

CITY COUNCIL
TUESDAY, APRIL 15, 2008 - 6:00 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

CALL TO ORDER

Mayor Jack Gingles called the Closed Session to order at 6:00 p.m. In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, and Councilmember Karen Slusser, Vice Mayor Michael Dunsford and Mayor Gingles. Also present were City Manager James McCann and City Attorney Michelle Kenyon.

1. **Public Employee Performance Evaluation, GCS 54957, City Manager.**
(b) Government Code Section 54956.9:

ADJOURNMENT

Mayor Gingles adjourned the **Closed Session** at 7:00 p.m. to the Regular Meeting of the Calistoga City Council, Tuesday, April 18, 2008, 7:00 p.m., Calistoga Community Center, 1307 Washington Street.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor

**MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, APRIL 15, 2008 - 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 Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford and Mayor Jack Gingles.

Also present were, City Manager James McCann, Director of Public Works Dan Takasugi, Planning and Building Director Charlene Gallina, Associate Planner Erik Lundquist, Michelle Kenyon, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

Tom Balcer, 1705 Michael Way, advised that plans for the proposed Homecoming Development Project have not been submitted yet. He provided correspondence from the Calistoga Concerned Citizens listing 2008 Growth Management Allocation concerns.

City Manager McCann stated that the proposed Homecoming Project was awarded a Growth Management Allocation last year and that such action allows a formal development application to be filed. He agreed that no such formal application has been received to date by the City. He noted that Mr. Balcer and other neighbors have many concerns some of which could be addressed through meetings with the City staff. He offered to arrange such meetings if desired by the residents.

Kurt Becker, 1715 Michael Way, stated that he was informed that a “steering committee” was formed to expedite the proposed Homecoming Project; staff noted that they will respond to the inquiry.

Matt Hickerson, 3225 Lake County Highway, read a letter from Mr. Grant Reynolds (Communication "E") regarding agenda **Item No. 13** (request for an exception to the public water system connection requirement for a proposed winery located at 2280 Greenwood Avenue).

Kurt Larrecou, 1707 Michael Way, stated that the City is exceeding the annual growth management allocations. He added that once the neighbors receive responses to these letters regarding the proposed Homecoming Development Project, a meeting with the City staff would be helpful.

ADOPTION OF MEETING AGENDA

Mayor Gingles requested that **Item No. 10** be pulled from the Consent Calendar and that public hearing **Item No. 13** be discussed prior to **Item No. 11**.

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

PROCLAMATIONS

1. Proclamation honoring Ian Sterk for his accomplishment in achieving the rank of Eagle Scout.

Mayor Gingles read the proclamation honoring Ian Sterk for his accomplishment in achieving the rank of Eagle Scout; the proclamation was presented to Doug Sterk, Ian's father.

2. Proclamation honoring Lauren Hunt for her scholastic achievements.

Mayor Gingles read the proclamation honoring Lauren Hunt for her scholastic achievements; he complimented Ms. Hunt for being one of the top 144 seniors in the State recognized by Governor Schwarzenegger.

3. Proclamation honoring retiring Mike Kenney, Napa County Fairground Chief Executive Officer.

Mayor Gingles read the proclamation honoring retiring Mike Kenney, Napa County Fairground Chief Executive Officer; he complimented Mr. Kenney on his leadership and community involvement.

4. Proclamation honoring Building Safety Week 2008, May 5 – 11, "Building Safety: Where You Live, Work and Play".

Mayor Gingles read the proclamation honoring Building Safety Week 2008, May 5th – 11th.

Building Inspector Cannon stated that there will be several exhibits from different organizations providing information to the public during a special community event to be held on May 8th from 1 pm – 7 pm.

Fire Chief Campbell added that there will be a demonstration trailer at the event giving presentations on fire sprinkler systems.

CONSENT CALENDAR

Mayor Gingles requested that **Item No. 10** be removed from the Consent Calendar.

