

RESOLUTION NO. 2012-__

1 RESOLUTION OF THE CITY COUNCIL OF CALISTOGA, COUNTY OF NAPA,
2 STATE OF CALIFORNIA AUTHORIZING THE CITY MANAGER TO EXECUTE AN
3 AMENDMENT AND EXTENSION TO THE PREVIOUSLY EXECUTED
4 MEMORANDUM OF UNDERSTANDING (AUTHORIZING AGREEMENT NO. 0392-01)
5 TO GUIDE THE DEVELOPMENT OF THE BOUNSALL PROPOSAL LOCATED AT
6 414 FOOTHILL BOULEVARD

7
8 Authorizing Agreement No. 0392-02

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10 (2nd Amendment and Restatement)

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12 **WHEREAS**, the City Council wishes to encourage the economic vitality of the
13 community through well considered development which is in keeping with the
14 community character and which enhances the amenities available to residents and
15 visitors to Calistoga; and

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17 **WHEREAS**, on December 15, 2009, the City entered into a Memorandum of
18 Understanding (MOU) with the Bounsall Family to guide the development of the
19 Bounsall properties located at 414 Foothill Boulevard; and

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21 **WHEREAS**, on August 3, 2010, the City executed an amendment and restated
22 the Memorandum of Understanding (MOU) extending the term to December 31, 2012;
23 and

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25 **WHEREAS**, the Bounsall Family submitted a letter on April 16, 2012 requesting
26 an amendment to their MOU for the purpose of extending the term of the MOU and
27 removing "General Plan Amendments" from the list of City Approvals identified in
28 Section 6(A) of the MOU; and

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30 **WHEREAS**, an amendment and extension is necessary for allowing the Bounsall
31 Family sufficient time for the submittal of a conceptual review application for Planning
32 Commission's consideration and to proceed through the formal entitlement process
33 including a Development Agreement; and

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35 **WHEREAS**, the proposed amendment removing "General Plan Amendments"
36 from the list of City Approvals is appropriate since a General Plan is no longer
37 necessary based upon the recent General Plan Amendments resulting from the
38 implementation of the Urban Design Plan; and

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40 **WHEREAS**, it is understood by all parties to this MOU that any development
41 project for the subject property is subject to the normal environmental review and public
42 hearing land use entitlement process.

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44 **NOW, THEREFORE, BE IT RESOLVED** that the Calistoga City Council hereby
45 authorizes the Interim City Manager to execute an amendment to the MOU in

46 substantially the same form as the draft considered by the City Council at the October 2,
47 2012 public meeting subject to the review by the City Attorney.

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49 **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of
50 Calistoga at a regular meeting held this **2nd day of October, 2012**, by the following
51 vote:

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53 **AYES:**
54 **NOES:**
55 **ABSENT:**
56 **ABSTAIN:**

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JACK GINGLES, Mayor

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61 **ATTEST:**
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AMANDA DAVIS, Deputy City Clerk
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