

**RESOLUTION 2012-\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING A 18 (26) PARCEL TENTATIVE SUBDIVISION (TTM 2011-01) ON 22.5 ACRES LOCATED AT 400 SILVERADO TRAIL WITHIN THE PLANNED DEVELOPMENT (PD 2007-1) ZONING DISTRICT (APN #S: 011-050-035; 011-050-036; 011-050-037; 011-050-039; & 011-050-040)**

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1           **WHEREAS**, Silver Rose Venture LLC, is proposing to develop a resort to  
2 include a winery, spa, restaurant, recreational facilities, administrative and  
3 meeting spaces, 85 visitor accommodation units, and 21 single-family residential  
4 lots on the 22.5 acre property located at the northeast corner of Silverado Trail  
5 and Rosedale Road ("Property");  
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7           **WHEREAS**, Silver Rose Venture LLC is proposing to subdivide the  
8 property such that the net result would be 21 single-family residential lots and 4  
9 common parcels on said 22.5 acre property located at the northeast corner of  
10 Silverado Trail and Rosedale Road;  
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12           **WHEREAS**, An Initial Study/Mitigation Negative Declaration (IS/MND) was  
13 completed in accordance with applicable CEQA Guidelines, and on February 27,  
14 2012 the IS/MND was circulated for public and agency review and comment.  
15 Copies of the IS/MND were made available to the public at the Department of  
16 Planning and Building on February 27, 2012, and the IS/MND was distributed to  
17 interested parties and agencies. On March 16, 2012, a notice of the Planning  
18 Commission public hearing of March 28, 2012 to review the IS/MND was  
19 published in the local newspaper;  
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21           **WHEREAS**, the Planning Commission has recommended adoption of a  
22 Mitigated Negative Declaration (Resolution PC 2012-09) based upon the initial  
23 study prepared for this project finding that the proposed project, as amended by  
24 mitigation measures agreed to by the applicant, would not have a significant  
25 adverse impact on the environment; and  
26

27           **WHEREAS**, the City Council adopted Resolution 2012-\_\_\_\_ adopting a  
28 Mitigated Negative Declaration based upon the initial study prepared for this  
29 project finding that the proposed project, as amended by mitigation measures  
30 agreed to by the applicant, would not have a significant adverse impact on the  
31 environment; and  
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33           **WHEREAS**, the Planning Commission has reviewed and considered this  
34 application at its regular meetings on March 28, 2012 and April 18, 2012, and  
35 prior to taking action on the application, the Commission received written and  
36 oral reports by the Staff, and received public testimony. After considering the

37 project, the Commission adopted Resolution 2012-12 recommending approval of  
38 a Tentative Subdivision with a modifications based upon findings presented in  
39 the Staff Report and subject to conditions of approval; and  
40

41 **WHEREAS**, the City Council has reviewed and considered the application  
42 for the Project at a special meeting on May 8, 2012 and prior to taking action on  
43 the application, the Council received written and oral reports by the Staff, and  
44 received public testimony;  
45

46 **WHEREAS**, the City Council finds that approval of the Tentative  
47 Subdivision Map will not result in detrimental or adverse impacts upon the public  
48 resources, wildlife or public health, safety and welfare if the conditions of project  
49 approval proposed are adopted;  
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51 **WHEREAS**, the City Council pursuant to Calistoga Municipal Code Title  
52 16 Subdivisions has made the following findings for the project:  
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54 **1. That the proposed development as modified by the Planning**  
55 **Commission deleting 7 single-family residential lots accessing from**  
56 **Silverado Trail together with any provisions for its design and**  
57 **improvement, is consistent with the General Plan, any applicable**  
58 **specific plan and other applicable provisions of this code including**  
59 **the finding that the use as proposed is consistent with the historic,**  
60 **rural, small-town atmosphere of Calistoga.**

61 **(alternate #1 - remove “deleting 7 single-family residential lots**  
62 **accessing from Silverado Trail”)**

63 a. The Project is consistent with General Plan Land Use Objective LU-  
64 1, as the Project proposes high-quality, sensitively designed infill  
65 development, while preserving important rural residential and  
66 agricultural open-space values on the site (LU-1 P5).

67 b. The Project is consistent with General Plan Land Use Objective LU-  
68 1.2 concerning the balance between visitor-oriented and local-  
69 serving commercial development, as follows:

70 i. The Project minimizes adverse impacts to other segments of  
71 the economy and the resident population through significant  
72 upgrading in the quality of visitor accommodations, impact  
73 fees and exactions paid pursuant to the Development  
74 Agreement, and conditions imposed on the Planned  
75 Development/Conditional Use Permit (LU-1.2 P1).

76 ii. The Project will be analyzed under the California  
77 Environmental Quality Act (“CEQA”) and all environmental

78 impacts will be mitigated to a level of less than significant  
79 (LU-1.2 P2).

80 iii. The Project expands existing visitor accommodations (LU-  
81 1.2 P3).

82 iv. The Project is compatible with the adjacent visitor  
83 accommodations, residential and agricultural uses (LU-1.2  
84 P4).

85 c. The Project is consistent with General Plan Land Use Objective LU-  
86 1.3 concerning the preservation of Calistoga's quality of life, as  
87 follows:

88 i. The Project is designed in an environmentally sensitive  
89 manner, is compatible with adjacent visitor accommodation,  
90 residential and agricultural uses, meets noise, air, water and  
91 wastewater quality standards, and has access to City water,  
92 wastewater, fire and police services (LU-1.3 P3 and P4).

93 ii. The Project is appropriately landscaped to harmonize with  
94 the rural residential nature of the Silverado Trail Downvalley  
95 Entry Corridor, provides sufficient on-site parking to serve  
96 the expanded uses and is designed to minimize the size and  
97 bulk of individual buildings (LU-1.3 P5).

98 d. The Project is consistent with General Plan Land Use Objective LU-  
99 2.1 P1 concerning conformance with the Rural Residential land use  
100 designation of the site, as follows:

101 i. Visitor accommodation and winery uses are allowed in the  
102 Rural Residential land use designation pursuant to a  
103 discretionary permit, such as a Planned Development or  
104 Conditional Use Permit (LU-14).

105 ii. The Project clusters structural development to minimize  
106 visual monotony, preserve and enhance on-site agricultural  
107 open space, maintain a vineyard buffer at the entrance to the  
108 site and maintain the scenic vista of the site from the  
109 Silverado Trail public right-of-way and adjacent private  
110 development (LU-14 and LU-17).

111 iii. The Project preserves existing trees native to the Napa  
112 Valley to the maximum extent feasible, thereby preserving  
113 natural resources important to the community (LU-17).

- 114                   iv. The Project's site and architectural design, hip and gabled  
115                   metal roofs, the clustering and physical integration of the  
116                   hotel, villas, winery and single-family homes, and vineyards  
117                   preserves the site's rural, agricultural scale and character  
118                   (LU-17).
- 119                   e. The Project is consistent with General Plan Land Use Objective LU-  
120                   2.1 P2 concerning conformance with the Entry Corridor 2:  
121                   Downvalley Silverado Trail overlay designation of the site, as  
122                   follows:
- 123                   i. Vineyards are preserved and enhanced along the Silverado  
124                   Trail, providing a wide, agricultural open-space buffer (LU-32  
125                   and LU-34).
- 126                   ii. Walls and fences incorporate stone and wood materials  
127                   which blend harmoniously with the surrounding landscape  
128                   (LU-32).
- 129                   iii. Existing mature trees are preserved to the maximum extent  
130                   feasible (LU-32).
- 131                   iv. The proposed hotel, villas, winery, restaurant and single-  
132                   family homes are designed to preserve the low-rise,  
133                   understated rural residential and agricultural qualities of the  
134                   site and adjacent properties (LU-33).
- 135                   v. The site and landscape design screens the surface parking  
136                   lot from the Silverado Trail to the maximum extent feasible  
137                   (LU-33).
- 138                   vi. The Project is subject to Design Review (LU-33).
- 139                   vii. The Project, as a destination resort and spa which includes a  
140                   winery and single-family homes, complements, rather than  
141                   competes, with the City's downtown commercial core (LU-  
142                   33).
- 143                   f. The Project is consistent with General Plan Land Use Objective LU-  
144                   2.1 P2 regarding conformance with the Visitor Accommodations  
145                   overlay designation of the site, as visitor accommodations are  
146                   allowed in the Rural Residential land use designation pursuant to a  
147                   discretionary permit, such as a Planned Development or  
148                   Conditional Use Permit (LU-14).

