

1 **MINUTES**

2 **CITY COUNCIL-CLOSED SESSION**
3 **TUESDAY, APRIL 17th, 2012– 7:00 P.M.**
4 **CALISTOGA COMMUNITY CENTER**

5
6 **A) CALL TO ORDER**
7

8 **Mayor Gingles called the Regular Session to order at 7:05 p.m.**

9 In attendance were the following: Councilmember Chris Canning,
10 Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor
11 Michael Dunsford, and Mayor Jack Gingles.
12

13 Also present was City Manager Richard Spitler, Planning & Building Manager
14 Ken MacNab, Senior Planner Erik Lundquist, Public Works Director/City
15 Engineer Dan Takasugi, Senior Civil Engineer Derek Rayner, Administrative
16 Services Director Gloria Leon and Deputy City Clerk Amanda Davis.
17

18 **B) SALUTE TO THE FLAG**
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20 **C) ACTION OUT OF CLOSED SESSION**

21 **Mayor Gingles** announced that there was no Closed Session held this
22 evening.
23

24 **D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**
25 (7:06 p.m.)
26

27 **Matt Hickerson, 3225 Lake County Hwy**, voiced his concern with the two
28 resort proposals and their potential for burdening growth and causing traffic
29 congestion. He asked the Council to take impacts into consideration and not to
30 reduce police and fire services.
31

32 **Norma Tofanelli, 1001 Dunaweal Lane**, thanked the Calistoga Police
33 Department Police Chief, Officers and Dispatchers for their professional
34 response to the call of 22 gunshots heard in the area of the bike path near her
35 mother's home.
36

37 **Dennis Kelly, 4377 Silverado Trail**, spoke about Europe's practice of
38 developing and completing infrastructure before implementing any planning or
39 development, and he asked that similar practices be adhered to by the City
40 given the current state of the economy and significant impacts caused by
41 resorts and large scale developments.

42 **Elizabeth Hammond, 304 Foothill Blvd.**, said she hoped that citizens who
43 are not happy with the way Calistoga is moving will be motivated to run for
44 election.

45
46 **Matt Hickerson, 3225 Lake County Hwy**, spoke in support of the Police and
47 Fire Departments.
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49 **E) ADOPTION OF MEETING AGENDA**

50 **Mayor Gingles** announced that Items 3 and 4 will be switched on the agenda.
51

52 It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by
53 **Councilmember Slusser** to approve the Council Meeting Agenda as amended
54 to move and discuss General Government Item J:4 before Public Hearing Item
55 I:3. The Motion was carried unanimously.
56

57 **F) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION (7:19 p.m.)**

58
59 **Councilmember Slusser** encouraged residents to complete a survey which
60 will be inserted into garbage bills regarding a possible hazardous waste
61 collection event. She noted that the surveys must be sent in by April 30th to
62 determine whether residents are interested in holding this event, and if so, how
63 much extra they would be willing to pay in their garbage bill to help fund it.
64

65 **Mayor Gingles** announced that long-time attorney, former Councilmember and
66 School Board Member, Janice Vonpohle passed away on April 4th, 2012. A
67 memorial service will be held on June 9th at Pacific Union College and he
68 asked that the meeting be adjourned in her honor.
69

70 **G) PRESENTATIONS/ PROCLAMATIONS/ AWARDS (7:26 p.m.)**

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72 **1) Presentation by Hugh Davies, Schramsberg Vineyards, on the Napa**
73 **County Farm Bureau's soon-to-be released book, "Oral Histories of Napa**
74 **County's Agricultural Preserve"**.
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76 Hugh Davies, Schramsberg Vineyards, stated that through funding from the
77 Foundation of the Jack Davies Lane Preservation Fund, a book entitled "Oral
78 Histories of Napa County's Agricultural Preserve" was produced. They also
79 have created a plaque, promoted land preservation education in schools, have
80 undertaken legal research and work which is all dedicated to the long-term
81 preservation of lands in Napa Valley. He spoke of recent agricultural parcel
82 zoning changes meant to preserve agricultural lands, presented a copy of the
83 book to City Councilmembers, and announced that Schramsberg Vineyards is
84 celebrating its 150 year anniversary.

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H) CONSENT CALENDAR (7:34 p.m.)

2) Minutes of the April 3, 2012 regular City Council meeting.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to approve Item No. 1 on the Consent Calendar. The Motion was carried unanimously.

J) GENERAL GOVERNMENT (7:36 p.m.)

4) Presentation on the Audited Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ended June 30, 2011 and to receive and file report.

City Manager Spitler introduced **Terry Kreig** who has provided the City with their annual audit for the fiscal year ending 2011.

Terry Kreig presented a summary of audit findings as outlined in the audit report. He discussed the five new categories of the Governmental Accounting Standards Board (GASB), disclosures regarding the financial condition of the City's General Fund, Water and Wastewater Fund, supplemental information and statistical sections, policy statements, and an overview of financial results.

