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## City Council Regular Meeting

**DEPARTMENT:** City Secretary Office  
**FROM:** Amanda Campos, City Secretary  
**MEETING:** February 6, 2023

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**SUBJECT:**

Consider approval of an ordinance amending the text of Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee of the Code of Ordinances by amending the number of voting members and terms of members for the Board of Adjustments and Old Town Design Standards Committee. (Final Reading) (Staff Presenter: Amanda Campos, City Secretary)

**SUMMARY:**

The city council reviewed and discussed the current structure of all the city's boards, commissions, and committees with the goal in mind to increase community participation. The review covered the number of members, the qualifications, total number of existing boards, commissions, and committee, the term limits, and the absence rule.

The city council agreed the number of members appointed to each board, commission, and committee should be increased to 9 voting members. The qualifications, the absence rule, and number of existing boards, commissions, and committees should remain unchanged.

The city council agreed the term limits should be modified by changing the current term limits from 3 full terms to 2 full terms for all boards, commissions, and committee except the planning and zoning commission and youth members. The proposed amendments would change 3 full 3 year terms to 2 full 3 year terms. The planning and zoning commission terms will remain unchanged and continue to be 3 full 3 year terms. All youth member terms would change to a 1 year term with no term limits.

The transition of the these changes will be as follows:

1. Each current term of all member of all boards, commissions, and committee would remain the same as they currently are.
2. Term limits will effect members when their current term is over and under review and consideration for re-appointment.
3. The number of members will increase to 9 voting members after final approval of the ordinance (January 23, 2023) and required publication of ordinance in both a newspaper

and website. Would suggest council provide for an effective date of April 1, 2023 to allow time to appoint members to the vacancies created by added numbers.

The Board of Adjustments and the Old Town Design Standards committee were established in Appendix B, Zoning and Appendix C, Urban Design Standards requiring a public hearing and consideration of the Planning and Zoning Commission for recommendation to the city council. This item is presented to city council for consideration on first reading at this January 23, 2023 council meeting with the final reading presented at the February 6, 2023 meeting. City council will follow Council Policy #40 Boards/Commissions/Committee appointment process.

The Board of Adjustments currently is composed of 5 regular voting members and 4 alternate members. The alternate members only vote when there is an absence on the board. The new proposed change to 9 voting members would allow these alternate members to become full voting members. The change requires amendments to Section 11, Board of adjustments, 11-100. Organization and 11-120. Vote required for board decisions.

### **Section 11. Board of adjustment.**

**11-100. Organization.** There is hereby created a board of adjustment. ~~The board membership shall be in compliance with Chapter 2, Article II, Section 2-31(e) for number of members, Section 2-33(a) for qualifications and Section 2-31(d) for terms, consisting of five members, each to be appointed for a term of two years and removable for cause by the city council upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant. The city council may appoint four alternate members who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, as the case may be. All cases to be heard by the board of adjustment must be heard by a minimum number of the four five members. The alternate members shall serve for the same terms and shall be subject to removal the same as regular members. Vacancies in the positions of alternate members shall be filled in the same manner as for regular members.~~

**11-120. Vote required for board decisions.** The concurring vote of ~~four five~~ members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variance to the ordinance.

The Old Town Design Standard Review Committee currently is composed of 5 regular voting members and 2 alternate members. The new proposed change to 9 voting members would all the alternate members to be full voting members and provide for 2 new members. These changes require amendments to Section 4-91 Appointment and terms.

**Sec. 4-91. Appointment and terms.¶**

- A. → *Membership.* ~~The committee membership shall be in compliance with Chapter 2, Article II, Section 2-31 (e) for number of members. The committee shall be composed of five regular members and two alternate members appointed by the City Council. Regular members shall be appointed to places numbered 1 through 5 and the alternate members shall be appointed to places numbered 6 and 7. The City Council shall appoint a chair from among the regular members.~~ The director of planning or that person's duly authorized representative shall be an ex-officio member of and shall act as secretary to the committee, but shall have no vote on any matter before the committee. Appointed members of the committee shall hold office at the pleasure of the City Council.¶
- B. → *Terms.* ~~Each member shall serve terms in compliance with Chapter 2, Article II, Section 2-31 (d). Upon initial appointment pursuant to this ordinance, members in the odd-numbered places shall be appointed to serve terms expiring on October 30, 2005, and members appointed to the even-numbered places shall serve terms expiring on October 30, 2006. Thereafter, the terms of office of the members shall be two years beginning on November 1, of the year of appointment. The terms of the odd-numbered places shall expire in the odd-numbered years, and the terms of the even-numbered places shall expire in the even-numbered years. Committee members may be appointed to succeed themselves. Vacancies shall be filled by the City Council for the unexpired term. Newly appointed members shall be installed at the first regular committee meeting after their appointment.~~¶
- C. → *Alternate members.* ~~The alternate members shall serve in the absence of one or more regular members. Alternate members must meet the same qualifications as regular committee members. An alternate member has voting privileges only when sitting in place of an absent member and may be seated in place of any member.~~¶

**OPTIONS:**

- 1) Approve Ordinance Modification for text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee as presented
- 2) Approve Ordinance Modification for text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee with changes
- 3) Deny Ordinance Modification for text amendments to Appendix B, Zoning, Article I, Board of Adjustments and Appendix C, Urban Design Standards, Article IV Old Town Design Standards, Old Town Design Standards Committee

**RECOMMENDATION:**

Staff recommends approval to accomplish city council goals of increased participation.

**PRIOR ACTION/INPUT (Council, Boards, Citizens):**

The Planning & Zoning Commission held a public hearing and considered this item at their January 17, 2023 meeting. The commission recommended approval.

**FISCAL IMPACT:**

N/A

**STAFF CONTACT:**

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