- 149 g. The Project is consistent with General Plan Land Use Objective LU-  
150 3.1 regarding the physical suitability of lands for the development  
151 proposed, as follows:
- 152 i. The Project upgrades and expands existing development  
153 (LU-3.1 P1).
- 154 ii. The Project, including the impact fees and exactions paid  
155 pursuant to the Development Agreement, is coordinated with  
156 the provision of infrastructure and public services required to  
157 meet Project needs (LU-3.1 P3).
- 158 iii. Clustering and interconnection of the Winery, Hotel,  
159 Restaurant and Single-family homes facilitates the maximum  
160 feasible preservation of vineyard and agricultural open space  
161 on-site (LU-3.1 P5).
- 162 h. The Project is consistent with General Plan Land Use Objective LU-  
163 3.2 regarding respect for Calistoga's small town rural character and  
164 the avoidance environmental impacts, as follows:
- 165 i. The Project's site and architectural design, including: the use  
166 of hip and gabled metal roofs, and the organization of the  
167 buildings and vineyards preserves the site's rural,  
168 agricultural scale and character (LU-3.2 P1).
- 169 i. The Project is consistent with General Plan Geothermal Objective  
170 G-1.2, as the establishment of an on-site, closed-loop geothermal  
171 heating and/or cooling system, in which all geothermal water  
172 pumped is re-injected, will not have an adverse impact on the  
173 longevity of the geothermal resource, will not impact biotic  
174 resources or waterways, and will not produce any effluent to be  
175 treated or disposed of (G1.2 P3).
- 176 j. The Project is consistent with General Plan Economic Development  
177 Objective ED-1.1 P1, regarding support for the lodging industry, as  
178 the Project significantly upgrades existing visitor accommodations  
179 and spa facilities to serve a luxury, health and wellness oriented  
180 market segment.
- 181 k. The Project is consistent with PD 2011-02, as follows in that the  
182 Tentative Map allows for both residential and resort uses within an  
183 integrated development.

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185           **2. Design of the proposed subdivision provides, to the extent feasible,**  
186           **for future passive or natural heating or cooling opportunities in the**  
187           **subdivision, as described in the State Subdivision Map Act and any**  
188           **City guidelines.**

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190           a. The new buildings proposed for the site, to the extent feasible, have  
191           been located to take advantage of passive or natural heating or  
192           cooling opportunities. The villas and residences have been  
193           oriented to take advantage of winter sun angles for passive heating  
194           and landscaping is proposed to provide passive cooling during  
195           summer months.

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197           **3. That the site is physically suitable for the type and density of**  
198           **development.**

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200           a. The Project's site and architectural design, preserves the site's  
201           rural, agricultural scale and character.

202           b. The approximately 22.5 acres of the site, with its variegated  
203           topography, is highly suitable to the Project's mixed-use, integrated  
204           visitor accommodations, spa, restaurant, vineyards, residential, and  
205           winery uses.

206           c. The Project's design allows the physical integration of the Winery,  
207           Hotel, Restaurant and residences, thereby facilitating clustered  
208           development and the preservation of on-site vineyard and  
209           agricultural open space.

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211           **4. That the proposed development has been reviewed in compliance**  
212           **with the CEQA and that the project will not result in detrimental or**  
213           **adverse impacts upon the public resources, wildlife or public health,**  
214           **safety and welfare.**

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216           a. The Project has been analyzed under CEQA and all environmental  
217           impacts will be mitigated to a level of less than significant.

218           b. The impact fees and exactions paid pursuant to the Development  
219           Agreement, and the conditions imposed under the Planned  
220           Development/Conditional Use Permit ensure that the Project has  
221           no adverse impacts on public health, safety and welfare.

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223           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Planning  
224           Commission that based on the above Findings, the Planning Commission  
225           recommends to the City Council approval of the proposed Subdivision Map,  
226           subject to the following Conditions of Approval:

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**A. General Conditions**

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1. The configuration of the Final Subdivision Map may include minor amendments, provided that all proposed parcels comply with the Zoning Ordinance and General Plan, and the modification does not result in any increased environmental impact. Any modification shall be subject to approval by the Planning and Building Manager and the Department of Public Works Director.

