

**CLOSED SESSION AGENDA
CITY COUNCIL MEETING
TUESDAY, DECEMBER 21, 2010 - 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 Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Dunsford, and Mayor Jack Gingles.

Also present were Public Works Director/City Engineer Dan Takasugi, City Manager Richard Spittler, Interim City Manager Bill Norton, and City Attorney Michelle Kenyon.

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 21, 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 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

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

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

Also present were Public Works Director/City Engineer Dan Takasugi, Senior Planner Ken MacNab, Planning and Building Director Charlene Gallina, City Manager Richard Spitler, Interim City Manager Bill Norton, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

None provided.

ADOPTION OF MEETING AGENDA

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

PROCLAMATION

1. Proclamation honoring Calistoga's 125th Anniversary.

Mayor Gingles read the proclamation honoring Calistoga's 125th Anniversary. He invited the public to meet in front of Sharpsteen Museum on January 6th at 1:00 PM when he will be reading the proclamation.

Councilmember Canning reviewed the plans for celebrating the City's 125th anniversary which includes a major birthday celebration to occur in the mid-summer.

COUNCIL IDEAS FOR DISCUSSION

Councilmember Slusser reminded the public that in January there will be only one City Council meeting (January 18, 2011).

Mayor Gingles invited the public to the free Christmas Dinner at 12:00 (Noon) on Christmas Day at the Community Center. He provided a brief update on the adoption of the State budget. He requested that a Council agenda item be added to the January Council meeting to look at ways to cut back City expenditures even further. He stated that Solage Calistoga has asked the City for a deferral on their transitional occupancy tax payment.

Councilmember Kraus noted that labor negotiations with all the City's bargaining units will be open this year. He has suggested that the City contract with a labor negotiator.

City Manager Spitler provided an update regarding future labor negotiations. He noted that a contract for a labor negotiator will be brought forward to Council in the next few months.

CONSENT CALENDAR

Mayor Gingles removed Item No. 3 from the Consent Calendar for further discussion.

2. Adoption of **Resolution No. 2010-116** authorizing the award of a contract in the amount of \$34,542 to Wilson Construction, Inc. for the Bus Shelter Concrete Flatwork Project, and authorizing the City Manager to execute the agreement.
3. Consideration of a Resolution authorizing the award of a contract in an amount not to exceed \$32,000 to Reyff Electric Inc. for the City Buildings Lighting Retrofit Project, and authorizing the City Manager to execute the agreement.
4. Adoption of **Resolution No. 2010-117** authorizing the acceptance of a donation in the amount of \$50,583 from the Barnraisers, a volunteer group that worked to improve City properties.

It was **MOVED** by Councilmember Slusser and **SECONDED** by Councilmember Kraus to approve **Items No. 2 and 4** on the Consent Calendar

- 3. Consideration of a Resolution authorizing the award of a contract in an amount not to exceed \$32,000 to Reyff Electric Inc. for the City Buildings Lighting Retrofit Project, and authorizing the City Manager to execute the agreement.**

Pubic Works Director/City Engineer Takasugi suggested that this item regarding the proposed Lighting Retrofit Project contract award be continued to the January 18, 2011 Council meeting because the City may have the opportunity to receive additional PG&E incentive funding.

There was Council consensus to move this item to the January 18, 2011 Council Agenda.

PUBLIC HEARING

- 5. 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 will not be partaking in the discussion of this item because he is the Calistoga Chamber of Commerce Executive Director, and testified before the Planning Commission.

Senior Planner MacNab provided a brief history of this item. He stated that there has been an increase in the number of vacant storefronts in the downtown area so staff is recommending that an initiative to help fill vacant storefronts. He stated that a few meetings were held to facilitate dialogue between downtown property owners, real estate brokers and local contractors. The intent of the meetings was to discuss what the City could do to assist property owners with filling vacant spaces. Through these meeting six measures were identified to help reduce regulations and encourage business. He stated that at the December 8, 2010 Planning Commission meeting the Commission expressed some reservation about one of the measures; specifically the possibility of compromising the public right to due process. In response, staff revised the measure to address the Commission's concern. He stated that the Commission also suggested that staff track the uses of the measures over the duration of the Ordinance for purposes of evaluating their effectiveness.

Mayor Gingles opened the public hearing.

No Public comment

Mayor Gingles closed the public hearing.

Councilmember Slusser asked that noticing be provided on different colored envelopes, stamped with "your property concerns", since so many throw away mail. She suggested that there be a penalty for defaults, and that fees could be paid on installments.

Councilmember Kraus stated concerns regarding fees paid for large developments that are based on occupancy, rather than building permit. (**Planning and Building Director Gallina** noted that fees for larger development projects are typically negotiated through the development agreement process).

Councilmember Kraus stated that the development impact fees seem broad in nature.

Senior Planner MacNab stated that costs associated with required off-site improvements would not be considered development impact fees.

City Attorney Kenyon stated that their needs to be a clarification in defining development impact fees.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to introduce 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 unanimously by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

GENERAL GOVERNMENT

6. Consideration of a Resolution selecting a Council Member to serve as the Vice Mayor.

Mayor Gingles nominated Councilmember Dunsford to become Vice Mayor.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt **Resolution No. 2010-118** selecting a Council Member to serve as the Vice Mayor. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

7. Consideration of a Resolution approving the Wide Area Rapid Notification System Agreement (WARN) 2010.

Police Chief Mills introduced this item. He stated that three years ago Napa County entered into a three year subscription with W.A.R.N., LLC (Wide Area Rapid Notification System Agreement). He stated that the proposed agreement enables the County to automatically send messages to the home telephones of selected groups of residents in the event of an emergency; the agreement provides for the use of the W.A.R.N. system by local municipalities if the local municipalities agree to comply with the rules and requirements of that agreement. He stated that previously the County provided the W.A.R.N. service to local municipalities free of charge; the County is now requesting that each City contribute proportionally to receive this service.

City Manager Spitler stated that the required funding for the WARN agreement would be included in the Police Department's Fiscal Year 2011/2012 budget.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2010-119 approving the Wide Area Rapid Notification System Agreement (WARN) 2010. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

8. Consideration of a Resolution confirming the Mayor's appointments of Councilmembers to local and regional bodies.

- **Mayor Jack Gingles** to be the City's representative to the Association of Bay Area Governments, and **Councilmember Karen Slusser** to be the alternate representative.
- **Mayor Jack Gingles** to be the City's representative to Napa County Flood Control/Water Conservation District, and **Vice Mayor Michael Dunsford** to be the alternate representative.
- **Mayor Jack Gingles** and **Vice Mayor Michael Dunsford** are to be the City's representatives to the Napa County Transportation Planning Agency and the Napa Valley Transportation Authority, and **Councilmember Karen Slusser** to be the alternate representative.

- **Councilmember Karen Slusser** to be the City's representative to the Upper Valley Waste Management Agency, and **Councilmember Chris Canning** to be the alternate representative.
- **Councilmember Kraus** to be the City's representative to Watershed Information Center & Conservancy.

It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Vice Mayor Dunsford** to adopt **Resolution No. 2010-120** confirming the Mayor's appointments of **Councilmembers** to local and regional bodies. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

CITY MANAGERS REPORT

City Manager Spitler reported on the following:

- City offices will be closed December 23rd through December 31, 2010 for employee work furloughs;
- The Calistoga Police Officers Association and the Calistoga Firefighters Association will be distributing food and toys to needy families.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:00 PM to the regular meeting session of the Calistoga City Council, on Tuesday, January 18, 2011, Calistoga Community Center, 1307 Washington Street, 2:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor