

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, APRIL 1, 2008 - 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 Michael Dunsford and Mayor Jack Gingles.

Also present were, City Manager James McCann, Director of Public Works Dan Takasugi, Senior Civil Engineer James Smith, Planning and Building Director Charlene Gallina, Senior Planner Ken MacNab, Fire Chief Steve Campbell, and Deputy City Clerk Raquel Cantillon.

SALUTE TO THE FLAG

Mayor Gingles introduced the Calistoga Boy Scout Troop #18 whom performed the Flag Ceremony.

MOMENT OF SILENCE

A moment of silence was observed for Mary Imbelloni.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

Mayor Gingles announced that Items 9, 10, and 12 will not be heard this evening due to errors in the required public notice and will be continued to the April 15th City Council Meeting.

Thomas Balcer, 1705 Michael Way spoke of his unhappiness with the City Council's actions Nov 16th 2007, Item 15: Growth Management Allocations for the Homecoming Development at 2008 Grant Street. He referenced his letter of Nov 21st on the matter and noted that he was not satisfied with the response he was given. He referenced his recent letter dated February 18th and requested a reply. He presented the Council with copies of his February 18th letter.

Kurt Becker, 1715 Michael Way stated that he had concerns about the same issue as Mr. Balcer. First, he expressed concern that the Growth Management Allocation action was not a public hearing. He referenced portions of the Staff Report, relative to the Homecoming proposal and noted that Council acted contrary to the staff recommendation. He sees the granting of the Growth Allocations as unreasonable.

Mayor Gingles stated that he would like to get together with Mr. Becker to discuss the issue.

Kurt Larrecou, 1707 Michael Way, is a representative of the Calistoga Citizens for Ethical Government and he presented the City Council with a letter to the City Attorney. The Calistoga Citizens for Ethical Government has been waiting to hear back from City Attorney regarding Mr. Balcer's letters and are upset with the lack of response. They believe that the action taken by the City Council is a violation of provisions of the Calistoga Municipal Code.

Mayor Gingles wanted the record to show that at 7:15 during Oral Communications they received a letter from Calistoga Citizens for Ethical Government directed to Michelle Kenyon, the City Attorney.

ADOPTION OF MEETING AGENDA

It was MOVED by Councilmember Kraus and SECONDED by Vice Mayor Dunsford to approve the Council Meeting Agenda as presented.

The Motion was carried unanimously.

PROCLAMATIONS

1. Proclamation April Child Abuse Prevention Month

Mayor Gingles presented the Proclamation declaring April Child Abuse Prevention Month.

Stephanie Snyder-Perry, Executive Director Calistoga Family Center stated that she is impressed with the community's dedication to the children in the community. She is currently working on Helen Putnam Award through the League of California Cities and she wanted to note that the City Council has given roughly \$30,000 towards the new medical clinic. She thanked the Council for the work that they have already done on behalf of the children of Calistoga.

APPRECIATION AWARDS

2. Presentation of a Certificate of Appreciation to Matt Reid (former Community Resources Commission member).

Mayor Gingles presented Matt Reid a Certificate of Appreciation to Matt Reid for his three years of service to the City as a member of the Community Resources Commission.

CONSENT CALENDAR

3. Accounts payable for the period ending Thursday, March 27, 2008. (Total amount of \$251,051.29).

4. Minutes of the regular City Council Meeting on March 18, 2008.

6. Adoption of Resolution 2008-026 approving appointments to committees (Yvonne Henry Napa County Arts and Culture Commission, Bev More, Karen Chang and Sue Harper to the Community Resources Commission).

7. Adoption of Resolution 2008-027 supporting the "California Children's Outdoor Bill of Rights"

Mayor Gingles stated that he would like Item 5 removed from the Consent Calendar.

Councilmember Kraus stated that he would like Item 8 removed from the Consent Calendar.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Garcia to approve Items No. 3, 4, 6, and 7 on the Consent Agenda.

The Motion was carried unanimously.

5. Adoption of a Resolution approving Addendum No. 1 to the Tetra Tech, Inc. Professional Services Agreement 0156 for engineering services related to the Mt. Washington Water Storage Tank

Mayor Gingles stated that he has not had time to talk to Staff about some of his questions. He expressed his frustration with the slow pace of the project. According to the staff report the project is at an 80% design completion level and he wanted an explanation for the delay. Additionally, in a letter received dated February 28, 2008 Tetra Tech indicated they wanted additional funding of \$10,250, but the Staff Report is requesting \$21,147 (twice the amount the letter asked for).

