

City of Calistoga

Staff Report

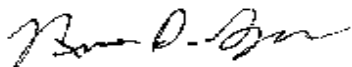
TO: Honorable Mayor and City Council

FROM: Amanda Davis, Deputy City Clerk

DATE: October 16, 2012

SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:



Richard Spitler, City Manager

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 - 2 **DISCUSSION:** Minutes of the August 21, 2012 regular City Council meeting.
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 - 4 **RECOMMENDATION:** Approve Minutes.
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 - 6 **ATTACHMENTS:** Aforementioned Minutes.

1 **MINUTES**

2 **CITY COUNCIL – REGULAR MEETING**
3 **TUESDAY, AUGUST 21, 2012– 7:00 P.M.**
4 **CALISTOGA COMMUNITY CENTER**

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7 **A) CALL TO ORDER**

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9 **Mayor Gingles called the Regular Session to order at 7:03 p.m.**

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

14
15 Also present were Planning & Building Manager Ken MacNab, Senior Planner
16 Erik Lundquist, Public Works Director Dan Takasugi, City Manager Richard
17 Spitler, and Deputy City Clerk Amanda Davis.

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19 **B) SALUTE TO THE FLAG**

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21 **C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**

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23 **Dennis McNay**, spoke in regards to the Brown Act stating that public
24 speaking during oral communication are not required to state their name and
25 address. He also discussed a group called The First Amendment Coalition
26 out of San Rafael and their interpretation of the Brown Act and its
27 requirements. Mayor Gingles responded to Mr. McNay’s statements stating
28 that the City passed a Policy in 1995 outlining the procedure for oral
29 communication with regard to information provided by the speaker as well as
30 time limits.

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32 **Carl Sherrill, 1132 Denise Drive**, spoke about being an idealist. He stated
33 that he believes in government of the people, by the people and for the
34 people. He is concerned that money is buying power in Calistoga and that if
35 we allow this to happen it makes a mockery of our local government.

36
37 **Kristin Casey** spoke regarding the 2012 Land Use Element in Calistoga’s
38 Amended General Plan. She referenced several sections of the Land Use
39 Element, discussing the first goal on page LU74, which is to “Protect the small
40 town qualities of Calistoga.” She also referenced page LU76 and LU75,
41 Objective LU1.2, “New visitor accommodations proposed in Calistoga shall be
42 required to mitigate all environmental impacts.”

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44 **Don Scott, 4281 Scott Way**, spoke regarding the quality of life of residents.
45 He stated his concerns about the unnecessary loud noise coming from
46 illegally modified motorcycles. He is upset that the City is not taking action on
47 this issue.

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D) ADOPTION OF MEETING AGENDA (7:13 p.m.)

It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Councilmember **Canning** to approve the Council Meeting Agenda as amended to hear the Public Hearing Item I:8 before Item I:7. The Motion was carried unanimously.

E) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION (7:14 p.m.)

Councilmember Slusser reminded the community that there will be a hazardous waste collection on October 20, 2012 at the Napa County Fairgrounds. She stated that these will be held annually. She spoke regarding the disposal of needles and the importance of disposing of them properly.

Councilmember Canning spoke regarding the paving that will be taking place on Lincoln Avenue. He thanked the businesses and the residents for their patience. He also spoke about much needed improvements on the facades in downtown Calistoga.

Mayor Gingles stated that four of the Calistoga Firefighters were sent to assist with the fires in northern California. He also stated that former Councilmember Placido Garcia is competing in a contest, in which the winner will be singing at AT&T Park on September 23rd, 2012. He stated that you can view and vote for him on YouTube. He congratulated the Petaluma Little League for winning their game this evening.

F) PROCLAMATIONS/ PRESENTATIONS/ AWARDS

None.

G) CONSENT CALENDAR (7:19 p.m.)