5. **Accounts payable for the period ending Thursday, April 10, 2008. (Total amount of \$353,003.91).**
6. **Minutes of the regular City Council Meeting on April 1, 2008.**
7. **Adoption of Resolution No. 2008-031 declaring certain property surplus, and authorizing the City Manager to dispose of said property.**
8. **Adoption of Resolution No. 2008-032 approving Amendment No. 5 to the Agreement for engineering services with Erler & Kalinowski, Inc. in the amount of \$20,000 to augment the existing budget to prepare engineering design documents for three redundant pumps related to the Water Facilities Improvement Projects . (Authorizing Agreement No. 298).**
9. **Adoption of Resolution No. 2008-033 authorizing Amendment No. 5 to the Professional Services Agreement with Paulett Taggart Architects in an amount not to exceed \$26,948 for additional services and printing costs for the Calistoga Community Pool Project (Authorizing Agreement No. 299).**

Mayor Gingles congratulated Scout Reynolds on his proposal and urged him to proceed.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Garcia to approve Items No. 5, 6, 7, 8, and 9 on the Consent Agenda. The Motion was carried unanimously.

10. **Consideration of a Resolution accepting a donation from Kevin Reynolds, a member of Calistoga Boy Scout Troop 18, to plant 4 trees on City property as a part of his Eagle Scout project, and waiving all permit fees.**

Kevin Reynolds, Calistoga Boy Scout Troop 18 member, presented his proposal to plant trees in the City as his Eagle Scout project.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt **Resolution No. 2008-034** accepting a donation from Kevin Reynolds, a member of Calistoga Boy Scout Troop 18, to plant 4 trees on City property as a part of his Eagle Scout project, and waiving all permit fees. The Motion was carried unanimously.

PUBLIC HEARING

- 13. Consideration of a request for an Exception to the public water system connection requirement for a proposed winery located at 2280 Greenwood Avenue. (This item was continued from the April 1, 2008 Council Meeting).**

Mayor Gingles referenced the April 15, 2008 letter from Grant Reynolds (Communication "E") regarding this item.

Public Works Director/City Engineer Takasugi introduced this item.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles closed the public hearing.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Garcia to adopt **Resolution No. 2008-036** authorizing a request for an exception to the public water system connection requirement for a proposed winery located at 2280 Greenwood Avenue.

The motion passed with the following unanimous vote:

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

NOES: None

ABSENT/ABSTAIN: None

- 11. Consideration of Ordinances introducing a Zoning Ordinance text amendment, and a Development Agreement, and a Resolution approving a Tentative Subdivision Map and Design Review requested by Ed Nagel of BNK Investments for the Vineyard Oaks Subdivision, a subdivision of the 18 acres property at 2400 Grant Street, into 15 residential lots. (This item was continued from the April 1, 2008 Council Meeting).**

Mayor Gingles read Communication "D" prepared by staff regarding the public notice list prepared by Fidelity National Title Insurance Company. This list was incomplete.

Councilmember Slusser and Mayor Gingles stated that they will not be partaking in the discussion of this item as they live within 500 feet of the proposed subdivision and it would be a conflict of interest.

Associate Planner Lundquist introduced this item and referenced Communication "A" — a written comment from Shannon Connelly, the property owner at 2449 Grant Street.

Vice Mayor Dunsford opened the Public Hearing.

Guillermina Byrne, 2335 Grant Street, stated that since the property owner address list that was used to notice the March 13, 2008 Planning Commission meeting regarding this item was incomplete this item should go back to the Planning Commission for further public comment.

City Attorney Kenyon stated that assuming that the noticing for this item done correctly the City is not obligated to send this item back to the Planning Commission. She stated that the public should take the opportunity to address this item tonight.

Chris Laretta, Project Architect (Backen Gilliam), reviewed the setbacks and materials to be utilized in the proposed project design.

Shannon Connelly, 2449 Grant St, stated her concerns regarding this proposed project. She recommended that the roof height for Lot #1 not exceed 20 feet in order to preserve the view shed, and the height of the proposed stone wall along Grant Street should not exceed 4 feet. She also suggested that trees should not block more than 50% of the Grant Street view shed.

Robert Oliver, 1578 Centennial Circle, stated that he did not receive notice regarding this public hearing item.

Paul Holme, 2551 Grant Street, requested additional time for public review for this project, and he stated his concerns regarding proper water drainage and roof heights.

Sam Spencer, 1581 Centennial Circle, stated that he did not receive notice regarding this public hearing item and he stated his concerns regarding Lot #1 set backs and roof height.

Faye Paul, 1501 Centennial Circle, does not want this project to effect the view shed.

