

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.

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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.

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12 **ACTION OUT OF CLOSED SESSION**

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

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16 **ORAL COMMUNICATION**

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

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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.

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26 **ADOPTION OF MEETING AGENDA**

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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.**

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32 **APPRECIATION AWARD**

33 1. **Service Award to Jacob Blakeley, Recreation Aide (5 years of service).**
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Mayor Gingles presented Jacob Blakeley with an appreciation award and complimented him for his 5 years of service as Recreation Aide.

CONSENT CALENDAR

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

2. **Accounts payable for the period ending Thursday, April 10, 2008. (Total amount of \$514,883.69).**
3. **Minutes of the regular City Council Meeting on April 15, 2008.**
5. **Adoption of Resolution No. 2008-039 Appointment of Chris Henderson to the Community Resources Commission.**
6. **Adoption of Resolution No. 2008-040 authorizing a response to the 2007/2008 Napa County Grand Jury Reports regarding Farmworker Housing Camp Renovation and the D.A.R.E. Program at Calistoga Schools.**

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

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

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

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

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

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

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

NOES: None

ABSTAIN/ABSENT: None

PUBLIC HEARING

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

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

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

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

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

City Clerk Sneddon administered the oath to Robert Karpuk.

Mayor Gingles opened the public hearing.

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

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

Mr. Karpuk stated that he communicated with City staff that he stopped work due to the long period of rain and that he was unable to get the assistance needed to move his things. He stated that City’s recent utility replacement and paving project limited his access to the property and interfered with his clean-up efforts. He stated that he will be in the hospital between May 7th and May 10, 2008 and requested additional time of two weeks after he is discharged to do the necessary work. He stated that staff said “he had to get rid of every single thing from his property and everything in his house had to go”. He stated that staff is “telling me to take everything and throw it away and have nothing but a chair and table in my house”.

Councilmember Kraus asked Fire Chief Campbell if he has inspected this property.

City Clerk Sneddon administered the oath to Fire Chief Campbell.

Fire Chief Campbell stated that he inspected the property was October 9, 2007.

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

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

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

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

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Councilmember Kraus asked Fire Chief Campbell if the letters that Mr. Karpuk received were based upon information that the Fire Chief gave Mr. Karpuk.

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

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

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

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Councilmember Kraus stated his concerns regarding potential injuries/property damage should a fire occur on Mr. Karpuk's property. He referenced the City's Fire Code which allows the Fire Chief to order utilities disconnected from the property to eliminate potential sources of ignition and that the property be vacated.

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Mayor Gingles closed public hearing.

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

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

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

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

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

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

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

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

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

NOES: None

ABSTAIN/ABSENT: None

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

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.

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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.

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

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

10. Recreational Facilities Improvement Project update.

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

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

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

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

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

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

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

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

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

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

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

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Mayor Gingles concurred with Vice Mayor Dunsford.

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

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11. Report from the Community Resources Commission regarding interest in establishing a Community Dog Park.

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

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

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

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

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

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

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

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12. Presentation regarding an update of the current and future activities of the Community Resources Department.

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

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

13. Consideration of a Resolution authorizing an additional Water and Wastewater Operator II position.

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

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

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

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

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

NOES: None

ABSTAIN/ABSENT: None

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

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.

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

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

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CITY MANAGER REPORTS

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

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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

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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).

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Mayor Gingles provided a brief synopsis of the April 17th Calistoga Senior High School's "Every 15 Minutes Program"; a realistic exercise to expose high school students to what can occur with drinking and driving; the April 30th North Bay League of Cities General Membership meeting with special presentation by Jim Madaffer, League of California Cities President.

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CITY COUNCIL ADJOURNMENT

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

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Respectfully submitted:

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Prepared by: Susan Sneddon, City Clerk

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Approved by: Jack Gingles, Mayor