

City of Calistoga

Staff Report

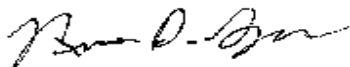
TO: Honorable Mayor and City Council

FROM: Richard Spitler, Acting City Clerk

DATE: November 20, 2012

SUBJECT: (1) Accept the County Certification that the Referendum Petition Against Resolution 2012-062 Approving the General Plan Overlay and Planned Development Goals for the Enchanted Resorts Properties Has the Requisite Number of Signatures; and (2) Reconsider Resolution 2012-062 and Either (a) Adopt a Resolution to Repeal Resolution 2012-062, or (b) Adopt a Resolution Submitting the Resolution to the Voters at a Special Election, and Consider the Designation of Council Members to Prepare Arguments in Favor of the Resolution

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

1 **ISSUE:** The Council is requested, in response to a petition for a referendum against Resolution
 2 2012-062, a general plan amendment, approving a Planned Development Overlay and Planned
 3 Development Goals for the Enchanted Resorts Properties, to first acknowledge the County's
 4 certification that the referendum petition against the resolution contains the requisite number of
 5 valid signatures; and second, reconsider Resolution 2012-062 and either repeal Resolution 2012-
 6 062, or submit Resolution 2012-062 to the voters at a special election to be held on March 5,
 7 2013. If the Council determines to submit the resolution to the voters, the Council should also
 8 consider whether it desires to provide for the designation of Council Members to prepare
 9 arguments in favor of the resolution.

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11 **RECOMMENDATION:**

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13 (1) By motion, accept the County Certification that the Referendum Petition against Resolution
 14 2012-062 has the Requisite Number of Valid Signatures;

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16 (2) Adopt a Resolution Submitting the Resolution to the Voters at a Special Election to be held
 17 March 5, 2013 and Requesting the Board of Supervisors of Napa County to Consolidate said
 18 Election with the March 5, 2013 Consolidated Election; and

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20 (3) Designate one or two Council Members (Canning and Kraus) to prepare ballot arguments in
21 favor of the Measure.
22

23 **BACKGROUND:** On August 21, 2012, the City Council adopted "Resolution 2012-062, A
24 Resolution of the City Council of the City of Calistoga, County of Napa, State of California,
25 Approving an Amendment to the General Plan Overlay Districts Map, Figure LU-6 to Include
26 those Properties generally located at 515 Foothill Boulevard (011-310-031 through 011-310-041
27 and 011-310-044; 011-320-007; 011-320-039 through 011-320-069; and 011-310-024) within
28 Planned Development Overlay Designation and Establishing Associated Planned Development
29 Goals for the Enchanted Resorts Properties." On September 20, 2012, community members
30 delivered a Referendum petition against Resolution 2012-062 to the City Clerk. The County
31 Elections Division found the Referendum against Resolution 2012-062 sufficient.
32

33 When a referendum petition has qualified, the City Council is required by state law to reconsider
34 the ordinance (or in this case a resolution). The City Council must either: (1) repeal the resolution
35 against which the petition is filed; or (2) submit the resolution to the voters, either at the next
36 regular municipal election occurring not less than 88 days after the order of the legislative body, or
37 at a special election not less than 88 days after the order of the legislative body. (CA Gov. Code
38 Sec. 9241).
39

40 **DISCUSSION:**

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42 Staff is recommending that Resolution 2012-062 be sent to the voters to consider at a March 5,
43 2013, special election. The Enchanted Resorts resort and residential project will consist of a 110
44 resort hotel units, 20 residence club units, 13 custom residences, public restaurant and bar,
45 event facilities, spa and swimming pools, and parking and support facilities. It is located on 88
46 acres located in the hills above 515 Foothill Boulevard.
47

48 The project took over two years to go through the formal city approval process. The complexity
49 of issues and the degree of controversy should be subject to a community wide discussion in
50 the ensuing months leading to the March election. The following is the recommended language
51 for the Measure:
52

Shall Resolution 2012-062, a general plan amendment approved by the City Council to establish a planned development overlay and certain planned development goals for the property generally located at 515 Foothill Boulevard, Calistoga, which will allow the development of the Enchanted Resorts resort and residential project, be adopted?	YES	
	NO	

54 A referendum is a different process from an initiative and after action on the referendum will not
55 require further submittal to the voters for future amendments. If the Council rescinds the
56 resolution or the resolution is submitted to the voters and the voters do not approve the
57 resolution, the same or a similar resolution cannot be adopted for one year. (CA Gov. Code
58 Sec. 9241.) If the resolution is approved, it is treated like any other municipal resolution and
59 may be amended by the Council at a later date. (CA Constit. Art 2, Section 10.)
60

61 Should the Council decide to adopt the resolution calling a Special Election, one or two Council
62 members may be designated to prepare arguments in favor of the measure. It is recommended
63 that Councilmembers Canning and Kraus be chosen to prepare the arguments, as it is certain
64 that they will remain on the Council after the November election results are certified.
65

66 **FISCAL IMPACT:** Placing the Measure on the ballot for a Special Election could cost up to
67 \$15,000 to \$20,000
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69 **ATTACHMENTS:**

- 70 1. County Certification
- 71 2. Draft Resolution Repealing Resolution 2012-062
- 72 3. Draft Resolution Calling Special Election and Submitting the Resolution to the Voters
- 73 4. Letter from Carl Sherrill to Mayor Gingles dated November 20, 2012.
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