Council discussion ensued.

It was MOVED by Councilmember Canning and SECONDED by Councilmember Kraus to receive and file the report. The Motion was carried unanimously.

I) PUBLIC HEARING (7:54 p.m.)

3) Consideration of a Zoning Text Amendment (ZO 2011-01), Preliminary and Final Development Plan (PD 2011-01), Conditional Use Permit (U 2011-12) and Design Review (DR 2011-10), requested by Burt Harlan, to establish a 10,000 case production winery and wine related uses including limited events, administrative offices, retail sales and tasting located at 331 Silverado Trail (APN 011-050-030) within the "PD", Planned Development District.

Senior Planner Lundquist gave an overview of the staff report.

Councilmembers made disclosures regarding site visits and discussions with neighboring property owners and the applicant.

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Burt Harlan, applicant, Brian Arden Wines, introduced Architect Carlo Di Fede, Brian Jackson and Andrew Simpson of Delta Engineering, Attorney James Rose, and his son Brian Harlan, Principal. He gave a presentation regarding the proposed winery. He provided a PowerPoint presentation, outlining the original design of the project as it was presented to the Planning Commission, which the public and neighboring property owners opposed. He then presented the revised design/plan which addressed the comments and concerns received from the public and neighboring property owners. He outlined in detail what the specific changes were.

Carlo Di Fede, Architect, St. Helena, gave an overview of the architectural vernacular of the proposal, citing the importance of how buildings relate to their surroundings. He presented building renderings showing proposed colors and materials and he described the installation of solar for LEED certification, skylights, covered breezeways, water management system, and roofing.

Brian Jackson, Delta Engineering, St. Helena, discussed the site's hydrology, stating they will ensure existing drainage flow patterns are maintained and post construction flow patterns will mimic existing flow patterns and actually be reduced. He explained existing and future water flow patterns on the property, shared rainy day photos, described water swales, provided the site elevations, discussed the existing storage bins for irrigation use, and explained the detention basin which will flow to a metering box and then to an area of sheet flow. He presented results of analysis for 100, 10 and 2 year storms and said they believe the project meets the hydrologic requirements for the project.

James Rose, Attorney, Calistoga, referred to experts and their opinions and requested the Council to rely upon the advice of the City Engineer, City Attorney and the independent engineering firm retained; Green Valley Engineering, stating that the project is sound. He provided an overview of the review process to date, opposition voiced at the Planning Commission meetings, changes made by the applicant, and the project's architecture. As a resident, he asked for support of the project and said it brings tourism up valley and keeps people in town.

Burt Harlan, applicant, Brian Arden Wines, summarized the presentation by stating they have worked very hard on the project. He stated that they have been persistent over time in addressing concerns and comments of the Commission, and asked for Council's support and approval.

Don Luvisi, 5102 Lyra Court, Bakersfield, gave a brief PowerPoint presentation and voiced concern regarding drainage and water flows as a result of the project's construction. He displayed pictures showing his vineyard

174 and water collection/flooding during rainfall. He asked the City to prepare an
175 alternate route for water drainage to keep water out of his ditch.

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Mayor Gingles opened the public hearing at 8:48 p.m.

179 **Mark Aubert, August Briggs Winery, 333 Silverado Trail**, said the hydrology
180 plan that Delta Engineering produced is different from the one presented
181 tonight. He stated that they are very nervous that large flows of water will
182 impact their retail room and winery. He gave a PowerPoint presentation
183 showing the differences. He said that he met with the Harlan's and asked them
184 to reconsider the storm water and reduce the project, and they emphatically
185 said "no". He is opposed to the project which is much larger in scale and
186 asked to have the parking lot moved.

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Paul Bartelt, Bartelt Engineering, 1303 Jefferson Street, Napa, said he was
189 hired by the neighboring property owner to do a peer review of the site plan
190 and he reviewed the Delta Engineering report. He stated that they disagree
191 that the berm along the eastern most property boundary exists and he
192 described reasons for their opposition. On April 12th, representatives from
193 Terra Firma Surveys in St. Helena shot the topographical and upon review, a
194 berm does not exist, there is a 3/10's difference in grade, and the flow of the
195 land flows away from the Aubert and into the Luvisi property. He stated that the
196 Planning Commission or City staff did not review the plans or their
197 environmental impacts as presented tonight by Mr. Jackson. He further stated
198 it shows on the plans that in the 15 foot easement there is a gravel road over
199 the sewer and existing water line to serve as an access road which is to be
200 raised 3 inches. They asked that this road allow water to sheet flow over and
201 not create a berm and that the Council review the staff report as they believe
202 the plans approved by the Planning Commission need to be clarified.