- 1) **Adoption of Resolution No. 2012-058 Approving Amendment No. 4 to the Professional Services Agreement in the amount of \$11,000 with Larry Walker Associates for Ongoing Permit Assistance Services Related to the City's Current Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit.**
- 2) **Adoption of Resolution No. 2012-2012-059 Approving the Metropolitan Transportation Commission Cycle 1 Funding Reimbursement Agreement in the Amount of \$44,691 Between the City of Napa and the City of Calistoga.**
- 3) **Adoption of Resolution No. 2012-060 Amending the Designation of the Solid Waste Local Enforcement Agency from the County Department of Environmental Management to the County Department of Planning, Building and Environmental Services.**

- 96 4) Adoption of Ordinance No. 685 proposing text amendments to the
97 Calistoga Municipal Code, initiated by the City of Calistoga, amending
98 Title17 (Zoning) and Title 19 (Environmental Protection) to: (1) establish
99 transitional and supportive housing as recognized uses in the R-1, R-2,
100 and R-3 Zoning Districts; (2) allow emergency shelters “by right” in the
101 CC Zoning District; (3) amend provisions of the Growth Management
102 System program to remove potential constraints to housing
103 development and add lower-income and special needs housing groups
104 as a priority class; and (4) allow agricultural employee housing for six or
105 fewer persons in the R-1 Zoning District by right.

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107 It was **MOVED** by Councilmember Kraus and **SECONDED** by
108 Councilmember Slusser to approve Item Nos. 1,2,3 and 4 on the
109 Consent Calendar. The Motion was carried unanimously.

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111 **H) PUBLIC HEARING (7:19 p.m.)**

- 112
113 5) Consideration of a General Plan Amendment (GPA 2010-01), Zoning
114 Text Amendment (ZO 2010-01), Vesting Tentative Subdivision Map (TTM
115 2010-01), Preliminary and Final Development Plan (PD 2010-01),
116 Conditional Use Permit (U 2010-02), Design Review (DR 2010-04) and
117 Development Agreement (DA 2010-01) requested by Enchanted Resorts
118 Inc., to develop the Enchanted Resorts Project on the 88-acre project
119 site. The project would feature 110 resort hotel units (grouped among 36
120 cottages), 20 residence club units, 13 custom residences, public
121 restaurant and bar, event facilities, spa and swimming pools, and
122 parking and support facilities. Offsite sewer and recycled water
123 improvements would be installed. The property is located at 515 Foothill
124 Boulevard (011-310-031 through 011-310-041 and 011-310-044 011-320-
125 007; 011-320-039 through 011-312-069; and 011-310-024). *This item was*
126 *continued from the Special Meeting of August 14, 2012.*

127
128 **Senior Planner Lundquist** presented the item. He stated that this item went
129 before the City Council as a public hearing at a Special Meeting held on
130 August 14, 2012. He stated that during that public hearing several issues were
131 raised by the Council and the community that staff and the applicant will
132 address this evening. He stated that some of the issues raised included, water
133 availability during drought years, need for additional holding ponds, traffic
134 impact methodology, lighting and glare impacts, presence of the Northern
135 Spotted Owl and the impact on wildlife movement.

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137 **Senior Planner Lundquist** responded to the questions raised about lighting
138 and glare noting that these concerns have been addressed through conditions
139 of approval and mitigation measures. One of the mitigation measures requires
140 that all lighting be hooded/shielded and directed downward. There is also a
141 requirement within the mitigation measure that requires a photometric plan to
142 be submitted to the Planning & Building Department. He also stated that upon
143 City Council direction a condition of approval could require the installation of
144 new mature vegetation around structures exposed to the Southern ridgeline

145 subject to the review and approval of the Planning & Building Department. He
146 noted that there are several other conditions specific to landscaping.

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148 **Public Works Director Takasugi** addressed the water availability and cost
149 questions that were raised previously by the public. He stated that the City
150 does have enough water in a drought condition. He also responded to
151 concerns raised on whether any new development would require the use of
152 state water project water. He stated that all new water does not only come
153 from the state water project but other sources like Kimball Reservoir. He also
154 discussed water demand in Calistoga and how much it has dropped over the
155 years and the need to store treated wastewater.

156
157 Council discussion ensued discussing Kimball Reservoir and its water
158 availability should new development be approved, re-use of reclaimed water
159 for irrigation, water usage demand over time, and whether water rates will be
160 increased to cover the short fall that exists.

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162 **John Williams, California Registered Professional Forester**, with
163 Environmental Resource Solutions, spoke regarding trees located on the
164 Enchanted Resorts project site. He addressed some of the questions and
165 concerns raised at the August 14th City Council Special Meeting regarding the
166 number of trees in the forest as it currently exists on the project site and the
167 impact of tree removal required by the project. (7:37 p.m.)

168
169 **Jason Brandman, Michael Brandman Associates**, the City's EIR
170 Consultant spoke on two key issues: the Northern Spotted Owl and wildlife
171 corridors. He responded to the comments and concerns raised at both prior
172 Planning Commission and City Council meetings regarding wildlife corridors
173 and the Northern Spotted Owl. He described in detail what defines a wildlife
174 corridor. He stated, for the record, that the Northern Spotted Owl is not
175 present according to all surveys completed over the last eight (8) years.
176 (7:44 p.m.)

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178 **Councilmember Kraus** asked if the Consultants have received proof from
179 the person(s) who say they saw presence of the Northern Spotted Owl. Mr.
180 Brandman replied no.

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182 **Dalene Whitlock, Principal with W-trans**, a sub consultant to the City's EIR
183 consultant, gave a presentation on traffic. She responded to the questions
184 that were raised on traffic analysis. She spoke about the project's impact on
185 traffic. She stated that the focus of their research was the intersection at
186 Lincoln and Foothill Blvd. She discussed the delay at the intersection and its
187 overall average currently and with the project. She said that the project
188 represents about 7% of the traffic present at the intersection at Lincoln and
189 Foothill Boulevard. She discussed the possibility of putting in a signal or
190 perhaps a roundabout in the future. (7:49 p.m.)

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192 Council discussion ensued regarding a roundabout at Lincoln and Foothill

193 Blvd., time delays due to the project, and the impact a shuttle service would
194 have on the traffic congestion.

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196 **Mayor Gingles opened the public hearing at 8:09 p.m.**

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198 **William Douglas Hitt**, spoke in support of the project and stated his
199 reasoning.

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201 **Peggy Berlin, 1705 Maggie Avenue**, spoke in support of the project and
202 stated her reasoning.

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204 **Dick Engelhard, 200 Franz Valley School Road**, spoke in support of the
205 project and stated his reasoning.

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207 **Dutch Fahrah, Calistoga Springs**, spoke in support of the project and stated
208 his reasoning.

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210 **Filipe Sereni, 2017 Mora Ave.**, spoke in support of the project and stated his
211 reasoning.

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213 **Sue Morrow, 1313 silver street**, spoke in support of the project and stated
214 her reasoning.

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216 **Jim Barnes, 1710 Michael Way**, spoke in support of the project and stated
217 his reasoning.

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219 **Loma Alexander, Dutch Henry Canyon Rd.**, spoke in support of the project
220 and stated her reasoning.

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222 **Dieter Deiss, 3000 Palisades Road**, spoke in support of the project and
223 stated his reasoning.

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225 **George Caloyannidis**, spoke in opposition of the project. He presented a
226 PowerPoint slide that outlines the project map.

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228 **Carlene Moore, 2271 Grant St.**, spoke in support of the project and stated
229 her reasoning.

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231 **Dennis McNay, 2653 Highway 128**, stated his concerns with the proposed
232 project.

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234 **Ronald Dekoven, 3196 Bennett Lane**, spoke in support of the project and
235 stated his reasoning.

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237 **Don Hollignsworth, 919 Champagne South**, spoke in support of the project
238 and stated his reasoning.

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240 **Charlotte Williams, 59 View Road**, spoke in opposition of the project and
241 stated her reasoning.

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Elizabeth Hammond, 304 Foothill Blvd., spoke in opposition of the project and stated her reasoning.

Jo Richard, stated her concerns with the proposed project.

Joe Matthews, 26 View Road, stated his concerns with the proposed project.

Jaime Anzalone, 1900 Cedar St., spoke in support of the proposed project and stated his reasoning.

Maria Digiulio, 1245 Fairview, spoke in support of the proposed project and stated her reasoning.

Bob, spoke in opposition of the proposed project and stated his reasoning.

Jane Simmons, 129 Rose Lane, St. Helena, spoke regarding the Community Pool and asked to keep it open through October.

Christopher Layton, 1013 Myrtle, spoke in support of the proposed project and stated his reasoning.

Joseph Schneider, 1311 Gold St., spoke in support of the proposed project and stated his reasoning.

Norma Tofanelli, 1001 Dunaweel Lane, spoke in opposition of the proposed project and stated her reasoning.

Christina Aranguren, 57 Lerner Drive, spoke on behalf of Bob Baiocchi, Agent for California Fisheries and Water Unlimited, and read into the record his questions regarding the proposed project. She also stated her concerns with the project.

Kerri Abreu, 1720 Reynard Lane, stated her concerns with the proposed project.

Mayor Gingles closed the Public Hearing at 9:18 p.m.

Planning & Building Manager MacNab stated for the record that the person who spoke at a Planning Commission meeting stating there was evidence of the Northern Spotted Owl, was provided with a response from the City stating that there was no evidence of the Northern Spotted Owl. He stated that this is referenced in the EIR.

BREAK

Mayor Gingles called for a break at 9:18 p.m. and thereafter reconvened the regular meeting at 9:25 p.m.

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Council deliberation ensued.

Councilmember Canning discussed several questions that were raised during the Public Hearing. Staff and **Aaron Harkin** responded. These questions included: non-vehicular connectivity, resort provided bicycles, alternate access/service roads, whether a reimbursement agreement exists, timber harvest plan, TOT delivered to the City, and the security of employment at this resort.

Vice Mayor Dunsford asked for clarification on who pays for a legal challenge on the EIR should one occur. **Aaron Harkin** responded that Enchanted Resorts Inc. is responsible for paying for the legal challenge.

Councilmember Slusser spoke regarding the General Plan and its history.

Vice Mayor Dunsford spoke regarding “power being bought” and is offended that several community members feel that Council is doing this for money. He compiled a list of costs that this City needs to come up with the funds to take care of these projects. He discussed this list.

Councilmember Kraus responded to Dieter Deiss’s comments regarding quality of life issues being addressed if this project passes.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Slusser to adopt Resolution No. 2012-061 certifying the Final Environmental Impact Report, including adoption of a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program based upon the Findings. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Slusser, Canning, Kraus and Mayor Gingles.

NOES: None.

ABSTAIN: None.

ABSENT: None.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Slusser to adopt Resolution No. 2012-062 approving a General Plan Map and Text Amendment establishing a Planned Development Overlay and associated goals for the Enchanted Resorts properties. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Slusser, Canning, Kraus and Mayor Gingles.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Canning to introduce **Ordinance No. 686** and waive the first reading approving a Zoning Map and Text Amendment establishing the “PD 2010-01”, Enchanted Resort and Spa Planned Development District. Motion was carried by the following roll call vote:

- AYES:** Vice Mayor Dunsford, Councilmembers Canning, Slusser, Kraus and Mayor Gingles.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** None.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor Gingles to adopt **Resolution No. 2012-063** approving a Vesting Tentative Subdivision Map. Motion was carried by the following vote:

- AYES:** Vice Mayor Dunsford, Mayor Gingles, Councilmembers Slusser, Canning and Kraus.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** None.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt **Resolution No. 2012-064** approving a Preliminary & Final Development Plan, Conditional Use Permit and Design Review. Motion was carried by the following vote:

- AYES:** Vice Mayor Dunsford, Councilmembers Kraus, Canning, Slusser and Mayor Gingles.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** None.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor Gingles to introduce **Ordinance No. 687** and waive the first reading approving a Development Agreement for the Enchanted Resorts Project.

Councilmember Slusser discussed the traffic impact fees and feels that this should be increased. **Vice Mayor Dunsford** and **Councilmember Kraus** responded stating that they were appointed by the Council to negotiate the Development Agreement with the applicant and with Richard. **Councilmember Kraus** discussed how the number was generated.

Council discussion ensued.

388 **Motion was carried by the following roll call vote:**

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390 **AYES: Vice Mayor Dunsford, Mayor Gingles, Councilmembers**
391 **Slusser, Canning and Kraus.**

392 **NOES: None.**

393 **ABSTAIN: None.**

394 **ABSENT: None.**

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396 **I) GENERAL GOVERNMENT**

397 None.

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399 **J) ADJOURNMENT**

400 **Mayor Gingles** adjourned the meeting at 10:11 p.m. to the next scheduled
401 regular meeting of the Calistoga City Council on Tuesday, September 18,
402 2012, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

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404 **Respectfully submitted:**

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Prepared by: Amanda Davis, Deputy City Clerk

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Approved by: Jack Gingles, Mayor