

COMMUNITY SERVICES
ADVISORY COMMISSION
Regular Meeting
Redding Civic Center
777 Cypress Avenue
Redding, CA 96001
January 12, 2005, 4:00 p.m.

MINUTES

1. Attendance

Community Services Advisory Commissioner Chair Gerrine Peckenpaugh opened the meeting at 4:00 p.m., with the following commissioners present: Leonard Bandell, Leona McCoach, DeAnne Parker and Jason Waybright.

Absent: None

Staff present: Community Services Director Kim Niemer, City Attorney Richard A. Duvernay, Support Services Director Gerry Kersten, Recreation Superintendent Gordon Carpenter, Convention Center and Visitors Bureau Manager Andy Green, Management Analyst Matt McCallum, Community Project Managers Terry Hanson and Karen McGrath, Senior Planner Lily Toy, Box Office Clerk Tracie Huff, Recreation Supervisor Susan Roi and Community Services Executive Secretary Mari Szynal.

2. Consent Calendar

The minutes from the regular meetings on June 9, 2004 and December 8, 2004, the monthly Convention Center and Convention & Visitors Bureau Activity Report; the Convention Center Capital Projects List and Calendar and the Recreation Division Activity Report were presented. A brief discussion of the reports ensued.

MOTION: To approve Consent Calendar as presented. (Made by Commissioner Parker, Seconded by Commissioner Waybright)

AYES: Commissioners - McCoach, Parker, Peckenpaugh and Waybright

NOES: None

ABSTAIN: Commissioner Bandell

ABSENT: None

3. Consideration of park fee credits for Promenade Apartments and Resort by Jim McDilda (PO-03-02)

Director Niemer explained that Promenade Apartments and Resort is a large multi-family project of over 300 units on the corner of Collyer & Twin Tower. Mr. McDilda contacted Community Services in December about receiving park credits for the Promenade project. The CSAC makes the recommendation regarding whether improvements can be traded for fee obligations. The discussion of park improvements in lieu of park fees is typically handled during map approval and review, which occurred in 2003. This situation is unique in that the request is coming to the Commission after-the-fact instead of during map approval process. Lily Toy is the senior planner who is assigned to the project, provided us with an overview.

Senior Planner Toy proceeded to roll out the site plan and provided a summary of the project, noting the recreation features, the four areas Mr. McDilda is considering as open space areas. Ms. Toy noted that people visiting the commercial center would be able to use the facilities.

Director Niemer noted that she had previously reviewed this with Senior Planner Toy. The Park Master Plan and Redding Municipal Code have minimum requirements for park fee credits for private parks. First, the park must be 3 acres in size, this one is not. In addition, the zoning ordinance requires multi-family units to have open areas included in the design. This project, because it was not subdivided, is not subject to in-lieu fees. If they had been subject to this fee, approximately \$221,000 would be due. We have clear grounds under the zoning ordinance, with this being a multi-family construction, to require Mr. McDilda to provide community open space areas. City Attorney Duvernay is here today and his written opinion is provided in your packet.

Mr. McDilda then advised that he would like to review the timeline of what had transpired in the past 4-5 years. The original concept was designed by himself and the City's Planning Department staff. The City originally proposed constructing a multi-family mixed-use overlay - it was not his idea. He stated that most mixed-use overlays require a minimum of 1,000 acres and 4,000 homes, yet the City decided to take three parcels of land and try the mixed-use overlay. City staff said they would like him to try the concept and he was told he would be entitled to park credit. After much work it was apparent the original concept would need to be downsized and it was reworked. Mr. McDilda stated he has included amenities that residents and surrounding neighbors would use.

Mr. McDilda went on to explain that the city rezoned the area because it does not work to do a mixed-use overlay with 38 acres. He noted that staff did not inform him that he would lose the park credits when it was rezoned. He had been told the project would receive a 75% credit, which he believes was approximately 1,000 / unit - so about \$240,000 to \$250,000. While Mr. McDilda says he understands the City Attorney's opinion, he does not agree with it.

Senior Planner Toy noted that for a planned development, the Promenade does provide the level of amenities expected. In the process of review, staff felt that the park, commercial use and higher density could not be supported under mixed-use. The property was rezoned so they could

process the project as proposed and not require Mr. McDilda to redesign. With or without the rezoning, Mr. McDilda was required to provide amenities, Mr. McDilda has provided more than typically required in planned development regulations.

Commissioner Bandell inquired into whether if the site was zoned mixed-use overlay, would he receive the credits?

Director Niemer responded that under either scenario, the parcel was not subdivided and therefore not subject to park dedication or in-lieu fees. Projects that include recreational amenities are not automatically entitled to fee credits. The amenities must be evaluated and approved on a case-by-case basis.

Attorney Duvernay stated that park fees, whether Quimby Act fees or park development fees, 99.9% of the time that calculation is to be done during the design process so you know the impact and can contemplate properly. This is finalized during the project approval process. What is troubling him is that this project came to final approval with a specific condition with a certain amount of park development fees and was accepted. He does not believe the legal authority exists at this point to retroactively credit the fees. The question arises that if there is no authority to pay this money out, and the Commission decides to credit this fee, is that a prohibited gift of public funds? Attorney Duvernay believes that the Community Services Advisory Commission and the City Council do not have the authority to act on this request.