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2. This Tentative Subdivision Map shall expire 24 months after its approval unless an extension has been granted consistent with the Calistoga Subdivision Ordinance and the Subdivision Map Act. The 24 month initial approval period may be extended as approved by City Development Agreement.

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3. Prior to the recordation of the Final Subdivision Map, all parcel corners and angle points, and all right-of-way curve points shall be monumented, subject to the approval of the City Engineer. If approved by the City Engineer, interior lot line monumentation may be completed after completion of construction to limit damage related to construction.

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4. Prior to the recordation of the Final Subdivision Map, all current and estimated taxes due for this property shall be paid to the County Tax Collector's office.

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5. Developer shall design and construct all improvements and facilities shown on this approved Tentative Subdivision Map, site plan, or other documents submitted for permit approval, all representations made by Developer, and with the plans and specifications submitted to and approved by City, to comply with the General Plan, the Calistoga Municipal Code (CMC), the "Standard Specifications" of the Public Works Department. Approval of a tentative map depicting improvements that do not conform to the CMC or City standards does not constitute approval of exception to the CMC or City standards unless explicitly stated herein or in another City resolution. To the extent these conditions conflict with the provisions of the approved Development Agreement for the Project, the Development Agreement shall control.

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6. Developer shall be responsible for all City plan check, map check and inspection costs. Developer shall deposit funds into a City Developer Deposit Account upon the initiation of plan check services. The amount of the initial deposit shall be determined by the City Engineer. Additional funds may be required based upon actual plan check costs. Prior to approval of the improvement plans Developer shall pay any outstanding

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272 balance for plan checking services and shall deposit an additional amount  
273 based upon the City's estimate of inspection costs.

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275 7. In the event that the City is forced to condemn or acquire off-site property  
276 interest in connection with required off-site improvements, Developer shall  
277 fund the cost of condemnation or acquisition, including but not limited to  
278 the amounts necessary to purchase the easement or fee simple interest,  
279 document preparation, and severance or other damages payable to the  
280 owners of the land upon which the improvements are to be located, the  
281 actual cost and acquisition and all fees, including attorney's fee and/or  
282 other expenses necessary to prosecute the condemnation action,  
283 including expert witness and appraisal fees.

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285 In the event that the City elects to proceed with acquisition or  
286 condemnation pursuant to Government Code Section 66462.5, the  
287 developer shall, within 60 days of written notice by the City, deposit with  
288 the City, as an advance, the full estimated cost of such acquisition or  
289 condemnation. Developer shall prepare any easements or deeds  
290 necessary for off-site improvements.

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292 8. With the exception of those wells approved for continued use on the  
293 Property, all existing wells, septic tanks and/or underground fuel storage  
294 tanks shall be abandoned under permit and inspection of Napa County  
295 Environmental Management or other designated agency. If there are  
296 none, the project engineer shall provide a letter describing the scope of  
297 the search done to make this determination.

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299 9. Parcel A only allows for a future airspace condominium map to allow  
300 separate ownership of the hotel use from the winery use. Individual sale  
301 of hotel units or other uses within Parcel A is not proposed and has not  
302 been approved as a part of this tentative subdivision map. All hotel-  
303 condominiums require conditional use permit approval per Chapter 32 of  
304 the CMC. There can be no union of utilities between the winery and hotel  
305 that would prohibit the City from billing independently if one entity is sold  
306 at a later date.

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308 10. Parcels B, C, D shall be owned and maintained by the Homeowners  
309 Association created for the 14 single-family residential as shown on Silver  
310 Rose Venture Tentative Map. Sale or transfer to another entity other than  
311 the Silver Rose Resort owner is not permitted.

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313 11. Prior to recordation of the Final Subdivision Map, a copy of the project's  
314 Covenants, Conditions and Restrictions (CC&R's), and right to farm  
315 disclosure shall be submitted to the Planning and Building Department  
316 and City Attorney for review and approval.



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318 12. All conditions of approval contained in U 2011-14 DR 2011-12, and PD  
319 2011-02 Resolutions are hereby incorporated into this Tentative  
320 Subdivision Map Resolution by reference.

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322 **B. Improvement Plan Conditions**

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324 13. Developer shall prepare and submit improvement plans for the  
325 construction of all necessary and required improvements including water,  
326 sanitary sewer, storm drain facilities, roadway improvements, curbs,  
327 gutters, sidewalks, and streetlights. All design and construction shall  
328 conform to the City of Santa Rosa Standard Specifications for Public  
329 Improvements, or other adopted City of Calistoga standards, including but  
330 not limited to all federal, state and local requirements as applicable.

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332 14. Developer shall prepare a Soils Investigation/Geotechnical Report. The  
333 improvement plans shall incorporate all design and construction criteria  
334 specified in the report.

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336 15. No grading or other construction shall be performed until the improvement  
337 plans have been approved and signed by the City Engineer.  
338 Encroachment Permits and Building Permits will not be issued prior to the  
339 approval of the improvement plans, subject to the development timing and  
340 phasing provisions of the Development Agreement unless otherwise  
341 approved by the City Engineer. An Encroachment Permit is required for  
342 any work within the City's and/or County's rights of way.

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344 16. Improvements plans shall include an erosion control plan and a post  
345 construction BMP plan.

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347 17. Tree preservation measures shall be incorporated into the design of the  
348 improvements and shown on the improvement plans in accordance with  
349 the City's Tree Preservation Ordinance (CMC 19.01) and the project  
350 arborist's recommendations. Subject to review and approval of the City  
351 contracted arborist.

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353 18. Roadway Improvements:

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355 a. The structural section of all road improvements shall be designed  
356 based upon a geotechnical investigation that provides the  
357 basement soils R-value and expansion pressure test results. A  
358 copy of the geotechnical report shall also be submitted with the first  
359 set of improvement plan check-prints.

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- 361           b.     Where new roadway improvements abut existing paving, the  
362           existing pavement section shall be reconstructed to provide  
363           adequate conforms. The limits of such reconstruction shall be as  
364           determined by the Public Works Director.  
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- 366           c.     Pavement markings and signage shall be provided on all streets as  
367           necessary and as required by the City Engineer. Signage  
368           restricting parking and red painted curbing shall be installed where  
369           appropriate. Speed limit signs shall be installed at locations  
370           determined by the City Engineer.  
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- 372           d.     Street/driveway lighting shall be designed to meet safety  
373           requirements and minimize glare.  
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- 375           e.     Ramps for disable persons shall be provided at all intersections and  
376           at the limits of the improvements where they do not adjoin existing  
377           sidewalk improvements. Sidewalk warps shall be provided as  
378           necessary to allow a clear four-foot wide walkway at all locations,  
379           including areas where mailboxes, streetlights, and fire hydrants  
380           obstruct sidewalks.  
381
- 382           f.     Developer shall submit street improvement plans addressing on  
383           site and off site improvements for review and approval by the Public  
384           Works Department.  
385
- 386           g.     All internal roads and driveways shall be privately owned and  
387           maintained.  
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- 389     19.    Water and Sanitary Sewer Improvements:  
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- 391           a.     Any structure in which plumbing is to be installed shall be  
392           connected to the City's water and sewer systems unless an  
393           exception has been explicitly granted in accordance with the  
394           provisions of the CMC. Unserved facilities, served by on-site wells  
395           (e.g. winery, pools, irrigation) will require council exemption at the  
396           time the tentative map is acted on by the City Council.  
397
- 398           b.     All public water and sewer mains must be located in public right-of-  
399           way wherever possible. Where public water and sewer mains must  
400           be located on private property, all necessary easement dedications  
401           must be made prior to final acceptance of the project by the City.  
402
- 403           c.     All private storm drains, water, fire line services, sewer laterals, and  
404           appurtenances, must be located within the private property and  
405           clearly identified as private on the design drawings.

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- d. Sewer grades must be designed such that ultimate finished floors are a minimum of 12” above upstream manhole or clean-out rim elevations. Inadequate elevation differentials or grade on private laterals, as determined by the City, must be mitigated by either raising finished floor elevation(s) or installing privately owned and operated sewer lift station(s) with grinder/ejector pump(s) on site.
- e. Internal water and sewer lines shall be privately owned and maintained.
- f. One public master meter is required for Parcel A and one public master meter is required for the residential portion of the project. Individual private meters are allowed to meter individual uses within the project.

20. Drainage Improvements:

- a. All project related flooding impacts shall be mitigated by Developer. Drainage improvements shall be designed by a civil engineer in accordance with the Napa County Design Criteria and any applicable standards. Off-site grading and drainage improvements, if any, shall be shown on the improvement plans.
- b. Developer’s engineer shall include a site-grading plan that conforms to the requirements of CMC 19.08 as part of the required improvement drawings. Lots shall be generally designed to drain to the street, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
- c. All drainage inlets shall be permanently marked “No Dumping-Flows to River” with City provided markers. Stenciling is not acceptable.
- d. All internal drainage improvements shall be privately owned and maintained.

**C. Final Map Conditions**

- 21. Developer shall secure all necessary rights-of-way and easements for both onsite and offsite improvements. Rights-of-way and easements shall be dedicated on the map or provided by grant deed. Developer shall prepare all necessary legal descriptions and deeds and incur all cost associated with their recordation and /or City peer review costs.

- 451 22. The Final Subdivision Map shall not be approved prior to approval of the  
452 improvement plans.  
453
- 454 23. Prior to approval of the Final Subdivision Map, the developer shall either  
455 complete required construction as shown on the signed improvement  
456 plans, or enter into an Improvement Agreement in accordance with  
457 Calistoga Municipal Code Section 16.18.070. A certificate of occupancy  
458 shall not be issued for any structure until required improvements are  
459 completed to the satisfaction of the City Engineer, subject to the  
460 development/timing phasing provisions of the Development Agreement.  
461
- 462 24. A note shall be added to the Final Subdivision Map indicating that the  
463 property owners are responsible for the maintenance of all landscaping,  
464 infrastructure and roadway/driveway improvements.  
465
- 466 25. A Final Subdivision Map, as defined in the State Subdivision Map Act and  
467 prepared by a licensed surveyor or civil engineer, showing all parcels,  
468 rights-of-way, and easement(s) shall be filed with the City Engineers  
469 Office. Upon recording of the Final Subdivision Map, the subdivision is  
470 valid.  
471
- 472 **D. Subdivision Final and/or Release of Securities Conditions**  
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- 474 26. All improvements shown on the Improvement Plans shall be completed  
475 and accepted by the City.  
476
- 477 27. A complete set of electronic (i.e.CAD & PDF) and hard copy *As-Built* and  
478 reproducible Record improvement plans showing all constructive changes  
479 from the original plans shall be submitted to the Public Works Department  
480 prior to acceptance of the public improvements.  
481
- 482 28. Prior to acceptance (the City will not be accepting on-site improvements.  
483 The City will approve them based on the project engineer's wet signature  
484 statement) of the work, Developer shall provide a written statement signed  
485 by his or her engineer certifying that they observed the work during  
486 construction and that site grading and all private site improvements have  
487 been completed in accordance with the improvement plans approved by  
488 the City Engineer.  
489
- 490 29. Prior to acceptance (see above) of the work, Developer shall provide a  
491 written statement signed by his or her geotechnical engineer certifying that  
492 they observed the work and reviewed testing results, and that all of work  
493 was performed in accordance with the recommendations included in the  
494 Soils Investigation/Geotechnical Report or other recommendations  
495 necessitated by field conditions.

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**E. Planning Commission Modification to the Number of Lots**

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499 30. The Tentative Map is amended to delete Lots #15, #16, #17, #18, #19, #19,  
500 #20 and #21.

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(Alternate #30 – Delete entire Condition)

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**PASSED, APPROVED, AND ADOPTED** by the City Council of the City  
504 Calistoga at a special meeting held this **8<sup>th</sup> day of May, 2012**, by the following  
505 vote:

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**AYES:**

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**NOES:**

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**ABSENT/ABSTAIN:**

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\_\_\_\_\_  
**JACK GINGLES, Mayor**

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**ATTEST:**

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**AMANDA DAVIS , Deputy City Clerk**

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