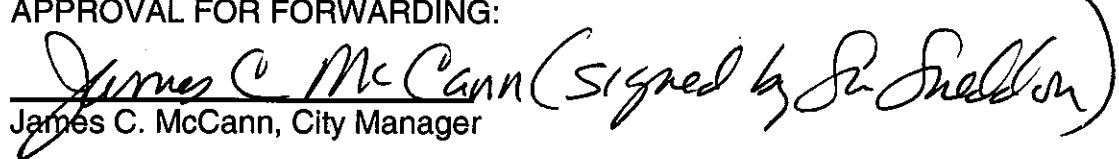


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Susan Sneddon, City Clerk
DATE: May 20, 2008
SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

-
- 1 **DISCUSSION:** The Minutes of the regular City Council Meeting on May 6, 2008 are
2 provided for consideration and approval.
3
4 **RECOMMENDATION:** Approve Minutes.
5
6 **ATTACHMENTS:** Aforementioned Minutes.

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, MAY 6, 2008 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER

1 **CALL TO ORDER**

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

3 In attendance were the following: Councilmember Placido Garcia, Councilmember
4 Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford and
5 Mayor Jack Gingles.

6
7 Also present were, City Manager James McCann, Director of Public Works Dan
8 Takasugi, Senior Civil Engineer Jim Smith, Planning and Building Director Charlene
9 Gallina, Community Resources Director Mary Cahill, Building Inspector Brad
10 Cannon, Association Planner Erik Lundquist, and City Clerk Susan Sneddon.

11

12 **ACTION OUT OF CLOSED SESSION**

13

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

15

16 **ORAL COMMUNICATION**

17

18 **Paul Block, 1349 Lincoln Avenue (wine barrel furniture maker)**, showed a
19 recycle bin that he made using a wine barrel.

20

21 **Scott Atkinson, 2103 Oat Hill Court**, referenced his letter (*Communication A*)
22 and stated concerns regarding establishing a community dog park at the
23 proposed site on private property (Calistoga Beverage Company); he
24 summarized the points in his letter.

25

26 **ADOPTION OF MEETING AGENDA**

27

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

31

32 **APPRECIATION AWARD**

33 **1. Service Award to Jacob Blakeley, Recreation Aide (5 years of service).**

34

35 **Mayor Gingles** presented Jacob Blakeley with an appreciation award and
36 complimented him for his 5 years of service as Recreation Aide.

37

38 **CONSENT CALENDAR**

39

40 Mayor Gingles requested that Item No. 4 be pulled from the Consent
41 Calendar for discussion.

42

43 2. Accounts payable for the period ending Thursday, April 10, 2008. (Total
44 amount of \$514,883.69).

45 3. Minutes of the regular City Council Meeting on April 15, 2008.

46 5. Adoption of Resolution No. 2008-039 Appointment of Chris Henderson
47 to the Community Resources Commission.

48 6. Adoption of Resolution No. 2008-040 authorizing a response to the
49 2007/2008 Napa County Grand Jury Reports regarding Farmworker
50 Housing Camp Renovation and the D.A.R.E. Program at Calistoga
51 Schools.

52 It was MOVED by Vice Mayor Dunsford and SECONDED by
53 Councilmember Kraus to approve Items No. 2, 3, 5 and 6 on the Consent
54 Agenda. The Motion was carried unanimously.

55

56 4. Consideration of a Resolution authorizing the execution of a
57 Professional Services Agreement with Coastland Civil Engineering, Inc.
58 in an amount not to exceed \$150,000 for the Busk Nuisance Abatement
59 (Authorizing Agreement No. 302).

60

61 Mayor Gingles asked questions regarding the timing of action related to
62 addressing the Busk Nuisance Abatement.

63

64 City Manager McCann responded and explained the steps taken and
65 acknowledged the delay due to other pressing Cities priorities.

66

67 Public Works Director/City Engineer Takasugi stated that some of the
68 Busk abatement clean up work has been done and the design work will begin
69 immediately. He stated that at this time it is difficult to define the timing of the
70 project; he will provide a schedule to Council when available.

71

72 It was MOVED by Mayor Gingles and SECONDED by Vice Mayor
73 Dunsford to adopt Resolution No. 2008-038 authorizing the execution of
74 a Professional Services Agreement with Coastland Civil Engineering,
75 Inc. in an amount not to exceed \$150,000 for the Busk Nuisance
76 Abatement (Authorizing Agreement No. 302). The Motion was carried
77 unanimously as follows:

78 AYES: Mayor Gingles, Vice Mayor Dunsford, Councilmembers
79 Kraus, Slusser and Garcia

80 NOES: None

81 ABSTAIN/ABSENT: None

82

83 **PUBLIC HEARING**

84 **7. Consideration of a Resolution declaring a public nuisance and ordering**
85 **abatement in conjunction with Karpuk abatement.**

86
87 **City Clerk Sneddon administered the oath to the Associate Planner Erik**
88 **Lundquist, Community Service Officer Paulette Solt, and Building**
89 **Inspector Brad Cannon.**

90
91 **Associate Planner Lundquist** introduced this item, reviewed the information
92 contained in the staff report and stated that Mr. Karpuk has repeatedly failed
93 to meet established timelines to correct the identified violations. He stated
94 that Mr. Karpuk was served with a formal written notice to appear before the
95 City Council and staff has prepared a Resolution for City Council's approval
96 declaring the presence of a public nuisance and directing staff to abate the
97 nuisance.

98
99 **Councilmember Kraus** asked Assistant Attorney Winig if any information
100 that Mr. Karpuk provides the Council this evening at this Administrative
101 Hearing could be used to issue a misdemeanor complaint against Mr. Karpuk.

102
103 **Assistant Attorney Winig** stated that Mr. Karpuk has the right to be heard
104 and it is the City Council's responsibility to listen to staff and Mr. Karpuk's
105 testimony in order to make a determination as to whether a public nuisance
106 exists. He added that the formal rules of evidence do not apply to this
107 nuisance abatement hearing, but it is possible that some of Mr. Karpuk's
108 testimony provided at this meeting could be used as evidence in a court of
109 law.

110
111 **City Clerk Sneddon administered the oath to Robert Karpuk.**

112
113 **Mayor Gingles** opened the public hearing.

114
115 **Mr. Karpuk** stated that he has made attempts to "clean up" his property and
116 he has been in and out of the hospital. He stated that he is a "compulsive
117 collector" and there is no hazardous waste on his property. He stated that he
118 does not understand why he should be required to throw out valuable tools
119 used in his livelihood, and he does not want to drain the pond which currently
120 has fish in it.

121
122 **Mayor Gingles** suggested to Mr. Karpuk that he find a storage location
123 away from his property for his valuables. He stated that several letters sent
124 to Mr. Karpuk appear to have been ignored since the City has not heard
125 from him or his attorney.

126
127 **Mr. Karpuk** stated that he communicated with City staff that he stopped
128 work due to the long period of rain and that he was unable to get the
129 assistance needed to move his things. He stated that City's recent utility

130 replacement and paving project limited his access to the property and
131 interfered with his clean-up efforts. He stated that he will be in the hospital
132 between May 7th and May 10, 2008 and requested additional time of two
133 weeks after he is discharged to do the necessary work. He stated that staff
134 said "he had to get rid of every single thing from his property and everything
135 in his house had to go". He stated that staff is "telling me to take everything
136 and throw it away and have nothing but a chair and table in my house".
137

138 **Councilmember Kraus** asked Fire Chief Campbell if he has inspected this
139 property.
140

141 **City Clerk Sneddon administered the oath to Fire Chief Campbell.**
142

143 **Fire Chief Campbell** stated that he inspected the property was October 9,
144 2007.
145

146 **Councilmember Kraus** asked Fire Chief Campbell if this was the same
147 property he inspected a couple of years ago based on a complaint to
148 determine if there was a fire hazard there (**Fire Chief Campbell** stated yes).
149

150 **Fire Chief Campbell** stated that the inspection at that earlier time was done
151 from the street and he recalls that there was no fire hazard visible.
152

153 **Councilmember Kraus** asked Fire Chief Campbell if Mr. Karpuk was
154 notified that there was a fire hazard present and what needed to be done to
155 resolve it.
156

157 **Fire Chief Campbell** stated that it is very clear in the staff report and the
158 letter sent to Mr. Karpuk stating the violations and the needed cleaned up.
159

160 **Councilmember Kraus** asked Fire Chief Campbell if the letters that Mr.
161 Karpuk received were based upon information that the Fire Chief gave Mr.
162 Karpuk.
163

164 **Fire Chief Campbell** stated certain portions of the letters that Mr. Karpuk
165 received were based upon information that he provided him.
166

167 **Mayor Gingles** asked Fire Chief Campbell if there is currently a fire hazard
168 on Mr. Karpuk's property.
169

170 **Fire Chief Campbell** responded that there is currently an extreme fire
171 hazard on Mr. Karpuk's property.
172

173 **Councilmember Kraus** stated his concerns regarding potential
174 injuries/property damage should a fire occur on Mr. Karpuk's property. He
175 referenced the City's Fire Code which allows the Fire Chief to order utilities

176 disconnected from the property to eliminate potential sources of ignition and
177 that the property be vacated.