Senior Engineer Smith stated that the delay is attributed to three different things. First, the overall complexity of project. Second, the design was

scrutinized to optimize the design and site to retain area so that future consideration of an additional tank could occur on the hill in the future. Finally, there have been staffing changes both with the City and the Consultant throughout the design phase which has retarded progress. To address the cost of the Amendment he stated that the current request is for the \$10,250. Additionally the City faced a decision a year and a half ago as to how to do a geotechnical investigation of the site (during early portion of the design). Staff directed the consultant to do a more extensive geotechnical investigation than previously planned to design the tank. It was a decision Staff made in the interest of expediency. We are now coming to Council to request that portion of the Amendment as well, which adds up to the \$21,147.

Mayor Gingles questioned why the project takes three years to get something designed to this effect. He stated that in 2000 Council told the State they would take care of this project, and now in April 2008 we are being told another six weeks. He thinks it is unacceptable to take three years. Additionally, he questioned why the trees will be taken away as the public was informed they will be kept to make the site less visible. He questioned why Chandler Landscaping is requesting an escalation to their fee.

Senior Engineer Smith stated that it has always been a part of the project to grade, excavate and remove trees; this can't be avoided. He added that it is a tight site; an excavation will occur on the top of the hill and then be backfilled with only the top 4-5 feet of the tank exposed. The trees that are on the side of the hill will remain in place which will provide some visual mitigation. Also, they will be replanting approximately 400 trees as visual and biological mitigation. They are currently revising their landscaping plan based on the final site plan to provide visual mitigation and a 3-1 mitigation ratio for tree replacement.

Mayor Gingles referenced a letter from Tetra Tech which stated that "before the project was initiated no one in the design team thought that a retaining wall would be required. Therefore, the design of a retaining wall was not included in the contracted Scope of Work. After the preliminary engineering was completed it was determined that a retaining wall will be needed. The design of the wall will include optimizing the height and the length in conjunction with optimizing the width of the road. This design item will require a budget of \$10,000." He stated what bothered him was that no one on the design team thought a retaining wall would be required.

Senior Engineer Smith stated that the conceptual plans did not anticipate the need for a wall. He noted that road grades and required road width caused the need for the wall. He added that they reworked the designed 4 times in order to get a sufficient road up to the top without having retaining walls. He worked with Councilmember Kraus (former Fire Chief) and Chief

Campbell about the width of the road for construction purposes and for emergency access needs. The standard design for such a road is 12 feet wide which resulted in a significant retaining wall. In talking with the Fire Chief he is being allowed to reduce the width to 11 feet which reduces the visual impact.

Mayor Gingles stated that it is not necessarily the cost that bothers him but instead that the project is taking too long. According to their staff report the final design will be ready in six weeks.

Senior Engineer Smith stated that in six weeks the Final Draft will be complete which they will then take to the Planning Commission. He is hopeful the Planning Commission will concur with their Draft and they will be able to bring it to the City Council. He anticipates finishing design in June and would be ready to advertise for bids at that time. He stated that this is going to be a massive earth work project. He also stated that opening ground in Winter is a concern and when they come back in June they will have a recommendation of how to go forward relative to the Winter period to limit change order and environmental impact risk. Also planning on coming back with funding plan in June with a significant outlay they have in looking for outside funds, and the cost of this project with upcoming rate study which may help determine the planning.

Mayor Gingles questioned City Manager McCann in regards to the State of California Water Resources Quality Board made a request where they were going to fine the City and he wanted to know where we sit with that.

City Manager McCann stated that the City received a compliance report from the State relative to Wastewater System and those issues have been addressed. Regarding the water system there are a number of facilities and aspects that need to be upgraded and improved. The City has a water facilities plan that we have been relying on and have been implementing over the years. The City is in good standing with the State and they recognize what we are doing, and our progress.

Councilmember Kraus questioned why this started out to be a 1 million gallon tank, and now it is to be 1.5 million gallon tank. He wanted to know when that change occurred and if Council action was taken for the increase.

Senior Engineer Smith stated that both the Environmental Impact Report and the General Plan recognized a 1.5 million gallon tank. Our actual current need is right about 1 million, but the City is constructing a 1.5 million gallon tank to provide a buffer to address growth anticipated in the General Plan.

Councilmember Kraus stated the larger tank might be one of the reasons why we have a tank that is sitting higher and taking a few more trees. He

then questioned why we are making room for a second water tank, and if it is a wise decision particularly due to the visual impact and if something happens to the water line there would be two unusable tanks. He questioned if it might be wise to find another location within the City.

City Manager McCann clarified that it did start out as a 1 million gallon tank and was changed mid-project through Council.

Senior Engineer Smith stated that no decision has been made by Council or any other body on whether or where an additional tank would be built, but that this project was designed so as not to preclude the site being available in the future.

City Manager McCann stated it is just long term planning as there are very few sites that have proper elevation to allow the tanks to function optimally without mechanical systems.

Councilmember Slusser wanted to state that this tank goes farther back than 2000 and it is a big concern that the project has taken so long and she would like to see this completed.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt Resolution 2008-025 and approve Addendum No. 1 Agreement No. 0296 to the Tetra Tech, Inc. Professional Services Agreement 0156 for engineering services related to the Mt. Washington Water Storage Tank.

The Motion was carried unanimously.

8. Consideration of a Resolution to adopt the “Safely Surrendered Baby Program”

Councilmember Kraus stated that he has a few concerns regarding this item. He recognizes that this comes from the Grand Jury Report that they requested we implement this program. He is wondering if there is an alternative location as the Fire Station is not staffed 24 hours each day.

Fire Chief Campbell stated that the alternative location was the Police Department however people in this situation are reluctant to approach the Police Department. It has to be either a Police Department, Fire Department, or a designated hospital within the County so there really is no other location available.

Councilmember Kraus has concerns that there is more harm than good if someone abandons a baby at the Fire Station during off hours and/or when there is bad weather. And he would feel bad if in the intention in doing

something good, we resulted in doing some harm. He questioned if this was brought up to the Grand Jury and if this is required of all stations.

Fire Chief Campbell noted that he brought up these concerns with the Grand Jury. He added that the City has pamphlets, education material that they will be putting at the location to direct people who are dropping off newborns to use the 911 phone and leave it off the hook or use their cell or home phone to call.

Councilmember Kraus questioned if there has already been training for the Fire Fighters.

Fire Chief Campbell confirmed that they had.

Mayor Gingles noted that Senate Bill 139 which indicated giving authority to designated public facilities such as fire houses, police departments, or even City Hall. Additionally it states that fire stations were determined to be the appropriate Safe Surrender locations.

Councilmember Kraus stated that he would like the Department's Standard Operation Guideline modified to address newborn drop off when the Fire Station is not staffed.

Fire Chief Campbell stated that he would do that.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt **Resolution No. 2008-028** authorizing the adoption of the "Safely Surrendered Baby Program."

The Motion was carried unanimously.

PUBLIC HEARING

9. Consideration of Ordinances introducing a Zoning Ordinance text amendment, and a Development Agreement, and a Resolution approving a Tentative Subdivision Map and Design Review requested by Ed Nagel of BNK Investments to subdivide the 18 acre property at 2400 Grant Street into 15 residential lots.

This item was continued to the April 15, 2008 City Council Meeting.

10. Consideration of a Resolution approving the processing of an amendment to the Centre Court Subdivision Affordable Housing Agreement.

This item was continued to the April 15, 2008 City Council Meeting.

11. Consideration of a Resolution approving a Conditional Use Permit and Design Review to allow seismic retrofitting, remodeling and expansion of Calistoga Fire Station No. 1 located at 1113 Washington Street.

City Manager McCann stated that Fire Station No. 1 is 40 years old, is in need of repairs and the City is now in a place where it can make those repairs. The City has done a lot of work in design and addressing financing for the Station. He commended David Spilman and Kathy Brady in developing the financing structure which includes a Grant from FEMA, as well as reliance on Public Safety Fee, financing which Council authorized last year, and \$145,000 in private funds, from the Calistoga Fire Association. He also congratulated former Fire Chief Kraus for doing a good job on making case for this important facility and for the options that were looked at.

Senior Planner MacNab introduced this item. He gave a review of the Commission's recommendations including covering the slump block walls on the East and West side of the building, installing larger windows in the apparatus bay, additional landscaping around the building and in the parking lot. Commission also talked about possibility of roof top solar system, although that was not part of their suggestions to Council. Information on the work and costs associated with suggestions has been attached to Staff Report. Staff is recommending that project be approved as initially designed.

