

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Susan Sneddon, City Clerk
DATE: March 1, 2011
SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:


Richard Spitler, City Manager

DISCUSSION: Minutes of the January 18, 2011 regular City Council meeting.

RECOMMENDATION: Approve Minutes.

ATTACHMENTS: Aforementioned Minutes.

**CLOSED SESSION AGENDA
CITY COUNCIL MEETING
TUESDAY, JANUARY 18, 2011 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

Mayor Gingles called the Closed Session to order at 6:30 p.m. In attendance were the following: Councilmember Chris Canning, Councilmember Gary Kraus, Councilmember Karen Slusser, and Mayor Jack Gingles. Vice Mayor Dunsford was absent.

Also present were City Manager Richard Spitler, and Assistant City Attorney Don Davis.

ORAL COMMUNICATIONS

No public comment.

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

1. Conference with Legal Counsel, Anticipated Litigation

Significant exposure to litigation pursuant to subdivision (b) Government Code Section 54956.9: One potential case.

ADJOURN CLOSED SESSION

RECONVENE TO OPEN SESSION IN THE COMMUNITY CENTER

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no reportable action out of tonight's Closed Session.

ADJOURNMENT

Mayor Gingles adjourned the Closed Session at 7:00 p.m. to the regular meeting of the Calistoga City Council, on Tuesday, January 18, 2011 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, JANUARY 18, 2011 – 7:00 P.M.
CALISTOGA COMMUNITY CENTER

1 **CALL TO ORDER**

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3 **Mayor Gingles called the Regular Session to order at 7:02 p.m.**

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5 In attendance were the following: Councilmember Chris Canning, Councilmember
6 Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and
7 Mayor Jack Gingles.

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9 Also present were Public Works Director/City Engineer Dan Takasugi, Senior Planner
10 Ken MacNab, Administrative Services Director Bill Mushallo, Aquatics and
11 Recreation Manager Olivia Lemen, Police Chief Jonathan Mills, City Manager
12 Richard Spittler, and City Clerk Susan Sneddon.

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14 **ACTION OUT OF CLOSED SESSION**

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16 **Mayor Gingles** announced that there was no action out of Closed Session held this
17 evening.

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19 **ORAL COMMUNICATION**

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21 None provided.

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23 **ADOPTION OF MEETING AGENDA**

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25 It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember
26 Canning to approve the Council Meeting Agenda. The Motion was carried
27 unanimously.

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29 **APPRECIATION AWARD**

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31 **1. Presentation of an appreciation award to City Clerk Susan Sneddon for ten**
32 **years of service.**

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34 **Mayor Gingles** presented the appreciation award and complimented City Clerk
35 Sneddon for her ten years of service.

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COUNCIL IDEAS FOR DISCUSSION

Councilmember Slusser stated that Lydia Ruiz is collecting shoes for the "Soles for Souls" project.

Mayor Gingles requested that the City Manager add to a future agenda an item regarding review of the five issues regarding the City's water and wastewater sewer rates.

Mayor Gingles requested that Item No. 3 be pulled for discussion.

CONSENT CALENDAR

2. Minutes of the November 16, 2010 and December 7, 2010 regular City Council meetings.
3. Consideration of a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, amending Title 17 (Zoning) to establish interim measures for reducing regulatory barriers to economic development.
4. Adoption of Resolution No. 2011-001 approving the Annual Parade List and authorizing the Public Works Department to apply for Encroachment Permits from Caltrans.
5. Adoption of Resolution No. 2011-002 authorizing the acceptance of a donation in the amount of \$200.00 from the Roman Spa Hot Springs Resort.
6. Adoption of Resolution No. 2011-003 accepting as complete the Palisades-Calistoga Resort, LP (Solage) Project off-site public improvements.
7. Adoption of Resolution No. 2011-004 authorizing the acceptance of a Community Resource donations for Holiday Dinner and Amigos Program in the amount of \$3,921.
8. Adoption of Resolution No. 2011-005 authorizing the lease-purchase of various City equipment in the amount of \$248,460.

It was **MOVED** by Mayor Gingles and **SECONDED** by Vice Mayor Dunsford to approve Items No. 2, 4, 5, 6, 7, and 8 on the Consent Calendar.