Director Niemer agreed that the timing is an issue. If this request had come prior to map approval, the Commission could have made a recommendation at that time. Park development fee credits are negotiated during map approval process and are included in the conditions of approval for the map. The Commission could have provided Mr. McDilda with the requirements of receiving park fees.

Mr McDilda queried that when staff decided that it would be in the city's best interest to rezone this site, wouldn't it have been prudent for them to notify him at that time about this change? It is his contention that it was staff's obligation 1.5 years ago to bring this to his attention. He believes staff should have never said it, or should have corrected themselves after they made the statement that the mixed-use overlay would change the park fee credit issue. McDilda commented that he is feeling very frustrated after 4.5 years and appreciates the Commission's attention.

Commissioner Bandell noted that as the project exists today, Mr. McDilda is not paying the in lieu fees he requested to receive a credit against. Commissioner Bandell expressed concerns that state law and City ordinances do not provide the Commission with the legal authority to even consider the issue. He also observed that he believes Mr. McDilda should have had confirmed in writing any offer staff may have made to him for fee credits and that this request should have been addressed at the time of project approval.

MOTION: To deny the request by Mr. McDilda for park fee credits in the Promenade Apartments and Resort project. (Made by Commissioner Bandell, Seconded by Commissioner McCoach)

AYES: Commissioners - Bandel, McCoach, Peckenpaugh and Waybright

NOES: None

ABSTAIN: Commissioner Parker

ABSENT: None

4. Review of height restriction regulation on Play Structure at Aquatic Center

At the Aquatic Center, the play structure sits in the middle of the zero depth entry area in 18 inches of water and is designed for small children. The primary purpose of the height restriction regulation is to create a safe and friendly area for pre-school age children to experience water. The height restriction (4 feet) keeps larger, more active children away from the smaller ones and allows the lifeguards to focus on maintaining a safe environment.

Recreation Superintendent Carpenter recalled a request by Mr. Dan Martin to amend the height restriction rule to allow children, including his son who is taller than 4 feet, to use the play structure. At the October meeting, the Commission directed staff to consult with the City Risk Manager, Linda Johnson. She recommended that Bragg & Associates, the City's claims administrator, evaluate the structure and report on the request at hand. Superintendent Carpenter introduced Jack Kastorff, Risk Control Manager with Bragg & Associates, who provided his evaluation and recommendation.

Jack Kastorff stated that he does not believe the current guidelines impose a significant hardship and we have to look at the benefit of one versus the benefit of many.

Commissioner Bandell indicated his belief that he was the one who originally requested that risk management look into this and he is very satisfied with the results. He also noted that now that he is aware that there is a different area where children of this size who can not swim are able to play, he is reluctant to recommend a change.

Director Niemer acknowledged that based on the consultant's report, staff would be hesitant to make any change in the rules.

Commissioner Waybright observed that this is similar to Pop Warner football, where your friends may be playing but if you don't meet the weight requirements, you don't get to play.

Commissioner McCoach suggested that staff work with employees during the training process to avoid confusion on this issue.

Superintendent Carpenter advised that staff will address operational issue with pool staff and that he and Recreation Supervisor Roi have been talking about adding creative play opportunities in the adjacent warm up area for older children.

MOTION: To retain the current height restriction on the play structure at Redding Aquatic Center. (Made by Commissioner Waybright, Seconded by Commissioner Bandell)

AYES: Commissioners - Bandell, McCoach, Parker, Peckenpaugh and Waybright

NOES: None

ABSTAIN: None

ABSENT: None

5. Consideration of funding for acquisition of APN 117-250-003-000 and 117-250-010-000

Director Niemer advised the property under consideration is on Churn Creek Road north of the Mt. Shasta Mall. This area is identified as an open space interest area and trail corridor in the Park Master Plan. Nearby city-owned parcels are zoned as park and are in the Master Plan as a future park. The City has the opportunity to acquire these two parcels before they go to public auction on February 25th. The recommendation to the Commission is that we purchase these parcels because of the potential tie-in to the future Twin View park site, which allows us space for an active component and then a transition with the creek to a more passive area. It would cost about \$148,000 to acquire the land and there is money in the park in-lieu account, if the Commission wishes to recommend the acquisition of this land.

Commissioner Bandell inquired into whether we are confident that this has never been used for any type of dump site and was reassured by Community Project Manager Hanson that we are.

MOTION: To recommend purchase of APN 117-250-003-000 and 117-250-010-000 to the City Council. (Made by Commissioner Bandell, Seconded by Commissioner Waybright)

AYES: Commissioners Bandell, McCoach, Parker, Peckenpaugh and Waybright

NOES: None

ABSTAIN: None

ABSENT: None

6. Park Projects Update

Staff provided updates on the following projects; Vista Ridge Park, the City Hall Sculpture Park, the Benton Dog Park, the Soccer Park, Shastina Ranch and the Mary Lake Trail extension.

Community Project Manager McGrath offered the following updates:

Vista Ridge Park

We have developed donor brochures with KaBoom and Home Depot, along with input from the volunteer committee. The project was kicked off this week with a well-attended meeting of residents. The design meeting on February 3rd will include having the children involved by drawing their dream playground. These drawings will be used to design the playground. The actual Build Day will be on Thursday, May 5th. At this point we are ready to proceed with a very tight timeline. There is quite a bit of community

interest, with seven teams and 35 volunteers so far. We are looking for donations of cash, food and in-kind services. If you have ideas about anything we could use, please give me a call.

City Hall Sculpture Park

The 3-acre site on the north side of City Hall will complete the City Hall Complex with a grove of oak trees, gardens and sculpture. In the early summer, we will start construction and will be putting out a call to artists for a rotating “visiting sculptor”.

Community Project Manager Hanson provided the following updates:

Mary Lake Trail Extension

This extension connects the Westside Trail and the Mary Lake Trail. The extension is rather short, but will also provide amenities to match the new subdivision. We should be ready to begin construction in May. A map was provided to show alignment.

Shastina Ranch

This future subdivision is south of Rancho Road on a future extension of Shasta View Drive. In order to obtain entitlements, the City is entering into a development agreement with the Shastina Ranch developer whereby the City negotiates conditions, including amenities. In this case the amenities are a park, trails, improved entrances, signal and traffic improvements. The park would be built in phases. With the completion of a certain number of homes they will complete a new phase of the park, for a total of four phases. We are proposing to provide the park fee credit up front and the developer will bond for the fees in advance of each phase, then when we verify the phase has been built we will release the bond.

Director Niemer provided the following updates:

Soccer Park

The Soccer Park & Softball Park are part of the Sports Complex. The design is moving along, with some modifications to the previous plans, including a playground area and additional bathrooms. We begin construction in summer and, hopefully, open March, 2006.

We have identified Redding Youth Soccer as the entity most likely to be the administrator. They will form a non-profit foundation to be solely responsible for the management of the complex.

Benton Dog Park

We are working on the formation of a constituency group to help maintain the dog park. We hope that this will be a model template for future user groups. Future plans include a separate space for small dogs.

No action was required on these informational items.

7. Convention Center Internet Ticketing Demonstration

Director Kersten explained that Convention Center internet ticket transactions went on-line January 3, 2005 and are processed on a secure network. The site can be accessed through the Convention Center website at www.reddingconventioncenter.com.

Box Office Clerk Tracie Huff offered a demonstration of the new internet ticketing process, Redding Tix. The maximum number of tickets which can be purchased on-line at once is ten and sales end at 4p.m. on the day of show. Tickets can be picked up at the Will Call window with a valid ID or sent via U.S. Mail up to 7 days prior to show.

Specific types of tickets cannot be purchased on line - handicap accessible seats, group/discount tickets and other restrictions which may be directed by the show promoters.

The site features two seat maps of the Convention Center and one each for the Riverfront Playhouse and the Cascade Theatre. You may also submit a reservation at The Café. Another feature that we hope patrons will use is the Feedback button. Box Office Supervisor Tammy Johnson is currently at the InTix conference researching the latest technology for patrons to print their tickets at home.

Convention Center and Visitors Bureau Manager Green noted that although the North State Symphony performs at the Cascade Theatre, they contract with both the Convention Center and the Cascade Theatre to sell tickets. The Box Office is capable of selling Cascade seats because they have built their seating map into the system, but the Cascade Theatre desires to operate their own independent box office at this time.

No action was required on this informational item.

8. Commission Officer Appointments

Director Niemer pointed out that typically in January we look at the Commission officer assignments.

MOTION: To retain current officer assignments. (Made by Commissioner Bandell, Seconded by Commissioner Waybright)

AYES: Commissioners Bandell, McCoach, Parker, Peckenpaugh and Waybright

NOES: None

ABSTAIN: None

ABSENT: None

9. Commissioner Comments

None presented

10. Director's Comments

Director Niemer provided the following updates to the Commission.

Mary Stegall is now our City Council liaison.

We are moving forward with the sale of the three surplus park sites. The Tourmaline site in Lake Redding Estates will be split in two, which will match exactly the homes behind them. This will then put us at four lots to sell, one in Hacienda Heights and three in Lake Redding. Analyst McCallum is researching the potential of handling this as an on-line auction.

Phase 1 of the Jump River playground in Caldwell Park will be completed shortly.

The Nanninga parcel, which is 5.3 acres on Oak Mesa Road across from the Gregory Ponds property, was sold to a developer as we were outbid for the property.

We will be updating the park in-lieu fees for your consideration so they can be brought to the City Council this summer.

In the future we will also be presenting information on the Hilltop Business Improvement District.

No action was required on these informational items.

11. Public Comment

None presented.

12. Adjournment

There being no further business, at the hour of 6:30 p.m. Chair Peckenpaugh declared the meeting adjourned.

Respectfully submitted,

GERRINE PECKENPAUGH, Chair