Public Services, provided the staff report on this item. Currently there are two programs. One is the Memorial Tree Program and the other program is the Memorial Bench Program. The challenge with the tree program is finding sites that work with the adjacent property owners. In the past, the trees have mostly been donated in the parks. The City has pretty much filled up the park areas to the point that additional trees will encroach on the use of the parks for other activities. The bench program has been expanded over the years, but the City is at the point where there aren't a lot of spaces remaining and there is a waiting list. Staff has looked at areas along the bayfront but it is really a challenge to try to combine these improvements into a capital project that is in progress. Staff is getting two to three calls a week for citizens who would like to donate some type of memorial. Some ideas for additional memorial or recognition opportunities are listed in the staff report.

Mayor Smisek said he saw some items listed that wouldn't last very long; that would wear out or go away. He asked what would happen in that instance. He also asked about the playground equipment and whether there would be a plaque to identify the memorial.

Mr. Huth commented this has been the experience even with the Bench program. Over time benches wear down or are destroyed. Regarding the plaques, in all cases, there would be something discreet. It could be either on the equipment or adjacent to it.

Councilmember Downey said the Junior Women's Club donated some items years ago. They have received phone calls about letting a run down bench go to the next person on the list. She is happy to let staff figure out how to do this. She likes the opportunities for memorials and likes the idea that it can be things other than just a bench.

MS (Downey/Ovrom) moved that the City Council authorize staff to expand the “Infrastructure Memorial/Recognition Donation Program” to include those items outlined in Attachment “A”.

Councilmember Ovrom asked the City Manager if there has ever been consideration given to having a second pot of money, an endowment to care for these items over time.

City Manager Mark Ochenduszko replied that the City has considered this, but the reluctance is in relation to commercialism. There may be some sense in doing some sort of an endowment that would continue on, particularly from donors who would be interested in that idea, but staff does have some concerns, particularly about the possible commercial aspects of a program like this.

Councilmember Tanaka gave his thought that most of the things on the list are inappropriate. A memorial should mean something and shouldn't be cheapened. His problem is with putting people's names on public property. For example, “In memory of...” on a bicycle rack. It is very fitting that they are on trees. Appropriate items listed are the benches at the new bowling green, gardens or landscape enhancements, bus stop shelters, planters, and the heritage tree plaques. He thought that a parking meter might be a way to memorialize someone. He doesn't like the idea of putting people's names on City street posts, etc. He would rather expand the current program and look for a few targeted opportunities than to handle it this way.

After some discussion, the Council agreed by consensus to appoint a committee of Council members Tanaka and Downey to prepare an appropriate list and bring it back to the City Council at a later date.

Councilmember Downey withdrew her motion and Mr. Ovrom concurred.

12. CITY ATTORNEY: No report.

13. COMMUNICATIONS - WRITTEN: None.

The City Council recessed to closed session at 5:45 p.m.

14. CLOSED SESSION:

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

Subdivision (c) of Government Code Section 54956.9

One (1) potential case

**b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

Subdivision (a) of Government Code Section 54956.9

NAME OF CASE: Citizens for Preservation of Coronado Beach v. City of
Coronado, et al.

San Diego Superior Court Case No. GIC 845202

**c. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL
EXISTING LITIGATION**

Subdivision (a) of Government Code Section 54956.9

AUTHORITY: Government Code §54957.6

NAME OF CASE: Steven R. Foley v. City of Coronado, et al.

The Regular Meeting resumed at 7:10 p.m.

City Attorney Morgan Foley announced that there was no action to report on the closed session items.

15. ADJOURNMENT: The meeting was adjourned at 7:11 p.m.

Approved: March 6, 2007

Amended: April 3, 2007

Tom Smisek, Mayor
City of Coronado

Attest:

Linda K. Hascup
City Clerk