3. Consideration of a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, amending Title 17 (Zoning) to establish interim measures for reducing regulatory barriers to economic development.

Councilmember Canning stated that he has a conflict of interest and removed himself for the dias.

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Michael Quast, 1300 Washington Street (Roman Spa owner), stated that the City's parking standards and they need to be updated to reflect the City's Urban Design Plan (*Communication A provided to Council*).

Senior Planner MacNab stated that in the future staff will be taking a look at the parking standards issue.

Vice Mayor Dunsford requested that the City's zoning ordinances get in line with the Urban Design Plan and the General Plan.

City Manager Spitler stated during the process in reorganizing the Planning and Building Department he will be looking at the departments' workload and priorities in an effort to bring forward needed changes referenced in the Urban Design Plan.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2011-006 regarding a Zoning Ordinance Text Amendment, initiated by the City of Calistoga, amending Title 17 (Zoning) to establish interim measures for reducing regulatory barriers to economic development. The Motion was carried by the following vote:

AYES: Mayor Gingles, Councilmember Kraus, Councilmember Slusser, and Vice Mayor Dunsford

NOES: None

ABSTAIN: Councilmember Canning

ABSENT: None

Councilmember Canning returned to the meeting.

PUBLIC HEARING

9. Consideration of a Resolution establishing a criminal justice administration fee.

Police Chief Mills introduced this item regarding the establishment of a criminal justice administration fee of \$100 on persons arrested by Calistoga Police officers, booked into the Calistoga City Detention facility and subsequently convicted of an offense related to the arrest. The fee will allow the City to recover some of the costs associated with booking and processing an arrested and subsequently convicted person. He stated that the City can anticipate approximately \$8,000 annually in new revenue.

Mayor Gingles opened the public hearing.

No public comment was provided.

Mayor Gingles closed the public hearing.

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135 It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember
136 Slusser to adopt Resolution No. 2011-007 establishing a criminal justice
137 administration fee. The Motion was carried unanimously by the following
138 vote:

139 **AYES:** Mayor Gingles, Councilmembers Slusser, Canning, Kraus, and
140 Vice Mayor Dunsford

141 **NOES:** None

142 **ABSENT/ABSTAIN:** None

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144 **10. Consideration of an amendment to Calistoga Municipal Code (CMC 2010-**
145 **02), initiated by the City of Calistoga, to establish regulations for**
146 **authorizing Special Events occurring in the City by amending Title 5**
147 **Business Taxes, Licenses and Regulations, Title 3 Revenue, Finance, and**
148 **Expenditure, specifically Chapter 3.30 Film Permits for Motion Picture and**
149 **Television Production and Title 17 Zoning, specifically, Section 17.40.050**
150 **Action – Administrative Use Permits.**

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152 **Aquatic and Recreation Manager Lemen** introduced this item. She stated that
153 this proposed Ordinance will enable a more streamline application process in
154 obtaining permits for special events. She stated that it will be a single form, and a
155 single point of contact. It has been reviewed and recommended by both the
156 Community Resources Commission and the Planning Commission.

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158 **Mayor Gingles** opened the public hearing.

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160 No public comment was provided.

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162 **Mayor Gingles** closed the public hearing.

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164 It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember
165 Slusser to adopt Resolution No. 2011-008 establishing regulations for
166 authorizing Special Events occurring in the City by amending Title 5
167 Business Taxes, Licenses and Regulations, Title 3 Revenue, Finance, and
168 Expenditure, specifically Chapter 3.30 Film Permits for Motion Picture and
169 Television Production and Title 17 Zoning, specifically, Section 17.40.050
170 Action – Administrative Use Permits. The Motion was carried unanimously
171 by the following vote:

172 **AYES:** Mayor Gingles, Councilmembers Slusser, Canning, Kraus, and
173 Vice Mayor Dunsford

174 **NOES:** None

175 **ABSENT/ABSTAIN:** None

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177 **GENERAL GOVERNMENT**

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179 **11. Consideration of a Resolution** authorizing awarding a contract in the
180 amount \$37,930 to Reyff Electric, Inc. for the City Buildings Lighting
181 Retrofit Project and authorizing the City Manager to execute the agreement

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Pubic Works Director/City Engineer Takasugi introduced this item and provided a brief history. He stated that the City received \$28,114 from the American Recovery and Reinvestment Act Energy Efficiency Conservation Block Grant to perform a lighting retrofit project, and has found additional incentive funding of approximately \$10,680 from PG&E energy incentives to be applied to the project award. He stated that the City has sufficient funds to adjust the scope to award of approximately \$38,000 for lighting retrofits.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to adopt Resolution No. 2011-009 authorizing awarding a contract in the amount \$37,930 to Reyff Electric, Inc. for the City Buildings Lighting Retrofit Project and authorizing the City Manager to execute the agreement. The Motion was carried unanimously by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Canning, Slusser, and Mayor Gingles

NOES: None

ABSENT/ABSTAIN: None

12. Consideration of a Resolution authorizing the City Manager to enter into a reimbursement agreement for drainage improvements in southeastern Calistoga in conjunction with the Palisades-Calistoga Resort, LP (Solage) project, and to authorize the City Manager to reimburse Palisades-Calistoga Resort, LP in the amount of \$600,000 using Measure A Flood Control and Water Supply Reliability Revenues.

City Manager Spitler provided a brief history regarding this item. He stated that a requirement of the Solage developer was to make drainage improvements for the resort, as well as improvements to address the drainage issues at Chateau Calistoga Mobilehome Park; estimated improvement costs at \$1.6 million dollars. He stated that the Napa Valley Flood Control Watershed Authority approved the disbursement of \$600,000 from Measure A funds. He stated that the next step is for Council to approve a formal reimbursement agreement with Palisades Calistoga Resort (owners of Solage) prior to dispersing the funds.

Matt Hickerson, 3225 Lake County Highway, read a letter regarding the approval of this item from Grant Reynolds to be included in the public record.

Chris Malan, 2949 Atlas Peak Road, Napa (Living Rivers Council Manager), stated that she helped to establish Measure A. She urged the Council to not approve the proposed reimbursement agreement because it does not fall under the approved uses for Measure A funds

Kurt Larrecou, 1707 Michael Way, urged the Council to not approve the reimbursement agreement.

Norma Tofanelli, 1001 Dunaweal Lane, urged the Council to not approve the reimbursement agreement.

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Council discussion ensued regarding this item.

It was MOVED by Mayor Gingles and SECONDED by Vice Mayor Dunsford to adopt Resolution No. 2011-010 authorizing the City Manager to enter into a reimbursement agreement for drainage improvements in southeastern Calistoga in conjunction with the Palisades-Calistoga Resort, LP (Solage) project, and to authorize the City Manager to reimburse Palisades-Calistoga Resort, LP in the amount of \$600,000 using Measure A Flood Control and Water Supply Reliability Revenues. The Motion was carried unanimously by the following vote:

AYES: Mayor Gingles, Vice Mayor Dunsford, Councilmembers Kraus, Canning, Slusser

NOES: None

ABSENT/ABSTAIN: None

13. Discussion regarding a request to form a Napa County Subregion for the 2014-2022 Regional Housing Needs Allocation (RHNA) process.

City Manager Spitler stated that the City's Housing Element is about to get certified by the state, and the next seven year cycle (2014-2022) when the state determines each local jurisdiction's Regional Housing Needs Allocation (RHNA). He stated that he will add an item to a February 2011 Council Agenda to consider a Resolution authorizing the City to become a member of a Countywide Subregion for local administration of ABAG's RHNA process for this seven year period. He stated that staff has been informed by Napa County Transportation and Planning Agency (NCTPA) that it is estimated that no more than \$200,000 may be expended to hire a consultant to facilitate discussions regarding assignment of RHNA amongst the cities and county; such costs are likely to be absorbed within NCTPA's existing planning budget.

Councilmember Kraus stated that Calistoga represents a small portion of the population as compared to the entire region that ABAG looks at. He stated that he is not willing to take some of the housing burden from Napa County. He does not want to see the City put in a position where we have to accept more housing than we would have to otherwise. He stated that the public needs to be more informed about NCTPA public meetings, and requested that the City Manager include in his weekly update memorandums a summary of the actions taken at the NCTPA meetings.

14. Receive a presentation regarding an overview on the future development of a Sustainable Communities Strategy (SCS) required by Senate Bill 375.

Senior Planner MacNab introduced this item. He stated this is a strategy to implement new state and regional laws (Senate Bill 375 and Assembly Bill 32). He stated that this legislation is relative to land use, transportation and environmental planning; it calls for the development of a Sustainable Communities Strategy in all metropolitan regions in California. He stated that

278 within the nine counties in the Bay Area the law gives joint responsibility to the
279 Metropolitan Transportation Commission (MTC) and the Association of Bay Area
280 Governments (ABAG). He noted that the City is relatively removed and does not
281 have frequent transit services. He stated that he will report back to Council
282 regarding this strategy possibly as early as March 2011.

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284 **City Manager Spitler** stated that this strategy mainly addressed high density
285 housing areas next to mass transit.

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287 **15. Discussion regarding re-establishing a stipend of \$50.00 per meeting for**
288 **the Planning Commission pursuant to Calistoga Municipal Code Section**
289 **2.21.100.**

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291 **Mayor Gingles** stated he requested that this item be placed on the agenda
292 because two Planning Commissioners approached him requesting that the
293 Commissions' stipend be reinstated.

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295 **City Manager Spitler** stated that last year before the budget was approved, the
296 Planning Commissioners agreed to give up their \$50 per meeting stipend to
297 contribute to budget savings; this change was included in the 2010/2011 General
298 Fund budget and he recommended that we adhere to the approved budget. He
299 stated that there are funds in the Planning Department for the remainder of the
300 year if Council desires to reinstate the Commissioners stipend.

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302 **There was Council consensus to reinstate the Planning Commissions**
303 **stipend of \$50 per meeting.**

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305 **16. Discussion regarding the present status of City finances and strategy for**
306 **containing expenditures.**

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308 **Mayor Gingles** noted that there may be a looming financial crisis ahead,
309 especially with the state pushing costs on to local governments.

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311 **City Manager Spitler** noted that eight City positions are not being filled and staff
312 has dealt with the budget problems for this year; in addition litigation impacts
313 could have a huge effect on the budget. He stated that the three labor
314 agreements are up for renewal this spring. He stated that the City is in a unique
315 position in there is interest in private development, and some projects are moving
316 forward. In addition the Napa Valley Tourism Business Improvement District
317 helps the City's marketing and promotion. The Council will receive a report on
318 revenues and expenditures during the mid-year budget review in February. He
319 also suggested that Council revisit goals and strategies to ensure we are on track
320 with the City's objectives.

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322 **17. Discussion regarding the City's financial participation in Calistoga's 125th**
323 **Anniversary Commemoration Ceremony.**
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325 **Mayor Gingles** introduced this item. He stated that Calistoga's 125th
326 Anniversary Commemoration Ceremony has been proposed to be held in July
327 2011; approximately \$11,000 may be requested from the City for this event.
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329 **Councilmember Canning** noted that the Chamber is coordinating the July
330 event, and most of the funding is coming from local businesses.
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332 **Councilmember Kraus** stated that he would like to see a breakdown of costs for
333 the event.
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335 **There was Council consensus to bring this item back to Council, and to**
336 **look at using unused Fiscal Year 2010/2011 Community Enrichment Grant**
337 **funding for the anniversary event.**
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339 **CITY MANAGERS REPORT**

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341 **City Manager Spitler** stated that the Planning and Building Director has resigned,
342 and he is working with the Planning and Building staff to reassign duties.
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344 **CITY COUNCIL ADJOURNMENT**

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346 **Mayor Gingles** adjourned the meeting in honor of Christina Taylor Green, the nine
347 year old Arizona shooting victim. He announced that the next scheduled regular
348 meeting of the Calistoga City Council will be held on Tuesday, February 1, 2011,
349 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.
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351 **Respectfully submitted:**
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354 _____
Prepared by: Susan Sneddon, City Clerk

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357 _____
358 **Approved by: Jack Gingles, Mayor**

