



**AGENDA NO: B-1**

**MEETING DATE: May 9, 2017**

**THE FOLLOWING PUBLIC CORRESPONDENCE  
WAS RECEIVED BY THE CITY COUNCIL  
FOLLOWING POSTING OF THE AGENDA**

**Dana Swanson**

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**From:** Dawn Beattie  
**Sent:** Monday, May 08, 2017 4:43 PM  
**To:** Dana Swanson; Jamie Irons; Robert Davis; Matt Makowetski; John Headding; Marlys McPherson; Rob Livick; Dave Buckingham; Joe Pannone  
**Subject:** 5-9-17 City Council Cloisters Public Hearing Item B-1

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MAY 8 2017

Mayor Irons, Members of the City Council and City Staff

City Clerk

I can't believe Cloisters Assessment issues just won't go away. My neighbors and I thought we had finally put all these financial concerns to rest.

I think the timing of this Public Hearing item is terrible, but be that as it may, here is my opinion on how to handle the costs associated with the Cloisters Assessment District moving forward.

As many of you know, the Cloisters Landscaping and Lighting Maintenance Assessment District was formed more than 20 years ago as a City of Morro Bay Condition of Approval to ensure the property deeded to the City (which is all publicly accessible) was maintained. There was no inflation factor provided as the Condition of Approval contemplated that eventually, another entity would assume the maintenance responsibility. My belief from reading all the legal documents, and the beliefs of others who were involved with the Cloisters development at its inception, was that the original assessment amount would protect the City financially from maintenance costs until homes were built generating property tax revenues that would take over. It was NEVER intended to exclusively pay to maintain these public amenities that benefit all visitors, not just nearby property owners. So, choice (a) is a non-starter.

Although the Engineer's Report states that the homeowner's contribution of \$148,944 reflects a major reduction in maintenance services when compared to the initial, I would vehemently disagree with this statement. There appears to be plenty of money in the Assessment fund, as we've been running with a surplus the last number of years (due in large part to smart management). The fact that the maintenance tasks are not being accomplished as described in last year's Engineer's Report is not for lack of funding. The 6 month Budget Performance Report we looked at during our last Cloisters Quarterly meeting with the City showed that only ~30% of allocated labor monies had been spent to date. This is a good segue to my opinion on option (c). The Cloisters Assessment District should be maintained at the same level as other City parks and nothing less.

A number of times over the last 10 years, I stood in front of this Council and Staff (different players, though) and requested that the Assessment be phased out (I provided a timeline of 10 years). I'm prepared to alter my former position and agree to continue to contribute towards Cloisters Assessment District maintenance. This is your option (b). Thanks in advance for your consideration.

Dawn Beattie  
Cloisters Homeowner  
Morro Bay Resident

**Dana Swanson**

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MAY 9 2017

**From:** Carole Rathfon  
**Sent:** Monday, May 08, 2017 6:37 PM  
**To:** Dana Swanson  
**Cc:** Jamie Irons; Robert Davis; Matt Makowetski; John Headding; Marlys McPherson; Rob Livick; Dave Buckingham; Joe Pannone  
**Subject:** Cloisters Assessment

City Clerk

Dear Mayor Irons, City Council members, and Staff,

We were among the first to build a home in the Cloisters in 1999 and were appalled at the adversarial and unprofessional way the City handled the maintenance and the monies from the assessment.

Needless to say, we were delighted when Mayor Irons and City Council decided to work **with** the Cloisters owners (led by Dawn Beattie) to ensure that the accounting and maintenance were handled appropriately.

As many of you know, the approval of the Cloisters subdivision by the city was conditioned upon "all the owners" (who, at the time, were the **two developers** who wanted to subdivide the property) accepting the Special Benefit Assessment District formed under the Landscaping and Lighting Act of 1972. There was no inflation factor included, and by law, the assessment cannot be increased without a majority vote of the assessed owners. We are very surprised and disappointed that the city would even consider such an idea ("Option a" in the staff report). It would have no chance of being approved by the owners and would bring us back into an adversarial relationship.

The fact that the maintenance tasks are not being accomplished as described in last year's Engineer's Report is not for lack of funding. The 6 month Budget Performance Report that Dawn looked at during the last Cloisters Quarterly meeting with the City showed that only ~30% of allocated labor monies had been spent to date. It appears we might need to determine if, once again, the city is cost-shifting other expenses onto the Cloisters Assessment District; spending proportionally less from the General Fund on our park compared to other city parks; or just poorly managing the maintenance tasks.

Please, let us not return to the adversarial days. Cloisters owners pay hefty city taxes in addition to the Cloisters special benefit assessment. Unlike many special benefit assessments, the Cloisters park and open space is a "public benefit" and should be supported, in part, by the General Fund just like the other city parks.

Sincerely,  
Carole & Steven Rathfon

Dana Swanson

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*Agenda Item B-1*

**From:** Audrey Gendron  
**Sent:** Tuesday, May 09, 2017 1:03 PM  
**To:** Council  
**Subject:** Cloisters Maintenance  
**Attachments:** Cloisters 2.docx

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City Clerk

Attached are the comments that I hope to read at tonight's City Council Meeting, wherein I take you on a walking tour of the Cloisters delineating the specific maintenance issues alluded to in my first letter.. I also wish to add more names to my first letter for a total of 44 Cloisters residents. Since this second letter might be longer than the 3 minutes allowed for comments, I have chosen to send it to you now, and hope to present a shortened version tonight.

Respectfully submitted,  
Audrey Gendron

To: Morro Bay Mayor and City Council

May 9, 2017

My name is Audrey Gendron. My husband and I have lived in Morro Bay since 1991, first in a house in the beach tract and then in a house that we built in the Cloisters in 2000. I have sent several letters to various city councils over the years protesting the Cloisters Assessment District, and I was also part of the law suit that ultimately decreed that the assessment would remain. After that judgment in 2003, many of the homeowners believed that although we lost the battle, perhaps we won the war. By that I mean that the Judge made clear that the Cloisters assessment monies were to be used by the City to maintain the "tract improvements," including fencing, walkways, coastal access improvements, and landscaping and irrigation." I have remained involved through various city administrations, as the city attempted to do the maintenance and then decided to contract it out last year.

So again I sent a letter to the Council on May 8, this time signed by 33 homeowners in the Cloisters. Since I sent it, I have received another 12 names in support of my letter, which delineated the current lack of maintenance in the Cloisters and asked why our assessment monies are not being used as intended. To make my points, I invite you to come and take a walk through the public spaces in the Cloisters to see for yourselves. Upon entering on Coral, you will drive by the formerly well-tended median which is now full of weeds and many areas of dead bushes and plants. Continuing around Emerald Circle, you will see parkways, newly planted by the City a couple of years ago, (particularly at the intersection of Emerald and Coral), which have weeds growing over the curbs and into the streets. Some residents have used weed killer but the browned out stalks remain. The parkways are particularly overgrown in front of the few empty lots as yet unbuilt around Emerald Circle. If you walk down the coastal access trail, which was newly planted a couple of years ago, you will see untended and weed infested plantings. Continuing on the beach trail, there are areas next to the pond where plants used to be but have now been killed with weed killer. All you can see is the black irrigation tubing that has not been removed. At the northern end of the beach path, the trail has been cleared of growth along the peripheral. Taking the coastal access trail onto Indigo Circle, you will see weeds growing higher than the plantings there. Returning on the trail toward Emerald Circle, the two planted areas next to the large grass area in the park are overgrown with weeds. Will those plants be killed also in order to avoid weeding? From the park south to the bridge, the path has not been cleared of weeds along the peripheral. Lastly, the lovely deck that we had at the southern end of the beach pathway has now become dangerous and the few boards which remain pose obstacles for anyone trying to negotiate the step from deck to sand. It needs to be restored or removed before someone gets hurt.

Many of those who signed my letter expressed distrust of how the city has been using the assessment monies. But most agree that the maintenance was more regular and thorough when it was sub contracted out. Along with them, I believe that it would be better to contract out the maintenance of the Cloisters, as was done last year. While not perfect, at least there was regular maintenance of the areas mentioned. With all the budgetary challenges that face the city in the years ahead, this might take one small item off the table and restore some trust from your Cloisters neighbors. But it shouldn't release the obligation of the city from also paying its fare share of the park and public spaces, which are, in fact open to all residents and visitors alike.

**Dana Swanson**

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**From:** Audrey Gendron  
**Sent:** Tuesday, May 09, 2017 1:53 PM  
**To:** Dana Swanson  
**Subject:** Cloisters  
**Attachments:** Cloisters Signees.docx

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City Clerk

Hello Dana, I sent a letter dated May 8 to the City Council that included a list of names of Cloisters residents who signed on to my letter. Since sending that letter, I have received additional names that wish to be included. Attached is an up to date list of those residents. Can you please add it to my letter of May 8 or if that is not possible, attach it to the 2nd letter that I sent today and include it with the proceedings/minutes. Thank you.

Audrey Gendron

To: Morro Bay Mayor and City Council

From: Audrey Gendron

Re: Current list of Cloisters residents who are in support of and agreed to sign my letter of May 8, 2017

Audrey and Maurice Gendron

Neta Davis and Jay Wiese

Marjie and Charlie York

Dawn Beattie

Marie and Lou Delarios

Vicki and Doug McDonald

Carole and Steve Rathfon

Becky and Nick Mendoza

Mike Baird

Melanie Williams Mahan and Kerrigan Mahan

Rosemary and Joseph Olszewski

Patricia and Michael Cox

Todd Schnack

Joanne and Jim Tobias

Tina and Ron Johansen

Robbin and Bob Gross

Mary and Lanny Wulf

Elizabeth and Gar Salzgeber

Jan and Blake Evernden

Cheryl and Bob Held

Mariella and Richard Gelman

Sam Falcone

Carolyn Brinkman

Michael Etchegoinberry

Steve Stevens

Sarah and Frank Massino

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City Clerk

ROBERT BACON

Mayor Irons, Members of the  
City Council & city staff.

Re: Item B-1 - 5/9/17 -  
Claster Public Hearings

I wish to add my voice to the  
letter from my neighbor  
Dawn Beattie sent regarding  
this matter 100%. I do not  
believe the assessment was ever  
intended to be a charge to  
those who own property in the  
Claster to pay for the  
costs of maintenance of the  
street medians, City owned  
walk ways & the like when  
the parks are 100%  
of the citizens & visitors to  
Morro Bay. No other groups  
of homesites who live near  
a park are required to do so -  
we pay more than others but  
the amount is not unlimited.

Robert L. Bacon  
ROBERT L. BACON  
Claster Area Voice.  
5-9-17