

MINUTES
CITY COUNCIL
TUESDAY, DECEMBER 7, 2010 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

CALL TO ORDER

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

Also present were City Manager Richard Spitler, Interim City Manager Bill Norton, and Assistant City Attorney Ben Winig.

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, December 7, 2010 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, DECEMBER 7, 2010 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:00 p.m.

In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Dunsford, and Mayor Jack Gingles.

Also present were Planning and Building Director Charlene Gallina, Senior Planner Ken MacNab, City Manager Richard Spitler, Interim City Manager Bill Norton, Assistant City Attorney Ben Winig, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

ORAL COMMUNICATION

Randy Collins, 5 First Street, Healdsburg, stated that for over twelve years he has had the privilege of working with Richard Spitler at the City of Healdsburg; during which time he was the City of Healdsburg Fire Marshall and Fire Chief. He stated that Mr. Spitler will make a fine City Manager. He stated that Mr. Spitler is a man with integrity; professional, and considerate.

Paul Coates, 1710 Reynard Lane AND Commander of American Legion Post 31, reminded the community that today is the 69th memorial of the attack on Pearl Harbor.

ADOPTION OF MEETING AGENDA

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Garcia** to approve the City Council Meeting Agenda. The Motion was carried unanimously.

CONSENT CALENDAR

1. **Minutes of the November 3, 2010 regular City Council meeting.**

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to approve the minutes of the November 3, 2010 regular City Council meetings. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

PRESENTATION

2. **Presentation by John Tuteur, Napa County Registrar of Voters, regarding the results of the General Municipal Election held in the City of Calistoga, November 2, 2010.**

John Tuteur, Napa County Registrar of Voters, provided a brief overview of the November 2, 2010 General Municipal Election.

ELECTION RESULTS

3. **Consideration of a Resolution declaring the results of the General Municipal Election held in the City of Calistoga, November 2, 2010.**

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to approve **Resolution No. 2008-108** declaring the results of the General Municipal Election held in the City of Calistoga, November 2, 2010. The Motion was carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT None

OATH OF OFFICE

4. **The City Clerk will administer the Oath of Office to the newly elected Officials who will then assume their seats.**

City Clerk Sneddon administered the Oath of Office to newly elected Gary Kraus (Councilmember), Chris Canning (Councilmember), and Jack Gingles (Mayor).

Councilmember Garcia thanked the City Council and the staff for his term as Councilmember.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Kraus thanked the community for their support in voting for him, and he will do his best for another term. He thanked Councilmember Garcia for his term and he looks forward to his continued support to the community and Council.

Vice Mayor Dunsford congratulated Mayor Gingles and stated that it has been a pleasure working with the Mayor; he congratulated Councilmember Canning, Councilmember Kraus, and others that ran for office in the November 2, 2010 General Municipal Election. He stated that Councilmember Garcia will be missed.

Councilmember Garcia thanked the City for the opportunity to serve; he stated that he learned much about City issues and the community.

Vice Mayor Dunsford welcomed Richard Spitler as the new City Manager. He thanked Bill Norton for providing interim city manager services to the City.

Councilmember Canning thanked the community for their support, and that he desires to see the community continue to thrive.

Mayor Gingles thanked the community for their support in this election, and acknowledged his wife (Annette) for her support. He thanked Ms. LaVerne Oyarzo and Barnraisers (volunteer group that worked to improve City properties) for the donation in the amount of \$50,500 to help restore City Hall.

CERTIFICATE OF APPRECIATION

5. **Presentation of Certificates of Appreciation to Connie Minnick for twenty years of service as Senior Account Clerk; Angela Madrigal for ten years of service as Account Clerk; Tim Moore for 10 years of service as Maintenance Tech. I; and Julio Ambriz for 10 years of service as Recreation Tech I.**

Mayor Gingles presented the appreciation awards to those listed above and thanked them for their committed service to the City.

CONSENT CALENDAR CONTINUED

6. **Adoption of Resolution No. 2010-109 accepting as complete the Diamond Hills Estates Subdivision off-site improvements.**
7. **Consideration of a Resolution No. 2010-110 establishing the 2011 City Council meeting schedule.**
8. **Consideration of a Resolution No. 2010-111 awarding a contract to Pacific Tree Care for tree removal related to the Mt. Washington Water Storage Tank Project and authorizing the City Manager to execute the contract**

9. Consideration of a **Resolution No. 2010-112** awarding a Consultant Services Agreement with Récolte Energy in an amount not to exceed \$25,000 relating to a proposed photo-voltaic solar electric project at the Community Pool.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Vice Mayor Dunsford to approve **Items No. 6, 7 8 and 9** on the Consent Calendar. The Motion was carried unanimously.

GENERAL GOVERNMENT

10. Consideration of a request by John and Pat Merchant to enter into a Memorandum of Understanding for expansion of the Indian Springs Resort and Spa.

Senior Planner MacNab introduced this item. He stated that the proposed expansion plan involves the construction of 79 new guest units, a 3,000 square foot restaurant, a 4,000 square foot event center, and a wine cave. He stated that overall the project was well received at the October 13, 2010 the Planning Commission when they considered a conceptual design review application for the proposed expansion. He stated that staff recommends that Council approve the memorandum of understanding, and appoint a sub-committee to explore additional potential merits of entering into a development agreement with the developer to permit the proposal to advance through the development application review process.

Councilmember Kraus asked Mr. Merchant the reasoning for adding a wine cave when Indian Springs Resort and Spa is not a winery.

John Merchant, Indian Springs Resort and Spa owner, responded that Mount Lincoln (zoned commercial) is the perfect location for a wine cave and a great venue to hold special events.

Councilmember Canning asked Mr. Merchant if he was okay with the requests made by the Calistoga Home Owners Association as it relates to this project.

John Merchant, Indian Springs Resort and Spa owner, responded that the main issue from by the mobile home park residents is dust. He stated that a fence would be installed and trees planted along the edge next to the mobile home park. He stated that the proposed emergency access would allow for emergency vehicle access and for pedestrian access (between the mobile home parks and downtown).

Planning and Building Director Gallina stated that the Council would need to take action to establish a subcommittee to commence negotiations on the Indian Springs Resort and Spa Development Agreement. She stated that the subcommittee could assist the City Manager and Planning and Building Director with the negotiations, and work with the owner through the development process.

Vice Mayor Dunsford asked when the proposed subcommittee would commence negotiations on the Development Agreement.

Planning and Building Director Gallina responded that the process would begin when the City receives the formal application.

City Manager Spitler stated that the memorandum of understanding (MOU) would allow the development agreement negotiation process to begin. He stated that in the past the Council appointed a subcommittee comprised of two Councilmembers to work with the City Manager and staff in negotiations to prepare a development agreement; it would be reviewed first by the Planning Commission and then presented to the Council as a public hearing. He stated another option would be for Council to direct the City Manager to head the negotiations with the Merchants, and to prepare a draft development agreement that would be presented to the Planning Commission and then the Council. He stated that staff would provide ongoing progress reports to the Council.

Mayor Gingles suggested appointing Councilmember Slusser and Councilmember Canning to be on the subcommittee.

Assistant City Attorney Winig stated that Council should determine if they are authorizing the City Manager to execute the MOU subject to final approval of the City Attorney OR establishing a subcommittee to further evaluate whether a development agreement is an appropriate mechanism for this project.

Councilmember Kraus asked if the terms in the draft memorandum of understanding continue until either party serves notice to terminate.

Assistant City Attorney Winig stated that the termination date is when Council approves a development agreement or it will terminate per the terms of the memorandum of understanding.

City Manager Spitler referenced the termination clause (Section 16) of the draft MOU where it states, "Any party to this MOU may terminate this MOU with or without cause with at least sixty (60) day's prior written notice to the other party provided via first class United States mail or hand delivery at the following address." The notice could be made by the City or the developer.

Assistant City Attorney Winig stated that the purpose of the MOU is to provide the applicant with an understanding that the project is reasonable, and that the developer may continue with the application process.

Councilmember Kraus asked if staff had enough time to work on this project.

Planning and Building Director Gallina stated that Senior Planner MacNab will be the project planner; there will be impacts to the Public Works Department because they have other development projects that they are working on. She stated that it may slow down some public projects that are on the City's work program.

It was **MOVED** by Mayor Gingles and **SECONDED** by Vice Mayor Dunsford to adopt the revised **Resolution No. 2010-113** request by John and Pat Merchant to enter into a Memorandum of Understanding for expansion of the Indian Springs Resort and Spa. The revised Resolution is to include that the Council hereby forms a two-member sub-committee (Councilmembers Slusser and Canning) to work with the City Manager in negotiating the terms of the Development Agreement with the Merchant family. The motion was carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

11. Consideration of a Resolution confirming the Mayor's appointments to the Planning Commission, Community Resources Commission, Building and Fire Code Board of Appeals, and the County Wide Bicycle Advisory Committee.

Mayor Gingles introduced this item and recommended the following appointments:

- Carol Bush, and Paul Coates (incumbent) to the Planning Commission;
- Paul Coates (incumbent), Beverly More (incumbent), Bill Nance (incumbent), Scott Rodolph, and David Shaw (incumbent) to Building Standards Advisory & Appeals Board;
- Dieter Deiss (incumbent) to the County-wide Bicycle Advisory Committee;

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Canning to adopt **Resolution No. 2010-114** confirming the Mayor's appointments to the Planning Commission, Community Resources Commission, Building and Fire Code Board of Appeals, and the County Wide Bicycle Advisory Committee. The motion was carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

12. Consideration of a Resolution confirming the Mayor's recommendations for appointments to the newly created Napa County Local Foods Advisory Council.

Mayor Gingles introduced this item, and recommended that Lynn Brown be recommended to the Napa County Board of Supervisors for an appointment to the County Foods Advisory Council.

It was **MOVED** by Mayor Gingles and **SECONDED** by Vice Mayor Dunsford to adopt **Resolution No. 2010-115** confirming the Mayor's recommendation to appoint Lynn Brown to the newly created Napa County Local Foods Advisory Council. The motion was carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

CITY MANAGER REPORTS

City Manager Spittler stated that the City's Fire Station ribbon cutting ceremony is scheduled for Wednesday, December 15th at 11:00 AM.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:10 PM to the regular meeting of the Calistoga City Council, on Tuesday, December 21, 2010, Calistoga Community Center, 1307 Washington Street.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor