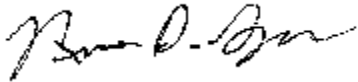


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Amanda Davis, Deputy City Clerk
DATE: January 17, 2012
SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

DISCUSSION: Minutes of the December 6, 2011 regular City Council meeting.

RECOMMENDATION: Approve Minutes.

ATTACHMENTS: Aforementioned Minutes.

1 **MINUTES**

2 **CITY COUNCIL CLOSED SESSION**
3 **TUESDAY, DECEMBER 6, 2011 – 6:00 P.M.**
4 **CALISTOGA COMMUNITY CENTER**

5 **CALL TO ORDER**

6 **Mayor Gingles called the Closed Session to order at 6:00 p.m.** In attendance were
7 the following: Councilmember Chris Canning, Councilmember Gary Kraus,
8 Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and Mayor Jack Gingles.

9 Also present was City Manager Richard Spitler.

10
11 **ORAL COMMUNICATIONS**

12 No public comment.
13

14 **ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:**

- 15
16 1) Public Employee Performance Evaluation, GCS 54957, City Manager.
17

18 **ADJOURN CLOSED SESSION**

19 **RECONVENE TO OPEN SESSION**

20 **ADJOURNMENT**

21
22 **Mayor Gingles adjourned the Closed Session at 7:00 p.m.** to the regular meeting of
23 the Calistoga City Council, on Tuesday, December 6, 2011 Calistoga Community Center,
24 1307 Washington Street, 7:00 p.m.

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26 **Respectfully submitted:**
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30 **Prepared by: Amanda Davis, Deputy City Clerk**
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33 **Approved by: Jack Gingles, Mayor**
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39 **MINUTES**

40 **CITY COUNCIL – REGULAR MEETING**
41 **TUESDAY, DECEMBER 6, 2011 – 7:00 P.M.**
42 **CALISTOGA COMMUNITY CENTER**

43
44 **A) CALL TO ORDER**

45 **Mayor Gingles called the Regular Session to order at 7:10 p.m.** In attendance were
46 the following: Councilmember Chris Canning, Councilmember Gary Kraus,
47 Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and Mayor Jack Gingles.
48 Also present were Planning and Building Manager Ken MacNab, Public Works Director/City
49 Engineer Dan Takasugi, City Manager Richard Spitler, and Deputy City Clerk Amanda
50 Davis.
51

52 **B) SALUTE TO THE FLAG**
53

54 **C) ACTION OUT OF CLOSED SESSION**

55 **Mayor Gingles** announced that there was no action out of Closed Session held this
56 evening.
57

58 **D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**
59

60 **Clarence Luvisi, 285 Rosedale Road,** spoke to the item. Mr. Luvisi discussed the City's
61 General Plan and the way that staff and the City Attorney interprets and understands it,
62 specifically with regard to the Grape Sourcing item. Mr. Luvisi stated his concerns with
63 not having official written documentation from the City Attorney with her responses and
64 suggestions. He stated that the City Attorney's opinion should be in written format and
65 attached to the corresponding staff report.
66

67 **E) ADOPTION OF MEETING AGENDA**

68 It was **MOVED** by **Councilmember Gingles** and **SECONDED** by **Councilmember**
69 **Dunsford** to approve the Council Meeting Agenda. The Motion was carried
70 unanimously.
71

72 **F) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**
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74 **Councilmember Slusser** congratulated the Chamber of Commerce for having a
75 wonderful parade on Saturday night. She was impressed with the amount of people who
76 attended and said it was a very exciting and joyful event.

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Councilmember Canning thanked those who participated in the Annual Tractor Parade, giving a special thanks to the Police, Fire, Public Works, and Parks and Recreation Departments. He reminded the community that this event is a completely privately funded event.

Commissioner Kraus congratulated the Chamber of Commerce on the Tractor Parade. He addressed Mr. Luvisi's comments and concerns. He stated his concerns about tonight's decision by the City Council on the Grape Sourcing item. He would like the City Attorney's comments to be made more transparent so that the information is readily available to the public for a clearer understanding. He asked for more clarification from the City Manager regarding the City Attorney's comments on this item.

Mayor Gingles stated that the Christmas Bazaar took place this past Saturday and it went well. He gave his condolences to Shirley Blomquist, a very active community member, who lost her husband recently.

G) PRESENTATION

1) Presentation by Jane Hinshaw, Elder Abuse Investigator for the District Attorney's Office, regarding an update on the new Caregiver Ordinance.

Jane Hinshaw, Elder Abuse Investigator for the District Attorney's Office, provided an update on the new Caregiver Ordinance, and also presented a short video. Also joining her is Leann Martinson, Director of the Area Agency on Aging, who is the coordinator for the new caregiver Ordinance, which the City of Calistoga has adopted.

2) Presentation by Bruce Lee, General Manager of American Medical Response, (AMR) regarding ambulance service in Calistoga.

Bruce Lee, General Manager of American Medical Response (AMR), gave a brief update and PowerPoint presentation on AMR's service and operation. He stated that AMR will commence their contract operations on January 2nd, 2012 at midnight.

H) CONSENT CALENDAR

3) Minutes of the October 26, 2011 special City Council meeting, and the November 15, 2011 regular City Council meeting.

4) Consideration of a Resolution No. 2011-115 declaring certain property surplus, and authorizing the City Manager to dispose of said property.

5) Consideration of a Resolution No. 2011-116 authorizing a non-routine encroachment for a balcony at 1329 Lincoln Avenue (APN 011-221-023).

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- 6) **Consideration of a Resolution No. 2011-117 authorizing Amendment No. 8 to the Joint Powers Agreement (JPA) for the Napa County Transportation and Planning Agency (NCTPA) addressing purchasing requirements, and authorizing the City Manager to execute the contract**

It was **MOVED** by Councilmember Kraus and **SECONDED** by Vice Mayor Dunsford to approve Items 3, 4, 5 and 6 on the Consent Calendar. **The Motion was carried unanimously.**

I) PUBLIC HEARING

- 7) **Introduction of an Ordinance, initiated by the City of Calistoga amending Chapter 3.32 (Public Works Bids) and Chapter 3.34 (Purchasing Requirements) of the Calistoga Municipal Code regarding Public Works Bid Requirements and Purchasing Procedures.**

Director of Public Works Takasugi presented the item. He stated that there are some changes to the City's Code with bidding requirements and purchasing procedures. He stated that the level for informal bids will increase from \$75,000 to \$175,000. He also noted that the City is increasing the authority for the purchasing agent, from \$5,000 to \$10,000 on small purchases. On larger purchases, which require the competitive bid process, the amount will increase from \$10,000 to \$30,000. These new limits will be required to improve efficiency in cases where we have small procurements that may be run more efficiently with less paperwork and less staff time to affect those procurements.

Mayor Gingles opened the Public Hearing, and then closed it when no person came forward to speak.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to introduce an Ordinance and waive the first reading regarding amendments to Chapter 3.32 (Public Works Bids) and Chapter 3.34 (Purchasing Requirements) of the Calistoga Municipal Code regarding Public Works Bid Requirements and Purchasing Procedures. **The Motion was carried unanimously by the following roll call vote:**

- AYES: Vice Mayor Dunsford, Councilmembers Kraus, Canning, Slusser, and Mayor Gingles**
- NOES: None**
- ABSTAIN/ABSENT: None**

- 8) **Consideration of a Resolution authorizing the acceptance and expenditure of \$100,000 in the State Citizen's Option for Public Safety (COPS) grant funds for Fiscal Year 2011/2012.**

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Police Chief Mills presented the item. He discussed the background of the Citizen's Option for Public Safety (COPS) grant, noting that it has been in existence for 15 years. This Fiscal Year's allocation will be the City's sixteenth year and the City will be receiving \$100,000. He proposed that the funds be used as follows: \$25,000 towards the Juvenile Diversion Program (\$12,500 to be reimbursed from the School District), \$18,790 towards the Community Service Program, \$8,440 towards the LIVESCAN Maintenance Contract, \$1,500 towards phone service and equipment, and the remaining \$58,770 would go towards augmenting one part-time dispatch position into a full-time position. He stated that there are not matching fund requirements and any equipment purchased through this grant would not be placed into the equipment replacement fund.

