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MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, FEBRUARY 15, 2011 - 7:00 P.M.

CALISTOGA COMMUNITY CENTER

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CALL TO ORDER

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Mayor Gingles called the Regular Session to order at 7:05 p.m.

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

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Also present were Planning and Building Manager Ken MacNab, Senior Planner Erik Lundquist, City Manager Richard Spitler, and City Clerk Susan Sneddon.

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ACTION OUT OF CLOSED SESSION

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

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ORAL COMMUNICATION

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Heidi Ticen, Community Resources Commissioner, asked that the City pursue a household hazardous waste collection day.

Karen Chang, Community Resources Commission Chair, stated that the Upper Valley Waste Management Agency is working on addressing the need to provide a hazardous waste collection for the upper valley.

ADOPTION OF MEETING AGENDA

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

COUNCIL IDEAS FOR DISCUSSION

Councilmember Slusser (City's representative on the Upper Valley Waste Management Agency) stated that she will discuss the need for an upper valley hazardous waste collection at the next Upper Valley Waste Management Agency meeting.

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Vice Mayor Dunsford commended City staff on the recently installed bus shelters.

CONSENT CALENDAR

1. Minutes of the December 21, 2010 regular City Council meeting.
2. Adoption of Ordinance No. 675 establishing false alarm response fines.
3. Adoption of Resolution No. 2011-016 rescinding Resolution No. 2010-038 and authorizing the appointment of the City Manager as the City's representative to the Public Agency Risk Sharing Authority of California (PARSAC) Board of Directors, and appointing the Administrative Services Director as an alternate representative.
4. Adoption of Resolution No. 2011-017 authorizing the use of the 1200 block of Washington Street for the Calistoga Chamber of Commerce Mustard, Mud and Music Festival to be held on March 5, 2011.
5. Adoption of Resolution No. 2011-018 authorizing the use of Lincoln Avenue for the Calistoga Classic Car Show to be held on May 7, 2011.
6. Adoption of Resolution No. 2011-019 authorizing the City Manager to submit a Congressional Earmark Request for the Dwyer Road Water Pump Station Project.

It was MOVED by Councilmember Kraus and SECONDED by Vice Mayor Dunsford to approve Items No. 1, 2, 3, 4, 5, & 6 on the Consent Calendar.

PUBLIC HEARING

7. Consideration of text amendments to the Calistoga Municipal Code, initiated by the City of Calistoga, adding Chapter 8.30 to Title 8 (Health and Safety) and adding Section 17.04.495 and Chapter 17.48 to Title 17 (Zoning) to prohibit the establishment and operation of Medical Marijuana Dispensaries.

Planning and Building Manager MacNab provided a brief history of this item.

Mayor Gingles opened the public hearing.

No Public comment.

Mayor Gingles closed the public hearing.

86 **City Manager Spitler** stated that this action replaces the medical marijuana
87 dispensaries moratorium, and permanently bans the establishment and
88 operation of dispensaries within the City
89

90 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by
91 Councilmember Kraus to introduce an Ordinance and waive the first
92 reading regarding text amendments to the Calistoga Municipal Code,
93 initiated by the City of Calistoga, adding Chapter 8.30 to Title 8 (Health
94 and Safety) and adding Section 17.04.495 and Chapter 17.48 to Title 17
95 (Zoning) to prohibit the establishment and operation of Medical
96 Marijuana Dispensaries. Motion was carried unanimously by the
97 following roll call vote:

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

100 **NOES:** None

101 **ABSTAIN/ABSENT:** None
102

- 103 **8. Consideration of rescinding Resolution No. 92-52, and adoption of a**
104 **Resolution approving a fee structure for all special events initiated by**
105 **the City of Calistoga in conjunction with the Special Event Ordinance**
106 **No. 674 (proposed Calistoga Municipal Code Amendment effective**
107 **March 1, 2011).**
108

109 **Recreation Superintendent DiFede** introduced this item. He stated that the
110 proposed \$50.00 fee applies to all special event permit applications, and
111 requires a facility attendant for use of the Community Center and City park
112 rentals.
113

114 **Mayor Gingles** opened the public hearing.
115

116 **Doug Cook, 109 Wappoo Ave,** asked if the new special events fee would
117 apply to an event already scheduled.
118

119 **Recreation Superintendent DiFede** stated that the fee would apply only to
120 future unscheduled special events.
121

122 **Mayor Gingles** closed the public hearing.
123

124 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by
125 Councilmember Kraus to adopt Resolution 2011-020 rescinding
126 Resolution No. 92-52, and approving a fee structure for all special
127 events initiated by the City of Calistoga in conjunction with the Special
128 Event Ordinance No. 674. Motion was carried unanimously by the
129 following vote:

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

132 **NOES: None**
133 **ABSTAIN/ABSENT: None**

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135 **GENERAL GOVERNMENT**
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137 **9. Appeals of Planning Commission Action – Determination to summarily**
138 **deny or set a hearing date for two separate appeals; 1) an appeal**
139 **received from Joan Caputi, et al regarding the Planning Commission’s**
140 **decision to grant an exception to the parking requirements and increase**
141 **the number of guest units from six (6) units to a seven guest units; and**
142 **2) an appeal received from Ric Pielstick and Chan McBride regarding**
143 **the Planning Commission’s decision to deny the elimination and**
144 **conversion of the owner/manager’s unit to an additional guest unit**
145 **associated with the “Chanric Inn” located at 1805 Foothill Boulevard**
146 **(APN 011-290-029).**

147
148 **Senior Planner Lundquist introduced this item. He stated that bed and**
149 **breakfast owners in the R-1-10 District are allowed the opportunity to exceed**
150 **the development limitations upon the Planning Commission granting a use**
151 **permit (pursuant to Calistoga Municipal Code). He stated that on January 12,**
152 **2011 the Planning Commission approved the seventh room and denied the**
153 **caregiver quarters for the eight guestrooms at Chanric Inn. He stated that the**
154 **City received two appeals of the Planning Commission decision: (1) to**
155 **approve a seventh guest unit; and (2) the denial to eliminate and convert the**
156 **owner/manager’s unit to a guest unit. He stated that Council may do any of the**
157 **following actions: (1) Deny the appeals allowing the Planning Commission**
158 **action to stand; (2) Set a public hearing to hear the appeals; (3) Deny one**
159 **appeal and hear the other appeal.**

160
161 **Council discussion ensued regarding the appeals.**

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163 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**
164 **Kraus to set the date of March 15, 2011 the following hearings 1) an**
165 **appeal received from Joan Caputi, et al regarding the Planning**
166 **Commission’s decision to grant an exception to the parking**
167 **requirements and increase the number of guest units from six units to a**
168 **seven guest units; and 2) an appeal received from Ric Pielstick and**
169 **Chan McBride regarding the Planning Commission’s decision to deny**
170 **the elimination and conversion of the owner/manager’s unit to an**
171 **additional guest unit associated with the “Chanric Inn” located at 1805**
172 **Foothill Boulevard (APN 011-290-029). The Motion was unanimously**
173 **carried as follows:**

174 **AYES: Mayor Gingles, Councilmembers Kraus, Canning, Slusser, and**
175 **Vice Mayor Dunsford**
176 **NOES: None**
177 **ABSTAIN/ABSENT: None**

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10. Consideration of a Resolution authorizing the City Manager to execute an amendment to the existing Memorandum of Understanding between the City of Calistoga and Michael Quast for the redevelopment of the Roman Spa Hot Springs Resort.

Senior Planner Lundquist provided a brief history of this item. He stated that the proposed amendment is a vehicle by which the City is able to express its support for renovation and redevelopment of the property.

Michael Quast, 1300 Washington Street, stated that the proposed redevelopment will add to the property improvements.

Susan Baxter, 1417 Second Street, stated concerns in losing privacy, views, and a decrease in property values for the properties adjacent to the proposed Roman Spa Redevelopment Project. She stated concerns with the noise caused by garbage pickup at the property.

Irene Reykhel and Georgey Krevets, 1426 and 1428 Second Street, stated concerns regarding the proposed project.

Anne Steinhauer, Calistoga Chamber of Commerce Vice President, stated that she is in favor of the proposed project.

It was MOVED by Councilmember Kraus and SECONDED by Councilmember Slusser to adopt Resolution No. 2011-021 authorizing the City Manager to execute an amendment to the existing Memorandum of Understanding between the City of Calistoga and Michael Quast for the redevelopment of the Roman Spa Hot Springs Resort. The Motion was unanimously carried as follows:

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

NOES: None

ABSTAIN/ABSENT: None

11. Presentation and discussion regarding the Mid-Year Financial Update for Fiscal Year 2010-11.

Administrative Services Director Mushallo introduced this item. He provided an overview of the City's expenditures and the General Fund. He reviewed risks associated with the City's cash flow, expenditures, and possible State budget threats.

Councilmember Canning stated that he is pleased with the upward trend in the transient occupancy tax receipts.

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12. Consideration of a Resolution approving the Community Resources Commission's (CRC's) recommendation requesting that the regional waste agency reestablish the temporary dedicated household hazardous waste collection events in upper Napa Valley.

Senior Planner Lundquist introduced this item. He stated that the CRC is recommending that the Council request that Upper Valley Waste Management Agency reestablish the temporary household hazardous waste collection events in upper Napa Valley.

Councilmember Slusser commented that Clover Flat Landfill is not a registered hazardous waste handler.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2011-022 approving the Community Resources Commission's (CRC's) recommendation requesting that the regional waste agency reestablish the temporary dedicated household hazardous waste collection events in upper Napa Valley. The Motion was unanimously carried as follows:

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

NOES: None

ABSTAIN/ABSENT: None

13. Consideration of a Resolution approving an application with the California Energy Commission for geothermal research funding through its Geothermal Resources Development Account Program.

City Manager Spitler introduced this item. He stated that Larry Kromann, Calistoga Community Geothermal Corporation (CCGC) representative, is looking into ways to use geothermal resources to generate "clean" energy for the City. He stated that CCGC is requesting to partner with the City in applying for a \$425,000 geothermal grant with the California Energy Commission. He stated that the grant would enable testing of one of the City's geothermal wells, as well as privately owned wells. He stated that the request is for the City to co-sign the grant application. He stated that the grant requires a local match of 20% (\$85,000). He stated that if the grant is awarded an assessment would be done. He stated that the City does not have matching funds, and would look to CCGC to come up with matching funds, and take the lead on the project.

Councilmember Kraus asked if the City would have auditing responsibility for proper administration of the grant.

270 **Larry Kromann, Calistoga Community Geothermal Corporation (CCGC)**
271 **representative**, responded that the City would have some monitoring
272 responsibilities, and CCGC would handle the accounting.

273
274 **Administrative Services Director Mushallo** stated that staff would provide
275 Council with the annual auditing process.

276
277 **It was MOVED by Councilmember Kraus and SECONDED by**
278 **Councilmember Canning to adopt Resolution No. 2011-023 approving an**
279 **application with the California Energy Commission for geothermal**
280 **research funding through its Geothermal Resources Development**
281 **Account Program. The Motion was unanimously carried as follows:**

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

284 **NOES: None**

285 **ABSTAIN/ABSENT: None**

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287 **14. Consideration of a Resolution appointing an ad hoc committee to review**
288 **issues brought up during the recently adopted water and wastewater**
289 **rates.**

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291 **Mayor Gingles** introduced this item. He stated that Council desires to appoint
292 an ad-hoc committee to address issues that arose during the adoption of the
293 City's water and wastewater rates (Ordinance 670 and 671 adopted in
294 October 2010). He recommended that Diane Barrett (former Water &
295 Wastewater Revenue Advisory Committee member) be appointed to the ad-
296 hoc committee.

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298 **Karen Chang, 3067 Myrtdale Road**, stated that Don Williams (former
299 Water & Wastewater Revenue Advisory Committee member) said that he
300 would be willing to be on the ad-hoc committee.

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302 **Mayor Gingles** stated that the ad-hoc committee will consist of one
303 Councilmember, one or two members from the former Water & Wastewater
304 Revenue Advisory Committee, Administrative Services Director Mushallo,
305 Public Works Director/City Engineer Takasugi.

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307 **Vice Mayor Dunsford** nominated Councilmember Canning to be on the ad-
308 hoc committee.

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310 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**
311 **Kraus to adopt Resolution No. 2011-024 appointing an ad hoc**
312 **committee consisting Councilmember Canning, one or two members**
313 **from the former Water & Wastewater Revenue Advisory Committee, the**
314 **Administrative Services Director, and the Public Works Director/City**

315 **Engineer to review issues brought up during the recently adopted water**
316 **and wastewater rates. The Motion was unanimously carried as follows:**
317 **AYES: Mayor Gingles, Councilmembers Kraus, Canning, Slusser,**
318 **Vice Mayor Dunsford, and Mayor Gingles**
319 **NOES: None**
320 **ABSTAIN/ABSENT: None**
321
322 **Matt Hickerson, 3225 Lake County Highway, asked if the ad-hoc**
323 **committee will be provided information to make the correct decision.**
324

325 **CITY MANAGERS REPORT**

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327 **City Manager Spitler reported on the following:**

- 328
329 • Update regarding Aquatics and Recreation Manager Lemen's recent
330 surgery.
- 331 • The Rancho de Calistoga Arbitration Hearings to be held on February
332 16th and 17th starting at 9:00 AM in the Calistoga Community Center;
333 the proceedings will be broadcast live on Channel 28.
- 334 • The Council Goal Setting Meetings will be held in mid-March.
335

336 **CITY COUNCIL ADJOURNMENT**

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338 **Mayor Gingles adjourned the meeting at 9:05 PM to the regular meeting**
339 **session of the Calistoga City Council, on Tuesday, March 1, 2011, Calistoga**
340 **Community Center, 1307 Washington Street, 7:00 p.m.**

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342 **Respectfully submitted:**

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Prepared by: Susan Sneddon, City Clerk

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Approved by: Jack Gingles, Mayor
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