

City of Calistoga

Staff Report

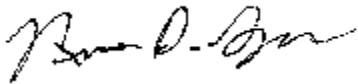
TO: Honorable Mayor and City Council

FROM: Richard Spitler, Acting City Clerk

DATE: July 17, 2012

SUBJECT: (1) Accept the County Certification that the Referendum Petition Against Ordinance 681 Approving the Silver Rose Planned Development District Has the Requisite Number of Signatures; and (2) Reconsider Ordinance 681 and Either (a) Introduce an Ordinance to Repeal Ordinance 681, or (b) Adopt a Resolution Submitting the Ordinance to the Voters at the Next General Election, and Consider a Resolution Providing for the Submittal of Rebuttal Arguments and the Appointment of a Subcommittee to Prepare Arguments in Favor of the Ordinance

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

- 1 **ISSUE:** The Council is requested, in response to a petition for a referendum against Ordinance
 2 681 approving the Silver Rose Planned Development District, to first acknowledge the County's
 3 certification that the referendum petition against Ordinance contains the requisite number of valid
 4 signatures; and second, reconsider Ordinance 681 and either repeal Ordinance 681, or submit
 5 Ordinance 681 to the voters at the next general election. If the Council determines to submit the
 6 Ordinance to the voters, the Council should also consider whether it desires to provide for the
 7 filing of rebuttal arguments and the appointment of a subcommittee to prepare arguments in favor
 8 of the ordinance.
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- 10 **RECOMMENDATION:**
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- 12 (1) By motion, accept the County Certification that the Referendum Petition against Ordinance
 13 681 has the Requisite Number of Valid Signatures;
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- 15 (2) Adopt a Resolution Providing for the Filing of Rebuttal Arguments;
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- 17 (3) Adopt a Resolution a Resolution Submitting the Ordinance to the Voters at the Next General
 18 Election and Requesting the Board of Supervisors of Napa County to Consolidate said Election
 19 with the November 6, 2012 Consolidated General Election; and
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- 21 4) By motion, appoint Councilmembers Gary Kraus and Karen Slusser to prepare the ballot
 22 measure in favor of the Measure.

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BACKGROUND: On May 15, 2012, the City Council adopted Ordinance 681, An Ordinance of the City Council of the City of Calistoga, County of Napa, State of California Adopting an Ordinance Amending Title 17 (Zoning Ordinance) of the Calistoga Municipal Code Rezoning the Property Located at 400 Silverado Trail (APN #S: 011-050-035; 011-050-036; 011-050-037, 011-050-039 & 011-050-040) from a “PD”, Planned Development District to a “PD 2011-02”, Silver Rose Resort Planned Development District. Before the Ordinance went into effect, on June 12, 2012, community members delivered a referendum petition against Ordinance 681 to the City Clerk. The County Elections Division verified on June 18, 2012, that over 217 Calistoga registered voters signed the petition. This has the legal effect of suspending Ordinance 681 and qualifying the referendum petition.

When a referendum petition has qualified, the City Council is required by state law to reconsider the ordinance. The City Council must either: (1) repeal the Ordinance against which the petition is filed; or (2) submit the Ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election not less than 88 days after the order of the legislative body. (CA Gov. Code Sec. 9241).

If the Ordinance is submitted to the voters, the Council has the option of allowing for rebuttal arguments on the Measure.

DISCUSSION:

Staff is recommending that Ordinance 861 be sent to the voters to consider at the November 6, 2012 regular election. The Silver Rose resort and residential project is a well designed project that is consistent with the general plan and zoning for the property. The property presently has a resort and the proposed project will bring a much needed redevelopment of the property. A luxury resort will have minimal impact on the community and city services, but bring positive impact on the local economy and revenues to the city to maintain existing service levels.

The project took one year to go through the city approval process. The complexity of issues and the degree of controversy should be subject to a community wide discussion in the ensuing months leading to the November election. The following is the recommended language for the Measure:

Shall Ordinance No. 681 adopted by the City Council be approved to establish certain planned development regulations for the property located on and near 400 Silverado Trail, Calistoga, which will allow the development of the Silver Rose resort and residential project?	YES	
	NO	

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59 A referendum is a different process from an initiative and any changes to the ordinance after
60 action on the referendum, whether by rescission of the ordinance or approval or disapproval by
61 the voters, will not require further submittal to the voters. If the Council rescinds the Ordinance
62 or the Ordinance is submitted to the voters and the voters do not approve the Ordinance, the
63 same or a similar ordinance cannot be adopted for one year. (CA Gov. Code Sec. 9241.) If the
64 Ordinance is approved, it is treated like any other municipal ordinance and may be amended by
65 the Council at a later date.

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67 The Council has the option to allow rebuttals on the Measure. A resolution has been provided to
68 provide for this. Should the Council decide to allow such statements a subcommittee of Council
69 members should be appointed to prepare the argument in favor of the Ordinance and a possible
70 rebuttal argument. It is recommended that Councilmembers Kraus and Slusser be given this
71 task, as they were members of the negotiating team for preparation of the development
72 agreement.

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74 **FISCAL IMPACT:** Placing the Measure on the fall ballot will not have significant financial impact
75 on the city. The developer will be charged costs to the city under the development deposit
76 account.

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78 **ATTACHMENTS:**

- 79 1. County Certification
- 80 2. Draft Ordinance Repealing Ordinance 681
- 81 3. Draft Resolution Providing for Submittal of Rebuttal Arguments.
- 82 4. Draft Resolution Calling General Election and Submitting the Ordinance to the Voters
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