Joe Gutierrez, 1931 Mora Avenue, stated that he did not receive notice regarding this public hearing item and he stated his concerns regarding the need for proper drainage.

Tom Johnson, 2001 Mora Avenue, stated that he did not receive notice regarding this public hearing and stated his concerns regarding the final design, storm water drainage, light/view pollution, and asked if there will be an environmental impact report (EIR) prepared.

Jackie Lane, 1969 Mora Avenue, stated her concerns regarding the emergency access, storm drainage, and the effect on the wildlife in the area.

Karen Slusser, 1715 Mora Avenue, suggested that since the homes to be built on the lots will be built by many different parties all the designs should be approved by the Planning Commission through Design Review to ensure architectural conformity, preservation of view sheds, and night sky friendly outdoor lighting. She also stated her concerns regarding the back alley roadway.

Kurt Larrecou, 1707 Michael Way, stated reasons why this proposed project is not consistent with the City's General Plan and the preparation of an EIR should be required.

Vice Mayor Dunsford closed the Public Hearing and asked Associate Planner Lundquist to address any potential drainage issues.

Associate Planner Lundquist reviewed the current drainage pattern.

Vice Mayor Dunsford asked if a study has been prepared on the effect of increased drainage water spilling into Garnett Creek.

Associate Planner Lundquist stated that a hydrological report has been conducted and reviewed by the City.

Rich Waller, BNK representative, stated that a drainage plan has been done which includes the surrounding properties. He stated that the U.S. Army Corps of Engineers determined that the site does not have any wetlands.

Vice Mayor Dunsford asked Associate Planner Lundquist if an EIR is required for this project.

Associate Planner Lundquist stated that it has been determined if there are not any environmental impacts pursuant to the California Environmental Quality Act (CEQA) and that an EIR is not required for the project.

Vice Mayor Dunsford asked if the back alley roadway was recently added.

Associate Planner Lundquist stated that the applicant has designed the subdivision in this fashion to minimize street parking along Valencia Lane.

Councilmember Kraus asked if the back alley roadway would be paved and if it would accommodate large vehicles (yes).

Councilmember Kraus stated his concern regarding traffic on the road behind the properties impacting the privacy of the Mora Avenue residences.

Councilmember Garcia stated that he is in favor of the project and the adjacent property owners have legitimate concerns which need to be addressed.

Councilmember Kraus suggested that additional public hearings be scheduled to allow for more public input given the incomplete noticing prior to the Planning Commission's meeting.

Vice Mayor Dunsford stated that he has an issue regarding the roof heights and suggested further design review; he is in favor of preserving the dark sky through careful lighting standards. He stated that he would like to receive additional information regarding the drainage issue. He asked if "barnyard" animals would be allowed on the properties (yes, horses are permitted). He stated that he is in favor of the back alley roadway with larger setbacks giving the Mora Avenue residences some privacy.

Vice Mayor Dunsford re-opened the Public Hearing.

Karen Slusser, 1715 Mora Avenue, stated her concern that the subdivisions CC&R's (Covenants, Conditions and Restrictions) will not be enforced and that an EIR should be prepared.

Rich Waller, BNK representative, stated that the project Design Guidelines will be within the subdivision's CC&R's.

Shannon Connelly, 2449 Grant Street, stated that the design review guidelines are not binding and that there are no CC&R's.

Associate Planner Lundquist stated that the Design Guidelines are recommended to be binding conditions of approval for this project.

Paul Holme, 2551 Grant Street, stated that his property will be impacted by this project; his concern is that 18 acres of water will be diverted into Garnett Creek and will potentially damage his property.

Vice Mayor Dunsford closed the public hearing and stated that this item should be sent back to the Planning Commission for discussion of the points raised tonight.

Councilmember Kraus suggested that this item go back to the next Planning Commission meeting.

City Manager McCann suggested referring this item back to the Planning Commission to obtain additional public input; May 14, 2008 would be the earliest date for a Planning Commission Public Hearing pursuant to public noticing requirements. He suggested that City Council request the Planning Commission look into issues including environmental concerns (existing drainage conditions and potential impacts created by the project; the developer's drainage plan should be clearly outlined and an opinion of its appropriateness provided by the City Engineer; reduction of light and glare impacts; determination of impacts to wetlands; comprehensive discussion of effects to significant trees on the project; and a determination of whether an EIR is necessary); and design concerns (Design Review for all new homes; thoughts regarding the desired design for Valencia Lane; the appropriateness of the back alley roadways; thoughts regarding building height especially Lot 1; and the role of the proposed project Design Guidelines.)