Mayor Gingles opened the Public Hearing, and then closed it when no person came forward to speak.

Councilmember Canning wanted to confirm that in the future if adjustments need to be made they can be by resolution and order of the City Council. **Police Chief Mills** confirmed that that is correct.

It was **MOVED** by Councilmember Slusser and **SECONDED** by Councilmember Canning to adopt Resolution No. 2011-118 authorizing the acceptance and expenditure of \$100,000 in the State Citizen's Option for Public Safety (COPS) grant funds for Fiscal Year 2011/2012. **The Motion was carried unanimously by the following vote:**

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

NOES: None

ABSTAIN/ABSENT: None

J) GENERAL GOVERNMENT

9) Consideration of a Resolution confirming the Mayor's appointments to the Planning Commission, Bicycle Advisory Committee, and the Napa County Mosquito Abatement Board.

Mayor Gingles introduced this item and recommended the following appointments:

- Nicholas Kite (incumbent), Walter Kusener and Jeffrey Manfredi (incumbent) to the Planning Commission
- Michael Costanzo (incumbent), Dieter Deiss (incumbent) and Thomas Sherman (incumbent) to the Bicycle Advisory Committee
- Ann Shelby Valnetine (incumbent) to the Napa County Mosquito Abatement Board.

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It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2011-119 confirming the Mayor's appointments to the Planning Commission, Bicycle Advisory Committee, and the Napa County Mosquito Abatement Board. **The Motion was carried unanimously.**

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

NOES: None

ABSTAIN/ABSENT: None

10) Consideration of a Resolution approving a Mobile Home Rental Agreement with American Medical Response (AMR), and directing the City Manager to execute the lease agreement

Director of Public Works Takasugi presented the item. He gave a brief history of who has previously occupied the City's mobile home located at the South end of Washington Street. AMR was selected to be the new service provider in the UpValley and DownValley portions of the County and they will be utilizing this mobile home starting January 2, 2012. He stated that a five-year lease agreement has been set up in the amount of \$1,000 per month.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2011-120 approving a Mobile Home Rental Agreement with American Medical Response (AMR), and directing the City Manager to execute the lease agreement. **The Motion was carried unanimously.**

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

NOES: Councilmember Canning

ABSTAIN/ABSENT: None

11) Discussion to confirm and finalize City Council direction on the preparation of a grape sourcing ordinance for wineries and winery tasting rooms.

Planning and Building Manager MacNab presented the item. He gave a brief history of the item. He stated that on October 4th, 2011, staff presented to the Council an outline of municipal code amendments that would be required to implement based on Council's direction for establishing grape sourcing requirements within the City. At that meeting staff requested two points of clarification from Council, one related to zoning and the other on how to implement the 75% rule for winery tasting rooms. The Council recommended that staff seek input from the City Attorney and then report back to Council. He stated that staff is now providing an update on what information was gathered from the City Attorney regarding Council's suggested direction. Based on the City Attorney's memorandum staff is recommending the following: For wineries, staff recommends

257 that grape sourcing requirements (i.e the “75% rule”) only be applied to wineries
258 that are located within the Rural Residential zoning district. Staff recommends that
259 the Council establish a regulation requiring that 75% of all wines poured for tasting
260 in a “stand-alone” winery tasting room be labeled as Napa County, Napa Valley or
261 other legally recognized American Viticultural Area within the County of Napa. The
262 remaining 25% could be any other wine that the winery produces. The 75%
263 requirement would not apply to wines that are sold (as opposed to tasted) in a
264 stand-alone winery tasting room. The next step will be to proceed with preparing an
265 ordinance for formal review and adoption.

266
267 **Rob Anglin, represents the Bounsall Family who own property located at 414**
268 **Foothill Blvd.**, stated that he was asked to speak on behalf of the Bounsall Family.
269 He spoke in support of the item noting that he and his clients support staff’s
270 recommendation and the City Attorney’s advice to the Council that the grape
271 source requirement not apply to the industrial area.

272
273 **Colin MacPhail, Larkmead Vineyards**, does not support staff’s recommendation
274 of only applying the 75% rule to wineries located within the Rural Residential
275 zoning district. He asked that Calistoga adopt the grape sourcing requirement by
276 applying the 75% rule to all zoning districts within Calistoga.

277
278 **Anne Steinhower, Napa Valley Vintners, resident at 1800 Mora Avenue**, stated
279 that all new wineries should meet the 75% grape sourcing rule. She requested that
280 any new tasting room pour and sell 100% Napa valley wines.

281
282 **Peter Nissen, Napa County Farm Bureau, resident at 3255 Bennett Lane**,
283 stated that he is a representative of agriculture. He encouraged staff to honor the
284 75% rule. He stressed that there are differences between the County and
285 municipalities like Calistoga.

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287 **Karen Cakebread, 1524 Greenwood Ave.**, spoke on behalf of the Calistoga
288 Winegrowers (CWG). She stated that they support the 75% grape sourcing rule,
289 but they are concerned with the zoning district regulations.

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291 **Planning & Building Manager MacNab** noted the proposed inclusion of wineries
292 located on property zoned PD and designated Rural Residential by the General
293 Plan. He stated that this addition addresses the concerns raised by winegrowers.

294
295 **Kerri Abreu, 1720 Reynard Lane**, spoke in support of the 75% grape sourcing
296 rule. She stated that her concern is the issue of zoning designation and would like
297 to know when the property located at 414 Foothill Blvd. became industrial
298 commercial.

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300 City Council discussion ensued.

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302 **Consensus of the City Council is to:** direct staff to proceed as recommended by

303 staff; prepare a draft ordinance to first bring to the Planning Commission for review
304 and recommendation; then take the draft ordinance to the City Council for final
305 action. Council also directed staff to include a memorandum from the City Attorney
306 that summarizes legal considerations.

307 **12) Discussion and direction regarding City of Napa Treat-and-Wheel Water Rate**
308 **Increase.**

309 **Director of Public Works Takasugi** presented the item. He gave a brief
310 background of the item explaining that Calistoga has an agreement with the City of
311 Napa to “treat and wheel” water, which Calistoga purchases from Napa County
312 Flood Control and Water Conservation District. He stated that the Napa recently
313 did a study to comply with Proposition 218 and have informed the City of Calistoga
314 that their “treat and wheel” rate will be rising beginning in January 2012. Calistoga
315 negotiated a year and a half transition without any increases, however, the rates
316 will significantly rise beginning July 2013 and escalate more in July 2014 and July
317 2015. He stated that staff does not yet know how this increase will affect residential
318 rate payers in Calistoga.
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321 **K) CITY MANAGER REPORTS**

322
323 City Manager Spitler stated that the City Clerk position is now vacant. He stated
324 that he has decided not to fill the City Clerk position in order to save money. He
325 stated that Amanda Davis, Deputy City Clerk will assist in the daily functions of the
326 City Clerk’s office and he will take on the role of Acting City Clerk until the City
327 figures out how to fill the position.
328

329 **L) ADJOURNMENT**

330 **Mayor Gingles** adjourned the meeting at 9:08 PM to the next scheduled regular meeting
331 of the Calistoga City Council, on Tuesday, February 7, 2012, Calistoga Community Center,
332 1307 Washington Street, 7:00 p.m.
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335 **Respectfully submitted:**
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338 _____
339 **Prepared by: Amanda Davis, Deputy City Clerk**
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341 _____
342 **Approved by: Jack Gingles, Mayor**