

## MINUTES

### CITY COUNCIL-CLOSED SESSION TUESDAY, APRIL 17th, 2012- 7:00 P.M. CALISTOGA COMMUNITY CENTER

#### A) CALL TO ORDER

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

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

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

#### B) SALUTE TO THE FLAG

#### C) ACTION OUT OF CLOSED SESSION

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

#### D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS (7:06 p.m.)

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

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

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

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

**Matt Hickerson, 3225 Lake County Hwy,** spoke in support of the Police and Fire Departments.

#### **E) ADOPTION OF MEETING AGENDA**

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

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

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

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

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

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

- 1) Presentation by Hugh Davies, Schramsberg Vineyards, on the Napa County Farm Bureau's soon-to-be released book, "Oral Histories of Napa County's Agricultural Preserve".**

Hugh Davies, Schramsberg Vineyards, stated that through funding from the Foundation of the Jack Davies Lane Preservation Fund, a book entitled "Oral Histories of Napa County's Agricultural Preserve" was produced. They also have created a plaque, promoted land preservation education in schools, have undertaken legal research and work which is all dedicated to the long-term preservation of lands in Napa Valley. He spoke of recent agricultural parcel zoning changes meant to preserve agricultural lands, presented a copy of the book to City Councilmembers, and announced that Schramsberg Vineyards is celebrating its 150 year anniversary.

**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 Spittler** 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.

**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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council discussion ensued.

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

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

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

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

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

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

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

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

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

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

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

**BREAK**

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

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

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

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



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

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

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

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

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

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

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

Council discussion ensued.

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

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

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

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

Council and staff discussion ensued.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt Resolution No. 2012-027 Resolution approving a Memorandum of Understanding (MOU) between the Napa County Transportation and Planning Agency (NCTPA) and the City of Calistoga regarding the Calistoga Shuttle service. The Motion was carried unanimously.

**K) ADJOURNMENT**

**Mayor Gingles** adjourned the meeting at 11:13 p.m. in memory of Janice Vonpohle who passed away on April 4, 2012, to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, May 1, 2012, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

**Respectfully submitted:**

  
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**Prepared by: Amanda Davis, Deputy City Clerk**

  
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**Approved by: Jack Gingles, Mayor**