Councilmember Garcia thanked neighbors for attending this meeting and also thanked the applicant for their work on this project.

Councilmember Kraus thanked the public for their input and encouraged those interested to attend the future public meetings on this matter.

Vice Mayor Dunsford thanked the public for their input and the applicant for their work on this project. He suggested that the public put their comments in writing to staff at the earliest convenience.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to table this item and send it back to the Planning Commission for a public hearing. The Motion was carried as follows:

AYES: Vice Mayor Dunsford, Councilmembers Kraus and Councilmember Garcia
NOES: None
ABSTAIN: Councilmember Slusser and Mayor Gingles
ABSENT: None

Councilmember Slusser and Mayor Gingles returned to the meeting.

Mayor Gingles called for a short break.

- 12. Consideration of a Resolution approving the processing of an amendment to the Centre Court Subdivision Affordable Housing Agreement. (This item was continued from the April 1, 2008 Council Meeting).**

Councilmember Kraus stated that he will not be partaking in the discussion of this item because he lives within 500 feet of the subdivision and it would be a conflict of interest.

City Manager McCann stated that pursuant to the Centre Court Subdivision Affordable Housing Agreement three affordable homes were to be built by the developer, Mr. Pete Turner. He stated that in order to meet the affordable housing obligation Mr. Turner has requested to provide the City with an in-lieu payment in the amount of \$450,000. He referenced the September 10, 2007 memorandum from Bob Fiddaman, Calistoga Affordable Housing President, expressing his support in the resolution of this matter.

Mayor Gingles opened the public hearing.

Bob Fiddaman, Calistoga Affordable Housing President, provided a brief history of the Centre Court Subdivision and gave his support for the City accepting an in-lieu payment.

Jim Barnes, 1710 Michael Way, stated that the City may not be best served by allowing the developer to “walk away” from the affordable housing obligation, and that the City should pursue litigation to require that the obligation be met by building the homes.

Bob Fiddaman, Calistoga Affordable Housing President, stated that Mr. Turner did not contract for the building of any of the homes in the subdivision, and pursuing legal action may negatively impact innocent parties.

Wayne Elzey, 1724 Emerald Drive (Centre Court), stated that the Centre Court Homeowners Association has been recently formed and that the Association supports the proposed Resolution. He stated that he understands that the City does not have an adequate “pool of lots” to impose an in-lieu fee on properties and \$450,000 is “not a drop in the bucket” in helping with the City’s affordable housing.

Marilyn McCoul, 1709 Michael Way (representative for Mr. Turner), stated that the in-lieu fee would help support the City’s affordable housing needs. She stated that Centre Court is on a private street and has its own covenants, conditions and restrictions, as well as a home owner association with annual dues. She noted that the in-lieu fee negotiated is a substantial amount and would be a good resolution for this matter.

Mayor Gingles closed the public hearing.

Mayor Gingles stated that he would like to see Mr. Turner pay off the lots and deed the lots to the City.

City Manager McCann stated that alternatives in order to meet the affordable housing obligation could be discussed with Mr. Turner.

Councilmember Slusser asked if the City placed a lien on the property and provided the “silent” second mortgage, and in the event that Mr. Turner failed to pay off the mortgage could the City could retain the property.

Councilmember Garcia stated that he agrees with the Planning Commission’s recommendation for the City receiving an in-lieu fee.

Vice Mayor Dunsford asked what funds would be received initially.

City Manager McCann stated that upon the execution of an agreement with Mr. Turner the City will receive \$150,000 and the \$300,000 balance would be paid within one year from the execution of the agreement.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Slusser to adopt Resolution No. 2008-035 approving the processing of an amendment to the Centre Court Subdivision Affordable Housing Agreement (Authorizing Agreement No. 301). The Motion was carried as follows:

AYES: Vice Mayor Dunsford, Councilmembers Slusser and Garcia, and Mayor Gingles
NOES: Mayor Gingles
ABSTAIN: Councilmember Kraus
ABSENT: None

Councilmember Kraus returned to the meeting.

GENERAL GOVERNMENT

14. Request by Mayor Gingles to reconsider Resolution No. 2008-030 adopted at the April 1, 2008 Council meeting authorizing the City Manager to negotiate a Cooperative Agreement with Caltrans for the planning, design, and construction of a Roundabout Intersection at Highway 29, Lake Street, and Silverado Trail and pursue funding sources.

Mayor Gingles stated that Councilmember Kraus had a concern regarding Resolution No. 2008-030 adopted at the April 1, 2008 Council meeting authorizing the City Manager to negotiate an agreement with Caltrans for the construction of a roundabout at the Highway 29/Silverado Trail. He stated that since Councilmember Kraus had voted in the minority in the passing of Resolution No. 2008-030 he requested the Mayor place this item be placed on tonight’s agenda for reconsideration.

Councilmember Kraus stated that his concern is having the following statement in Resolution No. 2008-030: “the Executive Director of the Napa County Transportation and Planning Agency (NCTPA) has offered a written

commitment to provide additional funding to cover the cost shortfall of a roundabout, from the Caltrans base funding of \$2 million.” He stated that it is his understanding that NCTPA has not provided a written commitment to cover the shortfall therefore he wants Council to reconsider Resolution No. 2008-030.

Vice Mayor Dunsford and **Councilmember Slusser** stated that they support Councilmember Kraus’s comments.

There was Council consensus to re-reconsider Resolution No. 2008-030.

15. In the event Motion for Reconsideration of Resolution No. 2008-030 is approved, Reconsideration of a Resolution No. 2008-030 authorizing the City Manager to negotiate a Cooperative Agreement with Caltrans for the planning, design, and construction of a Roundabout Intersection at Highway 29, Lake Street, and Silverado Trail and pursue funding sources.

Councilmember Kraus stated that he recommends the following statement be removed from Resolution No. 2008-30: “the Executive Director of the Napa County Transportation and Planning Agency has offered a written commitment to provide additional funding to cover the cost shortfall of a roundabout, from the Caltrans base funding of \$2 million.”

Vice Mayor Dunsford stated that Jim Leddy, NCTPA Executive Director, indicated that there have been discussions at the NCTPA Board regarding a NCTPA commitment for additional funding in order to assist in covering the costs for the roundabout however no formal action has been taken.

Council discussion ensued regarding this matter.

Vice Mayor Dunsford suggested revising the proposed Resolution by removing the word “written commitment” and replacing the words with “letter of support” in the section in question.

It was MOVED by Vice Mayor Dunsford and SECONDED by Mayor Gingles to adopt as amended Resolution No. 2008-038 authorizing the City Manager to negotiate a Cooperative Agreement with Caltrans for the planning, design, and construction of a Roundabout Intersection at Highway 29, Lake Street, and Silverado Trail and Pursue Funding Sources. The motion passed with the following unanimous vote:

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

NOES: None

ABSENT/ABSTAIN: None

CITY MANAGER REPORTS

- Update on the Solage Resort Workforce Housing Project; Calistoga Affordable Housing plans on a May 17th ground breaking.
- On April 17th Calistoga Senior High School will be engaging in the “Every 15 Minutes Program” which is a realistic exercise to expose high school students to what can occur with drinking and driving.
- The “Calistoga to Santa Cruz Annual Relay” begins this weekend in Calistoga; this event raises funds for organ transplants.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia stated that the 2008 Napa Valley Cinco de Mayo Parade and Festival will be held on Sunday, May 4, 2008 and encouraged the Councilmembers to participate.

Councilmember Slusser requested staff to look into incorporate the dark sky element in the City’s planning; this is another way to help energy conservation

Vice Mayor Dunsford stated that the “Calistoga to Santa Cruz Annual Relay” organizers are considering moving the start of the race from Napa County to Sonoma County due to additional paperwork and fee requirements. He stated that he will speak with Napa County Supervisor Wagenknecht to solicit support in continuing the relay start in Calistoga. He also stated that the City should take full responsibility for obtaining an accurate address list required for the 300 foot radius notices mailed to property owners and not rely on title companies alone to provide.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 10:45 p.m. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, May 6, 2008, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor