

CITY COUNCIL MEETING OF
June 4, 2008
VERBATIM TRANSCRIPT – ITEM 27

1 **R-29-2008 - Approval of a Resolution Disposing of Protests made at the Hearing on the**
2 **Provisional Order regarding: Special Improvement District No. 1511 Farm Road (Virginia**
3 **Dale Street to Tule Spring Road) (\$86,354.21/yr - Capital Project Fund/Special**
4 **Assessments) - Ward 6 (Ross)**

5
6 **Appearance List:**

7 OSCAR GOODMAN, Mayor

8 JORGE CERVANTES, Director of the Public Works Department

9 EMILY McFARLING BENSON, Attorney, representing Patrick and Rhonda Bergsrud

10 STEVEN D. ROSS, Councilman

11 BEVERLY K. BRIDGES, City Clerk

12

13 6 minutes

14

15 Typed by: Carmel Viado

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17 **MAYOR GOODMAN**

18 Item Number 27 is R-29-2008, approval of a Resolution disposing of protests made at the
19 hearing on the Provisional Order regarding Special Improvement District No. 1511 Farm Road,
20 Virginia Dale Street to Tule Spring Road. Okay. Gentlemen.

21

22 **JORGE CERVANTES**

23 Mayor and Council, good morning. Jorge Cervantes, Department of Public Works. This item is
24 to dispose of protests for Special Improvement District 1511 Farm Road, between Tule Springs
25 and Virginia Street. I did need to, Mayor, make one correction on the agenda and it's noted. It
26 has a fiscal impact of \$86,324.21 (sic) per year. It actually has a typo. It should be the total cost.
27 It's not an annual cost, but a total cost.

28

29 **MAYOR GOODMAN**

30 Of eighty-six thousand three fifty-four twenty-one.

31

32 **JORGE CERVANTES**

33 That's correct.

34

35 **MAYOR GOODMAN**

36 Very good. Alright. I know these folks wanted to be heard and I've been advised that I
37 probably misadvised you last time. That was the time that you should be heard, but that was my
38 mistake, so you're not going to suffer for that. Be happy to hear from you.

39

40 **EMILY McFARLING BENSON**

41 I prepared information –

42

43 **MAYOR GOODMAN**

44 You have to identify –

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45 **EMILY McFARLING BENSON**

46 – if you would like –

47

48 **MAYOR GOODMAN**

49 Please identify –

50

51 **EMILY McFARLING BENSON**

52 Okay. Emily McFarling Benson, attorney for Patrick and Rhonda Bergsrud. And we would ask
53 that this item be held in abeyance at this point in time, if not stricken today, because there are
54 serious issues about the history of what has happened and how we've gotten to a point where
55 there is a request for an assessment that will be, the impact of that will be on one property owner
56 alone and that amount is eighty-six thousand, as we've just heard. And so we would ask that we
57 be given the opportunity to work with you and work with the staff to actually come to a
58 resolution so this doesn't have to go to the point of going to District Court prematurely.

59

60 **MAYOR GOODMAN**

61 Well, I'll, I, last time I heard from Councilman Ross, who's the Councilman for Ward 6, that he
62 wanted this matter to go forward. So I'm gonna turn to him and, what is your position as far as
63 this request?

64

65 **COUNCILMAN ROSS**

66 Your Honor, this individual property owner has been fully aware of the challenges we've had
67 with this property. I fully intend to go forward with this. If his legal counsel is intimating that
68 he is planning on taking this to District Court, so be it.

69

70 **MAYOR GOODMAN**

71 Alright. Would you like to submit anything at this time?

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72 **EMILY McFARLING BENSON**

73 I do. I have information and a copy for each of you, if you'd like.

74

75 **MAYOR GOODMAN**

76 Alright. Why don't you do that, please. Please hand it to the Clerk and we'll make this part of
77 the record. Alright. And if you'll hand up the copies to us, I'd appreciate that. Thank you.

78 Yeah, we'll pass 'em down. Alright. And if you'd like to be heard, we're happy to hear from
79 you at this time.

80

81 **EMILY McFARLING BENSON**

82 What we're dealing with is a property, an assessment that is affecting one residential property
83 right now. The, if, in two thousand and four, Rhonda and Patrick Bergsrud purchased a property
84 and since then they have been seeking permission to – build and finish a house on there.

85 There've been many, many roadblocks that have come up and a lot of those have – been the
86 result of – issues dealing with the City. But in two thousand and five, April 27, two thousand
87 and five, there was an agreement by Richmond Homes to go in and actually do the
88 improvements that are proposed for the assessment today, at their cost, and this was denied.

89 These improvements were not done by Richmond and, actually, the City had requested that they
90 go in and revise their plans and not include these improvements in the improvements that were
91 done at that time for surrounding properties. And as a result of that, my client, who is the only
92 property owner for this area, is now facing being subject to this assessment, the entire
93 assessment, if it is allowed to go forward. So, what we're asking is that this be held in abeyance
94 so that we have time to try and work with the City and figure out what we can do so that my
95 client isn't hit with an \$86,000 tax bill over the coming years that was unnecessary several years
96 ago because of this agreement in 2005 and may very well have a solution other than just going
97 forward today with it.

98

99 **COUNCILMAN ROSS**

100 Your Honor, if I may.

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101 **MAYOR GOODMAN**

102 Yes, Councilman.

103

104 **COUNCILMAN ROSS**

105 This individual has had several years to comply with our City Codes. He has finished the pool
106 without permits. He has finished the home without a Certificate of Occupancy. If you look at
107 the overhead, all of the other developments around his parcel has, have paid for their off-site
108 improvements long before I was elected. I was approached about this property and the lack of
109 the improvements surrounding this property. This is the last parcel that needs to be improved
110 and I fully support our Public Works Department in moving forward with this. He's had several
111 years to comply. The patience meter has run out. It's time to – buckle down and take care of
112 this and comply with all of our Building Department Codes and our – Public Works.

113

114 **MAYOR GOODMAN**

115 Very good. Well, we're gonna go forward. Apparently – there's gonna be a motion, so does this
116 encompass the record that you want if we have to go to court?

117

118 **EMILY McFARLING BENSON**

119 Yes. This is the record that –

120

121 **MAYOR GOODMAN**

122 Okay.

123

124 **EMILY McFARLING BENSON**

125 Yes.

126

127 **MAYOR GOODMAN**

128 Wanted to make sure that that's the case. Okay. Go ahead, Councilman Ross.

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129 **COUNCILMAN ROSS**

130 Thank you, Your Honor. My motion is to move forward with Agenda Item 27.

131

132 **MAYOR GOODMAN**

133 Alright. We have moved forward with it and now a motion as far as the adoption of the
134 Resolution.

135

136 **COUNCILMAN ROSS**

137 Adopt the Resolution, follow staff's recommendation.

138

139 **MAYOR GOODMAN**

140 Very good. Let's vote. Post. (**Motion carried unanimously with Reese not voting.**) Motion
141 carries. And this is part of the record.

142

143 **BEVERLY K. BRIDGES**

144 Yes.

145

146 **MAYOR GOODMAN**

147 Very good.

148

149 **COUNCILMAN REESE**

150 (Inaudible).

151

152 **MAYOR GOODMAN**

153 Okay. Thank you.

154

(END OF DISCUSSION)

155 /cv;ac