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Karen Perkins, 1400 Technology Lane, Petaluma, said she is an associate
205 of Karen Roberts and hired by the neighboring property owner to create a 3-D
206 model and animation so the perspective of the project could be visualized. She
207 presented this 3-D model going east on Silverado Trail. She said precise tools
208 were used in the animation, stating the images are scaled with Google Earth
209 and imported into a program called SketchUp.

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Dennis Kelly, 4377 Silverado Trail, said the building was gorgeous, but
212 voiced concerns with the water reclamation system. He suggested reclaiming
213 the water from the site and 10,000 gallons of water storage is nothing as a
214 vineyard uses 450-800 gallons per vine.

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Tom Poggi, 30 Rosedale Road, stated that the project architecture and land
217 are great, but the project is too big for the parcel. He recapped negative
218 comments and results of Planning Commission meetings, asked that the City

219 Council listen to its citizens, asked that the applicant put up story poles for 30
220 days, and to delay the project's approval.

221
222 **Norma Tofanelli, 1001 Dunaweal Lane**, voiced concerns about the accuracy
223 of the drainage plans and changes made, the culvert put in which is higher
224 than the grade, and said the project is not consistent with the General Plan.
225 She stated that rural residence land use allows small scale wineries if they
226 conform to all relevant General Plan policies. She stated that a winery may be
227 allowed if it is clearly subordinate to the agricultural use of the property, which
228 is not the case in this project. She explained that "low rise" equals one story
229 and said the property has a zoning of PD with no definition, and voiced
230 confusion over the varied mixed use. She asked why the RR designation is
231 there if it is being ignored.

232
233 **Chuck Meibeyer, Meibeyer Law Group, 102 Spring Street, St. Helena**, said
234 the applicants reiterated that the water will go to the South, but now they do not
235 know and still have the 3 inch above grade gravel road on the easement which
236 will be even more of a berm. He stated that the applicants have not examined
237 impacts downstream as a result of higher flow rates. He said that this is a
238 CEQA violation, and he voiced concern with the project's size and scale. He
239 felt there would be a lot more people coming to the site, voiced opposition to
240 the traffic information, and asked that a left turn lane be required. He also felt
241 the PD zoning should not exempt any application from paying attention to the
242 underlying General Plan and RR parcels only allow small scale wineries. He
243 asked that the Council approve something similar to what was approved for
244 August Briggs Winery. He asked the Council to remand the project back to the
245 Planning Commission and to compress the project to comparable scale to the
246 August Briggs Winery.

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248 **Clarence Luvisi, 285 Rosedale Road**, said he feels the Council should rely on
249 people's experiences over the last 50 years as well as professional reports
250 which bear equal importance. He voiced concerns with not requiring a left hand
251 turn lane and discussed safety issues and the wait time to cross the road.

252
253 **Mary Sue Frediani**, stated her concerns with traffic congestion as it is currently
254 at this location and the difficulty her mother has in not being able to drive out of
255 her property. She also voiced concerns with berms, drainage, and feels that
256 the project is way oversized for its location.

257
258 **Mayor Gingles closed the public hearing at 9:37 p.m.**

259 Council discussion ensued. Clarification was provided by representatives of the
260 project, staff, the applicant and public speakers regarding drainage, traffic
261 safety and the left hand turn lane, and the size and massing of the project.

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263 **Vice Mayor Dunsford** asked about the elevation/grade change and the roof
264 line of the proposed project as it relates to the neighboring property, August
265 Briggs Winery. He discussed the project's compliance with the General Plan,
266 drainage issues and the design of the building.

267
268 **Councilmember Canning** discussed flow and drainage, property limitations
269 for proposed events, the scale of the project and traffic concerns.

270
271 **Senior Civil Engineer Derek Rayner** discussed and provided further
272 clarification regarding flow and drainage on the property.

273
274 **Councilmember Slusser** feels that it is owed to the property owners (Harlan)
275 to allow them to use their property for its highest and best use. She discussed
276 her concerns with the scale of the project, and feels that it is too big for the
277 location. She also discussed flow and drainage issues.

278
279 **Councilmember Kraus** discussed drainage, traffic safety, hillside stability, use
280 of story poles and the scale of the proposed project.

281
282 **Mayor Gingles** commemorated staff for their hard work. He stated that he
283 supports the project. He discussed the use of story poles and feels that this
284 project is too big for its location and needs to be scaled down. He voiced his
285 concerns with drainage on the property.

286
287 Council discussion ensued.

288
289 **Planning & Building Manager MacNab** noted that he did not believe further
290 environmental analysis would need to occur pursuant to CEQA should minor
291 project revisions occur; however, environmental review would need to be
292 recirculated given more complex revisions to the project like altering the
293 drainage path.

294
295 **City Manager Spitler** said there is no need to take action on the resolutions,
296 as the item will be sent back to the applicant to work on scaling down the
297 project. Once revised, it would be heard again by the Planning Commission
298 and returned to the City Council. He said that the resolutions will need to be
299 revised once brought back to the Council.

300
301 The Council discussed the desire to fast track the project, the need to
302 recirculate the environmental review for 30 days, revisions to the project, and
303 the need to bring the project to the Planning Commission prior to the City
304 Council.

305
306 **Planning & Building Manager MacNab** said the Council could approve the
307 resolutions tonight with directed modifications to scale back and revisit the

308 drainage subject to final review and approval by the Planning Commission or
309 the Council.

310
311 **Chuck Meibeyer** stated he believes the Council is getting ahead of adopting a
312 CEQA document and suggested a continuance to work out issues.

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314 **City Manager Spittler** recommended continuing the item and not adopting any
315 CEQA document or resolutions until understanding the project definition.

316
317 **James Rose, Attorney, Calistoga**, voiced concern in delaying the project and
318 asked to consult with the City Attorney, and continue or table the matter
319 because the drainage is completely mitigated. He stated that there is less
320 water draining after the project is built.

321
322 Regarding direction about scale, **Vice Mayor Dunsford** voiced concern about
323 the breezeway, view shed, and scale. He supported parking to remain and
324 asked to minimize some of the view shed for the August Briggs Winery.

325
326 Council discussion ensued. The consensus was that rather than tabling the
327 matter and forwarding it to the Planning Commission for reconsideration, they
328 would like to continue the matter to allow additional time to the applicants to
329 address Council's concerns.

330
331 **It was MOVED by Mayor Gingles and SECONDED by Vice Mayor Dunsford**
332 **to continue the public hearing to a date uncertain. The Motion was carried**
333 **unanimously.**

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335 **BREAK**

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337 **Mayor Gingles** called for a break at 10:45 p.m. and thereafter reconvened the
338 regular meeting at 10:52 p.m.

339
340 **5) Conceptual review of the proposed City of Calistoga Bicycle**
341 **Transportation Plan and Countywide Bicycle Plan prepared in**
342 **conjunction with NCTPA's effort to develop a comprehensive countywide**
343 **bicycle network.**

344
345 **Senior Planner Lundquist** gave a brief overview of the proposed City of
346 Calistoga Bicycle Transportation Plan and Countywide Bicycle Plan.

347
348 **Norma Tofanelli, 1001 Dunaweal Lane**, voiced opposition to NCTPA's
349 recommendation for a Mitigated Negative Declaration, stating the agricultural
350 groups gave no comment prior to the plan's compilation, said it is in conflict
351 with the Napa County General Plan and County zoning, and she read an
352 excerpt from the County Code, Section 2.94.020, the Right to Farm Conditions.

353 She asked that the Council not approve or support the negative declaration as
354 written.

355
356 **Councilmember Canning** noted the issues have been already addressed by
357 the Farm Bureau and the correction has been made, and **Senior Planner**
358 **Lundquist** read into the record the added condition.

359
360 **Ms. Tofanelli** reiterated her concern about bike lanes, bicycle safety on
361 roadways and said the DMV Code not being enforced in the County.

362
363 **Kenneth Flynn, 2025 Pickett Road**, discussed concerns about existing bike
364 paths into their property, vandalism, attempts from people driving a backhoe on
365 their property, trespassing, and echoed comments of Ms. Tofanelli and bike
366 safety issues and enforcement.

367
368 **Dieter Deiss, 3000 Palisades**, said they do not want people coming onto
369 private property and violating rights, voiced the need for safety and reduced
370 accidents and said the County Bike Committee's focus is to make biking safer
371 and a bike plan is needed for State and Federal funding.

372
373 **Clarence Luvisi, 285 Rosedale Road**, said many bike routes have not been
374 approved and asked that the unapproved routes not be put out to bike shops
375 and riders. He questioned bicyclist laws and courtesy and felt that education
376 was crucial for safety.

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378 **Mary Sue Frediani** said licenses were required for bicyclists in the past and
379 asked for testing and licensing.

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381 Council discussion ensued.

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383 The Council provided direction to the two Board members to take
384 recommendations to NCTPA.

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386 **It was MOVED by Mayor Gingles and SECONDED by Vice Mayor Dunsford**
387 **to receive the presentation and for the two Boardmembers to forward**
388 **recommendations to NCTPA. The Motion was carried unanimously.**

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390 **6) Consideration of a Resolution approving a Memorandum of Understanding**
391 **(MOU) between the Napa County Transportation and Planning Agency**
392 **(NCTPA) and the City of Calistoga regarding the Calistoga Shuttle service.**

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394 **Public Works Director/City Engineer Dan Takasugi** presented an overview of
395 the item.

396
397 Council and staff discussion ensued.
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