

**CLOSED SESSION AGENDA
CITY COUNCIL MEETING
TUESDAY, MARCH 15, 2011 - 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 Chris Canning, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Dunsford, and Mayor Jack Gingles.

Also present was City Manager Richard Spitler.

ORAL COMMUNICATIONS

No public comment.

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

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

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, March 15, 2011 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, MARCH 15, 2011- 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 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, Planning and Building Manager Ken MacNab, Senior Planner Erik Lundquist, City Manager Richard Spitler, and City Clerk Susan Sneddon. Administrative Services Director Bill Mushallo arrived at the meeting at 9:10 PM.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

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

ADOPTION OF MEETING AGENDA

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

COUNCIL IDEAS FOR DISCUSSION

Councilmember Kraus noted that the City is vulnerable to earthquakes and wanted to ensure that the residents plan for such disasters.

Councilmember Slusser stated that Red Cross and Costco sell earthquake survival kits.

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).

Jeffrey Davila, 1513 Harley St, stated that he supports granting the Chanric Inn's appeal.

Chris Ciriacks and John Davis, 1801 Foothill Blvd, both requested that Council deny the Chanric Inn's appeal.

Dennis MacNay, 2353 Foothill Blvd, stated that two Councilmembers should recuse themselves due to conflicts of interest.

Jerry Newell, 1799 Diamond Mountain Rd, stated that he supports the Chanric Inn's appeal.

Mark Skinner, Von Strasser Winery General Manager, stated that the City's bed and breakfast room requirement should be applied equally to all inns.

Dave Patel, 1830 Lincoln Avenue, supports Chanric Inn's appeal.

Toppa Epps, 1415 Foothill Blvd, stated he supports the Chanric Inn's appeal.

Norma Toffanelli, 1001 Dunaweal Lane, read correspondence from Catherine Lerner in opposition to the Chanric Inn's appeal, and in support of the Joan Caputi, et al appeal.

Joan Caputti, 1605 Washington St, stated that she is in opposition to the Chanric Inn's appeal.

Mark Skinner, Von Strasser Winery, stated he supports the Chanric Inn's appeal.

Rose Beck, 2424 Janis Way, stated that she does not agree with allowing Chanric Inn to have an off-site manager.

Ann Steinhauer, 1800 Mora Ave, stated that she supports the Chanric Inn's appeal.

Mayor Gingles stated that the Planning Commission is not required to approve an off-site manager; the owners of the Chanric Inn made their request for an appeal after the City's Bed and Breakfast Ordinance was adopted in June 2010.

Mayor Gingles closed the public hearing.

Councilmember Canning (also the Executive Director of the Chamber of Commerce) stated that the City Attorney and the Fair Political Practices Commission informed him that he does not have a conflict of interest regarding this item. He stated that the Bed and Breakfast Ordinance allows for an opportunity for bed and breakfast inns in the R-1-10 District to increase the number of units up to ten, and eliminate the on-site manager upon the Planning Commission granting a use permit.

Councilmember Slusser stated that she would like to see the Bed and Breakfast Ordinance revisited.

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

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

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

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

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

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

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

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

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

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

AYES: Vice Mayor Dunsford, Councilmembers Kraus and Canning

NOES: Councilmember Slusser and Mayor Gingles

ABSTAIN/ABSENT: None

Councilmember Kraus stated that the next appeal is 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

Vice Mayor Dunsford suggested that the off-site manager live in City limits.

Councilmember Canning stated that there exists other larger similar properties in town that do not have an on-site manager, and they are adjacent to residential areas. He stated that there is a fundamental flaw in the current Bed and Breakfast Ordinance that does not require ownership/management within a reasonable proximity of the property.

Mayor Gingles stated that the Bed and Breakfast Ordinance states that the Planning Commission may authorize an exception to the on-site manager.

City Manager Spitler stated that an amendment to the Bed and Breakfast Ordinance may be addressed in the future in order to address an on-site manager living within the City limits, and the need for fire sprinklers as required by the Fire Code.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2011-033 denying 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). Motion was carried by the following vote:

AYES: Mayor Gingles, Councilmembers Kraus and Slusser

NOES: Vice Mayor Dunsford and Councilmember Canning

ABSTAIN/ABSENT: None

Mayor Gingles called for a five minute break.

6. Consideration of Resolutions adopting the updated General Plan Housing Element and the corresponding Negative Declaration prepared pursuant to the California Environmental Quality Act.

Planning and Building Manager MacNab provided a brief history of this item. He stated that the draft Housing Element was submitted to the State in July 2010 with a revised draft sent in December 2010; this was after twelve meetings of the Housing Element Advisory Committee. He said the State confirmed that the City's Housing Element would be certified following the approval by the Council.

Mayor Gingles opened the public hearing.

No public comment

Mayor Gingles closed the public hearing.

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

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

NOES: None

ABSTAIN/ABSENT: None

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

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

NOES: None

ABSTAIN/ABSENT: None

GENERAL GOVERNMENT

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

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

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

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

NOES: None

ABSTAIN/ABSENT: None

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

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