178
179 **Mayor Gingles** closed public hearing.

180
181 **Vice Mayor Dunsford** recommended that the City take action to declare a
182 public nuisance and order the abatement of Mr. Karpuk's property. He
183 asked for clarification on the abatement process.

184
185 **City Manager McCann** responded that upon Council's approval immediate
186 action will be taken to address the extreme fire hazard and a copy of the
187 Resolution will be posted on the property ordering the abatement.

188
189 **Assistant Attorney Winig** stated that at any time within 30 days of
190 adoption of the proposed Resolution ordering the abatement, the City will
191 serve and post a copy of the Resolution on Mr. Karpuk's property; after a
192 period of five days after serving and posting the Resolution, the City may
193 abate the nuisance (pursuant to Calistoga Municipal Code Chapter 1.12).

194
195 **City Manager McCann** confirmed that upon City Council's adoption of the
196 proposed Resolution the abatement process will begin as well as the
197 enforcement of the City's Uniform Fire Code.

198
199 **Vice Mayor Dunsford** asked about the cost recovery of abating the
200 nuisance and if a lien would be placed on the property.

201
202 **Assistant Attorney Winig** stated that at the appropriate time the City
203 Council will review the cost of abating the nuisance and may authorize a lien
204 on the property.

205
206 **City Manager McCann** stated that as the City moves forward with the
207 abatement process the City Council will make a determination regarding
208 cost recovery. He stated that a special assessment lien on the property
209 could be established in conjunction with collection of property taxes; if the
210 lien is not paid the property goes into default.

211
212 **It was MOVED by Mayor Gingles and SECONDED by Vice Mayor**
213 **Dunsford to adopt Resolution No. 2008-040 declaring a public nuisance**
214 **and ordering abatement in conjunction with Karpuk abatement. The**
215 **Motion was carried unanimously as follows:**

216 **AYES: Mayor Gingles, Councilmembers Kraus, Slusser, Garcia, and**
217 **Vice Mayor Dunsford**

218 **NOES: None**

219 **ABSTAIN/ABSENT: None**

220

221 **Mr. Karpuk** asked what happens if he cleans up his property within the 30
222 days and what costs would he incur.

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Assistant Attorney Winig stated the City Council has ordered the abatement of the nuisance and there could be at least 30 days before the abatement process begins. He stated that the City will have expenses to recoup for the abatement proceedings and the Calistoga Municipal Code allows for the expenses to be recovered through the lien process.

City Manager McCann stated that a notice will be posted in front of Mr. Karpuk's property regarding the extreme fire hazard and that anyone wanted to go onto the property must receive approval to access the property through the Fire Chief and the Building Inspector.

8. Consideration of a Resolution adopting the Supplemental Mitigated Negative Declaration for the Water Treatment Facilities at Kimball Reservoir.

Senior Civil Engineer Smith introduced this item and stated that the State Department of Health Services issued the City a Compliance Order related to the City's water supply requiring the preparation of a water service evaluation under maximum demand conditions. He reviewed the funding for this project.

Mayor Gingles asked if the proposed Kimball Reservoir dredging took place if this project would be unnecessary.

Senior Civil Engineer Smith responded that the City would also need this additional system for treatment and delivery of the water supply.

It was MOVED by Councilmember Kraus and SECONDED by Vice Mayor Dunsford to adopt Resolution No. 2008-041 adopting the Supplemental Mitigated Negative Declaration for the Water Treatment Facilities at Kimball Reservoir. The Motion was carried unanimously as follows:

AYES: Councilmember Kraus, Vice Mayor Dunsford, Councilmember Slusser, Councilmember Garcia and Mayor Gingles

NOES: None

ABSTAIN/ABSENT: None

GENERAL GOVERNMENT

9. Quarterly report presentation by the Calistoga Chamber of Commerce regarding marketing and promotional services.

Rex Albright, Executive Director of Calistoga Chamber, presented the Chamber's quarterly report and provided highlights of recent undertakings.

Vice Mayor Dunsford requested a Transient Occupancy Tax (TOT) report for the amounts received for the 2007-2008 Fiscal Year.

269 **City Manager McCann** stated that the TOT's have increased over the past
270 few fiscal years.

