



Legislation Text

File #: 13-0802, **Version:** 1

Recommendation to authorize City Manager to execute any and all documents necessary or desirable to enter real property occupancy agreements with public or private parties for terms not to exceed six months, with a right of one six-month extension at the sole discretion of the City Manager, to provide immediate occupancy rights to City-owned property. (Citywide)

There have been a number of occasions when public or private parties have been in immediate need of occupying City property, both vacant lots and buildings, as a result of unforeseen or unplanned events or emergencies. These events or emergencies include staging areas for emergency response, air quality or hazardous material abatement and/or monitoring efforts, short-term parking needs and other similar activities.

The current process for public or private occupancy of City-owned property is somewhat protracted and, on average, requires three to four months of advance preparation and, ultimately, City Council approval. This upfront timing need does not align with unplanned events or emergencies. To be more responsive to our residents and local businesses, and to better coordinate with emergency response partners, a process for immediate occupancy of City-owned property is desirable.

To provide more flexibility and responsiveness, it is recommended that the City Manager be authorized to enter short-term occupancy agreements, with compensation reflective of the duration, use and public benefit of the occupancy, and with appropriate insurance and/or indemnification provisions. The term would initially be limited to six months to either address the short-term need of the emergency occupancy or allow staff sufficient time to bring a more formal agenda item to City Council for its review and approval. It is further suggested that this initial six-month term may be extended for an additional six-month term, at the discretion of the City Manager, if needed to complete the formal occupancy process.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on August 19, 2013 and Budget Management Officer Victoria Bell on August 14, 2013.

This item is not time sensitive.

This action may result in additional lease revenue, but cannot be estimated at this time. There will be no local job impact associated with this recommendation.

Approve recommendation.

MICHAEL P. CONWAY
DIRECTOR OF BUSINESS AND PROPERTY DEVELOPMENT

APPROVED:

PATRICK H. WEST
CITY MANAGER