

City of Calistoga

Staff Report

TO: Honorable Mayor and City Council

FROM: Susan Sneddon, City Clerk

DATE: May 17, 2011

SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:


Richard Spitler, City Manager

DISCUSSION: Minutes of the March 15, 2011 regular City Council meeting.

RECOMMENDATION: Approve Minutes.

ATTACHMENTS: Aforementioned Minutes.

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**CLOSED SESSION AGENDA
CITY COUNCIL MEETING
TUESDAY, MARCH 15, 2011 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER**

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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, Vice Mayor Dunsford, and Mayor Jack Gingles.

Also present was City Manager Richard Spitler.

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ORAL COMMUNICATIONS

No public comment.

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ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

- 1) Public Employee Performance Evaluation, GCS 54957, City Manager.

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ADJOURN CLOSED SESSION

RECONVENE TO OPEN SESSION IN THE COMMUNITY CENTER

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ACTION OUT OF CLOSED SESSION

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

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ADJOURNMENT

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Mayor Gingles adjourned the Closed Session at 7:00 p.m. to the regular meeting of the Calistoga City Council, on Tuesday, March 15, 2011 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

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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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MINUTES
CITY COUNCIL- REGULAR MEETING
TUESDAY, MARCH 15, 2011- 7:00 P.M.
CALISTOGA COMMUNITY CENTER

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CALL TO ORDER

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

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52 In attendance were the following: Councilmember Chris Canning, Councilmember
53 Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and
54 Mayor Jack Gingles.
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56 Also present were Public Works Director/City Engineer Dan Takasugi, Planning and
57 Building Manager Ken MacNab, Senior Planner Erik Lundquist, City Manager Richard
58 Spitler, and City Clerk Susan Sneddon. Administrative Services Director Bill Mushallo
59 arrived at the meeting at 9:10 PM.
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ACTION OUT OF CLOSED SESSION

63 **Mayor Gingles** announced that there was no action out of Closed Session held this
64 evening.
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ORAL COMMUNICATION

68 **Shirley Blomquist, City's representative to the Napa County Commission on**
69 **Aging**, stated that the Sharpsteen Museum will hold a fundraiser on Sunday, March
70 20, 2011; City Manager Spitler, Calistoga Family Center Executive Director Le, and
71 Calistoga Family Center Program Director Lopez will attend the County Commission
72 on Aging meeting on March 28, 2011 (2 PM) at Chateau de Calistoga Mobile Park.
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ADOPTION OF MEETING AGENDA

76 It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember**
77 **Canning** to approve the Council Meeting Agenda. The Motion was carried
78 unanimously.
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COUNCIL IDEAS FOR DISCUSSION

82 **Councilmember Kraus** noted that the City is vulnerable to earthquakes and
83 wanted to ensure that the residents plan for such disasters.
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85 **Councilmember Slusser** stated that Red Cross and Costco sell earthquake
86 survival kits.

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Mayor Gingles stated that the Rancho de Calistoga Arbitration Hearings will be continuing next week.

CONSENT CALENDAR

1. Minutes of the February 1, 2011 regular City Council meeting.
2. Adoption of Resolution No. 2011-030 awarding a contract in the amount of \$17,335 to Wilson Construction for crosswalk improvements and intersection realignment at Washington Street and North Oak Street, and authorizing the Public Works Director to install the traffic improvements. (Authorizing Agreement No. 442)
3. Approval of draft response to the Grand Jury authorizing a response to a follow-up letter regarding the 2009/2010 Grand Jury Report.
4. Adoption of Resolution No. 2011-031 accepting as complete the Fire Station Seismic Retrofit and Renovation Project.

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

Mayor Gingles complimented City staff and Ron Vann Construction for bringing in the Fire Station Seismic Retrofit and Renovation Project on-time and on-budget. He thanked the Firefighters Association for their \$145,000 donation toward the project.

PUBLIC HEARING

5. Consideration of two appeals to summarily deny or set a hearing date for two separate appeals; 1) an appeal received from Joan Caputi, et al regarding the Planning Commission's decision to grant an exception to the parking requirements and increase the number of guest units from six (6) units to a seven (7) guest units and 2) an appeal received from Ric Pielstick and Chan McBride regarding the Planning Commission's decision to deny the elimination and conversion of the owner/manager's unit to an additional guest unit associated with the "Chanric Inn" located at 1805 Foothill Boulevard (APN 011-290-029).

Senior Planner Lundquist introduced this item.

Mayor Gingles opened the public hearing.

Ric Pielstick, owner of Chanric Inn, stated that he met the City's bed and breakfast regulations. He requested that Council approve an off-site manager.

Jackie Levesque, Culver Mansion Bed and Breakfast former owner, stated she never received any complaints during the time she was owner of the Inn (previously Chanric Inn).

134 **Jeffrey Davila, 1513 Harley St,** stated that he supports granting the Chanric Inn's
135 appeal.
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137 **Chris Ciriacks and John Davis, 1801 Foothill Blvd,** both requested that Council
138 deny the Chanric Inn's appeal.
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140 **Dennis MacNay, 2353 Foothill Blvd,** stated that two Councilmembers should
141 recuse themselves due to conflicts of interest.
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143 **Jerry Newell, 1799 Diamond Mountain Rd,** stated that he supports the Chanric
144 Inn's appeal.
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146 **Mark Skinner, Von Strasser Winery General Manager,** stated that the City's bed
147 and breakfast room requirement should be applied equally to all inns.
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149 **Dave Patel, 1830 Lincoln Avenue,** supports Chanric Inn's appeal.
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151 **Toppa Epps, 1415 Foothill Blvd,** stated he supports the Chanric Inn's appeal.
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153 **Norma Toffanelli, 1001 Dunaweal Lane,** read correspondence from Catherine
154 Lerner in opposition to the Chanric Inn's appeal, and in support of the Joan Caputi,
155 et al appeal.
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157 **Joan Caputti, 1605 Washington St,** stated that she is in opposition to the Chanric
158 Inn's appeal.
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160 **Mark Skinner, Von Strasser Winery,** stated he supports the Chanric Inn's appeal.
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162 **Rose Beck, 2424 Janis Way,** stated that she does not agree with allowing Chanric
163 Inn to have an off-site manager.
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165 **Ann Steinhauer, 1800 Mora Ave,** stated that she supports the Chanric Inn's
166 appeal.
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168 **Mayor Gingles** stated that the Planning Commission is not required to approve an
169 off-site manager; the owners of the Chanric Inn made their request for an appeal
170 after the City's Bed and Breakfast Ordinance was adopted in June 2010.
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172 **Mayor Gingles** closed the public hearing.
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174 **Councilmember Canning** (also the Executive Director of the Chamber of
175 Commerce) stated that the City Attorney and the Fair Political Practices Commission
176 informed him that he does not have a conflict of interest regarding this item. He
177 stated that the Bed and Breakfast Ordinance allows for an opportunity for bed and
178 breakfast inns in the R-1-10 District to increase the number of units up to ten, and
179 eliminate the on-site manager upon the Planning Commission granting a use permit.
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181 **Councilmember Slusser** stated that she would like to see the Bed and Breakfast
182 Ordinance revisited.

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184 **Councilmember Kraus** stated that it is his understanding that fire sprinklers are
185 required when a bed and breakfast inn goes from five to six units. He suggested that
186 the City should revisit the current Fire Code sprinkler requirement.

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188 **Councilmember Slusser** stated that if the Chanric Inn is permitted a seventh unit
189 they should be required to obtain wedding permits if weddings are held at the Inn,
190 and not allow evening dining as a usual course of business. In addition she listed
191 the following conditions for the Inn if the seventh unit is permitted:

- 192 1. Plan discussions with the neighbors to work towards mediating various
- 193 issues;
- 194 2. Provide a gate on the private drive;
- 195 3. "No Parking" signage on the private drive;
- 196 4. Not allow guests to park adjacent to the redwood trees;
- 197 5. Maintain reduced noise and place "No Smoking" signage around the hot tub
- 198 area;
- 199 6. Access easement to be respected;
- 200 7. The Inn to pay for costs associated with fence repair.

201
202 **Senior Planner Lundquist** stated that the conditions listed by Councilmember
203 Slusser are included in the draft Resolution except for the following:

- 204 1. Provide a gate on the private drive;
- 205 2. The Inn to pay for costs associated with fence repair.

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207 City Council discussion ensued regarding the two appeals: 1) to grant an exception
208 to the parking requirements and increase the number of guest units from six units to
209 a seven guest units; and 2) to deny the elimination and conversion of the
210 owner/manager's unit to an additional guest unit.

211
212 **Councilmember Canning** stated that for the first year the Inn will have quarterly
213 reviews by the Planning Commission, followed by six month reviews. He stated that
214 he is not in favor of requiring the Inn to put up a gate.

215
216 **Senior Planner Lundquist** stated that the draft Resolution sustaining the Planning
217 Commissions decision to approve an amendment to a conditional use permit
218 granting an increase in the number of guest units from a six to seven units the
219 conditions of the use permit would be monitored, and if necessary the use permit
220 would go back to the Planning Commission for reconsideration.

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222 **It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember**
223 **Kraus to adopt Resolution No. 2011-032 to deny the appeal received from Joan**
224 **Caputi, et al and sustain the Planning Commission's decision to approve an**
225 **amendment to the conditional use permit (U84-4) granting an exception to the**
226 **parking requirements and increasing the number of guest units from six to a**
227 **seven unit bed and breakfast facility located at 1805 Foothill Blvd (APN 011-**

228 **290-029) within the R-1-10 single family residential district. Motion was carried**
229 **by the following vote:**

230 **AYES: Vice Mayor Dunsford, Councilmembers Kraus and Canning**

231 **NOES: Councilmember Slusser and Mayor Gingles**

232 **ABSTAIN/ABSENT: None**

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234 **Councilmember Kraus** stated that the next appeal is regarding the Planning
235 Commission's decision to deny the elimination and conversion of the
236 owner/manager's unit to an additional guest unit associated with the Chanric Inn
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238 **Vice Mayor Dunsford** suggested that the off-site manager live in City limits.
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240 **Councilmember Canning** stated that there exists other larger similar properties in
241 town that do not have an on-site manager, and they are adjacent to residential
242 areas. He stated that there is a fundamental flaw in the current Bed and Breakfast
243 Ordinance that does not require ownership/management within a reasonable
244 proximity of the property.
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246 **Mayor Gingles** stated that the Bed and Breakfast Ordinance states that the
247 Planning Commission may authorize an exception to the on-site manager.
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249 **City Manager Spitler** stated that an amendment to the Bed and Breakfast
250 Ordinance may be addressed in the future in order to address an on-site manager
251 living within the City limits, and the need for fire sprinklers as required by the Fire
252 Code.
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254 **It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to**
255 **adopt Resolution No. 2011-033 denying an appeal received from Ric Pielstick**
256 **and Chan McBride regarding the Planning Commission's decision to deny the**
257 **elimination and conversion of the owner/manager's unit to an additional guest**
258 **unit associated with the "Chanric Inn" located at 1805 Foothill Boulevard (APN**
259 **011-290-029). Motion was carried by the following vote:**

260 **AYES: Mayor Gingles, Councilmembers Kraus and Slusser**

261 **NOES: Vice Mayor Dunsford and Councilmember Canning**

262 **ABSTAIN/ABSENT: None**

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264 **Mayor Gingles** called for a five minute break.
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266 **6. Consideration of Resolutions adopting the updated General Plan Housing**
267 **Element and the corresponding Negative Declaration prepared pursuant to the**
268 **California Environmental Quality Act.**
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270 **Planning and Building Manager MacNab** provided a brief history of this item. He
271 stated that the draft Housing Element was submitted to the State in July 2010 with a
272 revised draft sent in December 2010; this was after twelve meetings of the Housing
273 Element Advisory Committee. He said the State confirmed that the City's Housing
274 Element would be certified following the approval by the Council.
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276 **Mayor Gingles** opened the public hearing.

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278 No public comment

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

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282 It was **MOVED** by **Mayor Gingles** and **SECONDED** by Councilmember Kraus to
283 adopt **Resolution No. 2011-034** adopting a negative declaration based on the
284 initial study prepared for the 2009 update to the housing element of the city's
285 general plan. Motion was carried unanimously by the following vote:

286 **AYES:** **Mayor Gingles, Councilmember Kraus, and Councilmembers**
287 **Slusser, Canning, and Vice Mayor Dunsford**

288 **NOES:** **None**

289 **ABSTAIN/ABSENT:** **None**

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291 It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Vice Mayor Dunsford** to
292 adopt **Resolution No. 2011-035** approving a general plan amendment to adopt
293 the 2009 Update to the Housing Element of the General Plan. Motion was
294 carried unanimously by the following vote:

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

297 **NOES:** **None**

298 **ABSTAIN/ABSENT:** **None**

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300 **GENERAL GOVERNMENT**

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302 **7. Consideration of Resolution approving a professional services agreement with**
303 **Deborah Glasser Kolly for labor negotiation services in the amount not to**
304 **exceed \$15,000.**

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306 **City Manager Spitler** introduced this item. He stated that the City has three
307 Memorandums of Understanding (MOU) with the Professional Firefighter's
308 Association, Police Officer's Association, and the Public Employee's Association
309 due to expire on June 30, 2011. He stated that these MOU's call for initiation of
310 labor negotiations in April 2011. He stated that this is a challenging year in
311 balancing the City's budget and is requesting authorization to contract with a
312 professional labor negotiator to represent management and advise the Council. He
313 stated that Councilmember Kraus and he interviewed three individuals with Deborah
314 Glasser Kolly being selected as the best fit for the City's needs.

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316 It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Vice Mayor Dunsford** to
317 adopt **Resolution No. 2011-036** approving a professional services agreement
318 with **Deborah Glasser Kolly** for labor negotiation services in the amount not to
319 exceed \$15,000. Motion was carried unanimously by the following vote:

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

322 **NOES:** **None**

323 **ABSTAIN/ABSENT:** **None**

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8. Consideration of a Resolution appointing a Councilmember to the Napa County Subregion Policy Committee for local administration of Association of Bay Area Government's Regional Housing Need Allocation (RHNA) process for the 2014-2022 housing period.

Planning and Building Manager MacNab introduced this item. He stated that the Napa County Subregion Policy Committee is charged with assigning quotas for affordable housing to municipalities in Napa County, and the Council is asked to appoint one Councilmember to sit on the Policy Committee, and one Councilmember to be appointed as an alternate member.

Mayor Gingles nominated himself as the primary member, and Vice Mayor Dunsford as the alternate member to the Napa County Subregion Policy Committee.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Canning to adopt Resolution No. 2011-037 appointing a Councilmember to the Napa County Subregion Policy Committee for local administration of Association of Bay Area Government's Regional Housing Need Allocation (RHNA) process for the 2014-2022 housing period. Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

9. Discussion regarding Fiscal Year 2009/10 Final Budget Adjustments and Fiscal Year 2010/11 Mid-Year General Fund Budget Adjustments, and the adoption of a Resolution approving the Budget Adjustments.

Administrative Services Director Mushallo introduced this item. He briefly reviewed several budget adjustments for this fiscal year; some adjustments have been recommended by the City's auditor for mid-year adjustments. He stated that a number of budget adjustments were processed adding up to an additional \$132,000; these included the additional \$15,000 for stopping employee furloughs in January and February 2011.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Canning to adopt Resolution No. 2011-038 adopting the mid-year budget adjustments for Fiscal Year 2010/2011 and final budget adjustments for 2009/10. Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

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CITY MANAGERS REPORT

City Manager Spitler stated that the annual City Council Goal Setting Sessions will be held on March 22, 2011 and March 24, 2011 beginning at 9:00 a.m. in the Community Center.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:30 PM to the to the Special City Council Strategic Planning and Goal Setting Meeting on Tuesday, March 22, 2011, Calistoga Community Center, 1307 Washington Street, 9:00 a.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor