

MINUTES
CITY COUNCIL
TUESDAY, SEPTEMBER 6, 2011 – 6:00 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

CALL TO ORDER

Mayor Gingles called the Closed Session to order at 6:00 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 were City Manager Richard Spitler, and Labor Negotiator Deborah Glasser Kolly.

ORAL COMMUNICATIONS

No public comment.

ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

1. Conference with Labor Negotiators (Labor Negotiator Deborah Glasser Kolly, and City Manager Richard Spitler) pursuant to GC §54957.6.

Employee Organizations: Calistoga Public Employees Association
Calistoga Police Officers Association
Calistoga Professional Firefighters Association
Unrepresented Employees

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, September 6, 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, SEPTEMBER 6, 2011 – 7:00 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:05 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 were Public Works Director/City Engineer Dan Takasugi, Planning and Building Manager Ken MacNab, City Manager Richard Spitler, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

Lori Innes, 2412 Foothill Blvd, complained about the rent increases at Rancho de Calistoga Mobilehome Park. She stated that the rent stabilization ordinance arbitration did not go well, and that many mobilehomes are being abandoned.

Ronald Lynch, 2412 Foothill Blvd, stated that the Council did not protect them from recent rent increases at Rancho de Calistoga Mobilehome Park.

Marvin Braun, 2412 Foothill Blvd, requested that the city attorney review the base rent adjustment at Rancho de Calistoga Mobilehome Park to see if it is legal. He stated that he wants to make a legal appeal for the recent rent increases.

ADOPTION OF MEETING AGENDA

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

PRESENTATION

1. Presentation by Executive Director Nicole Collier regarding Fair Housing Napa Valley.

Nicole Collier, Fair Housing Napa Valley Executive Director, introduced staff member Elaine Sharp.

Elaine Sharp, Fair Housing Napa Valley Specialist, provided a brief history of their services.

Councilmember Slusser asked the Fair Housing Napa Valley staff if they could provide assistance to the Rancho de Calistoga Mobilehome Park tenants in light of the current rent increase issue.

Nicole Collier, Fair Housing Napa Valley Executive Director, stated that their assistance would depend upon the City's rent stabilization ordinance. She stated that she would like to work with the City Attorney to look into the possibility of providing as subsidy money to the tenants.

2. Presentation of the Sharpsteen Museum Association Annual Report provided by Pat Haynes, Former President.

Pat Haynes, Sharpsteen Museum Association Fiscal Year 2010/2011 President, provided the museum's annual report.

COUNCIL IDEAS FOR DISCUSSION

Councilmember Canning stated that he has received complaints about cars speeding on Third Street and requested that police patrol the area. He asked staff to look into the possibility of adding a crosswalk on Lincoln Avenue near Bank of the West. He announced that on September 17th the Ragnar Relay will be held; bringing nearly 4,000 runners into the City helping to support local restaurants, retail, spas, tasting rooms, etc.

Mayor Gingles requested that City Manager Spitler provide weekly reports to Council on a regular basis. He requested an update from staff on an open City workers compensation claim, and the status of the Roman Spa Development Agreement. He requested that a film regarding the September 11th World Trade Center event be put on Channel 28.

Vice Mayor Dunsford asked if the tattered Lincoln Avenue United States flags would be coming down (yes).

Councilmember Slusser asked the community if they would like to donate funds to replace the worn City's U.S. flags.

GENERAL GOVERNMENT

3. Discuss and provide direction regarding the proposed Grape Sourcing Ordinance for wineries and tasting rooms.

Mayor Gingles stated that due to Vice Mayor Dunsford having a conflict of interest Council will separate this item into the following: (1) grape sourcing ordinance for wineries; and (2) winery tasting rooms.

Planning and Building Manager MacNab provided a brief history on this item. He stated that Napa Valley Vintners has requested that the Council adopt a grape sourcing ordinance similar to the County's winery definition ordinance. He stated that at the July 19, 2011 Council meeting it was requested that staff obtain additional information regarding various regulations and comparison of what other cities in the County have adopted.

Mayor Gingles solicited public input.

Clarence Luvisi, 285 Rosedale Road, stated that he supports Council moving forward this evening in adopting a grape sourcing ordinance requiring that 75% of grapes come from Napa County.

James "Bo" Barrett, wine maker and co-owner of Chateau Montelena Winery, spoke in support of the City adopting a grape sourcing ordinance.

Cameron Baker, Larkmead Vineyards, stated that he supports a grape sourcing ordinance. He stated that the Calistoga American Viticultural Area designation (AVA) requires that 85% of the grapes be from Napa Valley.

Karen Cakebread, 1524 Greenwood Avenue, complimented staff on the Council report, and stated that she supports the grape sourcing ordinance.

Charles Meibeyer, 1236 Spring Street, St. Helena, stated that we need to protect agriculture in the Valley, and he supports the Council adopting a grape sourcing ordinance.

Peter Nissan, 3255 Bennett Lane, Napa County Farm Bureau representative, stated that he supports the Council adopting a grape sourcing ordinance.

Don Holinsworth, 919 Champagne South, stated that tasting rooms should not be prevented from serving “second label” wines which may be sourced from grapes outside the County.

Ann Steinhauer, 1800 Mora Avenue, encouraged the Council to move forward in adopting an ordinance regulating the source of grapes used in wines produced at local wineries, and in wines tasted and sold in local winery tasting rooms.

Bob Fiddaman, 1300 Cedar Street (Napa County Planning Commissioner), stated that the County does enforce the 75% grape sourcing rule; he gave his support for the City to adopt the proposed ordinance.

Andrea Anderson, 1702 Maggie Avenue, stated her reasoning in opposing the proposed ordinance. She stated that Napa Valley wineries are not all abiding by the sourcing regulations.

Michelle Benzido stated that she is a Napa County wine grower, and supports the 75% grape sourcing rule.

Rex Stoltz, Industry Relation Director from the Napa Valley Vintners, stated that the proposed ordinance is a logical extension of the Calistoga AVA, and urged Council’s support in adopting a grape sourcing ordinance.

Paul Smith, 1255 Lincoln Avenue, stated that he supports more tasting rooms in town if the 75% grape sourcing rule is abided by.

Councilmember Kraus suggested that further study be done regarding the number of winery tasting rooms allowed in the City. He also proposed that staff review the County winery definition ordinance to locate the portions that best apply to the City.

Councilmember Slusser stated that the Council needs to support the local farmers, and she is in favor of the 75% grape sourcing requirement. She stated that the City needs to prevent overdevelopment of small parcels, and she suggested that the Council adopt an urgency wine definition ordinance.

City Manager Spitler stated that an urgency ordinance is to protect public health, safety and welfare for a limited time frame; an urgency ordinance would require a four-fifth vote by Council.

Planning and Building Manager MacNab stated that the City has regulations restricting the amount of wine production based on parcel size in the rural residential zoning areas; there are no regulations for commercial and industrial zoning areas.

Vice Mayor Dunsford stated that he supports mirroring the County winery regulations for a couple of reasons: (1) He has been in the hospitality business for twenty-one years, and has owned a hotel/restaurant in the City; people come here to drink Napa Valley wines; (2) Calistoga is marketed as being in the “center” of the wine country (bordering Sonoma and Lake Counties. He stated that when people come to Calistoga he tells them to go explore Lake, Sonoma, and Mendocino Counties wines, and we are the “base camp” for the Napa County wine country. He stated that he has a hard time thinking of sending someone to Healdsburg to drink Napa Valley wines.

City Manager Spitler stated that the County’s winery definition ordinance has a broader purpose than is needed in the City. He stated that his understanding of Council’s direction is to look at the County’s ordinance as “source” criteria, and apply it to the City’s situation (zoning history and regulations). He stated the next steps would be to draft an ordinance, have it reviewed by the city attorney, then schedule a Planning Commission public hearing, followed by a Council public hearing.

Councilmember Kraus proposed that the Council direct staff to review the County’s winery definition ordinance with an “eye” towards an understanding that the Council is seeking a 75% Napa County grape source, and go through the County ordinance to find portions that best apply to Calistoga.

Councilmember Slusser requested that staff review the City of St. Helena’s winery definition ordinance as well.

City Manager Spitler asked if the direction of the Council is to apply this ordinance to all zoning districts when wineries are allowed.

Councilmember Slusser asked if an urgency winery definition would be in order.

Councilmember Kraus stated he does not think an urgency winery definition ordinance is needed because any issues can be worked out with the City’s conditional use permit process, and the City’s zoning is in place.

Planning and Building Manager MacNab stated that Lava Vine is aware and is voluntarily willing to comply with the 75% grape sourcing requirement; T-Vine is in the same situation, and they already use Napa County grapes; Arden Winery has said they are willing to go with the 75% grape sourcing requirement which can be put into a conditional use permit, and the City can enforce it should there be any action arise before the City has adopted the proposed ordinance.

There was Council consensus to direct staff to review the Napa County and the City of St. Helena's winery definition ordinance to select portions that best apply to Calistoga, and to include the 75% Napa County grape sourcing requirement. The next steps would be for the Planning Commission to hold a public hearing to review the draft ordinance, and then to schedule a public hearing for Council to consider the introduction and adoption of the proposed winery definition ordinance.

Vice Mayor Dunsford abstained from participation in the wine tasting item and stepped away from the dias. He stated he has a conflict of interest with a pending application because Andrea Anderson is his beer distributor.

Planning and Building Manager MacNab introduced the portion of this item regarding winery tasting rooms. He stated that the Department of Alcoholic Beverage Control's (ABC) Type 02 License for winery tasting rooms applies to an extension of a winery; this regulation allows for wineries to operate one (1) off site stand-alone wine tasting room with no restrictions on where they operate. A winery operating or producing in Napa County could open up a tasting room in another county and visa versa.

Mayor Gingles opened the discussion for public comment.

Norma Tofanelli, 1001 Dunaweal Lane, Napa County Farm Bureau representative, complimented staff on doing a good job in preparing the staff report. She stated that in review of late communications to Council on this item there were concerns raised regarding limiting the number of tasting rooms. She stated with a similar grape sourcing rule as St. Helena there might be a restraint of trade issue. She submitted for the record a St. Helena Planning Commission staff report dated August 4, 2009; the staff report contains an extensive discussion on restraint of trade. She stated that the last three pages of the Planning Commission staff report contain an analysis by the St. Helena City Attorney regarding issues that may or may not be involved. She stated that the City must make appropriate findings, and draft an ordinance properly so the City does not run into any conflicts.

Andrea Anderson, 1702 Maggie Avenue, stated that there will be several wineries that will be grandfathered in. She asked Council to consider the repercussions of adopting the proposed grape sourcing ordinance.

Collin McFall, 1620 Grant Street, stated there exists the same obligations for tasting room as for wineries.

Rick Jones, 3884 Silverado Trail, urged the Council to adopt the proposed grape sourcing ordinance for wineries and tasting rooms.

Kent Baker, 1100 Larkmead Lane, stated that if the proposed grape sourcing ordinance does not include tasting rooms then the City would be penalizing the local wineries by letting wineries outside the County pour in local tasting rooms.

Planning and Building Manager MacNab summarized that it is his understanding that the Council is in support of the grape sourcing requirement for winery tasting rooms similar to Napa County's wine definition ordinance (75% Napa County/25% other grape sourcing). He stated that it is his understanding that Councilmember Slusser would like to address the overconcentration of winery tasting rooms in the City; and Councilmember Canning suggestion that the City consider separately the three issues of (1) wineries, (2) tasting rooms, and (3) overconcentration of winery tasting rooms. He stated that if there is Council consensus he will prepare an ordinance for wineries and winery tasting rooms, and then draft a concentration ordinance at a future date.