Chris Ford, C-3 Design stated that this process has been going since 2002 and he wants to move forward quickly and wrap up project design to be ready to bid in the Summer. For fire station design they start with the operation and the function and flow, public safety, best use of space, and the best value for the work being done. He then walked the Council through a fly-through video presenting the proposed design. He suggested keeping the existing slump stone and adding diagonal trellis, which was their design scheme and approach. He described the proposal improvements and structural modifications.

Vice Mayor Dunsford questioned whether the retrofit would prevent the building from falling and/or if there would be significant damage to the structure with a significant earthquake.

Chris Ford, C-3 Design noted the Essential Service Facility State Act is talking about survivability plus serviceability. The building will survive and it will maintain serviceability.

Councilmember Kraus wanted to clarify that the Firefighters will not be doing the upkeep for the public restrooms. Additionally, wanted to emphasize that even though the facility will accommodate other uses it must always function as a Fire Station.

City Manager McCann stated that first and foremost it is a Fire Station.

Councilmember Kraus questioned photovoltaic costs; he would like to find out the City's annual electric bill to see if the cost is worth it. He also brought up the rear wall of Kortum Hall, and the heat that radiates through the slump stone. He also questioned whether the drain on the apparatus is going to be directed to drain to the sewer rather than the storm strain.

Councilmember Slusser questioned how much more it would cost to finish the slump stone.

Chris Ford, C-3 Design estimated \$90,000.

Councilmember Kraus questioned if this was a privately owned building would a new treatment be required to the slump stone.

City Manager McCann stated that the Planning Commission looked at it as an improvement to the building. They suggested it would be more attractive if it was all wrapped. The architect has approached it with budget in mind but also with making the building attractive while recognizing there is an existing and a new building and they want them to compliment each other with a contrast that has architectural value to it.

Councilmember Kraus stated that he would like to take into consideration what the Planning Commission recommends. He thinks that if it was required if it was not their own building then he thinks we should go ahead with a full wrap.

Mayor Gingles opened the Public Hearing.

Don Hollandsworth, 919 Champagne Champion Circle questioned if after a major quake will the doors still open.

Mayor Gingles closed the Public Hearing.

Vice Mayor Dunsford stated he would be interested in knowing if Mr. Ford were to suggest another material over the slump stone, was it considered, and if so what would those materials be.

Chris Ford, C-3 Design stated that they looked at all kinds of forms and settled on this one as Councilmember Kraus mentioned that it was to enhance the eclectic nature but also to have the new clean light side of the expansion. He endorsed the proposed design approach.

Councilmember Slusser questioned the heat on the East and West side and if it would be solved by putting stucco on the walls she wanted to know if it was relevant.

Chris Ford, C-3 Design stated that there is value and there are benefits to adding the extra layer. However, the East and West sides don't get as much sun as the South side.

Mayor Gingles stated that he likes the way it is proposed. He also stated that he agrees with what Councilmember Kraus stated regarding the primary use of Kortum Hall for Fire Department purposes and to approach the remodel as proposed by architect.

Councilmember Garcia questioned regarding the Urban Design Plan they have suggested to move the Fire Station to lower Washington and if so how long would this Station be used.

City Manager McCann stated that the Urban Design Plan is not yet adopted but did look at relocation; the current thinking is to maintain the station at its current location. He added that the current General Plan states that the station should remain at its present location.

Councilmember Garcia questioned if the extra wall on the outside were an extra \$90,000 and not part of the budget.

Chris Ford, C-3 Design confirmed that it currently is not part of the budget.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Vice Mayor Dunsford to adopt Resolution No. 2008-029 authorizing a Conditional Use Permit and Design Review to allow seismic retrofitting, remodeling and expansion of Calistoga Fire Station No. 1 located at 1113 Washington Street.

The Motion was carried unanimously.

12. Consideration of a request for an Exception to the Public Water System Connection requirement for a proposed winery located at 2280 Greenwood Avenue.

This item was continued to the April 15, 2008 City Council Meeting.

GENERAL GOVERNMENT

13. Consideration of a response to the 2007/2008 Napa County Grand Jury Report relative to Municipal Fire Services.

City Manager McCann introduced this item. He stated that the Napa County Grand Jury is involved in investigating districts and agencies each year. This year they are taking this task a little differently by breaking up their report into a series of reports, the first being an investigation in to Municipal Fire Departments. He stated there are two points of recommendations from the

Grand Jury and Fire Chief Campbell has prepared a response and would like the Council's concurrence.

Fire Chief Campbell stated that the Safe Surrender Baby program has already been approved. The Grand Jury also recommended that the City follow NFPA 1710 which is for a career fire department, 100% paid. NFPA 1720 is a less stringent standard which is designed for mostly volunteer departments or small combination departments, which Calistoga falls under. He feels we meet the 1720 standards.

The response was approved.

14. Consideration of a Resolution authorizing the City Manager to negotiate a Cooperative Agreement with Caltrans for the planning, design, and construction of a Roundabout Intersection at Highway 29, Lake Street, and Silverado Trail and Pursue Funding Sources.

Mayor Gingles wanted the record to show that two letters were submitted: one by Kristen Casey in opposition due to taxpayer funding, one in favor by George Calyonnidis.

City Manager McCann introduced this item and provided background. He noted that the critical issues for the project are function and operation; cost exposure to the City; and the timing of the project and associated burden on City staff resources. W-Trans, the City's consulting traffic engineer, has demonstrated the roundabout alternative will function well and will be consistent with Caltrans standards. He noted that the City has no funds budgeted for this project. He referenced the staff report noting that Caltrans has allocated \$2 million for the improvement of the intersection and that they have indicated that these funds will be available for the roundabout alternative. He also noted that the balance of the funds for the project are expected to be provided by the Napa County Transportation and Planning Agency (NCTPA). He referenced the letter from Jim Leddy, Executive Director of NCTPA, which outlines the NCTPA Board's commitment to funding the improvement. He commented on the staff's current significant workload and the need to examine and address how this new significant complex project would be accomplished (timing, additional staff resources, shift of projects, etc.). He summarized the Cooperative Agreement element of the proposal and noted that such an arrangement would shift the responsibility, risks, and obligations to the City which is a concern. He indicated that he is pleased to have found an approach to achieve the Council's interest in having the intersection improved with a roundabout but noted that several significant issues must be recognized and addressed. Significant among those is how the City drafts the Agreement, the protections put in to ensure funds to come from Caltrans and NCTPA, timing for our work, and ensuring that while we take the lead there are definite limits to the City's

financial exposure. Finally, he stated that it is essential to take action tonight as Caltrans need to hear from the City very promptly.

Carl Sherrel, 1132 Denise Drive stated that his and his wife's primary concern is the unwise use of taxpayer funds. He thinks the intersection is safe the way it is, with 4-way stop, and leaving it would save \$2 million. He thinks taking the \$2 million and then add more, regardless of where it comes from, it is not free money, and it comes out of the taxpayer's pocket. He feels that there are many other uses for our money.

Mayor Gingles stated that it isn't a waste of taxpayer money. This intersection has the highest injury and fatality history in Calistoga; improvement is necessary to correct this. With a roundabout it has been proved economically and environmentally sound, the State would like to do it as a safety measure. The City strongly encourages the State to improve the safety of the intersection.

Councilmember Kraus stated that he has a few concerns with the proposal. He is concerned with the additional burden that this project will place on City staff and the impact on the progress of existing projects and priorities. He wonders if the City will have to hire a new engineer for the project, or if existing projects will have to be put on the backburner. Also, in the NCTPA letter he was looking for an actual commitment, but the letter instead stated that they think the project is a good idea and they could sell surplus property. The letter doesn't say with certainty that the \$1.6 million will come to Calistoga. Although he supports the roundabout, green, and safety concept he is unsure where money will come from. He feels like we might be financially gambling with the future of Calistoga without firm financial commitments from Caltrans and NCTPA.

Mayor Gingles stated that he is a Board member of NCTPA and the matter of funding roundabouts in Calistoga has been discussed at the Board level. He explained the funding concept. He noted that through the sale of excess property there is expected to be approximately \$4 million raised. These funds will be available to NCTPA and the Board has stated its intent to assign a portion of these funds to roundabout development with specific focus on this project. They had mentioned the roundabout and the Rutherford roundabout in the same consideration and while the Board has not specifically acted to allocate \$1.6 million to Calistoga they expressed the interest to do so.

Vice Mayor Dunsford questioned if the \$4 million has a specific allocation for roundabouts.

City Manager McCann stated that the NCTPA Executive Director has explained the funding option and steps in the letter which is in the packet. NCTPA staff have indicated that proceeds from that sale of excess land belongs to all of Napa County and NCTPA has indicated that they intend to

use those funds for roundabouts in the Up Valley area, specifically in Rutherford and two in Calistoga. The Board hasn't sold the property, money doesn't exist yet. They have had conversations, at Board level, and we have a letter from their Executive Director outlining this intent. He agrees with Councilmember Kraus that it doesn't say the money is ours, but it does say what their plan is. Additionally, there are a number of important points which the Co-op Agreement must include and clearly address. The certain availability of funds- both those from Caltrans and the balance necessary for the project from NCTPA are among the important points. Our intent is subject to the availability of actual money. Similarly, the impact that the project might have on the City Staff must be defined, if we bring on a contract engineer, or have consulting engineers those costs will be part of the project expense and must be covered through the project funding through NCTPA.

Dieter Diess, 3000 Palisades Road stated that a year ago Caltrans stated they would be realigning the intersection and part of that would be going back to two stop signs. If that intersection happened we would have a speedy road coming from Lake County into Calistoga, instead of mitigating the speed. The second question was that we do want Oat Hill Mine Parking situation corrected as it will be a big attraction to the town. Caltrans said it was not their concern. Their intersection would speed up the traffic, make it more dangerous, and not relieve parking problems. Through the City's persistence the City has succeeded by having Caltrans commit to a roundabout and it appears that funding has been identified for the project. He feels that the City needs to look at it as a return on investment. The City is about to get at least \$3.67 million which will be to our benefit. A roundabout will slow down traffic, deflect the traffic, and reduce speeds to 10-15 miles/hour. He thinks it is worth the risk because the return on investment is not just the money but also is a safety improvement that the people will enjoy for many years.

Mayor Gingles stated that he is in favor to proceed and negotiate an agreement relative to the roundabout but what makes him nervous is lines 100-108 in the Staff Report regarding the Cooperative Agreement. He stated that prior to getting into the Cooperative Agreement he wants the funding to be much more concrete from NCTPA and Caltrans. The Agreement states that the City would be responsible for project planning, design, construction administration, construction management, construction inspection, scope additions, and budget shortfalls; we need to include language to address our concerns and to protect the City.

Vice Mayor Dunsford noted that there are pros and cons to proceeding with the roundabout proposal. He commented that if we are not able to obtain the funding from NCTPA the City still has an out, and the intersection remains as it is today with no financial harm to the City. He also mentioned that when Caltrans underwent their study, and came up with their solution, 7-8 years ago, which was well before Solage, Oat Hill Mine Trail, hiking in Palisades, etc. now there is a tremendous amount of increased traffic in the area. The

whole issue of the roundabout is to address the existing and long-term needs of the intersection. It has always been an issue of money. Initially the cost was possibility \$2 million, whether they built Caltrans proposal or the roundabout. As we went along we started to realize the cost is much more than \$2 million, its \$3.6 million. The question is how much more we are willing to spend of taxpayer's dollars to get this significant benefit, and where is the breaking point. He added that he sees significant benefit and value of the improvement and believes that we should continue forward in discussion with Caltrans and NCTPA.

Councilmember Slusser asks if we go to construction and run out of money, what would happen then.

Vice Mayor Dunsford stated that the funding would need to be confirmed before an agreement is executed and the work is started. Also, it is a concern of his to ask for \$2 million from NCTPA as it is asking for a favor. He stated that even if this might not be the highest priority of all intersections (Petrified Forest Road) since we have an opportunity now we should take it and continue to pursue opportunities to improve Petrified and other road systems.

Councilmember Slusser stated that she has always been a supporter of the roundabout but that this proposal presents a real dilemma. She acknowledged that a lot of time and energy have gone into responding to the City Council's direction to staff and that a positive outcome is outlined. What she has a difficult time with is that the risk comes to Calistoga. She is worried about staff time and feels there are things that have priority over this. She wants there to be a delay for the work to start so staff is not overwhelmed and the current projects are accomplished.

Vice Mayor Dunsford stated that with Co-op Agreement we secure the funding and we establish the time frame.

City Manager McCann reiterated there are a number of elements and points that the City needs to build in to this agreement. The request before the Council tonight is to authorize the City Manager to commence negotiations with Caltrans regarding the terms of the Co-op Agreement. After negotiations occur it would be brought back to Council for authorization. His sense is that some of the requests must include securing funding; a commitment letter from Caltrans for their funding (\$2.0 million), a commitment from NCTPA Board for the delivery of all remaining funds necessary for the design and construction of the project. The City should build into the Agreement the timing that we are comfortable with. He clarified that as he understands it once we start down this path, the choices start to narrow. What Caltrans has said is if we choose to enter in to the Cooperative Agreement their project will be pulled. Soon, we will either have the existing condition or a roundabout under the terms described.

Vice Mayor Dunsford stated that when we pass on opportunities such as this it ends up costing a lot more money in the future. In 15 or 20 years when this is a very busy intersection it will be significantly more money.

Councilmember Slusser stated that she is concerned with the timing. She wants to finish the projects we've been waiting for. Also NCTPA still needs to sell their property and real estate is not doing well these days.

Vice Mayor Dunsford agreed with Councilmember Slusser and noted that these points must be a part of the agreement with Caltrans but that this will take a lot of time, and if we can't secure the funding it is a mute issue.

City Manager McCann asked Public Works Director Takasugi regarding the conditions that could be applied to the Cooperative Agreement.

Public Works Director Takasugi stated that his understanding is the Cooperative Agreement is an open negotiation; there are a lot of things that can be negotiated for or against the City. Caltrans is in leading position.

Councilmember Slusser stated that it isn't a loss, because if they decide to not work with us, we will be left with what we have. And if we can negotiate an agreement with suitable terms and can secure a roundabout the community will win big.

Vice Mayor Dunsford stated that if we are stuck with what we have it doesn't preclude the City for coming back in a few years.

Councilmember Garcia stated that by 2010 if we don't have the NCTPA money, we won't lose anything.

Councilmember Kraus stated that Council needs to be very careful what we tell Mr. McCann to negotiate, and that there must be a line beyond which he does not go.

Vice Mayor Dunsford stated that the Agreement would have to come back to Council before it was approved.

City Manager McCann agreed with Councilmember Kraus' point and stated that the Council's direction regarding terms for the Co-op Agreement is very important. He stated that should the Council direct him to negotiate the agreement it must include: having secure funding for all costs of the roundabout (design, review, construction, staff, etc.); the timing of the project must be acceptable to the City to insure that existing City projects are not delayed; and that agency cooperating and assistance is assured.

It was **MOVED** by Mayor Gingles and **SECONDED** by Vice Mayor Dunsford to adopt Resolution No. 2008-030 authorizing the City

Manager to negotiate a Cooperative Agreement with Caltrans for the planning, design, and construction of a Roundabout Intersection at Highway 29, Lake Street, and Silverado Trail and Pursue Funding Sources.

The motion passed with the following roll call vote:

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

NOES: Councilmember Kraus

ABSENT: None

ABSTAIN: None

CITY MANAGER REPORTS

- The Urban Design Plan should have its last meeting tomorrow morning and they expect to have the document back from the consultant team by the end of the month.
- More recycle bins have been added, as Lydia Ruiz had requested at the previous City Council Meeting. The City is trying to make logical placements and appreciates Ms. Ruiz's comments.
- NCTPA Planning Meeting will be held in Calistoga at the Community Center on April 2nd at 5:30 to talk about traffic and circulation.
- The new piece of fire equipment arrived to Calistoga today.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia stated that he wanted to make sure our current projects are a priority over the roundabout.

Councilmember Kraus requested that Council consider going to closed session as soon as possible to discuss a personnel issue.

Councilmember Slusser suggested that the City speak to Amy Gardner about free recycle cans from Upper Valley Waste Management.

Vice Mayor Dunsford commented that he wants to keep aesthetics in mind regarding recycling bins and the improvements which have already been made to the City's waste receptacles.

Mayor Gingles stated that Earth Day is on April 26th from 11 a.m. – 3 p.m. He also complimented John Waters for his comments in Discover Calistoga for his sales job on the City of Calistoga.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:53 p.m. to the next scheduled regular meeting of the Napa County League of Governments on Thursday, April 10, 2008 at Compadres Rio Grille, 505 Lincoln Avenue, Napa 6:00 p.m.; and to the Calistoga City Council, on Tuesday, April 15, 2008, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Raquel Cantillon, Deputy City Clerk

Approved by: Jack Gingles, Mayor