271
272 **Councilmember Kraus** requested that the City's income from sales tax be
273 included with the report.

274
275 **10. Recreational Facilities Improvement Project update.**

276
277 **City Manager McCann** introduced this item and provided a brief history
278 regarding the City's plans to move forward with the improvements and
279 expansion of the City's recreational facilities. He stated that the City has
280 been working with Pam Kinzie (Kinzie & Associates) to address long-term
281 needs for the City's recreational facilities at Logvy Community Park and
282 Monhoff Center. He stated that the City has a budget of two million dollars for
283 these improvements. He stated that the Napa County Fair Association Board
284 of Directors has declined a shared parking arrangement. He stated that the
285 proposed plan is different than that presented previously and is the product
286 of much committee thought. He highlighted the elements of the
287 recommended plan and noted that the recommendation substantially
288 exceeds the available budget (\$1.3 million shortfall). He commented that this
289 funding gap is significant and that scope, phasing and financing alternatives
290 much be examined. The Advisory Committee has suggested moving forward
291 with the design while we explore the above options.

292
293 **Councilmember Kraus** expressed significant concern regarding the change
294 of direction of the project and the resulting significant cost increase; he
295 commented that he is very disappointed in the changes presented. He
296 requested justification for increasing the size of the buildings.

297
298 **City Manager McCann** acknowledged the change and outlined the process
299 the committee took to develop the recommendation. He noted the desire to
300 address the community's needs properly rather than to present a plan which
301 would result in inadequate or inappropriate facilities.

302
303 **Vice Mayor Dunsford** stated that the approved funding (approximately
304 \$800,000) would be better used for new facilities at Logvy Park rather than
305 renovating the Monhoff Center.

306
307 **Councilmember Kraus** stated that it was his understanding that the
308 \$800,000 was intended to upgrade the racquetball courts and to keep the Art
309 Center at the Monhoff Center.

310
311 **Councilmember Slusser** questioned the relationship of proposed uses (Art
312 Center and Teen Center) and suggested that the "pool party building" was in
313 a poor location (its anticipated uses would be incongruent with the adjacent
314 active slide area).

315

316 **Pam Kinzie (Kinzie and Associates)** explained the reasoning behind the
317 committee's recommendation and the anticipated use of the buildings.
318

319 **Vice Mayor Dunsford** urged the Council to move forward with this project.
320 He stated that we must do this right and not compromise the buildings. He
321 agreed with the staff recommendation in moving forward with the design and
322 concurrently explore funding options.
323

324 **Councilmember Kraus** stated his concerns with this project in relation to the
325 status of the economy. He stated that the City needs to consider the
326 operations and maintenance of the recreational facilities. He suggested
327 scaling back the building designs at Logvy Park to 3000 sq. ft. each and also
328 retain the plans for the Monhoff Center improvements as planned.
329

330 **City Manager McCann** asked Councilmember Kraus if he is suggesting to
331 make the building designs smaller (not exceed a total of 3000 sq ft.) in order
332 to remain within the project budget (**Councilmember Kraus** agreed).
333

334 **Vice Mayor Dunsford** suggested moving forward with the proposed design
335 and for Administrative Services Director Spilman to investigate financing
336 options.
337

338 **Mayor Gingles** concurred with Vice Mayor Dunsford.
339

340 **There was Council consensus to move forward with the design and**
341 **concurrently explore funding options for the Recreational Facilities**
342 **Improvement Project.**
343

344 **11. Report from the Community Resources Commission regarding interest**
345 **in establishing a Community Dog Park.**
346

347 *Note: **Communication A** was received from Scott Atkinson (2103 Oat Hill*
348 *Court) regarding the community dog park.*
349

350 **Community Resources Director Cahill** introduced this item. She stated
351 that the Community Resources Commission identified this topic as one to
352 pursue in this year's work program. She reviewed the Commission's efforts
353 and key findings. She noted that substantial interest exists to establish a dog
354 park and that a publically owned and operated site is preferred. She added
355 that suitable public sites are not readily available. She summarized the offer
356 by the Calistoga Beverage Company to allow use of their property as a
357 temporary dog park.
358

359 **Rose LeClerc, Cal DOG member**, stated the benefits of a dog park in the
360 community and their group that could volunteer their time in building the dog
361 park. She stated that the cost to construct a dog park is minimal.
362

363 **Mayor Gingles** agreed that a dog park is desired and suggested lower
364 Washington Street.

365
366 **Vice Mayor Dunsford** agreed; he does not support a temporary dog park on
367 the private property. He thanked Scott Atkinson for his letter regarding the
368 proposed dog park (*Communication A*).

369
370 **Councilmember Kraus** stated that he agrees with a community dog park
371 and suggested that the City Manager direct staff to develop a plan; determine
372 the best location; prioritize the project; calculate staff time and costs and
373 bring options back to the Council for consideration.

374
375 **City Manager McCann** summarized the direction from City Council to move
376 forward in planning for a community dog park, explore available public
377 properties, prepare a cost evaluation to establish and maintain a dog park.

378
379 **12. Presentation regarding an update of the current and future activities of**
380 **the Community Resources Department.**

381
382 **Community Resources Director Cahill** presented the plans for the
383 Spring/Summer Activity Guide which includes recreation activities for various
384 ages and interest groups.

385
386 **Vice Mayor Dunsford** stated that these activities will be of great benefit to
387 the community and complimented Community Resources Director Cahill.

388
389 **13. Consideration of a Resolution authorizing an additional Water and**
390 **Wastewater Operator II position.**

391
392 **City Manager McCann** introduced this item and stated that this position is
393 intended to offset overtime and standby costs currently approved in the
394 budget.

395
396 **Councilmember Kraus** asked if the City will be adding 1 or 2 new staff
397 members (**Director of Public Works Takasugi** stated 1 position).

398
399 **Councilmember Kraus** stated that he is in favor of adding this new position
400 and requested that a five-year master plan be developed for all City
401 departments.

402
403 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**
404 **Kraus to adopt Resolution No. 2008-042 authorizing an additional Water**
405 **and Wastewater Operator II position. The Motion was carried**
406 **unanimously as follows:**

407 **AYES: Mayor Gingles, Councilmembers Kraus, Slusser, Garcia,**
408 **and Vice Mayor Dunsford,**

409 **NOES: None**

410 **ABSTAIN/ABSENT: None**

411

412

14. Discussion of the process for consideration of the City Council's Fiscal Year 2008/2009 short-term and long-term goals.

413

414

415

City Manager McCann introduced this item and provided a brief update on the processes for the City Council's annual goal setting. He stated that last year Councilmember Kraus expressed an interested in revisiting the City's Mission Statement and strategic planning.

416

417

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420

Councilmember Kraus suggested two goal setting meetings; one with the department heads and one with just the City Council and the City Manager.

421

422

423

There was Council consensus to schedule the Council Goal Setting Meetings.

424

425

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CITY MANAGER REPORTS

427

Transportation Sales Tax Measure: He requested an update from Vice Mayor Dunsford regarding the proposed Transportation Sales Tax Measure. **Vice Mayor Dunsford (City's representatives on the Napa County Transportation and Planning Agency Board)** provided a brief update.

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Solage Workforce Housing: Calistoga Affordable Housing's Palisades Workforce Housing groundbreaking will be Monday, May 19th.

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436

Oat Hill Mine Trail Work Project: The Oat Hill Mine Trail Work Project will be on May 16, 17 and 18th; and volunteers may sign up using a link on the City's website.

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439

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City's Building Safety Event: To be held at the Community Center on May 8th at the Community Center.

441

442

443

June Council Meeting Date: Council was asked if they prefer to move the regular Council meeting scheduled for Wednesday, June 4, 2008 to Tuesday, June 3, 2008 (June 3rd is the date of the Primary Election). There was Council consensus to have the regular Council meeting on Tuesday, June 3rd.

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COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

450

Mayor Gingles requested an update regarding the Mt. Washington Water Tank Project (**City Manager McCann** stated that the project is moving forward and the Planning Commission will consider the plans at their May 28th meeting).

451

452

453

454

455

Mayor Gingles provided a brief synopsis of the April 17th Calistoga Senior High School's "Every 15 Minutes Program"; a realistic exercise to expose

456

457 high school students to what can occur with drinking and driving; the April
458 30th North Bay League of Cities General Membership meeting with special
459 presentation by Jim Madaffer, League of California Cities President.

460

461 **CITY COUNCIL ADJOURNMENT**

462

463 **Mayor Gingles adjourned the meeting at 10:15 p.m. to the next scheduled**
464 **regular meeting of the Calistoga City Council, on Tuesday, May 20, 2008,**
465 **Calistoga Community Center, 1307 Washington Street, 7:00 p.m.**

466

467 **Respectfully submitted:**

468

469

470

471 **Prepared by: Susan Sneddon, City Clerk**

472

473

474

475 **Approved by: Jack Gingles, Mayor**