City Manager Spitler stated that use permits run with the property, and the City generally does not have the authority to change the requirements for issued use permits.

There was Council consensus to direct staff to draft a winery and winery tasting room grape sourcing ordinance, and hold off in addressing over-concentration of winery tasting rooms.

Vice Mayor Dunsford returned to the dias.

4. Discussion of a recommendation from the Planning Commission to direct preparation of a "Right-to-Farm" Ordinance.

Planning and Building Manager MacNab introduced this item. He stated that this item is a recommendation from the Planning Commission to adopt a "right-to-farm" ordinance. He stated that this recommendation comes following comments received by the Planning Commission and the Council on the needs for a local "right-to-farm" ordinance. He stated the proposed ordinance is a tool that helps protect farmers from nuisance complaints and lawsuits related to farming activities; the key provisions is a requirement that there be a disclosure on farming activities and nuisances at the time of any property transfers, and language be added to the City municipal code. He stated that Council may choose to direct staff to proceed with drafting such an ordinance.

Clarence Luvisi, 285 Rosedale Road, stated his reasoning for Council to move forward with the adoption of a "right-to-farm" ordinance.

Peter Nissan, 3255 Bennett Lane, Napa County Farm Bureau representative, stated his reasoning for Council to move forward with the adoption of a “right-to-farm” ordinance. He suggested that tourists should sign a disclosure about farming disturbances.

Norma Tofanelli, 1001 Dunaweal Lane, urged the Council to adopt a “right-to-farm” ordinance.

Paul Smith, 1255 Lincoln Avenue, stated that in the 1990’s property owners adjacent to the former gliderport were required to sign agreements that protected the airport owners from being sued because of noise levels caused by aircraft.

There was Council consensus to direct staff to draft a “right-to-farm” ordinance and bring it back to Council for adoption.

- 5. Consideration of a Resolution establishing the Green Committee and approving the Bylaws and the membership requirements.**

Councilmember Slusser stated her reasoning for not supporting the formation of a proposed Green Committee.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2011-092 establishing the Green Committee and approving the Bylaws and the membership requirements. Motion was carried by the following vote:

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

NOES: Councilmember Slusser

ABSTAIN/ABSENT: None

- 6. Discuss and provide direction regarding a Phased Approach to Inspection and Repair of Sidewalk Trip Hazards throughout the City.**

Public Works Director/City Engineer Takasugi introduced this item. He stated the City has not actively inspected sidewalks for trip hazards, and has been involved in litigation on several trip-and-fall injury cases. He stated that it is not an option to inspect all the City’s sidewalks at once because it would result in a large expense to the City, much staff time and enforcement. He recommended that the City approach the sidewalk repairs in phases by prioritizing repairs based on locations – such as the downtown area, heavily used walking areas, and routes near schools. He briefly reviewed the steps for the repairs – an inspection company would examine each sector separately, and perform minor repairs on trip hazards that are less than one and three-quarters inches. For trip hazards that are greater than one and three-quarter inches, the City would send letters to adjacent property owners requesting that they make the necessary repairs for trip hazards, and offer

to share fifty percent (up to a certain dollar amount) of the cost. He stated if the property owners are unwilling to repair the sidewalk then per State and City codes the City would make the repairs with City funds and place a lien on the property. He reviewed the types of sidewalk repair methods, and recommended saw cutting over other methods. He stated that \$8,000 of the City's costs will be coming from Public Agency Risk Sharing Authority of California.

City Manager Spitler stated that one of the City Council's goals is risk management which sidewalk repairs falls under. Also this work will improve the walkability of the town.

There was Council consensus directing staff to move forward on the proposed phased approach for the inspection and sawcut repair of the sidewalk trip hazards throughout the City.

CITY MANAGERS REPORT

None were provided.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:45 PM to the special meeting of the Calistoga City Council, on Tuesday, September 20, 2011, Calistoga Community Center, 1307 Washington Street, 6:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor